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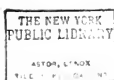


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THE
HISTORY
OF
ENGLAND.

Written in FRENCH by
Mr. RAPIN de THOYRAS.

Translated into ENGLISH with Additional NOTES, by
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THE HISTORY of ENGLAND.

BOOK XVI.

The Reigns of EDWARD VI, and QUEEN MARY; Containing the Space of about Twelve Years.

21. EDWARD VI.

1547.
EDWARD
VI.



EDWARD VI, only Son and Successor to Henry VIII, was nine years and three months old when he ascended the Throne by the death of the King his Father. His majority was fixed to the eighteenth year of his Age, by the late King's Will, but he died before he came to it, after a short Reign of six years and

five months. The History therefore of these six years, as may be easily judged, will not be so much the History of the King himself, as of his Governors and Ministers. There was reason to hope extraordinary things from this young Prince, He had it pleased God to bless him with a longer Life. He had an excellent Memory, a wonderful solidity of Mind, and withal, he was laborious, sparing no Pains to qualify himself for the well-governing of his Kingdom. At eight years of age, he wrote Latin Letters to his Father. French was as familiar to him as English. He learnt also Greek, Spanish, and Italian. After that, he applied himself to the Liberal Sciences, wherein he made an astonishing Progress (1). Cardan, who saw him in his fifteenth year, speaks of him as of the wonder of the age. The Testimony of this [Italian] Philosopher was the less suspicious, as it was after the young Prince's death that he published his Praises, and in Italy, where his Memory was odious.

As soon as Henry VIII, had resigned his last breath, the Earl of Hertford, and Sir Anthony Brown, were sent by the Council, to give young Edward notice of it, and to bring him to London. He was then with his Sister the Princess Elizabeth at Hertford, from whence the Deputies

conducted him to Enfield. Here they inform him of the King's death, and pay their respects to him as to their Sovereign. After that, they attended him to the Tower of London, where he was received by the Council in a Body, and proclaimed King the same day, the 31st of January 1547.

On the morrow, the Council met to settle the Form of Government during the King's Minority. There was not much to be debated. The Parliament had empowered the late King, not only to settle the Succession by his Will, but also to appoint what form of Government he should think most proper, till his Successor was capable of holding the Reins himself. All therefore that was to be done, was to open his Will and obey the Contents. There it appeared, that Henry had nominated sixteen Persons to be his Executors, Regents of the Kingdom, and Governors to his Son. These were:

Thomas Crommer, Archbishop of Canterbury.

The Lord Wriothesley, Lord-Chancellor.

The Lord St. John, Master of the Household.

The Lord Russell, Lord Privy-Seal.

The Earl of Hertford, Lord-Chamberlain.

The Viscount Lisle, Lord-Admiral.

Cuthbert Tunstall, Bishop of Durham.

Sir Anthony Brown, Master of the Horse.

Sir William Paget, Secretary of State.

Sir Edward North, Chancellor of the Court of Augmentations.

Sir Edward Montague, Lord Chief-Justice of the Common-Pleas.

Judge Bramley.

(1) He continued under the care of the Women till he was six years old; and then he was put under the Government of Sir Anthony Cook, of Dorset, Richard Cox, Master of Eaton School, who was his Preceptor for Manners, Philosophy, and Divinity; and of Sir John Cheke, Professor of the Greek Tongue in Cambridge, who was his Master for the Latin and Greek Languages; as John Bale was for the French. Burnet, Tom. II. p. 2. Strype's Mem. Tom. II. p. 8, 9.

1547. Sir Anthony Denny, } Chief Gentlemen of the Privy-
 Sir William Herbert, } Chamber.
 Sir Edward Wotton, Treasurer of Calais.
 Doctor Wotton, Dean of Canterbury and York.

As for Stephen Gardiner, Bishop of Winchester, I have observed in the late Reign, that though he was at first among the Regents, his Name was struck out.

The Regents
 Power by the
 Will.

The King empowered these Sixteen, or the major part of them, to execute his Will, and to administer the affairs of the Kingdom, as they should judge fit. Upon this general Clause, which gave the Regents an unlimited Power, were afterwards built many Alterations, which seemed contrary to what Henry had ordained. He gave them however no Power to facilitate others in the room of such as should die, but it rather appeared, his Intention was that the vacancies should not be filled up. This Consequence was naturally drawn from his commanding the Princesses his Daughters, not to marry without the written Consent of those of the Executors who should then be alive. It might also be inferred from thence, that he intended none of the Regents should be deprived of their Dignity.

Burnet.

Burnet.

Besides the Sixteen who were to exercise the Sovereign Authority during the King's Minority, Henry appointed a Privy-Council who should be assisting to them, namely:

Henry Fitz-Alan, Earl of Arundel.
 William Parr, Earl of Essex.
 Sir William Petre, Secretary of State.
 Sir Richard Rich.
 Sir John Baker.
 Sir Ralph Sadler.
 Sir Thomas Seymour.
 Sir Richard Southwell.
 Sir Edmund Puckham.
 Sir Thomas Cheney, [Treasurer of the Household.]
 Sir John Gage, [Controller.]
 Sir Anthony Wingfield, [Vice-Chamberlain.]

The late King's Will being thus known, the Council resolved to execute it in all its Points, and that very day the Regents, as well as the Counsellors, entered upon their Offices. I have already said, the History of this Reign relates more to his Governors, than to Edward himself; and therefore it will be necessary to give the Characters of such of the Regents and Counsellors as had the greatest share in the affairs of those days.

Character of
 some of the
 Regents and
 Counsellors.

Of Cranmer.

The Character of *Cranmer* Archbishop of Canterbury is sufficiently known, for what has been said of him in the foregoing Reign. I shall only add two things. The first, that he did not much love to meddle with State Affairs, for which he was not very proper, by reason of certain maxims of Candor and Sincerity, which he followed, and which were very opposite to those generally observed in the Government of States. The second thing concerning *Cranmer* is, that he was extremely zealous to promote the Reformation. Since he was no longer restrained by such a master as Henry, he was so far from concealing his Opinions, that he even laboured with all his power to establish them by public Authority. He was as it were the first mover of every thing that was done with regard to the Reformation. But his Zeal was tempered with a Maxim which he believed absolutely necessary, namely, to proceed by degrees, and retrench first the gross Abuses, that the People might be gradually accustomed to these Changes, before the Tenets of greater Consequences were touched. Beside that this course seemed to him the most natural, he went upon another Reason no less important, and which it will be proper briefly to explain.

It has been seen in the late Reign, that Henry VIII. left not his Subjects free to approve or reject the Alterations he had been pleased to make in Religion. There was an absolute necessity of conforming to them, or of refusing to part with Estate, Liberty, and Life itself. Hence the Church of England abounded with Multitudes, who outwardly embracing the established Opinions, were not however inwardly persuaded of their Truth. This was the case of several Bishops, and many dignified Clergymen. But it was the inferior Clergy that were chiefly infected with this Hypocrisy. Most of these were no other than Monks for whom the Court of *Augmentines*, and the Possessors of the Abbey-Lands had procured Benefices to ease themselves of the Burden of maintaining them, to which they were obliged when the Monasteries were suppressed. These Men were still wedded to the Errors that were intended to be reformed. *Cranmer* thought it necessary therefore to gain a little time, in order to change the Clergy, by filling the vacant Livings with Persons well inclined to the Reformation. Herein he met with great opposition from the zealous, who wished to bring the Reformation to perfection at once, without attending

Burnet.

to this worldly Wisdom, which they believed little agreeable to the Spirit of the true Religion.

1547.

The Lord-Chancellor *Wintchester*, was of a quite contrary Character to that of *Cranmer*, and moreover his religious Opinions were entirely repugnant to the Reformation. He was extremely ambitious, very conceited of his own Merit, haughty, imperious, and very angry that his Advice was not always followed. This made him extremely troublesome in the Council, where no one could oppose his Opinion without being liable to be treated with bitter and offensive Language. But he shewed his heat and passion chiefly on occasion of religious Matters. Though he had outwardly complied with the late King's Innovations, he was however firmly attached to the *Romish* Religion. Of this he had given evident Proofs in the affair of *Ann Aske*, in his Project to ruin the Queen, and on many other occasions. Wherefore such of the Regents as desired to promote the Reformation, were to expect from him perpetual opposition. Since the Duke of *Norfolk's* Imprisonment, the Chancellor was considered as the Head of the *Romish* Party. Accordingly, he looked upon the Reformation, and *Cranmer* in particular, as his Enemies; as on their part, they could not without extreme Grief see him in a Post which enabled him to countermine their designs. Happily for them, their Party was strong, among the Regents, and in the Council.

Of *Cranmer's*
 Worth by
 Haywood.

Edward Seymour, Earl of *Hertford*, was of a noble and ancient Family which came from Normandy with William the Conqueror. Henry VIII. having married *Jane Seymour*, after the tragical death of *Ann Bullen*, Sir *Edward Seymour* Brother to the new Queen, was presently after created Lord *Seymour*, and Viscount *Boschamp*, and then Earl of *Hertford*. From that time he had always an honorable Post at Court, as well during the Queen his Sister's Life, as after her death. Henry VIII. ever expressed a great Esteem for him, and employed him in several military Expeditions, which he discharged in such a manner as increased his master's Regard and Affection. He was humble, affable, civil, courteous, and guided in all the Transactions of his Life, by the Principles of Honour, Virtue, and Religion, which are seldom found in the Men of the World. In a word, he had many noble Qualities, and few Faults. Among these is reckoned by some an immoderate Ambition. But very likely, this Ambition was rather an effect of his Zeal for Religion, than a natural failing, as will hereafter appear. It is said also, he had no very able Head, and therefore was deemed more proper to execute than advise. In the late Reign he adapted himself to the King's Religion, because it was very dangerous to oppose it. He was not the only Person that took that course. To this reproach all the *English* are liable, who lived in that Reign, excepting some few of both Parties, who suffered death for resisting the Will of that imperious Monarch. However, the Earl of *Hertford* was inwardly a Protestant, and consequently a great Friend of *Cranmer*. This drew upon him the hatred of the contrary Party, and particularly of the Chancellor, who had already attempted to destroy him. He always shewed a very great zeal for the Reformation, and to him and *Cranmer* is properly due the glory of every thing that was done in favour of Religion during the Reign of *Edward VI.* At King Henry's death he was Lord-Chamberlain. He was one of the Regents named in that Prince's Will, and what still increased his Power, he was Uncle to the new King.

John Dudley, Viscount *Lisle*, was Son of *Edmund Dudley*, put to death in the beginning of Henry the Eighth's Reign, for having been Henry VII's Instrument in his oppressions of the People. Henry VIII. feeling some remorse for *Dudley's* death, was pleased, and, it may be, thought himself bound, to make his Son a sort of reparation, by creating him Lord *Dudley*, and afterwards Viscount *Lisle*. So the Father's downfall proved the Son's rise. After Henry VIII. had given him a Place in his favour, he made a considerable figure at Court. He was honoured with several Employments, and always beloved to the King's Satisfaction. He signalized himself chiefly in the War by his Bravery and Conduct. He served twice as Lieutenant-General under the Earl of *Hertford*, in *Scotland* and *Picardy*, and had the honour of having a great part of the Success ascribed to him, though he commanded not in chief. Afterwards, being Governor of *Boulogne*, he repulsed, by a vigorous Sally from the upper Town, the *French*, who were now masters of the lower Town. The next year he commanded, as Admiral, the Fleet designed against *France*, and after the *French* had refused to fight, made a Descent upon the Coast of *France*, and carried away a great Booty. In a word, he was considered as one of the best Generals then in *England*. In all probability, had Henry VIII. lived any longer, he would have pushed his Fortune farther, since with the Qualifications of a Soldier, he had also those of a good Country. But

on

on the other hand, for his Morals, he had nothing worthy of Commendation. He was excessively addicted to his Pleasures, and even ran sometimes into shameful Debaucheries. Besides, he was not very scrupulous with regard to Honour and Virtue. As his Ambition was boundless, he did not stick to make use of any means to accomplish his Ends. It may easily be judged, that a Man of this Character had not the concerns of Religion much at Heart. As long as *Henry VIII.* was alive, he kept exactly within the bounds prescribed by that Prince. Afterwards, in the Reign of *Edward VI.* he openly declared for the Reformation, because it was then the only way to please the King, and advance his Fortune. Nevertheless, he must have shewn, when among the *Romish* Party, that he was not their Enemy, since the Court of France believed him very far from being a Protestant. This is at least what *Tissotius* affirms in his History. Hence it may be presumed, he considered Religion only as a means to raise himself, and had made it a rule to follow that which was most in vogue. Wherefore how zealous forever he appeared for the Reformation, he was never looked upon as one of its Protectors, because he was thought to act only out of Policy. The figure this Lord made during the Reign of *Edward VI.* obliged me to dwell the longer upon his Character.

Cuthbert Tussell Bishop of *Durham*, was reckoned a Person of great Abilities. He had been employed by *Henry VIII.* in several Embassies, Commissions, and Negotiations, and at length promoted to the See of *London*, and afterwards to that of *Durham*, the richest and most considerable in the Kingdom, by reason of the Dignity of *Palatine* annexed to it. As long as *Henry VIII.* lived, *Tussell* conformed like the rest, to the Religion of the Sovereign, but it was perceived he was very fussy to see the Religion he had professed from his Youth, change by degrees. He would have gladly consented to the reforming of some of the most noxious Abuses, but was of Opinion the King went too far. Mean while, for fear of incurring the Royal displeasure, he submitted what was enjoined. He was however considered as one of the chief favorites of the old Religion, and so much the more formidable to the Reformers, as he was able and learned. Nevertheless *Crammer* had a friendship for him, on account of his mild and peaceable Temper, which afforded hopes of his being reclaimed.

Sir *William Paget* Secretary of State (1), was a very able Politician, and for Religion, was of the Principles of the Reformers. By which means he had contracted a strict friendship with *Crammer* and the Earl of *Hertford*.

It will be entirely needless to speak of the Lord St. *John*, the Lord *Ruffell*, or the rest of the Regents, because they were wholly guided by the others. But it will be necessary to mention some of the Members of the Privy-Council, who were to assist the Regents.

The Earl of *Arundel*, a Lord of an ancient Family, was not very well pleased to be only among the Counsellors, whilst several who were his Inferiours were invested with the Dignity of Regents. On the other hand, he was not inclined to the Reformation. These two Reasons were the cause, that he willingly entered into all the Intrigues tending to produce any change, either in Religion or the Government of the State. But he had the misfortune always to labour for others.

William Parr Earl of *Essex*, Brother to the Queen-Dowager, was a Person of slender Merit. He made however some figure in this Reign, and was often employed, because he had the Address to be attached to the prevailing Party.

Sir *William Petre*, Secretary of State, was expert in the discharge of his Office. He was become almost necessary, and therefore had a great share in the most secret Transactions of the Court (2).

Sir *Richard Rich*, a Lawyer by Profession, was a good Courtier, who by his pliant Temper found means to become Lord-Chancellor (3).

Sir *Thomas Seymour* the King's Uncle, and younger Brother to the Earl of *Hertford*, sought himself unhappy

in being only a Counsellor, whilst the King had made his Brother a Regent. He imagined, his being Uncle to the King, should have procured him more Honour. He had a boundless Ambition, joined to a high Conceit of himself. Wherefore the rank given him by the late King in his Will, not being capable of satisfying him, he had a mind to mount higher, which occasioned his downfall, as will hereafter appear.

The Form of the Government was no longer settled according to *Henry's* last Will, but a change was proposed. Some of the Regents offered, it could not but be very troublesome for the People, and particularly for foreign Ministers, to be forced to apply to sixteen Persons of equal Authority, and moved, that one should be chosen to be Head and President, with the Title of Protector. They added, that by this means Affairs would be more speedily dispatched, and yet nothing changed in the established Form of Government, because the Person to be raised to that Dignity should do nothing without the consent of the major part of the rest.

The Lord Chancellor *Wright* easily perceived this Motion was made to his Prejudice. As by his Office, he was next to the Archbishop of *Canterbury*, who did not much follow secular Affairs, he was in hopes of becoming the Head of the Regency. But he saw plainly, if a Protector were elected, the choice would not fall on him, but this Dignity would be conferred on the Earl of *Hertford* the King's Uncle, who was not his Friend. Wherefore he strenuously opposed it, declaring, the Regents had no Power to depart from the late King's Will, authorized by Act of Parliament. But matters were so well laid before-hand, that, notwithstanding his opposition, it was resolved immediately, that one should be raised over the rest, and so called, the Protector of the King's Realm, and the Governor of his Person. However, it was with the express condition, that he should do nothing without the Consent of the other Regents. Then the choice fell, as it was easily to foresee, upon the Earl of *Hertford*, who probably had caused this Motion to be made by his Friends.

Indeed it was very natural to chuse for Protector the King's Uncle, and the Person of the whole Kingdom the most concerned for his Preservation. Notwithstanding it was thought by many, the Regents had made a false Step in the very beginning of their Administration, for the Reason alleged by the Lord Chancellor. It might however be said in their excuse, first, that they had given no particular Authority to the Protector, and consequently the Form of Government established by the late King was not altered. Secondly, that the Will empowering the Regents, or the major part of them to administer the young King's Affairs as they should judge proper, whatever was resolved upon by a Plurality of Voices, was deemed agreeable to the late King's Will.

Whilst all things necessary for *Henry VIII's* Funeral, and the new King's Coronation were preparing, the Regents were intent upon an affair which concerned them in particular, or at least the principal of them. *Henry* had resolved before he died, to confer new Honours on several of the Regents and Counsellors. He had even settled the Revenues or Pensions he designed to give these new Lords, to enable them to support their Dignities. But as some had refused them because they thought these Pensions too small, the affair was suspended, both by reason of this objection, and of the King's Sickness and Death. However, he had ordered in his Will, that whatever he had promised should be made good. This was sufficient to put the Regents upon performing the aforementioned Engagement, especially as the Benefit was chiefly to redound to themselves. But as the late King's Intentions and Promises appeared not in writing, recourse was to be had to the testimony of those to whom he had opened his Mind, who deposed what they had heard from his Mouth. Upon their Testimony therefore, the Earl of *Hertford* was made Duke of *Somersey*, the Earl of *Essex*, Marquis of *Norhampton*, Viscount *Lisle*, Earl of *Warwick*, the Lord Chancellor *Wright*, Earl of *Southampton*, Sir *Thomas Seymour*, Lord *Sadley*, Rich, *Widdrighy*, and *Stafford* (4), had the Title of Barons, with the Names of their Families (5).

The Election of a Protector is a most important matter. Hayward. Baines.

The Lord Chancellor's office is not small.

Barnet. Ed. Jour. St. 300.

The Earl of Hertford is called so.

See how far and how often the election of a Protector.

New Digest. See the notes. Hayward. Baines.

Feb. 15. 8. Dugdale.

As

(1) In 21. *Henry VIII.* he was made one of the Clerks of the Signet; and in the 23d. Clerk of the Council, and of the Privy Seal; and soon after Clerk of the Parliament for life; in the 24th. of the same King, one of the Secretaries of State. Dugdale's Barons. Vol. II. p. 11.

(2) This Gentleman was born in *Essex*, and was Son of *John Petre* of *Trotter* in *Devonshire*. He had his Education at *Exeter* College in *Oxford*, where he commenced Doctor of Law. In the year 1534. he was appointed one of the Commissioners for dissolving the Monasteries; and in 1544. was made Secretary of State; and in 1549. Treasurer of the Court of First-fruits for life. Dugdale's Barons. Vol. II. p. 415.

(3) He was Grandson of *Richard Rich*, an excellent Master in *Logic*, who was Sheriff of that City in 1441. Idem. p. 380.

(4) Sir *William Widdrighy* was created Lord *Widdrighy* of *Parham*, and Sir *Edward Stafford* Lord *Stafford* of *Battersea*. Hayward. p. 255.

(5) Sir *William Paget*, Sir *Anthony Denny*, and Sir *William Herbert*, being required to declare what they knew of the King's mind; *Paget*, whom he had most trusted, declared, that when the Evidence appeared against the Duke of *Somersey* and his Son, the King appeared to bestow their Lands among some new Peers, he designed to create. Then he ordered him to write in a Book, such as he thought meet. Which done, the King obliged to enquire such a person of Lands out of the Duke of *Somersey's* Estate, as he thought fit. *Paget* told him it was too little, and being ordered to acquaint those with it who were to be advanced, many thought to lose, and desired to remain as they were. The Duke of *Somersey* hearing of this, and fearing if his Lands were thus divided, they were a great return to his Family, sent to deliver the King, that he would be pleased to settle all his Lands on the Prince, for, said he, second me in the Privilege of *Beaufort's* day. They are good and *Henry VIII.* Whereupon the King resolved to reward his Secretary some other way, so rewarded the Book to be thus filled up. The Earl of *Hertford* to be Earl-Marshal and Lord Treasurer, and to be Duke of *Somersey*, *Barnet*, or *Hertford*, and so forth. Vol. II.

1547.
Division
of the Exche-
quer, London.
Barnet.

As *Henry VIII.* had not left his Coffers full, Expedi-
ents were to be devised to find the Revenues and Pen-
sions assigned to the new Lords. No better was found
than to alienate five or six thousand Pounds a year of the
Chantry-Lands. These Provisions, with the Revenues
annexed, were not universally approved, because they
were all in favour of the Regents themselves or the Coun-
sellors. Many thought, these Lords showed too much
Avidity at the beginning of their Regency, and that they
ought to have staid till the King was of Age. The Pro-
tector especially was liable to much Envy, for procuring
for himself the two great Offices of Lord-Treasurer and
Earl-Marshall, vacant by the Attainder of the Duke of
Norfolk. The first was conferred on him the 10th of *Fe-
bruary*, and the other the 17th of the same Month (1).

The Protec-
tor made
Lord Treas-
urer and
Earl-Mar-
shall.
Ad. Pub.
XV. p. 124.
130.
Thomas
Seymour is
made High-
Admiral.
B. p. 127.
Edw. Jour.

The same day his last Patent was dispatched, his Bro-
ther *Thomas Seymour*, just created Baron of *Sudley*, was
made High-Admiral of England (2). Thus, about a Fort-
night after *Henry's* death, the *Seymour's* Family was raised
to such greatness, that it was hardly possible to make any
Addition to it. Happy, had they been contented! But
we shall see hereafter, that by endeavouring to rise still
higher, the two Brothers fell into a gulf of Misfortunes,
which might have been avoided by a small share of Mode-
ration.

Henry
VIII's Pa-
rents.
Hayward.
Barnet.
Scribe.

Henry the Eighth's Funeral Obsequies were performed
with great Pomp and Magnificence at *Windsor* (3). He
had himself ordered his Body to be there interred. The
day before, his Corpse was brought to *Richmond* (4), and
as the Motion caused some watry Matter to run through
the Coffin, it was reported to be Blood, and that a Dog,
licked it up. This was said with design to verify the
Frier's Prediction, who told *Henry* in a Sermon, that the
Dogs should lick his Blood as they had formerly licked
Abu's. But besides that several affirmed, it was not
Blood which ran from the Coffin, the report that a Dog
licked it up, was entirely groundless.

Edward VI.
is crowned.
Ad. Pub.
XV. p. 129.
130.
Edw. Jour.
Scribe.

The Ceremony being over, *Edward's* Coronation was
solemnized the 20th of *February*, with the usual Forma-
lities (5). The Lord *Ruffel* acted as High-Steward, by
virtue of a Patent which empowered him to exercise that
Office for that day only. *Henry Grey*, Marquis of *Dart-
mouth*, had acted the day before as High-Constable by virtue
of a like Patent, which limited the Exercise of his Office
to the 19th of *February*, the day preceding the Corona-
tion, from Sun-rising to Sun-setting. Probably, the Office
of High-Constable was necessary only for certain Prepara-
tives, since it was to end before the Ceremony of the Co-
ronation (6).

A General
Pardon.
Hayward.

On the Coronation-day, a General Pardon was granted
to all Persons, excepting the Duke of *Norfolk*, Cardinal
Pole, *Edward Courtney*, eldest Son of the Marquis of *Essex*,
and three others (7).

The Chan-
cellor's dis-
grace.
Hayward.
Barnet.

I have before observed, that the Lord Chancellor *Wri-
thlesley*, the new Earl of *Southampton*, was ambitious, proud,
and haughty, very troublesome in the Council, and more-
over, a great Enemy to the Reformation and the Reform-
ed. All these Reasons made the Protector and most of
the Regents with to be rid of him. They were so happy,
as that he himself afforded them a plausible Pretence. Re-
solving to apply himself chiefly to State-Affairs, he had on
the 18th of *February* put the Great Seal to a Commission
directed to the Master of the *Rolls*, and three Masters of
Chancery (8), empowering them to execute the Lord
Chancellor's Office in the Court of *Chancery*, in as am-
ple a manner as if he himself were present. This being
done by his own Authority, without any Warrant from
the Lord Protector and the other Regents, his Enemies
failed not to improve this occasion to ruin him. Com-
plaint of what he had done being brought before the Coun-
cil, it was ordered, that the Judges should give their Op-
inions in writing. Their answer was, That the Chan-
cellor being only entrusted with his Office, could not com-
mit the Exercise thereof to others, without the Consent
of the King, or the Regency: That by so doing he had

Feb. 23.

by the common Law forfeited his Place, and was liable
to Fine and Imprisonment at the King's Pleasure. This
answer being communicated to him in full Council, he fell
into a great Passion with the Judges, and even talked very
haughtily to the Regents, the Council, and the Protector.
He told this last in particular, that he held his Chancello-
rship by an undoubted Authority, since he held it of the
King himself, whereas it was a great question whether he
himself was lawfully Protector. But this haughtiness, in-
stead of composing his affair, only served to render it
worse. His Submission might have lessened his Punish-
ment, but by his Passion and Heat he gave the Council
occasion to treat him with the utmost Severity. He was
immediately confined to his House, with a Command not
to stir till further Orders. Then it was debated what his
Punishment should be. It was not doubted that he might
be deprived of the Chancello-ship. But as to the Re-
gency, the Point was not so clear, because it was uncer-
tain whether the late King had placed him among the Re-
gents as Chancellor, or as a private Person, like several
others who were in no Office. For this reason it was not
thought proper to turn him out of the Regency; but to
render it useless to him, he was left under an Arrest, and
the Great Seal taken from him, and given to [Sir William] *Hayward*.
Powlet Lord St. John, till another Chancellor should be
appointed. So the Earl of *Southampton* continued in his
Confinement till the 27th of June (9), when he was dis-
charged of his Imprisonment, upon entering into a Re-
cognizance of four thousand Pounds, to pay what Fine
they should impose on him.

1547.
March 6.

After the Protector was freed from this troublesome E-
nemy, he thought only of ingressing the sole management
of Affairs, and to be Protector indeed, whereas hitherto it
was but an empty Title, without any peculiar Authority.
To attain his Ends, he represented to the Regents and
Council, that several Persons doubted whether they could
by their sole Authority name a Protector: That the French
Ambassador in particular had insinuated a distrust, that he
could not safely treat with him, without knowing first
whether he was duly authorized, since his Title might
be contested for want of Authority in those who had con-
ferred it. Upon this Foundation, he desired (10) that he
might be allowed to prepare Letters Patent, under the
Great Seal, establishing him Protector of the Realm, and
Governor of the King. His request appearing reasonable,
it was granted, and probably he was left to draw the Pa-
tent, wherein it is very likely, he used some deceit. What
gives occasion for this Suspicion, is, that the Patent assign-
ed him Prerogatives unthought of by the Regents, when
they made him Protector. There was no mention of the
Condition upon which he had been chosen. On the con-
trary, the King gave him full Authority to do every thing
as he in his Wisdom should think for the Honour, Good,
and Prosperity of his Person and Realm. Moreover, he
appointed him a Council, giving him Power, with so ma-
ny of them as he should think proper, to annul and change
what they thought fitting; restraining the Council to act
only by the Protector's Advice and Consent. It is true,
this Council consisted of the same Persons which before
composed the Regency and Council, except the Earl of
Southampton. But whereas fifteen of them were before Re-
gents of the Kingdom, Executors of *Henry's* Will, and
Governors to the young King, they were now become by
this Patent only mere Counsellors to the Protector, each
according to the Rank his Office or Birth gave him, with-
out the Protector's being obliged to follow their Advice.

The Protec-
tor's autho-
rity.
Barnet.

The King
commends
the Protec-
tor to the Re-
gents.
Ad. Pub.
XV. p. 174.
Barnet.
Remarks
on the Patent.

Very likely, as I said, the Protector used some Fraud
on this occasion. And indeed, it is by no means probable,
the other Regents should so lightly consent to be deprived
of all their Authority. Nay, we shall see hereafter an E-
vident Proof that they had no such intention. Those His-
torians who have endeavoured to vindicate all the Duke of
Somerford's Actions, in order to preserve to him the charac-
ter of a true Reformer, have very lightly touched upon this
point, whereas his Enemies have enlarged on it, to show

The other
Regents be-
come mere
Counsellors
in the Protec-
tor's hands.

Remarks on
the Protec-
tor's Prerogatives.

his Son to be Earl of *Wiltshire*, with 800 l. a year in Land, and 300 l. a year out of the next Bishop's Lands that fell. The Earl of *Essex* to be Mar-
quis of *Essex*, and so on, with yearly Revenues to them. And the King having promised to give the Earl of *Wiltshire* six of the best *Parishes*, that should
fall in any Cathedral, except *Douai* and *Treves* (which he at his desire the King agreed, that a Decree and a Township should be instead of two of
the six *Parishes*). All this *Dowry* and *Birthright* confirmed, for they then waited in his Chamber (and when *Pope* went out, the King made *Essex* read
over the Book, and *Howell* observing the Secretary had remembered all but himself, the King bid *Dowry* to write 400 l. a year for him. *Barnet*, Tom. II.
p. 67.

(1) On the 16th of *February* the Lord Protector knighted the King, being authorized thereto by Letters Patent. So it seems, that as the Laws of
Chivalry required that the King should receive Knighthood from the hand of some other Knight, so it was judged no great Privilege for his own Sub-
jects to give it, without a Warrant under the Great Seal. The King at the same time knighted Sir *John Holles*, the Lord Mayor of *London*, and
William Perren, one of the Judges of the King's Bench. *Barnet*, Tom. II. p. 8. *Scribe*, p. 15.

(2) *Ireland*, *Calais*, *Windsor*, and the Marches. *Rymers' Foss*, Tom. II. p. 127.

(3) On *February* 16. *Scribe's* Mem. Tom. II. p. 121. and *Scribe's* p. 15.

(4) To *St. John*, where they lay the first night. *Scribe's* Regis. p. 12.

(5) There were forty Knights of the Bath, made on this occasion, and fifty five Knights of the Carper, whose names see in *Scribe's* Mem. Tom. II.
p. 21. and *Scribe's* p. 30.

(6) There was a new Form drawn for the Coronation of this King, which the curious Reader may see in *Barnet*, Tom. II. *Collect*, p. 93. *Edw.*

(7) Dr. *Richard Pate*, Mr. *Frederick*, and Mr. *Thymmer*. *Hayward*, p. 276.

(8) To Sir *Robert Southwell* Master of the Rolls, *John Tringwood*, Esq. and *John Olyver*, and *Anthony Bellis*, Clerks, Masters in Chancery. See
the Commission itself in *Barnet*, *ibid*, p. 96.

(9) *Rape* by mistake *Jay* says. See *Barnet*, Tom. II. p. 17.

(10) By a Petition on March 13. *Id.*

1547. he was possessed with Ambition. However, as the Fact is certain, his motive only can be the subject of conjecture; some ascribing it to his excessive Ambition; others believing, he aspired to become master of the Government only to promote more effectually the Reformation. It is at least extremely probable that *Cranmer* and such of the Regents as favoured the Reformation, were convinced the Duke's advancement would be very advantageous to Religion.

*He became
ambitious
Master of
the Govern-
ment.
Barnet.*

After the Patent was drawn, and the Great Seal put to it, the Protector had all the power. He governed with an absolute Authority, without being clogged by the advice of the Council, since he was obliged only to consult those that were devoted to him. But on the other hand, this Proceeding, with some others of the like nature, drew upon him the envy and hatred of many, and particularly of the Nobility, who made him at last feel the effects. There was certainly much to be said against this Patent, which destroyed the Form of the Government established by *Henry VIII.* pursuant to an Act of Parliament which the King himself had not power to annul.

*Treaties
with France.
Add. Pub.
XV. p. 135.
139.
p. 126.*

The day before, two new Treaties were concluded with *France*. The first was a renewing of Alliance between *Francis I.* and *Edward VI.* without prejudicing the ancient Alliance between *France* and *Scotland*, and the Treaties between the Emperor and *England*. The second concerned the Articles which had not been explained in the late Treaty of Peace, namely, the Bounds of the Territory of *Boulogne*, and the Fortifications the two Kings were making near the place. As to the Bounds, they were easy to be settled, because as *England* was to keep *Boulogne* but eight Years, it was not very material whether its Territory was a little more or less extended. As to the Fortifications, there was more difficulty. Whilst the late Peace was negotiating, *Henry VIII.* finding it would be in his power to prescribe almost what *Terns* he pleased, ordered the Governor of *Boulogne* to begin fortifying *Boulenberg*, *Blackfish*, and *Amblesburgh*. At the same time he gave Instructions to his Plenipotentiaries, to insist in the Treaty that neither of the two Kings should be allowed to make new Fortifications in or about *Boulogne*, but only to finish such as were begun. This was done according to his desire. However, since the Treaty, the *French* had attempted to fortify *St. Etienne*, *Perlet*, and *la Pointe*. Whereupon disputes arose between the Ambassadors appointed to settle the Limits of *Boulogne*. But as the two Courts were equally desirous to avoid all occasion of Rupture, it was at length agreed, that the *English* might continue the works begun: That the *French* should have the same liberty with regard to the Fortifications of *St. Etienne*, but should discontinue those at *Perlet* and *la Pointe*. This Treaty, and the other which renewed the Alliance between the two Courts, were signed at *London* the 11th of *March*. But *Francis* died the 31st of the same Month, before he had ratified them, leaving *Henry II.* for his Successor.

*Death of
Francis I.
Henry II.
refused to
ratify the
Treaties
Add. Pub.
XV. p. 149.
Barnet.*

Upon news of *Francis's* Death, an Express was sent to *Nicholas Hatten* Ambassador in *France*, with a Commission to receive the new King's Ratifications, and see him swear to the Treaties. But the Court of *France* was entirely changed by *Henry II.'s* Accession to the Crown. The Cardinal of *Lorraine*, and his Brother the Duke of *Guise*, managed every thing as they pleased, and it was not their Interest, the King should preserve a good Understanding with *England*. Besides that they were strongly addicted to the *Romish* Religion and the Pope, they were contriving means to hinder *England* from employing her Arms to accomplish the Marriage between *Edward* and the young Queen of *Scotland* their Niece. They persuaded therefore *Henry II.* that it was his chief Concern to recover *Boulogne* at any rate, for fear the *English* should make use of that place to confound his future Projects. *Henry* liking their policy, refused to ratify the Treaties, and disowned the Ambassador sent by his Father to *London* to conclude them. So, there not only remained an occasion of quarrel between the two Courts with respect to the Limits of the Territory of *Boulogne*, and the new Fortifications; but also in refusing to confirm the Alliance, *Henry* showed his intention to break the Peace.

*Affairs of
Germany.
Strop.
T. II. p. 55.
See
Barnet.*

This was the first ill effect of the Death of *Francis I.* and *Henry VIII.* But it was not the only one. *Germany* as well as *England* suffered by the Loss of these two Kings. The Protestants, who had been ill used by the Emperor in the last Campaign, found themselves wholly deprived of the Assistance, they expected from *France* and *England*. *Henry II.'s* Ministers did not think proper, he should be engaged in a War with the Emperor in support of the Protestant Religion. But as Policy seemed to require that he should oppose the Emperor's progress, they intimated to him the expediency of first recovering *Boulogne*; after

which, it would be still time enough to protect *Germany*, in case the Emperor grew too powerful there. As for the Court of *England*, there was no likelihood that during a Minority, they would undertake to support the Protestants, especially as *France* refused to be concerned with them. Mean while, the Princes of the League having sent to *Edward* for Aid, fifty thousand Crowns were privately given them, with great caution, for fear of offending the Emperor. It is very true, the Protector was inclinable to support them: But it was not yet convenient to do it openly. The Reformation was to be put upon a good foot in *England*, before any thoughts of protecting it in foreign Countries.

Henry the Eighth's Death was a sort of Crisis for *England* with regard to Religion. It was observed in the History of his Reign, that he steered a middle course in that respect. He reformed some things, but left others untouched. In general, the Reformation he had begun, may be said to concern only the Articles which were directly or indirectly contrary to his Temporal Sovereignty or Ecclesiastical Supremacy. He was so rigorous, that he would never allow his Subjects to differ in opinion from him, or at least not to show it openly. So all were under constraint, there being scarce any one but what believed more or less than himself. As soon as he was dead, every one took the liberty to speak his thoughts upon religion, though the Laws made in his Reign were still in force. But some change was expected. If on one hand the Reformed body, their hopes on *Cranmer* and the Earl of *Hertford*, the contrary Party flattered themselves that Chancellor *Wrightshelley*, *Tunstall*, and some others, would use their utmost Endeavours to restore Religion to its ancient state, or at least would hinder the Reformation from making farther progress. The Earl of *Hertford's* Promotion to the Protectorship, and the Chancellor's disgrace, gave the Reformed all the advantage, who seeing themselves supported by the Protector and the Archbishop of *Canterbury*, entertained great hopes that the work of the Reformation would visibly advance. This gave them the boldness openly to show their Sentiments, and even publicly to preach them (1). On the other hand, the contrary Party finding the cause was not favorable, strove to perfwade, that Religion should be left in its present state till the King was of age. They said, since no Alterations could be made but in the King's Name, as supreme head of the Church of *England*, it was necessary at least to stay till he was able to judge of them himself. But the Reformers agreed not to this principle. They maintained, on the contrary, that the Royal Authority was the same, whether the King was a Minor or not. They opposed their Adversaries maxim the more strenuously, as it influenced not only the Affairs of Religion but the Government it self.

The party of the Reformers was so strong, that it was very difficult for their Enemies to resist them. The King himself was at their head. Tho' he was yet of an age wherein Men hardly begin to make use of their Reason, he had made very great progress in the study of Religion, by the care of *Dr. Cox* his Preceptor, who was in the Sentiments of the Reformers. The Duke of *Surrey*, *Cranmer* Archbishop of *Canterbury*, *Holgate* Archbishop of *York*, *Helwath* Bishop of *Lincoln*, *Goodrick* Bishop of *Ely*, *Dr. Ridley*, and *Latimer* who was discharged of his Imprisonment, were the chief Supporters of this Party. These were properly whom *Dr. Barnet* calls in his History, the Reformers. In the other Party were the Princes *Mary*, *Wrightshelley* Earl of *Southampton*, *Tunstall* Bishop of *Durham*, *Banner* of *London*, *Gardiner* of *Winchester*, with many other Bishops, and the major-part of the inferior Clergy, consisting, as I have observed, of the suppressed Priests, who had been recommended to livings. But it is certain, tho' this last Party was as numerous as the other, they were far excelled by them in Learning and Capacity. Besides, the Government was in the hands of their Adversaries. There was another thing which very much lessened the Power of this Party. Most of them had made it a rule to oppose to their utmost the intended alterations, but when effected, to pay them afterwards an outward compliance. This Conduct, though beneficial to particular Persons, was however detrimental to the whole Party, as it intimated they only loved their Religion when attended with temporal Blessings. The Bishops and the rest of the Clergy were properly the establishers of this maxim, out of fear of losing their Benefices.

The present juncture being so favorable for the Reformation, the Protector, and such of the Council as were of his Sentiments, resolved to improve it. To that end, they ordered a general Visitation of all the Churches, and appointed Visitors, with power to abolish certain gross abuses introduced into the *Divine Service*, and particularly

1547.

*Affairs con-
cerning the
Reformation
in England.*

Barnet.

T. II. p. 159

(1) To fix the rest of the Kingdom an example, Evening Prayer began to be read in *English*, in the King's Chapel, on *Easter Monday*. *Stow*, p. 554. *Heylin*.

with

with regard to Images (1). With this viftitation commenced the execution of the design already formed, of perfecting the Reformation, which was properly but juft begun in the late Reign. As Dr. *Burnet*, afterwards Bifhop of *Salisbury*, has given as full account of thefe matters as can be defired, in his excellent History of the Reformation in *England*, it will be needlefs to defend to particulars, which will be filled with much more Satisfaction in the Work of that illuftrious Author. So, without fpeaking hereafter of Religion any farther than will be neceffary for the underftanding of the History, I fhall confine my felf chiefly to the political Affairs of this Reign (2). The firft that offers in the year 1547, is the war with *Scotland*.

Henry VIII. had left his affairs with *Scotland* in fuch a fituation, that the agreed marriage between *Edward* and the young Queen of *Scotland*, was to be relinquifhed, or the Treaty executed by force of Arms. The Party, againft the marriage in *Scotland* was fo powerful, that the others durft hardly difcover their contrary Sentiments. If the affair had not to be decided by the two Kingdoms, in all appearance *Scotland* would have been forced to fubmit. But the King of *France* took care not to abandon the *Scots*. He was highly concerned to hinder the King of *England* from becoming Mafter of *Scotland*. Herein his Sentiments agreed with thofe of the two *Lorrain* Princes, Brothers of the Queen Dowager of *Scotland*. It was this that moft troubled the Protector, efpecially as *Henry II.* had now declared he would affift the *Scots* to the utmoft of his power. Mean while, the projected marriage was fo advantageous to *England*, that it well deferved fume endeavours to accomplifh it. Befides, *Henry VIII.* had fo exprefsly ordered, before he died, that all poffible means fhould be ufed to effect it, that the Protector thought he could not be excufed from taking fome fteps, to fhew he intended to execute his orders. He refolved therefore to carry war into *Scotland*. Indeed, it was a very extraordinary way of wooing the young Queen for *Edward*. But in this the Protector and the Council followed *Henry VIII.*'s maxims, who ever flattered himfelf, that the inconveniencies and dangers of a war would at laft oblige the *Scots* to execute the Treaty. To that end therefore they refolved to make war upon *Scotland*, and not with defign to conquer the Kingdom.

Hayward.
Hollings.
Burnet.

Hayward.
Hollings.

Warwick
Scotland re-
joined.

Conference
for a Peace
very ineffectual.
Burnet.

The Protec-
tor enters
Scotland.
Hollings.
Hayward.

Buchanan.
Burnet.

He offers a
Peace to the
Regent of
Scotland.
Hayward.
Buchanan.
Hollings.
Burnet.

Every thing being prepared, and the Protector ready to go and command the Army, the French Ambaffador defired him to confent to a Negotiation, to try to conclude a Peace before Hoftilities were begun. The Protector, who was willing to manage *France*, complied with his request, and the Conferences began the 4th of *Auguft*. *Turflet*, who was firft Plenipotentiary (3), had orders to give every thing, provided the *Scotch* Commiffioners had power to agree to the marriage, otherwife he was to break off the Congress. This condition rendered the negotiation ineffectual, becaufe the *Scots* had nothing like it in their inftructions. So the Protector departing in *Auguft*, entered the Territories of *Scotland* the 2d of *September*, with an Army of fifteen thoufand Foot, and three thoufand Horfe (4), having the Earl of *Warwick* for Lieutenant-General. He took fome Cafles in his march, and particularly the Caffe of *Brughly* (5) near the *Tay*'s mouth, where he left a Garrifon of two hundred Men. A few days after, he came within fight of the *Scotch* Army, thirty thoufand ftrong (6), with thirty Pieces of Cannon, who expected him on the Field of *Pinkie* near *Muffelburgh*.

The Duke of *Somerfet*, as I faid, had undertaken this war againft his Will, and only to avoid the blame of not endeavouring to procure for his young Mafter an advantageous marriage. The fight of the Enemies Army, fuperior to his own, increafed not his defire to decide the affair by way of Arms. Wherefore, to avoid fo dangerous a decision, he wrote to the Earl of *Arran* Regent of *Scotland*, defiring him to confider the great quantity of innocent Blood which was going to be fhed. And to fhew that he was ready himfelf to come to an agreement, he

made this offer: That he would retire to *England* with his Army, if the *Scots* would agree that the young Queen fhould be bred up in *Scotland* till the came of age, and give Security that he fhould not till then be contracted to any Foreigner. This Propofal might have been accepted without any detriment, either to the Queen or the Kingdom of *Scotland*. In the firft place, this condition hindered not the Queen from marrying a *Scotch* Lord. Secondly, the worft that could happen to the *Scots*, was to be, when their Queen was of Age, in the fame fituation they were in at prefent. Laftly, the King of *England* or the Queen might dye in this interval, and of courfe the death of either ended the quarrel. But the French Faction was fo prevalent in the Council of *Scotland*, that this advantageous offer was proudly rejected. Nay, a rumour was fpread among the *Scotch* Troops, that the Protector of *England* would not hearken to a Peace, unlefs the Queen was put into his hands.

The two Armies were parted by the River *Elke*. The *English* were encamped about two miles on the South-fide, and the *Scots* along the banks, on the North. So if the *Scots* had been willing to avoid a battle, probably, the *English* would never have attempted to pafs the River in their fight. Mean while, the Protector, having formed the defign of approaching the *Scots*, and gaining a rifing ground on the Left which commanded their Camp, moved forward with his whole Army. But the *Scots* having notice of it, immediately paffed the River, and pofted themfelves at that Poft. The Protector having notified his aim, marched to the Right, towards the River, in order to encamp on a little hill not far from the river. This march made the *Scots* imagine, he was approaching the Sea, to put his Ordnance and Baggage on board the Fleet, which was entered the *Firth*, that he might retire the more eafily. The whole *Scotch* Army were fo poffeffed with this notion, that they confid'd the *English* as already vanquifhed by fears. Mean while, the Protector had pofted himfelf on the Hill, and made fome intrenchments before his Camp. This confirmed the *Scots* in their opinion, that it was only a feint in order to retire in the night. So, refolving to hinder the *English* from executing this imaginary defign, they advanced in good order to join battle. The moment the Protector had received intelligence of their march, he drew up his Army, part on the Hill, and part on the Plain, and expected them without flirring. He had placed his Artillery in an advantageous place that commanded the whole Plain, and on the other fide, his Fleet was near enough to fire upon the Enemy in flank. Nay there was a Galliot, which being lighter than the reft of the Ships, came very near the Land, and extremely annoyed the *Scotch* Army (7).

It was on the 10th of *September* that the two Armies engaged. I fhall not relate the particulars of this Battle. Befides that the Hiftorians agree not in the principal Circumftances, there are but few capable of giving a juft account of what paffes on thefe occafions, and of pointing out the chief caufes of the gain or lofs of a Battle. It belongs only to Generals themfelves to be good Hiftorians on fuch Subjects. I fhall content my felf therefore with reciting the Succels of this here. After a very obftinate fight, the *Scots* were routed, leaving fourteen thoufand dead on the place, and fifteen hundred Prifoners in the hands of the *English*, of whom eight hundred were Gentlemen.

This great lofs threw all *Scotland* into the utmoft confternation. The Regent and the Queen after garrifoning the Caffe of *Edinburgh*, retired to *Sterling* with the remains of their Army, abandoning thus the Frontiers to the ravages of the *English*. A few days after the Protector took *Leith*, and the *English* Fleet commanded by the Lord *Clinton*, burnt feveral Sea-port Towns in the County of *Fife*, with all the Ships in their Harbours. Then, the *English* Army marched to *Edinburgh*, and entering without oppofition, plundered the City. Such a terror feized all *Scotland*, that if the Protector had improv'd his Succels,

(1) The Bifhopricks were divided into fix Prelacies or Circuits. The 1st was *London, Winchester, Norwich, and Ely*. The 2d, *Rochester, Canterbury, Chichefter, and Worcester*. The 3d, *Salisbury, Exeter, Bath, Bristol, and Gloucester*. The 4th, *York, Durham, Carlisle, and Chester*. The 5th, *Peterborough, Lincoln, Oxford, Coventry, and Litchfield*. And the 6th, *Worcester, Hereford, and Shrewsbury*. They began their Vifitations in *Auguft*, about the time that the Protector made his expedition into *Scotland*. *Burnet*, Tom. II. p. 25, 26.

(2) This year, the Book of *Homilies*, compiled by *Archibald Cramer*, was published, and printed twice by *Griffin*. *Stephens* Men. Tom. II. p. 31.

(3) The other was Sir *Robert Bowes*. *Burnet*, Tom. II. p. 31.

(4) According to King *Edward's* Journal, the *English* Army confifted of thirteen thoufand Foot, and five thoufand Horfe, (p. 4.) But *Hollingshead* gives us the following particulars. The Duke of *Somerfet* was General of the whole Army, and Captain of the middle Ward, which confifted of four thoufand Foot. The Earl of *Warwick* led the Fore-ward, containing three thoufand Foot. And the Rear-ward, wherein was the fame number, was fought up by the Lord *Dorset*. The Lord *Grev* of *Widdow*, Maftal of the Army, was Captain General of the Horfe, in number fix thoufand. Sir *Francis Brierley*, Captain of the light Horfe, in number two thoufand. Sir *Ralph Pine* Lieutenant of all the Men at Arms, and Demi-Lancers. Sir *Thomas Dering* Captain of all the King's Penfioners and Men at Arms. Sir *Peter Strickland* Captain of the Harque-buffers, in number 600. Sir *Peter Gambel* a Captain of two hundred Harque-buffers on Horfe-back. *John Brome*, Captain of the Pioneers, in number fourteen hundred, p. 460. In the mean time, the Fleet advanced towards *Newcastle*, confiding of fixty five Veffels, wherein one Galliot, and thirty four full Ships were prepared for fighting, the reft ferred for carriage of Ammunition and Victuals. Of this Fleet Sir *Edward Clere* was Admiral, and Sir *William Wynter* Vice-Admiral. *Argemond*, p. 279.

(5) *Brughly-Crag*, a Fort in the County of *Angus*. *Comdes*. *Hollingshead* fays, it was not taken till *September 21*. p. 290. *Edw. 7th Jour. Scot.* It was after the Battle.

(6) So *Buchanan* fays, p. 126. But in King *Edward's* Journal it is faid, that it confifted of thirty fix thoufand Men at leaft, p. 5.

(7) It blew the Mafter of *Calcut*, and twenty others over board. *Hollingshead*, p. 254.

1547. by besieging the Castle of *Edinburgh*. It is hardly to be doubted, he would have forced the Regent to relinquish the young Queen, or subdued the Kingdom. But affairs which concerned him in particular, made him relinquish his enterprise, just as he was going to reap the Fruits of his victory. Whilst he was employed in *Scotland*, his Brother the Admiral caballed against him in *England*, and had now made such progress that the Protector was upon the point of being ruined, at the very time he was causing the King's Arms to triumph. The advice he received made him think, he could not too speedily return to Court, in order to break his Brother's measures. This was the real motive of his hasty return, which however was coloured with other pretences.

The 18th of September he departed for *England*, having employed but sixteen days in his expedition, from his entrance into *Scotland*, and if we may believe the *English* Writers, left but sixty two Men in all (1). In his return, he marched through the Counties of *March* and *Trisistade*, and leaving a Garrison in the Castle of *Hume*, ordered *Roxborough* to be repaired, where he left Sir *Ralph Palmer* Governor.

The Protector's glorious Campaign in *Scotland*, put the Nation in mind of several noble Actions performed by him in the late Reign. This gained him great Applause from the People (2), but withal the Envy of the Nobles, who, if Sir *John Hayward* was to be credited, had no great Esteem for him. This Contrast between the Nobles and People was very prejudicial to him. It induced him to rely too much on the People's Favour, and to raise himself above the rest of the Nobles, both by an external Pomp, and by assuming the sole Administration of Affairs. As by the King's Patent, he was not obliged to follow the Advice of the Council, he generally consulted only his Creatures, and neglected the rest, as if there were no such Men. This Behaviour seemed at first a little strange in one, who, very far from being naturally proud and haughty, was rather humble, modest, and civil. No other reason can be given, but his great Zeal to promote the Reformation. This was, doubtless, what made him think it necessary to remove from the Administration those who were not led by the same Zeal as himself, in order to lessen the opposition, as much as possible. Besides, he had pulled the best part of his Life in the Court of *Henry VIII.*, where he had seen the Authority-Royal carried to the greatest height, and as *Henry* had succeeded by the way of rigour, he deemed it requisite to follow much the same Maxims. The Reformation was certainly the sole Object, the Protector had in view, and all his Proceedings, in the Public Affairs both Foreign and Domestick, tended properly to that point.

The Commissioners, appointed to visit the Churches, having made their report, it was found, that all the Bishops had complied with the Orders of the Council, except *Bonner* of *London*, and *Gardiner* of *Witchster*. These had given an advantage against themselves, not only by direct opposition, but by Cavils, which plainly shewed how averse they were to all Reformation. They insisted chiefly upon the forementioned Maxim, that it was not lawful to make any alterations in Religion during the King's Minority. As this Principle might have had pernicious Consequences, with respect to the Government, it was made a pretence to send them to Prison (3), notwithstanding their seeming, but very equivocal, Submission. The truth is, as several Acts in favour of the Reformation were intended to be passed in the next Parliament, which was summoned to meet the 4th of November, the Reformers were very glad to be freed from the troublesome opposition of these two Prelates. The Princess *Mary* was also displeased with the Instructions given to the Visitors, and the design of advancing the Reformation. She writ upon this occasion to the Protector, expressing her dislike of all the Changes which were making, and of those which were designed to be made during the King's Minority. The Protector sent her a very strong answer, and did not think himself obliged to conform to her Sentiments.

Some days before the Parliament met, the Lord *Rich* was made Chancellor (4). The 3d of November, the day before the opening of the Parliament, the Protector, by a Patent under the Great Seal, was warranted to sit in Parliament on the right hand of the Throne, under the Cloth of State, whether the King was present or not, and moreover was to have all the Honours, Privileges, and Prerogatives that any of the Uncles of the Kings of *England*, or any Protectors had ever enjoyed, [with a non-solusio to the Statute of Precedence.] This Proceeding

was a clear Evidence that the Duke of *Somerjet's* Intention was, not only to be superior to all, but even to destroy by degrees the very remembrance of the Form of Government established by *Henry VIII.* Though he had not forgot to cause this Patent to be approved by the Council, before it was sealed, that was not sufficient to justify him entirely. It was well known the King did nothing but by his direction: That the Council was at his Command, and that it would have been very dangerous for the Counsellors, directly to oppose a Patent which concerned him in particular.

The Parliament being met the 4th of November, passed several material Acts, relating some to the State, and others to Religion. It is very certain, the number of those who defined a Reformation, was very great in the Kingdom. However, it must not be imagined that then, any more than at this day, whatever the Parliament did was agreeable to the general Opinion of the Nation. The Representatives of the Commons were chosen, as they are at present, without any Instructions concerning the Points to be debated in Parliament, nay, without the People's knowing any thing of them. Thus, the House of Commons had, as I may say, an unlimited Power, to determine by a majority of Votes, with the concurrence of the Lords, and assent of the King, what they deemed proper for the Welfare of the Kingdom. There was no necessity therefore, in order to obtain what the Court desired, of having the universal Consent of the People, but only the majority of the Voices in both Houses. Hence it is easy to conceive, that the Court used all imaginable means to cause such Members to be elected as were in their Sentiments. This is now, and ever will be, practised till some cure is found for this Inconvenience. I call it Inconvenience, because it happens sometimes that the Parliament passes Acts contrary to the general Opinion of the Nation. Of this one may be easily convinced, by what passed in the Parliaments held under *Edward VI.* and *Queen Mary* his Sister. In the Reign of *Edward*, Popery was entirely rooted out, and under *Mary* it was wholly replanted. In one or other of these Reigns therefore the Parliament must have acted contrary to the Opinion of the People, since it is not possible to believe, that a whole Nation should have thus changed, in an instant, from white to black. I don't pretend, by this remark, to weaken the Proceedings of *Edward VI.'s* Parliament in favour of the Reformation; what I advance is levelled as much against that of *Queen Mary*, as against this. My design is only to observe, that the determination of a Parliament is not always a convincing Proof of the Approbation of the whole *English* Nation. The Reasons therefore which may be drawn from the pretended Consent of the Nation, represented in Parliament, either for or against the Reformation, seem to be of very little weight. Each of the two Parties will always say, and perhaps very justly, that the Parliament which opposed them, was a Parliament devoted to the King and the Ministry.

The present Parliament was, in all appearance, directed by the Duke of *Somerjet*, since it so readily favoured all his designs. I shall content myself with relating the Substance of the chief Acts passed this Session, without insisting much upon them, because *Dr. Burnet* has spoken T. II. p. 40, of them so accurately and fully in his History of the Reformation, that it would be needless to repeat what he has said.

The first Statute repealed several Acts passed in the late and some former Reigns: namely,

I. All Acts declaring any thing to be Treason but what was in the Statute of 25 *Edward III.* This Statute of *King Edward* had long served for the Standard of Treason, till during the Civil Wars between the Houses of *York* and *Lancaster*, and particularly in the Reign of *Henry VIII.* the List of treasonable Offences was very much increased. Therefore, the Parliament very justly reduced these Offences within their old bounds, that the Subjects might not be liable to so many iniquities.

II. This Statute also repealed all Acts, declaring that to be Felony, which was not so before the rupture with the Pope (5). And,

III. The Act which made the King's Proclamations of equal Authority with Acts of Parliament. If this Statute had continued, Parliaments would have become useless.

IV. Two Acts concerning the *Lollards* (6).

Lastly, By the same Statute, the Law of the Six Articles was also repealed.

(1) Under *Pope*, says *Haywood*, p. 287. But *Buchanan* asserts, that the *English* lost about two hundred Men in the first Charge, L. 10.

(2) *Th. M. & A. M. of London* went out to meet him in *St. Mary's Field*, on *Edinb. 4*, when he returned to that City. *Hillinghead*, p. 922.

(3) To the *Exec. Order*, p. 27. *Gardiner* was imprisoned, *June 31*, and released about the end of the year. *Strype*, p. 63.

(4) *His Patent* bears date, *November 30*. See *Heron*, T. III. *Edinb.* p. 400.

(5) Or rather, all Acts made up to this head since *April 23*, of *Henry VIII.*, so it is in the Statute.

(6) Those of *Richard III.* and of *Henry V.*

1547. Admiral's Ambition by the Praises they gave him, confirming him in his ill Opinion of the Duke his Brother. He began his Cabals about *Essex*, with gaining the King's Servants to his Interest, that they might continue their young master in a good Opinion of him. By their means he so ordered it, that the King frequently came to his House to see his Mother-in-law. Here it was that he diligently made his Court, and even furnished him with Money for his privy Purse, and for small presents to his Domesticks (1). This pleased the young King, who found himself freed from the trouble of asking his Governor for Money, and of being accountable to him for what he did with it. All this could not be done without the Protector's knowledge. He taxed his Brother with it, who denied all, but in so haughty a manner, that it was easy for the Protector to perceive, he had not much regard for him. He was unwilling however to come to an open quarrel, hoping in time to reclaim him.

The Protector was no sooner in *Scotland*, but the Admiral renewed his Cabals with less reserve than before. He distributed money to several Persons, and never ceased making his Court to the King. Nay, he obtained, unknown to his Brother, a new and more ample Patent for the Office of Lord Admiral, with an addition of two hundred Marks to the Salary. Sir *William Paget*, who was devoted to the Protector, and perhaps had orders to watch the Admiral, seeing how he increased in favour with the King, thought himself obliged to talk with him about it. But the Admiral's Answer not satisfying him, he sent the Protector notice of it, and upon this intelligence it was that he ended his Campaign in *Scotland* so abruptly, to return to Court and break his Brother's measures.

The Protector's Arrival was not capable of interrupting the Admiral's projects. He rather hastened the execution the more, not to give his Brother time to prevent him. He had gained some of the Privy Counsellors, several Lords of distinction, and many Members of Parliament. In fine, he persuaded the King, that the two Offices of Protector and Governor of his Person gave the Duke of *Somerset* too much Authority, and that it was proper to part them, and confer the second on him, in order to balance the Protector's power. The young King was much better pleased to have for Governor an Uncle, who had all the Condescension possible for him, than one who was not so compliant, and kept him more in awe. So his age not allowing him to make other Reflections, he writ with his own hand a Message to the House of Commons, desiring them to make the Admiral the Governor of his Person. The Admiral was to carry this Message himself: But his Contrivance was discovered before he could execute his design. The Council hearing of it, sent some Lords, to reason the case with him, and prevail with him to proceed no farther. But the Lords did not bring back the satisfaction that was expected. On the contrary, instead of regarding their Remonstrances, he answered with Threats (2). Whereupon, he was sent for next day by order from the Council, but refused to come. At last, he was threatened to be turned out of all his Offices, sent to the *Tower*, and prosecuted upon the Act of Parliament, which made it death for any Person to disturb the Government. This menace frightened him. He plainly saw, though he had the King on his side, the young Prince who was but just entered into his eleventh year, would not have resolution enough to support him, contrary to the advice of the Protector and Council. Nay, it was hinted to him, there was no likelihood, the Parliament would hearken to a Message from a minor King, but would doubtless suppose him to have been surprized. He chose therefore to submit himself to the Protector and Council, and to be reconciled to his Brother, who desired only to reclaim him by fair means. However this reconciliation was not perfect. Quickly after he shewed, he had not relinquished but only put off, his design till a more convenient Season. And indeed, he never ceased endeavouring both by himself and by those whom he had gained, to insinuate into the King a dislike of the Protector, and his other Ministers. This made the Protector

set Spies about him, to be informed of his proceedings, considering him as a very dangerous Enemy.

This year the face of affairs in *Germany* was entirely changed. The Emperor defeated and took Prisoner *John Frederic* Elector of *Saxony* (3), and declared his Cousin *Maurice* Elector. After this disaster, the Landgrave of *Hesse* finding himself unable to maintain the war, made the best terms he could with the Emperor, and came to him upon the faith of a Safe-Conduct, which expressly ran that he should not be liable to any imprisonment. But by a gross fraud, instead of the *German word emig*, which signifies *any*, the word *twig*, which signifies *perpetual*, was inserted. By this base artifice he was detained a Prisoner, to be released at the Emperor's pleasure.

The imprisonment of the two Heads rendered the Protestant Party very weak, and the Emperor's triumphant. The Archbishop of *Cologne*, who had embraced the Protestant Religion, was forced to renounce his dignities of Archbishop and Elector of the Empire. After that, the Emperor made sundry Alterations tending to destroy the Reformation, or rather, under that Pretence, to render himself absolute in *Germany*. For this cause the Pope himself grew jealous of him. As, after his victory, his Ambassadors were impetuous at *Trent*, the Pope ordered the Council to be removed to *Bologna*, under the feigned pretence of the Plague's being at *Trent*.

Hitherto *Germany* had served for Sanctuary to many Protestants persecuted in other Countries. But since the Emperor's victory, they were no longer safe there. For which reason many came into *England*, where they saw the Reformation to be in a prosperous way. Among these were *Peter Martyr* (4), *Bucer*, *Ochinus*, *Fagius*, to whom *Edward* gave Pensions and Benefices, as appears in the Collection of the Public Acts.

Though *Henry II.* had refused to ratify the two Treaties concluded at *London* in *March*, the *English* however, as he observed, continued the Fortifications of *Bullerberg*, pursuant to an article of the Treaty of Peace. But after several complaints from *France*, *Henry* sent to bring a message by his Ambassador, that the Protector, rather than hazard a quarrel with *France*, ordered the Works to be discontinued, before the Fort was finished.

In the beginning of the year 1548, the Council made several alterations with respect to Religion. By an order (5), the carrying of Candles on *Candlemas-day*, of Ashes on *Ash-Wednesday*, of Palm on *Palm-Sunday*, with the Rites used on *Good-Friday* and *Easter-day*, were forbidden (6). Moreover, it was left to the People's choice to go to *Confession* or to neglect that practice, hitherto deemed an indispensable Duty. Some days after, it was ordered that all Images in general should be removed from the Churches (7). As *England* was then divided into two Parties, some approved, and others censured these changes. But the Council, in spite of all opposition, caused their orders to be confirmed by the King's Proclamation, in virtue of his Supremacy. Only *Gardiner* Bishop of *Windsor* openly opposed these changes, upon the maxim that no alteration in Religion could be lawfully made till the King was of age. He was not the only Person that tried to insinuate this notion into the People. All those of his Party endeavourd the same things, but had not the courage to do it publicly. Whereupon he was commanded to appear before the Council; and as he offered to submit to whatever should be prescribed him, he was ordered (8) to preach at *St. Paul's* upon certain points, whereof one of the chief was, that the King's Authority was the same during his minority as when of age. He preached; but so little to the Council's Satisfaction, that it was resolved to send him to the *Tower*. This severity produced a great effect, in that all the Friends of the *Romish* Church resolved to conform, at least outwardly, to what should be enjoined by publick Authority, when they saw one of their chief Supporters was not spared.

Mean while, the war with *Scotland* gave the Protector great uneasiness. He clearly saw, it was ridiculous to

(1) Particularly, the first time *Luttrell* preached at Court, the King sent to the Admiral to know what present he should make him: *Seymour* sent him 40*l.* but said, he thought 10*l.* was enough to give *Luttrell*, and the King might dispose of the rest as he pleased. And also, at *Ch. Juch's*, the Admiral gave Mr. *Clark*, the King's Tutor, 20*l.* and 10*l.* more, for *Edward* to distribute among his Servants. *Burnet*, Tom. II. p. 44. *Scot.* p. 78.

(2) He told them, if he were expelled in his attempt, he would make this the blackest Parliament that ever was in *England*. *Burnet*, Tom. II. p. 55.

(3) April 24. *Selden*, b. 20.

(4) *Peter Martyr* was invited over in the King's name by *Cromwell*. He was born in *Florence*. He had a Pension of forty Marks a year, as had *Ochinus*, who was made a Canon of *Geneva*, with a Dispensative of Residence. *Pagius* was *Holme* Professor at *Cambridge*, and had a Pension of 100*l.* *Peter Martyr* had the *Downy Chair* at *Oxford*, and *Bucer* that of *Cambridge*, with a Salary of 100*l.* *Seymour's* *Prod.* Tom. XV. p. 170, 182, 191.

(5) David January 23. *Heylin*, p. 55.

(6) All *Wicks* and *Church* Ministries were also suppressed. *Burnet*, Tom. II. p. 59.

(7) *Edwards* 14. The People were very forward in pulling down the Images; and had already begun to do it, before the publication of this Order, put contrary to *St. Martin's* *Low-mage* Lane, *London*, and at *Perthmouth*. *Scot.* Tom. II. p. 55.—About this time, to prevent the mischief occasioned by such Preachers, it was enjoined, That none should preach without Licence from the King, and his Vicars, the Archbishop of *Canterbury*, or the Bishop of the Diocese, except Instructions preaching in their own Churches. *Burnet*, Tom. II. p. 59.

(8) *Edward* 15. *Cassander*, when he came before the Council, desired that he might be suffered to clear himself of all misrepresentations that had been made of him, in a Sermon he should preach before the King, in which he should declare how well he was satisfied with his Proceedings. But he was far from doing so. *Tom.* II. p. 58, 70. *Scot.* p. 59.

1548. think of accomplishing the King's marriage with the Queen of Scotland by the way of Arms, in spite of the Queen-Dowager, the Regent, and the Council. Moreover, he knew France was preparing to send them a powerful aid. And therefore he perceived it would be very difficult to succeed in this undertaking: besides that this war would very likely occasion a rupture with France. In short, nothing was more repugnant than a war to his design of perfecting the work of the Reformation. He would have been glad the Regent of Scotland had accepted a ten years Truce, which he offered him. But the Scots would not hearken to it, because France had promised them a powerful aid. The Protector therefore was forced to resolve, even against his Will, to continue the war. But as he would not command the Army himself, he gave the conduct thereof to Francis Talbot Earl of Shrewsbury, whom he appointed his Lieutenant. On this occasion he plainly shewed, he meant to stretch the Privileges of the Protectorship as far as possible, since he would have the Earl take his Commission of him. However, as the Patent, obtained the 12th of March last year, did not so clearly give him the Power of nominating his Lieutenants, he ordered another to be prepared, wherein his Privileges were more fully explained and enlarged. In this, the King said, that having by his Letters-Patents of the 12th of March appointed his Uncle, the Duke of Somerset, Protector of the Kingdom and Governor of his Person, his intention was, that the Clauses therein contained should be understood in the amplest Sense, and the most favorable to the Duke: That however, as the generality of the terms might occasion some doubts, he declared that he constituted him his Lieutenant-General and Captain-General throughout his whole Dominions, with power to order his Subjects to take arms whenever he should think proper, and to appoint Lieutenants to command in his place, both by Sea and Land. It cannot be denied, all this was very contrary to the establishment of the late King, and consequently to the Act of Parliament by which it was previously authorized. All the Favours granted by the King to any but the Protector, could be justified by the advice of the Protector and Council: But those done to the Protector himself, must have been ascribed wholly to the persuasions of the Person who received them. Nay, in extraordinary Favours, this rendered in some measure the King's Patents ridiculous, who was made to say, he granted them to the Protector, by the advice of the Protector himself.

Mean time, in the beginning of the Spring, whilst the Court of England was considering whether the war with Scotland should be continued, the Regent of that Kingdom had opened the Campaign with the Siege of Breughly Castle (1), which employed him three months in vain, though it was but an inconsiderable place. On the other side, whilst he used all his Forces in this siege, the English took the Castle of Haddington, and fortified it with all speed. By means of this place, situated in one of the most fruitful Counties of Scotland, they made excursions to the very gates of Edinburgh, which was but twelve miles from thence. They took Lauder also, and made some works there.

About the end of May, the Scots received from France an Aid (2) of six thousand Men French and German, commanded by Desse d'Esparvilliers. After these new Troops were a little refreshed, the Regent joined with them eight thousand Scots, and with these Forces the two Generals besieged Haddington (3). During this Siege it was that, after several Conferences between the French and the Scots, the resolution was taken of sending the young Queen of Scotland to France. Many Scots however very much disliked that resolution. They affirmed, when the Queen should be in France, there would be no way to make Peace with the English, whereas, without any prejudice either to the Queen or Kingdom, the ten years Truce offered by the English might be accepted. This Argument was combated by others, who maintained, that the aim of the English in this War being only to marry the Queen to Edward, they would have no farther inducement to continue it, when once that expectation was destroyed. Nevertheless, it was easy to see that, by delivering the Queen to the French King, they were going to be at the mercy of their Ally. But besides that the

French declared, France would not engage to assist Scotland upon any other Terms, the Queen-Mother was extremely desirous her Daughter should be at the Court of France, where the Princes of Lorraine her Brothers bore an absolute sway. Besides, all the Clergy earnestly pressed the sending of the Queen into France, out of fear of her being forced at last to be delivered to the English, and that their Religion would be destroyed by her Marriage with Edward. In short, to win the Regent, the King of France promised to confer on him the Title of Duke of Châtelaune, with twelve thousand Livres a year in Land. All these things produced the resolution of sending the Queen into France, in the same Ships that had brought the auxiliary Troops. But to avoid meeting the English Fleet, these Ships sailed round Scotland, by the North (4), and landed the Queen in the Province of Bretagne. Mean while, Admiral Seymour, who commanded the naval Forces himself, made several Descents in Scotland, where he was always repulsed with loss, and at last, returned to England without much damaging the Scots.

At length, the English Army, seventeen thousand strong (5), entered Scotland, under the Command of the Earl of Shrewsbury. At his approach, the French and Scots raised the Siege of Haddington, and retired (6). So the General easily supplied the place with Provisions, and then, marching to the Enemies, who were intrenched in an advantageous Post, offered them Battle. But after staying about an hour in their fight, finding they would not profit from their Intrenchments, he led back his Troops into England. It is hard to guess what could be the motive of this abrupt Retreat, which gave the Scots an opportunity to make great progress during the rest of the Campaign (7). The English Army was no sooner retired, but Desse attempted to surprize Haddington. He was now at the Gates, and just entering the Place, when a French Defeater who had fled thither, fired one of the great Cannon, which being discharged among the thickest of the French Troops, so discouraged them, that they retreated with precipitation. From thence Desse went and fortified the Village of Leith, now become a very considerable Town. His design was to retake Breughly Castle; but receiving express Orders to make an Inroad into England, he advanced as far as New-castle, without meeting any resistance, and returned loaded with Spoil. It is not known what was become of the English Army, led by the Earl of Shrewsbury into Scotland, and consisting part of English and part of Landgrave's. These last were German Troops who had served the Elector of Saxony, and the Landgrave of Hesse, and having no Leader in the Empire, had offered themselves to the Protector, who had entertained them in his Service. This had raised great murmurs against him, the English being impatient of seeing in the Kingdom foreign Troops, who are generally too much devoted to the King. It was easy to perceive, the Protector's aim was to strengthen himself personally with the aid of these Foreigners.

Before the end of the year, the Queen-Dowager of Scotland complaining to the Court of France of Desse's Conduct, who behaved with great haughtiness, and abused the Scots (8), caused him to be recalled, and de Therme's sent in his room. The new General was accompanied with Mantua Bishop of Valence, who, being returned from his Embassy at Constantinople, was sent to be Chancellor of Scotland. But the Scots were so displeased to see the best Office in the Kingdom in the hands of a Foreigner, that the King of France recalled him. They began to repent sending their Queen into France, when they saw the French themselves less regard for them.

During the year 1548, the Pope and Emperor had great quarrels about the Translation of the Council. The Emperor, as I observed, used the pretence of Religion to render himself absolute in the Empire. The Council, assembled at Trent, a City of Germany, as the Protestants had required, furnished him with a colour to compel them to submit to its Decrees. He was not sorry, they refused to comply with them; but desired they should have no other reasons than those which they drew from Religion itself, because then the pretence of constraint remained entire. But by the Translation of the Council to Bologna, a City of Italy, and belonging to the Pope, this same pretence was taken away, because the Protestants had cause to

Patent under the Great Seal of France, given. A.D. 1548. XV. p. 172.

The Regent of Scotland besieges Breughly. Buchanan. Burnet. Hayward. The English take Haddington.

The Scots have Aid from France. They besiege Haddington.

They resolve to send the Queen into France. Buchanan. Burnet. Hollinghead. Hayward.

1548.

Buchanan. Burnet.

The Earl of Shrewsbury takes the City of Haddington, and drives the French out of England.

Buchanan.

General Desse enters Scotland. Buchanan. Burnet.

General Desse enters Scotland. Buchanan. Burnet.

Desse's Conduct. Buchanan. Burnet.

Desse's Conduct. Buchanan. Burnet.

(1) With eight thousand Men. Sir Andrew Dudley was the Governor. Hollinghead. p. 991.

(2) Which they had sent Ambassadors to demand. Buchanan. l. 15.

(3) Sir James Wolford was Governor. Hollinghead. p. 995.

(4) By the fleet of Orkney, and came to Dunbar, where the Queen was received on Board.

(5) King Edward's Journal says, it consisted of twenty two thousand Men, p. 6.

(6) Sir Robert Bower, and Sir Thomas Palmer were sent before to relieve the Place, with a body of thirteen hundred Men, but had the misfortune to be surprised and cut off by the Enemy. Hollinghead. p. 994.

(7) Hollinghead says, that the Earl of Shrewsbury, and the Lord Grey of Wilton, who served under him, did as much as their Commission would bear, p. 996.

(8) Desse, when he got to Edinburgh from Haddington, went to quarter his Men in the Town, but the Provost opposed him. Whereupon the French took by force, and led the Provost and his Son, with all they found in the Streets, Men, Women and Children. Desse refused to give the Scots any share of the spoils he had taken in England. Burnet. Tom. II. p. 44. Buchanan.

complain, that the Decrees of the Diets were not executed. On the other side, the Pope finding the Emperor was becoming almost absent in the Empire by the Success of his Campaign, grew jealous of his Power, fearing it might reach likewise even to all *Italy*, and be very detrimental to the Holy See. For this reason, he was very glad to have him always at variance with the Protestants of *Germany*, so that his Affairs there might hinder him from forming new Projects. These different Interests were the cause that the Emperor and the Pope could not agree. The Emperor protested against the Translation of the Council to *Bohemia*, and the Pope rejected the Protestation.

Inserim
granted to
the State
lands.
Sicilian.
Naples.

Soon after, the Emperor intending to shew the Pope, he could be without him, ordered Articles of Agreement to be drawn, which were called the *Interim*, because the Form of Religion contained therein, was to last only till a General Council should meet in some Town of Germany. The Framers of these Articles, by the Emperor's Order (1), took care to set forth them in the smoothest Terms possible. But, in the main, they contained the Doctrines of the *Romish* Church, though a little disguised. The only considerable furnishings were, that Marriage should be no bar to Priest's Orders, and the Communion given in both kinds to those who desired it. This work being finished, the Emperor summoned a Diet to *Augsburg*, where the *Interim* was propoled. The Elector of *Mentz*, without any Order, did, in all the Princes Names, give the Emperor thanks for it; which he interpreted as the Assent of the whole Diet; and after that would not receive the Proteſtations of several Towns of the Empire against the *Interim*. The Pope himself was extremely displeased with it, because without consulting him, the Emperor had presumed to difpenſe with the Marriage of Priests, and Communion in both kinds. This occasioned many Troubles in Germany, and obliged numbers of Divines and others, who disliked the *Interim*, to abscond or retire elsewhere, not to be exposed to the victorious Emperor's Repentment, who was bent at any rate to have his *Interim* universally received. At this Diet, *Maurice of Saxony* was solemnly invested with the Electorate, of which *John Frederic* had been deprived.

Parliament
which for-
wards the
Reformation
Purport.
Stam. p.

Whilst the Emperor was labouring to destroy the Reformation in Germany, it daily made fresh progress in England. The Parliament which met the 24th of November (1), was almost wholly taken up with matters of Religion. By an Act passed this Session, Priests were allowed to marry. Another confirmed the new Liturgy, about which Commissioners, appointed for examining and reforming the several Offices, had been employed all the Summer. This new Liturgy retrenched divers Abuses, both in the Communion-Service, and all the other Offices, and gave the whole a turn favorable to the Reformation. It is the fame Church of England makes use of at this day, excepting a few alterations (1).

1549.
The President
and Cabinet
are blamed
by the mem-
bers of their
Party.
Barnet.

The Protector and the Archbishop of *Canterbury* were the chief supports, and most zealous promoters of the Reformation, though always in pursuance of the maxim they had established, namely, to advance by degrees. Whatever reasons they had thus to proceed, the zealots of the reformed Party were not pleased with it, because they were afraid that, by some sudden and unexpected Revolution, the work would be left unfinished. They knew, the Protector was hated and envied by many of the No-

bility, and that all the *Romish* Party had a morbid aversion 1549.
for him. This was sufficient to create a dread, that his
Enemies would at length prevail over him; the Admini-
stration, he was entrusted with, being of such a nature,
that it was almost impossible not to render himself in some
measure obnoxious. They had the more reason to be
alarmed, when they saw him forced to arrest his own
Brother, who had now formed a Party to supplant him.

P-39 of
the Admiralty
is on the
Pratt, the
Bristol,
Hayward
and

brother, who had now formed a Party to supplant him. Though the Admiral had already endured a great mortification, he ceased not however his practices against the Protector, in spite of the warnings which were given him from time to time, that they would in the end prove his ruin. The Queen his Spouse dying in September last year 1648 (a), he refused to renew his Address to the Princess Elizabeth. But he did not meet with that encouragement from the Princess that he had expected. After all, though he could have obtained her consent, that would not have been sufficient without the approbation of the Protector and the Council. The late King's Will expressly debarred her from the Succession, if she married without the consent of the Executors. So the Admiral having no hopes of succeeding in this project, turned his thoughts another way, to try to gratify his ambition. It is pretended, he formed a design to carry away the King, [to his House of Holt in Denbighshire], displace the Protector, and seize the Government himself, and for that purpose had now lifted ten thousand (5) Men in several places. However this be, it is certain he spoke openly against the Protector, charging him with enslaving the Kingdom by means of the foreign Troops in his Service. It is also said, that the Protector being informed of all his proceedings, shewed extreme patience towards him, refusing to come to extremity, till he saw plainly one or other must necessarily be ruined. But to speak the truth, one cannot rely upon what the Historians say of the Admiral's private designs, or of the Protector's forbearance. The reason is, as I have made it their business to blacken the Protector's reputation as much as possible, so others strive to vindicate all his actions. Thus much is certain, the Admiral was not satisfied with his condition, but sought to supplant his Brother, and put himself in his place. But one cannot be so positive of the means he intended to use to execute his designs.

He is sent to
the Tower.
Information
against him
Haywards.
Burnet.
Stow.
Sutton.

exclude his design. The Council being informed he was contriving something against the Government, signed a Warrant to send him to the *Tower* (6). After that, Commissioners were appointed (7) to receive the Depositions of those who appeared as Witnesses against him. These Commissioners reported to the Council (8), that the Admiral was accused of forming, with several others, a Conspiracy against the Government (9), and of committing many Misdemeanors in the discharge of the Admiralty: That he was charged with protecting Pirates, [who gave him a share of their Robberies;] and with refusing Justice, whether to private Persons or to Princes themselves, who complained to him of these outrages, by which the King was in danger of a war. It is said, before he was brought to his Trial, the Protector endeavoured more than once to persuade him to resign his Office, and withdraw from Court; but to no purpose. So his Accusation was drawn, consisting of thirty three Articles, upon which some of the Council were ordered to go and examine him. But he refused to answer, demanding an open Trial, and his accusers to

Barnet.
T. II. p. 93

Barnet.
T. II.
Collect.
p. 148.
He reports a

(1) The Persons employed were *Julius Pfleger* Bishop of Naumburg, *Michael Sidenius*, and *Nicolaus Agricola*, which last had been a Protestant, but was believed to be now corrupted by the Emperour, that the name of one of the *Augsburg Confession* might make what they were to set out pass the more easily. *Sidenius* l. 120.

(2) It was first prorogued to April 10, and then from Octob. 15, and 25, to Novemb. 24, by reason of the Plague then in London. *Journ. Parl.*

(3) The Commemur of selected Bishops and Divines appointed for reforming the Office, and which met at *Windsor* Collin for that purpose, were, *Thomas Cranmer* Archbishop of *Canterbury*, *Robert Holgate* Archbishop of *Tork*, *Edm. Bower* Bishop of *London*, *Geoffrey Coker* Bishop of *Dorchester*, *Nicholas Heath* of *Worcester*, *William Rayn* of *Norwich*, *Robert Parry* of *St. Asaph*, *Thos. Salter* of *Salisbury*, *Richard Sampson* of *Chichester* and *Leighton*, *Robert Atkyn* of *Carlisle*, *John Bale* of *Exeter*, *Robert Croke* of *Bristol*, *Thos. de Beza*, *Thos. Dorrington* of *Gloucester*, *Thos. Hurreth*, *Thomas Jephson* of *Gloucester*, and *Nicholas Wotton* Bishop of *Rochester*; with *Thos. Richard* Co Dean of *Chesh.* *Chorley*, *Dr. May* Dean of *St. Paul's*, *Dr. Tauler* Dean of *London*, *Dr. Huet* Dean of *Exeter*, *Dr. Roberth* afterwards Dean of *Dorchester*, and *Dr. Redman* Master of *Trinity College* in *Cambridge*. The first thing they examined was the Sacrament of the Eucharist, than which no part of *Worship* was more corrupted. After which they proceeded to the compiling of all the Offices, beginning with Morning and Evening Prayer. These were put in the hands of the learned men, who then they are now, only three or four, but in other things it was very near what it is now. The Office of receiving began with a short Exhortation, a Confession of Sin, and Absolution, the very same we yet retain. Then those Texts of Scripture were read which we read, followed with the Prayer, *We do not profane*, &c. The Offertory was to be made of Bread and Wine mixed with Water. In the consecratory Prayer were their words, since left out. *With thy Holy Spirit vouchsafe* us

✠ *And ſumꝝ ſay they thy Gift of Bread and Wine, that they may be eate as the Body and Drink of thy moſt dearly beloved Son, &c.* [The Communion Service was printed in 1547, before the reſt of the Liturgy was drawn up. See *Strype*, Tom. II. p. 83. The curious Reader may ſee it, in the form it was publiſhed, (which was on *March 5. 1548. B.*) in *Sparrow's Collection of Canons, &c.* and in *Collier's Erel. Hiſt.* among the Records, N. 9.] In Baptiſm there was, beſides the Forms which we ſtill retain, a *Credo* at firſt made on the Child's Forehead and Breſt, with an Adjuration

of the Devil to go out of him, and come at him no more. To all this the Common-Prayer Book. It is said in the Preamble of the A.S. "That the

Common-Prayer Book. It is said
"the advice of the Protector and

" by the aid of the Holy Ghost, had with one uniform Agreement concluded

Thus Act was variously censured

(4) She died in Child-bed, not without suspicion of poison from her Husband, that he might be at Liberty to make his addresses a second time to the

1549. be brought face to face. Next day, all the Privy-Council went in a body to the *Tower* to examine him. But he still refused to answer, inflicting upon his first demand, which was not thought proper to be granted. It is strange, that, as the particulars of his Charge were manifestly proved, if any credit is to be given to the Council-book, not only by Witnesses, but by Letters under his own hand, he should however be denied an open Trial, and to have his accusers brought face to face. And yet he was a Peer of the Realm, Lord High-Admiral of England, and Uncle to the King. At last, finding he could not obtain this Favour, or rather Justice, he desired the Articles of his Accusation might be left with him, and said, he would answer to them when he had considered them. But even this was denied him. I don't know whether it was lawful then to leave with the Party accused the Articles of his Charge, and to allow him time to examine them. But as for the bringing his accusers face to face, it is evident that could not be refused without Injustice, though this pernicious Custom had been introduced in the late Reign. Nay, it seems, it ought to have been abolished during a Minority, or practised against any other rather than against an Uncle to the King.

However, the Council having made their report to the King (1), it was debated, whether the Admiral's affair should be brought before the Parliament, and a Bill put in for attainting him, to which all the Councilors assented, the Protector himself not excepted. Herein their design was doubtful, to take care of the King's reputation, and to cast the odious part of the prosecution upon the Parliament.

The King, who believed his Uncle guilty, consented also, that he should be delivered to the Justice of the Parliament. Before the two Houses proceeded against him, some of their Members (2) were ordered to go and take his defence. He gave an answer to the first three Articles, and then stood on a sudden, and would not go any further. This being reported, the Bill of Attainder very easily passed the House of Lords (3). But there was much more opposition in the House of Commons. They could not forbear exclaiming against Attainders in absence, and the irregular manner of judging the accused, without confronting them with the Witnesses, or hearing their defence. Perhaps they would have thrown out the Bill upon this single consideration, if the King had not sent them a Message, that he did not think the Admiral's presence necessary, and that it was sufficient they should examine the Depositions produced in the House of Lords (4).

After the King had thus made known his Will, the Commons in a full House of four hundred, passed the Bill, not above ten or twelve voting in the negative. Very probably, they were convinced of the truth of the Depositions, and the point in question being only an irregularity, which was even become a Custom, did not believe it a proper Season to put a stop to it. However this be, the Royal Assent being given to the Act, the Admiral was beheaded the 20th of March (5).

This Tragedy was not acted without giving occasion to severe Censures upon the Protector's Conduct. It was said, if the Admiral was guilty, it was only against his Brother whom he would have supplanted, and probably, it was this same Brother who was his Adversary, and had brought him to the Scaffold. It was added, the Council would never have proceeded so rigorously against the Admiral, if they had not thought it agreeable to the Duke

his Brother, or been afraid of displeasing him by a denial. The young King himself, then but twelve years old, would never have been induced to compel, as I may say, the House of Commons, to overlook the irregularity of the Proceedings, if he had not been solicited by the Protector to take so unusual a step. It is therefore very difficult to justify the Duke of Somerset's prosecuting his own Brother to death, for Crimes committed against his Person only. And indeed, it was never clearly proved, that he had formed any ill design either against the King or the State, as he protested to his last breath. But this is not the only time that Plots against the Ministers have been reckoned High-Treason. For my part, I cannot help suspecting, that they who then thought of ruining the Protector, feigning to be his Friends, moved him with all their power to be revenged on his Brother, and were ready to serve as Instruments of his Vengeance, to render him odious. Some say, the first occasion of the quarrel between the two Brothers, sprung from the Dukes of Somerset's Envy at the Queen-Dowager, Wife to the Admiral, of whom he pretended to take place as the Protector's Lady. But it is unlikely the should be so void of Sense, or so ignorant of the Customs of England, as to dispute the Precedence with the Queen-Dowager (6).

Before the Parliament broke up, a Subsidy was given the King to assist him in the Conquest of Scotland, which is called in the Act, a part of his Dominions. Then the Houses thanked him for the great happiness they enjoyed under him, and for applying all his Endeavours to the advancement of the true Religion. The Clergy also granted him a Subsidy (7), after which the Parliament was on the 14th of March prorogued to the 4th of November (8).

Presently after, the Council appointed Commissioners to go and establish the new Liturgy in all the Churches. It was every where received without opposition, except at the Princess Mary's, who would never submit to this Change. The King and Council seemed resolved to compel her. But upon the Emperor's Intercession, it was thought advisable, for reasons of State, to promise to leave her undisturbed for some time. He pretended afterwards, that the promise was made without any limitation.

At this time, the Council being informed that several German Anabaptists were come into England, and fearing they might spread their Errors, commissioned *Cranmer* and some others to search after and try the People (9). An unfortunate English Woman, *Jean Bocher*, commonly called *Jean of Kent*, who had suffered herself to be seduced, shewing an invincible obstinacy, was pronounced a Heretic, and as such delivered over to the secular Arm, and sentenced to be burnt. But when the King was moved to sign the Warrant for her Execution, he could not be prevailed with to do it. He thought the Sentence was very unjust and cruel. Archbishop *Cranmer*, who had a great Influence over him, was employed to persuade him to sign. At length, the young King, silenced rather than

convinced by *Cranmer's* reasons (10), set his hand to the Warrant, with Tears in his Eyes, telling him, if he did wrong, since it was in Submission to his Authority, he should answer for it to God. Whatever the Archbishop's Arguments were, it may be affirmed, this was not one of his brightest Actions. He would doubtless have done better, not to have concerned himself in such an affair, so little becoming a Protestant Bishop. Accordingly this Proceeding has been often objected to him, and even served

(1) On February 26. *Burnet*, p. 98.

(2) The Lord Chancellor, the Earl of Shrewsbury, Warwick, and Southampton; and Sir John Baker, Sir Thomas Cokay, and Sir Anthony Drury. *Ibid.* p. 99.

(3) It was first read on February 21, and for the second and third times, on the 26th and 27th, and sent down to the Commons, from whence it was brought up again March 6. The Journals of Parliament observe, That the Lord Protector was present at each reading of it.

(4) On the 4th of March, a Message was sent from the King, that he thought it was not necessary to send in the Admiral; and that the Lords should come down and renew before them the Evidence they had given in their own House. Which was done. *Burnet*, Tom. II. p. 99.

(5) As for his behaviour on the Scaffold, *Laymer*, in his fourth Sermon says, that he died very devoutly, yreless, humble; so that his end was suitable to his life, which was very virtuous, pious, and irreligious. *Sneyde*, Tom. II. p. 126, 127. *Cranmer's* hand, as well as the Lord Protector's, was to the Warrant. *Burnet*, p. 100. The Admiral left but one Daughter, named Mary, born in September 1548, which was refused in Blood in 1549, but died shortly after. *Sneyde*, Tom. II. p. 125, &c.

(6) This Story was first forged by *Sanderus*, from whence Heywood had it, for it is not to be found in *Sirre*, *Hall's* *Chronicle*, or the King's Journals.

(7) The Clergy granted for Shillings the Pound payable in three years, and the Laity Twelve-pence. But *Stranger* says two Shillings, and this is sometimes lost three years. They also gave another Act, namely, of every Eve kept in several Houses, Three-pence of every Weather kept as aforesaid, Two-pence of every Sheep kept in the Common, three half-pence. They also gave Eight-pence in the Pound of every Woolen Cloth made for sale throughout England, for three years. *Sneyde's* *Mem.* T. II. p. 114.

(8) Bishops the two Acts made in this Parliament, and mentioned above, the following were also then enacted, 1. That Malt shall be three weeks in making; except in the months of June, July, and August, when the space of fourteen days is thought sufficient. 2. That Tithes shall be paid as they have been within thirty years before; and that no one shall carry away his Corn, &c. before he hath set out the Tithes, or agreed for them, upon pain of making the true value of them. 3. That no Incumbent, not paying his Tithes due to the King, whom he demands, shall be deprived of that Benefice for which they are due. 4. That Bishops, Bakers, &c. compounding and agreeing not to sell Malt, Bread, &c. but at certain prices. Or Workmen refusing to work, except at a certain price or rate, shall, for the first Offence, suffer 10d. for the second 40d. for the third 40d. to be paid within forty days, or else to suffer imprisonment for twenty days.

(9) Of these Anabaptists there were two sorts most remarkable. The gentle or moderate sort, who only thought *Baptism* ought not to be given to Infants, but only to grown Persons. The other sort were Men of fierce and barbarous Tempers, who desired to demolish all the Principles of the Christian Religion. They had let out into a general Revolt over *Cranmer*, raised the War, called, *The Dutch War*, and persecuting themselves of *Münster*, made over their Teachers, *Joh. de Leyden*, their King, under the Title of the King of the new Jerusalem. Some of them set up a small, unorthodox way of talking of Religion, which they turned all into Allegories! Their being joined in the common name of Anabaptists with the others, brought them all under an ill Character. *Burnet*, Tom. II. p. 110, &c.

(10) King Edward thought it a piece of cruelty too like that which the Reformers had condemned in *Pagius*, to burn any for their Conscience. He asked *Cranmer*, What my Lord? Will ye have me send her quick to the Devil in her error? So that *Cranmer* himself confessed that he had never in mind to do so in all his life, as to cause the King to sign the Warrant, saying, that he would by all the Charge thereof upon *Cranmer* before God. But to bring him to a compliance, *Cranmer* argued from the Law of *Mojus*, by which Blasphemers were to be stoned. He said, he made a difference between errors in other points of Divinity, and those directly against the Apostles Creed; that these were Impieties, whereas a Point in God's Depravity ought to punish. Strong Arguments indeed for the monstrous Doctrine of Persecution *Ibid.* *Flo.* Tom. II. p. 2. Ed. 1554.

1549. for foundation to very disadvantageous reflections upon the Reformation and the Reformed. Two years after, a Dutchman was also burnt on the same account (1).

Complaints
of the People
against the
Inclosures.
Haywards.
Burnet.

Whilst all England seemed to receive with Submission whatever came from the Court, the Leaven of discontent was fermenting in the Kingdom, and upon the point of producing great alterations. The chief cause proceeded from the People's not being able to gain their livelihood with the same ease as formerly. This affected all in general, as well as the new as of the old Religion. But the Priests, the suppressed Monks, and they who were still addicted to the *Romish* Religion, took occasion from thence to inflame the discontent universally spread among the common People, in order to incite them to a Rebellion. Besides, the Duke of *Somerset's* Enemies were not sorry that the People appeared dissatisfied with the Government. But before I speak of the Insurrections in several parts of the Kingdom during the course of this year, it will be necessary to make known the Causes.

Causes of
this Civil
War.
Burnet.

After the Suppression of the Abbies, there were great numbers of Monks dispersed in the Kingdom, who were forced to work for their living, their Penions being either ill-paid, or not sufficient for their Subsistence. So, the work being divided among so many hands, the profit became less than before. Moreover, whilst the Monasteries stood, their Lands were let at easy rents to Farmers, who, to cultivate them, were obliged to employ a world of People. But after these Lands were fallen into the hands of the Nobility and Gentry, the rents were much raised, whence the Farmers, to make them turn to better account, were forced to employ fewer hands, and lessen the wages. On the other side, the Proprietors of the Land finding, since the late Peace with *France*, the Woollen Trade flourished, took to breeding Sheep, because Wool brought them in more Money than Corn. To that end, they caused their Grounds to be inclosed. Hence arose several Inconveniences. In the first place, the price of Corn was increased, to the great detriment of the meaner sort of People. In the next place, the Landlords, or their Farmers wanted but very few people to look after their Flocks in these Inclosures. Consequently great numbers lost the means of getting their livelihood; and the profit of the Lands, which before was shared among many, was almost wholly engrossed by the Landlords. This occasioned numberless Complaints and Murmurs among the common people, who saw they were like to be reduced to great misery. Nay, several little Books were published, shewing the mischiefs of these Proceedings. But the Nobility and Gentry still continued the same Course, without regarding the Consequences. The Protector openly espoused the cause of the poor People, whether to mortify the Nobles, by whom he was not beloved, or because he foresaw the mischiefs which might arise from the discontent of the Commons. In 1548, the Inhabitants about *Hampton*-Court complaining to the Council concerning a Park inclosed there by *Henry VIII.*, the Protector gave them content, and the Park was entirely laid open. The last year, he had appointed Commissioners to examine whether those who had purchased the Abbey-Lands kept Hospitality, and performed all the Conditions on which these Lands were sold to them (2). But he met with so many obstacles in the execution of this Order, that it had no effect. Mean while, the Protector increased the hatred of the Nobility and Gentry, whose Interest it was to continue these abuses. Nay, it happened in the last Session of the Parliament, that the Lords passed an Act for giving every one leave to inclose his Grounds if he pleased. But the Bill was thrown out by the Commons; and yet the Lords and Gentlemen went on inclosing their Lands. This bred an universal discontent among the People, who imagined, there was a settled design to ruin them, and reduce them to Slavery. Whereupon the common People rose in *Wiltshire*, [and *Somersetshire*,] but Sir *William Herbert* dispersed them, and caused some to be hanged. About the same time, there were the like Insurrections in *Suffex*, *Hamphire*, *Kent*, *Gloucestershire*, *Suffolk*, *Warwickshire*, *Essex*, *Hertfordshire*, *Leicestershire*, *Rutlandshire*, and *Worcestershire*.

Strype.
T. II. p. 97.
Burnet.
Act. Pub.
XV. p. 156.

Jour. Parl.
Burnet.

Hollingsh.
Fox.
Haywards.
Burnet.
Insurrections
in several
Counties.

The Protector
tries in vain
to redress
the People's
Grievances.
Hollingsh.
Burnet.
Strype.

The Protector perceiving the flames were kindling all over the Kingdom, sent to let the People know he was ready to redress their Grievances, and by that means stopt their Fury. To perform his promise, he brought the affair before the Council, hoping some expedient would be found to satisfy the Male-content. But he met with fo

great opposition, that he thought himself obliged to take care of it by his sole Authority. So, contrary to the mind of the whole Council, he published a Proclamation against all new Inclosures, and granted a general Pardon to the People for what was past. He moreover appointed Commissioners with an unlimited power to hear and determine causes about Inclosures, High-ways, and Cottages. These Commissioners were much complained of by the Nobility and Gentry, who openly said, it was an invasion of their property to subject them thus to an arbitrary power. Nay, they directly opposed the Commissioners when they offered to execute their Commission. For this reason, the Protector, who every where met with opposition, was not able to redress this Grievance so fully as he desired. So, the People finding the Court did not perform what was promised, rose again in several places, and particularly in *Oxfordshire*, *Devonshire*, *Northfolk*, and *Yorkshire*. Those in *Oxfordshire* were immediately dispersed by the Lord *Gray* (3).

1549.

The People
rise & burn
Haywards.
Burnet.

The Rebels
in Devonshire
Hollingsh.
Burnet.
Haywards.

The Rebels
Demand.
Burnet.
T. II. p. 115.

The Insurrection in *Devonshire* was more considerable and dangerous. That County abounding with People, who had only complied outwardly with the Alterations in Religion, the Priests and Monks ran in among them, and fomented the Rebellion to the utmost of their power. They first came together on the 10th of *June*, and in a short time grew to be ten thousand strong. The Protector neglected this affair at first, in the expectation that this might be as easily dispersed as were the other insurrections. At last, finding they persisted in their Rebellion, he sent the Lord *Russell* with a small Force to stop their Proceedings. That Lord, who found himself too weak to attack them, kept at some distance (4) and offered to receive their Complaints, and send them to the Council. But this proceeding, which demonstrated a fear of them, served only to encourage them the more. At the same time they set at their Head *Humphrey Arundel*, a Cornish Gentleman, who was come to join them. Mean while, to shew they had not taken arms out of wantonness, they sent to the King's General their Demands, which plainly shewed, Religion was the chief motive of their Rebellion. They were comprised in these fifteen Articles:

I. That all the General Councils, and the ancient Canons of the Church should be observed.

II. That the Act of the Six Articles should be again in force.

III. That the Mass should be in *Latin*, and the Priests alone should receive.

IV. That the Sacrament should be lifted up and worshipped, and those who refused to do it should suffer as Heretics.

V. That the Sacrament should only be given to the People at *Easter* in one kind.

VI. That Baptism should be administered at any hour, and at all times.

VII. That Holy Bread, Holy Water, and Palms be again used, and Images set up, with all the other ancient Ceremonies.

VIII. That the new Liturgy should be laid aside, and the old Offices as well as the Processions restored.

IX. That all Preachers before their Sermons, and Priests in the Mass, should pray for the Souls in Purgatory.

X. That the People should be forbid to read the Bible.

XI. That Dr. *Moriman* and Mr. *Crispin* should be restored to their Livings.

XII. That Cardinal *Pole* should be restored, and made of the King's Council.

XIII. That every Gentleman might have only one Servant for every hundred Marks of yearly Rent belonging to him.

XIV. That the half of the Abbey-Lands should be taken from the Possessors, and adjudged to two of the chief Abbies in every County; and all the Church-Boxes for seven years should be given to the said Houses, that devout Persons might live in them, who should pray for the King and the Commonwealth.

XV. That for their particular grievances, they should be redressed, as *Humphrey Arundel* and the Mayor of *Bodmyn* should inform the King and the Council.

These extravagant demands were rejected with indignation. However, to shew the unreasonableness of them, the Archbishop of *Canterbury* was ordered to draw an An-

(1) *George Fox* was accused for saying, that God the Father was the only God, and that Christ was not the very God, was burnt in *Smithfield*. Whereupon the People very justly said, it was plain the Reformers were only ignorant burnings, when they were in fear of it themselves. This *Poor* was a Man of exemplary Piety, and suffered with great commendations of Merit. *Burnet*, Tom. II. p. 112. *Edward*.

(2) The Commission was to enquire, whether Dues and Chippots, founded by King *Henry VIII.* and *Edward VI.* and to whom divers Monks, Leath, Tenements, &c. had been given, upon condition that they should give and distribute yearly among poor Householders and other poor People, divers sums of Money, and should also employ other sums in repairing the High-ways, did observe these conditions? But these lands being afterwards taken from them, this was dropped. See *Rymer's Fœd.* Tom. XV. p. 135.

(3) Who was sent against them with fifteen hundred Horse and Foot. *Haywards*, p. 293.

(4) *As* *W. Hall*. *Jour.* p. 294.

1549. fewer to each in particular. This he did very solidly, not without reproaching them for being misled by some ignorant persons. Then the Rebels perceiving, the Court granted not one of their demands, reduced them to eight, which were not more agreeable than the former. Nevertheless, to convince the People of the Justice of this refusal, the Council thought fit to send an answer to these demands in the King's Name. But this was not capable of reclaiming the Rebels, whose obstinacy grew the more dangerous, as at the same time there were the like Risings in *Norfolk* and *Yorkshire*, and as the King of France was entering *Le Beauvais* with an Army. I shall speak of the Rebels of the other Counties after having finished what concerns those of *Devonshire*.

The Negotiation breaking off in *July*, the Rebels besieged *Exeter* (1), where they met with more resistance than they expected, from a place defended only by the Citizens. As they had no Artillery, they set fire to one of the Gates, in order to storm it as soon as the violence of the flames was over. But the Inhabitants, instead of quenching the fire, fed it with much fuel, till they had raised a Rampart within the Gate. The Besiegers having missed their aim, wrought a Mine: but the Citizens found means to countermine, and spoil their Powder. At length, finding they could do nothing by force, they turned the siege into a blockade, in hopes that the want of Provision would compel the Besieged to surrender. But the Citizens endured extreme Famine for twelve days, with invincible resolution (2).

Mean time, the Lord *Ruffel* who had but a small force, being too near the Rebels, would have retired at a greater distance, for fear of being inclosed. But he found they were possessed of a Bridge behind him (3), over which he was necessarily to pass in order to be out of danger. As there was no other road, he briskly attacked the Guard, consisting of two thousand Men, and after a slight conflict became master of the Bridge (4). This Trial convincing him, they were not so formidable as he imagined, he resolved to attack them as soon as he had received a Supply which he expected from *Bristol*. Shortly after, the Lord *Gray* joining him with some Troops, and *Spinola* with a Body of Landqueneers, he marched directly to the Rebels (5). He found a Body of them posted on the side of a River, who would have opposed his passage, but attacking them immediately, slew above a thousand, and then continued his march to *Exeter*. At his approach, the Rebels raised the Blockade, and divided themselves into small Parties, which were easily dispersed one after another. Around their Leader, the Mayor of *Bodmyn* (6), and some others, were hanged soon after. Thus ended the Insurrection in *Devonshire* (7).

The Rising in *Norfolk* was no less dangerous. One *Ket* a Tanner headed the Rebels, who quickly became twenty thousand strong. The Marquis of *Norhampton* was sent against them with eleven hundred Men only (8), too small a number to inspire them with Terror. Wherefore he had orders to keep at some distance from them, and try only to cut off their Provisions. Ket marching to *Norwich* was advanced as far as *Mouthold Hill* about that City, where he erected a fort of a Tribunal to administer Justice as a Sovereign, under an old Oak, called from thence the Oak of Reformation. This was because there talked only of reforming the State, Religion being neither the cause nor pretence of their rising. Their Design was to destroy the Gentry, and put some of their own body about the King to direct and govern him.

The Marquis of *Norhampton* neglecting to observe the orders given him, marched on to *Norwich*, and even entered the City. But as the Rebels had Correspondents there, he was attacked the next day, and glad to escape, leaving a hundred of his Men dead on the spot (9), with thirty Prisoners. This Loss obliged the Court to send the Army designed against *Scotland*, under the Command of

the Earl of *Warwick*. It was composed of six thousand Foot, and fifteen hundred Horse. With this considerable body the Earl of *Warwick* entered *Norwich*, where he waited for a favourable opportunity to attack the Rebels. At last, as they had themselves waited the Country about them, and as the Earl never failed to cut off their Convoys of Provisions, they were forced to remove. Then it was that the Earl of *Warwick* closely followed them, and without allowing them time to come to themselves, fell upon them, killed two thousand, and took many Prisoners, among whom was *Ket* their Captain, who atoned for his crime on a Gibbet at *Norwich* (10).

At the same time that the Malecontents of *Norfolk* began to rise, those of *Yorkshire* also took arms; but their number never exceeded three thousand (11). They committed some outrages at first, but at length accepted the offer of pardon which was sent them. Some of the Ring-leaders renewing afterwards the Sedition, were taken and hanged at *York*.

During these Commotions, the Protector discovered by all his Proceedings, that he did not desire to come to extremities with the Rebels; whether he was persuaded the People had reason to complain, or was willing to gain their favour, since he was hated by the Nobility. Nay, after all the Troubles were over, he moved in the Council, that there might be a general Pardon proclaimed, for restoring the Peace of the Kingdom. But this was strongly opposed. Many of the Council were for taking this occasion to curb the Insolence of the People. But the Protector, being of another mind, gave out, by his sole Authority, a general Pardon of all that had been done before the 21st of *August*, and excepted only a few Rebel-Prisoners. He had power to act in this manner by virtue of his Patent, but it inflamed the hatred of the Nobles, as well as of a good part of the Counsellors, who were vexed to see themselves consulted only for form-sake, and that their opinions were of no weight.

Whilst the Court was employed in quelling the Insurrections, other Troubles unexpectedly arose from another quarter. *Henry II.* finding it a favourable juncture, entered the Territory of *Burgundy* at the head of an Army, though there had been no Declaration of war between the two Crowns since the last Treaty of Peace. Nothing was more express than that Treaty, wherein *Francis I.* and *Henry VIII.* agreed, that *Burgundy* should be restored to *France* in eight years, on payment of two millions of Crowns of Gold to the King of *England*. But *Henry II.* was no sooner on the Throne of *France*, than he formed the design of recovering *Burgundy* before the time appointed, and without paying the stipulated Sum. His reason was, that *Henry VIII.* had unjustly made war upon *Francis I.* when *Francis* was employed against the Emperor. From thence he inferred, he might himself improve a favourable opportunity, to repair the loss sustained by the King his Father. It is not necessary to examine here *Henry's* grounds, I mean, the pretended Injustice done to his Predecessor. It suffices to observe, that according to this maxim, the most solemn Treaties are to go for nothing. And yet, it is but too much followed, and as if it was an undeniable truth, it is an inexhaustible source of wars between Sovereigns.

However this be, *Henry* seeing that the Commotions in *England* presented him with a fair opportunity to execute his designs upon *Burgundy*, took several Castles in the *Lowlands*. Then, he ordered the Fort of *Bullenberg* to be attacked, where his Troops were bravely repulsed. At the same time there was a Sea-fight between the *French* and *English* near *Jersey*, each claiming the Victory (12), as it often happens in such Engagements. At length, *Henry* besieged *Burgundy* in *September*, and the *English* believing they could not keep *Bullenberg*, carried away their Canon, and blew up the Fortifications. The Plague, which seized the *French* Army, obliging *Henry* to depart, he left

(1) *July 2. Hillinghead*, p. 1003.

(2) They were taken to cut their Horses, and to make Bread of the coarsest Bran. They were much encouraged by an aged Citizen, who brought forth all his Privileges, and told them, that for his part he would feed on one Arm, and fight with the other, before he would consent to put the City into the Hands of the soldiers. *Hayward*, p. 1005. *Comp. Hist.* Vol. II.

(3) *Foremost Bridge*. *Hayward*, p. 1004.

(4) The Rebels had five hundred Men. *Ibid.*

(5) His whole Army did not consist of much above one thousand Men. The Rebels were defeated, *August 6.* *Hayward*, p. 1005. *Hillinghead*, p. 1003. (6) *Mayor of Bodmyn* was twice used. *See Anthony Kingston*, Private Marshal of the King's Army, sent him word he would come and dine with him upon that day. The Mayor received him and his Company with many Ceremonies of entertainment. A little before dinner *his Majesty* took the Mayor aside, and told him he got a pair of Gallies treacherously sent him dead, for execution upon that day he drew in the Town. His Orators were stopped, and after dinner the Mayor bowing him the Gallies, *King* asked him, whether he thought them strong enough? And upon his saying, yet weaker, he bid him go up and try, and to hang him indeed. *Hayward*, p. 1005.

(7) During their Insurrections, and undoubtedly upon account of them, the Lords Lieutenant of the Counties were first instituted. Their Commissions are dated *July 24.* and run, That they should ensure of all Treasons, Malignities of Treason, Insurrections, Robberies, &c. very Men, and fight against the King's enemies. *See Strype's Mem.* Tom. II. p. 152.

(8) Fifteen hundred Horse, and a small Band of Italian, says *Hillinghead*, p. 1005; and *Hayward*, p. 1005. But *King Edward's Journal* has 1000 Horse-men. p. 7.

(9) Among whom was *Edmund Lord Shaftesbury* (created Baron in *Edward VI.*) Ancestor of the present Duke of *Buckingham*. His Horse falling into a ditch, he was run by a Boulder with a Club. *Dugdale's Baron.* Vol. II. p. 316. The Rebels lost one hundred and forty Men. *Hillinghead*, p. 1005.

(10) This Battle was fought *August 27.* *Ibid.* p. 1009.

(11) They skirmished at *Sower* in the *Month-Riding*. *Hayward*, p. 1000.

(12) In *King Edward's Journal* it is only, that the *French* lost a thousand Men, p. 6. The *French* attempted at the same time to land in the *Islands* of *Jersey* and *Guernsey*, but were repulsed.

1549. the management of the Siege to *Guipar de Coligny* Lord of *Chatillon*, who after some fruitless attempts was forced at last to turn it into a Blockade.

His war with Scotland.
Richmond.
Barnet.

The War with *Scotland* was not successful to the *English* during this Campaign. *Dr Thorne*, who had succeeded *Dixie*, took *Brughby* Castle. On the other hand, the Protector himself obliged to employ the Army, designed for *Scotland*, against the Rebels of *Norfolk*, and not daring even to send that Army at a distance from the Centre of the Kingdom, resolved at length to demolish *Hatfield*, which was done the 15th of September.

The Protector's death of restoring Boulogne.
Barnet.
His Reasons.

Mean while, the war, begun by the King of *France*, made the Protector extremely uneasy. He had certain advice that *Henry II.* was entered into a Treaty with the *German* Protestants, and had promised them a strong aid as soon as he had recovered *Boulogne*. Hence it was easy to perceive, he would make a powerful Effort next Campaign, and in order to withstand him, *England* would be obliged to make a considerable Armament. But the King's Exchequer was very low (1), and there was danger of raising new Comotions, in demanding fresh Subsidies of the Parliament. On the other hand, as the Protector was extremely zealous for the Reformation, he plainly saw nothing could be more advantageous than the Union of *France* with the *German* Protestants. But he was sorry, it was to cost the *English* *Boulogne*. The Protector also considered, if the war with *France* should last any time, there was some reason to fear the *Romish* Party would excite Troubles in the Kingdom. In that case, he foresaw how difficult it would be to maintain three wars at once (2). In short, there was another reason which concerned him in particular, and made him desirous of a Peace with *France*, namely, the war might give his Enemies too great an advantage, on account of the ill accidents it might produce, whereas a Peace enabled him to parry their blows. He was not ignorant there was a strong Faction already formed against him, as well by reason of the Envy at his Greatness, and of his disobliging the Nobility and Gentry in the affair of the Inclosures, as because of the injury he had done to many of the Counsellors, in depriving them of the Dignity of Regents, and reducing them to the bare state of Privy-Counsellors. Among these, the chief were, the Earl of *Southampton*, who had resumed his Place in the Council, and the Earl of *Warwick*. This last was extremely ambitious; he envied the Protector, and esteemed him but little. As of all the Lords who had most access to the Court, he thought himself the only Person fit to succeed him in the Administration of the Government; he reckoned, if he could but ruin him, he should infallibly profit by his disgrace. Upon this account, he had formed in the Council it self a strong Party, of which the Protector had some knowledge, but which he saw himself unable to ruin at once.

Barnet.

All these Considerations made the Protector resolve to propose to the Council the restitution of *Boulogne* to *France*. He seconded his motion with all the reasons he thought most plausible, adding, that by concluding a Peace with *France*, *England* would at the same time be freed from a burthenome, and withal a fruitless war with *Scotland*, since it was not possible to obtain the end proposed in beginning it. This Proposal was received by the Council with marks of Indignation, and considered as a real Cowardice. It was too nice an affair, for the Protector to determine it by his own Authority. And therefore, tho' he plainly perceived the Faction against him would carry it, he was willing his Proposal should be debated in form. The result of the debate was, that *Boulogne* should not be restored, but an Alliance with the Emperor endeavoured for the Security of that place. *Page* was appointed for the Embassy, because being devoted to the Protector, the ill Success which was expected from this Negotiation, was designed to be thrown upon him, in order to blacken the Protector himself.

His proposals to the Council.
Barnet.
His refusal.
Page sent to the Emperor.
Barnet.

The Duke of *Somerſet*'s Enemies having resolved to execute the Plot contrived against him, began with spreading reports to destroy his reputation. It was said, he was more cruel than a wild Beast, since he scrupled not to sacrifice his own Brother to his boundless Ambition: That he was the cause of the Infurrections this Summer, by countenancing the People, and intimating, he thought them unjustly oppressed: That afterwards he favoured the Male-contentments to the utmost of his power during their ac-

tual Rebellion, and when their fury was stopt, granted them a general Pardon, contrary to the mind of the Council: That to maintain himself in the Post he had usurped, he entertained foreign Troops, having extorted the Council's consent: That he was raising a much larger and more stately Palace than the King's, and had pulled down several Churches for the sake of the materials, and alienated Church-Lands to bear the charge (3). That he had the boldness to call himself by the *Grace of God, Duke of Somers*, as if he was a Sovereign Prince: That he had kept for himself the Money raised by the Sale of the Chantry Lands: That he had broke through the Establishment settled by the late King, by seizing the Regency alone, and excluding the other Executors, who had no less Right than himself: That he had ill-provided the Forts of the *Boulnois*, that their loss might render a Peace with *France* absolutely necessary: That he had demolished *Hatfield* in *Scotland* for the like reason: That he had unjustly presumed to assume the Government of the Kingdom, and procured the King's Letters Patent to countenance his Ambition: That besides, he used his Power tyrannically, rejecting the opinions of the Council, and acting in many things by his own Authority. In short, *Page* being returned from his Embassy, without succeeding in his Negotiation, it was rumoured, that he had the Protector's Orders to represent the Impossibility of engaging the Emperor in the defence of *Boulogne*, that it might give a colour to the base project of restoring that Place.

As it was impossible, all these reports should be published and the Duke not hear of them, and guests the Authors, the whole month of September was spent in disputes and heats; his Enemies only seeking an occasion of quarrel to execute what they had resolved. Mean while, the Protector seeing his Enemies acting almost openly, was afraid they had formed a design to carry away the King, and to that end corrupted those about him. For this reason, to secure himself against such a design, he placed his own Servants about the King (4), with orders to watch narrowly what passed. This proceeding furnished his Enemies with the pretence they were seeking.

On the 6th of October the Lord *St. John*, President of the Council, the Earls of *Southampton*, *Warwick*, and *Richmond*, Sir *Edward North*, Sir *Richard Southwell*, Sir *Edmund Peckham*, Sir *Edward Wotton*, and *Dr. Wotton*, met at *Ely House* in *Holborn* (5), and sat as the King's Council. Secretary *Petre* being sent to them in the King's name to ask the reason of their meeting, they forced him to stay with them. Being thus met, they considered the State of the Kingdom, and laid on the Protector the blame of all the pretended disorders, and of the late losses in *France*, taking for granted, they would not have happened had he followed the advice of the Council. Then they declared, they had that very day intended to confer with him, but hearing he had armed his Servants, and many others whom he had placed about the King, did not think they ought to expose themselves to his Violences. This done, they sent for the Lord-Mayor, Aldermen, and Common-Council of *London*, with the Lieutenant of the *Tower*, and expressly forbid them to own the Duke of *Somerſet* for Protector. The Lieutenant of the *Tower* (6) promised to obey. The Mayor and Aldermen answered more cautiously. But in all likelihood most of them were now gained, as it plainly appeared two days after.

Upon the first news of the Counsellors undertaking, the Protector removed the King to *Windsor*, and armed such as he could assemble at *Windsor* or *Hampton-Court*. This furnished his Enemies with a fresh occasion to complain, that he had carried the King to a place where there were no Provisions fit for him, so they took care to send him what he might want from *London*. The same day, being the morrow after their meeting, seven Counsellors, namely, the Lord Chancellor *Rich*, the Marquis of *Norhampton*, the Earl of *Sherburn*, Sir *Thomas Cheney*, Sir *John Gage*, Sir *Ralph Sadler*, and the Lord Chief Justice *Montague*, came and joined with them. Whereupon they wrote to the King a Letter full of expressions of their duty, complaining of the Duke of *Somerſet*'s not hearkening to their Counsels, and of his gathering a force about his Person, to make him believe they had ill designs against him, though they had nothing in view but his Good and Welfare. They wrote also to the Archbishop of *Canterbury*, and to *Page*, ordering them to see that the King's own

(1) The Charges of King *Edward's* Wars and Fortifications, from the beginning of his Reign to this year 1549, amounted to one Million, three hundred and fifty six thousand, six hundred and eighty seven Pounds, eighteen Shillings, and five pence three farthings. *Strype*, Tom. II. p. 125.

(2) *William Barnet* says, that the ill state of things this year, both at home and abroad, occasioned that design to be made in the Office of the daily Prayers; where the Answer to the Petition, *Grow as Peace in our Time*, O Lord, which is still continued, was now made, *Because there is more cause that fighten for us, but only thou, O God*. Tom. II. p. 125. But this Petition and Answer stand in the first Liturgy, published in 1548. See his Vol. III. Colled. p. 407.

(3) This was *Somerſet's* house in the Strand, which still bears his name. To make room he pulled down the House belonging to the Bishops of *Windsor*, *Leitchfield* and *Landaff*, together with the Parish-Church. And for a further supply of Stone, Timber, Lead and Iron, he took down at *St. Paul's* a Chantry, two Chapels, and a Chancel House, and most part of the Church of *St. John of Jerusalem* near *Smithfield*. *Hogewerd*, p. 203. *Strype*, p. 596.

(4) Who was then at *Hampton-Court*. *Barnet*, p. 151.

(5) Which was then the Residence of the Earl of *Warwick*. They met there privately armed. *Hillingford*, p. 1057.

(6) Sir *Leonard Chomelton*. *Ibid*.

1559. Servants should attend on him, and not the Duke of Somerset's.

They win the Common Council of London in its choice.
Hollingsh. Burnet.

On the 8th of October they went in a Body to Guild-Hall, where the Common-Council was assembled. They declared, they were so far from having any ill designs against the King (1), that their sole aim was to take him out of the hands of the Duke of Somerset, who considered only his own private Interest. Whereupon the Common-Council openly declared, they were ready to support them to the utmost of their power.

The Protector's first faith.
Burnet.

The Duke no sooner heard that the City of London, and the Lieutenant of the Tower had forsaken him, but he was entirely discouraged. He called together the few Counsellors then about the King, and protesting, he had no design against any of the Counsellors, offered to submit to the Judgment of two of those that were present, and two of those that were at London. This offer made him lose five Counsellors more, who seeing him thus yield, did not think it prudent to expose themselves for the sake of a Man they believed already undone. So, though they approved not the Proceedings of those at London, they joined with them however next day, being the 9th of October. These five were, the Lord Russell, the Lord Wentworth, Sir Anthony Brown, Sir Anthony Wingfield, and Sir John Baker Speaker of the House of Commons.

Five Counsellors forsake him.

From that day, the Duke of Somerset's affairs daily declined, every one forsaking him when he was seen himself to despair of maintaining his ground. Nay, upon an Information to the Privy-Counsellors his Enemies, that he had said, if they intended to put him to death, the King should die first; and boasted, it was in his Power to carry the King out of the Kingdom, they declared him unworthy of the Protectorship, though they had no proofs of his speaking these words. After that they published a Manifesto, to inform the Publick of the reasons of their Conduct. Then, they wrote to the King, that his Royal Father having appointed them Executors of his Will, and Regents of the Kingdom, they had chosen the Duke of Somerset to exercise the Office of Protector, with the express Condition, that he should do nothing without their Advice; which Condition he had not observed, but had made himself absolute master of the Government. Therefore, they judged him unworthy of that Honour, and prayed his Majesty's leave, to discharge the Office committed to them by the late King, and that the Forces gathered about his Person by the Duke of Somerset, might be dismissed.

He is declared by the Council unworthy to be Protector.
Burnet.

Of all the Privy-Counsellors, only the Archbishop of Canterbury and Paget stayed with the King, who seeing the Impossibility of withstanding the opposite Party, advised the King and the Duke to give the Council the Satisfaction they desired. The King consenting to it, the Counsellors at London had notice of it by an Express. As they had foreseen the Duke would be obliged to submit, they had already sent Deputies (2) to Windsor, with a Charge to see that the Duke of Somerset should not withdraw, and that some of his Confidants should be put under an Arrest (3). On the 11th of October, the Counsellors, Enemies of the Duke, came in a Body to the King, who received them graciously, and assured them, he took all they had done in good part. Next day they proceeded to the Examination of the Duke's Friends, who were sent to the Tower, except Cecil, who had his Liberty. On the 14th, the Duke of Somerset was called before them, and the Articles of his Accusation were read to him, the principal whereof were as follows:

The Council publish a Manifesto, and write to the King to justify their Proceedings.
Burnet.
T. H. Colles, p. 186.
Hollingsh. Foxe.
Hayward.
Stowe.

I. That he had not observed the Condition on which he had been made Protector.

The King approves of the Council's Proceedings.
Burnet.
Hayward.

II. That he had treated with Ambassadors without notifying it to the Council, and by his own Authority had disposed of Governments and Bishopricks.

They come to the Council.
Edm. Juss.
Hollingsh.
Stowe.

III. That he had held a Court of Request in his own House (4).

IV. That he had embased the Coin.

V. That he had issued out Proclamations in the affair of Inclosures, against the mind of the whole Council.

VI. That he had not taken care to suppress the late Insurrections, but had even supported and encouraged them.

VII. That he had occasioned the loss of the Forts in

the Territory of Boulogne, by neglecting to furnish them with Provisions and Ammunition.

1549.

VIII. That he had endeavoured to infill into the King an ill opinion of his Counsellors, by perswading him they intended to destroy him, and had even ordered some Persons to put the King continually in mind of it, lest he should forget it.

IX. That he had caused the Lords of the Council to be proclaimed Traitors.

X. That he had maliciously not only put the King in great fear, by carrying him to suddenly to Windsor, but cast him into a dangerous disease.

XI. That he had armed his Friends and Servants, and left the King's Servants unarmed; and that he intended to fly to Jersey or Guernsey.

Upon these Accusations, to which it was then not a time to answer, he was sent to the Tower; those whom he had taken so much pains to humble, being become his proper Judges. He could not indeed deny the truth of most of the Facts laid to his charge. But the question was, whether they were crimes, for he was accused neither of fraud, nor rapine, nor extortion. But that was to be decided only by the Peers of the Realm, or by the Parliament. As soon as the Duke was in the Tower, an order was made that six Lords should be the Governors of the King's Person, two of whom were in their course constantly to attend him (5). Then it was easily seen that the Earl of Warwick had been the chief Promoter of the Protector's ruin, since all the other Counsellors suffered him without opposition to take upon him the principal Administration of the Government, though without any Title which might give him a particular Authority.

He is sent to the Tower.
Burnet.

The Enemies of the Reformation gloried in the Protector's Fall. They were periwaded, the Earl of Warwick was in his heart more Catholic than Protestant and his strict union with the Earl of Southampton confirmed this belief. Accordingly Benger and Gardiner, who were then in the Tower, writ to him a hearty Congratulation, upon his having freed the Nation from the Tyrant [so they called the Duke of Somerset]. It was even thought for some time, that the Duke of Norfolk was going to be released. But the Earl of Warwick was not yet fully known. That Lord, who was woefully swayed by Ambition, was properly of neither Religion. He was far therefore from undertaking to destroy the Reformation, which had too many Friends in the Kingdom. On the contrary, knowing how desirous the young King was to establish it, he openly declared in its favour. Thus the Adherents of the Pope and the old Religion had not long reason to rejoice at the late Revolution at Court.

The Romish Party are as earnest by their Reversal.
Burnet.

Benger, Bishop of London, had been deprived and imprisoned sometime before this turn. He was known to be strongly addicted in his heart to the Romish Religion, and to pay an outward compliance to what was established by public Authority, whilst by a doubtful behavior he plainly showed his dislike of these alterations. They who were then at the helm, resolved therefore to put him to a Trial, which could not fail either to give them an advantage against him, or make him forfeit the esteem and trust of his Party. He was summoned before the Council, and after a declaration of the causes of Complaint against him, he was ordered to preach on a Sunday at St. Paul's Cross, and to prove in his Sermon certain Points, whereof this was one of the principal: That the Authority of a King was the same when he was in Minority, as when of full Age. He preached on the 11th of September before a numerous Audience, and touched upon all the points that were enjoined him, except the last. Besides, he brought in some things which gave offence to the Court. Whereupon the King appointed Judges to examine the matter (6). Dr. Burnet says, he behaved before the Judges more like a Mad-man than a Bishop. However, he was deprived (7) and sent to the Tower. It was doubtless with joy that a pretense was found to be rid of such a Bishop, who embarras'd the Reformers.

Benger is deprived.
Foxe.
Burnet.

The Earl of Southampton was no less deceived in his expectations than the rest of his Party. He imagined, that having been one of the principal Instruments of the Duke of Somerset's ruin, he should be rewarded for this Service

Ad. Pub. XV. p. 197.
152.

Ad. Pub. XV. p. 197.
Sept. 8.

Burnet.

(1) Or intending to alter Religion. Burnet, p. 136.

(2) Sir Anthony Wingfield, Sir Anthony St. Leger, and Sir John Williams. Burnet, Tom. II. p. 137.

(3) Namely, Secretary Smith, Sir Michael Stanbury, Sir John Thynn, Edward Wolfe, and William Croke. Idem, p. 138.

(4) The intent of this Court, was to hear poor Men's Petitions and Suits. And upon the hearing of them, he either decided their Business, or sent his Letters to the Chancery in their favour. Which was reckoned to be a stepping of the Proceedings of the Court, or influencing the Judges. Strype, Tom. II. p. 133.

(5) These were the Marquis of Northampton, the Earls of Warwick and Arundel, the Lords St. John, Russell and Wentworth. And their four Knights, Sir Andrew Dudley, Sir Edward Roper, Sir Thomas Darcy, and Sir Thomas Wroth. Edm. Juss., p. 9.

(6) The Commission was issued out to Cramer, Bishop, the two Secretaries of State, and Dr. Day Dean of St. Paul's. They, or any two of them, had full Power to imprison, or deprive him as they should see Cause. Benger, when called before them, said of the Windsor, that one talked like a Goose, another like a Woodcock, and that Hooper had not recited his Sermons, like an Ape as he was. See the Trial at large, in Fox, Tom. II. p. 80, 81, and Burnet, Tom. II. p. 131.

(7) On October 1. Fox, p. 39.

with

with the Office of High-Treasurer, or at least restored to that of Lord Chancellor. But he found himself much mistaken. *Rich* still kept the Great Seal, and the Treasury was given to the Lord *St. John*, who, some time after, was also created Earl of *Wiltshire* (1). It was not the Earl of *Warwick's* Interest, to advance to any high Post to intriguing a Person as the Earl of *Southampton*, who, besides, was looked upon as the head of the Party against the Reformation. He would thereby have lost the King's Favour, whom it was his business to perfwade, that Religion was not concerned at all in what had passed with regard to the Duke his Uncle. So, without a moment's hesitation, he forsook not only the Earl of *Southampton*, but also all the *Romish* Party, who had flattered themselves with seeing some great change in Religion. *Southampton* was so full of Indignation to be thus slighted, that he could not forbear caballing against the Earl of *Warwick*: but perceiving *Warwick* was informed of his Proceedings, and knowing his revengeful temper, relinquish'd his Projects. Shortly after, he withdrew from Court without taking leave, and lived at one of his Manors, where he died with grief and vexation. Some even say, he poisoned himself (2).

Mean while, the war with *France* made the Council very uneasy. *Henry II.* it was plain, was resolved to besiege *Boulogne*, and it was justly feared that place was not tenable. Whilst the Duke of *Somerfet* was alone burthen'd with that incumbrance, his enemies would have it to be Cowardice to resign *Boulogne* to avoid a war, wherein they hoped to find an occasion to ruin him. But when they had the Government in their hands, they found difficulties in that affair, which they would not own, so long as they thought the event would be laid to his charge. They resolved therefore to send a second Embassy to the Emperor (3), to perfwade him to take *Boulogne* into his protection, imagining *Paget* had magnified the difficulties. But the Ambassadors found the Emperor very cold, and constantly alleging his alliance with *France*. He even told them, that so long as Religion continued in *England* in its present state, the *English* could not expect much assistance from him. This Answer determined the Council to make peace with *France*. We shall see presently the effects of this Resolution (4).

The Parliament met the 4th of *November*, without the Duke of *Somerfet's* disgrace occasioning any change in the affairs of Religion. It was still the same Parliament the Duke of *Somerfet* had called, and the Council had still the same maxims with respect to the Reformation, the Earl of *Warwick's* Policy not suffering him to make any change. The Parliament began with a severe Act against unlawful Assemblies, in order to prevent any more Insurrections. But by another Act, the Statute against Vagrants, as too severe, and contrary to the Liberties of the Nation was repealed, and a Law made in the late Reign reviv'd.

The 2d of *January* 1550, a Bill of Attainder against the Duke of *Somerfet*, with a Confession signed by his own hand, was read in the House of Lords. But as some of the Lords suspected this Confession to be extorted, four Temporal Lords and four Bishops were sent to know the truth from his own mouth (5). Next day, they made their report, that the Duke thanked the House for their kindness, and owned he had freely subscribed the Paper, after having confided the Contents before the King and Council. He protested however, he had no ill intention against the King or State. Whereupon, he was fined by Act of Parliament in two thousand Pounds a year of Land, with the Forfeiture to the King of all his Goods, and the loss of all his places. Many thought his Confession very strange, and much censured to accept a Proceeding. But it was doubtless because they wif'd he had taken another course, which would not have failed to prove fatal to him. It is certain, among the Articles of his Accusation, there were several which could be justified only by the intention, which would have been little servicable to him in the House of Peers, most of whom were not in-

clined to favor him. For instance, to mention only the chief Article, could he deny that, contrary to the condition on which he was made Protector, he had degraded as it were the other Regents, and reduced them to bare Counsellors? It is true, he might have alleged the King's Patent. But it was the Patent of a minor King, not eleven years old, who, looking upon him as his Governor, acted only by his advice, as it was said in the very Patent which conferred his Authority on him. Wherefore, the Duke could never have cleared himself upon this Article, nor upon several others. Consequently his only remedy was to own himself guilty of all, and cast himself upon the King's mercy. Besides, it concerned him highly to get out of Prison on any Terms, since it was very dangerous for him to remain any longer in the hands of his Enemies. He was very successful in this court. They who wished his destruction seeing the King had been very hardly prevailed with to consent to his Trial, thought it was not yet time to push their hatred any farther, till they had ruined him in the King's Favour. He came therefore out of the Tower the 6th of *February*, giving Bond of 10000*l.* for his good Behaviour, and ten days after had his pardon. Thus his Fall was not so great as his Enemies expected. He forfeited however much of the esteem he had acquired among the People, who not diving into the reasons of his Conduct, could not help thinking him guilty, since he had confessed all. But the King judged otherwise, since on the 6th of *April* following, he gave him a place again in his Council (6).

Mean while, the Parliament knowing, the Friends of the *Romish* Church drew from the Duke of *Somerfet's* Fall consequences which might breed ill effects, thought it proper to confound their hopes. To that end an Act of Parliament was made, confirming the New Liturgy, and ordering all Missals, Breviaries, &c. to be delivered to such as should be appointed to receive them, and all the Prayers to the Saints to be dashed out in all the Primers set by the late King. Moreover, those who had any Images taken out of Churches, were required to burn or bury them before the last of *June* (7). Then the Parliament was prorogued on the 1st of *February*, after granting the King a Subsidy (8), which was followed by a General Pardon, in which the Prisoners of the *Tower* were excepted. It was during this Session that the eldest Sons of Peers were first permitted to sit in the House of Commons (9).

After the late Revolution at Court by the Duke of *Somerfet's* disgrace, the Earl of *Warwick* did not forget himself. On the 28th of *October* last, he was made Great Master of the King's Household, a new Title introduced by *Henry VIII.* instead of that of *Steward of the Household*, when he conferred this Office on the Duke of *Suffolk* (10). But it was not so much by his Posts that the Earl of *Warwick* was grown powerful and considerable, as on account of his directing the Council, who acted only by his advice. Some of the Counsellors looked upon him as their Friend, others as the head of their Party, and some were afraid of offending him. What he had lately done with regard to the Duke of *Somerfet*, demonstrateth how dangerous it was to have him for Enemy.

Notwithstanding all his greatness, the Earl of *Warwick* was not a little embarras'd concerning the affair of *Boulogne*. He had himself most exclaimed against the Duke of *Somerfet*, for proposing to resign that place, and ridiculed all his reasons, and yet for these same reasons, he reliev'd at length to do what he so much blamed in another. But not to appear inconsistent with himself, he chose to cause the restitution of *Boulogne* to be mov'd and relolv'd in Council, and to appear himself to be no farther concerned, than to comply with the opinion of the majority. It is not very difficult for one that directs an Assembly, to procure what resolutions he pleases without acting openly. But the difficulty consisted in the dissonance of making the first step, and the danger of showing a desire to conclude a Peace with *France*. The Earl of *Warwick* soon found an expedient to avoid this inconvenience, by employing one *Guidetti*, an Italian

(1) *William Paulet*, Lord *St. John*, was created Earl of *Wiltshire*, on *January* 19; and at the same time, *John Lord Russell* was made Earl of *Bedford*. *Stow*, p. 603.

(2) He died at his House called *Lincolns Place* in *Wiltshire* (afterwards *Southampton-House*) *July* 30. 1550, and was buried in *St. Andrew's*, where a fair Monument was erected to his Memory. *Stow's Ann.* p. 604.

(3) They sent to him, on *October* 15, *Sir Thomas Crompton*, and *Sir Philip Skippon*. *Burnet*, Tom. II. p. 140.

(4) This year, on *May* 3, Commissioners were appointed to visit and reform the University of *Oxford*. *Rymer's Fed.* Tom. 15. p. 183.

(5) *January* 3, when the Bill was read for the second time; 1. 2. it was for the third time, *Jan.* 14. *Stow's Ann.*

(6) This year, was published the *Book in English*, of *Ysaiah's* Revelation, revised by *Covertide*. And also the *form of Ordination*. *Stow*, Tom. II. p. 200, 203.

(7) The other Acts made in this Session were these: 1. That a Form of consecrating Archbishops, Bishops, Priests, and Deacons, should be drawn by six Archbishops, and six other Men of the Realm, having in Gifts Law, and let forth before the last of *April* next coming. The Bishops of *Exeter*, *Carlisle*, *Worcester*, *Chichester*, and *Windsor* were called off this Act. 2. That the *Custodian Realium* shall be appointed by the Lord Chancellor.

(8) Twelve-pence in the Pound of Goods, and of every Alien two Shillings in the Pound. See *Statute*, c. 23. They also reliev'd the Relief on Sheep and Cattle, granted 2. and 3. *Edward VI.* and continued that on *Goats* for three years; which was of every Perton worth 10*l.* or upwards, in Money, *Goods*, &c. 12*d.* in the Pound; and of every Alien worth 20*l.* and under 10*l.* 12*d.* in the Pound. *Stow*, p. 231.

(9) *Sir Francis Russell* becoming by his brother's death Heir-apparent to the Lord *Russell*, it was on the 11th of *January* carried over a Debate, That he should sit in the House as he was before. So it is entered in the original Journal of the House of Commons, communicated to *Dr. Burnet*, by *Mrs. Seale* and *Mr. Clarke*, in whose hands it was, and is the first Journal that ever was taken in that House. See *Hist. Ref.* Vol. II. p. 143.

(10) And on *February* 2, this year, *William Paulet* Marquis of *Northampton* was made Lord Great Chamberlain of *England*; the Lord *Worcester* Lord Chamberlain of the Household; *Sir Thomas Darcy* Vice-Chamberlain, and Captain of the Guard; and *Sir Anthony Wingfield* Controller. *Stow*, p. 603. See *Rymer's Fed.* Tom. 15. p. 232.

1550. Merchant, who lived at *Southampton*. This Man coming to *Paris* on some pretence, insinuated himself into the Constable's Family, who was the King's chief Favorite. In his Conversation with some of the Constable's Officers, he said, he verily believed the Court of *England* might be easily brought to restore *Boulogne* for a Sum of money. The Constable, to whom this was told, presently guessed the meaning. He spoke himself to *Guidotti*, and charged him to intimate to some one of the Council of *England*, that the King of *France* had rather end the affair of *Boulogne* by a treaty than by arms. Whereupon *Guidotti* made several journeys to *London* and *Paris*. At last he set the matter in so fair a way, that the Courts, being equally desirous of ending it, agreed to send Plenipotentiaries to some place in *Picardy*, to treat of a peace and the restitution of *Boulogne* (1).

*Philippen-
scars of the
new Court.
Edw. Jour.
Barnet.
Stow.
Ald. Pub.
XV. p. 103.*

Monsieur de la Rochepot of the House of *Montmorency*, *Gaspard de Coligny*, afterwards Admiral, and two more, were appointed by *France*; and the Court of *England* made choice of the Lord *Ruffel*, *Paquet* now made a Baron (2), Secretary *Petre*, and Sir *John Mason*. Their Instructions were a clear evidence, that the Council would have a Peace at any rate. The Substance of them was :

*The English
Ambassadors
Instructions.
Barnet.
T. II. p. 128.
P. 128.*

I. That as to the place of Congress, they were not to appear very difficult. But, if possible, they were to have it at *Calais* or *Boulogne*.

II. They might offer the restitution of *Boulogne*. III. But then they were to demand that the young Queen of *Scotland* should be sent home, to consummate her marriage with the King of *England*.

IV. That the Fortifications of *Blackstaff* and *New-baven* should be demolished.

V. That the Pension promised by *Francis I.* to *Henry VIII.* should be continued, and all Arrears paid. But if they could not obtain the first, they were to be satisfied with the Arrears.

VI. That as for *Scotland* they should affirm, *England* could not treat without the Emperor's concurrence. But if the Emperor would agree to it, the King of *England* would restore all the places he held in *Scotland*, except *Aymouth* and *Roxburgh*.

VII. That if the *French* spoke any thing of the King's marrying *Henry II.*'s Daughter *Elizabeth*, they should answer, they had no Instructions upon that head, and should insist upon the King's being to young.

*Conference at
about the
Peace.
Barnet.
Hayward.
Stow's
Mem.
T. II.
Repos.
P. 114.*

The Plenipotentiaries meeting near *Boulogne* (3), those of *France* said plainly, it was not to be expected that the King their master would send back the Queen of *Scotland*, since he designed her for his Son the Dauphin : That as for the [perpetual] pension, *Francis I.* promised it when forced by his affairs, but the King his Son never intended to be tributary to *England* : That however, they were ready to treat about the restitution of *Boulogne* for a Sum of money : That moreover, the King their master did not mean, the *English* should keep any one place in *Scotland*. This was talking imperiously. But *Henry II.* had discovered the intentions of the Council of *England*, and was resolved to improve the occasion to cause to vanish the grating Claim of the Kings of *England* to the Crown of *France*, or at least to the perpetual Pension promised by *Francis I.* in lieu of that Claim. Some time after, the *English* Ambassadors received fresh instructions, empowering them to conclude a Peace upon terms less difficult to be obtained than those first demanded. However, as the Court of *England* would not absolutely desist from the Pension, an expedient was found, with which that Court was satisfied, namely, all Claims of the two Kings were to remain as before, except such as should be adjusted by the Treaty, which was at length signed the 24th of *March*, and was in effect as follows :

*Treaty be-
tween the
new Courts.
Ald. Pub.
XV. p. 111.*

I. That the City of *Boulogne* should be restored to *France*, with all the Ordinance and Ammunition found there by *Henry VIII.*, when he took the Place.

II. That in consideration of *Henry's* Improvements and Charges in transporting Provisions and Ammunition,

the King of *France* should pay the King of *England* the Sum of four hundred thousand Crowns of Gold (4), half on the day of restitution, and half before the 15th of *August*.

It is to be observed upon this Article, that the King of *France* very carefully avoided mentioning either the Pension stipulated in the last Treaty of Peace ; or even what was due to the Crown of *England* since the time of *Charles VIII.*, which had been always increased afterwards by several Treaties.

III. That for the security of the payment of the two hundred thousand Crowns in *August*, *France* should give six Hostages, and *England* the like number (5), for the security of the Restitution of *Boulogne*.

IV. As to *Scotland*, it was agreed, that the King of *England* should deliver to the Queen of *Scotland* the two Forts of *Lauder* and *Dunglasy*, with all the Ordinance, except what was brought thither from *Haddington*.

V. That if these two Forts remained in the King of *England's* power, he should be obliged to demolish the Fortifications of *Aymouth* and *Roxburgh*, which should never be re-built by *England* or *Scotland*. But if he restored *Lauder* and *Dunglasy*, he should however be obliged to raze *Aymouth* and *Roxburgh*, provided the Queen of *Scotland* demolished also *Lauder* and *Dunglasy*, and that none of these four Places should be ever re-fortified.

VI. That the King of *England* should make no new War upon *Scotland*, unless he had fresh cause : That is to say, *Edward* relinquished his Marriage.

VII. That the King of *England's* demands, claims, and pretensions, as well upon *France* as *Scotland*, and all the King of *France's* and the Queen of *Scotland's* upon *England*, should remain as before.

Thus all the pains taken by *Henry VIII.* to secure a Pension, or rather a yearly Tribute in lieu of the Title he pretended to have to the Crown of *France*, were rendered fruitless by this Treaty, which contained, in favour of *England*, only an indeterminate reservation of the Claim which had occasioned the effusion of so much Blood since the Reign of *Edward III.* There remains to the Kings of *England* only the empty Title of King of *France*, none of *Edward VI.*'s Successors having ever seriously thought of prosecuting their pretended Right.

The Treaty being brought to *London* to be ratified, the Earl of *Warwick* feigned Sickness, not to be obliged to sign a Peace he had so much exclaimed against. But this was only to impose on the Publick, since he had signed all the Orders and Instructions, by virtue whereof the Ambassadors had concluded it.

The restitution of *Boulogne* opened the Eyes of the People, with respect to the Conduct of those at the helm. They who had now delivered up that Place for four hundred thousand Crowns, in lieu of the two millions *France* had promised to pay, were the same who some months before had reviled the Protector for only intending to restore it. The Earl of *Warwick*, who had the chief direction of Affairs, and whose Interest it was to procure the People's Affection, seeing them a little enraged, thought proper to divert them, by giving them some Satisfaction in other respects. To that purpose, he called to a strict account those who had managed the King's Money, or been guilty of Misdemeanors in the Exercise of their Offices. He had also in this another motive ; namely, to pay the King's Debts, which were considerable. In this Inquiry, his chief Friends who had served him as Instruments to ruin the Duke of *Somerfet*, were least spared. The Earl of *Arundel* was fined in 1200*l.* payable in twelve years. *Saunders* was put in the Fleet, and the rest made their Compositions with the Court as well as they could. As there were few but what were guilty of some misdemeanor, this Inquiry established the Earl of *Warwick*, every one fearing he would find means to be revenged of those who expelled not great Submission (6).

In the course of this year there were some Changes in the Bishopsricks. The See of *Westminster*, vacant by the resignation of *Thirley*, was united to that of *London*, and given to *Ridley Bishop of Rochester* (7). *Thirley* had the See of *Norwich*, *Peinet* that of *Rochester* (8), and on

(1) For this good piece of Service, *Guidotti* had a Pension of 500*l.* per Ann. allowed him by the Court of *England* ; and his Son *John* a Pension of 50*l.* See *Rymer's Fœd.* Tom. 15. p. 227, 228. *Edw. Jour.* p. 111.

(2) He was summoned to the House of Peers, *Dregh.* 3. 1549, by the Title of Baron of *Roundfort*. *Journ. Parl.*

(3) The latter end of *January*. See *Barnet*, Tom. II. p. 148.

(4) Then of equal value with the *English* Noble.

(5) The *English* Hostages were, The Duke of *Suffolk*, the Earl of *Hartford*, eldest Son of the Duke of *Somerfet*, the Lord *Montrevels* eldest Son of the Earl of *Arundel*, the Lord *Talbot*, the Earl of *Surrenburg's* eldest Son, the Lord *Strangro*, the Earl of *Dorby's* eldest Son, and the Lord *Fitzwarren*, eldest Son of the Earl of *Bath*. *Rymer's Fœd.* Tom. 15. p. 216.

(6) Sir *Thomas Smith*, Sir *Michael Stanhope*, *Thomas Fisher*, and *William Grey*, each of them acknowledged they owed the King 5000*l.* and Sir *John Thynne* submitted to 8000*l.* fine, and then were discharged. *Barnet*, Tom. II. p. 149.

(7) On February 24. *Barnet*, p. 149. — *Miles Cordwalde* was also made, *August* 14. next year, Bishop of *Exeter*, in the room of *John Fejfy*, who resigned, after having alienated almost all the Lands belonging to that Bishoprick, and referred to himself a yearly Pension of 485*l.* *Barnet*, Tom. II. p. 166. *Rymer's Fœd.* Tom. 15. p. 283, &c.

(8) *Pener*, not having a House upon his Bishoprick, held in Commendam a Prieory of *Canterbury*, the Vicarage of *Ashford in Kent*, the Rectory of *St. Michael's (cruside Lane)*, *London*, and of *Tewkes* in the Diocese of *Bristol*. *Rymer's Fœd.* Tom. 15. p. 241. — and by an Order of Council of June 29. 1550, it was decreed, That no Bishop should hereafter keep other benefice than his Bishoprick only. *Stow*, Tom. II. p. 220.

1550. the third of July, John Hoper was made Bishop of Gloucester (1).

This year, *Polidore Virgil*, an Italian, who had been some forty years in England, had leave to go and spend the residue of his days in his own Country. The King permitted him to enjoy his Preferences (2), in consideration of his having employed the best part of his Life in writing the History of England (3).

Before we proceed to the next year, it will not be improper to mention what had passed in foreign Countries.

Paul III dying the 13th of November 1549, the Cardinals who entered the Conclave the 29th of the same month, agreed in few days to raise Cardinal *Pole* to the Papal Throne, and even came in the Night to his Chamber to adore him according to custom. But he desired them to defer the Ceremony till it was day, telling them it ought not to be a work of darkness. This scruple, unheard-of till then, seemed to them so extraordinary, that some imputed it to Stupidity. Others were afraid, if *Pole* was Pope, he would reform the Court of Rome, and the College of Cardinals in particular. However this be, from that moment they thought of electing another Pope. After which, being divided into three Factions, they could not agree upon the Person till the February following, when they chose the Cardinal *de Monte*, who took the Name of *Julius III* (4).

In Germany, the Emperor having opened the Diet of the Empire about the end of July, would have obliged all the Protestants to submit to the determinations of the Council, now removed back to Trent. *Maurice* Elector of *Saxony* strongly opposed it, but with so much caution and regard for the Emperor, that he did not lose his Favour. On the contrary, the Emperor agreed, that the Diet should declare him General of the Army of the Empire, to end the war by the Siege of *Magdeburg*, the only Protestant Town which still held out. *Maurice* had great designs, which the Emperor knew not, till it was too late to hinder the Execution.

Scotland enjoyed a great Tranquillity after the conclusion of the Peace (5). *James Hamilton* Earl of *Arran* in Scotland, and Duke of *Chateaufort* in France, still governed the Kingdom as Regent. But he was himself governed by the Archbishop of St. *Andrews* his natural Brother, a Man of a very lewd and infamous Life. Let us return now to England, and see what passed there during the year 1551.

After the Conclusion of the Peace with France and Scotland, the principal affair in the Kingdom was that of the Reformation, which the young King wished to bring to as high a degree of Perfection as possible. He was kept in this disposition by *Cranmer*, and the rest of the Reformers. The Earl of *Warwick* appeared also very forward to complete this work, because he thereby insinuated himself more into his young Master's favour. The constant maxim of the *Romish* Party, was to oppose with all their power any intended alterations, before they were established by Law. But they complied with them, at least outwardly, when there was no remedy, till a favorable opportunity should offer to throw off the Mask. It was not possible to be rid of these Hypocrites at once, because they gave no advantage by their outward behaviour. But they

were narrowly watched, that their false steps might be improved. By this means *Bonner* was put out of the way last year, and by the same method *Gardiner* was this year deprived on the 18th of April (6).

During all the rest of the year, chosen Commissioners were preparing a Confession of Faith (7), which was the last mortal wound to be given to the old Religion. Some places of the new Liturgy were also corrected (8). But the Princess *Mary* refused to submit to these or the former Changes. She continued to have Mass said in her House, and thereby drew upon herself great mortifications from the Council and the King himself, who seemed resolved to force her to a compliance. She was so alarmed at it, that she formed a design to withdraw out of the Kingdom, by means of some Vessels which the Regent of the *Low-Countries* was to send upon the Coast of England. But the design being discovered, the execution was prevented, though it should seem that Princess would have occasioned less trouble and embarrassment, had she been out of the Kingdom. In all appearance, the Project of excluding her from the Succession was not yet formed, neither was the King's death thought so near as it was.

This Princess's obstinacy drew upon her the King her Brother's displeasure, who from thenceforward lost much of the Esteem and Affection he had for her. It was this, probably, that inspired the Earl of *Warwick* with the thoughts of excluding her from the Succession, and of forming in favour of his own Family the Project mentioned hereafter. It will be necessary however briefly to say here, that this Project was, to marry the Princess *Elizabeth* abroad, to cause *Mary* to be set aside, and to marry one of his Sons to *Jane Grey*, eldest Daughter of *Henry Grey*, Marquis of *Dorset*, and of *France Brandon*, who was the next in the Succession, after *Henry VIII's* two Daughters (9).

At this time the *Sweating-Sickness* broke out in England with great Violence, carrying off in twenty-four hours such as were seized with it, in spite of all Remedies (10). If we may believe the Historians, this Sickness was peculiar to the English Nation. It did not fix the Foreigners who were in England, and in other Countries Englishmen only were afflicted with it. For this reason it was called the *English Sweat*. There is much the same thing to be observed among the *Polanders*, who are alone subject to a Distemper they call *Plucia* (11), unknown, as it is affirmed, in all other Countries. The Duke of *Suffolk*, Son of *Charles Brandon* by his second Wife, died of the *Sweating Sickness*, as did also two days after his Brother, who had succeeded him. So, the Title of Duke of *Suffolk* being void, the Earl of *Warwick* resolved to procure that Honour for the Marquis of *Dorset*, Father of *Jane Grey*, whom he designed for one of his Sons. He wanted the Concurrence of that Lord, to set the Crown on his Daughter's head, to whom the Mother was moreover to resign her Right. It is however very difficult to conceive, that the Earl of *Warwick* should have formed this Project so early, since *Eduard* was in good health, in his fifteenth year only, and very likely to have a numerous Issue. The Earl of *Warwick* must therefore have known that the King was to die very soon. And this is what they would insinuate, who make him form his design at the time I

(1) Upon the vacancies of this, and other Sees, the best, and almost all the Manors belonging to them, were surrendered into the King's hands, and distributed amongst the Courtiers; and to make sure first of consecration, there were bestowed upon the same Sees, either worse Manors, or else Revenues, and impoverished Tithes. Thus on September 26. 1547, *Shannon*, Bishop of *Lincoln*, resigned to the King twenty-four Manors; so that at present the Revenue of that Bishoprick are said to consist of Impropriations. *Boswell* being the only Manor it has lost. May 20. 1548, the Bishop of *Bath and Wells* made like Relinquishment or Exchange of ten Manors. And April 12. 1550, *Edley* Bishop of *London* yielded up to the King the Manors of *Strey* and *Hawley* in *Middlesex*, and of *Woolbeche* and *Grove* in *Essex*; in the room whereof he had the Manors of *Faring*, *Kilnwick*, &c. in *Essex*; of *Grinstead*, *Harwell*, *Droghda*, and *Paddington*, in *Middlesex*; the Advowson of *St. Martin's* in the Parish, and others; of which the Reader may see an account in *Siryp's* *Birth*. *Memo.* Tom. II. p. 317, who also observes, that the advantage of the Exchange was manifestly on the Bishop's side. The See of *Windsor* was also resigned. See *the* p. 327. *Rymer's* *Fœd.* Tom. XV. p. 170, 171, 226. King *Henry VIII* had led the way in this general Relinquishment, as it was called, of the Bishopricks, by a Statute made in the 27th of his Reign, C. 16, when as less than twenty Manors, all at the same Revenues, were taken at once from the See of *York*, and annexed to the Duchy of *Lancaster*, Impropriations and Tithes being given in lieu of them; and many were also at the same time dismembered from the Archbishoprick of *Canterbury*. See *Stat.* 37 *Henry VIII.* *Argemont* *Memo.* L. II. p. 75, 62. *Hynde*, p. 15.

(2) His Archbishops of *York*, and his Prebend of *Norwiche* in the Church of *Windsor*.

(3) This year, the City of *London* purchased from the King all the Liberties of *Southwark*, for the Sum of one thousand Marks. *Rymer*, p. 604.

(4) He gave a strange omen of what advancements he intended to make, when he gave his own Hat (according to the Custom of the Pope, who bestows that Hat before they go out of the Conclave) on a mean Servant of his, who had the Charge of his Money; and being asked what he law in him to make him a Cardinal? He answered, As much as the Cardinals had been in him to make him Pope. But it was commonly said, that the secret of this Promotion was an unwelcome Gift given to him. *Burnet*, Tom. II. p. 247.

(5) It had been included in the late Peace made between the Crown of England and France; and accordingly took care to have this Comprehension entered. See *Rymer's* *Fœd.* Tom. XV. p. 255.—257.

(6) He must have been deprived sooner by *John*, Bishop of *Richmond*, was translated, on March 23. to the See of *Winchester*, Gold then to be vacant by the deprivation of *Stephen* the late Bishop.—See *Rymer's* *Fœd.* Tom. XV. p. 253. According to *John Edward's* Journal, it was on Feb. 13. January 28. this year, a Commission was given to several Bishops, and others of the Clergy and Laity, to enquire after, repress, and extirpate the Errors of the Anabaptists, Libertines, and other Heretics. *Rymer's* *Fœd.* Tom. XV. p. 215.

(7) It is not known who they were named by *Cranmer* and *Ridley*, and that they were by them sent two to others, to correct or add to them as they saw Cause. The Reader may see them in *Burnet's* *Collection*, Novemb. 55. Vol. II. with the differences between them and those set out in *Queen Elizabeth's* time, marked in the Margin.

(8) A General Confession and Absolution was added. And the Commandments were put in the beginning of the Communion-Service. The Chalice, used of the Cross in consecrating the Eucharist, Prayers for the Dead, &c. were laid aside. *Burnet*, Tom. II. p. 166, 170.

(9) Lady *Grey*, on June 3. 1551, the Earl of *Warwick's* eldest Son, married *Anne*, Daughter of the Duke of *Somersey*. And on the 4th of the same Month, *Ridley*, his third Son, married *St. John* *Ridley's* Daughter. *Edm. Jones*, p. 14, 15.

(10) The Sickness began first at *Gloucester* in April, and spreading towards the North, ended not till October. *Rymer*. Wherever was seized with it, died, or recovered within nine or ten hours at most. If he took cold, he died within three hours; if he slept, within six hours, he died away. It roged chiefly among young Men, of a strong Constitution. *Edm. Jones*, p. 30.

(11) They that are troubled with it, lose the use of their Limbs, as if they had a Palsy, and feel great pain in their Nerves, which generally continues a whole year. After that they fall into a great sweat at night, and next morning their Hair is gone together, and has a rawness (scall), which continues ever after. If they cut their Hair, the humour falls on their Eyes, and makes them blind. *Thom. Dillenger* is infectious, and communicated by Cutaneous. *Edm. Jones*, p. 199.

1551. am now speaking of, and before the King was seized with his last illness, in order to represent him as the Author of his death. However this be, it is pretended, all this Lord's Proceedings, from the death of *Jane Grey's* two Brothers, to the end of this Reign, had relation to this Project; as, for instance, the Marriage of the Princess *Elizabeth* to the King of Denmark's eldest Son, which he caused to be privately treated, but without effect.

The Marriage of the King himself with a Daughter of Henry II. King of France, which was negotiated and concluded this year, seems directly contrary to the Earl of Warwick's designs, supposing they were already formed. Wherefore Dr. Burnet lays by the way, that this Marriage was only to amuse the young King. Hayward, who wrote the History of Edward VI. says also, that after the Marriage was concluded, Edward thought himself in perfect safety, though indeed he was in extreme danger. But whatever the Earl of Warwick's motive might be, the Marquis of Northampton, the Bishop of Ely, and some other Ambassadors were sent with a splendid Retinue to carry the Order of the Garter to Henry II. and to propose a Marriage between his Daughter the Princess *Elizabeth*, and Edward. Henry being then at Chateaubriant, the English Ambassadors came to Nantes, from whence they were conducted to Court. The Marquis of Northampton, as head of the Embassy (1), presented the Collar of the Order to the King. Then the Bishop of Ely desired him to appoint Commissioners to treat with them about an affair tending to the common good of the two Kingdoms. The Commissioners being named, the Ambassadors proposed the Marriage of Edward with the Princess *Elizabeth*, and the Treaty was signed at Angers, the 19th of July. The Princess's Portion was to be two hundred thousand Crowns, and her Dowry as great as any Queen of England had ever enjoyed. But the Marriage was not to be contracted by words of the present Tenor, till a month after the Princess was twelve years of age. This hindered it from being consummated, because Edward died before that time. Shortly after, Henry II. sent a noble Embassy into England, of which the Marquis de Montmorency was head, with the Order of St. Michael to the King.

Foreign Affairs being finished, the Earl of Warwick applied himself to Domestick, or rather to his own. He caused Henry Grey Marquis of Northampton, to be created Duke of Suffolk, and himself Duke of Northumberland (2). William Paulet Earl of Wiltshire and Lord-Treasurer, was made Marquis of Winchester (3), and Sir William Herbert, Earl of Pembroke (4). They who were on this occasion dignified with new Honours, were the intimate Friends of the Earl of Warwick, now Duke of Northumberland, who fought to establish himself in the Post he possessed of chief Manager of the publick Affairs, though without any Patent to give him that Authority.

This Lord could not however enjoy a perfect Tranquillity, so long as he still saw such a Rival as the Duke of Somerset, who might one day be restored to favour, and who was really endeavouring to regain the Post he had formerly possessed. Edward was near the time of his majority, and daily increased in the knowledge of Affairs. The Duke of Northumberland had therefore to fear, that when the King should compare his Administration with the Duke of Somerset's, he would perceive, the last had been wrongfully deprived of his Dignity. Besides, Edward still expressed great esteem for his Uncle, and gave him frequent and publick Marks of it. All this made the Duke of Northumberland very uneasie, who plainly saw, it would be almost impossible to execute his Projects whilst he had such an Inspector as the Duke of Somerset. He determined therefore to be rid of this troublesome Rival at any rate, and to that end made use of two ways. The first was to ruin him in the King's Favour, by means of certain Emulations, who beset him continually (5). The second was, to cause his Enemy such mortifications as should throw him upon actions that would give an advantage against him. These two ways succeeded to his wish. The King by degrees took a disgust at his Uncle, and was thereby disposed to receive any ill Impressions against him. On the other hand, the Duke of Somerset could not, without extreme impatience, see himself daily exposed to affronts, the more provoking, as they were done with de-

sign to incense him. Few have the Prudence or Moderation to avoid falling into such Snarcs. 'Tis pretended, that seeing himself thus pushed, he resolved to kill the Duke of Northumberland at a visit he was to make him. Others say, he intended to have invited him to dinner at the Lord Paget's, and there he was either to kill or poison him. At least the Historians thus speak of it, because the report was spread both before and after his disgrace, and even imbibed by the King. And yet, his Impeachment had no such thing in it, but ran only, that he intended to secure the Duke of Northumberland's Person. However this be, it cannot be denied, he had contrived some Plot to be restored to his Post, and devised, and perhaps imparted to his Confidants, several expedients which were imputed to him afterwards as so many Crimes, though he had executed none. One of these Confidants was the Person that ruined him, being, in all appearance, bribed by his Enemy. This Man, Sir Thomas Palmer by name, having been secretly brought to the King, told him all he knew, and probably, so turned his discourse, as to make the King believe that bare Projects or Thoughts were fixed and settled designs (6). However, the King being persuaded, his Uncle would have assassinated the Duke of Northumberland, the Marquis of Northampton, and the Earl of Pembroke, consented that he should be brought to his Trial. So on the 17th of October the Duke was apprehended and sent to the Tower, with many others accused of being his Accomplices. Next day, the Dukes of Somerset, with two of her Women were also arrested, and after that, the Earl of Arundel and the Lord Paget underwent the same fate.

As soon as the Duke of Somerset was in the Tower, his pretended Crimes were every where published with Circumstances proper to impute on the People. Upon these extravagant Accusations it is that the Historians, Doctor Burnet excepted, have built their accounts of this Event. What is most probable, is, that the Duke had projected to get himself declared Protector in the next Parliament, since the Earl of Rutland affirmed it upon Oath. As to the means he intended to use for that end, very likely he had devised several, but not yet fixed upon any, except that perhaps of securing the Duke of Northumberland's Person. As the Custom of bringing the Witnesses face to face had been some time since laid aside, we must be contented with knowing what the Witnesses deposed against him, without any possibility however of receiving from thence an unquestionable Proof of the truth of the Facts. Every one is sensible, what great alterations the confronting of Witnesses is capable of producing in seemingly the most positive Depositions.

Palmer deposed, that Sir Ralph Vane was to have headed two thousand Men to support the Duke of Somerset's designs, who with a hundred Horse (?), was to have fallen upon the Guard, that being done, the Duke intended to have gone through the City proclaiming Liberty, Liberty, and in case he failed to raise the People, to have fled to the Isle of Wight. One Crane affirmed the same thing, and added, that the Earl of Arundel and the Lord Paget were privy to the Conspiracy.

Upon these Depositions, the Duke was brought to his Trial before the Peers on the first of December, the Crimes laid against him being cast into three Articles:

1. That he had designed to seize on the King's Person, and the Administration of the publick affairs.
2. That he with one hundred others intended to imprison the Duke of Northumberland.
3. And that he had designed to raise an Insurrection in the City of London.

These three Articles, to which the Duke of Somerset's Crimes were reduced, plainly shew, there was no proof of his having intended to kill or poison the three Lords above-mentioned, though the King had been made to believe it, and the People told the same. Of these three Articles the first and third were High-Treason, and the second, concerning the Duke of Northumberland, was only Felony. He positively denied the treasonable Articles, and for the other, which was placed the second in the Impeachment, he protested, he had never determined to have killed the

(1) The rest of the Ambassadors were, Thomas Godrick Bishop of Ely, Sir John Mafes, Sir Philip Hobby, Sir William Pickering, Sir Thomas Smith, and Dr. John Usher. Rymer's Fœd. Tem. XV. p. 274.

(2) Henry Percy, the 1st Earl of Northumberland, dying without issue, his next Heirs were the Sons of Thomas Percy, who was attainted in the 1st Reign for the *Trafalgar* rebellion.

(3) *Rapin* by mistake says *Wiltshire*.

(4) Sir Thomas Darcy, Vice-Chamberlain of the King's Household, Captain of the Guard, and one of the four Knights of the King's Privy Chamber, was executed before, namely, on April 5. created Baron Darcy of Glouc. *Dugdale's Barons*. Vol. II. p. 392. *Edw. Journ.* p. 24. — And William Croke, made on September 6. 1552, one of the principal Secretaries of State, was now knighted. (*Edw. Journ.*) as was also John Croke, the King's Preceptor.

(5) Some reported, that he had caused himself to be proclaimed King in divers Counties. Hayward, p. 320.

(6) He afterwards denied all to the Duke of Somerset. See King *Edw. Journ.* p. 57.

(7) December 1550 there was appointed a *Bain* or *Huchmen* divided among the Nobles, an hundred to the Duke of Somerset. These were the Horse, that with the two thousand Men were to sit upon the *Gen d'armes*, who were nine hundred in number. See King *Edw. Journ.* p. 21. in *Burnet*, Vol. II.

1551. Duke of Northumberland, the Marquis of Northampton, and the Earl of Pembroke, but had only talked of it without any intention to do it.

It must be confessed, there is a difficulty which is not easy to be resolved. The Duke of Somerset is not accused of intending to kill these Lords, and yet he justifies himself on that head. This seems to intimate, there were some such Article in the Indictment. And yet, Doctor Burnet, an exact Historian if ever there was any, and who affirms, he took the Accusation out of the Records of the Council, sets down but three Articles, where there is no mention of these Lords, who even sat among the Peers his Judges. On the other hand, it will appear presently, that the Duke was condemned for Felony, which was stretching the rigour of the Law as far as it could go, if he was guilty only of an Intention to seize the Duke of Northumberland; whereas if he had really intended to kill these three Lords, there was nothing in his Sentence but what was agreeable to an Act of Parliament. It must therefore be said, either the famous Historian above mentioned, has not exactly related the Articles of Accusation, or the Peers condemned the unfortunate Duke for a Crime he was not legally charged with. The faithfulness and exactness Doctor Burnet has professed, will not allow him to be accused of such a Fraud. But the Character of the Duke of Northumberland, and of most of the Duke of Somerset's Judges, who for the most part were his professed Enemies, give but too much occasion to suspect, that the fear of offending the Duke of Northumberland, or some other Motives, prevailed over Justice (1).

After the Peers had heard the depositions against the Duke, and his defences, they unanimously acquitted him of Treason; but found him guilty of Felony. They proceeded, in all appearance, upon a Statute made in the time of Henry VII. (2), which declared it Felony to intend to take away the Life of a Privy-Councillor. This was stretching very far that severe Law, which perhaps was never executed before, especially upon a Duke, Peer of the Realm, and Uncle to the King. Besides his charge did not run that he had intended to kill these three Counsellors, but only had designed to secure the Duke of Northumberland's Person. But what is most strange in this Trial, is, that these three Lords sat as Judges. Sentence being given, he asked Pardon of the Duke of Northumberland, the Marquis of Northampton, and the Earl of Pembroke, for his ill intentions against them. This asking pardon has made several believe him guilty. But it is a question, whether by these ill Intentions we are necessarily to understand a design to assassinate them. When the People who were present at his Trial, saw he was returned not guilty of Treason, they shouted for Joy so loud, that they were heard at Charing-Cross. But their Joy was turned into Sorrow when they heard he was condemned of Felony.

Every one believed the Duke would be pardoned, because his execution was deferred almost two months. But so great care had been taken to prepossess the King against him, that young Edward, who abhorred the Crimes he believed him guilty of, was very far from any thoughts of granting him a pardon. It appears in his Journal, that one Bertuile had affirmed upon Oath, that the Duke of Somerset had hired him to kill the Duke of Northumberland. That the Duke himself had owned it at his coming to the Tower, though he had denied it at first. But it is very strange, this Evidence was not produced at his Trial. Nothing argues his innocence in this respect so much as the Indictment itself, which ran, not that he had intended to assassinate the Duke of Northumberland, but only had designed to seize and imprison him. Nevertheless, it cannot be denied that the King believed him guilty of the first of these Crimes, since we see in his Letter to Barnaby Fitz-Patrick his Favorite, then in France, that the Duke had confessed it after Sentence, though he had before sworn the contrary (3). But the King's Belief does by no means prove the Fact. It serves also equally to prove that the young King was abused, who even shewed afterwards an extreme sorrow for having consented to his Uncle's death. The Duke of Somerset was in hopes however of undoing the King. He had now engaged the

Lord Chancellor Rich to be his Friend, who through a mistake in the Superscription of a Note he sent to the Duke, discovered his design to use his endeavours for him. This occasioned the Great Seal's being taken from him, and given to the Bishop of Ely (4).

As soon as the Duke had received his Sentence, great care was taken to divert and entertain the King with pleasing sights, that he might not reflect upon this strange condemnation. At the same time, all his Uncle's Friends were carefully hindered from coming near him. On the 22d of January he signed an Order for his Execution. The Duke appeared calm and undisturbed on the Scaffold, and made a Speech to the People. He affirmed, "he had never offended the King by word or deed. He gave God Thanks for making him his Instrument to promote the Reformation, and exhorted the People to persevere therein." When he had gone so far, he was forced to stop, by reason of an extraordinary noise among the People, which lasted some time. Sir Anthony Brown riding towards the Scaffold, and crying to the People to give way, made many believe he was bringing a Pardon. On the other side, a Company of Soldiers who had been ordered to attend at the execution, coming too late, caused others to imagine they were come to misfire them. This bred a terrible disorder, and fatal to some of the Spectators who were smothered to death. When the noise was over, he calmly went on with his Speech, and said, "he had always been most diligent about his Majesty, in his affairs both at Home and Abroad; and no less diligent in seeking the Common Good of the whole Realm." Here again he was interrupted by the People crying out, *It was well true*. Then "he played for the King, asked Forgiveness of all whom at any time he had offended, forgave all his Enemies without exception, and desired the People to bear him Witness that he died in the Faith of Jesus Christ." When he had ended his Speech he turned to his private Devotions; after which he laid his Head on the Block to receive the fatal blow.

Thus fell the Duke of Somerset, concerning whom opinions have been very much divided. Some have represented him as a very wicked Man, capable of committing the most heinous crimes, and others, as a very good Christian. It is easy to see that Religion was the sole cause of this diversity. Had it not been for the prejudice, Religion begets in most Men, his faults would not have been so much aggravated, which after all, were some of the least Men are guilty of. On the other hand, without this same prejudice, there would not have been so much pains taken to colour his Ambition, which doubtless was a little too great. They who have made it their business to vindicate all his actions, have also very lightly touched upon the vast riches amassed by him during his Administration. Of this Somerset House now standing in London, is an authentic Proof. But then, his Enemies have made bare accusations artfully spread among the People, and instilled into the King, to pass for evidenced Crimes, though it manifestly appears, by the very Articles of his Indictment, that he was condemned only for an intention to commit an offence, not against the King or State, but against some private Persons. It may therefore be affirmed, that the Faults for which he was pardoned after his first Condemnation, were much greater than that for which he suffered death. The People, who are seldom mistaken in their Judgment of Great Men, were so generally persuaded of his Innocence, that many dipped their Handkerchiefs in his Blood, considering him as a sort of Martyr. Nay, it happened in the beginning of Queen Mary's reign, that a Woman seeing the Duke of Northumberland leading to the Tower, shook one of these bloody Handkerchiefs at him, saying, *Behold, the Blood which thou didst cause to be unjustly shed, does now apparently begin to revenge itself on thee*.

About a month after this execution, Sir Ralph Vane, Sir Miles Partridge, Sir Michael Stanhope, and Sir Thomas Arundel (5), who were said to be the Duke of Somerset's chief Complices, were also put to death. But they all protested they had never intended to form any Plot, either against the King or any Privy-Councillor. Vane added, he did not doubt his blood would make the Duke of Northumberland's

He is acquitted of Treason, but found guilty of Felony. Edm. Jour. Burnet. Hollingsh.

Edm. Jour.

The King is persuaded that the Duke is guilty. Burnet.

Burnet. Hollingsh.

The Chancellor is Somerset's Friend, and is the friend of his Office. Heywood. Dec. 21. Edm. Jour. Burnet.

The King's Order for Edward's Execution. See the Duke of Somerset's Aut. Pub. XV. p. 295.

The Duke's Speech on the Scaffold. Burnet. Hollingsh. Feb.

See. 607. Feb.

The Duke of Somerset's Character. Burnet.

Execution of his friends Accomplished. Aut. Pub. XV. p. 196. Heywood. Edm. Jour. Burnet. Hollingsh.

(1) The Marquis of Winchester sat as High-Steward, and his Judges, twenty seven in number, were, the Dukes of Suffolk, and Northumberland; the Marquis of Northampton, the Earl of Derby, Bedford, Huntingdon, Rutland, Bath, Suffolk, Worcester, Pembroke; and the Viscount of Hereford; the Lords, Arthur Grey, Audley, Wharton, Evers, Latimer, Burygh, South, Stafford, Wenmore, Darcy, Strutt, Windsor, Cromwell, Cobham, and Bray. The Lord Chancellor was left out of the number, being suspected of favouring the Duke of Somerset. Edm. Jour. p. 41. Burnet, Tom. II. p. 179.

(2) Third of Henry VII. See Statute c. 14.

(3) The King's words, as in Burnet, are: "The Duke seemed to have acknowledged the Felony, and after Sentence he had confessed it, though he had formerly vehemently sworn the contrary." So it was not the design of killing, (as Rapin says by mistake) but the Felony that the King said, he confessed.

(4) The Lord Chancellor intending to send the Duke of Somerset an Advertisement of somewhat designed against him by the Council, and being in haste, wrote only on the back of the Letter, *To the Duke*, and bid one of his Servants carry it to the Tower, without giving him particular direction to the Duke of Somerset. His Servant fancying it was to the Duke of Norfolk, carried it to him. He, to make Northumberland his Friend, sent the Letter to him. Rich understanding the mistake, prevented the discovery, and went immediately to the King, and pretending some indisposition, desired to be discharged; and upon that took to his Bed. So it seems he was too barbarous to do any thing further against him. Burnet, Tom. II. p. 184.

(5) The Jury could not agree in their Verdict concerning this Plot, so that they remained shut up without meat or drink from Noon, January the 28th, till the next Morning, the 29th. Edm. Jour. p. 46. They were executed on Tower-Hill, February 26, For. p. 99.

7552. Men in the year 1554, shipped forty four thousand Cloths, and all the English Merchants together did not export above eleven hundred. The Regent of Flanders and the City of *Hamburg* earnestly solicited to have the Company reformed, but it was to no purpose. The Court also let on foot a Project for the advantage of the Trade of *England*, namely, to open two free Mart-Towns in *England*, *Hull* and *Southampton*. But it was not executed for want of time.

This year *Cardan* the famous Italian Philosopher passed through *England* in his return from *Scotland*, where he had been to cure the Archbishop of *St. Andrews* of a Dropsy. His endeavours were crowned with success, but he foretold the Archbishop he was to be hanged. As he passed through *England* he visited on young King *Edward*, and was so charmed with him, that he every where spoke of him as of a Miracle. It is said, he cast his Nativity, and foretold to him a long and prosperous Life. But for once the Rules of his Art were not just (1).

The Affairs of *Scotland* underwent this year some alteration. The Queen Dowager had been in *France* on pretence of seeing her Daughter, and had obtained of that Court the Regency of *Scotland*, in the room of the Earl of *Arran*. In November 1551, she returned to *Scotland* through *England*, where she was magnificently treated by the King, and her Charges born to the Frontiers of the two Kingdoms. At her arrival in *Scotland*, she perwaded the Earl of *Arran* to resign the Regency to her, according to the desire of *Henry II.* and his Ministers, the Earl perceiving he could not keep it against their will. The Archbishop of *St. Andrews* did not like his Brother's resigning his Dignity. He caballed against the Queen-Regent, who had the address to support herself by the assistance of the Reformed, promising them the free exercise of their Religion in their own Houses. By this means, she established herself in the Government, in spite of the Archbishop's attempts.

The revolution this year in the affairs of *Germany* was much more considerable. The Elector of *Saxony* at length discovered his Project, but not till after the King of *France* had proclaimed war against the Emperor, and the Constable de *Montmorency* taken Metz by surprise. Then *Maurice* assembling his Forces, marched directly to *Inspruck*, where *Charles V.* was, and had like to have taken him Prisoner. *Maurice's* Declaration obliged the Emperor at last to give the Protestants some satisfaction, by granting them the famous Edict of *Paschau*, [whereby the several Princes and Towns were secured in the free exercise of their Religion.] That Monarch soon met with another great mortification. He invited *Metz*; but by the brave resistance of the Duke of *Guise*, who defended the Place, he was forced to raise the Siege. Let us return now to the affairs of *England* (2).

The new Parliament meeting the 1st of *March* 1553, the House of Commons consisted of Representatives, who, for the most part, were disposed to follow the directions of the Court. They gave the King a very considerable Subsidy, grounded upon the great waisting of his Treasure during the Duke of *Somerſet's* Administration. This showed what

Power the Duke of *Northumberland* had in the House (3). That Lord procured likewise an Act for suppressing the Bishoprick of *Durham*, having first caused *Tenfelde* to be deprived (4). This Bishoprick being suppressed, the King founded two others, one at *Durham* [with 2000 Marks Revenue,] and another at *Newcastle* [with 1000.] But the Temporality of the Bishoprick being turned into a County Palatine, was given to the Duke of *Northumberland*. Probably, *Tenfelde* was deprived, and his See suppressed for that purpose.

The Parliament sat but one month. It was dissolved the 31st of *March*, after the Duke of *Northumberland* had procured a Subsidy for the King, and a Statute for the Memory of the late Duke of *Somerſet* (5). The Court had no farther need of a Parliament, and the Duke of *Northumberland's* Interest required there should be none, when he was preparing to execute his designs.

The young King had been seized ever since *January* with a Distemper which at length brought him to his Grave (6). This did not hinder his being made to sign an Order for visiting the Churches, and taking thence all the superfluous Plate and Ornaments. The Visitors were likewise to examine very strictly, what Embezzlements had been made in that respect. All this was done under colour of felling the Superfluities, and giving the Money to the Poor, who had however the least share (7).

The progress of the *French* in *Germany* beginning to make *England* uneasy, the Council resolved to take some measures to stop their Career. Nay, they seemed at first to have intended to join in a League with the Emperor against *France*. But all this ended at last in the offer of the King's mediation, which produced no effect.

Mean while, *Edward* was still troubled with a distemper upon his Lungs, which wasted him by degrees, and daily grew more dangerous. Some plainly affirm, a slow Poison was given him, and throw the Suspicion upon the Duke of *Northumberland*. Others only intimate such a thing, without saying it positively. But after all, both speak only by conjecture, without giving any proof. The young King fell death approaching without any tears as to himself, but could not reflect, without an extreme concern, on the future State of Religion, under his Sister *Mary*, who was to succeed him. Very probably, the Duke of *Northumberland*, who constantly attended him in his Illness, took care to increase his fears, on purpose to lead him more easily to the point he desired. All hopes however of the King's recovery were not given over till the middle of *May*, when 'tis likely, the Physicians told the Duke of *Northumberland*, his case was desperate.

Then it was that he married the Lord *Guilford Dudley*, Marriage of his fourth Son, the only one unmarried, to *Jane Grey*, eldest Daughter of the new Duke of *Suffolk*, by *Francis Brandon*, who was in *Henry VIII's* Will the next in the Succession, after the Princess *Elizabeth*. At the same time, *Jane's* two Sisters were also married, the second, the Lady *Catherine*, to the Earl of *Pembroke's* eldest Son, the Lord *Herbert*; the third, the Lady *Mary*, [who was crooked] to [the King's Groom-Porter] *Martin Kny*. These Marriages were solemnized about the end of

They tasted in a day, and so ruined others by selling them. Trade was now risen much; Courts began to be more magnificent, so there was a greater estimation of Cloth than formerly. *Shropſhire* and *Hampshire* had then the chief Trade in these parts of the World, and their Factors in the *Strait-ways* (called from the Strait imported by them) had all the Markers of *England* in their hands, and so each Prince took on what they imported or exported as he pleased, and broke all other Merchants. Whereupon the Merchant Adventurers complained of them, and after some Hearings, it was adjudged that they had forfeited their Charter, and that their Company was dissolved. *Barnet*, Tom. II. p. 207. *Strype*, Tom. II. p. 291.

(1) After the King's death, when nothing was to be got by fretting, he wrote the following Character of him:— "All the Graces were in him: he had many Tongues when he spake but a Child's Tongue with the English, his natural Tongue, he had both Latin and French, nor was he ignorant to learn every thing; Nor was he ignorant of Logic, of the Principles of Natural Philosophy, nor of Medicine. The sweetness of his Temper was such as became a Mortal; his gravity becoming the Majesty of a King, and his disposition was suitable to his high Degree. In short, that Child was so bred, had such parts, and was of such expectation, that he looked like a Miracle of a Man." Afterwards he adds, "His was a meditation; he when I was with him he was in the sixteenth year of his age, in which he spoke Latin as politely and readily as I did. He began to love the best Arts before he knew them, and to know them before he could use them: And in them was such an attempt of Nature, that not only *England*, but the World had reason to lament his being so early snatched away.— When the Gravity of a King was needed, he carried himself like an old Man; and yet he was always affable and gentle as became his Age. He played on the Lute; he meddled in affairs of State; and yet he was a diligent student. It is his Father; though his Father, even when he endeavoured to be good, might appear to have been bad. But there was no ground of suspecting any ill thing in the Son, whose Mind was cultivated by the Study of Philosophy." See the Original in *Baron's Hist. Ref.* Tom. II. Col. 101.

(2) This year the King's debts amounted to two hundred and fifty one thousand, or, according to *Strype*, two hundred and forty one thousand, one hundred and sixty nine Pounds, and a Commission was granted to certain Persons, to sell part of the Chantry Lands, for the payment of them. *Edw. Journ.* p. 8. *Strype*, Tom. II. p. 313.

(3) They gave the King two Treasuries and two Fifteenths and a Subsidy, to be paid in two years. At the passing the Bill, there was a great debate about it in the House of Commons, which seems to have been about the Preambles, containing a long Accusation of the Duke of *Somerſet*, for involving the King in war, wasting his Treasure, engaging him in much debt, emboldening the clergy, and having given occasion to a most terrible rebellion. This was intended by the Duke of *Northumberland*, to let the King see how acceptable he and his Party were, and how hateful the Duke of *Somerſet* had been. The Clergy did also the King in Shillings in the Pound of the Benefices. *Barnet*, Tom. II. p. 215.

(4) *Tenfelde* was deprived, *Aug.* 14. 1553. *Strype*, Tom. II. p. 367. The Bill for dissolving his Bishoprick was first read, on the 21st of *March*, and for a second and third time, on the 22d and 23th. *Journ. Parl.*

(5) An Act was made, for the selling in black Sir *Edward Seymour*, Kt. who was eldest Son of the Duke by his second Wife. There was also a remarkable Act made, for evading exchequer of Wales. It imported, That no Person whatever should keep in his House above ten Gallons of French Wine for spending, upon pain of forfeiting 20*s*. *Strype*. Unless he could prove a hundred Marks yearly in Lands, Townships, or other profits coming to or worth a thousand Marks of his own. Or else was the Son of a Duke, Marquis, Earl, Viscount, or Baron. While it was read in the House of Lords Duke of *Suffolk*, the Earls of *Arundel*, *Windsor*, *Whiteland*, *Rutland*, the Bishop of *St. David's*, and the Lord *Darcy* of *Chester* consented to it. *Journ. Parl.*

(6) *Edward*, 1553, he fell sick of the Small-Pox and Measles, which probably might turn to a Consumption. *Edw. Journ.* p. 49. (7) Six were appointed to examine what Church Plate, Jewels, and other Furniture was in all Churches, and to compare their account with the Inventory made in former Visitations, and to see what was embezzled, and how. They were to leave in every Church one or two Chalkes of Silver, with a List of the Communion-Table and for Surplice, and to bring in all other things of value to the Treasurer of the King's Household, and to tell the rest of *London*, *Exeter*, *Gloucester*, and give the Money to the Poor. *Hayles*, and some others say from hence, that the King was ill-satisfied as to the state of the Church, because he was now in the sixth year of his Age, but *Barnet* observes that when all is done, it was only calling in the superfluous Plate that lay in Churches, more for pomp than use. And that perhaps being sick, he did not much mind what Papers the Council brought him. *Journ.* Tom. II. p. 277.

1552. *May* (1), when there was no hope of the King's recovery. At last, one day, as the young King was expressing his great concern at the thoughts, that his Sister, the Princess *Mary* would do her utmost to destroy the Reformation, the Duke of *Northumberland* broke the Ice. He represented to the King, that there was but one way to prevent the misfortunes *England* was threatened with, in case the Princess *Mary* ascended the Throne after him; and that was, to settle the Crown on the Lady *Jane Grey* his Daughter-in-law. Indeed, it was natural, in excluding *Mary*, to transfer the Crown to his Sister *Elizabeth*, whom the King tenderly loved, and who was a hearty Friend to the Reformation. But probably, the Duke told the King, as he could exclude *Mary* but on the specious Pretence of her being illegitimate, the same reason subsisted with regard to *Elizabeth*, since the Marriages of their Mothers were equally annulled. That therefore, either the Succession was to be left as settled by the late King, or the Princesses were to be both excluded together. Very likely, the young King, who found himself dying, and only thought of saving the Reformation from the impending destruction, was prevailed with by this Argument, to sacrifice the Princess *Elizabeth*. Besides, he had a great Esteem and Affection for *Jane Grey*, who was an accomplished Lady both in Body and Mind.

However this be, the King having taken the resolution suggested to him by the Duke of *Northumberland*, three Judges of the Realm (2) were sent for, and required to draw an Assignment of the Crown to *Jane Grey*. The Judges desired a little time to consider of it. At last, they answered, they could not presume to do any such thing, without being guilty of High-Treason. Adding, that all the Privy-Counsellors who consented to the Assignment, would unavoidably be liable to the pains expressed in the Act of Succession. Upon which the Duke of *Northumberland* was in such a fury, that he had like to have

beaten the Judges; but they stood to what they had said. On the 15th of *June* they were sent for again, and at length by Threats and the Expedient of a Pardon under the Great Seal, were wrought upon to draw the Settlement of the Crown, which was signed by all the rest of the Judges, except *Hales*, who could never be prevailed with. All the Privy-Counsellors for their hands to it likewise on the 21st of the same month. *Cranmer* was absent that day on purpose to avoid signing; but the King importuned him so much, that he set his hand at last as a Witness, as it is pretended, and not as a Privy-Counsellor (3).

Mean while, the King's Displeasure increasing, without the possibility of finding any remedy, the Council thought fit to dismiss the Physicians, and put him into the hands of a certain Woman, who undertook his cure. It was said, this was done by the Duke of *Northumberland's* advice, and that the Woman shortened the King's days. But he was now so ill, that it was entirely needless to hasten his death. It is true, the Woman instead of curing him, only put him to more pain, by the Medicines she gave him; and this was sufficient to inspire the People with violent Suspicions of the Duke of *Northumberland*, who was not beloved, and was thought capable of any thing. At last the Physicians were sent for again. But it was not in their power to stop the violence of his Displeasure, which carried him out of the world on the 6th of *July*, after his giving sensible proofs of a true Piety. Some days before his death, the Duke of *Northumberland* got the Council to write to the Princesses *Mary* and *Elizabeth*, desiring them to come and keep him Company in his Sickness. His aim was to have them in his power, that they might not obstruct the Promotion of his Daughter-in-law *Jane Grey*. The two Princesses not imagining the King to near death, were upon the road, but hearing he was expiring, turned back, and the Duke was disappointed of his expectation (4).

22. MARY.

(1) *Hillinghead Grey*, it was about the beginning of the Month, p. 1081.

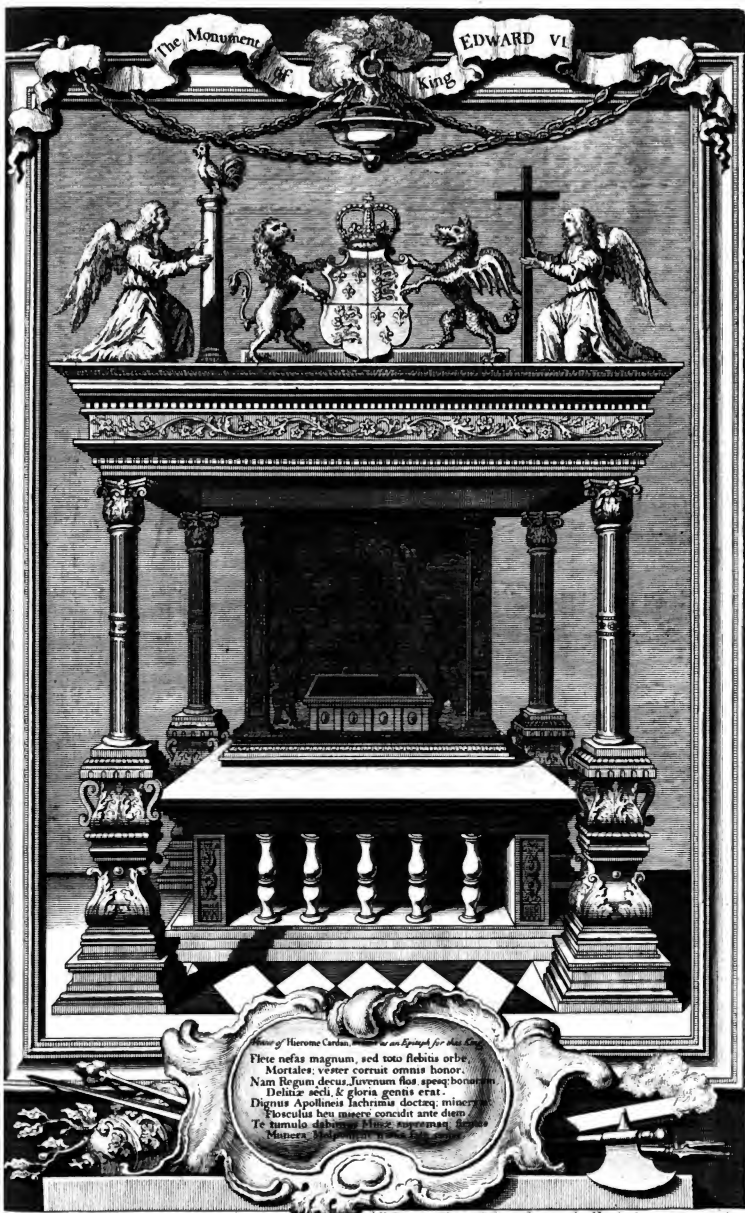
(2) They were *Messias* Chief Justice of the Common Pleas, and *Baker* and *Brereton*; and were sent for on *June* 11. *Giffard* came with them on the 15th. *Burnet*, Tom. II. p. 212.

(3) *Burnet* says, he does not know whether the Archbishop asked this Disposition, though it seems probable that he did so, seeing that Liberty was allowed to *Geoffrey*, who, in a relation which he made one week of this Translation, for clearing himself afterwards, says, when he heard *Hales* declare how much it was against Law, he refused to set his hand to it as a Counsellor, and that he only signed it as a Witness to the King's Subscription, p. 213.

(4) His Body was buried on the 15th of *August*, in the Chapel of St. Peter's Church in *Windsor*, and had near the body of *Henry VI.* his Grandfather. The charge of his Funeral amounting but to 475 *l.* 2 *s.* 4 *d.* *Strype*, p. 430. He died in his *Henry Sidney's* Arms. See in the Duke of *Northumberland's* It is said, *King Edward* was in *Italy* beautiful, of a sweet Aspect, and especially in his Eyes, which seemed to have a fiery brightness and lustre in them. He kept a book, in which he wrote the characters of all the chief Men of the Nation, all the Judges, Lord-Lieutenants, and Justices of the Peace over *England*, marking down their way of living, and their seal for Requisition. He had studied the habits of the Man, with the exchange and value of Money. He also understood Fortification, and designed well. He knew all the Harbours and Ports in his Dominions, as also in *Scotland* and *France*, with the depth of Water, and way of coming into them. He had acquired great knowledge in foreign Affairs, that the Ambassadors who were sent into *England* published very extraordinary things of him, in all the Courts of Europe. He took Notes of almost every thing he heard, which he wrote first in *Great Chancery*, that those about him might not understand them, and afterwards copied out fully in the Journal or Diary that he kept. This Journal, written with his own hand, is still preserved in Sir *Johannes Cotton's* famous Library; from whence the learned *Historian Burnet* transcribed and published it, in his 2d Vol. of the *History of the Reformation*. In it the most considerable Transactions in his Reign are perhaps as well registered (says *ut supra Nicolson*) by the young King himself, as by any other Historian. ----- *June* 26, a few days before his death, the King showed *Griffith*, St. Thomas's, and *Bridwell* Hospitals, in *London*, with the Revenues belonging to the Society in the same City, which amounted then to 6000 *l.* 2 *pence*; and gave licence for the purchasing of Lands, to the use of the same Hospitals, as far as the yearly sum of 4000 Marks. *Hollingshead*, p. 1081. He also founded *Christ's* Hospital in *Alexander*. *Holyn*, p. 141. ----- The Expenses of his Household yearly, during his Reign, were as follows. The first year, 49,187 *l.* 11 *s.* The second, 46,908 *l.* 7 *s.* The third, 46,100 *l.* 3 *s.* The fourth, 100,076 *l.* 16 *s.* The fifth, 62,867 *l.* 9 *s.* The sixth, 65,923 *l.* 16 *s.* *Strype*, Tom. II. p. 454, 455. As for the prices of meat, and other Provisions during this Reign, see *Ibid.* p. 151, 225. *Reynolds*, p. 149.

By Indentures of the 10th and 26th of *Edward VI.* a Pound Weight of Gold, of twenty Carats fine, and four Carats alloy, was coined into thirty Pounds by Tale, out of which the King had a great Profit; and a Pound of Silver of five Ounces fine, and eight Ounces alloy, was coined into forty eight Shillings; after which year, every Pound of fine Silver made in current Money seven Pounds four Shillings; and the King's Profit on every Pound Weight was four Pounds four Shillings. ----- In the 36th year of this King, a Pound Weight of Gold of twenty two Carats fine, and two Carats alloy, was to be coined into thirty four Pounds by Tale, into Sovereigns at 20 *s.* a-piece, Half Sovereigns at 10 *s.* a-piece, Crowns at 5 *s.* 6 *d.* and Half-Crowns at 2 *s.* 6 *d.* a-piece. And a Pound Weight of Silver of five Ounces fine, and six Ounces alloy, was to be coined into seventy two Shillings; which were to go for 22 *s.* a-piece; of which the Merchant, for every Pound Weight of fine Silver, received three Pounds Four Shillings, and the King above four Pounds six pence. ----- In the 4th year of this Reign, a Pound Weight of Gold of the old Standard, of twenty three Carats, and three Grains and a half fine, was coined into twenty eight Pounds five Shillings by Tale; namely, into Sovereigns at 20 *s.* a-piece, Half Sovereigns at 10 *s.* a-piece, Angels at 5 *s.* and Half-Angels at 2 *s.* a-piece. ----- In the 6th of this Reign, a Pound Weight of Silver of three Ounces fine, and nine Ounces alloy, was coined into seventy two Shilling at 22 *s.* a-piece; and the Merchant received for every Ounce of fine Silver, which he should bring to the Mint, ten Shillings of such Money; by which were twelve Ounces of fine Silver was coinably raised to fourteen Pounds eighteen Shillings. ----- In the 6th of this Reign, a Pound Weight of Gold, of the old Standard standard, was coined into thirty six Pounds by Tale; namely, twenty four Sovereigns at 20 *s.* a-piece, twenty two Angels at 10 *s.* a-piece, or one hundred and forty four Half-Angels; And a Pound Weight of Crown Gold of twenty two Carats fine, and two Carats alloy, was coined into thirty three Pounds by Tale; namely, thirty three Sovereigns at 20 *s.* a-piece, or fifty six Half-Sovereigns at 10 *s.* a-piece, or one hundred and thirty two Crowns, or two hundred and sixty four Half-Crowns; And a Pound Weight of Silver, consisting of eleven Ounces, one Penny weight fine, and nineteen Penny-weight alloy, was coined into three Pounds by Tale; namely, twelve Crowns, or twenty four Half-Crowns, or sixty Shillings, or one hundred and twenty 5 *s.* pieces, or two hundred and forty Three-pences, or seven hundred and twenty Pence, or one thousand four hundred and forty Half-pence, or two thousand eight hundred and eighty Farthings.





The Monument (Bryl) was erected in the Chappell of K. Henry VIII. at Westminster, at the Head of the Monument, and destroyed in the time of the Civil Wars.

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22. M A R Y.

1553.
M A R Y.

HENRY the Eighth's Divorces from *Catherine of Arragon* and *Ann Bullen*: the Acts of Parliament confirming these Divorces: other subsequent Acts which seemed to repeal what the first had ordained, the power given to the King to appoint his Successors, and to place them in what order he pleased: in a word, that Prince's last Will it self, had so imbroiled the Affair of the Succession, that it appeared full of Contradiction and Obscurity. It would not have been possible to resolve by the ancient Laws and Customs of the Realm, the Queries arising from so many inconsistent Acts, because the Makers of these new Laws had not in view justice and equity, but only the gratifying of a Prince to whom it was dangerous to refuse any thing. Henry VIII. had foreseen the difficulties and perplexities his two Divorces might one day occasion, and even seemed desirous to prevent them. But he only increased them by the new Statutes he obtained of the Parliament, wherein his aim was not so much to procure the Welfare of the Kingdom, as to follow his humour, and cause his Will to be a Law. To set this matter in a clear light, it will be proper to insert here a brief Recapitulation of that Monarch's Proceedings with respect to the Succession.

It has been seen in the History of his Reign, that after living eighteen years with *Catherine of Arragon* his first Wife, and having by her several Children, of whom there was but one Daughter alive, he had a mind to put her away. He pretended, his Marriage was void, and because the Court of *Rome*, for reasons of State, would not consent to annul it, he caused a Sentence of Divorce to be pronounced by the Archbishop of *Canterbury*, before he had abolished the Papal Authority in his Kingdom. He thereby afforded a very specious pretence to question the Private Authority by whom the Sentence was pronounced. What is more, he took a second Wife, before he was legally divorced from the first, and by this haste, gave a fifth occasion to dispute the validity of his second Marriage. Here are already two Contradictions in these his twofold steps. He applied to the Pope, as to his Judge, and before he had solemnly renounced his Authority, contends it, and in spite of the Pope, whose jurisdiction was still acknowledged in *England*, is divorced from *Queen Catherine*. On the other hand, he owns there was need of legal Sentence to justify his Divorce, and yet he prevents the Sentence by running into a second Marriage, before it was pronounced.

In the next place, he beheaded his second Wife for Adultery, and yet, before the execution, pretended she could not be his Wife, and was divorced from her on a frivolous pretence. These two Divorces were confirmed by an Act of Parliament passed in 1536, wherein was also a manifest Contradiction. The Act declared *Mary* and *Elizabeth* born of the two first Marriages, illegitimate and incapable of succeeding to the Crown, and yet it gave the King power to place them on the Throne, since, without any litigation, it invested him with all the Authority necessary to settle the Succession as he pleased.

There was likewise another contradiction in a Statute of the year 1540, where it was declared, that a Marriage after infamiation should not be annulled by reason of a Pre-contract. Nevertheless *Henry's* Divorce from *Ann Bullen* had no other Motive. Thereby, the King and Parliament owned they had injured *Elizabeth*, in declaring her illegitimate. It will be said perhaps, this Act was not to regard what was passed. But it is certain, it was made sly with design to favour *Elizabeth*. Notwithstanding, she was not restored by this Act, but it still lay

in the King's breast to give her a Place in, or exclude her from the Succession.

In another Act made in 1544, there was a no less manifest Contradiction. By this Act, both Houses themselves put in the line of the Succession *Mary* and *Elizabeth* after their Brother *Edward*. Did not this seem to be making them an authentic Reparation, and owning them for legitimate? And indeed, hitherto no Ballards had ever been on the Throne of *England*. Nay, it might be questioned, whether it was in the Parliament's Power to place them there. At least there would have been need of a very express and authentic Law for that purpose. Nevertheless by a particular Clause of this Act, the King was allowed the liberty to impose conditions on these two Princesses, without which they could have no right to succeed; a thing the Parliament would not, nay could not, have done, if they had been owned for legitimate. It was not therefore on account of their natural Right, but by mere favour, that they were enabled to succeed to the Crown.

Henry followed the same Plan in his last Will. He put *Mary* and *Elizabeth* in the line of the Succession after their Brother *Edward*, but in such a manner that he let them see, it was by mere Grace, since he bound them to certain conditions, without which they were to forfeit their right. The difference he made between them and *Edward*, showed he owned them not for legitimate, and thereby afforded a pretence to question the Right he gave them. But what conducted still more to embroil the affair of the Succession, was that this Will passing over in Silence the Issue of *Margaret* Queen of *Scotland*, *Henry's* eldest Sister, placed next to *Elizabeth* the Children of *Mary* Queen-Dowager of *France* and *Duchess of Suffolk*, the younger Sister. This was a manifest abuse of the Power granted him by the Parliament, and consequently a furnishing the Queen of *Scotland* with a plausible pretence to demand the annulling of a Will which subverted the most steady Laws of the Kingdom.

Edward VI. completed this Confusion in the Affair of the Succession, by conveying the Crown to *Jane Grey*, contrary to the rights of *Mary* and *Elizabeth*. This was an Act of absolute Sovereignty very unbecoming a King of *England*, and one that died a Minor. But moreover, in this Act of Conveyance there were Contradictions no less palpable than those *Henry VIII.* had been guilty of. *Edward* owned for good and valid, the Act declaring *Mary* and *Elizabeth* illegitimate. But at the same time, he repealed by his own Authority, that which gave the King his Father the Power to settle the Succession. On the other hand, he followed his Father's Will, in giving the preference to the younger Sister's Children; but without annulling the Will, by excluding *Mary* and *Elizabeth*.

By this short Recapitulation, it may be easily perceived what a door to Divisions and Civil Wars was opened by *Henry VIII.* and his Successor. By the above-mentioned Acts, four Princesses, namely, *Mary*, *Elizabeth*, the Queen of *Scotland*, and *Jane Grey*, could pretend to the Crown after *Edward's* Death, and each could find in these very Acts, Arguments to combat the Claims of her Adversaries.

Mary rested upon her Father's Will. But she received, in her opinion, a much stronger Support, tho' she durst not openly allege it, from her natural Right, and the want of Authority in those who annulled her Mother's marriage. On the other hand, it might be objected to her, that having been declared illegitimate by an Act of Parliament, that Act was never repealed, and it was not in the King's power to place Ballards on the Throne, in

The 4 Coats of this King are Sovereign, Half-Sovereign, Angels, Half Angels, Crowns, Half Crowns. The Sovereign has on one side the King's full crest: Reverse, SCUTTYED, FIDEL PROTECTOR, EYM. the Arms in a Shield crested, between E. R. A. other (it has the King's Title on the Ardent, on the Reverse, the King with a youthful Countenance, bare-headed, the Motto on the left. EDWARD VI. D. G. AGL. FRANC. Z. HIR. REX. Reverse, the Arms between E. R. HIS. AVTEM. TRANSIE. PER. MED. ILLO. 1. AT. (Fig. 2.) The Crown and Half Crown have the same inscription, the former Sovereign. The Silver Monies of this Prince, who was the last of this name, had the number 15, on every side of his Father's; the fine Money of *Henry VIII.* having the half Face, and his had the full; whereas *King Edward's* had the half, and his gold full. Of the same there are two sorts of Tellons, which give him half-faced; the one having this Legend, TIMOR DOMINI FONS VITE. M.D.XC. (Fig. 3.) and the other, INIMICOS EIVS INDIVAM CONVERSIONE. It was on the former of these that *Henry Learner* remarked, it was a pretty little Sailing, that he had like to have got it away for an old Grant. The Crown, Half-Crown, Shilling, and Penny-piece, have all of these King's Titles thus, EDWARD VI. D. G. AGL. FRANC. Z. HIR. REX. Reverse, the King's Arms with PO. VI. &c. only the Lower Half Crown give him on the Reverse, and underneath the Motto 1553; another has the Feather on the Horse's Head (Fig. 4.) whereas the Shilling and Penny-piece give him full-faced; of which there are of two different Mints of York with the Letter Y; and the penny's Mint in the Tower, Our Jan. (See Fig. 4.) Both these, as well as the Six-pence, have a Rose on one side the King's Head, and XII. or VI. on the other. The Threepence, with the Rose and III. has the same inscription as the Shilling.

exclusion

1553 exclusion of the lawful Heirs. That besides it was known to the whole Nation, that the Parliament was far from being free when she was plac'd in the Succession after Edward, but however this Act ought to have been preceded by an express repeal of that, whereby she was declared incapable of succeeding.

Of Elizabeth's death.

The same thing could be alledged against Elizabeth. But she might answer, that her Mother's divorce was grounded only upon a Clause which was afterwards declared insufficient, and that by the Act of the year 1549, she was restored to her Rights. Consequently it was to her the Crown was devolved if her Sister Mary was incapable of succeeding.

Of Mary Queen of Scotland's death.

The Queen of Scotland could plead the Illegitimation of Mary and Elizabeth, and affirm, it was her Right to ascend the Throne of England, as Grand-Daughter to Henry VIII's eldest Sister. As to the objection of her being born out of the Land, it was a groundless Cavil, since the Princes of the Blood in England, are never deemed Foreigners, though born out of the Kingdom.

Of Jane Grey's death.

Jane Grey had for her Edward's Affirmation, approved by all the Counsellors and the Judges of the Realm. But it must be confessed, it was a very ill-grounded Right. Herein, 'tis certain, the King, the Council, and the Judges, had undertaken what exceeded the bounds of their Power. Besides, the Duke of Northumberland was known to hold the Council in Subjection, and it would have been easy to prove the Judges were forced to draw and sign the instrument.

Mary and Jane Grey are the only Competitors.

Had this affair been to be decided by the Law, and impartial Judges, many difficulties would doubtless have occurred. On the other hand, if each of the four Princesses who might have pretended to the Crown, would have maintain'd her Right, and had been strong enough to support her pretensions, to what calamities would the Kingdom have been expos'd? But the affair took another turn, because Elizabeth and the Queen of Scotland endeavour'd not to possess the Crown. So Mary and Jane were the only Competitors. This was very advantageous to Mary, because her Right was thereby put in the balance with only Jane's the weakest of all. Undoubtedly this is what induced all the Historians to declare for Mary's Right, because they compar'd it only with that of her Rival. But if Elizabeth and the Queen of Scotland had been each supported with a good Army, perhaps all the advantage would not have been so readily given to Mary. Having thus seen the grounds of this quarrel, let us now proceed to the decision.

The Duke of Northumberland's error.

The Duke of Northumberland took great care to conceal Edward's death, because he expected Mary would come and throw herself into his hands. It must be confessed, this Minister, tho' very politic, committed a very gross error, in neglecting to secure Mary and Elizabeth, immediately after Edward had signed the conveyance to Jane Grey. He might have easily effected it whilst the King was alive. But instead of suddenly taking of necessary a precaution, he expected they would come of their own accord into the Snare he had laid for them, by causing them to be sent for to keep their Brother Company in his Sickness. Mary had like to have been intrapp'd. She was within half a day's Journey of London (1), when she had notice from the Earl of Arundel, of the King's death, the assignment of the Succession, and the design upon her person. This News obliging her to take other measures, she immediately turned back, and went to Kenning-Hall in Norfolk. From thence she wrote a Letter to the Council (2), which plainly discover'd she was informed of what they intended to conceal from her. She told the Counsellors, she thought it very strange that the King her Brother being three days dead, she had not been advertised of it by them, since they could not be ignorant of her just Right to the Crown. That their neglect on this occasion, was a plain Intimation of some ill design against her; but that she was ready to take all in good part, and to pardon those who would have recourse to her clemency. That, in the mean while, she required them to proclaim her Queen. After writing this Letter she departed from Kenning-Hall, and repaired to the Castle of Framlingham in Suffolk. Two relations induced her to retire to this place. The first, that the Duke of Northumberland was much hated in those Parts, ever since the great slaughter he had made of the Rebels who had taken arms under Ket. The second, that the Castle

of Framlingham being near the Sea, she might, if the ill Success of her Affairs should oblige her to it, have an opportunity to fly with more ease into Flanders. Upon her arrival at this place, she took the Title of Queen, and being proclaimed at Norwich, sent a circular Letter to all the Nobility, requiring them to come and aid her in maintaining her Right. Let us now see what palled at London.

It has been observed in the foregoing Reign, that the Duke of Northumberland was become so absolute in the Council, that not one of the Counsellors dar'd to oppose his Will. Edward's death seem'd likely to free them from this Servitude. But as probably the Duke would have more Authority under his Daughter-in-law Jane, than under Edward, every one dreaded to make him an enemy. It is not therefore to the Council so much as to the Duke of Northumberland, by whom the Board was directed in all their resolutions, that whatever was done in favour of Jane after Edward's death, is to be ascribed. This Minister soon found it impossible to conceal long the King's death. Two days after, the News of it was publick in London. Besides, Mary's retreat plainly shew'd how fruitless were the pains that were taken on that account. So the Duke thinking it no longer proper to hide his designs, was sent with the Duke of Suffolk to give Jane notice of her being to ascend the Throne (3), by virtue of Edward's Letters-Patents whereby he assigned her the Crown. Jane was then but in her sixteenth year. But at that age, wherein the Judgment hardly begins to be form'd, she had acquired such a degree of Perfection, as is rarely found in one so very young. All the Historians agree, the Solidity of her mind, join'd to a continual application to study, rendered her the Wonder of her Age. She understood perfectly French, Latin and Greek, and made use of these Languages as helps to attain to the highest Knowledge in the Sciences (4). Herein she was very like her Cousin King Edward, who had a tender Friendship for her, as, on her part, she had a great esteem for him. She appear'd much moved at his death, which however she must have expected, since his recovery had been now some time despaired of. But as she knew not that his death was to procure her the Crown, she was extremely surpris'd at the News which her Father and the Duke of Northumberland told her. Instead of receiving it with Joy, as they doubtless expected, she told them, she did not mean to enrich herself by the Spoils of others: That the Crown belonged to the Princess Mary, and after her to the Princess Elizabeth, and being acquainted, as she was, with King Henry's Will, she was unwilling to aspire to the Throne before her turn. Against these reasons were urg'd King Edward's and the Council's Authority, with the approbation of the Judges, and it was endeavour'd to convince her, that this unanimity was a clear evidence there was nothing in it contrary to the Laws of the Land. She found herself moved by these Arguments, and the importunities of Guilford Dudley her Husband prevail'd with her at length to receive the offered Crown. It was however in such a manner, as convinc'd the two Dukes that she did it not so much from a perfwasion of the Justice of her Title, as out of complaisance, and for want of resolution. Accordingly the Duke of Northumberland declared in his report to the Council, that so far was Jane from aspiring to the Crown, she was rather, by enticement and force, made to accept it.

As soon as the Duke of Northumberland had obtained Jane's consent, it was resolv'd that the Council should withdraw to the Tower with her (5), and be proclaimed. This resolution being taken, the Lord-Mayor of London was sent for, and being informed of the King's death, and of the Settlement in favour of Queen Jane, the Ceremony of the proclaiming was fix'd to the next day, the 10th of July, and the 5th after Edward's Death. Meantime the Council writ an Answer to Mary's Letter signed by twenty one Counsellors (6), to this effect, "That Mary could not pretend to the Crown, since she was born of an unlawful Marriage, dissolved by a legal Sentence, confirmed by more than one Parliament: That she ought to give over her Pretensions, and acknowledge Queen Jane for her Sovereign, who was now on the Throne by virtue of the late King's Letters-Patents: That if she showed herself obedient, she should find the Counsellors all ready to do her any Service, consistent with their Duty to Queen Jane."

Mary retires into Norfolk; and from thence to Suffolk.

1553.

She takes the Title of Queen, and calls the Nobles to her aid.

The Duke of Northumberland is oblig'd to the Council.

He gives Jane notice of her being Queen.

She accepts the Crown with reluctance.

She withdraws to the Tower with her Council. She is proclaimed at London.

She is proclaimed at London.

She is proclaimed at London.

She is proclaimed at London.

She is proclaimed at London.

She is proclaimed at London.

She is proclaimed at London.

She is proclaimed at London.

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She is proclaimed at London.

(1) At Harbottle in Norfolkshire. Hollingb. p. 1084.

(2) On the 9th of July. Ibid.

(3) She was then at Litcham House, which was the place of her residence. Burnet, Tom. II. p. 234.

(4) Roger Ashton, Tutor to the Lady Elizabeth, coming once to wait upon her at her Father's House in Leicesterhouse, found her reading Plato's Works in Greek, when all the rest of the Family were hunting in the Park. He asked her, How she could be absent from such pleasant Diversion, she answered, The Pleasures in the Park were but a shadow to the delight she had in reading Plato's Phædo, which then lay open before her. Ibid. What a noble Pattern is here for the Education of young Ladies of Quality, and how different from the modern way of bringing them up!

(5) That which Edward Lord Clinton, High Admiral, was appointed Constable, in the room of Sir James Crofts. See the Note, Tom. II. p. 2.

(6) The Archbishop of Canterbury; the Lord Chancellor; the Duke of Suffolk and Northumberland; the Marquess of Winchester and Northampton; the Earl of Arundel, Dorsetshire, Huntingdon, Bedford, and Pembroke; the Lords Cobham and Darcy; Sir Thomas Cheney; Sir Robert Cotton; Sir William Petre, Sir William Cecil, Sir John Choke, Sir John Major, Sir Edward North, and Sir Robert Smeaton. Burnet, Tom. II. p. 235.

Jane

1555. *Jane* was proclaimed in *London* with the usual Formalities. But there were none of the Acclamations customary on such occasions; so astonished were the People to see a Queen proclaimed they had never thought of. Besides, as the Duke of *Northumberland* was very much hated, and as *Jane* was his Daughter-in-law, when she was heard to be proclaimed Queen, the Duke was imagined to be proclaimed chief Governor, which was by no means pleasing to the People. Nay, an accident happened on this occasion, which was very ominous, and confirmed the *Londoners* in their prejudice against the Duke of *Northumberland*. A Violent Boy (1) having some way expiell'd his scorn at the Proclamation, was immediately ordered to be set in the Pillory, with his Ears cut off, and nailed to it; which was accordingly done. This Proceeding, the odium whereof was cast upon the Duke, made it judged what was to be expected from his Government, since this new Reign began with an Act of Severity.

The Duke of *Northumberland* took care not to omit the Custom long since introduced, that the new Sovereigns should withdraw to the *Tower*, with the Council, in the beginning of their Reign. He could not doubt, *Mary* would pretend to the Crown, and use all possible endeavours to take possession, neither was he ignorant how the Nobles and People stood affected with regard to the situation the State was then in. For this reason, he was very glad to have the Counsellors in the *Tower*, in order to be master, and cause them to come to resolutions agreeable to his Interest. As the change which shortly after happened, proceeded from the Disposition of the several Members of the State, it will be absolutely necessary to have a distinct notion how they stood inclined, in order to understand the causes of this Revolution.

The Council consisted of one and twenty Counsellors, among whom there were few real Friends of the Duke of *Northumberland*; but every one feared him. Some, as the Earl of *Arundel*, still adhered to the *Romish* Religion, though outwardly they complied with the new Laws. Others, as the Archbishop of *Canterbury*, were truly Protestants. But the major part, without being really addicted to any Religion, blindly followed that which was uppermost. As they had readily embraced that of *Henry VIII.*, they had with the same ease followed that established by *Edward*, being ready to resume the *Romish* Religion if it suited best with their temporal Interest. This was particularly the Duke of *Northumberland's* Character. So, though he professed the Reformed Religion, the Protestants themselves had a very ill opinion of him. They were persuaded, his pretended Zeal for the advancement of the Reformation was all grimace, and the pure effect of his Policy. This disposition of the Counsellors, manifestly shews, that a religious Zeal alone was not capable of keeping them in *Jane's* Interest. There was need of a much stronger Motive to that end. But instead thereof, there was a reason which entirely disingaged them from her Party; namely, the slavish Subjection they were held in by the Duke of *Northumberland*. That Lord, whose Pride was intolerable, could not bear contradiction. The Council seemed to have nothing to do, but to follow his directions without examination. Then, he was one of those unreasonable Persons, with whom if you fail on a single occasion, all past Services are cancelled. This the Earl of *Arundel* in particular had sadly experienced. Tho' he had been very servicable to the Duke in ruining *Somerſet*, yet afterwards, because he did not find him submissive enough, he caused him to be condemned in a heavy Fine, under colour of his having wasted the King's Treasure. This Usage was still remembered by the Earl, who only waited an Opportunity to be revenged. The rest of the Counsellors were no less desirous to free themselves from the Duke's Yoke. But they were as Prisoners in the *Tower*, where they apprehended, the least false step would cut them their Life, before the quarrel between *Jane* and *Mary* was decided. And therefore, they approved of whatever the Duke pleaded to order, and the resolutions tending to establish *Jane* on the Throne, were made in the Council's name, though the Duke alone was the Author.

The rest of the Nobility, who had no share in the Government, were in much the same Sentiments with the Counsellors. Whilst the Duke of *Somerſet* was Protector, he was hated by the Nobility, as appeared in the former Reign. And therefore, they assisted to the utmost the Earl of *Warwick* to run him. But when that was done, they soon perceived they were no gainers by the change, since it gave them a much prouder, and more formidable master than the Person they were freed from. The new Minister treated them after wards with so much haughtiness, that they had reason to regret the Duke of *Somerſet*. Consequently they earnestly desired to see him ruined, which

they could not expect whilst his Daughter-in-law should be on the Throne. This made them incline to *Mary*, tho' that Princess was little beloved in the Kingdom.

The Duke of *Northumberland* had been the principal Author of *Somerſet's* Fall, who was the People's Idol. This was sufficient to render him odious. Besides, he was counted a hard and cruel Man, whose Counsels always leaned to the side of Severity. After he had dispersed the *Norfolk* Rebels in the late Reign, he caused so many to be executed, that he drew upon him the hatred of the Counties of *Norfolk* and *Suffolk*. This hatred afterwards spread itself over the Kingdom, when he came to be at the head of Affairs. Wherefore, all the People in general wished to be freed from this odious Minister, and that could be only by the ruin of *Jane's* Party. The *Londoners* in particular hated him mortally, because they believed him guilty of King *Edward's* death.

Let us now consider the *English* Nation in respect to the two Religions. *Jane* openly professed the Protestant Religion, and shewed, she was entirely convinced of the truth of its Doctrines. *Mary*, on the contrary, was extremely addicted to the *Romish* Church, and though during *Edward's* Reign, she had pretended to adhere to the Religion established by *Henry VIII.*, it was known to be only with design to silence those who governed during her Brother's Minority. She was not only thought devoted to the Pope, but also a Favourer of the most absurd Doctrines of the *Romish* Religion. It may easily be guessed, that all who were still for the old Religion in their hearts, passionately wished that this Princess might ascend the Throne. This was the only way they could hope to see their Religion restored, whereas if *Jane* reigned, they could expect only the continuance of the measures taken to abolish it. The Duke of *Northumberland*, who, probably, was to be *Jane's* prime Minister, had even appeared zealous for the Reformation. So, to judge of him by his past Conduct, the Friends of the old Religion could hope for no advantage from him. Some who knew him better than the rest, were however sensible, he was far from being a good Protestant. But they knew also, though he might have favorable thoughts of their Religion, they could expect nothing from him but what was agreeable to his temporal Interest, and that this Interest would naturally hold him attached to the Protestant Party. So, the *Roman* Catholics were all for *Mary*, and ready to lend their assistance to set her on the Throne.

The better to understand how the Reformed stood affected at this time, it must be observed, that to consider *England* in general, it may be said, she was wholly Protestant. Hardly was there a Man but what had submitted, at least outwardly, to the Laws made for that purpose in the Reign of *Edward*. But among the great numbers which were looked upon as Protestants, there were many who were so only in name. Some still halted between the two Religions. Others were Papists in the hearts; and very many regarding only temporal advantages, had embraced the Reformation to make their Fortune. The smallest number was of those, who truly convinced of the Tenets of the new Religion, were ready to sacrifice their All for its sake. None but these therefore were real Friends to *Jane*. As for the others, there were many who wished indeed the Reformation might prevail, and considered *Mary's* Accession to the Throne as a misfortune, but were unwilling to hazard their Lives and Fortunes to prevent it. However, there was one thing where-in all the Reformed, as well the zealous, as the lukewarm, and timorous were agreed; namely, in their hatred of the Duke of *Northumberland*, and their dread of falling again under his tyrannical Government. These two Passions caused them to look upon *Jane's* Reign as a misfortune to them and the Kingdom. They were the more confirmed in this opinion, as, not foreseeing what was to happen in *Mary's* Reign, they flattered themselves, that content with the private exercise of her own Religion, she would leave the Protestant in the same state she found it, or at most would be satisfied with giving her Party Liberty of Conscience; and this was what her Friends every where, and on all occasions, took great care to insinuate. So *Jane's* Cause was like to be but ill-supported, especially as *Mary* having no other Rival, the *English* did not believe they ought, through a principle of Religion, to depart from the rules of Justice and Equity, by depriving her of the Crown, who had the best Title. If their Posterity have not continued in the same opinion, it is to be wholly ascribed to the Cruelties exercised upon the Protestants, where-over the *Romish* Religion prevails.

It is certain, though *Mary* had for her all the Well-Wishers to the old Religion, that Party would not have been able to place her on the Throne, if the People's hatred of the Duke of *Northumberland* had not determined

(1) One Gilbert Per. Somerſet, p. 610.

1553. the Protestants themselves to declare for her. Most of the English Historians take great pains to prove the justice of Mary's Title, to infer from thence that the Protestants preferred Right to their own Interest. I won't deny that several acted from that principle. But very probably the deal of falling again under the Government of the Duke of Northumberland, helped Mary to more friends than the justice of her Title, especially as this Title was not so clear but that it was liable to many objections. However this be, Mary being proclaimed at Norwich, the Counties of Norfolk and Suffolk declared for her, and furnished her with Troops. The Men of Suffolk, though strongly attached to the Reformation, signalized themselves on this occasion. It is true, they desired to know of her, whether she would leave Religion in the same State she found it; which she positively promised, referring to herself however the liberty of professing her own Religion. Upon these Assurances, they resolved to hazard their Lives and Estates in her quarrel. Many Lords and Gentlemen came also to *Framlingham* to offer their Service; and the Earls of Bath and Suffolk, the Sons of the Lord Wharton and Merdant (1), with many more (2), raised Forces for her.

Mean time, the Council was drawing instructions for Richard Shille, who was to go and inform the Emperor of what passed in England. It was believed there was most danger from that quarter. Shille went indeed (3), but the Emperor would neither give him audience, nor receive Jane's Letter to notify her Accession to the Crown, and to desist his friendship.

Mean while, the Council received advices from all sides, that Mary's Party gathered strength, that she had been proclaimed in several places, and had an Army already which daily increased. These ill-news, which flowed in very fast, obliged the Ministers to raise Forces to fend against Mary's. Immediate Orders were given to those that were ready to meet at *Newmarket*, with whom were joined some Regiments levied in haste at London. At the same time they sent Sir Edward Hastings, the Earl of Huntington's Brother, to raise Buckinghamshire, and the Earl of Northampton undertook also to raise *Hertfordshire*. The Duke of Suffolk was appointed to command the Army, because the Duke of Northumberland was unwilling to go away, for fear his Absence should produce ill-effects.

But the Earl of Arundel, who wished for an opportunity to act for Mary, seeing the Duke of Northumberland's preference was an insuperable obstacle to the execution of his Designs, found means to break his measures. He intimated to Jane, that the Duke her Father would be exposed to great danger; that it would be more proper for the Duke of Northumberland to head the Army, and for the Duke her Father to stay with her. On the other hand, he insinuated, or caused it to be insinuated to the Duke of Northumberland, that it would be very dangerous to put the Army under the Duke of Suffolk's command, who had never been very fortunate in his Expeditions: That on such an important occasion, he ought instantly to head the Troops himself, and that his name alone was capable of striking terror into those assembled by Mary, in a County where he had given singular proofs of his Conduct and Valour. Jane's tender affection for the Duke her Father, caused her to ardently to embrace this advice, that all the Duke of Northumberland's endeavours to make her alter her mind were ineffectual.

At so critical a juncture, the Duke of Northumberland was much distracted in his mind. Indeed, he knew he was much sicker than the Duke of Suffolk to command the Army against Mary, and was very sensible, all depended upon it. But then he was afraid to leave the young Queen in the hands of the Council, of whom he was not well assured, and who complied with him purely out of fear: and the more, as the Duke of Suffolk, the Queen's Father, was reckoned but a weak Man. However, as it was not entirely in his choice to accept or refuse the command; and besides all depended upon the Success against Mary's Army, he resolved to march. He left London on the 14th of July, without being wished Success (as is usual on such occasions) by the great Crowds looking on as he passed, and went and headed six thousand Men assembled at *Newmarket* (4).

Though most of the Counsellors had no great inclination

to favour the Duke of Northumberland's designs, they were obliged however to life great caution. They saw themselves as Prisoners in the Tower, under the direction of the Duke of Suffolk, who was concerned to prevent all Proceedings against his Daughter. It was necessary therefore to seem very zealous for Jane's interest, till a favorable opportunity offered to declare for Mary. To this end, they appointed Ridley Bishop of London to set out Queen Jane's Title in a Sermon at St. Paul's, and to warn the People of the dangers they would be exposed to, if Mary should mount the Throne. Ridley discharged his Commission (5) like one that was persuaded the Reformation would very much suffer under Mary's Government. And therefore, he largely insisted upon Mary's Attachment to the *Remish* Religion, and informed the Audience of some things which had passed between him and her, and which were plain indications of her Averion to the Reformation and the Reformed (6). Mary never forgave him this Sermon, which at that juncture was capable of doing her great injury. For, it was at a time when her friends were using their utmost endeavours to persuade the People, she was not so zealous for the *Remish* Religion as she was represented, and that she would make no Change in that which was established by Law. Sands, Vice-chancellor of Cambridge, afterwards Archbishop of York (7), in the Reign of Elizabeth, having received the same orders from the Duke of Northumberland [Chancellor of that University] managed it more artfully, and by keeping to more general Terms, gave no offence to either Party.

Mean while, the Duke of Northumberland was extremely embarrassed. He had marched to Cambridge with six thousand Men (8), and from thence was advanced to St. Edmundsbury. But instead of seeing his Army increase by the way as he expected, it daily diminished by Desertions. On the other hand, he heard of Mary's Progress in Norfolk and Suffolk, and to complete his Misfortunes, News was brought him that Sir Edward Hastings (9), who was to have joined him with four thousand Men he had raised, had declared for Mary, and proclaimed her at Buckingham. In short, he was informed likewise, that the six Men of War sent to cruise on the Coast of Suffolk to prevent Mary's escape, had followed the example of Hastings. All these things made him resolve to return to Cambridge, from whence he writ to the Council for a speedy Supply. But the Counsellors were then otherwise employed.

The News they received from all parts of the prosperous State of Mary's Affairs, had now determined most of them to provide for their safety, by changing sides; whilst their change might be of service to them. In all appearance, the Earl of Arundel had already laboured to take off some of his Colleagues from Jane's Party. The Marquis of Winchester, who always went with the stream, was easily prevailed with. The Earl of Pembroke had been one of the most zealous for Jane, because his Son had espoused this new Queen's younger Sister. But finding her Affairs in an ill way, he resolved either of himself, or by the Solicitations of the Earl of Arundel, to screen himself from the impending Storm, in doing Mary some signal Service (10). These three Lords gained other Counsellors, and they all resolved to declare for Mary as soon as it was possible. The difficulty was to get out of the Tower, without giving suspicion to the Duke of Suffolk. Had the Duke of Northumberland been present, they would have found it very hard to succeed; but the Duke of Suffolk was far from having his Penetration. The Letter lately received from the Duke of Northumberland furnished them with the wanted pretence. They represented to the Duke of Suffolk, that the readiest way to find the desired Supply, was to apply to the Mayor of London; and to that end, it was proper the Council should meet somewhere in the City, the more easily to confer with the Mayor, concerning the means of speedily raising a body of Troops: That the Earl of Pembroke's House was convenient for that purpose, and there the Affairs would be forwarded more in two Hours, than in six in the Tower. But as it might be objected, that the Mayor and Aldermen could be easily sent for to the Tower, they added, that at the same time Audience might be given to the French and Spanish Ambassadors, who scrupled to receive it in the Tower. Whether the Duke of Suffolk did not suspect them of any ill design, or at such a juncture, durst

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He managed it so, that the Duke of Northumberland was unwilling to go away, for fear his Absence should produce ill-effects.

Godwin, Barnes, Hastings.

Disposition of the Council.

(1) Ridley says, the Lord Merdant, which is a mistake, it was Sir John Merdant his Son.

(2) Sir William Drury, Sir John Sidney, Sir Henry Bodingfield, Henry Ferrisburgh, John Salter, Richard Popham, Sergeant Menger, Simon Hygham, &c. Stron, p. 610. Gower, p. 170. Compt. Hist.

(3) He was dispatched, July 11. Stron, p. 4.

(4) He marched out of London at the head of two thousand Horse, and six thousand Foot. But as he rode through *Buckingham* and *Hertfordshire*, though there were great Crowds of Spectators, none cried out to Wish him Success, which gave a bad indication how all they were affected to him. Barnes, Tom. II. p. 234.

(5) On July 16. Hastings, p. 1837.

(6) Naturally, when he went to visit her, and offered to preach in her House, which she refused. See Fox, at the end of Tom. II.

(7) Ridley says of Cambridge, which is a mistake.

(8) He had eight thousand Foot, and two thousand Horse, when he arrived at Cambridge. Godwin, p. 331.

(9) The Earl of Hastings's Brother. Ibid.

(10) Sir Thomas Grey, Master of the Great-Ports, declared also for her. Ibid.

1553. not discover his suspicions, he suffered the Council to meet at the Earl of Pembroke's (1), whom he did not mistrust, on the 19th of July.

They declare for Mary.
C. de Witt.
Barnet.
As soon as they were met, the Earl of Arundel made a Speech, representing to them, That now or never was the time, to shake off the Tyranny of the Duke of Northumberland: That they had sufficiently experienced his insolence, injustice, cruelty, treachery to his Friends, and if they were so unwise as to support *Jane* on the Throne, they would but render more heavy the Yoke which the Duke had already laid on their necks: That the only way was to declare for *Mary*, and when the People should see the Council take that course, the Duke of Northumberland would be forsaken by all. The Council's sudden resolution to follow the Earl's advice, shews that this Affair had been already determined among the principal Members. After a short debate, they sent for the Mayor and Aldermen of London, and declaring their resolution, they went together and proclaimed *Mary* in several parts of the City. Then they repaired to St. Paul's, where *Te Deum* was sung. The ready Compliance of the Magistrates of London, can be ascribed only to their hatred of the Duke of Northumberland. Let it be affirmed ever so much, that these Magistrates longed for the Re-establishment of the old Religion, and therefore gladly embraced the present opportunity to set *Mary* on the Throne: it is not likely, that Men placed in their Offices in *Edward's* Reign, should be so well inclined to the old Religion, as to come to so sudden a Resolution with that view, if there had not been some other motive. However, as soon as they came from St. Paul's, the Council sent an order to the Duke of Suffolk, to require him to deliver up the Tower, and that *Jane* should lay down the Title of Queen, and give over her Pretensions. The Duke immediately obeyed, fearing no possibility of keeping the Tower at this sad juncture. As for *Jane* the few herself strip of her dignity, held but nine days, with more joy than she had seen herself clothed with it. Then the Council dispatched orders to the Duke of Northumberland to disband his Army, and behave himself as became an obedient Subject to Queen *Mary*. At the same time the Earl of Arundel and the Lord Paget were sent to inform *Mary* of these Transactions.

The Duke of Suffolk deposes the Duke of Northumberland.
He tries to escape.
C. de Witt.
Barnet.
The Duke of Northumberland heard what passed at London, before he received the Council's Orders: to dismiss his Troops, and plainly perceiving, it would not be possible to keep his Army together, prevented the Orders, and obeyed beforehand. His first thoughts were to fly out of the Kingdom. But 'tis said, he was hindered by the Band of Gentlemen Pensioners, who plainly told him, they had need of his Testimony to justify their Conduct. After that, he thought only of gaining *Mary's* Favour, by expressing a Zeal for her Service, as if it had been possible to deceive her by some external Actions. To that purpose, he went to the Market-place in Cambridge, and proclaimed the Queen, ringing up his own Hat for Joy and crying, 'God save Queen Mary.' But all this signified nothing. The next day (2), the Earl of Arundel arrested him by the Queen's Order. Then was that proud and haughty Man seen to cringe, as much as he had been exalted in his Prosperity. He fell at the Earl of Arundel's Feet to beg his favour, and shewed many other signs of fear, abjectness, and pusillanimity. This is the common Character of Men whom Fortune raises above their Birth and Merit. Three of his Sons, namely, the Earl of Warwick his eldest, *Ambrose* and *Henry*, Sir *Andrew Dudley* his Brother, *John* and *Henry Gates*, Sir *Thomas Palmer*, and Doctor *Sands*, were apprehended with him, and sent to the Tower the 25th of July. Upon this occasion, a Woman seeing the Duke of Northumberland pass by the Tower, took at a Handkerchief dyed in the Duke of *Somerfet's* blood, upbraiding him with having caused it to be unjustly shed.

He is arrested with his sons and several others.
C. de Witt.
Barnet.
Strope.
Stow.
Hillingham.
When the Duke of Northumberland was in the Tower, *Mary* met with no more opposition. All *Jane's* Adherents strove to atone for their fault by a ready Submission, and Supplication of the new Queen's Mercy. She received very graciously those who came to pay their duty to her, though she was determined to sacrifice to her Safety, or Vengeance, some of those whom the looked upon as her principal Enemies. Of this number were *Jane Grey*, the Duke of Suffolk, the Marquis of Northampton, Ridley

Bishop of London, *Cheek* who had been *Edward's* Preceptor, *Robert Dudley* the Duke of Northumberland's Son, *Guiseford Dudley Jane's* Husband, *Cholmely* and *Montague* Judges. All these were sent to (3), or detained in the Tower by the Queen's express Order. But three days after, she released the Duke of Suffolk, having pitched upon him for an instance of her Clemency, because the thought him uncapable of creating her any disturbance (4).

On the 31st of August she came to London with her Sister *Elizabeth*, who had met her on the way with a thousand Horse (5), she had raised for her Service. When she entered the Tower, she released the Duke of Norfolk, the Lord *Banner*, the Duke of *Somerfet*, and the Lord *Courtney*, eldest Son of the Marquis of *Exeter*, whom she shortly after created Earl of *Devonshire*. Thus, without any effusion of Blood, she was peaceably settled in the Throne, notwithstanding the attempts to deprive her of it. She owed this good Success to the universal hatred of the Duke of Northumberland, for it may be truly affirmed, that as *Jane Grey*, without that Lord, would never have borne the Title of Queen, so without him she would doubtless have preserved it. Very probably, the restoring of Religion to the state it was in before the alterations introduced by the two last Kings, and perhaps the being revenged of her Enemies, were the principal things intended by *Mary*, when she ascended the Throne. At least, we shall see no other Project in the course of her Reign.

As the new Queen had nothing in her thoughts but the establishing of her Religion, her first care was to consult her truly Friends how to effect it. She was herself disposed to keep no measures, but to force the Kingdom to return immediately to what she called, the Union of the Catholic Church. To that end, she had now determined to send for Cardinal *Pol* as Legate, to reconcile England to the Pope. But *Gardiner*, who was considered as a Man of great Experience, was of another opinion. He knew the Reformation must be pulled down the same way it was set up, that is, by degrees, and therefore it was sufficient at first, to bring back Religion to what it was at King *Henry's* death. This advice was more prudent, and would more suitable to the Interest of the Person who gave it. He was sensible, the Queen had a great Esteem and Affection for *Pol*, and was afraid this Cardinal being in England, would dispossess him of the chief place in the Queen's Favour, nay, quite ruin him with her, because he was not his Friend. Mean while, as this advice was not relished by the Queen, it was in danger of being rejected, if *Gardiner* had not used other means to compass his ends. He sent a Messenger to the Emperor, to represent to him, that what the Queen proposed was too hazardous, and in case *Pol* came too soon into England, his Zeal for the See of *Rome* would undo all, because the English were not yet prepared to submit to the Pope's Yoke (6). That on the contrary, by his method, every thing would succeed to the Queen's Satisfaction, and to the advantage of Religion, provided the Queen would be pleased to make him Chancellor, and thereby give him the Authority necessary to conduct so nice an affair. Probably, it was now the Emperor projected the Marriage between his Son *Philip* and *Mary*, either of himself, or by *Gardiner's* Suggestion. However this be, the Emperor approving *Gardiner's* measures, writ several Letters to *Mary*, to persuade her to moderate her Zeal, lest too much haste should spoil her designs. As she had a great deference for his Councils, she brought herself by degrees to comply with the Bishop's Projects, to whom at length she gave the Great Seal (7).

King *Edward's* Funeral was solemnized at *Westminster* King *Edward's* 18th of August. The new Ministers were for having the old abolished Office made use of on this occasion, but *Cranmer*, supported by Acts still in force, stoutly opposed it, and officiated himself according to the new Liturgy, giving the Communion to as many as were desirous to receive it (8). But the Queen had a solemn Service in her own Chapel performed with all the Ceremonies of the Church of *Rome*.

On the 12th, the Queen in Council declared, she would use no force upon Conscience in affairs of Religion. Great care was taken to dispense this Declaration, and to magnify it as a great Instance of the Queen's Generosity. But the Protestants easily saw the difference betwixt her

(1) At *Baynard's Castle*. *Godewin*, p. 331.

(2) July 21. *Strope*, Tom. III. p. 12.

(3) *Catholick and Massagers* were committed on July 27, and the Duke of Suffolk and Sir *John Clerk* the 28th. *Barnet*, Tom. II. p. 240.

(4) July 31. the Queen made Sir *Henry Jerningham* Vice-Chamberlain, and Captain of the Guard; and Sir *Edward Hastings*, Master of the Horse. *Strope*, p. 12.

(5) Two thousand. See *Strope*, Tom. III. p. 14.

(6) He observed to the Emperor, That the English were averse to the Papacy upon a double account. The one was, for the Church Lands, which they had bought, and should be in danger of being again. The other was, the fear they had of the Papal Dominions, which had been for about twenty five years reprimanded to them as a most intolerable Tyranny. *Barnet*, Tom. II. p. 242.

(7) *Archb.* 23. *Godewin*, p. 331.

(8) Day, the day after *Edw.* was a *Catholick*, preached the Funeral Sermon. *Godewin*, p. 334. And very probably performed the rest of the Service; for it does not appear likely, that *Cranmer* should be suffered to officiate, he being now under diffidence, and about this time confined to his House. See *Barnet*, Tom. III. *Collier*, p. 409; and *Hillingham*, p. 1039.

1553. Declarations in Council, and her Promises to the *Suffolk*-Men. She had told these, that Religion should be left in the same state as it was in at *Edward's* death, but in this Declaration thought it sufficient to give a general Assurance, that Protestants should not be forced to embrace the *Romish* Religion; for this was the most natural meaning of her Expressions. This Restriction to her first Promise greatly alarmed them.

The Roman Catholics in favour of such the Queen.

Barnes's Opinion given at St. Paul's. Green. Hylings. Barnes. Strype. Stow.

It is dangerous to his life, but refused by some Protestants Ministers. Barnes.

The Queen's answer her rejection by a Proclamation. Fox. T. III. p. 16. Barnes. T. III. p. 145. Strype.

The Adherents of the *Romish* Church were so confident of the Queen's Intention to restore their Religion, that they made no difficulty of owning it publicly, and of even inveighing against the Protestant Religion, though it had still the Countenance and Protection of the Laws. The day after the Queen had made this Declaration in her Council (1), *Barnes* went to St. Paul's Church to hear a Sermon preached by his Chaplain *Burns*. The Preacher spoke so honorably of *Barnes*, that he raised the Indignation of his Audience. Then, exaggerating the pretended Persecutions suffered by this Prelate in the late Reign, he spoke of *King Edward* in so injurious Terms (2), that the hearers lost all Patience. Some reproached, and others threw Stones at him. One even threw a Dagger, which he happily avoided, and which stuck fast in the wood of his Pulpit. At last the People grew so furious, that probably the Preacher had been torn in pieces, had not *Bradford* and *Rogers*, two eminent Protestant Ministers, interposed, and conveyed him from the danger, into a neighbouring House. What recompense this Service met with will appear hereafter.

The Protestants still flattered themselves that the Queen would keep her word, and even gave the restriction, she had added by her declaration in Council to her first promise, a favorable Interpretation. But they were not long left in this hope. Shortly after (3), the Queen published a Proclamation, which was but too capable to remove their mistake. The Terms were so artfully managed, that they implied much more than they seemed to express. The Queen said, she had the same belief in which she had been educated from her Infancy, and intended to adhere to it during her Life; she passionately wished all her Subjects would follow her example; but would use no force, till public Order should be taken by common Assent. This plainly discovered her intention to change Religion by the Parliament, and that then she should think herself discharged from her promise of not compelling Conscience. Then she forbid her Subjects to give one another the odious names of *Papists* and *Heretics*. The Protestants considered this Prohibition as levelled entirely against them, because they clearly understood, that a disobedience to it would be punished in them, but not in their Adversaries. After that, all sorts of unlawful Assemblies were forbid, and this Article had the same construction with the foregoing. By another Clause of the Proclamation, it was forbid to preach without her special License. A Man must have been wilfully blind, not to see, that this was intended to exclude the Protestants out of all the Pulpits. Finally, the Queen said, it was her intention, no Man should be punished for the last Rebellion, without her Order. Hereby, she left all in fears. The Proclamation ended with saying, the Queen was resolved to punish rigorously all those who should foment pernicious designs; but she hoped to have no cause to execute the severity of the Law. This Clause naturally inspired the Protestants with terror, for it was easy to foresee, that Religion and the Laws were going to be changed, and that those who submitted not blindly to the new Statutes, would be considered as Rebels.

The Duke of Northumberland, Marquis of Northampton, brought to his trial, with the Earl of Warwick, Marquis of Northampton, &c. Barnes. Strype. Stow. H. ii. c. vi. Art. Pub. XV. p. 137.

The same day this Proclamation was published (4), came on the Trial of the Duke of *Northumberland*, the Marquis of *Northampton*, the Earl of *Warwick*, Sir *Andrew Dudley*, Sir *John* and Sir *Henry Gates*, and Sir *Thomas Palmer*. Upon the Evidence of *Palmer*, and Sir *John Gates*, *King Edward* had consented to the Execution of his Uncle the Duke of *Somerfet*, and they were become the principal Confidants of the Duke of *Northumberland*. The Queen made the Duke of *Norfolk* Lord High-Steward at the Trial of these three Lords. He was still under condemnation, since the Act of Attainder against him had not been reversed. But the Queen had granted him a Par-

don, which indeed was not dispatched till eleven days after. It was thought, without doubt, that the Queen's promise was sufficient, otherwise it is not easy to conceive, by what sort of right, a Man under Sentence of death could preside in a capital Trial, or even give his Vote (5).

The Duke of *Northumberland* being brought before his Peers, desired Information upon two Points, before he answered to the Articles exhibited against him. The first was, Whether a Man acting by Order of Council, and the Authority of the Great Seal, could be guilty of Treason? The second was, whether Persons who had acted with him in the same affair, and were equally guilty, could sit as his Judges? This doubtless related to the Marquis of *Winchester*, and the Earls of *Arundel* and *Pembroke*, who were actually Members of the Council when *Jane* was proclaimed, and had given orders for her Proclamation. After a short Consultation, it was answered, that the Great Seal of an Usurper could give no Authority nor Indemnity to those that acted by such a Warrant. To the second Point, he was answered, that none of the Peers who sat in Judgment upon him, having been either condemned for, or even accused of the same Crime, could be deprived of their Right upon a bare surmise or report. It belongs to the Lawyers to consider whether these answers are very solid. It seems, as to the first, that if this maxim was admitted in its utmost effect, it would draw after it very dangerous Consequences. Let us, for instance, suppose an Usurper upon the Throne of *England*, it is certain the Adherents to the lawful King cannot avoid great danger, which way soever they turn. If they obey the Usurper, they will be guilty of Treason when the lawful King is on the Throne; if they refuse Obedience, they will be punished by the Usurper. It seems that the maxim which allows, that every Subject ought to be faithful to the King on the Throne, and who exercises the Sovereign Power, is liable to several Inconveniences. As to the second, let the Peers insist never so much on their Privileges, it is contrary to Reason and Equity, that Accomplishes of a Crime should sit in Judgment on him who committed it with them, when it is notoriously certain, they were equally guilty. At least 'tis unlikely, this maxim should be approved by the Judges of the Realm, if there was the least room to believe the Accomplishes would vote for the accused, which might very easily happen.

The Duke seeing these two Points determined against him, confessed himself guilty, and submitted to the Queen's mercy. The other two Lords followed his example, and they were all three found guilty of High-Treason. Of the seven condemned, three were destined to execution, the Duke of *Northumberland*, Sir *John Gates*, and Sir *Thomas Palmer*. The Bishop of *Worcester* (6) being sent to the Duke with the message of death, he confessed to the Bishop, and declared, he had always been a *Roman* Catholic in his heart. He made the same Confession on the Scaffold; but it was still doubted whether this was done in hopes of a pardon (7), or he had really dissembled during the whole course of his Life. It is pretended, that to engage him to this public declaration, he had been flattered with the hopes of his Pardon, even tho' his head were laid on the Block. He died unlamented, his past conduct having given no person whatever, any cause to love him. His two Companions were executed the same day, being the 22d of *August*.

The Proclamation lately published by the Queen concerning Religion, plainly shew'd in what Spirit she designed to rule. But immediately after, there were more convincing proofs. The Inhabitants of *Suffolk* relying on the Queen's promise, and having transgressed the Prohibitions contained in the Proclamation, the Court sent an order to the Magistrates of that County, to look strictly to the execution of it, and rigorously punish the Disobedient. Upon this the Inhabitants, not believing the Queen would break her word, after the great service they had done her, sent Deputies to pray her to remember what she had promised them with her own mouth. This Petition was rejected with great haughtiness, and thought the more offensive, as it justly reproached the Queen with failure of her

(1) *August 12. Repin.*

(2) *As he had taken occasion of the Gospel of that day, to speak somewhat largely in justifying Barnes, who was present, said, "That he, upon the same day," in that place, that day four years, had preached before, and was upon the same most cruelly and unjustly cast into the most vile Dungeon of the "Marshalsea, and there kept during the time of King Edward." The matter of this Sermon tended so much to the destruction and disparage of King Edward, and his words tended to evil in the ears of the Hearers, that they proceeded to the execution here related. Fox, T. III. p. 15. Ed. 1671. Hylings adds, "That the Preacher was interposed in favour of Bishop Barnes." Fox, Hist. p. 191. And Hylings says, "That the matter being so loud, with great vehemency, in much offended the Ears of the Audience," that they could not help insisting Barnes, for settling on the Administration of King Edward, while many were so justly sent to them, p. 169.*

(3) *August 18. Repin.*

(4) It was said, the Duke of *Norfolk* had never been truly absolved, and that the Act against him was not a true Act of Parliament, so without any Person or consultation in words, he was still Duke of *Norfolk*. Barnes, T. III. p. 145.

(5) *Norwich Herald.*

(6) *Some say, That having a promise, and being put in hope of pardon, even though his head were upon the Block, if he would recant and bear witness, he converted themselves, and denied in words that they Religion, which he had before professed. Fox, T. III. p. 16. He went to Mass in the Tower, and received the Sacrament after the Popish manner. He begged his life with all possible manner. "That he might do Penance all the days of his life, if it were in a Mill-stone." Cardine interceded for him: But the Emperor, being present, he should have the intended Marriage between *Henry* and *Mary*, had him put out of the way. Barnes, T. III. p. 122. He was taken in the Tower Chapel. Stow, p. 615.*

1553. word. They were answered, that Subjects were not to controul the Actions of their Sovereign, and *Doble* (1), one of their number, was set in the Pillory for speaking more freely than the rest.

A few days after, *Bradford*, one of the two Ministers who had refused *Burns*, was sent to Prison, and *Roger*, his Companion, confined to his House. Afterwards he was also thrown into Prison. The great Changes meditated by the Ministers, made them afraid of meeting with obstacles from those who had most credit with the People, and therefore they were glad on divers pretences to secure them. These Proceedings made the Protestants think they were going to be expulged to a terrible Storm.

At the same time, all the Bishops deprived in the Reign of *Edward*, were restored, by Commissioners appointed by the Queen to examine the Causes of their Deprivation. Five Roman Catholic Bishops, *Bonner*, *Gardiner*, *Tenfelsh*, *Day*, and *Heath*, were substituted in the room of five Reformed (2). *Gardiner* was made Chancellor at the same time, and a few days after, a Commission was given him by the Queen, empowering him singly to grant Licences to Preachers, in consequence of what he had before intimated by his Proclamation. Some Ecclesiastical Protestants not thinking proper to submit to this Order, were sent to Prison. *Hooper*, Bishop of *Gloucester*, [*Ferrars*, Bishop of *St. David's*], and *Crookdale*, Bishop of *Exeter*, were of this number. The first were imprisoned, the last commanded not to stir out of his House without leave.

After the Roman Catholics plainly saw the Queen's intentions, they had not patience to wait for the Restoration of their Religion by public Authority, but boldly celebrated Divine Service in several Places, according to the old Rites before the Reformation; and though this was against Law, the Court connived at it, and silently approved it.

At the same time, the Partiality of the Queen and her Ministers appeared evidently in favour of the Roman Catholics against the Protestants. Judge *Haler*, who had alone refused to sign the Instrument which transferred the Crown to *Jane Grey*, was thrown into the *Marshalsea*, for charging the Justices of *Kent* to conform to the Laws of *Edward* not yet repealed, or rather for being a Protestant (3). For the same reason *Montague*, who had been forced to assist in drawing the forementioned Instrument, was turned out of his Office, fined in a thousand Pounds, and succeeded by *Bramley*, who had drawn and signed it without scruple.

In fine, since the short time the Queen had been on the Throne, Protestants were every where injured and oppressed, the Magistrates not venturing or caring to protect them. *Peter Martyr*, Professor of Divinity in *Oxford*, finding himself exposed to the Insults of the Enemies of his Religion, was obliged at last to leave the Place, and retire to the Archbishop of *Canterbury*. But *Crammer*, whose ruin was resolved, was little able to protect him. Mean time, *Bonner* launched out into Invectives and Raileries against Mr. *Canterbury*, as he was pleased to call him, and published every where, that he was so resigned to the Queen, that he had promised her a solemn Abjuration of his Errors. *Crammer* refuted this Calumny in a Writing. He called the Queen herself to witness, that he had never made her any such Promise, and offered to maintain publicly, the truth of what he professed, if the Queen would grant him leave. This writing being published, *Crammer* was called before the *Star-Chamber*. He owned himself the Author, though it was published without his consent, and, contrary to all Men's expectation, was dismissed without any Punishment. But the Queen was not satisfied, though he was advised to treat *Crammer* with the same moderation, he himself had used whilst he was in Authority. The Queen herself owed her Life to him, which was saved merely by his Solicitation, when her Father *Henry VIII.* had designed to put her to death (4). To this advice was opposed, That if the Queen treated with

1553. mildness the chief of the Heretics, they would all grow obdurate and insolent, but the punishment of *Crammer* would intimidate the Champions of Heresy. This latter advice was very agreeable to the Queen, who had conceived a mortal Aversion to the Archbishop, for reason of the Sentence of Divorce pronounced by him against the Queen her Mother; this injury making a stronger Impression upon her, than the Service received from him afterwards. So, three days after, *Crammer* being cited before the Council, was sent to the *Tower*, on an Accusation of Treason, and of publishing seditious Labels. Old *Latimer*, who had been Bishop of *Worcester* in the Reign of *Henry VIII.* had been sent thither the day before.

Shortly after, the Court came to a resolution of sending away all Foreigners that were come on the publick Faith and Incouragement. *Peter Martyr*, and a Polish Professor named *John a Lesca*, were included in the number (5). This was the only Act of Mildness and Equity shewn in this Reign, with reference to Religion. But this sufficiently discovered what was intended against the English Protestants. The Court's daily Proceedings before the repeal of any one Law, so intimidated those who had Religion at heart, that great numbers passing for *Frenchmen*, withdrew out of *England* into foreign Countries (6). Those who made haste to escape the impending Storm, were wisest and happiest. For soon after, others, who had taken the same resolution, were arrested, by an Order sent to all the Ports, to suffer no Person to leave the Kingdom as a *Frenchman*, without a Pass-port from the Ambassador of *France*.

It was time now for the Queen to reward those who had done her Service. The Earl of *Arundel* was made Lord Steward, Sir *Edmund Hooper*, a Peer of the Realm, and some others who had early declared for the Queen, had Employments and Dignities conferred on them (7). But the Earl of *Suffolk* (8), who had been her General, obtained an Honour unusual in *England*; namely, to be covered in the Presence of the Queen, as it is practised in *Spain*. He had his Letters Patents under the Great Seal, the 2d of *October*.

As the Parliament had been summoned to meet the 5th of *October*, it was necessary for the Queen to be crowned before. The Ceremony of the Coronation was performed the 1st of that Month, with the usual Solemnity, by the Bishop of *Winchester*, who forgot not one formality practised before the Reformation. The same day a general Pardon was published, but with so many exceptions, that few Persons could receive any benefit from it. All those who had been arrested before *September* were excepted by Name (9).

Then came out a Proclamation (10), by which the Queen discharged the Subsidies granted by the last Parliament to the King her Brother, for the payment of his debts (11). This was to gain the good Will of the ensuing Parliament, and render it subservient to her designs with respect to Religion. Before the Parliament met (12), the Archbishop of *York* was sent to the *Tower* on a general Accusation of several capital Crimes. Six days before, *John Poyer*, some time Bishop of *Exeter*, but deprived in the last Reign, was restored by an order of the Queen. This was with intent to strengthen the Catholic cause in the Upper-House.

The Court had resolved to abrogate all the Laws made in favour of the Reformation, and to restore the ancient Religion. This was not to be done without the Concurrence of the Parliament. But if Elections had been left free, it would have been difficult, not to say impossible, for the Queen to succeed in her design. The number of the Reformed was without comparison greater than that of the Roman Catholics, and consequently the Elections would not probably be favourable to her. But besides the ordinary ways made use of by Kings to have Parliaments at their devotion, all sorts of Artifices, Frauds, and even

(1) *Strype* calls him *Thomas Cade*. *Mon. Tom. III.* p. 42.

(2) The Reformed episcopal Bishops were, *Bidley*, of *London*, *Storer*, of *Chichester*, *Crookdale*, of *Exeter*, *Hooper*, of *Worcester*.

(3) Repaid by mistake fifty, he was fined a thousand Pounds, which was part of *Montague's* punishment.—*Mait* was first put into the *Marshalsea*; *Burnes* removed to the *Cowes*, and after that to the Fleet; where he was to be executed at the report of the *Cowles* which the *Warden* told him were contrived against those who would not change their Religion, that it turned his Bowine, and he enquired to kill himself with a *Poison*. He was afterwards set at liberty, but never recovered his Sense, so that at last he devoured himself. *Burnes*, *Tom. II.* p. 248.

(4) Her crime was, her absolute adherence to her Mother's interest. *Idem* p. 240, 241.

(5) This last was a *Pragmatic* Nobleman, Minister of the *German* Protestant Congregation in *London*. They had a Church granted them by King *Edward*, which was the Church belonging to the late dissolved Monastery of the *Augustine Friars*, near *Brighthelm*, *London*, now called the *Delish Church*. See *Rymer's Fed.* *Tom. XV.* p. 222, 223.

(6) Above a thousand. *Burnes*, p. 251. See the Names of the chief of them in *Collier's Eccl. Hist.* *Tom. II.* p. 520.

(7) Sir *John Grey* was made Lord Chamberlain; Sir *John Williams*, who had proclaimed the Queen in *Worcestershire*, Lord Williams of *Yarm*, &c. *Burnes*, p. 251. Also *September 22*, the Order of the Garter was restored to *William Lord Paget*. *Strype*, *Tom. III.* p. 34.

(8) See *Hay's Eccl. Hist.* p. 190. This Earl was *Henry Ratcliff*, of a Family long since extinct. *George Baron of Arundel* in *Ireland* enjoys this Privilege of being created in the Royal Presence, by a Grant made from King *John* to the famous *Grey*, Earl of *Ulster*, from whom he is descended. The present Baron alienated this ancient Right of his Family in the Reigns of the late and present King.

(9) On *September 25*, the Queen made fifteen Knights of the *Bath* and *October 2*, ninety Knights of the *Carpet*, whose Names see in *Strype's Mem.* *Tom. III.* p. 35, 36.

(10) *October 4. Rep'n.*

(11) The last Parliament of King *Edward* had granted him two *Tonnes*, and two *Fiftrenches*; and a Subsidy of 4. d. to be raised of the *Lein*, and 2. d. of *Good* and *Chattels*. This Subsidy of 4. d. and 2. d. was what the Queen remitted. See *Rymer's Fed.* *Tom. XV.* p. 235, 236, and *Strype*, *Tom. III.* p. 31.

(12) *October 4. Burnes*, *Tom. III.* p. 222.

1553. Violence, were practised in this. As care was taken beforehand to change the Magistrates in the Cities and Counties, and there was not one almost but was a Roman Catholic, or had promised to be so, every thing tending to the Election of Catholic Representatives was countenanced. On the contrary, those who were suspected of an inclination to chuse Protestants, were discouraged by menaces, actions, imprisonments, on the most frivolous pretences. In several places, things were carried with such violence, that Protestants were not allowed to assist in the Assemblies where the Elections were to be made. In short, in places where it was not possible to use these direct means, by reason of the Superiority of the Reformed, the Sheriffs, devoted to the Court, made false Returns: That is, they sent to Court the names of some Persons as if lawfully elected, though they had but an inconsiderable number of Votes, or perhaps none at all. As the disputes arising from such Elections can only be decided by the House of Commons, it is easy to imagine, that a House composed of such Representatives failed not to approve all Elections favorable to the Court, and reject all others if the least contestable. This is one of the greatest Abuses belonging to Parliaments, and which is but too frequent whenever the Kingdom is rent into Factions. By these methods, the Court secured a House of Commons ready to comply with their Suggestions, and whose Members had an Interest in the change of Religion, or were indifferent to all religious Establishments.

As to the Upper-House, which cannot be thus modelled to the liking of the Court, the Queen probably laboured so successfully to engage it in her interests, that she found no opposition from the Peers. It is very strange, that the Lords, who but a few Months before were all Protestants, and had in their whole Body but seven or eight, who usually opposed the Laws made in Edward's Reign in favour of the Reformation, were become almost all zealous Catholics in Queen Mary's. I pretend not to decide in which Reign they dissembled their Sentiments; but it is too clear that in the one or the other they were guilty of a base and scandalous Prevarication. Mean while, to make this House still more complying, the Court took care beforehand to make changes amongst the Bishops in favour of their designs. Besides both the Archbishop and the Bishops of *Gloucester* and *Exeter*, in actual Imprisonment, six others had been changed, as has been observed. Probably all the rest, excepting two, were for preferring their Sees to their Religion. The two I except, were *Taylor Bishop of Lincoln*, and *Harley of Hereford*, who were even thrust out of the House the first day, for refusing to kneel at the Mass. Such was Queen Mary's first Parliament, composed of a House of Commons, filled with the Creatures of the Court; and of a House of Lords, who, through Fear, Avarice or Ambition, dissembled their Sentiments, or, a few excepted, thought all religions alike. It is easy to foresee what is to be expected from such a Parliament.

In the first Session, which lasted but eight days, care was taken that nothing should be moved with regard to Religion. The only publick Act was a declaration of Treasons and Felonies, by which nothing was to be judged Treason, but what was in the Statute of the 25th of Edward III., or Felony, but what was so before the 1st of Henry VIII. This Act seemed unnecessary, since the like had been passed since Henry's death. But as some Crimes, not contained in the Statute of Edward III., had been since declared Felony, the intent of this was to abolish the late Acts. It is true, this might have been attended with another Inconvenience, namely, the discharge of several Persons then in prison, had not an express Exemption been made of all who were committed before the last of September, who were likewise excepted out of the Queen's general Pardon.

By a private Act, the Attainder of the Marchioness of *Exeter*, executed in the Reign of Henry VIII., was reversed, and her Son the Earl of *Devonshire* restored to all his Honours. Then the Parliament was prorogued from the 21st to the 24th of October.

In the second Session, the designs of the Court were more open. The Divorce of the Queen's Mother was immediately repealed. This Act passed in fewer days than Henry had spent years in prosecuting the Divorce (1).

In the Preamble it was said, "That the Marriage of Henry with Queen *Catherine* was not contrary to the Law of God, and that Man ought not to put asunder what God hath joined: That King Henry's scruples had been suggested to him by malicious Persons, and supported by the decisions of some Universities, which had been previously secured by Corruption and Bribery: That *Cranmer* Archbishop of *Canterbury* had rashly pronounced Sentence of Divorce, upon the Authority of these Decisions, and other groundless Conjectures, and by a blameable Presumption had thought himself more knowing than all the other Doctors." Upon these Foundations, the Parliament repealed the Sentence, and all the Acts to confirm it. *Gardiner*, chief Promoter of this Act, must have been put all shame, to make the Parliament talk thus of Henry's Divorce, in which he was principally concerned, even before *Cranmer* was known to the Court, which he had himself approved and advised, and at which he had assisted as Judge. But such was the character of the Man.

The Princess *Elizabeth* being thus again declared illegitimate by an Act which restored Mary, found a great change in the Behaviour of the Queen, who no longer shewed her any affection. It is even pretended, that another secret cause alienated Mary from her, and that was, her Love for the Earl of *Devonshire*, whom she had some thoughts of marrying; but that this Lord, too indifferently perhaps, continued to pay his Respects to *Elizabeth*.

The 31st of October, the Lords sent down to the Commons a Bill for repealing Edward's Laws concerning Religion; and six days after the Commons sent it back with their Approbation. By this Act it was ordained, that no other Form of publick Worship should be allowed from the 20th of December, but what had been used in the last year of Henry VIII. This shews *Gardiner's* influence on the Parliament, since this Act precisely followed the Plan he had proposed.

Another Act passed, decreasing the severest Punishments against all who should molest any Preacher for his Sermons, or disturb him in any part of the divine Service. The same Punishments were ordained for those who should profane the Sacrament, or pull down Crosses, Crucifixes or Images.

The Commons at the same time sent up another Bill against those who came not to Church or the Sacraments, when the whole Service should be set up. But the Lords thought not proper to go so far at once.

Shortly after, the Parliament received an Act of the last Reign, forbidding any, to the number of twelve or more, to meet with design to change the established Religion, and declaring the Offenders guilty of Felony, that a worthy of Death. This Act was directly contrary to that made by this very Parliament, to repeal all new Treasons and Felonies. But the pretence of Religion covered all.

In this Session, the Act of Attainder against the Duke of *Norfolk* in Henry's Reign, was reversed, on pretence that all the necessary formalities were not observed (2).

These were the most remarkable Transactions of this first Parliament, which, in few days, overturned all that had been done with regard to Religion in the Reign of Edward VI. (3). King Henry's Laws were not yet to be touched, because they had difficulties concerning which the Pope was first to be consulted.

The 3d of November (4), the Parliament still sitting, *John Grey*, *Guilford Dudley* her Husband, two other Sons of the Duke of *Northumberland* (5), and *Cranmer* Archbishop of *Canterbury*, were brought to their Trial. They all confessed their Indictments, and received Sentence of death as Traitors (6). *Cranmer's* Sentence rendered him incapable of possessing any Benefice, and consequently his Archbishoprick was void in law. But two reasons obliged the Queen to dispense with the ordinary Forms, and leave *Cranmer*, tho' condemned, in possession of his dignity. The first was, that intending to restore the Clergy to all their Privileges, he was resolutely this Prelate should be canonically degraded; but this could not be done till the Laws of Henry VIII. were repealed. The second was, that by a refinement of Self-love, she was willing to pardon *Cranmer* his Treason, to make the World believe, she proceeded against him from no motives of private Revenge. But at the same time the de-

Burnet's Hist.

The Parliament made, October 25, an Act made relating to High-Treason. Burnet.

A private Act to reverse the Attainder of the Marchioness of Exeter. The Divorce between Henry VIII. and Catherine repealed. Burnet.

1553.

The Queen's Italian of the 25th of Elizabeth. Burnet.

The Acts repealed.

An Act made in favour of the English.

A Bill presented by the Commons, rejected by the Lords.

An Act made against the rebels, to punish the rebels.

The Duke of Norfolk's attainder reversed.

John Grey, Cranmer, and other arrested of High-Treason. Burnet. See Hist. of Elizabeth.

(1) It was read in the House of Commons, the 26th, 27th, and 28th of October; on which last day it was sent up to the Lords. *Journ. Hist. Com.*

(2) By an Act made during this Session, it was also ordained, that no Person who is a Sheriff, shall at the same time exercise the Office of Justice of Peace.

(3) This Parliament granted the Queen Tonnage and Poundage for Life, upon the same fact as it was granted to King Edward VI. See above, p. 10. Note (6).

(4) Some say, it was the 13th, p. 617.

(5) See *devins*, and *Henry Dudley*, *Hist. Eng.* p. 1093.

(6) *Cranmer* appeared to the Judges, for them to decide, with what Reluctance he signed the Instrument of the Queen's Exclusion. *Burnet*, Tom. II. p. 257. If the Queen did in casual respect him the Treason, it might be owing to the Appeal: That is, if she refused the Treason in earnest, for the taking away his Life afterwards, leaves it a very disputable Point, whether this Injury, added to the Divorce of her Mother, or his Religion, might not justly give her Reason to suspect him. The Attainder of *Cranmer*, the Duke of *Northumberland*, Marquis of *Northampton*, &c. was confirmed afterwards by the Parliament; and the Bill for it was read in the House of Commons the 27th and 28th of December, and December 4. See *Journ. Com.* and *Annals* p. 261. Tom. XV. p. 361.

1553. voted him to death as a Heretic, as soon as any Laws should be made upon that subject: as if the only acted out of pure zeal for Religion. Therefore at present, the Archbishop's revenues were only sequestered, and himself detained in Prison till a proper time for his execution.

Commendator's Notice
in England.
Burnet.
Burnet.
The Queen demands
Pole for
Legate.
Burnet.
The Emperor
proposes
a Marriage for
his Son Philip
with the
Queen.
Cause of
Pole's being
detained.
Burnet.
The Emperor
proposes it to
the Queen.
Burnet.
The Emperor
proposes it to
the Queen.
Burnet.
who accepts
it.

Since Mary's accession to the Throne, she had appeared to be wholly employed in these public Transactions. But at the same time, she was forming secret designs which were not known, till ripe for execution. The News of King Edward's death was no sooner spread in the World, than the Court of Rome conceived hopes of re-uniting England to the Holy See, and even began to project it. Cardinal Dandini, the Pope's Legate at Brussels, as of himself, sent Commendatore, afterwards Cardinal, to sound Mary's Inclinations. Commendatore being unknown in England, easily concealed himself under a borrowed name, and repairing to London, obtained a private Audience of the Queen (1). This was soon after her coming to that City, since the Envoy was present at the Duke of Northumberland's execution, which was on the 22d of August. At this Audience the Queen told Commendatore, she desired the restoration of the papal Authority in England, and prayed him to intercede with the Pope, to send Cardinal Pole as Legate. But she intimated to him, that the discovery of this Secret would blast the design. The Pope communicating to the Confessors his Intentions of sending Pole into England, found at first great opposition. The Cardinals feared to expose the Honour of the Holy See, in sending a Legate without a solemn embassy from the Queen. But the Pope telling them, he knew more of this Affair than he thought fit to communicate, they complied with his Proposal.

At the same time, the Emperor was projecting a marriage for his Son Philip with Queen Mary. Gardiner was in the Secret, whether it arose at first from him, or was only communicated to him by the Emperor. However that be, this Prelate neglected no endeavours to accomplish it. The News of Pole's Nomination to the Legateship was equally disagreeable to the Emperor and Gardiner. Commendatore had doubtless divulged at Rome Queen Mary's Question to him, whether Pole might not have a dispensation to marry? This occasioned a belief, that it was her intention to make him her Husband. The Emperor being informed of this, and apprehensive that Pole's presence might obstruct the design he was meditating, resolved to use his endeavours to prevent this Legation, or at least to retard it as long as possible. On the other hand, Gardiner could not without the utmost concern think of Pole's Arrival, who might intercept his views upon the See of Canterbury, and perhaps the Smiles of the Queen herself. And indeed there was danger, that if this Cardinal, who neither loved nor esteemed him, should insinuate himself into the Queen's favour, as it was very likely, he would use his credit to ruin him. He was therefore to find some expedient to keep him at a distance, and none was more natural, than an insinuation to the Queen, that this Cardinal's zeal for the Holy See would prejudice the affairs of Religion in England. That the People were first to be managed and persuaded to own the Papal Authority, to which they were extremely averse: That besides, Pole was not Enemy enough to the Protestants; and Religion, in the present conjuncture, required to be conducted by other maxims than those of that Cardinal. The Emperor, on the other side, believing it his interest to keep Pole where he was, wrote the same thing to the Queen, and represented to her, that Pole would ruin her affairs, let her Intentions be ever so good. In fine, he proposed her Marriage with his Son, and supported his Proposal with all the Reasons most apt to persuade her. Above all, he set forth the necessity of a foreign power in restoring Religion in England, or at least of an alliance capable to inspire terror into those who should oppose her designs: That an alliance with the Emperor and Spain was doubtless most advantageous, as France being able to form projects in favour of the young Queen of Scots, who was to marry the Dauphin, was in interest concerned to raise and foment disturbances in England. Mary was much pleased with this Proposal, which was

probably made her about the beginning of November. Besides a zeal for Religion, which might induce Gardiner to second the Emperor's designs, he saw a considerable advantage for himself; namely, the securing his own Credit, since Philip would be indebted to him for his Marriage. Mean while, Pole was to be kept at a distance till the Queen's Marriage was concluded; and this the Emperor did first by his own authority, in detaining him in his Dominions (2); but afterwards got the Queen to send an Express (3), to acquaint him that the interests of Religion required a stop in his Journey, because the Nation was not yet disposed to own the Papal Authority.

While the Legate was thus detained in Germany or the Low-Country, he tried several times to obtain leave to continue his Journey: but it was still in vain. He knew not to whom this usage was owing, and perhaps was never fully informed. However, he held a constant correspondence by Letters with the Queen on the affairs of Religion, but his Councils were secretly opposed either by the Emperor or Gardiner. It was his opinion, that, laying aside all ceremony, the Kingdom should immediately be reconciled to the Holy See. Gardiner, on the contrary, believed, the Marriage ought to be concluded before the Reconciliation was mentioned, that the consideration of so powerful an alliance might awe those who were inclined to stir. He thought Pole, and would have had others think him, a weak Man, a shallow Politician, and of no use in the Cabinet. Pole, on the other hand, believed Gardiner a very improper Person to direct the affairs of Religion, because, in his opinion, he relied too much on his Intrigues and the arm of flesh. Their little esteem of each other ended at last in an open enmity.

The design of the Queen's Marriage was not conducted with sufficient secrecy, to keep it from the Commons. They were so alarmed, that they sent their Speaker with twenty of their Members, to pray the Queen not to marry a Foreigner. This convinced the Queen, she could expect no more Supplies from the Commons, if she refused to satisfy them in that point. But as she had no such intention, she chose to dissolve the Parliament (4). Gardiner improved this conjuncture, to the obtaining Conditions from the Emperor, which he could not otherwise have exacted. He represented to him, that the English were so averse to this Marriage, that the worst was to be feared, unless he complied with two things absolutely necessary. The first was, his consent, that the Treaty of Marriage should contain Terms so advantageous to England, as to silence the most zealous opposers. The second was, his remitting considerable Sums to gain those who would be wanted to curb the People, or who could most easily induce them to rebel. The Emperor not doubting of Gardiner's zeal for his interest, approved the advice, and left it entirely to him to prescribe the Conditions of the Marriage; and moreover, put into his hands twelve hundred thousand Crowns, to be disposed of as he saw fit (5). These particulars were printed in a little Book, in form of a Petition to the Queen, by the English Exiles at Strasbourg. The Author added farther, that Gardiner desired common Justice in the Court of Chancery to those Persons, who would not engage to second the Queen's intentions.

While the Parliament was assembled, the Convocation held its Sessions according to custom. It is not known whether any Bishops, consecrated in the time of King Edward, appeared in the Upper-House. If any did, the number could be but small, and of such too, as the Lords vouchsafed to receive into their House; that is, Men who were not likely to oppose any measures. Care was taken to fill the Lower-House with Persons entirely devoted to the Court; so that only six Members (6) had the inclination or courage to oppose the decision made in favour of Transubstantiation (7). These six Members demanded a regular Disputation on this Subject, which was granted. But three of them declined the Dispute (8), well foreseeing what would be the result. The other three flood their ground, so a Disputation was had (9). But the Roman Catholics, for want of better Arguments, received those of their Adversaries with Hoosings, Reproaches, Menaces, and conti-

(1) He came to Newport, where he gave out, he was the Nephew of a Merchant lately dead in London; and hiring two Servants unknown to him, came over undiscovered to London. Burnet, p. 219. Thomas, l. 13.

(2) As Dilling, a Town on the Danube. Burnet, p. 219. Thomas, l. 13.

(3) By Cromwell, afterwards Bishop of St. Asaph. Burnet, Ibid.

(4) On December 6. Jura. Parl.

(5) This Sum was equal to 400,000l. English, the Crown being then a Noble. The Emperor made his Son bind himself to repay him that Sum, when he had once attained the Crown of England. Of this the Emperor made so little a secret, that when, a year after, some Towns in Germany, that had lent a part of this Money, desired to be repaid; he answered them, that he had lent his Son 1,200,000 Crowns to marry him to the Queen of England, and had yet received of him only 300,000 Crowns, but he had good security for the rest, and the Merchants were bound to pay him 100,000l. Sterling, and therefore he demanded a little more time of them. Burnet, Tom. II. p. 264.

(6) These were: Philip Archbishop of Winchester, Philip, Dean of Rochester, Hadley, Dean of Exeter, Clergy, Archbishop of Hereford, Almer, Archbishop of Artois, and Yang, Chamber of St. David. Burnet, Tom. II. p. 63.

(7) In the Collection of the Palatine Aids, there are about one hundred and sixty Petitions to Livings a little before the Parliament met. This discovers the Changes which were made amongst the inferior Clergy. Upon the 21st of December, the Mass began to be sung again in Exeter, throughout England, as in the former times of Popery. Jura, p. 617.

(8) Hadley, Almer, and Yang. Burnet, Ibid.

(9) On October 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30.

1553.

Pole detained
in Germany.
Burnet.Express
sent to
acquaint
him by
the Queen
and
Cardinal.Burnet.
T. II. p. 265,
261.The Commons
object to
the Marriage.
Burnet.
The Emperor
approves
the advice.
T. II. p. 265.The Emperor
approves
the advice.
T. II. p. 265.The Emperor
approves
the advice.
T. II. p. 265.The Disputa-
tion of the
Court met in
Convocation.
Burnet.
Jura.Transub-
stantiation
disputed.A Dispute
upon it be-
tween the
Papists and
Protestants
Jura.T. III. p. 156
26.
Burnet.
Hillings.

Bual

1553. *The latter is treated.* nual Interruptions, and then published that they were vanquished. This at least is the account given by the Protestants (1).

1554. *The Emperor sends Ambassadors to conclude the Marriage.* In the beginning of the year 1554, a magnificent Embassy arrived at London from the Emperor, with the Count of Egmont (2), at the head of it, to settle the Articles of the Marriage. The Queen intrusted Gardiner with the management of this Negotiation (3), or rather with the care of drawing the Treaty, since, probably, every thing material was agreed before the arrival of the Ambassadors. That able Politician had a double design. The first was, to have such Conditions inserted in the Treaty, as the Parliament might approve. The second was, to exclude the Spaniards from having any share in the Government. The Emperor complied with every thing, in the belief, no doubt, that his Son would find ways to elude the observation of the Articles, which should restrain him too much. To be convinced that this was his thought (4), let it only be considered, that so able a Politician as Charles would never have parted with twelve hundred thousand Crowns, to procure for his Son the empty Title of King of England. For indeed the Treaty, as will appear, promised him no more. In all probability, Gardiner had the same thoughts with the Emperor. But the business was to dazzle the Parliament with Conditions advantageous to the Nation, for whose Interests though he affected a great zeal, he was probably but little concerned for what might happen after his death. Mean while, he acquired a high Reputation, the Publick ascribing to his Capacity and Prudence the Terms of this Marriage, which seemed to secure England from all Philip's attempts. The principal Articles of this Treaty, which was signed the 12th of January 1554, a few days after the arrival of the Ambassadors, were as follows:

The chief Articles relating to the Marriage. That Philip, in virtue of this Marriage, should, jointly with Queen Mary, enjoy the Title of King of England, while the Marriage subsisted; saving always the Rights, Laws, Privileges, and Customs of the Kingdom of England. It was likewise stipulated, that the Queen should have the sole disposal of the Revenues of the Kingdom, the nomination to all Employments, Offices and Benefices, which should be conferred on the natural Subjects of her Majesty, and no others.

That the Queen likewise should bear the Titles belonging to her Husband:

That her Dowry should be sixty thousand Pounds of Flemish Money, forty Gros each (5), of which forty thousand should be assigned to her upon Spain, and twenty thousand upon Brabant, Flanders, Hainault, and Holland. That she should enjoy this Dowry in the same manner it was enjoyed by Margaret, Sister of Edward IV, and Wife of Charles Duke of Burgundy.

That the Children born of this Marriage should inherit their Mother's Estate, according to the custom of the respective Countries.

With relation to the Father's Estate, it was agreed, That the Archduke Charles, Son of Philip, should succeed to the Kingdoms of Spain, Naples, Sicily, the Duchy of Milan, and all other Properties and Domains situate in Lombardy or Italy; but in default of Charles and his Issue, the eldest Son of Philip and Mary should succeed to the same Sovereignities.

That the first born of Philip and Mary should inherit Burgundy and the Low-Countries, from which the Archduke Charles should be excluded, as the Children of Philip and Mary were excluded from Spain and Italy.

That the younger Sons and Daughters of Mary and Philip should have their Appenages and Portions assigned them in England, without prejudice however to what they might expect from Philip their Father, or Charles their Grandfather, in the Low-Countries, or Burgundy.

That in case only Daughters proceeded from this Marriage, the eldest should succeed to Burgundy and the Low-Countries, provided, that with the consent of the Infante Don Charles, her Brother, she married a Husband out of these Countries, or the Dominions of the Queen her Mother. That on her refusal or neglect to perform this Covenant, Prince Charles should preserve his Right to the said Countries, with Obligation however to assign a Portion to his Sister, both out of Spain and the Low-Countries.

That if Prince Charles died without Issue, the eldest Son or Daughter of Philip and Mary should succeed, as well to Spain and Italy, as the other Dominions.

1554. Lastly, it was expressly agreed, that in all the fore-mentioned Cases, those Children who should succeed to either the paternal or maternal Estates, should leave them possessed of all Laws, Rights, Privileges, and Customs belonging to the respective Countries, and should administer the Government by the Natives of the said Countries.

A CLAUSE annexed to the Treaty.

By this Clause it was expressly covenanted, that before the Consummation of the Marriage, Philip should solemnly swear to the observation of the following Articles:

That he would retain no Domestick, who was not either an Englishman, or Subject of the Queen, nor bring any Foreigner into England, to give uncalined to the English. That if any of his Retinue transgressed this Article, he should be punished in such manner as should be thought convenient.

That Philip would make no alteration in the Laws, Rights, Statutes, and Customs of England.

That he would never take the Queen out of her own Dominions, unless at her own particular request; nor carry out of England any of the Children born of this Marriage, without the consent of the Nobility.

That if the Queen should die first, without Children, he would pretend to no Right upon England or its dependencies, but leave the Succession to the rightful Heir.

That he would carry out of the Kingdom no Jewels, or other valuable things: Nor alienate any thing belonging to the Crown, or suffer any Person whatsoever to seize them.

That England should never, by virtue of this Marriage, be concerned directly or indirectly in any War depending between France and Spain; but that the Alliance between England and France should subsist and remain in full force.

That he would not give any occasion of Rupture between France and England.

It would be very difficult to discover what advantages England could receive from this Marriage, if the Interests of the Sovereign and his Ministers were not commonly confounded with those of the Kingdom, though frequently very opposite. The Court had in view the Retorsion of the Roman Catholic Religion in England, and therefore believed they wanted the assistance of Spain. On the other hand, this Marriage was advantageous to the Chancellor, who strengthened his Credit with Philip's protection. But at the same time England ran a great risk of falling under the dominion of Philip, who, probably, meant not to be bound with Chains of Parchment.

The day after the Treaty was signed (6), the Queen granted a Pardon to the Marquis of Northampton, who had been condemned with the Duke of Northumberland.

We have before seen, that about the end of the Reign of Edward VI, the Court had taken measures to prevent the Company of the German Merchants, called the Still-yard, from engrossing the whole Woollen Trade, in prejudice to the English, as till then had been practised. For this purpose the parliament had laid a heavy Duty upon the Goods, whether exported or imported by that Company; and this Act was renewed in Mary's first Parliament. But the beginning of this year, the Queen to gratify the Hanse Towns, suspended the execution of these Acts for three years, and discharged the Company of German Merchants from the payment of the extraordinary Taxes imposed upon them, all Acts to the contrary notwithstanding. This was the first effect of the Queen's Alliance with the Emperor.

After the Treaty of the Queen's marriage with Philip was made publick, complaints and murmurs were every where heard. The Protestants in particular believed themselves lost, and feared to see erected in England a Spanish Inquisition. But they were not the only murmurers. Independently of Religion, the greatest part of the Nation was not free from the fears of King Philip's introducing the Spanish Tyranny into England, of which the Indies, the Low-Countries, the Kingdoms of Naples and Sicily, and the Duchy of Milan, afforded recent instances. In a word, few Persons could believe that the Emperor had agreed to the Articles stipulated in the Treaty, with any design to observe them. At last, these murmurs grew into a conspiracy against the Queen, of which the mar-

(1) This year, Sir Thomas White, Merchant-Taylor, and Mayor of London, founded St. John's College in Oxford, upon the site of Bernard College, which he purchased from the Crown. He also washed Schools at Bristol and Reading. *Hist. MSS.* p. 1093.

(2) This was the brave Count Egmont, of whom the Reader will find an account before, towards the close of the year 1567.

(3) The Commissioners appointed by Queen Mary, to treat with the Emperor's Ambassadors, were, Stephen Gardiner Bishop of Winchester, Henry Earl of Arundel, William Lord Poyer, Sir Robert Rochford, Controller of the Household, and Sir William Parr Secretary of State. *Rym's Field. Tens.* XV. p. 337.

(4) See this explained in *Strey's Note on Gardiner*, p. 339. *Comp. Hist.* Vol. II.

(5) Of Flemish Money.

(6) January 12. *Regis.*



*From an Excellent Original, Painted by TITIAN, in the Noble Collection of His Grace WILLIAM Duke of DEVONSHIRE.
Körner del.*



riage was either the cause or pretence. The Duke of Suffolk, Sir Thomas Wyatt (1), Sir Peter Carew, formed the design of a general Insurrection. Carew was to act in Cornwall, Wyatt in Kent, and the Duke of Suffolk in Warwickshire, which is in the Center of the Kingdom.

Carew managed so ill, that his Plot was discovered (2), and one of his Complices arrested, before he had concerted his affairs. This sent him into France, and Wyatt, upon his flight, halted the execution of his enterprise, tho' it was the design of the Conspirators to wait the arrival of Philip for a more plausible colour to their Insurrection. Wyatt therefore resolving to push his point, though he was yet unprepared, went to Maidstone with a few followers, and gave out, he took arms to prevent England from being invaded. Afterwards he marched to Rochester, from whence he writ to the Sheriff to desire his assistance. But the Sheriff instead of espousing his cause, requir'd him to lay down his Arms, and assembled Forces to oppose him.

This Rebellion alarmed the Court (3), where nothing was ready to disperse it, the Queen having dismissed her Forces, when she thought herself out of danger. Wherefore she sent a Herald to Wyatt with a full pardon, if he would lay down his Arms in twenty four Hours. But he refused the offer of pardon. Mean time, the Court was so unprepared, that the Duke of Norfolk was sent with only six hundred of the City Trained-Bands (4), commanded by an Officer named Bret. Whilst this was doing, the Sheriff of Kent (5), as he was going to join the Duke of Norfolk, met and defeated Knevet, who with some Troops was marching to join Wyatt, and killed sixty of his Men. This ill success alarmed Wyatt, that he had now resolved to consult his own Safety (6), when an unexpected Accident inspired him with fresh courage. Sir George Harper, one of Wyatt's Adherents pretending to desert him, went to the Duke of Norfolk, and so artfully managed the Trained-Bands, that they took part with the Rebels, and quitting the Duke, joined Wyatt (7).

With this Reinforcement, and his other Troops, making together a Body of four thousand Men, Wyatt march'd towards London (8). He met near Deptford two Messengers from the Queen, who in her Name ask'd what would content him. He demanded the Tower and the Queen's Person to be put into his hands, and the Council to be chang'd, as he thought proper. This demand being rejected, the Queen repaired (9) to Guild-Hall, and acquainted the Magistrates with Wyatt's answer. She then spoke of her marriage, and told them she had done nothing in it, but by the advice of her Council. And, to give them a proof of the confidence she reposed in them, she resolved to stay in the City, tho' many advised her to withdraw to the Tower (10).

Wyatt in the mean time continued his march, and reached the Borough of Southwark the 3d of February, expecting to enter the City without any difficulty. But the Bridge being strongly barricaded and guarded, he was obliged to march along the Thames to Kingston (11), ten miles from London. Here he found the bridge broken, and spent some hours in repairing it. He then passed to the other side with his Army, increas'd now to near six thousand Men. After that, he continued his march to London, and, after some time lost in repairing one of his broken Carriages, reached Hyde-Park about nine in the Morning, the 7th of February. The time uselessly spent in repairing the Carriage, rendered his undertaking abortive. For in that interval Harper, who had been so serviceable in bringing over the Trained-Bands, deserted, and polling to Court, discovered his intentions to march through Westminster, and enter the City by Ludgate. This advice came seasonably to the Earl of Pembroke and Lord Clinton, who, at the head of some Troops, had resolved to engage him as he entered the City. But observing, he was entangling himself in the Streets where he could not extend his Troops, they thought it better to let him pass, after Orders given to shut the Gate through which he designed to enter.

Wyatt still prepossessed that the Citizens would favour his undertakings, left his Cannon under a Guard at Hyde-

Park, and entering Westminster (12), pursued his march through the Strand, in his way to Ludgate. As he advanced, care was taken to cut off his Retreat by Barricades and Men placed at all the Avenues. He believed himself now at the height of his wishes, when he found the Gate into the City shut against him. He then first discovered his danger, and perceiving it was impossible to retire, lost all courage. As he was endeavouring to return, a Herald (13) came to him, and exhorting him not to sacrifice the lives of so many followers, he besought him quietly (14), and was sent to Prison. This unfortunate Man, who doubtless had but a slender Capacity, foolishly imagined, without having good assurances, that the City of London would declare in his favour, and this proved his ruin. If his measures had been better taken, the Queen and her Ministers would have been greatly embarrassed, at a time when the Government, weak as it was, had already created many enemies. But the ill success of this enterprise so strengthened the Queen's authority, that henceforward she found no more resistance. After the taking down of Wyatt, his Men being dispersed, were taken at pleasure, and filled the Prisons.

While Wyatt was acting in Kent and London, the Duke of Suffolk had made but small progress in the County of Warwick. He would not have been so much as suspected, had not an Express been seized, sent to him by Wyatt, to inform him of the reasons which had obliged him to hasten his undertaking, and to pray him to be as expeditious as possible. Upon this advice, the Earl of Huntington had Orders to arrest him. The Duke was informed, and, being not yet secure of fifty Horse, chose to conceal himself in the House of one of his Domesticks (15), who barely betrayed and delivered him to the Earl of Huntington, by whom he was conveyed to the Tower, the 11th of February. Such was the success of this Conspiracy. Had it been managed by able heads, it might have been attended with great consequences. But few Men of reputation cared to put themselves under the Conduct of such Leaders. If it had caused only the death of the principal Actors, they might have been laid to meet the just Reward of their folly. But it produced two considerable effects, one fatal to an illustrious and innocent Person, and the other, to all Protestants. Not that Religion had any share in this Conspiracy, Wyatt himself being a Roman Catholic, and the Queen in her Proclamation, not accusing the Protestants, though, since, some Historians have been pleased to brand them. But as the Queen's authority was strengthened by the ill success of this undertaking, she turned it entirely to the ruin of the Reformed, and the Reformation. The Duke of Suffolk being concerned in the Conspiracy, the Court easily understood his design was to replace his Daughter, the Lady Jane, on the Throne, and this determined the Queen to sacrifice her to her own safety.

Two days after the taking of Wyatt, a Message was sent to Jane Grey and her Husband to bid them prepare for death. Jane, as she had long expected it, received the Message with great resolution. Mean while, Dr. Feknam, who brought it, and had orders to exhort her to change her Religion, proflerously imagining the desired some time to be determined, obtained three days respite of her execution. But she let him know, it was no satisfaction to her. She was well assured, the Jealousy of the Government would not suffer her to live, and therefore she had employed the whole time of her Confinement in a preparation for Death. Some have believed, that without this last Attempt of the Duke of Suffolk, the Queen would have spared his Daughter. But as afterwards such numbers were put to death for their Religion, it is not likely, that Jane, so firmly attached to the Protestant Religion, would have been more mercifully used than the rest, even though the Queen could have prevailed with herself to pardon her Treason. Be this as it will, she was executed the 12th of February, after seeing the headless body of her Husband pass by her, as he was brought back from execution to be interred in the Chapel of the Tower. She showed to the last moment a great constancy and piety, and an immovable adherence to the Reformation, owning however herself guilty of a great Sin, in accepting a Crown which be-

(1) This Sir Thomas Wyatt had been oft employed in Embassies, particularly in Spain, where he had made such Observations on the Courly and Subtily of the Spaniards, that he could not but, without a just concern, see the Miseries his Country was like to fall under. Burnet, Tom. III. p. 224.

(2) It seems he was too busy in raising Men, and making other Preparations. Godwin, p. 340.

(3) The News of it came to London, January 25. Idem, p. 341. Stow, p. 618.

(4) Six hundred, say Godwin, together with the Queen's Guards. Idem.

(5) Sir Robert Southwell. Hilditch, p. 309.

(6) He was sent to a ship, and called for a Coat, which he filled with Money, desiring to escape. Burnet, p. 281.

(7) Thompson the Duke of Norfolk had, together with the Earl of Arundel, and Sir Henry Jerningham Captain of the Guard. But Wyatt coming up that moment with a Party of Horse, intercepted the rest, and forced eight Breth Guns, and all Norfolk's Baggage. Godwin, p. 341.

(8) January 31. Hilditch, p. 309.

(9) She arrived February 6, about four o'clock in the Afternoon. Stow, p. 619.

(10) He advanced with four Companies towards Ludgate, which Catherine Parrson, with two Companies more, marched towards Westminster. At Chertsey, Sir John Gage, Lord Chamberlain, went to oppose Wyatt, but retired in disorder. Godwin, p. 342.

(11) Clarendon, King at Arms.

(12) One Underwood, whom he had made his Ranger at Abing near Coventry. Godwin, p. 340.

(13) To Sir Maurice Berkeley.

(14) To Sir Maurice Berkeley.

(15) One Underwood, whom he had made his Ranger at Abing near Coventry. Godwin, p. 340.

1554.
Burnet.
Fox.

longed not to her. The Duke of Suffolk her Father was tried the 17th of the same Month, and executed the 21st (1), with great grief for having been the cause of his Daughter's Death.

Next, *Wyat* was brought to his Tryal, where he offered to make great discoveries if his Life might be saved. He accused even the Princess *Elizabeth*, and the Earl of *Devonshire* (2) as concerned in the Conspiracy. This did not prevent his Sentence, but only gained him a respite of two Months, because of the hopes of drawing from him considerable discoveries. Mean time the Earl of *Devonshire* was committed to the Tower (3), and the Princess *Elizabeth*, though indispensed, was brought to London, and closely confined in *White-Hall* (4), without liberty to speak to any Person. On the 11th of *March* following she was sent to the Tower.

The 14th and 15th of *February*, *Bret*, Commander of *Wyat's* Forces, and fifty eight more, were hanged. Some days after (5), six hundred Prisoners, with Halters about their necks, waited on the Queen, and received their pardon. But this was not capable to efface the impression made in Men's minds, by so many executions, for a Conspiracy in which was no effusion of Blood. The fault was thrown on *Gardiner*, who was accused of leading the Queen to an excessive Jealousy of her Authority, and the most extreme rigour. An Affair happened at the same time, which also greatly alarmed and filled the People with fears of the Queen's intending to rule with too extensive a power.

Sir *Nicholas Throgmorton* being accused, and tried as an Accomplice in the Conspiracy, was acquitted by his Jury for want of sufficient proof to condemn him. For this the Jury was severely fined. So the Juries were deprived of the liberty of judging according to their consciences, and instead of being governed by proofs, they were to examine how the Court stood affected to the Prisoners, and by that determine their Verdict. This rigour exercised upon the Jury, was fatal to Sir *John Throgmorton*, who was found guilty upon the same evidence on which his Brother had been acquitted.

The respite granted to *Wyat* had a quite contrary effect to what the Court expected. This unhappy Man, who had accused *Elizabeth* and the Earl of *Devonshire* only in hopes of a Pardon, finding he must die, fully cleared them in his second Examination. And for fear his last Declaration should be suppressed, he renewed it at the Place of execution (6). As there was no other proof against them, and their Accuser himself had acquitted them with his last breath, no Process could be formed against them, though *Gardiner* passionately desired the death of the Princess. Nay, it is very probable, the Queen would have gladly consented to it, could she have supported her rigour with any colour of Justice (7).

After *Elizabeth* had suffered a long and severe Imprisonment in the Tower, she was removed to *Woodstock*. This was not intended as a favour, but to take her out of the hands of the Lord *Chandos*, Lieutenant of the Tower, who had treated her with great humanity and distinction. She was at *Woodstock* committed to the Custody of Sir *Henry Benningfield* (8), who paying her no such respect as she had received from the Lord *Chandos*, gave her room to suspect a design against her Life. It is even pretended that certain Persons officiously undertook to murder her; but that the strictness with which she was kept denied them all access.

The disturbances occasioned by *Wyat's* Conspiracy being entirely appeased, the Queen resumed her first design of an utter destruction of the Reformation. Though to this the Authority of Parliament was necessary, she failed not to anticipate the design by her own Authority, in virtue of her Supremacy which herself detested, and yet scrupled not to use against the Protestants! For this purpose, she

gave Instructions to the Bishops to visit their Dioceses. Their Instructions drawn by *Gardiner*, contained a better Narration of all the pretended disorders introduced into the Church in the Reign of *Edward*. She afterwards gave the Chancellor a particular order to purge the Church of all married Bishops and Priests.

Some days after (9), the Queen granted a special Commission to *Gardiner*, and five others (10), to deprive four Bishops who were married, namely, the Archbishop of *York*, the Bishops of *St. David's*, *Chichester* and *Brighthelm*, and all in actual Confinement (11). Two days after, the same Commissioners were ordered to deprive the Bishops of *Lincoln*, *Gloucester*, and *Hersford*, for having behaved themselves ill, and preached erroneous Doctrines. The Pretence to deprive these Bishops by a bare order of the Queen, was taken from the Letters Patents of King *Edward*, in which it was provided, that they should hold their Bishopricks so long only as they behaved well, and therefore it was no injustice to deprive them, since their Conduct was displacing. This was the Pretence, but the true reason was, the Court's desire to fill their Seats with their Creatures, before the meeting of the Parliament. As to the inferior Clergy, *Dr. Burnet* pretends, that of sixteen thousand then in *England*, twelve thousand were turned out for having Wives (12). And indeed in the Collection of the Publick Acts, we meet with an infinite number of Preferments to Livings, which sufficiently flow the Alterations made in the Church. Mean time, in consequence of the Act of Parliament, the Mals were every where refused, with the Liturgy used in the end of *Henry VIII's* Reign. Such was the Constitution of the State and Church when the new Parliament met the 2d of *April* 1554 (13).

The care of the Court to have a Parliament at their devotion, had not been less than in the foregoing Year. Nay it was so much more successful, as *Gardiner* had money in his hands to gain the Electors and Representatives. The Court had a double design, the first to have the Queen's Marriage approved; the second to restore the Pope's Authority. For the first, it was not sufficient to have Representatives well inclined to the intended Alterations in Religion, it was farther requisite, they should be little zealous for the Good of their Country, since the Queen's Marriage put *England* in evident danger of becoming one day a Province to *Spain*. For the second it was necessary, not only that most of the Commons should be convinced of the *Romish* Doctrines, but also should be really Papists, that is, perverted that Religion could not subsist without a Pope. Now the Men of this opinion were not very numerous among the *Roman Catholics*. There were many more, who believing Transubstantiation, Invocation of Saints, Adoration of Images, &c. were however persuaded that the Papal Authority was by no means necessary to the Church, and were well content with its Abolishment. To have Persons returned proper for the designs of the Court, or to gain those who were not so compliant, it was that *Gardiner* used all his Interest with the Emperor and Queen to promise Pensions. This was done with little caution and secrecy, that with regard to a great number of Members, their Pensions were known. The Parliament when met, was so obsequious to the Queen's Will, that she was sometimes obliged to check the impetuous Zeal of the Commons.

The first Act passed in this Session gave occasion to many reflections: but the intent of it was unknown till long after, in the Reign of Queen *Elizabeth*, when a certain Person, let into the secret, discovered it to the Earl of *Leicester*. The Bill was brought in by the Speaker. It imported, "That as the Laws declarative of the Royal Prerogatives had been made in favour of Kings, it might be pretended that the Queen had no right to them: it was therefore declared, That these Prerogatives did belong to the Crown, whether it was in the hands of

(1) The 23d says *Stow*. His Brother Thomas was beheaded April 27. *Stow*. p. 624.

(2) *Edward Courtenay*.

(3) *February* 12, and the Lady *Elizabeth* on the 18th, says *Gulwin*. p. 343. *Stow*. p. 623.

(4) For a Fortnight. *Stow*. Tom. II. p. 84.

(5) He was executed April 11. *Gulwin*. p. 343.

(6) By *Gardiner's* Malice a Warrant was procured, signed by some Privy-Councillors for her Execution. But the Lieutenant by an Application to the Queen, to know what was her Pleasure, and after displaying any Knowledge of the Warrant, saved the Life of the Princess. See *Fox*. Tom. III. p. 157. *Burnet*. Tom. III. p. 327. Had the Queen immediately dispensed *Gardiner*, the might have been thought innocent of so barbarous a design. But the Cause and Truth in which he was concerned did his Death, gave a Suspicion at least that she would not have been dispensed with in Obedience to the Warrant, which she could have denied her Knowledge of, as it wanted her Hand, and perhaps obtained a belief by a Sacrifice of the Councillors concerned in it. *Queen Elizabeth* herself afterwards took that method in the affair of *Mary Queen of Scots*.

(7) May 16. *Rapin*. On the 19th, according to *Hollingshead*, she was released out of the Tower, and committed to the Custody of the Lord *W. De-la-Isle*, who treating her most courteously then sent could have yielded, he was put under the Custody of Sir *Henry Benningfield*. p. 1117. ---The Earl of *Devonshire* was removed to *Fishergate* Castle, May 25. *Gulwin*. p. 343.

(8) The 15th of *March*.

(9) Bishop *Toussaint*, *Bower*, *Parson* of *St. Asaph*, *Day* of *Chichester*, and *Kitchin* of *London*. *Burnet*. Tom. II. p. 374. *Rymers* Fed. Tom. 15. p. 361.

(10) *Holgate*, *Farrer*, *Bird*, *Bish*. Those deprived two days after were, *Taylor*, *Hyper*, and *Harley*. *Stow* History of *Chichester*, removed his Wife, and the layard *Sey*, and *Barlow* Bishop of *Bath* and *Wells* resigned and fled. *Burnet*. Tom. II. p. 375. In the room of these deprived Bishops were placed, *Morgan* at *St. David's*, *Cress* at *Chichester*, *White* at *London*, *Brooke* at *Gloucester*, *Bourn* at *Bath* and *Wells*. *Parson* was translated to *Hersford*, and *Gifford* made Bishop of *Exeter*. *Stow*. Tom. III. p. 118. *Rymers* Fed. Tom. 15. p. 374. ---378, 383, 384.

(12) This Computation seems to be exaggerated. See *Cotter*. Tom. II. p. 366.

(13) The Queen had at first summoned this Parliament to meet at *Oxford*, because that Place had showed itself very obedient and forward in restoring the Papal Religion; and *London*, on the contrary, did not much approve her Proceedings about Religion, and had given her late Jealousy, during *Henry's* last illness, but she altered her Mind. *Hollingshead*. p. 1117.

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"Male or Female: and whatsoever the Law did limit or appoint for the King, was of right also due to the Queen, who was declared to have as much Authority as any of her Progenitors." This Bill occasioned some Debates in the House of Commons. Some feared that the pretence of securing to the Queen her just Rights, covered a design of enlarging them beyond their just bounds, and that the last Clause, *that she had as much Authority as any of her Progenitors*, might encourage her to exercise the same Power as *William the Conqueror*, who stripped the English of their Lands, to bestow them on Foreigners. The Queen's Marriage with the Prince of Spain Bill increased this suspicion, by the fear of having a despotick Government, like that of Spain, introduced into England. It was therefore thought proper to alter the words of the Act, in such manner as they should secure to the Queen all her legal Rights, without giving her an opportunity to usurp such as were not so. The Court found no fault with this Correction. *Gardiner*, who promoted the Bill, had no intention to make the Queen absolute, but to prevent *Philip* from seizing the Government on pretence of Sex. The example of *Henry VII.* furnished a just cause of Fear. That Prince had at first no pretension to the Crown, but what flowed from his Marriage with *Elizabeth*, Daughter of *Edward IV.* However, when he afterwards found himself sufficiently strong, he resolved to reign in his own right, as *Heir* to the House of *Lancaster*. *Philip* might have done the same thing, as descended from the same House. So that here *Gardiner* consulted at once the Interest of the Nation, and his own. It was the Nation's Interest, that *Philip* should not have any opportunity of seizing the Government. *Gardiner*'s likewise required the same, because if *Philip* should once become master of England, the administration of affairs would probably be put into the hands of *Spaniards*, and consequently, *Gardiner* be excluded. In a word, the true occasion of *Gardiner*'s Bill was this: A certain Person had contrived a model of Government, according to which the Queen was to declare herself a Conqueror; or assert, that as she came to the Crown by common Law, she was not bound by the Laws which limited the regal Power, because these Restrictions were made for Kings and not Queens. This Plan was communicated to the Imperial Ambassador, who put it into the Queen's hands, and prayed her to read it with attention. The Queen doubtless read, and then delivered it to her Chancellor to examine, and give his opinion upon it. He thereby saw what was the aim of the *Spaniards*, and set before the Queen the consequences and peril of following, or even listening to such Counsels. In a word, he so managed her, that she threw the Project into the fire. It was not without reason that *Gardiner* began to be alarmed with respect to the *Spaniards*. Besides, that such Projects as this, gave him just cause to suspect them of some design upon the Liberties of England, there was another thing that confirmed his suspicions. This was, the *Spaniards* had studiously published a Genealogy of *Philip*, which derived him from a Daughter of *Jehan de Gault*, Duke of *Lancaster*, and Son of *Edward III.* *Gardiner* therefore thought it high time to break the *Spanish* measures; and this he undertook to do by the fore-mentioned Act. But he took particular care not to be known for the Author, for fear of forfeiting *Philip*'s favour (1).

In this Session the Bishoppick of *Durham*, suppressed in the end of the late Reign, was restored to its antient Rights, and the Act of suppression repealed.

The Sentence against the Duke of *Suffolk*, and the fifty seven con- eight Men executed for the late Rebellion was likewise confirmed.

Lastly, the Parliament approved the Treaty of Marriage between the Queen and *Philip*. But as *Gardiner* began to fear the *Spaniards*, he so ordered, that the Parliament in approving the Treaty, explained more clearly, and enlarged the Articles, by which the Government of the Kingdom was declared to belong only to the Queen.

No more was desired of the Parliament in this Session (2). If the Zeal of the Commons to please the Court had been indulged, many rigorous Acts against the Reformation and the Reformed would have been made. But the Lords, by the Court's direction, threw out the Bills sent by the

Commons on this subject. Without doubt, the Ministers thought it not proper to begin the persecution before the Confirmation of the Queen's Marriage, lest some unforeseen accident should retard the Prince of Spain's arrival. For this reason the Parliament was dissolved (3) the 25th of May, after the Queen's principal desire, the approbation of her Marriage, was obtained.

At the end of this Session of Parliament, the Court thought proper to interrupt the Convocation, in order for a new Conference to be held at *Oxford*, concerning the Eucharist. The Protestants complained publicly of the treatment they had met with, in the dispute held at *London*. From hence occasion was taken to lay a new figure for them, by appointing another Disputation, in the presence of the University of *Oxford*, as if more justice was intended them. But this was in effect only to give them a fresh mortification. If the Court had meant to act with sincerity, they would never have chosen, as they did, for managers of the dispute on the Protestants side, *Cranmer*, *Ridley*, and *Lutimer*, all Prisoners in the Tower, and the two first, without controversy, the most learned and able Men of their Party. But as it was resolved to confound them, otherwise than by reasons and arguments, the Court was glad to expose these three grave Prelates to the insults of their Enemies. They were therefore removed to *Oxford* (4), to dispute against some of the *Romish* Clergy, at the head of whom was *Wylson*, Prolocutor of the Lower-House of Convocation. This Disputation or Conference was managed like the former at *London* (5). The three Protestant Bishops were forced to be silent, by reason of the continual interruptions and noises which hindered them from being heard, whence it was inferred they were vanquished. Those who are curious to see the particulars of this dispute, will find them in the History of the Reformation of England. But to mortify these Bishops was not thought sufficient. The Dispute, which lasted three days, being ended, they were summoned to abjure their pretended errors, and, upon their refusal, excommunicated (6).

Prince *Philip* being inform'd that nothing now retarded the Confirmation of his marriage, left the *Grain* the 16th of July, and arrived the 19th at *Southampton* (7). At his landing he drew his Sword, and carried it naked some time. This mysterious Action was variously interpreted. Some said it signified that he would draw his Sword in defence of the Nation. Others believed, that he intimated to the English by this action, that he intended to govern them by the Sword. The Magistrates of *Southampton* presenting him with the Keys of their Town, he took and returned them without speaking a word. This gravity displeas'd the English, who used to be treated more affably by their Sovereigns. The Queen met him at *Winchester*, where *Gardiner* married them the 25th of July. The same day they were proclaimed King and Queen of England, France, Naples, Jerusalem, and by many other Titles (8). The Emperor had lately made a present to his Son of the Kingdoms of *Naples* and *Jerusalem*. *Philip* was but twenty nine years of Age, and *Mary* was thirty eight. Many Chests of Bullion (9), brought by *Philip*, were landed, which no doubt were a great part of the one million, two hundred thousand Crowns, promised to be sent into England by the Emperor; but which he was not inclined to part with before the Confirmation of the marriage. This infused fresh zeal for the Queen's interell, into those who had before been gained by *Gardiner* (10).

Philip, desirous to acquire the affection of the English, began with Acts of Clemency, which would have produced that effect, had the rest of his conduct been answerable to them. However, some Persons of distinction were the better for his Generosity. The Princess *Elizabeth* was the chief. *Gardiner* was for removing her out of the way at any rate. He apprehended, if she succeeded *Mary*, she would be led by her own interell to subvert whatever should be done in this reign, with respect to religion. Besides, it was known, that notwithstanding all her caution, she was reformed in her heart. Now, as it was resolved to persecute the Protestants, there was some room to fear an insurrection, under colour of asserting her rights. The Queen herself was not far from *Gardiner*'s Sentiments; but *Philip* interceded for *Elizabeth*, and freed

(1) Another reason for this Act, might also be, to prevent any disturbance that might arise from an Opinion broached by some of Queen *Mary*'s Enemies. That it was unlawful for a Woman to govern; to prove which, *Knox* and others writ Books soon after. See *Scrymgeour's Notes on Gardiner*, p. 144.

(2) A Convocation met at the same time with this Parliament. And in the Writs of Summons, the Queen's Title, of Supreme Head of the Church, was omitted. See *Fox*, Tom. III. p. 41.

(3) Repay by mistake says, the Parliament was prorogued.

(4) About April 15. See, Tom. III. p. 44.

(5) It was held April 16, 17, 18. See *Fox*, *Ibid*, &c. *Gudwin*, p. 344.

(6) With a Fleet of one hundred and forty Sail. *Gudwin*, p. 345.

(7) With a Fleet of one hundred and forty Sail. *Hidolph*, p. 1118.

(8) Ireland; Defenders of the Faith; Princes of Spain and Sicily, Archbishops of *Angria*; Dukes of *Milan*, *Burgundy*, and *Brabant*; Counts of *Habsburg*, *Flanders* and *Tirol*. *Rymer's Fœd*. Tom. IV. p. 404.

(9) Twenty seven Chests, each a Yard and four inches long, and ninety nine Horse-loads, and two Cart-loads of coined Gold and Silver. *Barnet*, p. 186. *Scrymgeour* computes, that this Prince's Revenues were yearly worth two Millions, four hundred and seventy thousand Pounds Sterling. Tom. 3. p. 125.

(10) *May* 12, the King and Queen made their Entry into London. *Stow*, p. 635.

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1554. her from this danger (1). This was, doubtless, at first from a motive of generosity. It has been pretended, that Policy had afterwards a great share in the preservation of this Princess, and two several reasons are assigned. First, it is said, that when he had no longer hopes of Children by Queen Mary, he reflected, that if Elizabeth died before the Queen, the Crown of England would devolve to the Queen of Scotland, who would bring this rich Inheritance to the Dauphin of France. It is indeed true, that by Henry VIII's Will, the Queen of Scots could not claim the English Crown, till after the Possession of the Duchy of Suffolk. But it was not likely, the Dauphin would regard this Will; and he might happen to join the Crowns of England and Ireland to those of France and Scotland, which could not but be prejudicial to the House of Austria. The second reason which induced Philip to save Elizabeth was, as 'tis pretended, his hopes to marry her, if Mary died first. Besides the Princess Elizabeth, some other Persons obtained their pardon by Philip's intercession; namely, nine Knights, and the Archbishop of York (2). It is presumed, this Prelate was not firm to his religion, because all the rest who were released, were Men who suited their religion to the times. Probably they had been engaged in Mary's or the Lady Jane's cause. Besides, the Archbishop of York was suffered to live in quiet during the residue of this reign.

G. dwin.
Stow.
Burnet.

Diplomas
the English.
Burnet.

The Duke of
Northfolk
dies.
The Parlia-
ment meets.
Burnet.
T. III. p. 133.

The Court
finds to find
over Pale in
quality of
Legate.
G. dwin.

The Act of
the Condem-
nation re-
versed.
G. dwin.
Hollingsh.
Burnet.

His Speech
to the Par-
liament.
G. dwin.
Fox.
T. III. p. 135.
Hollingsh.
Stow.

The Queen
seizes her-
self with
Child.
G. dwin.
Burnet.
Fox.

In my father,

ginary Conception, humoured her in this belief, till the middle of the next year, when to her great mortification, she discovered her mistake.

The 29th of November the two Houses presented a Petition to the King and Queen, praying their Intercession with the Legate, for a reconciliation of the Kingdom with the Church, from which a horrible schism had long divided it. They promised in the same Petition, to repeal all Acts against the Pope's Authority. Upon this the Legate came to the Parliament, and in a long Speech enlarged upon the Pope's affection and tenderness for the Kingdom of England, and the extraordinary favours which in every age that Nation had received from the Holy See. Then he enjoined for Penance the repeal of all the Laws made against the papal Authority, and granting a full absolution, which was received by both Houses on their knees, abolished also the Kingdom from all Censures.

The Repeal promised by both Houses could not be ready before the beginning of January. By this Act the Pope's authority was restored to the same state as before the twentieth year of the Reign of Henry VIII. But the five following Articles inserted in it, were so many restrictions upon the Papal Power.

- I. That Bishopricks, Cathedrals, and Colleges, should remain in their present condition.
- II. That Marriages contracted within the degrees forbidden only by the Canons, and not the Law of God, should be deemed good and valid.
- III. That Institutions into Benefices made during the Schism, should be confirmed.
- IV. That all judicial Processes should also be confirmed.
- V. That the Alienations of the Lands of the Church should be authorized, and the Possessors subject to no Censures or Prosecutions on that account.

The Legate ratified all these Articles, but with a denunciation of the judgments of God, on all those who possessed the Church-Lands. As this Article was the most important, and obnoxious to a re-union, the Court of Rome had not been a little embarrassed to settle it. The Nobility and Gentry, enriched with the plunder of the Church in the two last Reigns, were not to be alarmed. On the other hand, the Canons made the Lands of the Church so sacred, that the Pope himself, however extensive his Power be in other respects, cannot alienate them. Consequently, Julius III. could not consent to the Alienation made in England, without violating the Canons. Nay, his consent would have been of no force, since he would have exceeded the bounds of his Power. Mean while, had he insisted upon the necessity of Restitution, and told the English, that without it he could not possibly absolve them, the affair of the Re-union of England, the conclusion whereof was so passionately desired by the Pope, would have been in danger of miscarriage. This was one of those nice affairs, which called for some of those expedients, the Court of Rome seldom wants. The Expedient now made use of was to deceive the English. The Pope first gave Pale a general Power (10), which was not thought sufficient, however, to remove the uneasiness of the Persons concerned. Afterwards he sent him another (11), authorizing him, "to transact with the Possessors of Church-Lands for the Rents they had unlawfully received, and for the Movable they had consumed; in restoring first, if the Legate thought proper, the Lands they unjustly possessed" (12). This Clause in restoring first, if the Legate thought proper, had a very equivocal meaning. It might signify, that the Legate had the liberty to oblige the Possessors to Restitution, or to dispense with it; or else that he had power to transact with them for the received Rents before or after the restitution of the Lands. In all appearance, the Pope understood the Clause

(1) She was released about the latter end of April. G. dwin. p. 340.

(2) Robert Aylmer. The Knights were, Sir Edward Rogers, Sir James Croft, Sir Nicolas Throckmorton, Sir Nicolas Arnold, Sir Edward Warner, Sir George Harp, Sir William Hastings, Sir George Gerney, and Sir Andrew Dudley; as also, William Gals, Colclough Paghan, Hervey, Thomas, &c. They were released January 18. Stow. p. 646. Edward, Secretary Earl of Devonshire likewise reaped the Benefit of this Generosity, who, to give no more jealousy, retired into Italy, and the Year after died, some say of Poison, being buried at Padua; and put an end to that illustrious Family, of which he was the eleventh Earl. Burnet, Tom. 2. p. 235. Hollingsh. p. 1130.

(3) He died at Downham in Suffolk, where he was buried October 2. Stow. p. 646. Strype, Tom. 3. p. 400.

(4) In the Writs of Summons, it was remarkable that the Queen omitted the Title of Supreme Head, as she had done a little before in the Writs of Summons to the last Convocation. Roper by mistake makes this to be a Session of the former Parliament.

(5) The King and Queen rode together in their Robes to this Parliament, having two Swords, and two Caps of Maintenance carried before them. Hollingsh. p. 1122.

(6) The other was Sir Edward Hastings. Fox. p. 105. Strype, p. 356.

(7) It was twice read in the House of Lords, on November 17; and the third time on the 19th, when it was sent down to the Commons; who read it twice on November 19, and the third time on the 20th, and sent it up the 21st. The King and Queen passed it on the 22d. Town. Parl.

(8) He landed at Downham in Suffolk, and came to London the 12th. Fox. p. 108.

(9) David November 29. In the same Order all Priests, and other Ecclesiastical Ministers, were enjoined, in their Misses and other Services, continually to pray Almighty God, that he would continue and bring to good effect, what he had so graciously begun. Forms of Prayers were compiled on this occasion by Daines Beaufort Dean of Westminster, and printed copies of them dispersed through the Kingdom. In one of them they prayed God to "give the Queen a Male-Heir, in Fashion and Body comely and beautiful, and in pregnant wit notable and excellent." See the Order and Forms in Hollingsh. p. 1222. Hollingsh. and Fox. Tom. III. p. 215. &c.

(10) David March 8, 1554. Burnet, Tom. III. p. 230.

(11) It is part of the full. See Burnet, ibid.

(12) At cum Possessoribus beneficiorum Beneficiorum (sacrosancti prout & Titae expresse videtur, immobilia per nos indebita decedunt) super Beneficiis male percipere, ac bene mobilibus consumptis, concussant, & transigent, ac nos desuper liberandi & quietandi, &c. Burnet, Tom. III. Col. 2. p. 217.

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vice, very readily undertook to execute it. He it was who in spite of all the difficulties which naturally occurred in the Queen's Marriage, had at last accomplished it. He it was also, who, by his intrigues, had found a way to dispose Parliaments to favour the Queen's intentions, with regard to Religion, and had effected the work of restoring the Roman Religion and the Pope's Authority. He thought therefore nothing more was wanting to complete his Glory, than the facing the Protestants into the Pale of the Church, or at least to an outward submission to the Laws newly enacted, which is the utmost bound of Man's power. For this purpose, he refused to begin with *Hoper* and *Rogers*. The first had been Bishop of Gloucester; the other was a Clergyman of great repute among the Protestants. It was he who with *Bradford* had refused *Burn* from his danger when he preached at St. Paul's. This Action, charitable as it was, had received for ill a construction, that the Court took occasion from it to arrest *Rogers*, in order to remove out of the way a Man, who was regarded as one of the Chiefs of the Protestants, from his great credit and influence with the People. It was an Artifice frequently used in the beginning of this Reign by the Court, to imprison, on frivolous pretences, those whom they designed to sacrifice, with intent to detain them till Laws were made to condemn them. *Hoper* and *Rogers* were of this number, and the first Martyrs of this Reign. They were condemned by Commissioners appointed by the Queen, with the Chancellor at their head (1), and delivered over to the secular arm. *Hoper* was burnt at Gloucester, and *Rogers* at London (2). *Hoper* was three quarters of an hour in Torment, the fire not being well kindled, so that his Legs and Thighs were first burnt, and one of his hands dropped off before he expired (3). These executions were followed by those of *Saunders* and *Taylor*, two other Clergymen of the most distinguished Zeal for their Religion (4). *Taylor's* Punishment was remarkable for his being put into a pitch Barrel, and for having before the Fire was kindled, a Faggot from an unknown hand thrown at his head, which made it stream with blood. Afterwards, as he was repeating the 51st Psalm in English, one of the Guards struck him over the Mouth, and bid him pray in Latin. He was therefore obliged to be silent, and continue his ejaculations, till the moment came which was to finish all his sufferings. But while the Fire was kindling, one of the Guards, either thro' impatience or pity, knocked out his Brains with a Halbert, and delivered him from more cruel Torments (5).

Gardiner finding himself mistaken in his Conjectures, and that the Punishment of these four Clergymen produced not the effect he expected, transferred to *Benner* a Commission, which could not but draw upon him the publick hatred. This was no favour to the Protestants, for if *Gardiner's* Zeal was cruel, *Benner's* was furious.

Mean while, these few executions caused an universal Conspiration. The Bigots only triumphed. The rest who had any Sense of humanity, could not, without the last concern, behold Men exposed to such cruel sufferings, who were accused of no crime, and solely for their religious opinions. It could not but be observed how differently the Protestants behaved from the Roman Catholics. In *Edward's* Reign, very few had suffered imprisonment for their Religion; and in *Mary's*, no Punishment was thought too cruel for those Protestants, who dared to persevere in their opinions. The Bishops themselves seemed affrighted, for, in a solemn Assembly they declared, they had no hand in these barbarities. So all the hatred fell upon the King and Queen, and particularly the King, as he was bred in a Country where the Inquisition reigned. *Philip's* hearing of it, saw that the affection of the English would be entirely lost, if they were suffered to continue in this Sentiment. Besides, he was resolved not to be the Dupe of

the Bishops, who cleared themselves at his expense. He therefore ordered his Confessor *Alphonsus* to preach before him, who, before all the Court, charged the Bishops with the Cruelties complained of by the whole Kingdom (6). He even challenged them to produce in the whole Scriptures one passage which allowed Christians to burn Men for matters of conscience. It was not without astonishment that a Spaniard was heard to exclaim against burning Heretics, and condemn cruelties so common in Spain. The Bishops were so amazed, that about the middle of March *Burnet* they were re-kindled, the Bishops chafing to incur the publick hatred, rather than not prosecute the Protestants. The truth is, the Court was no less inclined to throw the whole blame on the Bishops. But each had a mind to throw the whole blame of the Persecution on the other. *Benner*, Bishop of London, distinguished himself by a Fury unbecoming not only a Clergyman and a Christian, but even a Cannibal. From this time the executions of the Protestants were continued, with a barbarity which clearly shewed, that those by whom they were ordered, were not at all forced. The Bishops condemned without mercy all who were brought before them, and the civil Magistrate executed the Sentences, even more rigorously than commanded by the Laws (7).

About the end of April, the Princess *Elizabeth* was conducted from Woodstock to Hampton Court, where *Gardiner*, attended by a great number of Privy Counsellors, exhorted her seriously to merit the Queen's Pardon by an ingenuous confession of her crimes. But she positively denied to have ever justly offended the Queen. At last *Philip* prevailed for an Enlargement of her liberty, at a Seat in the Country (8), where she was permitted to retire. As she knew all her actions were narrowly observed, she avoided concerning herself in any Affair which might give the least Suspicion. During the rest of this Reign, she applied herself wholly to her Studies, and made a considerable Progress. But still she led an uncomfortable Life, as she was forced to dissemble her religious Sentiments, to hear Mass, and frequently confess herself, to escape the dangers she was continually exposed to (9). In this time was a little less scrupulous than her Sister *Mary* had been in *Edward's* Reign. But it may be said for her, that there was a great difference between the Characters of *Edward* and *Mary*. The fear of Death could not oblige *Mary* to dissemble her Religion, because she was never threatened with it, whereas *Elizabeth* saw death continually before her Eyes upon the least advantage against her.

While the Queen was thus expressing her Zeal for the Roman Religion, she felt a load upon her conscience which she could no longer bear. This was the possession of the Abbey-Lands adjudged to Henry VIII. Pope *Julius* III. pretended to consent that the Possessors of the Church Lands should not be disturbed. But he plainly shewed that nothing was farther from his Intentions, for even before the affair of the Reconciliation was ended, he published a Bull, excommunicating all who had taken possession of any Church or Abbey-Lands, as well as the Princes who favoured or assisted them. *Gardiner* indeed had endeavoured to remove the Queen's uneasiness, by telling her, this Bull concerned Germany alone, and had no Authority unless received in England. But it was easy to see, that a defect of Formality could not excuse a practice in England, which was condemned by the Pope as a heinous crime in Germany. Be this as it will, the Queen, who believed herself near the time of her delivery, would not run the risk of dying excommunicate. She sent for her Ministers (10), and told them it was her fixed resolution to part with the Church Lands in her possession, to be disposed of as the Pope should judge proper. At the same time she ordered them to acquaint the Legate with her intention,

(1) See the Names of the rest of the Commissioners in *Seymour's* Mem. Tom. III. p. 180.

(2) *John Rogers* was brought up in the University of Cambridge, and he several years officiated as Chaplain to the English Merchants Adventurers at Amoy. In King *Edward's* Reign he returned to England, and was made *Deacon of St. Paul's*, and Reader of the Divinity Lecture in the same Cathedral. Upon the 24th of January, he was converted before the Commissioners, excommunicated on the 29th, and burnt February 9. He left a Wife and seven Children. At the Stake he had it in his Power to have lived his Life by a Recantation: But neither Hope nor Fear could prevail on him to desert his Religion: On the contrary, he said, He refused his Life with Joy, in Testimony of the Doctrine he had preached. For, Tom. III. p. 118, 119, 120.

(3) *John Hoper*, brought up at Oxford, was, an account of his Religious Opinions, forced to fly into Germany, in Henry VIII's time; where he remained a considerable time. He had been very diligent in procuring *Benner's* deprivation, which undoubtedly was the cause of his ruin. He was burnt February 9. For, p. 145. *Godwin*, p. 349.

(4) *Laurence Sanders*, brought up at Eton School, and King's College in Cambridge; and afterwards Minister of Church-Langton in Leicestershire, and of All-Saints Broad-Street, London: was burnt at Coventry, February 8. For, p. 154, 155.

(5) *Dr. John Rastell* Taylor, Rector of Hadley in Suffol, was burnt February 9. Idem. p. 166, 167.

(6) He preached on February 10, 1555. For, p. 181.

(7) *Robert Forster*, Bishop of St. David's, was burnt at Cornmarston, March 30. — As was *Thomas Tombs*, a Weaver, in Smithfield, on March 16. *Thomas Gaudin*, at Raleigh, and *Thomas Heyd*, in Horden on the Hill, in Essex, the 26th; *John Lawrence*, at Chichester, the 29th; *George Marsh*, at Chichester, April 24. *John Cardman*, Canon of Wells, and *John Worne*, Upholders in London, May 30, in Smithfield; and others, in several other Places. The List of Oxford, and the Lord Rich, were very busy against these poor People. See For, Tom. III.

(8) Probably at Amoy. But she was obliged to keep in her Family Thomas Pate, one of the Privy-Council, Gage, and some others, who were to be constant Spies upon her Actions. *Godwin*, p. 349.

(9) Her answer to the dangerous Questions concerning Christ's real Presence in the Sacrament, has something in it at once artful and bold.

Christ was the Word that spoke it;
He took the Bread and brake it;
And what the Word did make it,
That I believe and take it.

(10) *William Paule*, Marquis of Winchester, and Lord-Treasurer, Sir *Robert Rastell*, Controller, Sir *William Pate*, Secretary of State, and Sir *Francis Ingfield*, Master of the Works. For, p. 221. *Burnet*, Tom. II. p. 208.

1555. and give him a list of those Lands that still continued in the Crown.

Pope Julius died the 21st of March, a few days before this Reformation. Marcellus II. succeeded him the 9th of April. The new Pope was preparing to make a great Reformation in the Church; but Death surprized him whilst he was meditating this project, the 22d day after his Exaltation.

The news of *Marcellus's* Death being brought to England, the Queen formed the design of raising *Pole* to the Pontificate. She even made some advances towards it, but, on the 23rd of May, the Cardinals assembled in Conclave, elected Cardinal *Caraffa*, who assumed the Name of *Paul IV.* The See had not of a long time been filled with a Pope more haughty, or more proud with his power. He was no sooner raised to the Papal Chair, than he resolved to carry his Authority as high or higher than any of his Predecessors.

The Ambassadors of England (1) arrived in *Rome* the very day of his election, but were not admitted to audience till a Month after. This delay was owing to *Mary's* assuming the Title of Queen of *Ireland*, which the Pope would not suffer, pretending that the *Roman* Pontiff only had a right to erect Kingdoms. As the Ambassadors had no Instructions to relax on this Article, their audience would have been long deferred, if the Pope had not thought of this expedient. He privately erected *Ireland* into a Kingdom (2), and at the same time sent to the Ambassadors to acquaint them, that otherwise he would not suffer them to give their Queen that Title in a public audience. This difficulty being removed, the Ambassadors were admitted to audience, and the Pope with great Ceremony told them, that he took of his esteem of the King and Queen of England, he had erected *Ireland* into a Kingdom, by virtue of his power to create new Kingdoms, and supplant old ones.

Afterwards, in private audiences, he was really pressed the Reformation of the Church-Lands, he told the Ambassadors, that he expected the whole should be reformed without any exception. He said also, he intended to have the Payment of *St. Peter's* Pence continued; for which purpose, he would shortly send a Collector into England; and that the English were not to expect *St. Peter* would open his Patrimony on Earth. The Ambassadors, not to exasperate this haughty Pontiff, were contented to answer him with submission, but did nothing, as indeed they had no power to meddle with these points.

While this passed at *Rome*, the Privy-Council being inform'd, that the Justices of Peace, and particularly Those of the County of *Northfolk*, were indulgent to the Protestants, sent instructions to them to act more agreeably to the intentions of the Court. This shews the Bishop were not alone guilty of the Cruelties exercised against the Protestants, but that the Court was equally possessed with this furious zeal. In these instructions was an article enjoining the Justices to have Spies in every Parish, for giving information of all Persons who were guilty in their Duty in point of Religion. This was so like an Inquisition, that it was imposed to them extremely odious, there being nothing more contrary to the English humour and government. Notwithstanding these instructions, and the Court's severe orders, the Violences already committed occasioned

such murmurs, that *Banner* himself, whether thro' fear, or some other motive, moderated his fury so far, as to fend away, without trial, Persons brought before him for Heresy. This conduct drew from the King and Queen a severe Letter to him (3), in which, after expressing their Surprise, they exhorted him not to be remiss. This was sufficient to renew the Persecution with more fury than before. *Bradford*, who had been some time under Sentence of death, was burnt in July (4). *Ridley* Bishop of *London*, and the venerable old *Letitimus* (5), who had been Bishop of *Worcester* in the reign of *Henry VIII.* suffered Martyrdom in November. I omit many other Martyrdoms in several places of the Kingdom, because my design is not to write a History of the Church. Let it suffice to say, that in the course of this year, sixty-seven Persons were burnt, amongst whom were four Bishops, and thirteen other Ecclesiastics (6).

When the King and Queen writ to *Banner* to rekindle his zeal, the Queen believed herself upon the point of being delivered. The 29th of May, the Courtiers were in a readiness to convey the news to different parts of the Kingdom (7). In the beginning of June, a rumour was every where spread, that the was delivered of a Prince. The Bishop of *Northwich* fung *Te Deum* in his Cathedral. One Priest, more officious than the rest, described in his Sermon the Lineaments of the new-born Prince. But this pretended Pregnancy ended at last in some moles cast forth by the Queen at several times. This was a grievous disappointment to the Queen and the whole Court (8). King *Philip* was no less dismayed. He had only married in hopes of having Children by the Queen, and thereby uniting England with the monarchy of Spain. This accident, and perhaps the opinion of the Physicians, that there was no likelihood of any Children, entirely destroying these hopes, he grew weary of a Wife, who had neither youth nor beauty, and refused to apply more closely to his other affairs. Besides, he was doubtless informed by the Emperor his Father, of his intention to resign to him his Spanish Dominions. He left England therefore the 4th of September (9), to go into *Flanders*, leaving the Queen extremely mortified at his coldness, of which she was but too sensible.

Before the King's departure, a discovery was pretended of a Conspiracy against the Queen. Several Persons were arrested, and some put to the Torture. But as no Confession was drawn from them, very likely this Conspiracy was only a false perfum, designed to incense the Queen against the persons accus'd.

In the course of this year, a strict Inquiry was made after them who had pillaged the Churches and Monasteries; and particularly after those who were employed in the visitation under *Henry VIII.* This was a good expedient to draw large Sums from those Men, who were forced to open their purses to escape a severer punishment.

The Parliament met the 21st of October, and did nothing considerable, besides the making an Act to approve and confirm the Queen's reformation of the First-Fruits and Tithes (10). The Lords were desirous to make a Law to confirm the Estates of those whom the fear of Persecution had driven out of the Kingdom; but the Commons rejected the Bill. Most of the Members began no longer to pay the same deference to the Court as

(1) Anthony Browne, Viscount Montacute, and Thirly Bishop of Ely, Clps Bishop of Bangor, Sir Henry Haggly, &c. Strype, Tom. III. p. 210, 217.

(2) On the 7th of June. Burnet, p. 210.

(3) Dated May 24. The Queen particularly required of him to perform the Office of a good Father, and either to reclaim the Heretics, or prevent against them according to *Leviticus*. Burnet, Tom. II. Col. p. 215.

(4) John Bradford, born at *Northwich* in *Cheshire*, was Fellow of *Pembroke Hall* in *Cambridge*, and made by *Bishop Ridley*, Prebend of *St. Paul's*. He was condemned January 31, and burnt July the first, with one *John* *Wesley*, a *Tallow-Chandler*, in *Smithfield*. Fox.

(5) These two excellent Prelates were burnt together at *Oxford*, October 10. Their Behaviour was comparable to any thing left upon Record of the primitive Martyrs. Ridley was born of a good Family in *Northumberland*, and brought up at *Kingsale School*, and *Pembroke Hall* in *Cambridge*; of which last he was Master. He was Chaplain to King *Henry VIII.* by whom he was promoted to the See of *Beche*, and translated by King *Edward VI.* to that of *London*. He was one of the ablest Champions of the Reformation. His Piety, Learning, and Solidity of Judgment, were admired by his Friends, and dreaded by his Enemies. The Night before his Execution, he invited the Mayor of *Oxford* and his Wife to see him die. And when the good Woman melted in Tears, he spoke to her with an Assurance, which was capable to harden her Service, in the thought that is much Branch on it in melancholy an occasion, could be the only Gift of Heaven, inspiring and animating him against his approaching Agony. He comforted *Lattin*, who was ready to return the last Office. He was so little diverted by the Terror before him, that he even gave a serious Attention to the Sermon preached by a *Francis Bigot*; and was sufficiently calm to have answered the execrable Party of it, which he offered to do; but he was not allowed to display his Eloquence and Reason, which might have taken his Audience, and made more work for his Persecutors. He left the World with an Act of Justice, by a Petition sent to the Queen, that either the Tenets of the Bishops of *London* might be confirmed in their *Latin*, or their Foes released out of his Grist, lest when he was imprisoned. His Torment was lingering by the ill-placing of the Faggots to burn him; And his Legs were almost consumed before the Fire reached his Vitals.—*Lattin* was born at *Thurston* in *Leicestershire*, and brought up at *Cambridge*. He was made by King *Henry VIII.* Bishop of *Worcester*, which See he resigned, as it is related in the former Volume. He had a noble Simplicity, and in his sermons assigned the Voice of great Sincere with plainness, which, understood with Human Eloquence, found a way to their Hearts, and made the Falsity of the Age tremble before him. One *Richard* *Latimer* made Religion in his Hands of Money stole from the Publick, or the Treasury, moved by one of his Discourses on Reformation, which pierced his Conscience, and obliged him to sacrifice Gain to Godliness. He comforted *Ridley* at the Stake (who last done as much for him), and, unshaken with the Triumph of reigning Poverty, prophesied, that *they* *you* *should* *live* *in* *God's* *land* *in* *England*, *as* *by* *God's* *Grace* *should* *live* *in* *heaven*. He was born out of his year, and fell asleep; and finished a Life which, through a Course of eighty years, and in the Corrosion of the last Age, preserved the Piety, Simplicity, and Integrity of the first. Fox, Tom. III.

(6) Among the rest, John Philpot, Archbishop of Winchester, Son of Sir Peter Philpot, Knt. was burnt in *Smithfield*, December 18. As were several others at *Cambridge*. See Fox.

(7) William Howard, the Lord Admiral, was appointed to go to the Emperor, *Raoul* *Lez* *Fine-Water* to the French King, Sir *Henry Sidney* to the King of the Romans, and *Richard* *Shelley* to the King of Portugal. Strype, Tom. III. p. 219.

(8) Fox relates, that a Woman told him, before *Winter* in 1568, that she lived near *Alldridge*, and was delivered of a Boy on June 11. 1556, and after she had been in the Lord North, and another, came to her, and desired to have her Child from her, with very advantageous offers, so that the Child should be well provided for. But she would in no case part with the Child. Fox, Tom. III. p. 231. Thus, as *Burnet* observes, being at a time that the Queen seemed to be every day looking for her Delivery, may give some Suspicion. Tom. III. p. 244.

(9) He set out from *London* for *Dover*, August 5. Strype, p. 227.

(10) This Bill was sent to the House of Lords, on the 22d, 23d, 24th, and 25th of November, the Viscount *Hereford*, and the Lord *Colman*, dissenting from it. And in the House of Commons it was read November 26, 27, and December 3. On which last day it was carried, upon a Division of one hundred ninety six, against one hundred twenty six. *Journ. Parl.*

formerly,

1555. formerly, whether their Penions were withdrawn after a compliance to almost whatever was desired, or they would not be the instruments of referring to the Clergy an Authority so odious to the Nation. Besides, most People were grown weary of the cruelties exercised against innocent Men. However this be, the Queen met with great mortifications in this Session. When she desired a supply of money, the Commons, with great freedom, replied, it was not just to burden the People with expences which she might easily have supplied, if she had kept the Church Lands. So, it was with great difficulty that she obtained a moderate Subsidy (7). The Parliament, seeming resolved not to be directed any more by the Court, was dissolved the 9th of December (8).

The Commons
out of Humour
with the Court.

The Parlia-
ment dis-
solved.

Gardiner
died.
Burnet.
Strype.
Fals.

Fit.
Romer.
Hollingsh.

Godwin.

It is not surprising that the good Intelligence between the Queen and the Commons began to decrease, since the Minister, who had hitherto been employed to manage that House, was no longer in the world. I speak of *Gardiner*, who died in the beginning of this Session, in which he had been but twice present (3). He was seized with his sickness the very day he received the news of the death of *Ridley* and *Latimer*, which he impatiently waited for. He refused to sit down to dinner till he had received it, and was without that Satisfaction till four in the afternoon. He then dined with a good appetite, and after dinner was seized with a suppression of Urine, which brought him to his Grave in few days. It is said, that during this indisposition he felt some remorse for his past conduct, and sometimes said, he had erred with St. Peter, but not married with him. He was a Man entirely attached to the World, of great Wit, and of equal craft and dissimulation (4). He directed his Talents solely to the supporting and augmenting his own Authority. Pope *Paul IV.* promised him a Cardinal's Hat. It is also pretended, that to procure the Archbishopric of *Canterbury*, promised to *Pole*, he had flattered him to the Court of *Rome*, that the Pope had resolved to recall, and even punish him as a favourer of Heresy, because he did not approve the violent methods practised for the Conversion of Protestants, *Gardiner's* hope of succeeding to the Archbishopric, was the reason that *Cranmer* was suffered to live; because *Gardiner* wanted till *Pole* was recalled. Though in all appearance, his religion was that of the Church of *Rome*, he had conformed to all *Henry VIII's* changes. But the hope he had groundlessly conceived, that *Henry* would at last return to his first Sentiments in Religion, put him upon some practices which rendered him suspected, and robbed him of the fruit of his dissimulation. During the reign of *Edward*, he diffembled so far as to comply outwardly with the Laws concerning Religion; but at the same time he sufficiently discovered that it was with regret. To this was owing his deprivation, those who then managed the religious affairs, being persuaded that his dissimulation did more harm than good. In the reign of *Mary*, he was no longer forced to conceal his Sentiments. Nay, perhaps he affected a greater zeal, than he really had, for the *Romish* Religion, to recommend himself the more to a bigotted Queen. By this he acquired her favour, and became her first Minister, having artfully gained the Emperor to his interest. When he saw his Credit firmly established, he turned his revenge upon his Enemies into Barbarity. They had been contented to detain him in Prison; but he could only be satisfied with burning them alive. *Ridley* and *Latimer*, amongst others, felt the terrible effects of his Vengeance. He had not so long desired the Satisfaction of causing *Cranmer* to perish in the flames, if his own intellect had not induced

him to spare his life for some time. It is pretended he was natural Son of *Richard III.* Brother to Queen *Elizabeth*, King *Edward IV's* Wife, and that this was the cause of his so sudden advancement to the Bishopric of *Winchester*, in the reign of *Henry VIII.* Dr. *Burnet* has clearly proved, in his *History of the Reformation*, that *Gardiner* was one of the principal Authors of *Henry's* Divorce with *Catherine*. This, one would think, should have rendered him equally odious with *Cranmer* to Queen *Mary*. But his zeal for the *Romish* Religion effaced all. After his death, the Chancellorship was executed by *Compton* (5). From the 13th of November to the first of January following, when *Heath* Archbishop of *Tork* had the Seal delivered to him.

The day after dissolving the Parliament, the Queen received a Bull from *Paul IV.* erecting *Ireland* into a Kingdom, this Pope presuming, that the Election made in the Reign of *Henry VIII.* was null and invalid. Probably, the Queen, who was full of scruples, was not disposed to receive this Bull without her dearing it.

The King's absence, and *Gardiner's* death, did not hinder the fire from being re-kindled about the end of this year, for the burning of Protestants. This shews, that *Philip* and *Gardiner* were not the only Authors of these violences, but that the source of them lay in the Queen's furious bigotry.

It was likewise about this time that *Charles V.* resigned all his Spanish Dominions to *Philip* at two different times (6). The following year, he resigned likewise the Imperial Dignity to his Brother *Ferdinand* (7). *Paul IV.* long refused to crown the new Emperor, pretending, that the resignation of the Empire ought to have been made to him (8).

The 1st of March, *Cranmer* suffered the Martyrdom to which he had long been destined. He had been declared Heretic from April 1554. But this Declaration was attended with only a bare Excommunication, the power of the Judges, who had condemned him, reaching no farther. At last, in September 1555, he was tried at *Oxford* before two Commissioners (9), one delegated from the Pope, and one from the Queen. His Accusation contained, That he had been twice married: That he had kept a Wife secretly in the Reign of *Henry VIII.*, and openly in that of *Edward*: That he had published heretical Books, forsaken the Communion of the *Romish* Church, and denied the real presence of Christ in the Sacrament. He owned all these facts, and upon his Confession, was cited to appear before the Pope within eighty days; a needless citation, since he was detained a Prisoner. The 14th of February, *Bonner* and *Thirley* were sent to *Oxford* to degrade him. *Bonner* executed his Commission with his usual insolence, and with bitter raileries and invectives against *Cranmer*, during the Ceremony. But *Thirley* melted into Tears. *Cranmer* was clothed in Pontifical Robes made of Canvas, to render him ridiculous, and then stripped of that ludicrous attire, piece by piece, according to the Ceremonies of degradation practised in the Church of *Rome* (10). But what was ridiculous, was, his being condemned for Non-appearance at *Rome*, though he was all the while a close Prisoner.

Death should of course have immediately followed the sentence of the Commissioners, and his degradation. But so many snarles were laid to overcome the constancy of this Prelate, that, by infirmity, and the hopes of saving his life, he was prevailed with to sign an Abjuration (11). His enemies, it seems, should have been satisfied with engaging him in this weakness, but his death was what they want-

1555.

Ed. P. A.
SV p. 426.
Burnet.

The Pope
ed. P. A.
SV p. 426.
Burnet.

The Pope
ed. P. A.
SV p. 426.
Burnet.

Charles V.
ed. P. A.
SV p. 426.
Burnet.

1556.
ed. P. A.
SV p. 426.
Burnet.

Godwin.
Burnet.

Signs an
Abjuration.
Strype.

(1) The Laffy granted forty, from every Person worth five Pounds to ten Pounds, 8d. in the Pound; from ten to twenty Pounds, 12 d. in the Pound; and from twenty Pounds upwards, 16 d. And all Strangers to pay double. The Clergy granted 6 s. in the Pound to be paid in three Years. *Strype*, p. 258, 259. *Stow*, p. 627.

(2) The Acts made in that Parliament were as follows: 1. That every Man, for every hundred and twenty Sheep he feeds, shall keep a Milk Cow, and rear a Calf. That two Surveyors shall be chosen in Every Week in every Parish, who shall take care to have the Highways mended. 2. That Pastures shall not take Vexatious within five Miles of *Oxford* or *Cambridge*. 4. An Act for the regulation of Watermen and Barge-men upon the River *Thames*.

(3) He died of a Dropy, November the 19th, at 80, according to others, the 19th, and was buried in the Cathedral of *Winchester*, where his Effigies upon his Monument is yet to be seen, though somewhat defaced. *Godwin*, p. 331. *Strype*, *ibid.* *Com. Hist.*

(4) He was a Man of some Learning for his unorthodox Canon and Civil Law as well as most of his time; he wrote *Laws with safe and purity*; and few of his Contemporaries rivalled him in the Greek Language. *Burnet*, p. 331.—As to his Person, his Successor, *Bishop Piers*, gave this description of him: He was of a hearty valour, hanging loose, frewring Brows, Eyes as bright within his Head, linked Nee, wore Noddy, a Spanish Monthly, great Hands, and long Tail, rather than Nails upon his Toes, which made him so unsteady. *Strype's* Notes on *Godwin*, p. 331.

(5) The Seal was delivered to Sir *Nicholas Hare*, Master of the Rolls. *Romer's* *Fed. Tem.* XV. p. 426.

(6) *Strype* 3. *Strype*, l. 1.

(7) *Charles*, after his Retirement, delighted very much in mechanical Curiosities, and particularly had great Variety of Clocks, which he tried a long time to cause to strike exactly together, but could never bring it about. Whereupon he broke out into this remarkable Exclamation: "How vain and foolish is it for Princes to endeavour to make all their Subjects be of one Mind in Religion, when no Art is able to make a few Clocks strike together!" *Burnet*, p. 175.

(8) This Year, the House were incorporated by the Queen's Letters Patent, bearing date July 15. *Romer's* *Fed. Tem.* XV. p. 431.—This Year also, on March 14, died *Jake Roffe*, the fifth Earl of *Bedford*, and was buried on the 14th, at *Chichester* in *Buckinghamshire*. *Stow*, p. 626.

(9) *James Becket*, Bishop of *Canterbury* was Commissioner from *Pole*, and the King and Queen designated two assistants, which were Dr. *Morton*, and Dr. *Godwin*, p. 332.

(10) His Behaviour in this Ceremony was uniform and becoming. He was not sorry, he said, to be thus cut off, with all this Pageantry, from any relation to the Church of *Rome*, but it grieved him to be great Injustices to condemn him to die when he was shut up in Prison; and, denying the Pope had any Authority over him, appointed from this Sentence to a free General Council. *Strype*, p. 333.—His Speech, as *Godwin* observes, was sufficient, not only to excite Compassion from his Enemies, but even to melt inanimate stones into Tears. The Prime at *Oxford*, that lately died at *London* in the height of his age and Authority with Princes, most venerable for his Sanctity of Life, for his Aged Person, Learning, Gravity, and innumerable Experience of being, now by the Violence of the *Romish* sect, died in a ridiculous old Habit, buried with Secularity and contemptuous Revelings, and degraded to a most infamous and tormenting death, p. 335.

(11) He was prevailed upon to subscribe not only one Form of Recantation, but six distinct ones, which the Reader may see in *Strype's* *Memoirs*. *Tem.* III. p. 233, &c.

1555.
The Queen
Agnes a
Warrant to
burn him
burnt.
Ad. Pale.
XV. p. 431.
He repents
and offers
with Refor-
mation.
Scripps.
Burnet.

ed, and nothing less would content them. The Queen, who pretended a merit in forgiving him his private offences, and in being moved only by a zeal for Religion, seeing all her measures broke by his Abjuration, pulled off the mask, and signed a Warrant for burning him, notwithstanding his Abjuration. Then it was that Cranmer came to himself, and, full of shame and confusion, retracted at the Stake, and resolved, the Hand which had signed the fatal Abjuration, should first suffer. He held it extended in the fire till it dropped off (1), and then was observed to beat his Breast with the other. Thus he expired, testifying a repentance for the fault he had committed. His Heart was found entire in the ashes, after his whole Body was consumed, which occasioned divers reflections, foreign to my purpose. The Enemies of the Reformation triumphed in the fall of this Prelate, and the Protestants excused him in the best manner they could (2). Pale was consecrated Archbishop of Canterbury the day after his death. It seems he had his *Cogné d'épisc* with his Election, and his Bulls from Rome dispatched before this time, bears date the order for the restitution of the Temporalities, bears date the 21st of March, the day of Cranmer's death (3). It is therefore without foundation that Pale is accused of hastening his death, to take possession of his Archbishoprick, because there was almost a month between the Queen's Warrant for burning Cranmer, and the Execution. Pale had no need of Cranmer's death to be possessed of the Archbishoprick, vacant ever since his Predecessor's Condemnation. And indeed, he was now Archbishop of Canterbury before Cranmer died, having been elected in England, and approved by the Pope, as is expressed in the Order for restoring the Temporalities, dated the 21st of March.

The Tref-
fure con-
fined.
Ad.
Burnet.

All the rest of this year was a continual and violent Persecution of the Protestants. The furious Banner, who had the care of punishing Heretics, not contented to burn them one by one, sent them in Troops to the flames; so that in the year 1556, eighty five perished by his barbarity. The very Women were not spared, and the fury of the Persecutors fell upon innocent Infants. In the Isle of Guernsey, a Woman big with Child being condemned to be burnt, and the violence of the fire burbling her Womb, a Boy fell into the flames, which being snatched out by one more merciful than the rest, was, after a short consultation, thrown in again by command of the Magistrates who assisted at the execution.

The Queen
repairs old
Monasteries,
and erects
new ones.
Burnet.

While by these violent Proceedings the utter ruin of the Protestant Religion was endeavoured, the Queen, on the other hand, laboured to support that of the Church of Rome, by repairing old Monasteries, and founding new ones (4). Perhaps she had more advanced her design to restore the religious Houses, had not the Nobility and Gentry taken the alarm. It happened, even in the last Session of the Parliament, that some of the Commons, upon hearing a Proposal concerning that affair, laid their hands on their Swords, and boldly said: They knew how to defend their own Properties. The Queen being so many obstacles, and not thinking it proper at that time to push the affair, resolved to wait a more favorable opportunity, and proceed gradually. Mean while, she gave a Commission to Banner, and some others, to raze out of the publick Records whatever had been done by Henry VIII, against the Monks and the Pope, and particularly the accounts of the Visitations of Monasteries, and the Renunciations of the Papal Authority by the Monks. This has made the Ecclesiastical History of that time very defective, and yet, notwithstanding the care of the Commissioners, many Records of this nature escaped their diligence, and remain to this day.

Affairs be-
tween
France and
Spain.
R. Daniel.
Burnet.

The War still continuing between France and Spain, without the Intervention of the English, Philip was desirous of either a Peace or a Truce, to have leisure to fix himself firmly on the Throne, lately resigned to him by the Emperor his Father. His Queen had mediated for this Peace or Truce, and obtained, that the two Kings should send their Ambassadors between Calais and Ardres, where they had indeed met the 21st of May the last year, but without coming to any conclusion (5). The Advancement of Paul IV. to the Papal Throne, rendered the Peace still more difficult. He was a Pope of the most

extravagant pride, and though fourscore years old, was forming vast Projects. He cannot be better compared than to Julius II. He had two Nephews, one a Cardinal, and the other Governor of the Ecclesiastical State, and both mortal Enemies of the Family of the Coligni, whose ruin they had resolved, and consequently the King of Spain's, who supported it. To effect their design, they persuaded the Pope their Uncle, that they had discovered a Conspiracy formed against him by the Spaniards. In consequence of this pretended discovery, they opened the Packets of the Duke of Alva, Viceroy of Naples, and therein pretended to find incontestable proofs. They committed Cardinal Coligni to Prison, and arrested the Envoys of Philip and the Queen of England. Then they seized Pallians and Nettuno, two Towns belonging to the Coligni.

But not satisfied with this, they soon after induced Pope Paul IV. master of a League with France out having either Money or Troops to support it. He was therefore obliged to have recourse to the King of Spain, who was in actual War with Philip. For this purpose, he proposed to him the Conquest of the Kingdom of Naples, and offered him all his forces to execute that design, provided he would assist him in the War he had undertaken. This Proposal being laid before the Council of France, the Cardinal of Lorraine supported it with all his Interest. This Cardinal had then such influence over the Court, that no Person almost durst contradict him, though it was easy to see that a League with the Pope could bring no advantage to the King. The Cardinal's aim was to procure for his Brother, the Duke of Guise, the command of the Army which should be sent into Italy.

This League, offensive and defensive, was therefore begun at Paris, and signed at Rome, where the Cardinals of Lorraine and Tournon had repaired the beginning of October 1555. The Pope promised the Investiture of Naples to a Son of France; and the King, on his part, engaged to send into that Country an Army of twelve thousand Foot, five hundred Men at arms, and as many light Horse. But shortly after, by the mediation of Mary, Henry II. and Philip concluded a five years Truce, signed the 5th of February, 1556. The Pope complained loudly, that the King of France had left him to the vengeance of the Spaniards. Indeed, the Duke of Alva had now approached Rome, and taken some places, and amongst rest, Ostia, which the Pope's Nephews had neglected to store. In this extremity, the Pope and his Nephews had no other refuge, than to prevail with the King of France to break the Truce with Spain. It was with this view that Cardinal Caraffa repaired to Paris, as Legate à Latere, declaring, that he came to effect a Peace between the two Crowns. At the same time, the Pope loaded with praises the Queen of England, for mediating a Truce, and exhorted her not to leave her work unfinished, but endeavour to change the Truce into a firm and lasting Peace. Mean while, the Legate, by his Intrigues and magnificent Promises, prevailed at last with the King to break the Truce, without alleging other reason, than that the Pope was oppressed by the Spaniards, though his Holiness had first declared War against Spain.

In January 1557, Cardinal Pale visited both the Universities. Whilst he was at Cambridge, Bucer and Fagius, two German Divines, dead some years before, were ridiculously cited before the Commissioners to give an account of their Faith, and upon their non-appearance, both were condemned to be burnt. This Sentence was followed by a Warrant from the Court to execute it, and the two Bodies in their Coffins were tied to stakes, and consumed to Ashes (6). At Oxford, Peter Martyr's Wife was dug out of her Grave by order of the Legate, and buried in a Dunghill, because having been a Nun, she had broke her Vow. At first a Process was intended against her as a Heretic. But as she had never learned to speak English, no witness could be produced to swear, he had ever heard her utter any Heresy. If all had been thus dug up, who might have been presumed to die Heretics since the Reformation, there would have been work enough. In all appearance, the suffering Peter Martyr to go out of the Kingdom was heartily repented. If the Body of his

1556.
The Queen
repairs old
Monasteries,
and erects
new ones.
Burnet.

A Truce
concluded be-
tween
France and
Spain.
Thuanus.

The Pope
personally
with the
King of
France to
break it.

1557.
The Queen
repairs old
Monasteries,
and erects
new ones.
Burnet.
Thuanus.

The Wife of
Peter Mar-
tyr dug up.

(1) While he was burning he sometimes cried out, That ungodly land. For.

(2) He died in the first Seventh Year of his Age, and the twenty third of his Primacy, and left a Son of his own Name, who was restored in Blood, 5. Rieu. Scripps's Memo.

(3) Rapis by mistake says, he was made Archbishop the day Cranmer died. Though he had been elected, and approved by the Pope, Pale thought it intolerant to be consecrated so long as Cranmer lived, yet his dying the next day for it, brought him under the Suspicion of having poisoned his Death, so that the Words of Bishop to Abbot concerning Nabors, were applied to him, Thou hast killed and taken possession. Burnet, Tom. 5. p. 340.

(4) Last year he founded a new, the Monastery of the Franciscans at Greenwich: And, this year, built two Houses for the Dominicans in Smithfield; a Reformatory at St. Albans; a Conventual Monastery at St. Albans; and turned Westminster again into a Monastery. Burnet, p. 340.

(5) The English Ambassadors were, Cardinal Pale, accompanied by Sir William Cecil for whom he had a particular esteem; the Chancellor Gardiner, the Earl of Arundel, and the Lord Paget: They went over to Calais, May 18. Scripps, Tom. 3. p. 215.

(6) February 6. Burnet, p. 345.

1553

Wife was thus treated, what must he have expected, had he been still in the hands of his Persecutors (1)?

The Magistrate
travels from
Paris to the
Perfection.

As invited
by the Queen
to visit
his
Zel.

The Queen
greatly
convinced
him of the
error in
England.
Burnet.

T. II. p. 147.

For
T. III.

The Duke of
Guise
marches into
Italy.

Philip ex-
claimed at
King Mary
re a Repute
with
France.
Tausan.
Burnet.

An Article
made up of
his efforts
Melville.
Burnet.

The Queen
is caught by
it.
A. B. P.
XV. p. 456.

Stafford at
the head
from France
says on the
perfection.
Gowin.
Burnet.
Stow.

The violences hitherto acted upon both the dead and the living, had a quite contrary effect to what the Queen had imagined. The Ecclesiastics only continued their rage; but the Magistrates began to relax, and scrupled to be the Instruments of these Barbarities. The Council being informed of it, writ circular Letters to all the Towns, to inflame their zeal in the Persecution of Heretics. But these Letters produced no great effect.

The Queen and her Ministers enraged to hear from all parts that the number of the Protestants increased rather than lessened, resolved, as some have assured, to erect an Inquisition in England, like that in Spain. To this end, a Commission was granted the last year, empowering twenty one Commissioners (2) to sit upon Trials of Heresy, with a power so unlimited, that no other Rules were prescribed than their discretion, nor any Person whatever exempted from their Jurisdiction. This was followed by a Persecution, in which seventy nine Protestants perished.

While these things passed in England, the Duke of Guise arrived in Italy, with the Army designed for the Conquest of Naples. He stayed some time at Rome, where he found nothing ready of what the Pope had promised. Nevertheless, he entered the Kingdom of Naples in April, where he performed no great Exploits. Shortly after, he was recalled by the Pope to the relief of Rome, closely blocked up by the Duke of Alva.

On the other hand, Philip finding, the French had broken the Truce, resolved to exert his utmost to establish his reputation in the beginning of his Reign. He raised for this purpose an Army of fifty thousand Men, who were to act in Picardy; and to make himself more formidable, tried all ways to gain the Queen to his Interests, notwithstanding the Agreement in their Marriage Articles, and his Oath to give no occasion of Rupture between England and France. His Creatures about Mary perpetually insinuated to her, that she was ill treated by the King of France, who not content with receiving the English Fugitives that retired into his Dominions, had even given Persons to foment. These insinuations began to operate on the Queen. But to put her quite out of humour with Henry, an artifice was used, which succeeded according to the desires of those who contrived it, probably, to do Philip service. Dr. Watson, the English Ambassador in France, sent for one of his Nephews to Paris, and gave him proper instructions to accomplish the Project. This young Man applying himself to one of the King's Gentlemen, desired a private audience of the King, saying, he had an affair of great consequence to communicate to his Majesty. The King refusing to see him, ordered him to apply to the Constable of Montmorency. Watson, in his Conference with the Constable, told him, he was sent by the Inhabitants of Calais, who were generally Protestants, and desirous to put themselves into the hands of the French King, provided they might have liberty to profess their Religion. The Constable listening to this Proposition, bid him explain how it might be effected, and liking the Project, told Watson to come to him again and talk of this affair. But Watson (3), instead of returning to the Constable, crossed the Seas back into England, and made his report to the Queen and her Ministers of what passed at Paris. Whereupon the Queen thought the King of France was no longer to be regarded, since, in the midst of Peace, he was forming projects to surprise Calais. It appears, that in February she had resolved upon a rupture with France (4), since, by an Order of the 19th of the same month, Commissioners were sent to the Sheriffs and Justices of Peace to levy forces, and have them in a readiness to march upon the first notice. Shortly after, another affair happened, which furnished her with the desired pretence to declare War against France.

One Stafford (5) having secretly obtained assistance from the Court of France, assembled some English Fugitives, and embarking them, landed them in Scotland, towards the end of April, and marched directly to Scarborough, where

he seized the Castle, and published a Manifesto against the Queen, pretending he had forfeited all her right to the Crown, by introducing Spaniards into the Kingdom. He had even the boldness to assume the Title of Protector of England. But the Earl of Westmoreland assembling some Troops in the North, retook Scarborough, and made Stafford Prisoner, with three of his accomplices (6).

King Philip arrived the 20th of March (7) in England, where eight thousand Men were ready to pass into the Low-Countries. Shortly after his Arrival, the Queen sent a Herald to declare War against France. The 17th of June the eight thousand English (8) under the Conduct of the Earl of Pembroke left England, and joined the Spanish Army commanded by the Duke of Savoy; after which Philip himself departed in July (9) to return to Brissell.

The Duke of Savoy having made a feint, for a Month, to attack several Places in Picardy, fell suddenly upon St. Quintin (10), which was in ill condition, and had only a Garrison of three hundred Men. All that the Constable, who commanded the French Army, could do, was to detach his Nephew Admiral Chastillon with three thousand Men, to throw himself into the Town. The Admiral succeeded in part, having got in the Night through the Quarters of the Beliegers. But instead of three thousand, only seven hundred followed him, the rest having lost their way. With this Reinforcement he made a gallant defence, in hopes that the Constable, though much weaker than the Enemy, would use all possible endeavours to relieve him, and indeed nothing was neglected by the Constable. He was even so successful as to throw Adrelet, Brother of the Admiral, into the Place with five hundred Men. But in his return, after his Success, he was attacked by the Duke of Savoy, who routed his Army, killed two thousand five hundred of his Men, and took him Prisoner. In this Battle, called the Battle of St. Laurence, (because fought on the 10th of August, the Day dedicated to that Saint, France lost a great number of Princes and Noblemen killed or made Prisoners (11). The Confinement was so great, that if the Duke of Savoy had marched directly to Paris, it was believed nothing could have prevented his Entrance. But instead of this, he drew back to his lines, and eight days after carried the Town by storm (12), and took the Admiral Prisoner on the breach. All France exclaimed against the Pope, who had occasioned this Rupture. But the Blow was struck. The King of France's last Resource was to call the Duke of Guise out of Italy, where he was making no great progress.

When the Pope heard the Queen of England had declared War against France, he was so angry with Pole, as if he could have hindered it, that he recalled all his Legates (13), including Pole in the number; but Karne the English Ambassador recommitted to him by some Cardinals, the Michieles which from thence might ensue to Religion. At last, after many Solicitations and Remonstrances, the Pope, without revoking his order, promised only it should not be notified to Pole, and told the Ambassador he was inclined to continue the Cardinal in his Legation, if the Queen should desire it. This was before the Battle of St. Laurence. But when News of the loss of this Battle, and the recalling of the Duke of Guise were brought to him, he was again extremely incensed against Pole, and resolved to sacrifice him to his Revenge. For this purpose he sent for Peto the Queen's Confessor to Rome, and creating him Cardinal, put into his hands the Bull of Pole's Revocation, and appointed him for his Legate in England. But the Queen, being informed of this, writ to Peto who was on his return, that if he offered to set foot in England, she would bring him within the Præmure. This Letter stoped his Journey (14). Mean while, though the Pope's Brief was not delivered to him, Pole obtained from the Functions of his Legate, being unwilling to give the haughty Pontiff a plausible pretence of Complaint, who had long hated him.

When the Duke of Guise had quitted Italy, the Pope, unable to defend himself against the Duke of Alva, who was near Rome, made a Peace with Spain, and left France

(1) About the beginning of this year, came an Embassy to England, from Euse Bishopman Emperor of Russia, to settle a Trade between that Empire and England. See Stowe, p. 629. Three English Ships having first in the year 1553, sailed to Russia, under the Conduct of Sir Henry Willoughby, in order to settle a Trade in that Country. In the year 1555, Queen Mary incorporated the Merchant Adventurers to their Ports, into a Company, consisting of four Companies, and twenty four Associates; and *Sophies Cabot*, born in Bristol, of Genoa Parents, was constituted the first Governor, being the chief Encourager of this Branch of Trade. Hackitt, Vol. I.

(2) These were, Bishop of London, and Thibault of Ely; the Lords Windesore and North; Secretary Brouse, Sir John Mordant, Sir Francis Enghild, Sir Edward Walsgrave, Sir Nicolas Hare, Sir Thomas Pope, Sir Roger Cholsey, Sir Richard Rade, Sir Thomas Stradling, Sir Edmund Hall, Sir John Russell, Dr. Cole Dean of St. Paul's; William Roper, and *Rendelph Goleway*, Esquire; William Cok, Thomas Marry, John Story, and John Venghor, Doctors of Law. Burnet, Tom. 1. p. 387.

(3) War was proclaimed in England against this Kingdom, June 7. Stow, p. 641.

(4) Thomas Stafford, second son of the Lord Stafford. *Hollingsh.* p. 1133.

(5) He was captured at London, May 28. *Gowin.* p. 356.

(6) *Gowin* says, there was one thousand Horse, four thousand Foot, and two thousand Pioneers. *Cowley*, p. 355. So *Stow*, p. 631. Anthony Browne Viscount Montacute, was Lieutenant General, the Lord Grey of Wilton Lord Marshal, the Earl of Warwick General of the Hosts, Edward Lord Clerken Colonel of the Foot. The Names of the other Persons of Distinction in this Army, see in *Hollingsh.* p. 1133.

(7) July 7. *Cowley*, p. 355.

(8) With an Army of thirty five thousand Foot, and twelve thousand Horse, besides the English Troops. *W.*

(9) See their Names in *Thomas*, L. 19.

(10) On August 19. *Hollingsh.* p. 1134.

(11) It seems he was then in England; it was the Bulls that were kept at Calais. See Burnet, Tom. 1. p. 410. *Cowley*.

(12) In May, Tom. 1. p. 375.

(13) In May, Tom. 1. p. 410.

(14) It seems he was then in England; it was the Bulls that were kept at Calais. See Burnet, Tom. 1. p. 410. *Cowley*.

1557. in the lurch (1). By a secret Article of this Treaty, Pale was restored to his Office of Legate.

Mean time, Henry being recovered from his Consecration by Philip's not improving his advantages, the Duke of Guise had time to come to his Assistance, and was immediately constituted his Lieutenant-General. On the other hand, Henry solicited the Queen-Regent of Scotland to break the Peace with England, and that Princess was as ready to oblige him. But she had a powerful Party against her, which was for preferring the Peace. Wherefore, as she could not bring the States to the resolution she desired, she took another course to accomplish her design. She fortified *Amyeth*, contrary to an express Article of the Treaty lately concluded with England; and thereby engaged the English to oppose it with force. This produced another Breach between the two Nations (2); and the Scotch Army under the Conduct of *d'Osely*, even entered the Frontiers of England. But the States still hoping to repair the Breach made in the Peace without their Consent, required *d'Osely*, by an express order, to return, which he was forced to obey. The Regent seeing how low her Authority was, pressed the Court of France to hasten the Marriage of the Queen her Daughter with the Dauphin, to the end that Prince being in possession of Scotland, might be more master of its Forces and Councils. Henry improving this advice, immediately sent Ambassadors into Scotland to settle with the States the Marriage-Articles (3).

The War which was preparing in Scotland, and that already began in France, greatly embarrassed the Queen, because she wanted Money. She tried to raise money by way of Loans; but without success. She was therefore obliged to call a Parliament for the 20th of January, though with regret, because she feared, that to obtain a Supply, she should be forced to remit her Severities against the Protestants.

About the end of the year, Philip gave notice to the Queen of a design forming by the Court of France upon *Calais*, and made her an offer of his Forces to strengthen the Garrison, which he knew to be weak. This advice, being laid before the Council, was immediately suspected to be an Artifice of Philip, to put himself in possession of *Calais*, on pretence of reinforcing the Garrison. This, though a bare supposition, was not entirely incredible. Mean while, the Counsellors, as if it had been a most evident Truth, could not believe that France had any intention to besiege the Town, though it was not provided with the fourth part of the necessary Troops and Ammunition. It seemed, that the sole reputation of the Town was to be its Security. So, the advice was neglected and nothing done for its relief, though the Governor, *William Lord Wentworth*, was not wanting in his Solicitations (4).

Nothing less was to be expected from a Council composed chiefly of Ecclesiastics, who were only intent upon the ruin of the Protestants. After so shameful a neglect of providing for the safety of *Calais*, the Queen and her Ministers were in the utmost consternation, upon the news that the Town was actually lost (5). The Duke of Guise besieged it the first of January, and carrying the Fort called *Newmanbridge* (6), which commanded the Avenues from the Land, and also the *Kishank* which commanded the Harbour (7), obliged the Governor to capitulate the seventh day of the Siege. After he was Master of the place he ordered all the English to depart, as *Edward III.* had expelled the French two hundred and ten years before. Then he laid down before *Guines*, commanded by Lord Grey (8), with a Garrison of eleven hundred Men. But the Garrison was so discouraged by

the loss of *Calais*, that on the first attack, they quitted the Town, and retired into the Citadel. Mean while, the English Governor perceiving the French were fallen to plundering, made a Sally and beat them out of the Town; but despairing to keep it, set it on fire, and retired. Soon after, the French closely invested the Citadel, and in an Assault the Garrison lost three hundred Men. After this, the Governor seeing no possibility of a longer resistance, surrendered himself Prisoner of War with his whole Garrison. The Castle of *Hamer*, situated in an almost inaccessible Marth, might have made some resistance; but the Garrison fled, and left it to the French. Thus in the middle of Winter, and in less than fifteen days, the English lost all the remains of their ancient Conquests in France, by the Incapacity of a Queen, whose thoughts were wholly ingrossed by one affair, as if the destruction of the Protestants had alone merited her application; and by the negligence, if it deserves no worse name, of her Council. Such was the Fruit, England reaped from her alliance with Spain, notwithstanding all *Gardiner's* care to prevent a mixture of Interests between the two Crowns. The non performance of this article shows, how the rest would have been observed, if Philip had he had any Children by the Queen, could have introduced himself, as their Guardian, into the Government of the Kingdom.

The Loss of *Calais* made great noise in England. The Protestants took occasion to arraign the Government, and the Creatures of the Court were so confounded, that they durst not open their mouths in justification of the Ministry. Some accused them of Treason, others of Incapacity, and their most zealous Adherents could not but own their negligence. The two Governors of *Calais* (9) and *Guines* were the most unhappy. Besides the loss of their reputation, the Ministers, to infaminate to the People that these places were lost by their fault, suffered them to remain prisoners, and no care was taken for their release. But no one had a more lively Sense of the loss than the Queen (10). She perfectly knew the value of *Calais* after it was taken, which rendered England always formidable to France, because the English could, in twenty-four hours, land great Armies in that Kingdom. The Greatness of the loss has since been still more sensibly felt. From that time, France, except when distracted with civil wars, no more showed her England that regard, she was before forced to pay.

Immediately after the taking of *Calais*, Philip strongly pressed the Queen to make a vigorous effort to recover it, before France had time to repair and fortify it. But it was not possible for the Ministers to find means to execute such an Undertaking. Upon a computation of the necessary expense for the Fleet and Army, it was judged dangerous, considering the general discontent, to load the People with so great a burden, even though the Parliament could be brought to a compliance (11). This was sent to Philip in a letter of thanks for his advice and offers. But besides this reason, there was another of great weight, namely, the fears of the Ministry, the Council, and the Queen her self, that the siege of *Calais* would oblige them to interrupt the persecution. So, in the belief that one year more would suffice to destroy the Reformation and the Reformed, they judged it proper to defer the Siege of *Calais* till a more convenient Season.

The Parliament (12) which met the 20th of January, did nothing considerable, besides granting a Subsidy to the Queen, after the Clergy had led the way (13). The House of Commons was filled with perpetual complaints

(1) The Duke of Alva was forced to come to *Rune*, and on his Knees to beg Pardon for invading the Patrimony of the Church; which he condemned to do. *Barnet*, p. 354.

(2) But Queen Mary resolved to adjust all Differences, by appointing *Henry Nevil* Earl of *Heslingham*, *Cuthbert Bishop of Durham*, and *Dr. Hamer*, and *Moring*, to treat with the Scotch Commissioners. See *Rymers Fed. Tom.* 15. p. 437, 438.

(3) This year, on July 15, died at *Calais*, *Jean de Dinteville*, the fourth Wife of *Henry VIII.* and was buried at *Windsor*. *Augst* 3. *Stow*, p. 631. --- *April* 30. *Thomas Fox* was created Baron *Fox*, and May 1, Earl of *Northampton*. *Rymers Fed. Tom.* 15. p. 431, 432. --- This year, there was so great a Dearth, that Wheat was sold at 2s. 13s. 4d. the quarter; *Mait* 21. 4s. 6d. But the next Harvest proving plentiful, Wheat came to be sold at 1s. *Mait* 21. 3d. and *Rye* 3s. 4d. a quarter. *Stow*, p. 631.

(4) The Council of England had raised numerous Forces, to go to the relief of *Calais*; but they were detained at *Dover*, either for want of Transport-Ships, or else by a Storm, which happened at that time, and was so violent, that the ships had not been known many years before. *Stow*, p. 634. *Holinshed*, p. 1136.

(5) The English Garrison consisted only of five hundred Men, and there were not above two hundred of the Townsmen, that could be serviceable in a Siege. The whole Number of the Inhabitants amounted to about four thousand two hundred Persons. *Stow*, p. 631.

(6) He divided his Army into two Batches, and with one attacked *Newmanbridge*, and with the other the *Railand* at the same time. *Gordon*, p. 316.

(7) The Town being thus shut up, the French next drew the Waters out of its Current, by the Ditches about the Town and Castle were drained; and having contrived ways for their Souldiers to go over the Mire, without sinking in, they made the Assault, after having opened a great Breach by their Cannon. *Barnet*, *Tom.* 2. p. 357.

(8) *Of Wilton*. *Stow*.

(9) The Lord *Wentworth* was tried by his Peers, *April* 2. 1559. on a Suspicion of Cowardice or Treachery, in the Surrender of the Town, and was acquitted. *Stow*, p. 634.

(10) She was so affected with it, that she abandoned herself to Despair; and told those about her, she should die, though they were yet Swearers to the Cause of her Death; but if they would know it hereafter, they must direct her, and they should bid *Calais* at her Heart. *Gordon*, p. 318.

(11) The Computation they made was that: There could not be sent, for any purpose, under twenty thousand Men. The Pay of them for six Months would rise to 100,000*l.* *Gardiner*, and an Army against the Scots, and securing the Coast against the French, would come to 200,000*l.* The setting out of a Fleet, and an Army by Sea, would amount to 200,000*l.* There was also great want of Ammunition and Ordnance. All this would rise to above 500,000*l.* *Barnet*, *Tom.* 2. p. 319.

(12) In this Parliament, the Abbot of *Windsor*, lately re-elected into a Monastery, and the Prior of *St. John of Jerusalem*, had their Writs and Letters in it. *Years*, *Part* 1.

(13) The Clergy of the Province of *Canterbury* only gave eight Shillings in the Pound, to be paid in four years. And the Laity granted a Subsidy and a Fifteenth. The Subsidy was four Shillings in the Pound of Lands, (eight Shillings of Sirgerys,) and two shillings and eight Pence of Goods from every Person worth five Pounds, to be paid before June 4. *Years*, *Part* 1. --- In this Parliament it was enacted, That if any Person carries away a young Woman, under sixteen years of Age, with the consent of her Parents or Guardians, he shall suffer two years Imprisonment; and if any one marries a Woman under that Age, he shall suffer five years Imprisonment.

that

1558. While these Tragedies were acting in different places of the Kingdom, the Queen, who was deeply affected with the loss of Calais, was willing to make one effort to repair it. Philip had advised to try to seize Bruff. For this purpose, he put to Sea a Fleet of one hundred and twenty Ships (1), commanded by the Lord Clinton (2), who landed at Cambray, and burnt that small Town, but the Country rising upon the English, obliged them to retire to their Ships, with the loss of six hundred of their Men (3). The whole Country being in Arms to oppose a second descent, and fresh Troops daily arriving in these parts, the English Admiral, who had only seven thousand Men, thought it not proper to engage in any new action, and returned. Such was the benefit the Queen reaped from this expensive Armament. She was now sensible, that the continuation of the War would procure her no advantage, and readily consented to a Negotiation then proposed for a Peace between France, England, and Spain. Cambray was the place appointed for the Congress, which was opened in October (4).

The Parliament meeting the 5th of November, the Queen demanded assistance to continue the War, in case the Negotiation should miscarry. The House of Commons was so little inclined to grant her request, that she was obliged to send the Chancellor and ten other Lords, to lay the ill state of her affairs before them, and pray them to hasten the necessary Supplies. This Solicitation producing some effect, the Commons debated, that and the two following days, upon a Subsidy. But the Queen's death put an end to their consultations.

She had been some time afflicted with a Dropsy, which being much increased the beginning of November, carried her off the 17th of the same month, in the 43d year of her Age, after a Reign of five years, four months and eleven days.

Cardinal Pole followed her within sixteen hours. He was a Prelate of a sweet and moderate Temper, who would have been glad to bring back, by fair and lawful means, the English to their ancient belief, but approved not the methods of Fire and Sword. This gave his Enemies room to represent him as a little inclined to the Protestant Religion, or at least, as one of too tender a dispo-

sition for that time. Neither the Queen, nor Philip, nor the Pope, nor Gardiner, nor the Bishops substituted in the place of the ejected Protestant Bishops, were Persons to be guided by his moderate maxims. Accordingly, Pole was never consulted on Religion, though in all other affairs the Queen placed a great confidence in him. Pope Paul IV. was his sworn Enemy. It was he who by his slanders prevented his ascending the Papal Throne on the death of Paul III, though he was elected in the Conclave. From that time believing, Pole could not forgive him such an injury, he never ceased doing him ill offices. And when he was himself Pope, he often gave him marks of his enmity. It is even pretended, that when he recalled him from his Legation, to put Peto in his room, he intended to punish him severely for having been too gentle to the Protestants. But Philip and Mary took him into their protection (5).

The excessive bigotry of Queen Mary is evident from the History of her Reign. To this she joined a temper cruel and vindictive, which she endeavoured to confound with zeal for Religion. But when it was not possible to unite them, she plainly shewed, she was inclined to Cruelty, as well by Nature as Zeal. She had the misfortune to be encouraged in this disposition by all who approached her. King Philip was naturally morose. Gardiner was one of the most revengeful Men living. Pomer was a Fury; and the other Bishops were chosen from amongst the most cruel and barbarous of the Clergy. This was the Quality by which alone a Man was thought worthy of the Episcopal Dignity. The persecution therefore against the Protestants in this Reign, has nothing which ought to seem strange. Dr. Burnet says, Mary had a T-II p. 246 generous disposition of Mind. It were to be wished, he had given us some passages of her life, where this generosity appeared: For my part, I find but one adroit to approve in her whole Reign. This was her rejecting the Spanish Ambassador's Project, to make herself absolute at the expence of the Laws and Liberties of the Nation. She discovered no great Capacity in the Government of her Dominions; and the loss of Calais, though there was not something more odious, would be an everlasting blot upon her Reign.

"are not all of a Gas. Things don't stand in the same Light, and strike with the same force on every Body. Besides, if the Roman Catholics believed the *Reformed* such notorious Heretics: If they believed they would be so ill received in the other World, why did they not use them gentler in this? Why did they hurry them to eternal Destruction before their time?" We may justly affirm, that such Wicked as they, did not proceed from adroit, but was earthly, sensual, and devilish. *Collier Eccl. Hist.* Tom. II. p. 397. *Burnet*, Tom. II. p. 354. *Styple's Mem.* Tom. III. p. 473. *Giles and Catalogue*, p. 191. *Gr. Spald.* p. 226. *Nymer*, p. 226.

(1) *Gibson* says, one hundred and forty; and about the end of July, p. 357.

(2) *Edward Fynes*, Lord Clinton and Saye. *Nymer*.

(3) *Mosley* Flower, who was too greedy of Plunder. *Stow*, p. 632.

(4) The English Plenipotentiaries were, the Earl of Arundel, the Bishop of Ely, and Dean Watson. *Burnet*, Tom. II. p. 265.

(5) Pole was buried at Canterbury.

By an Indenture of the first of Queen Mary, a Pound weight of Gold, of the old Standard, was coined into thirty six Pounds; and a Pound weight of Silver, eleven Ounces fine, was coined into three Pounds by Tare.



The Gold Coins of this Queen, are, Sovereigns at 30s. Half-Sovereigns at 15s. Angels at 10s. and Half-Angels at 5s. a piece. — The Money before her Marriage had her Head half-faced, crowned, MARIA D. G. ANG. FRA. Z. HIB. REGI. Reverse, the Arms of France and England quartered, VERITAS TEMPORIS FILIA. (Fig. 1). Those after her Marriage have only her Head as before, but her Husband's Name in the Legend, PHILIP. Z. MARIA. D. G. REG. Z. REGINA. Reverse, POSVIMVS DEVM ADVTOR NOB. — Her Sovereigns, (called by Mr. Evelyn, a Royal, and which, he says, was scarce at her Coronation) has, on one Side, the Queen as her Robes, with Crown, scepter, and Ball, sitting upon her Throne; in her Feet a Portulacque, MARIA. D. G. ANG. FRA. Z. HIB. REGINA. MDLIII. Reverse, a large bell blown with a blast, filling up the space, with the Arms of France and England, quartered in the Center, A. DNO. FACTV. EST. ISTVD. Z. EST. MIRA. IN. OCVL. NRIS. The Angel here on the Reverse, the Queen's Arms in a Ship, with a Cross for the Mast, and the Serr and Letter M. on each Side, inscribed, A. DNO. FACTV. EST. ISTVD. *Gardiner* mentions a Crown of Gold of this Queen wherein was, MVNDI. S. ALV. VNICA. — The Silver Money of Queen Mary are, Shillings, Six-pences, and Groats; in which Bishop *Nymer* adds, Half-Groats, and Pennies; but *Thomly* says, he never saw or heard of any of these last. Upon the Shillings of Philip and Mary are both their Heads facing each other under a Crown, PHILIP. ET. MARIA. D. GR. ANG. FR. NEAP. PR. HISP. 1554. Reverse, the Arms of Spain and the Queen's, Impaled, Crowned, and XII. POSVIMVS. &c. There is another sort of these Shillings, wanting the Date. (See Fig. 2.) Another, PHILIP. ET. MARIA. D. G. REG. ET. REGINA. ANG. Reverse, as the former. The Emperor Charles V. resigning Spain to his Son Philip in 1556, occasioned an alteration in Philip's Style, his and the Queen's Title, being now upon the Great Seal, Rex & Regina, Angl. Hispaniar. Franc. straffor. Sicilie, &c. The half Shillings, before our Queen's Marriage gave her Head crowned, MARIA. D. G. ANG. FRA. Z. HIB. REGINA. Reverse, a Harp between M. and K. all crowned, VERITAS TEMPORIS FILIA. MDLIII.



THE HISTORY of ENGLAND.

BOOK XVII.

The Reign of Queen ELIZABETH: Containing the Space of Forty four Years, and four Months.

23. ELIZABETH.

1558.
Queen Mary's Death
was a great loss
to the
Catholics.



HE Death of *Mary*, tho' fore-
seen, struck the Counsellors and
Ministers with astonishment.
They were all of the prevailing
Religion; and had advised, or at
least approved the Persecution
which the Protestants lately groan-
ed under, and now, in all likeli-
hood, the Protestants were going
in their turn to govern. *Mary's* death was therefore con-
cealed for some Hours, to give time to consult what was
to be done. But as the Parliament was sitting, it was not
in their power to decide any thing concerning the Succe-
sion, especially as it was clearly settled by the Will of
Henry VIII., authorized by an Act of Parliament which had
never been repealed. Their Consultation therefore ended
only in a Message to inform the Parliament of the Queen's
Death. This was all that could be done on this occasion.
The News was first communicated to the House of Lords,
who immediately considered the rights of the Persons who
might pretend to the Crown. If this Affair had been left
to the decision of the Civil or Common Law, there would
have been no small difficulty, so much had *Henry* perplexed
it by his Divorces, and by contradictory Acts of Parliament.
But in *England*, the Parliament, which includes the King,
Lords, and Commons, is the supreme Legislator, and
when force does not interpose, the validity of its Laws
are unquestionable. *Henry VIII.* obtained an Act, im-
powering him to settle the Line of Succession as he should
think proper. He placed *Elizabeth* next to her Sister
Mary, though both had been declared Bastards. This
sufficed to give *Elizabeth* a Right, which the Parliament
could not contest, since it was a parliamentary Right, as
founded in the Act to empower *Henry* to settle the succe-
sion. Besides, every one knew the Dissolution of that
Prince's Marriage with *Ann Boleyn*, and the Act, which,
in consequence of the Divorce, declared *Elizabeth* illegiti-

mate, was the pure effect of the King's Caprice, and of
the Compliance, rather than Justice, of the Parliament.
But though the Lords should have thought to exclude
Elizabeth from the Succession, on what other Person could
they have fixed, without exposing the Kingdom to great
danger? It will be proper, briefly to explain this, as a thing
very requisite to the Sequel of this Reign.

Upon *Mary's* Death, three Princesses could pretend to
the Crown, namely, *Elizabeth* Sister of the late Queen;
Mary Queen of *Scotland*, Grand Daughter to *Margaret*,
eldest Sister of *Henry VIII.*; and *Frances* Duchess of *Suffolk*,
Daughter of *Mary*, younger Sister of the same
Prince. *Elizabeth* supported her Right upon the Will
of the King her Father, authorized by Act of Parlia-
ment. *Mary* could object, that *Elizabeth* had been
declared a Bastard by an Act still unrepealed: That
no Bastard had ever ascended the Throne of *England*:
That the Laws of the Country gave Bastards no share in
the inheritance of their Fathers, and consequently the Succe-
sion was devolved to the Posterity of *Margaret*, eldest
Daughter of *Henry VII.* It could be alledged for the
Duchess of *Suffolk*, that *Elizabeth* being a Bastard, and
the Queen of *Scotland* a Foreigner, and not even placed
in the order of Succession by the Will of *Henry VIII.* the
Crown ought to fall to the Posterity of *Mary*, second
Daughter of *Henry VII.* It is not necessary to examine
here these several Pretensions, because, probably the Parlia-
ment, which made the decision, proceeded not so much
upon the Laws, as upon Policy, and the interests of the
Kingdom. The Queen of *Scotland* had married the Dau-
phin, Heir-apparent to the Crown of *France*. In adjudg-
ing the Crown to her, *England* would have been in dan-
ger of subjection to, or dependency on *France*. This alone
was sufficient to exclude her. The Duchess of *Suffolk*
could not have been placed on the Throne with any colour
of Justice, since she only derived her Right from the Will
of *Henry VIII.*, which was equally favorable to *Elizabeth*.
Besides,

The Parlia-
ment refused
to receive
her as
Queen.

1558.
Queen Mary's Death
was a great loss
to the
Catholics.



Drawn by Isaac Oliver Lumley.

Engraved by J. G. Smith.

Designed & Engraved by J. G. Smith.

1. *Chlorophyll a* and *Chlorophyll b* contents were determined by spectrophotometry using the method of Lichtenthaler and Whistler (1973).

1558.
The is not
Lords de-
clared for
Elizabeth.
Cathol.

Besides, such a choice would have infallibly thrown the Kingdom into a civil War. It was, probably, for these reasons that the House of Lords declared for Elizabeth. It seems, however, that a great difficulty was to occur. All England, and particularly the House of Lords, made profession of the *Romish* Religion, and it was scarce to be questioned, that Elizabeth was a Protestant in her Heart. But two things, doubtless, conspired to remove this obstacle. The first was, that the Bishops and Catholic Lords were persuaded, that Elizabeth, should the desire it, would find it difficult to change the established Religion. They even believed her of a temper so complying, that she would readily conform to the Rites of the *Romish* Religion, as she had done for some years, than hazard the causing of disturbances, which might be fatal to her. If *Camden's* Testimony is to be entirely credited, Elizabeth made no scruple to declare herself a Catholic, during the Reign of her Sister. *The Lady Elizabeth*, (says this Historian) *new guiding herself as a Ship in tempestuous weather, both heard divine Services after the Romish manner, and was frequently confessed, and at the pressing instances and menaces of Cardinal Pole, through fear of death, professed herself a Roman Catholic.*

Camden.
Protestants
for
Elizabeth.

The second reason which, probably, prevented the Lords from insisting on her exclusion, was, that though they all professed the Catholic Religion, they were not however all Catholics. Many, and perhaps the greatest number, had only dissembled their sentiments during *Mary's* Reign. But being freed from all danger by her death, they could speak boldly, and oppose those who pretended to exclude Elizabeth on account of her Religion; this reason not being of more force against her, than it was against *Mary*, after *Edward's* death.

The Commons
concur with
the Lords in
declaring for
Elizabeth, who is pro-
claimed.
Stow.
Hollingsh.

However this be, the House of Lords declaring for Elizabeth, the Commons were sent for, and acquainted by the Chancellor with the Queen's death, and their resolution, which was readily and unanimously embraced. The same day Elizabeth was proclaimed Queen at the usual places, with the acclamations of the People. The Protestants thanked God that he had at last delivered them from persecution, in placing on the Throne a Princess, who, very likely, would be favorable to them. It is true, that among the Papists some looked on the death of *Mary*, and the advancement of Elizabeth, as a mortal wound to their Religion; but others were not so sorry to see a stop put to those barbarities which dis honoured it. As for those who made not Religion the chief object of their thoughts, they were easily comforted for the loss of a Queen, under whom England had not much flourished, and who had lost the only place which commanded respect from France. They believed to have reason to expect better things from the new Reign.

She comes to
London.
Stow.
Barnet.

Elizabeth being informed of the resolution of both Houses in her favour, left *Halford* (1) the 19th of November, and came to London with a numerous train of Lords and Ladies (2), and an infinite crowd of People, testifying their Joy by the loudest Acclamations. She was twenty five years old, tolerably handsome, of an air great, noble, and majestic. But she was still more agreeable to the People, by a certain natural affability, which commanded the esteem and affection of all who approached her. As she had a large share of Sense and Judgment, she knew perfectly how necessary the love of her People was to her, since it was to be the strongest support of her Throne, as will hereafter appear. Wherefore, instead of losing this affability, in being raised from a Subject to a Queen, she studiously increased it to such a degree, that some accused her of playing the Comedian, and over-acting her part.

Amalaffius
first is drawn
Camden.
Barnet.

Her first care, after receiving the Compliments on her Accession, was to dispatch Ambassadors to the principal Courts of Europe, to give notice of the late change in England (3). Lord Cobham (4) was sent to Philip, whom she esteemed her Friend, and who was moreover her ally in the War against France, the Treaty of *Cambray* not being yet concluded. Sir Thomas Chaloner was sent to the Imperial Court. Lord Howard of Effingham was joined in Commission with *Thirley*, Bishop of Ely, and Dr. Wa-

ren, Plenipotentiaries for negotiating a Peace. Sir Henry Killigrew went into Germany, to assure the Protestant Princes of the Queen's affection. *Karn*, who was still at Rome, where he had been Resident ever since the death of *Edward VI*, had Orders to notify to the Pope *Mary's* death, and Elizabeth's accession to the Crown (5). The Kings of Sweden and Denmark had the same notifications.

These Envoys being dispatched, the Queen formed a Council, in which the left thirteen of *Mary's* Counsellors, all zealous Roman Catholics, to whom she added eight new ones, equally attached to the Protestant Religion (6). With some of these last she secretly consulted about the means to refore the Reformation in England. But before I speak of the result of these consultations, a new Project of the King of Spain must briefly be mentioned.

She forms a
Council with
some Protest-
ants in it.
With whom
she consults
how to refore
the Reforma-
tion.

When this Prince received the news of the death of his Queen, whether, on account of Elizabeth's Inclination to the Protestant Religion, or by her marrying some Prince of that Religion, against which he had himself openly declared, he looked upon England as lost to him. He was not even without fear, that the King of France asserting the Queen of Scotland's Claim upon England, would seize that Kingdom, and unite it, as well as Scotland and Ireland, to the French Monarchy. Wherefore, to free himself from these fears, and preserve the advantages of his alliance with England, he sent instructions to the *Comte de Feria* (latey arrived at London, to pay his compliments to the late Queen) to congratulate Elizabeth on her Accession, and propose his design of uniting himself with her in Marriage. Elizabeth received the Offer with marks of a particular esteem for the King of Spain, but objected their affinity as an impediment to this Marriage. This objection was foreseen, and immediately replied to by the Ambassador, that his Master would undertake to procure the Pope's Dispensation. The Queen not caring to express her little regard of such a Dispensation, civilly dismissed the Ambassador, to have time to consider of the Proposal. Three great reasons hindered her from accepting Philip's Offer.

Philip desires
to marry
Elizabeth,
but is rejected.
Camden.
Barnet.

First, her persuasion that such Marriage was contrary to the Law of God, and her Father's Example in a parallel case, reminded her of her Duty. Secondly, nothing was more contrary to her intention of openly professing and restoring the Protestant Religion in England, as established in the Reign of *Edward VI*. Lastly, to make use of a Dispensation to marry a Brother-in-law, would have been an acknowledgment of the Invalidity of her Father's Divorce with *Catherine of Aragon*, and of her own Illegitimacy. If *Paul IV.* could grant such a Dispensation, *Julius II.* might have granted the same to *Henry VIII.*, to marry *Catherine of Aragon*, from whence it necessarily followed, that *Henry's* second Marriage with *Ann Boleyn* was null. But on the other hand, Elizabeth had strong reasons to preserve the King of Spain's Friendship. To him she owed her life, or at least, her not being excluded by her Sister from the Succession. *Mary* would never have left Elizabeth in a condition of one day mounting the Throne, if the interest and solicitations of the King her Husband had not strongly relished her zeal for her Religion. In the second place, Elizabeth was informed, that the King of France was using all his Credit at Rome to have her declared illegitimate, in order to procure the Crown of England for his Daughter-in-law, the Queen of Scotland. Lastly, England was in a very ill state. The loss of *Calais*, *Guifriez*, and *Hamer*, the Crown debts contracted by *Henry VIII.*, and increased by the Guardians of *Edward VI.* and an exhausted Treasury, gave Elizabeth just cause to fear, she should be unable to oppose a vigorous attack. To this may be added, she was engaged in a War with France and Scotland, unsupported by any other alliance than that of Spain, so unkind that *Mary* been of every thing where Religion was not concerned. Her business therefore was to end these two Wars with honour; but this was not to be done without Philip's assistance, and consequently it was not proper to give him any just cause of complaint, for fear of his deserting England in the Negotiation of Peace. These reflections threw the Queen into great perplexity. She was

Her Reason
for the Refusal
of the Offer

Her Reason
to keep in
Terms of
Friendship
with Philip's
Cousins

(1) *Bishop's* *Halford*, then a Royal Palace, and exchanged by King *James I.* with *Roker*, Earl of *Salisbury*, for *Thirsk*.

(2) All the Bishops great and small were at *Halford*. *Barnet*, *Tom. II.* p. 374.

(3) And at the same time, he took care of securing all the Ports; and the Tower of London ordered a new Commission to be sent to *Thomas Russell*, Earl of *Suffolk*, Lord Lieutenant of Ireland, who had kept that motinous Country quiet, only with three hundred and twenty Horse, and eight hundred and fifty Foot; and all, that the Judges Parsons should be renewed; new Judices and Sheriffs appointed in every County; so Bills of Exchange be sent beyond Sea; and that Preachers should not meddle with controversial Points. *Camden*, p. 389. *Campl. Hist.*

(4) *William Brooke*.

(5) The hungry Pope called *Karn*, that England was held in Fee of the Apostolick See, and Elizabeth could not succeed, being illegitimate. That it was great business in her to silence the Crown without his Consent; for which reason she desired no favour at his hands; but if she would renounce her Protestantism, and receive herself wholly to him, he would show a fatherly affection to her. *Barnet*, *Tom. II.* p. 374.

(6) The Roman Catholic Counsellors, continued in the new Council, were, *Heath*, Archbishop of York, *William Paulet*, Marquis of Winchester, Lord High-Treasurer, *Henry Fitz John*, Earl of Arundel, *Francis Talbot*, Earl of Shrewsbury, *Edward Stanley*, Earl of Derby, *William Herbert*, Earl of Pembroke, *Edward Percy*, Baron of Clinton, Lord High-Admiral, *William Lord Howard of Effingham*, Lord-Chancellor, Sir Thomas Cheney, Sir William Percy, Sir John Helyar, Sir Richard Southwell, Dr. *Wray*, Dean of Canterbury. Most of these had conspired with all the Changes that had been made in Religion, backward and forward, since the latter end of King *Henry's* Reign, and were so distrust at it, that they were all employed in every new Revolution. *Barnet*, *Tom. II.* p. 375.—To these were added, all Protestants, *William Parr*, Marquis of Northampton, *Francis Russell*, Earl of Bedford, Sir Thomas Parry, Sir Edward Rogers, Sir Amos Gifford, Sir Francis Kneller, Sir William Gell, and a little after Sir Nicolas Bacon, made Keepers of the Great Seal. *Camden*.

1558. fully resolved, to refuse the King of Spain's Proposal, but was uneasy about the manner. Though she alleged scruples of Conscience, it did not free her from the importunities of the *Conde de Feria*, who persisted, that a Dispensation from the Pope was more than sufficient to remove them. He told her likewise, that as his Master had made this overture purely from his extraordinary esteem for her, he would be the more displeased if it was rejected. At last, the Queen being thus puzzled, found no surer or readier way to extricate herself out of this difficulty, than by hastening the execution of her design, to make a change in Religion, not doubting that this once effected, the King of Spain would cease his importunities.

A Confutation
to explore
the Reformed
Religion.
Camden.

As for the obstacles from abroad, it was considered, that the Pope was not formidable in himself, and his thunders were thrown away upon those who despised them: That the contempt of him was the ready way to conquer, provided the Kingdom was put in a posture of defence. That indeed it was to be feared, the King of France would assert the claim of the Queen of Scotland, but that the King of Spain was too wise to suffer to grant an accession to the Monarchy of France, *the England and Ireland:* That from whatever quarter the mischief came, whether from *France or Spain, Holland and Philip* would always be jealous of each other, and the assistance of one of them might be fairly relied on: That if the King of France offered Peace it ought to be embraced on any terms, *Scotland* would be included in the league; but if he was for continuing the war, all the danger would be, his powerfully assisting the *Sixt* to invade *England:* That therefore the northern Frontiers were to be secured, after which, a good Fleet would so endanger any Successors sent from *France*, that without doubt that Kingdom would soon grow weary of so burdensome a War: That besides, it was unlikely that *Philip*, in the Negotiation of Peace, would abandon *England* to the King of *France's* ambition: That a Peace thus concluded with *France and Scotland*, would afford time at least to provide against their attacks (1).

Such was the result of this Council, after which the Queen summoned a Parliament to meet the 23d of January, according to the resolution taken therein. At the same time, Doctor Parker was intrusted with the care of revising the Liturgy of Edward VI, and was ordered to communicate his Labours only to some chosen Persons (2).

Mean time, the Protestants growing impatient, and preaching publicly in several places, the Queen took occasion to publish a Proclamation, which clearly showed her intentions. She allowed the Gospels and Epistles, with the Lord's Prayer, Creed, Litany, and Ten Commandments to be read in *English*, but forbid all preaching on controversial Subjects, or any change in the *Remijn* Rites, till it should be otherwise appointed by the Parliament. In this she followed the steps of the deceased Queen.

Queen Mary's Funeral, which was solemniz'd with great Pomp, finish'd this year (3). But before we proceed to the events of the next, it is necessary for clearness sake, to describe the affairs of the neighbouring States.

The War between France and Spain was manifestly drawing to a conclusion. The two Kings, equally weary of a War from which neither could expect any advantage, had kept their Armies all the Campaign in a state of inaction, for fear of obtruding a Peace. At last the Constable of Montmorency, who had been Prisoner in the *Low-Countries* ever since the Battle of St. *Quentin*, having made some Overtures of Peace to Philip, the principal articles were settled, after which, the two Kings sent their Plenipotentiaries to *Cercamp*, and then to *Cambray*. The principal obstacle to a Peace was the King of *France's* resolution to keep *Calais*, and Philip and Mary's insisting upon its being *restored*. But Mary dying, Philip no longer supported the interests of England with the same ardour as before, at least when he despaired of marrying Elizabeth. It was that expectation which caused him to stand out some time, and delay the conclusion of the Peace till the following year.

The 14th of March, Ferdinand I. was declared Emperor by the voluntary resignation of Charles V. his Brother, who enjoyed but two years, the repose he had chosen in relinquishing the care of his worldly concerns. He died the 17th of September (4).

As *Scotland* is to afford materials for great part of *Elizabeth's History*, a very particular account must be given of the affairs of that Kingdom. Without an accurate knowledge of what passed in *Scotland*, *Elizabeth's* conduct and policy cannot be understood.

The Queen Dowager of *Scotland*, Mother of the Queen Dauphine, obtained the Regency of that Kingdom by the interest of the Duke of *Guise*, and the Cardinal of *Lorraine* her Brothers; but was supported only by the Protestants. The Earl of *Arran* Chief of the House of *Hamilton*, had unwillingly reigned the Regency, though his resignation procur'd him the Duchy of *Châtcaux* in *France*(s), with twelve thousand Livres a year in land. The Archbishop of *St. Andrews*, his natural Brother, incessantly blam'd his imprudence, and by his Cabals amongst the Clergy, gave disturbance to the Regent. To break the measures of this Prelate, the turn'd to the Protestants, who were now grown considerable. This method succeeded, but withal she was oblig'd to connive at the meetings of the Protestants, and this indulgence greatly increas'd their number and strength.

Things remain'd in this flat tilt the breach between
France and Spain. As England espous'd the cause of
Philip II, and the Regent of Scotland could not possibly
induce the Scots to declare war with Mary, she ad-
vised the King of France to hasten the Dauphin's mar-
riage with the young Queen, and accordingly it was
solemniz'd in April, 1558. This gave a considerable
Turn to the affairs of Scotland. The Clergy, know-
ing how the Court of France stood affected to the Fol-
lowers of the new Religion, did not question to be sup-
ported in their attempt to reduce the Protestants within
the Pale of the Remish Church. On the other hand, the
Regent no longer wanting the Protestants, began to look
more coldly on them. To begin the work, the Arch-
bishop of St. Andrew's having summoned before him an
aged Priest (7), who had discontinued the Mass, ordered
him to be burnt alive in his Archiepiscopal City, to the
great grief and discontent of the Inhabitants. This Essay
being made, the Bishops cited a Minister called *Paul Mel-
foun* with design to make him suffer the same punishment,
but as they saw the People began to be mov'd, the Trial
was defer'd to another opportunity. Some time after, a

(1) *But*, Clerk of the Council, gave this Advice to Sir William Cecil, while the Consultation was held about reforming Religion: That the Parliaments under Queen Mary should be declared void; as the first was under a force; and the Title of Supreme Head, was put out in the Statute to the next, because it was taken away by Law; from whence he inferred, that there had been no true Parliaments, and consequently the Laws of England were all in error; but this Proposal was rejected. Burnet, Tom. II. c. 26.

(2) The Persons employed in this Revels were, according to Camden, Dr. Matthew Parker, afterwards Archbishop of Canterbury, Dr. Richard Cox, afterwards Bishop of Ely, Dr. Henry Dr. Bill, Dr. James Pilkington, afterwards Bishop of Durham, Sir Thomas Smith, Mr. David Hirschman, Mr. Edmund Spenser, afterwards Bishop of London, and then Archbishop of Canterbury. The management of this Affair, and the care to have it done, was left to William Barr Mistrick of Northampton. Francis Ruffell Esq. of Bedford, John Gore of Devon, and Sir William Cecil. Camden. p. 371.

(1) She was buried on December 17, in Henry VIII's Chapel, on the Northside of that King's Monument. *Stev.*, p. 63. — *Will. B. of W.* — *Howe* preached the Funeral Sermon, in which he applauded the Late Reign, and lamented the present State of Affairs with such Freedom, that it was judged to have been Reformation, and accordingly he was confined to his House till the meeting of the Parliament. — *Burnet*, Tom. vi. p. 378.

[4] *Rafael* by Madsen 1896, he lived but six months after his Rehegation. He reigned in Spanish Dominions, Oct. 4, 1522 and the Empire, 14-
 17, 1526, and died September 20, 1528. *Serrano*, L. 2.

(6) in P_{atom} .

His Name was *Walter Mith*, who was cited before the Bishops, Abbots, and Divines. *Richardson*, l. 16.

1558. procession annually made at *Edinburgh* (1), raised a fort of Commotion, which thwed that the Protestants were no more afraid to appear. The Regent had a farther conviction, when the was told that *Mifan*, condemned for Non-appearance, was openly protected in the County of *Fife*. These were as preludes to what was to follow. In fine, some Gentlemen of *Fife* and *Angus*, dispersing themselves through the Counties, encouraged the Protestants to stand upon their defence, and not suffer their lives to be taken away on pretence of Religion, demonstrating to them that their number was greater in *Scotland* than that of the Catholics. This occasioned an Affliction under the Hands and Seals of the Afficiators, and was the first that was formed in *Scotland* in defence of the new Religion. The Protestants perceiving themselves stronger since this Affliction, which was called the *Conspiration*, sent to the Regent a Petition, that the worship of God might be in the vulgar Tongue, and the Communion given in both Kinds, which was strongly opposed by the Bishops. But the Regent being told, that an absolute Refusal might throw all *Scotland* into a flame, the endeavoured to soften the Bishops, by a promise of her protection at a more seasonable juncture. Mean time, she permitted the Protestants to celebrate divine Service in their own Tongue, provided this was done without Tumults, or publick Assemblies in *Edinburgh* and *Leith* (2). But the Clergy not liking this politic circumfpection of the Regent, met together to consult upon this affair, and resolved to prosecute the Heretics with the extreme rigour. The Protestants deputed *John Ardin*, afterwards Earl of *Mary*, to the Bishops assembled, to demand of them, that divine Service might be performed in the vulgar Tongue; but this was unanimously rejected. Such was the situation of the affairs in *Scotland*, when *Elizabeth* ascended the Throne of *England*, and till the end of the year 1558.

In the beginning of the following year, *Elizabeth* conferred Honours on some Persons, whom the was pleased to distinguish, whether on account of their Merit, or because she expected some important Services from them. *William Parr*, Marquis of *Northampton*, who had been sentenced to death in the Reign of *Mary*, and afterwards pardoned, was restored to his Honours. *Edward Seymour*, eldest Son of the late Duke of *Somerset*, was created Earl of *Hertford*, notwithstanding all the precautions of the Duke his Father, to cause his Title to defend to the Children of his second Marriage. *Thomas Howard*, second Son of the Duke of *Norfolk*, was created Viscount *Binden*. *Henry Carey*, the Queen's Cousin (3), and *Oliver St. John*, were raised to the Dignity of Barons. All these Peers were Protestants, and consequently very proper to promote the Queen's designs in the House of Lords.

These Promotions being over, the Queen was crowned in *Westminster Abbey* (4), with the usual Ceremonies. The See of *Canterbury* being vacant, this Office belonged to the Archbishop of *York*; but he, with the other Bishops, refused to assist at the Solemnity, because *Elizabeth* by Proclamation, and by admitting into her Council, Men who passed not for good Catholics, had sufficiently declared against the Church of *Rome*. *Oglethorpe* of *Carlisle* was the only Bishop that at last was persuaded to do the Office, notwithstanding the murmurs of his Brethren. It seems, that the Bishops thought the Ministry of a Bishop so essential to a Coronation, that, in refusing to perform the Ceremony, they could deprive the Queen of her Dignity.

The Parliament meeting the 25th of *January* (5), Sir *Nicholas Bacon*, Keeper of the Great Seal (6), opened it with a Speech, in which he displayed the Merits of the new Queen, with bitter reflections on the late Ministry for the loss of *Calais*. He told them, that the Queen desired an immediate application to the affairs of Religion; that a disunion in that respect, was one of the Evils which called for the most speedy Redress. He exhorted the Parliament to proceed between the two Extremes of Superstition and Irreligion, which might re-unite the Adherents of both Religions in the same publick Worship.

Dr. *Burnet* has so largely described in his History, the manner of restoring the Reformation in *England* by the

Parliament, that I believe I may be excused defending to particulars, and the more, as this Subject chiefly relates to Church-History. I shall content my self therefore with only pointing to the Acts made in this Session, to spare the Reader the trouble of turning over his History. I shall however observe, that this Author seems to have been mistaken in placing the Acts (most of which were made in *February* and *March*) after the Peace, which was not concluded till *April*. But this is not very material.

At first, to try how the Parliament was inclined, a motion was made in the Lower-House, for referring to the Crown the Tithes, First-Fruits, and Impropriations, [rendered by Queen *Mary*.] This motion was immediately approved; and the House of Lords consented to it, notwithstanding the opposition of the Bishops (7).

The 4th of *February*, the House of Commons addressed the Queen in a very dutiful manner, and represented to her, how necessary it was for the happiness of the Nation, that she should think of marrying. The Queen graciously thanked the Commons, and told them how much she was pleased, that they had neither limited Time nor Place. She added, that by the Ceremony of her Inauguration, she was married to her People, and her Subjects were to her instead of Children: They would not want a Successor when she died; and for her part, she would be well contented, that the Marble should tell Posterity, HERE LIES A QUEEN THAT REIGNED SO LONG, AND LIVED AND DIED A VIRGIN.

Some days after, the Lords passed a Bill to recognize *Elizabeth* for lawful Queen, in virtue of an Act of the 15th of *Henry VIII*. Some thought it strange that the Sentence of her Mother's Divorce, and the subsequent Act declaring *Elizabeth* illegitimate, were not annulled. *Cardinal Bevis*, this omission was with design, and *Burnet* reports the reasons which determined the House of Lords to be silent on this point. The first was, that the possession of the Crown purged all defects, according to a received maxim, when *Henry VII*, mounted the Throne. But this reason had not appeared sufficient to *Mary*, who was in the same case with *Elizabeth*, and yet had procured a repeal of that Act, which declared her illegitimate. The second reason was, that this Act could not be repealed, without calling some dishonour on the memory of *Henry VIII*, and it was the Queen's interest rather to conceal than publicly expose her Father's weakness. I own, this reason appears to me very unsatisfactory. For why was the reputation of *Henry VIII*, to be spared, if it could not be done without endangering the safety of the reigning Queen? Besides, it was not exposing Faults which till then had been concealed, but Faults known to all the World. The third reason was, that too scrupulous an inquiry on this head, would render the Queen's Right more uncertain, instead of making it less disputable. This, probably, was the prevailing reason, though to suffer the Sentence and Act to subsist, seems to have been equally dangerous. It was establishing a Precedent in favour of *Bastards*, which might have ill consequences. And who knows but it may still affect future Ages? Besides, this regard for the honour of *Henry*, left an eternal blot upon the memory of *Elizabeth*. At least her Enemies, and particularly the Queen of *Scotland*, were thereby furnished with a plausible pretence to wrest the Scepter from her, if a favorable opportunity offered. Dr. *Burnet* thinks the conduct of this Parliament equally PIOUS and WISE. I allow the first: But the continued endeavours to dethrone *Elizabeth*, wholly founded on the Sentence of her Mother's divorce, and the subsequent Act, will not permit me to believe it WISDOM to leave them unrepealed.

The Act to recognize the Queen's Title being passed, the Parliament turned to the Affairs of Religion, and made divers Statutes, which I shall but just mention.

The first appointed the Publick Worship to be performed in the vulgar Tongue (8).

The second restored the Queen to her right of Supremacy in the Church of *England*.

The third renewed and confirmed all the Acts made in the Reign of *Edward VI*, concerning Religion. And in this many others were included.

(1) September 2. St. Cuthbert's day, whom the Inhabitants of *Edinburgh* honour as their Patron. *Becker*, l. 16.

(2) *Barbican* and *Melick* differ in relation to the time when this Toleration was granted to the Reformed. *Rapin*.

(3) Her Cousin German by *Mary Boleyn*.

(4) January 14. *Somerset*, p. 636. The 15th, says *Sandford*, p. 409. and the 25th according to *Hollingsh.* p. 1180. But it appears from *Rymor's* *Fed.* that it was on the 13th. A Priest was granted to *Henry First* Earl of *Arundel*, to perform the Office of High-Chancellor on the day before the Coronation, and the Office of High-Steward on the Coronation-day. *Rymor*, Tom. XV. p. 494. 495.

(5) It met the 25d, and was prorogued to the 21st.

(6) He was the first that was by Patent created Lord Keeper. Formerly those that were Keepers of the Seal, had no Dignity nor Authority annexed to their Office; they did not see her. *Croly*, nor preside in the House of Lords, but were only to put the Seal to such Writs or Patents as were at court, and to the Seal was only put in the Hands of the Keeper, but for some short intervals. But now *Bacon* was the first Lord-Keeper that had all the Dignity and Authority of Lord-Chancellor conferred on him. He was Father to the great Sir *Francis Bacon*, Viscount *St. Albans*, and was one of the most learned, most pious, and with Men of the Nation. *Burnet*, Tom. II. p. 580.

(7) This Bill was read in the House of Lords, January 30, 31, and February 4, and in the House of Commons, February 6, 17, and 21. The Bishops that opposed it were, *Hugh* Archbishop of *York*, *Bishop* of *London*, *Bishop* of *Worcester*, *Kitching* of *Lincoln*, *Bayne* of *Exeter*, *Turberville* of *Rome*, *Dean* of *Chichester*, *Oglethorpe* of *Carlisle*. *Drewn's* *Journal*, p. 19.

(8) And accordingly it began to be so on May 3, which was *Whitsunday*. *Somerset*, p. 639.

1559. of France founded their Refusal upon some Generalities, and not upon the Treaty itself, as they might have done, supposing what these two Histories have related.

Continuation
of the Treaty
of Cambray

Another Article of the Treaty was, that neither the King of France, nor the King and Queen of Scotland, nor the Queen of England, should attempt any thing against one another, directly or indirectly, in prejudice of this Treaty. That if the Queen of England violated this Article, the King of France, and the King and Queen of Scotland should be freed from their Engagements, and their Hostages and Securities be discharged. In like manner, if the violation came from the King of France, he should be obliged to restore Calais, and the other places, as if the eight years were expired; and if he refused to make this Restitution, the Securities and Hostages should still remain bound.

That the Fortifications of Amiens, and all others made in Scotland since the Treaty of Bologne, should be demolished.

That all the other Pretensions of the King of France, of the King and Queen of Scotland, and of the Queen of England, with all their exceptions, should remain entire, in the expectation that Providence would produce some good opportunity to terminate them by a Peace.

That the forementioned Princes or Princesses should not afford a Retreat or Protection to each other's Rebels, but reciprocally deliver them to one another.

Treaty with
Scotland,
Oct. 1562.
XXV. p. 519.

The same day, a Treaty was signed between the Queen of England and the King and Queen of Scotland, of which these are the principal Articles.

That neither of the Parties should fall upon the Dominions now possessed by the other, neither in Person or otherwise.

That they should give no aid to attack the Dominions of one another, to any Person, in whatsoever degree of Consanguinity or Affinity he might be related to them, or whatever might be his Quality.

That they should not receive or entertain Rebels, Fugitives, Malefactors, &c.

That in three Months, the Fortifications of Amiens, and all others erected in Scotland since the Treaty of 1549, should be razed.

That all other mutual Claims and Pretensions should remain entire.

That in two Months, Commissioners should be appointed on both sides, to settle certain Articles, concerning which the Ambassadors of France were not sufficiently instructed.

Idem. p. 516,
526.

Francis and Mary ratified this Treaty the 18th of April; and the 1st of May the Commissioners of the two Kingdoms at Upsallum, signed a second Treaty upon the Articles left undecided in the first.

Elizabeth having concluded a Peace with France and Scotland with more ease and honour than she had reason to expect, flattered herself, she was going to enjoy a settled tranquillity. But she quickly perceived, she had little cause to triumph. Henry II. had made a Peace with her, only because Philip II. who had engaged Mary his Queen in this war, was resolved not to sign the Peace before Elizabeth had concluded her's. It was of little moment to Philip, that the found great advantages in the Peace, or the King of France observed his Treaty with her, provided it appeared to the World that Spain had not deferred England. This was all he desired, and probably what facilitated the Peace. Henry II. granted, no doubt, more than he intended to perform, as well to give this satisfaction to the King of Spain, as to disengage him from the Interest of England. He soon discovered he had no other intention.

Henry II.
orders the
Dauphin and
his Sp. to
take the Arms
of England.
Mich. p.
23.
Consulen.
Buchanan.
The English
Ambassador
writes to
Mary. p. 53.
Consulen.
Mich. ad.
Mich. ad.

Ambassadors from France being come to Brussels to see the Peace sworn, Secretary Ardy, who was there from the Dauphin King, and the Queen Dauphines, gave them the Titles of King and Queen of Scotland, England, and Ireland. Shortly after, Elizabeth heard, that the King of France had ordered Francis and Mary to assume the same Titles, and quarter the Arms of England in their Seal, their Plate, their Furniture, that no one might be ignorant of their Pretensions. Sir Nicolas Throckmorton the English Ambassador in France, complained of this Usurpation of great freedom, but the frivolous Answer to his Complaints let him see the little regard France had for his Miſtreſs. Mazarin says, the Ambassador was told, That

this was agreeable to the Custom of Germany, where the Cadets, or younger Branches, bore the Title and Arms of the chief of their Family (1). Camden adds, that the Court of France pretended, that all Princes and Princesses had a Right to bear the Arms of their House with a Bar. But, besides that Francis and Mary bore them without any such distinction, they moreover assumed the Title of King and Queen of England (2). In short, the Court of France being pressed upon this Affair, answered the Ambassador, that the King and Queen of Scotland had only taken the Arms of England to oblige Elizabeth to quit those of France. To this Throckmorton replied, That twelve Kings of England had carried the Arms and Title of Kings of France, without being obliged by any Treaty to quit them. That his reasons were not heard, and notwithstanding all his Complaints, Francis and Mary still bore the Title they had usurped. Camden affirms, the Constable of Montrency, p. 374. by his arguments induced them to relinquish it, but assuredly he is mistaken. Thus though the Court of France would not openly declare their Thoughts of Elizabeth, it was manifest, she was regarded as a Ballard, and the Crown of England was pretended to be devolved upon Mary. Accordingly, Elizabeth did not suffer herself to be deceived. From this time the confederate Mary as a dangerous Rival, and the Princes of Lorrain her Uncles, the Authors of this usurpation, as her most mortal Enemies. The death of Henry, a little after, instead of discouraging the design to place Mary on the Throne of England, only gave it fresh vigour. The Duke of Guise, and the Cardinal of Lorrain, governing all under Francis II, Successor to Henry, never ceased inciting the young King to send Forces into Scotland, to render himself absolute master of that Kingdom, and then attack Elizabeth from that quarter. But because this project was founded upon the present situation of the Scotch Affairs, it is necessary to resume the Recital at the place where I left off the last year.

Shortly after the Marriage of the young Queen with the Dauphin, the affairs of Scotland began to be terribly embroiled. The Princes of Lorrain having formed the design to attack England by Scotland, believed it impracticable, till the King and Queen were tendered absolute in their Kingdom. They knew, it would be difficult to persuade the States of Scotland to be the instruments of their ambition, in making war upon Elizabeth, in order to place the Crown of England on the head of their Queen. The number of Protestants was now so considerable in Scotland, that they were almost masters in the Assemblies of the States. Consequently, it appeared impossible, to draw them into the Project of dethroning a Protestant Queen, who was establishing their Religion in England, to place a Catholic Queen on that Throne, who would thereby be enabled to destroy the Reformation in both Kingdoms. It was therefore necessary to find an excuse for sending an Army into Scotland, to strengthen the Catholic Party, which, probably, would be more ready and zealous to favour the enterprise. It was with this view, Mich. that they obtained of Henry II. an order to the Queen-Regent, and to Oysel, Commander of the French and Scotch Forces in the Pay of France, to suffer no other Religion in Scotland than the Roman Catholic (3). They easily foreſaw, this Order would produce troubles in Scotland, and furnish them with a pretence to send thither an Army.

The Regent, upon the receipt of this Order, began to execute it, with publishing an Edict (4) conformable to the King's Will, or rather of the two Princes his Brothers, who, as will afterwards be seen, had not discovered their whole Project to the Queen. The Protestants, in several Deputations to the Queen-Regent, represented to her the unreasonableness of rigour, considering their number, but she would hearken to nothing. At this time, the City of Perth, alias St. John's Town, having publicly embraced the Reformed Religion, the Regent summoned the States to Sterling, and cited thither the Reformed Ministers, in order to banish them the Kingdom by a solemn decree (5). The Ministers appeared at Sterling to defend their Cause, being attended with infinite crowds of People unarmed, who were come to assist them in their defence, agreeably to the custom of Scotland (6). The Regent, alighted at the fight, prayed John Arden to prevail with the Multitudes to retire, promising that nothing should be decreed in the States against the Ministers. Arden succeeded, and the Ministers, with all their Attendants,

1559.

Signet of
James V.
of Scotland.
Buchanan.

Buchanan.
Buchanan.

(1) Mich. 5. Throckmorton got but Dutch Excuses for the French Court alleged, that in Distaff, all the Princes, Brothers, Cousins, or Children are bound Princes, or Dukes of some base House. p. 33.

(2) As the late Sovereign, the Cardinal of Lorrain told the Spanish Commissioners, "That his Niece, the Queen of Scots, was the true and undoubted Queen of England, and that the King of Spain ought to endeavour to have Calais put into the hands of his Niece, who was the rightful Queen of England." Mich. p. 53.

(3) The Pope, Emperor, and Kings of Spain, and France, had then entered into a Combination, to reduce again the most part of Europe to the Roman Catholic Religion, and to persecute and punish with Fire and Sword, all Heretics, who would not conform to the same. Mich. p. 25.

(4) A little before Easter. Mich. p. 24.

(5) She also invited Peter Baskin, Mayor of Perth, to supply all Tomahs for invading of Scotland, who answered her, That he had power over the B. and L. and to take care, and that he would take care should so, but that he had no Dominion over their Conscience. Mich. p. 16.

(6) Ministers were allowed to retire to their Towns armed with their religious and private Weapons.

dante,

1559. dants, withdrew. But they were no sooner gone, than they were condemned for Non-appearance, according to the Citation. *Archie* was so enraged, to be made the Queen's instrument to deceive the Protestants, that he resolved to be revenged. For this purpose, he went to the Nobility of *Strathern*, *Angus*, and *Mernis*, who were assembled upon the News of what passed at *Sterling*, and persuaded them to take Arms.

Buchanan.
Burnet.

This News being brought to *Perth*, *Knox* the Minister, a celebrated Preacher, animated the People by a Sermon, which, while the principal Citizens were at dinner, sent the Rabbie into the Churches, who broke the Images, and entirely destroyed the Monastery of the *Carthusians*. The Inhabitants of *Caper* immediately followed the example of the People of *Perth*. The Regent vexed to see her Edict condemned, and willing to prevent the consequences of this disobedience, resolved to chastise the Inhabitants of *Perth*. To this end, she assembled some Forces, and, attended by the Earls of *Argyle* and *Atboly*, marched directly to *Perth*. But approaching the Town, she was informed, the Earl of *Glencarne* (1) was incamped in the Neighbourhood with seven thousand Men. This news determined her to offer the Earl and his Associates certain Conditions, which were accepted. Amongst other Articles it was agreed, That the *Scotch* Forces on both sides should be dismissed, and the *French* removed at a certain distance from *Perth* (2): That the Queen should be respectfully received into the City, and suffered to lodge in it some days, provided she would make no alterations: Lastly, that the differences concerning Religion should be referred to the decision of the States. The Confederates having dismissed their Forces, the Regent came to *Perth*, and entered, with some *Scotch* Troops in the pay of *France*, which was considered by the Confederates, as a violation of the Treaty (3). But this was not all they had cause to complain of. The Regent restored the Mass in *Perth*, and resolving to make it a place of Arms, left a Garrison in the Town.

McClell.
Buchanan.

Hence the Earl of *Argyle* and *James Stuart*, Prior of *St. Andrews*, and natural Son to *James V*, took occasion to declare against the Regent, and levy forces to support the Protestants. They had some time before embraced the Reformation, though hitherto they had adhered to the Regent. Shortly after, the Inhabitants of *St. Andrews* and some other Towns, declaring themselves Protestants, committed several disorders in the Catholic Churches. Whereupon the Regent assembled an Army, composed of two thousand *French*, and one thousand *Scots*, and, giving the command to the Duke of *Chateaufort*, sent him next to chastise the Inhabitants of *Caper*, who had declared next after those of *Perth*. But the Duke hearing, the Confederates were marching with superior Forces, to give him Battle, informed the Regent of it, who was then at *Falkland*. She tried at first to amuse them with new Propositions, till she had re-inforced her Army. But the Confederates perceiving her artifice, marched to *Perth*, and became masters of the Town in few days. Afterwards, *Scots*, *Stirling*, and *Linlithgow*, were secured by them, and as their Army daily increased, the Regent and *d'Osly* were obliged to withdraw to *Dunbar*.

McClell.
p. 25.
Thuanes.

Mean time, the Regent had writ to the Court of *France*, that *James*, Prior of *St. Andrews*, was the principal Author of the troubles of *Scotland*, and that, being natural Son of *James V*, he designed to seize the Crown. The Princes of *Lorraine*, Brothers to the Regent, embraced this occasion to insinuate to *Henry II*, that Religion was not concerned in the troubles of *Scotland*, and was only made the pretence to wrestle the Crown from the Dauphin and the Queen his Spouse. By this insinuation, they had inspired the King with the resolution of sending a good Army into *Scotland*, and he had now begun his Levies in *Germany*. But the Constable of *Montmorancy* having discovered the design of these Princes, to engage him in very difficult Projects, prevailed with him to proceed no farther, till he was more particularly informed of the *Scotch* Troubles. The business was only to find a Person in whom the King could confide. The Constable offered, for this purpose, *James Melvil*, a *Scotch* Gentleman, his domestick, and gave him his Instructions, in the presence of the King himself. These Instructions were, as he says himself in his Memoirs, "That the King had been informed by the Cardinal of *Lorraine*, that *James Stuart*, Prior of *St. Andrews*, pretended, under colour of Religion, to usurp the Kingdom unto himself; and that the King desired to know certainly, if this was the source from whence the troubles in that Kingdom flowed; or whether *Stuart* was moved

"to take Arms only for Conscience sake, in defence of his Religion, himself, his dependants and associates. In the first case, the King was resolved to hazard his Crown, and all that he had, rather than that the Queen his Daughter-in-law should be robbed of her Right; and he resolved to send an Army to *Scotland* for that effect, though he would gladly than the trouble thereof, if it were possible. That in the second case, if it was only Religion that moved the *Scots*, the King would have no concern in their affairs, but committed their Souls unto God, for he had difficulty enough to rule the Consciences of *Frenchmen*. And it was the Obedience due unto their lawful Queen, with the Body, that the King desired. That finally, he could not persuade himself, that the *Scots* had made an Insurrection against the Regent without cause, and therefore desired to know if the Regent had broke her word with them; if so, by whom, and at whose influence. That if *d'Osly*, who was reported to be choleric, hasty, and too passionate, was not acceptable to the *Scots*, he would send some other in his room, who, he hoped, should please them." This shews, the King had been ill informed by the Cardinal of *Lorraine*, to engage him to send an Army into *Scotland*, and of this, probably, the Constable meant to give him a demonstration, by the Report *Melvil* was to make him. In effect, *Melvil* having had a Conference with the Queen Regent at *Falkland*, and afterwards with the Prior of *St. Andrews*, reported to the King, that the Prior was so far from the thoughts of aspiring to the Crown, that he was ready to banish himself perpetually out of *Scotland*, on the first orders from his Majesty (4).

Henry II, being dead before *Melvil* returned to *Paris* (5), the confederate *Scots* preposterously imagined, there was no farther danger, and most of them returned to their homes. The Regent and *d'Osly* being informed of it, resolved to improve this negligence, and marched with some troops to *Edinburgh*, hoping to surprize those who remained there. But the Duke of *Chateaufort* and the Earl of *Morton* knowing, the Confederates were arming again with all possible diligence, waited on the Regent, and persuaded her to consent to a Truce from the 24th of July to the 10th of January. This Truce was equally necessary to both Parties. The Confederates wanted to put themselves in a posture of defence; and the Regent hoped, that in this Interval, she should receive a powerful aid from her Son-in-law the King of *France*. Accordingly, at the Solicitation of the Princes of *Lorraine*, he immediately sent her a thousand Foxes, with the promise of a more considerable Supply.

Buchanan.
Thuanes.

During these transactions, the Earl of *Arran*, Son to the Duke of *Chateaufort*, being at the Court of *France*, and receiving notice that he was to be arrested on some pretence, made his escape, and came to *Scotland*. As he was, after the Duke his Father, next Heir to the young Queen, he believed, upon some well or ill-grounded advice, that the Duke of *Guise* and Cardinal of *Lorraine* designed to secure, and perhaps murder him, for fear, if the Queen died, he should mount the Throne, for he had declared himself a Protestant. He was no sooner in *Scotland* than he gained his Father to the Confederates, who put him at their head.

Mean time, the Regent and *d'Osly* were busy in fortifying *Leith*, and storing it with all sorts of provisions, designing to make it a place of Arms, and to expect there, the Supplies that were to come from *France*. The Confederates pretended this to be a breach of the Truce, whether they proceeded upon some general maxim, or on some particular Articles of the late Treaty. However this be, after some fruitless complaints to the Regent, they assembled their forces, and marched to besiege *Leith*. But as they suffered themselves to be amused for some time, they came too late, and finding the place in a state of defence, desisted from the siege. Shortly after, the Regent having received a new supply of two thousand Men commanded by *La Baffe*, continued the fortifications of *Leith*, with greater application than ever. The Confederates once more desired her to give over the work: but were not heard. As the law herself sufficiently strong, she only answered by sending a Herald, with an order to lay down their Arms. Their indignation to be thus deceived by the Regent, induced them at last to publish, that they would treat as enemies all that obeyed her orders. But they were little able to make good this Bravado. The Regent knowing, they were at *Edinburgh* in small number, marched, the beginning of *November*, with all her forces to attack them, and so surprized them by her unex-

Buchanan.

(1) Alexander Cunningham.

(2) By the *Scotch* Forces were commonly understood the Natives which were in the Pay of the Kingdom; and by the *French*, not only those Forces which were sent from *France*, but those *Scots* likewise which were in the Pay of *France*. Rapin.

(3) By reason of the equivocal meaning of the Treaty *Scotch* Forces. Rapin.

(4) This is supported by the Testimony of *Melvil*, and destroys what is advanced by *Cander*, concerning *James Stuart*, afterwards Earl of *Murray*. Rapin.

(5) He died July 10. Rapin.

1559.
Camden.

pected arrival, that they deserted *Edinburgh*, and retired to *Sterling*. When they were there, they sent *William Maitland* of *Lidington* to desire her assistance. Indeed, the *French Troops* still continuing to pursue them, obliged them also to quit *Sterling*, and retire to the *Mountains*, where they divided into two Bodies, to embarrass their enemies, who gave them no rest. Some time after, they received Letters from *William Maitland*, giving them hopes of a good Success of his negotiation. Such was the origin of the *Scotch troubles*, on which I have been forced to enlarge, the better to show what concerns *Elizabeth* was to have in them, since she was their principal object. As this is a material point in the History of this Queen, and as, upon the knowledge of the designs formed against her repose, she regulated her conduct, I ought to support this truth by the testimony of a *French Historian*, who cannot be suspected in this affair. *Francis Daniel* thus expresses himself in the reign of *Francis II.*

Histoire de
France.
T. VIII.

"I observ'd, that before the conspiracy of *Ambaize* broke out, *la Renaudie* had been sent by the Admiral into *England*, to engage *Elizabeth* to make a diversion in *Scotland*, while the Calvinist Party revolted in *France*, and she knew her interest too well, to neglect so favorable an opportunity of kindling or fomenting a civil war in the two Kingdoms. Whatever care she had taken to bridle the Catholics of her Kingdom, she was always apprehensive of a Party forming against her in favour of the Queen of *France*, who carried herself as Heiress of the Crown of *England*, and had quartered the Arms with those of *Scotland*, when she was only Queen Dauphine; and if *France* and *Scotland* had remained in tranquillity, *England*, was in danger of being attack'd from two quarters at once, and it disturb'd at home by the still numerous adherents of the old Religion."

Hence may be seen, what was the design of the Princes of *Lorraine*, in sending a *French Army* into *Scotland*. It was to preserve the Peace of that Kingdom, that is, render it entirely subject to *France*, in order to attack *England* from that side. This must be ever remembered, if it is desired to understand perfectly *Elizabeth's* History. Let us now mention the affairs of *France*.

Affairs of
France.
Meyeri.

After *Henry II.* had concluded a Peace with *Spain*, he resolved to relinquish entirely the affairs of *Italy*, and apply himself solely to his Project of uniting *England*, *Scotland*, and *Ireland*, to the Monarchy of *France*. His haste to cause the Dauphin his Son, and the Queen of *Scotland* his Daughter-in-law, to assume the Title of King and Queen of *England*, immediately after the conclusion of the Peace, clearly shows, he had the thing in his head, though he was not yet perhaps resolved how to execute it. *Elizabeth*, who was on the Throne of *England*, was but a Woman, and might be considered as a Bastard: She had no Ally; had lately made a great many Enemies among her Subjects, by her innovations in Religion: The King of *Spain* no longer concerned himself with her affairs; and the Pope desired nothing more passionately than to dethrone her, and place a Catholic Prince in her room. All these circumstances doubtless gave *Henry* hopes of success in his design. To effect which, he was to show a great zeal for the Catholic Religion, to gain the Professors of it, Princes and Subjects, to his Interests. The persecution renewed in *France* immediately after the Peace of *Cateau*, flowed perhaps as much from this as any other cause, though the King's disposition, the Pope's solicitations, the suggestions of the Duke of *Guise* and Cardinal of *Lorraine*, and the secret Treaty made with *Spain*, had but too large a share in that Tragedy.

Death of
Henry II.

Francis II.
his Successor
puts the
Government
into the
Hands of
the Guises.
Meyeri.
P. Duhal.
Thucove.

This Prince was taken out of the World the 10th of *July*, in the midst of his vast Projects, by a death sudden and tragical (1), leaving for Successor a young Prince incapable to govern himself. The two Princes of *Lorraine*, Uncles to the young Queen, were intrusted with the Administration of the Government under the new Reign. They removed the Constable of *Montmercy* immediately from the Court, and recalled the Cardinal of *Tournon*, sworn Enemy of the Protestant Religion. When the affairs of the Court were settled, their next care was to erect Courts of Justice called *Ardenis*, for condemning Protestants to the Flames. This threw the Reformed into an inevitable Necessity, of either suffering themselves to be burnt one by one, or of taking Arms in their own defence, and so furnishing their Enemies with the desired pretence, to extirpate them all at once. On the other hand, they sent two thousand Men into *Scotland*, under

the Command of *La Basse*, with Orders to join the Catholics of *England* for dethroning *Elizabeth*. Thus, their boundless Ambition engaged a young Prince, not yet seventeen years of age, to throw his own Kingdom into a Flame, and wish to undertake the Conquest of *England*, which of all the Countries of the World is the most difficult to be conquered.

At the same time appeared the Seeds of troubles in the *Low-Countries*, which soon ripened, and which it will not be improper to mention, in order to show their rise.

Charles V. had always a great affection for the *Low-Countries* where he was born, and had governed them with great Lenity. Indeed, after the Victory of *Pavia*, he had formed the Project of changing their Government, and of making of the seventeen Provinces one State, dependent on the Crown of *Spain*. He was incited to this by the *Spaniards*, who would have found their advantage in seeing him absolute master of these Provinces, where his Authority was very much limited by their Privileges. But after mature deliberation, he relinquished this Project, whether to avoid the oppressions with which the execution would have been infallibly attended, or because he believed it impracticable, by reason of the different Laws and Customs of these Provinces, each of which had been a separate state.

Philip II. his Son and Successor, resumed much the same design, and resolved to rule independent of the Laws and Privileges, incessantly alleged by these States. To this he added the Project of extirpating the Protestants, then very numerous in these Provinces. For this purpose, he obtained from the Court of *Rome* the erection of several Archbishopsricks and Bishopsricks, to the great detriment of the Abbots, part of whose Revenues were to be given to these new Sees. But besides the interest of the Protestants and Abbots, there was another thing of universal Concern. *Philip* had put Spanish Garrisons into the principal Towns, contrary to the privileges of the Provinces, and thereby plainly discovered his intention of reducing them to slavery. In fine, when he departed in *September*, 1559, for *Spain*, he committed the Government of the *Low-Countries* to *Margaret Duchesse of Parma* his Aunt (2), to the great disgust of *William of Nassau*, Prince of *Orange*, and of Count *Egmont*, who had both aspired to that Dignity. But what gave them the last provocation, was his leaving with the Governess the Cardinal of *Granvelle* their Enemy, and who was considered as the Author of the pernicious Councils, tending to deprive the Country of its liberty. *Philip* was no sooner arrived in *Spain*, than he caused a great number of Protestants to be burnt, and by these inhuman executions, showed the Subjects of the *Low-Countries* what they were afterwards to expect.

Pope Paul VI. dying in the course of this year, was succeeded by Cardinal *Angelo de Medici*, a *Milanese*, by the name of *Pius IV.* (3).

To understand the sequel of this Reign, it is absolutely necessary to have a distinct Idea of the situation of the *English* affairs, as well with regard to the Queen's Person, as to the People of *England*, and Foreigners. The wonder of this Reign lies not in the memorable Events which happened in *England*, while *Elizabeth* was on the Throne, but in the tranquillity which she caused her Subjects to enjoy, amidst the secret and open attacks of her own and their Enemies, both at home and abroad. To understand therefore the motives of *Elizabeth's* Conduct, and the maxims by which she established her Government, these Enemies, their Characters, their Views, their Interests, are to be distinctly shown. Hence also will be seen and admired the Address, with which she freed herself from all the embarrassments and Guises to which she was continually exposed. For this purpose, it must be observed, that her Right to the Crown was always contested openly or tacitly; that the Papists in general considering her but as a Queen de facto, believed they might with a safe Conscience assist in dethroning her, whenever an opportunity offered. As the uncertainty of her Right was the foundation on which her Enemies built, I cannot help enlarging a little on what has been said above on this Subject.

The Parliament of *England*, consisting of the King and both Houses, which represent the whole Nation, there is no *Englishman* but what is subject to its Laws, were it only for this reason, that every Man is supposed to give his consent either in Person, or by his Representative. It was upon this foundation that *Mary* and *Elizabeth* ascended the Throne, I mean, in virtue of an Act of Parliament, empowering their Father to settle the Succession. But it may be doubted, whether foreign Princes concerned in such Acts of Parliament, are obliged to the same submission, when

1559.

Affairs of
the Low-
Countries.
Guizot.

Death of
Pope Paul
IV, succeeded
by Pius
VI.
State of
Affairs in
England.
1559.

Who pursue
the design of
extirpating
Elizabeth by
Scotland.
Camden.

(1) At a great Tournament, held on account of his Daughter's Marriage with *Philip II.* King of *Spain*, he was wounded in the Eye with the Splinter of a Lance, June 29, and died of the wound. *Thucove*, l. 22.

(2) She was natural Daughter of the Emperor *Charles V.* and was first married to the Duke of *Telfury*, and afterwards to the Prince of *Perna*. *Sander*, l. 2.

(3) This year, on November 18, died the famous *Cuthbert Tunstall*, late Bishop of *Durham*, and was buried in *Lawrence Chysel*. *Hillier*, p. 1186.

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they believe them manifestly unjust to themselves. I shall not undertake to decide this question, which is more usually determined by Arms than by Laws. I shall only remark, that formerly *Edward III.* did not think himself obliged to abide by the decision of the *French Nation*, which held *Philip of Valois* on the Throne. However this be, *Mary Queen of France and Scotland* believed herself injured, as well by the Act empowering *Henry VIII.* to interrupt the order of Succession according to his humour, as by the Will of that Prince. She alleged, that neither King nor Parliament had any right to place on the Throne two Daughters declared illegitimate by solemn Acts, and still left to overlook the perversity of the eldest Daughter of *Henry VII.* even without assigning any reason, and place in the line of the Succession, *Bastards*, and the Children of the younger. To these two grievances it was answered, that the *English* in acknowledging successively *Mary and Elizabeth* for Queens of *England*, had not followed the caprice of *Henry VIII.* but the order of Nature, and the law of Succession; that the caprice of this Prince lay not in his placing his two Daughters next after his Son *Edward*, but in his intention to exclude these two Princesses really born in wedlock: That in restoring them to their due place, *Henry* corrected his error, and left no room for any alteration: That not revoking the Sentence of Divorce against *Ann Boleyn*, and the subsequent Act against *Elizabeth*, was not without good reasons, and at most, was but a defect of formality, which altered not the thing itself. As to *Mary's* second Grievance, that *Henry* had not mentioned the Posterity of his eldest Sister, it must be owned, the generality of the *English* were convinced of the Justice of that Proceeding. But as the case which might breed a dispute on this Subject did not yet offer, this Point was left undetermined, in hopes of the Queen's Marriage, and her having Children to succeed her.

Let us now proceed to another Reflection with respect to the foreign Princes. *Mary*, eldest Daughter of *Henry VIII.* ascended the Throne without any disturbance from abroad, whereas after her death the principal Sovereigns of *Europe* endeavoured to wrest the Scepter from *Elizabeth*. It is not difficult to assign many natural causes of the different conduct of the Princes with regard to these two Queens. The first is, that when *Mary* mounted the Throne, there was not a Prince in *Europe*, who could with any colour dispute her right. It is true, the young Queen of *Scotland* was in *France*, and destined for the Dauphin, but was not yet married. This Marriage was only projected, and could not be executed some years, by reason of the tender Age of the Parties. But supposing *Henry II.* should have then asserted the Claim of this Queen, he must have drawn upon himself all the Forces of the Emperor, and *England*. The second cause is no less natural, namely, that by the principles of the *Roman Catholics*, they could not contest *Mary's* Right without a renunciation of the Papal Authority, since the dispensation for the Marriage of *Henry VIII.* with *Catherine of Aragon* was granted by a Pope. But *Henry II.* was very far from any such thought, and as for the Emperor *Charles V.* he was particularly concerned to support *Mary's* Title, who was his Cousin-German. As for the Pope, he maintained his own Rights in supporting those of *Mary*. Lastly, as *Mary* was zealous for her Religion, the Pope, the Emperor, the King of *France* found a great advantage in this Zeal. The Pope expected to see the Catholic Religion restored by her means in *England*. The Emperor immediately projected her marriage with his Son *Philip*. Besides a Catholic Queen in *England*, removed all Apprehensions of the Aid the *German Protestants* might receive from the *English*. In a word, his Zeal for his Religion gave him the satisfaction, of seeing *England* about to return into the Pale of the *Roman Church*. For the same reason, *Henry II.* who burnt the Protestants in *France*, could not but be pleased to see them deprived of the Protection they might have expected from *England*, if that Kingdom had continued Protestant. Thus every thing conspired to render *Mary's* Reign peaceable and secure. It was also this, doubtless, which induced that Queen to carry the persecution against the Protestants to such a height, well knowing they could have no hopes of assistance from abroad.

But when, after *Mary's* death, *Elizabeth* mounted the Throne, there was a change in the Interests of the Princes, as often happens by the death of a Sovereign. The Empire and *Spain* were no longer under the Dominion of the same Prince. The Dauphin had married the Queen of *Scotland*, and by that Marriage acquired a claim to *England*, which he had not before. Besides, the Duke of *Guise* and Cardinal of *Lorraine* were become more powerful in the Court of *France*, by the absence of the Consta-

ble of *Montmercy*, who was Prisoner in the *Low-Countries*. After the death of *Henry II.* they became still more powerful, and showed by their Conduct, they had nothing more at heart than the placing of the Queen their Niece on the Throne of *England*. *Elizabeth* could not doubt it, since she saw *Francis II.* and *Mary* still usurp the Arms of *England*, which they seemed to have taken at first only in obedience to the orders of *Henry II.* On the other hand, *Philip II.* who despaired of marrying *Elizabeth*, had entirely deserted the Interests of *England*, and appeared by no means disposed to support that Kingdom, which was become Protestant. Lastly, the Pope saw his Authority banished *England*, and no hope of gaining *Elizabeth*, who was evidently concerned to maintain what she had done. Thus *France*, *Spain*, the Court of *Rome*, not only had no reason to incline them to support *Elizabeth*, but it was even their Interest to dethrone her. It is very true, *Philip II.* would not willingly have seen *England* and *Ireland* in the hands of the King of *France*; but he would not have been sorry that *France* was to conquer *England*, because from so difficult an Undertaking, he would have received the satisfaction of seeing two powers most formidable to him, weakening each other. Besides, his zeal for the Catholic Religion, and his projects in relation to the *Low-Countries*, would have made him with great pleasure behold these two Kingdoms incapable to assist those Provinces, which already bore their yolk with impatience. As to the new Emperor, *Elizabeth*, if she had nothing to fear, had at least nothing to hope, from him. As for the Protestants of *Germany*, they then lived in a tranquillity which they would not willingly have disturbed for the assistance of *England*. They had found in the Reign of *Henry VIII.* that under the pretence of maintaining their Religion, it was designed to engage them in a War by no means agreeable to their interests. Wherefore, content with their present condition, they were not willing to be oppressed for supporting the Rights of *Elizabeth*, though otherwise they with pleasure saw a Protestant Queen on the Throne of *England*.

I have already shown the situation of the *Scotch* affairs. *Elizabeth* was so far from expecting any assistance from *Scotland*, that she herself under an indispensable necessity to support the Protestant Party there, well knowing, it was the intention of *France* to attack her from that quarter. Besides the two thousand Men already sent to *Camden*, the Regent, another more considerable reinforcement was preparing in *France*, to be conducted into *Scotland* by the Marquis of *Elbeuf* (1). This sufficiently discovered, that the Court of *France*, sensible of the difficulty of attacking *England* by Sea, was resolved to push the war on the northern Frontiers, by a junction of their Forces with those of *Scotland*. Thus the design of the *French* Court to subdue the *Scotch* Rebels, was only the first step by which they hoped to rise to the Conquest of *England*.

On the other side, *Ireland* gave no less uneasiness to *Elizabeth*. That Island was inhabited by native *Irish*, and *English* Families transplanted thither since the Conquest of it by *Henry II.* It was governed by a Viceroy or Lord-Lieutenant, in the name of the Queen; but his Authority was very far from being so regarded, as to keep the *Irish* in subordination. They had amongst them many Great Men, who indeed outwardly acknowledged the Queen's Sovereignty, but believed they had a right to do themselves justice for the wrongs they pretended to have received. They made war upon one another, regardless of the Lieutenant's orders, who having but few *English* Forces, was unable to make himself feared. As often as there was any pressing occasion to chastise a Rebellion, or prevent the wrong from oppressing the weak, new Forces were to arrive from *England*. But as this could not be done without expence, very often it was not determined till the last extremity. So, most of the Lieutenants finding themselves destitute of the means to force an obedience, wilfully connived at the excesses and violences of the Great, for fear of unreasonably exposing the Royal Authority. They contented themselves with filling their Purse while they held their Commissions, and left it to their Successors to repress the insolence of the Country so fierce and arrogant, that they acknowledged the Royal Authority no farther than it was necessary to protect them against their Enemies. Besides the natural Aversion of the *Irish* for the *English*, who helped not, by their conduct, to gain their affection, there was, at this time, another reason, which contributed to increase this aversion, namely, the change which the Queen had lately made in religion. The *Irish* had for the Pope an Attachment equal to their ignorance, which was extreme. This disposed them to listen to the solicitations of the *Romish* emissaries, who were continually acting them against the Government. *Elizabeth* was therefore obliged

(1) The Queen of *Scots* Vaile; these Forces were hired in *Germany*, by the *Rhinoceros's* Assistance. *Camden*, p. 279.

1566. to have a constant eye upon the Transactions of that Island, knowing what credit the Pope her enemy had there.

It remains now to speak of the disposition of the *English* to *Elizabeth*. When the Queen designed to establish the Reformation, her first care was to change the Magistracies in the Towns and Counties, and fill their places with Protestants. Then, she called a Parliament, whose Members were chosen according to her desires. This Parliament revived the Laws made by *Edward VI.* concerning Religion. These Laws by the care of the Magistracies were punctually observed. So, a few Months after *Mary's* death, the publick exercise of the *Roman* Catholic Religion was not less criminal, than the exercise of the Protestant had been in the last Reign. The Clergy, who refused obedience to the new Laws, were deprived of their Benefices, and the Vacancies supplied by zealous Protestants. To say all in a word, the Reformation rose under *Elizabeth* just as the *Romish* Religion had been established under *Mary*, with this difference, that no person was put to death by *Elizabeth* on account of Religion. We are not however to imagine that this external change produced a real one in the mind. There are very few, who, in point of Religion, implicitly obey their Sovereigns. Those, who were good Catholics under *Mary*, remained such under *Elizabeth*; as those who really embraced the Reformation under *Edward VI.* continued in *Mary's* Reign Reformed in their hearts, under an outward Compliance. If it is therefore considered, that all the changes in religion under this and the foregoing Reigns, had been made in the same manner, it will not be difficult to comprehend, that the *Roman* Catholics were still very numerous in the Kingdom. Little more than twenty years had passed since the Reformation began, and in this Interval the publick Worship had been changed four times. Now it is improbable, that a whole Nation so frequently changed their opinion according to the Caprice of the Governors, though, outwardly, they submit to the publick Authority. It is certain, the number of *Roman* Catholics in the Kingdom was very great, even after *Elizabeth* had established the Reformation, though it is likely, the Reformed were still more numerous. It is therefore very natural to imagine, that those who persisted in their ancient Sentiments were secret Enemies of the Queen: that they desired the Re-establishment of the old Religion and were disposed to embrace all opportunities to place a Catholic Queen on the Throne. It was not one of the least of *Elizabeth's* cares to watch her own Subjects.

Elizabeth's
Maxims of
Government.

Let us briefly recapitulate what has been said. *Elizabeth* had for Enemies, *France*, the Queen of *Scotland*, the Pope, and all the Catholic Powers. For though *Philip II.* had not yet declared himself, she knew he was not her Friend, and the Sequel clearly proved it. On the other hand, she had the *Irish*, and a great part of her *English* Subjects to guard against, without having one Ally to assist her. She was therefore to seek in herself, in her Prudence, in her good Conduct, and in her own Subjects, the assistance she would have vainly sought elsewhere. To obtain speedily and willingly the aid, the forelaw would be frequently wanted, she had but one way, and that was to make herself beloved by her People. Accordingly, this was the governing maxim of her Conduct. Happily for her, the qualities of her Heart and Mind were so disposed, that she never once deviated from so necessary a rule. Wherefore it may be affirmed, that no King of *England* was ever more sincerely beloved by his People than *Elizabeth*. But to demonstrate this Elogy not to be groundless, it is necessary to be more particular upon this Subject. It is certain, that her truly Protestant Subjects were much more numerous than the Catholics. What therefore could she do better than to favour the Protestant Religion, especially, as being herself of that Religion, she could, without reluctance, act so agreeably to her Interests? Another thing which greatly contributes to procure a Sovereign the affection of his People, is so to manage the Treasury, that he be not forced to load them with unnecessary Taxes. No Prince had ever this quality in greater perfection than *Elizabeth*. Nay, she carried this Economy so far, that she sometimes gave occasion to her own Ministers, to charge her with Avarice. However this be, her Expenses were so well regulated, that she was never seen to lavish her Treasures upon her Favourites; or expend them in things of no use. Nevertheless, this frugal Inclination, whether owing to Nature or Policy, hindered her not from being profuse of her Money, when she thought it necessary. *France*, *Spain*, and *Scotland*, experienced, in their turns, how well she knew to be lavish of her Treasures. Her People had so good an opinion of her Economy, that through the whole course of her Reign, she was never once denied by the Parliament, the Supplies she wanted, or complained of by her Subjects for the Taxes they were charged with. She had also another quality which won her the

Esteem of the *English*. She would not be induced by her Ministers to bestow Offices or Honours upon undeserving Persons. She was apprehensive of nothing more, than to render contemptible, Dignities destined for the recompence of Merit and Virtue. By this wise Conduct she avoided the disobliging of Men, who might have aspired to Honours, had they seen them bestowed on others of no greater Merit than themselves. This was a maxim from which she rarely departed, during the whole course of her Reign. Lastly, she used her constant endeavours to cause Justice to be impartially administered. Her greatest Favourites felt her Severity when they abused her kindness, and wandered from their duty. There is no doubt, her great Interest to be beloved by her People, induced her to employ all possible means to that end. But it cannot be, as some have inferred from hence, that her whole Conduct was all dissimulation, since it is by no means impossible for the Inclinations of Men to tally with their Interests. *Elizabeth* had a true Esteem for the Reformed Religion, and her Interest required her to support it with all her power. She was naturally an Economist, and such was the situation of her affairs, that no Prince ever had more occasion to be so. As she had true Merit herself, she esteemed it in others; and therefore could never resolve to confer Dignities upon Men who had not merited them. In fine, had she been never so little remiss with respect to Justice, there would have been danger of her Sex being despised, and of the great Men growing by degrees too licentious.

Such were the principal means made use of by *Elizabeth* to gain the affection of her Subjects. Their love was so necessary, that she had no other resource. Without it, her Reign would, probably, have been very unhappy, considering the number and quality of her Enemies. The Reader therefore is to consider most of her actions, as flowing from the maxim she had prescribed to herself, to neglect nothing which might procure the affection of her People.

There was also another maxim which no less influenced her Conduct than this I have mentioned. She saw herself threatened on all sides. The Pope, *France*, and afterwards *Spain*, never ceased their open or secret attacks. It was not without reason that she feared an Union of all these Powers for her ruin. In this belief, she laboured to the utmost to cherish the troubles of the neighbouring States, and particularly of *France*, *Scotland*, and the *Low-Countries*; that her Enemies being employed at home, might be less able to invade her. I shall not pretend to decide, whether this way of defence against Enemies so powerful and dangerous, was agreeable to the rules of Justice. It cannot however be denied, that this was excellent Policy, and that her own Security justified this method, as she had no other to divert their attacks. Accordingly, the made frequent use of this maxim, as will hereafter appear.

I thought it necessary to prepare the Reader for the sequel of this Reign, by these reflections, which are solely designed to suspend in his mind, the prejudices inspired by the Historians of all Nations and Religions, for and against this renowned Queen. It is no small difficulty to fix the Judgment, amidst all the contrarieties which occur in the Historians. Some have considered her as the most accomplished Queen the World ever saw. They have found no fault in her. All her actions were the results of Prudence, Justice and Equity, and had no other motive than the glory of God, and the happiness of her People. They have pretended, that her love for her Subjects was so ardent, that she forgot her own interest, and thought only of rendering them happy. Not content to excuse some of her actions which deserve censure, they have even in some measure sanctified them, by insinuating, that they were the effects of her Zeal for the Glory of God, and the Protestant Religion. Others have aspersed her with all the Calumnies it is possible to invent. According to these, she exceeded the most famous Tyrants in Cruelty and Barbarity. She was extremely deceitful, and her whole conduct was one continued dissimulation, from the beginning to the end of her Reign, notwithstanding her affection of an outward show of Religion and Virtue. To these accusations concerning her publick Administration, they have added horrid slanders upon her private life. They have represented her as a dissolute Woman, who constantly refused to marry, in order more freely to continue her lewd practices. To efface both these Impressions, and incline the Reader, (if religious prejudices will suffer him) to suspend his judgment, I have previously shown the motives of her Conduct, and the maxims by which she was, and, with respect to Policy only, ought to have been governed. Her principal aim was to secure a tottering Crown, and to succeed, she followed the above-mentioned Maxims. Is it to be thought strange, that on certain occasions she a little over-acted her tenderness for her People, wherein lay her only support? But it would be just cause of wonder, that by an irregular life, and other ex-

1560.

Different
Opinions
concerning
Elizabeth

1560. cesses, of which she is accused, she would have acted directly contrary to what could only procure her the love and esteem of her People, of which she had so great occasion. This suffices, as I imagine, to dispel some of those Clouds by which her reputation has been darkened. On the other hand, as the few herself assaulted from all Parts, by powerful Enemies, who were continually infusing a spirit of Rebellion into her Subjects, when we shall see her fomenting the troubles of *Scotland*, and afflicting the *Huguenots of France*, and the Male-contents of the *Low-Countries*, it will be easily known to what this Conduct is owing, notwithstanding the Flatteries of some of her admirers. Apply but the two maxims, I have mentioned, to her actions; and remember the Necessity of her always having them in view, nothing almost in her conduct will then appear, the true motive whereof may not easily be discovered. After this long, though, I think, absolutely necessary, digression, it is time to proceed to the events of the year 1560.

A Treaty
between Elizabeth
and the Male-
contents of
Scotland.
Camden.

Maitland, who was sent into *England* from the Confederate *Scots*, at last concluded the Treaty, which was signed at *Berwick* the 27th of February 1560 (1). *Elizabeth* seeing the great preparations which were making in *France*, and not doubting of their being designed against *Scotland*, thought herself, above all things, obliged to provide for the safety of that Nation, and prevent the *French* from being too powerful there. She had cause to fear, that if *Queen Mary* had Children by the King her Husband, *France* and *Scotland* would be united under one head, which it was her great interest to hinder. She concluded therefore a Treaty with *Maitland*, which shows her fears with regard to *Scotland*. The Treaty ran:

AB. Pub.
XV. p. 589.

That she took under her protection the Duke of *Chateaufort*, and also the Nobility and Subjects of *Scotland*, to maintain that Kingdom in its Liberties and Privileges, during the Marriage of the Queen of *Scotland* with the King of *France*, and one year after.

That she promised to feed, with all speed, a convenient aid of Men into *Scotland*, and continue them there till the *French* were entirely expelled the Kingdom.

That she would come to no agreement with *France*, but on condition of leaving *Scotland* in full liberty.

That she would never abandon the Confederates, while they acknowledged *Mary* for their Sovereign, and endeavoured to maintain the Liberty of their Country, and the Estate of the Crown of *Scotland*.

That if the *English* took any places in *Scotland*, they should be either demolished by the *Scots*, or delivered to the Duke of *Chateaufort*, at his own option; but that the *English* should erect no Fortification in the Kingdom, without the advice of the said Duke, and his Party.

That the Duke and all his Party should join the *English* Forces.

That they should declare themselves Enemies of those of their Countrymen, who should serve *France* against *England*.

That if *England* was attacked in the South, the Confederates should send to the Queen's assistance two thousand Foot, and two thousand Horse at the least; but if in the North, they should join the *English* Army with all their Forces.

That if the Earl of *Argyle*, Lord Chief-Justice of *Scotland*, should join with the Confederates, he should be obliged to use his endeavours to reduce the North of *Ireland* under the Dominion of *England*, agreeably to a Treaty to be made betwixt him and the Lord-Lieutenant of *Ireland*.

That the Duke of *Chateaufort* and his Party should give Hostages to *Elizabeth*, to remain in *England* (2) during the time that the Marriage between *Mary* Queen of *Scots*, and the King of *France*, should subsist.

Lastly, The Duke of *Chateaufort* and his Party, protested, that their intention was to be faithful to their Queen in every thing, not contrary to the Laws and Liberties of *Scotland*, and not tending to their subversion.

From this Treaty it is plain, *Elizabeth's* sole aim was to keep the King of *France* from becoming Master of *Scotland*, knowing it was intended to invade her from that quarter.

While this Treaty was negotiating, the *French* Forces

Signal of
the Affairs
of Scotland.
Camden.

(1) The *English* Commissioner, was, *Thomas* Duke of *Norfolk*, Lieutenant of the North; and on the Duke of *Chateaufort's* Side appeared, Lord *James* *Stewart*, Patrick Lord *Ruthven*, Sir *John* *Marshall* of *Terrigles* Knight, *William* *Maitland* of *Latterington*, *John* *Wijchert* of *Pittersone*, and Mr. *Henry* *Belsham* of *Helms*. *Burns's* *Fair*. Tom. 15. p. 589.

(2) For six, or four, Months each; and to be then exchanged, and so on.

(3) One thousand Foot, and one or two Companies of Horse. Camden, p. 380.

(4) This Fleet was commanded by Vice-Admiral *William* *Winter*. *Stow*.

(5) *William* Lord *Grey* of *Wilton*. His Assistant was Sir *James* *Crest*. And the Lord *Scrape* was Earl-Marshall; Sir *George* *Barnard* General of the Men at Arms; *Barnard* *Erskine* his Lieutenant; Sir *Henry* *Percy* General of the Light Horse; *Thomas* *Haggon* Esq. Provost-Marshall; *William* *Panton* Captain of the Powder, &c. *Stow*, p. 641.

(6) March 30. *Stow*, p. 641.

which were in *Scotland*, continued their pursuit of the confederate *Scots* into the mountains, contrary to the opinion of *Martigue* of the House of *Luxemburg*. This Lord, who had brought the last Succours from *France* (1), was for an immediate invasion of *England*, imagining, that on his approach, the *English* Catholics would all rise and join him. But the Regent, better informed of the state of *England*, judged it not proper to enter upon so great a design with so small an army. Some time after, while the *French* were exulting at the sight of a flying enemy, they discovered from a mountain a Fleet at Sea, which they at first took to be the Marquis of *Elbeuf's*. But perceiving afterwards it was an *English* Fleet (2), they were of opinion that the forces sent to the Confederates by Land were not very distant. This made them retire to *Leith*, with design to assemble there all their forces, and wait the arrival of the Marquis of *Elbeuf*. But he was expected in vain, for a violent tempest dispersed his Fleet, and forced him to fall back to *France* to refit his Ships. Afterwards the troubles in *France*, calling for the assistance of these forces which were sending into *Scotland*, and of those already there, this expedition was entirely bluffed.

Buchanan.

Camden.

The *French* forces being retir'd to *Leith*, the Confederates assembled from all places, where they were dispersed, in order to join the *English* army marching to their relief under the command of the Lord *Grey* (3). At length they came to *Hadington* the first of April, being six thousand strong in Foot, and two thousand in Horse, and there expected the so much desir'd *English* Succours, which were advancing with all possible speed. The *Queen* Regent fearing to be shut up in *Leith*, chose rather to retire to the Castle of *Edinburgh*, which was committed by the States to the care of *John* *Arskine*, with the express condition not to resign it without their order. *Arskine* receiv'd the Regent with Honour, but still preserved the Command of the Castle.

H. Kingh.

Stow.

Thomson.

The Queen

retires to

Edinburgh.

Shortly after, the Lord *Grey* entering *Scotland* (4) with an army of six or seven thousand Foot and twelve hundred Horse, was joined by the Confederates, after which, they march'd together to *Leith*, where the enemies were retir'd. It was no inconsiderable work to besiege a place which had an army within its Walls; and yet, it was undertaken, because there was no other way to drive the *French* out of *Scotland*. While they were employed in this siege,

The English

Army enters

Scotland.

Buchanan.

Camden.

Stow.

Hallingsh.

all possible endeavours were us'd by the *French* King, to prevail with *Elizabeth* to recall her forces out of *Scotland*. But she knew her interest too well to be imposed upon. When *de Severe*, the *French* Ambassador, first mention'd it, she answered, her Troops should be readily recalled, provided the *French* were to go, since *France* had no more right than *England* to send forces into *Scotland*.

Leith be

besieged.

France

propos'd.

Elizabeth

to call her Troops

out of

Scotland.

Camden.

At last the Ambassador finding, after many attempts, he could not prevail, declar'd, in the presence of the Spanish Ambassador, that by sending forces into *Scotland* he had violated the Treaty of *Cateau*: to which the calmly answer'd, that the King of *France* had first infringed that Treaty, by his endeavours to render himself master of *Scotland*.

French of

the French

Ambassadors.

Some time before, she had published a Manifesto, declaring her reasons, for concerning herself in the affairs of *Scotland*. She there charged in plain terms the Duke of *Guise* and the Cardinal of *Lorraine*, with being the Authors of the Troubles in that Kingdom, in order to effect more easily their designs against *England*. To them also she wholly ascribed the injury done her by the King and Queen of *France*, in assuming her Title and Arms.

Elizabeth

publishes a

Manifesto.

Before *de Severe* had made his declaration, *Melanct*, Bishop of *Valence*, was come into *England*, to press the Queen to recall her forces from *Scotland*, and would have even persuaded her, that *Francis* II. and *Mary* had assumed her Title on purpose to do her honour. This excuse was more provoking than the Injury. At last *Melanct* seeing, he could not divert her from her resolution to support the *Scots*, told her, the King of *France* would restore *Calais*, if he would draw her forces out of *Scotland*. But the answer'd, that she did not value that *Fifth-Town* so much as the quiet of *Britain*. Mean time, she dispatched *Melanct* (7) to *Philip* II. to inform him of her reasons to assist *Scotland*. That Ambassador was to represent to him, that the *Guises* had projected an union of the Crowns of *France* and *Scotland*, and not to be disappointed, had concerted the murder of the Earl of *Arran*, who had happily

Camden.

Thomson.

France offers

to restore

Calais.

Camden.

Stow.

As Amba

to Philip

Camden.



In the Royal Palace of St. James an Obituary Painting. 1530.



1560.

escape'd out of their Snares (1), and that he therefore desired him to consider if such an union would be advantageous to Spain.

Camden.
Stow.

During these negotiations, the Siege of *Leith* was continued, but with no great Success, because of the numerous Garrison. The 15th of April the French made a Sally, and nailed three great Pieces of Cannon (2). The 20th, the English were fiercely repulsed at an assault. The 1st of May they stormed again, but with no better success. The length and difficulties of this Siege began now to discourage them, when the Duke of Norfolk, Warden of the northern Marches of England, sent a powerful reinforcement, and came to the English Camp himself, to encourage the continuation of the Siege. They would nevertheless have hardly taken the Place, had not the Conspiracy of Amboise (3), which was then discovered in France, convinced the Princes of Lorraine, that the season was not proper for the execution of their designs against England. So, instead of sending new Forces into Scotland, they thought of recalling those already there, imagining they might want them in France. It was to this end that Monks Bishop of Valence, and the Comte de Randan were sent into Scotland, with full powers from the King to conclude a Peace. Elizabeth hearing of it, sent likewise Secretary Cecil, and Dr. Wotton, with the same powers (4). The Plenipotentiaries immediately agreed to meet at Edinburgh in July, and, in the mean time, concluded a Truce, which was to last till the end of their Conferences. During this Truce, the Queen Regent died in the Castle of Edinburgh, the 10th of June.

France de-
scribes Peace.
Camden.
A. P. Pub.
XV. p. 581.
Stow.
Buchanan.Truce in
Scotland.
Stow.Buchanan.
Baronet.A Peace ne-
gotiated.

When the Peace came to be negotiated, the French Plenipotentiaries absolutely refused to treat with the Scotch Confederates, saying, it would be an injury to the Royal Authority, because they were Rebels. This refusal might have put an end to the Congress, but, as both sides were desirous of Peace, an expedient at last was contrived, namely, Francis and Mary should grant certain conditions to the Confederates, not by way of Treaty, but as of pure Grace, and that nevertheless they should promise to observe them, in their Treaty with the Queen of England. This was in effect the same thing, but the Ambassadors, probably, with a view to some advantage, preferred this expedient. Most Historians confound, in the Treaty shortly after concluded at Edinburgh, two things, which, however, ought to be distinguished; namely, the Concessions of Francis and Mary to their Scotch Subjects; and the Treaty between France and England. As of these two things one was observed, and the other not, it is necessary to have a distinct Idea of them. The Promises made to the Scots were:

and finished
at Edinburgh.
Buchanan.

That the French Forces should leave Scotland in twenty four days, and return to France, in Ships to be furnished by Elizabeth.

That the City of *Leith* should be restored to Scotland, and the Fortifications demolished.

That the Works made by the French at *Dunbar* should be raz'd.

That the King and Queen of France and Scotland should grant an Act of oblivion to the Confederates, for every thing done, from the 10th of March 1559, to the 1st of August 1560, and that this Act should be approved and confirmed by the States of Scotland, to be assembled the following August, with the consent of the King and Queen.

That the French should have liberty to leave sixty Men in the Isle of *Keith* (5).

But with regard to the interests of Elizabeth, a real Treaty was concluded, which will be often mentioned hereafter by the name of the Treaty of Edinburgh, containing,

A. P. Pub.
XV. p. 593.
Stow.
P. 646.

That for the future, the King and Queen of Scotland should not assume the Title of King and Queen of England and Ireland, nor bear the Arms of these Kingdoms.

That the Patents and other Acts which had been dispatched with that Title, should be altered, or remain of no force.

That the farther satisfaction required by the Queen of England for the injury done her, should be referred to a

Conference at London, between the Commissioners of the two Crowns.

That if the Commissioners could not agree, the Decision should be left to the King of Spain.

That the King and Queen of France and Scotland should perform the Promises made to the Scots at Edinburgh, by the Plenipotentiaries of France.

It must be observed, that Buchanan in his History, has only mentioned the Articles granted to the Confederate Scots; and Camden, in his Annals of Elizabeth, takes notice only of the Treaty between the two Crowns. This causes some obscurity in their respective accounts of the following events.

After the conclusion of the Treaty, the French and English quitted Scotland: The fortifications of *Leith* and *Dunbar* were demolished, and the Act of Oblivion fell over into Scotland, and confirmed by the States. These same States, assembled in August, made Laws favorable to the Reformation, and sent them to the King and Queen for their approbation, rather to discover their sentiments, than with any hopes of obtaining their desires, and yet, they caused these new Laws to be punctually observed.

But as to the Treaty concluded between the Crowns, Francis and Mary refused to ratify it, for a reason, the force of which is not easily conceived. It was, they said, because the Scots falsely styling themselves faithful Subjects, had made a Treaty with Elizabeth in their own private Names, without any Warrant from the royal Authority. If this refusal had only concerned the Articles granted to the Scots, Elizabeth might have believed, that the Court of France repented of their concessions, and then the reason alleged might have had some colour. But whatever related to the Scots being already performed, their pretended incoherence could not render invalid a Treaty, about a difference between Elizabeth and Mary, in which the conduct of the Scots was entirely unconcerned. It was therefore easy to infer, that this weak reason was but a pretence used by Francis and Mary, to elude what they had promised in the Treaty with respect to Elizabeth. Accordingly, Elizabeth was convinced, that the Princes of Lorraine still persisted in the design to wrest the Crown from her; and this belief was ever rooted in her mind. Mary's Uncles did not then foresee how dear this proceeding would one day cost their Niece, whose grandeur they so passionately desired.

While Elizabeth was employed in these affairs, her Court was attentive to watch her motions, her conduct, and inclinations with regard to marriage. Though she told her Parliament, she was resolved to remain single, such resolutions were known to be liable to change, and the more, as there were many Princes, and some Lords, who despaired not to make her alter her mind. Charles Archduke of Austria, second Son of the Emperor Ferdinand, the King of Sweden, the Duke of Holstein, had already made their addresses. The Earl of Arran, Son of the Duke of Chateaufort, relying on the barrenness of Queen Mary, and his Succession to the Crown of Scotland, flattered himself, that Elizabeth would prefer him to any other, in order to unite the two Kingdoms (6). To these were added others, who being her Subjects, and not daring to declare their minds so openly, were contented to leave her to guess their Inclinations, or to disclose them by means of some of her Ladies. One proceeded upon his Birth, another upon his Merit, a third upon his Mien and outward Accomplishments, apt to kindle the flames of love in the fair Sex. In short, he was indirectly assailed on all the sides which are generally thought weakest in a Woman.

The Earl of Arundel (7), of a noble and ancient race, though a little advanced in years, imagined, the Queen would marry a Subject, rather than a Sovereign, and it so, that no Man deserved that honour better than he. Sir William Pickering (8), having received some particular mark of the Queen's esteem, despaired not that these first favours would be extended much farther. But no Man believed he had better grounds to flatter his hopes, than Robert Dudley, Son of the late Duke of Northumberland. The Queen visibly preferred him to all who had the honour to approach her, and gave him so many proofs of the inclination she had for him, that for some time it was believed she intended to marry him. At her Accession to the Crown, she made him Master of the Horse,

1560.

The Treaty
as it related
to Scotland,
is confirmed,
Buchanan.
A. P. Pub.
XV. p. 591.referred as it
was to Francis
and Mary, Camden.The Arran
sought in
Marriage
by several
Princes and
noblemen,
Camden.
Burnet.Robert Dudley
in great
favour,
Camden.
Northampton.

(1) This justifies Buchanan's account of the design laid to arrest and detain the Earl of Arran in France. Rapin.

(2) And at the same time took Sir Maurice Berkeley Prisoner. Camden, p. 581.

(3) See an account of it a little lower.

(4) They came to Berwick, June 15. Stow, p. 646.

(5) The Reader will naturally ask of what Service it would be to Francis and Mary to have sixty Men of their French Subjects left in Scotland. And Buchanan gives this reason, that the Queen might not seem to be thrown out of the entire Possession of Scotland.

(6) Camden says, he was recommended to her by the Protestants of Scotland, with the view and hopes of uniting the two Kingdoms. p. 582.

(7) Henry Fitz Arundel.

(8) Sir William Pickering (whom Rapin by mistake calls Sir George) was of a Different Interest to few of the Nobility; he was humour'd with the Carter, and had by his Ambassies in France and Germany, display'd his great Abilities for publick Affairs. Camden, p. 583.

1560.

and Knight of the Garter. From thenceforward, she took a pleasure to distribute her favours through him. So that by this distinction, she discovered, that she had more than a bare esteem for him. He was at Court called only, *My Lord*, without any other addition, which demonstrated her preference of him to all the Nobility. And yet, when his pretensions to such distinguishing favours were examined, no qualities were found in him capable to make an impression upon so discerning a Queen. His Vices far surpassing his Virtues, recourse was had to the Planets which ruled his birth, and occasioned this sympathy of thoughts. However this be, he was a favorite at Court. All affairs were imparted to him; Ambassadors gave account to him of their Negotiations: Every one applied to him for his affairs at Court, and woe to those who addressed to any other. That was an unparadise Fault.

Bacon and Cecil first Ministers. Norton. Statute. 5 Eliz. c. 11.

The Queen had two Favorites more, but of a different kind from *Dudley*, as they were only for the affairs of the Government. These were *Nicola Bacon*, and *William Cecil*. The first was made Keeper of the Great Seal, with all the Privileges of Lord Chancellor. *William Cecil* had been Secretary of State to *Edward VI.* and discharged the Office so well, that if his Religion had not stood in the way, he had been continued under *Mary*. He was not however exposed to Persecution, whether he so artfully managed as to give no advantages against him, or his particular Merit procured him a Distinction above all other Protestants. He had an uncommon Genius, a sound Judgment, a Capacity for great affairs, an unwearied Application, and an impenetrable Secrecy, with a constant tendency to his sole view, the welfare and advantage of the Queen. It is not therefore strange if he preserved, all his Life, the favour of a Queen, who so perfectly knew her own Interest. When able Princes are blest with such Ministers, they do not easily part with them.

Philip's account the Ambassy from Elizabeth both with great Cold. Camden.

In the situation of *Elizabeth's* affairs, she wanted able and disinterested Ministers to guide her. Wherever she turned her Eyes out of her Kingdom, she saw no one Friend who was really concerned for her welfare. She had at first relied on the King of Spain; but *Montague's* report of his Ambassy to that Prince, disappointed all her expectations from him. When this Ambassador, after discoursing with *Philip* about the Scotch affairs, demanded, agreeably to his Instructions, the renewing of the antient Alliance between *England* and the House of *Burgundy*, he found him very cold. *Philip* in his answer lamented the Changes made in *England*, with regard to Religion, and signified his concern for them. He complained, he had received no Intelligence of the sending an English Army into *Scotland* till it was too late, and yet he advised the Queen to have it inserted in the future Treaty between her and *Mary*, that if *France* sent Forces into *Scotland*, she should also have the same Liberty, and to stipulate positively the restitution of *Calais*. He added, he had till then prevented *Elizabeth's* Excommunication, and obtained from the Pope a promise that nothing should be done in that Affair without his knowledge. As to the renewing of the Treaty, he coldly answered, it was needless.

Returns the Garter.

In fine, he returned, by the Ambassador, the Collar of the Order of the Garter. This convinced *Elizabeth*, that *Philip* was no longer her friend, and that his advice, which came too late, was more the effect of his Jealousy of the growing greatness of *France*, than of his affection for her. Some time after, she gave him a small mortification, in refusing her permission to certain English Catholics (1) to reside in the *Low-Countries*, and preserve their effects in *England*. Amongst these was *Jane Dormer* Grandmother of the *Comte de Feria's* Lady, whom he married in *England*, during his Ambassy (2). This provoked the *Comte*, that he used all his credit with *Philip* to exasperate him against *Elizabeth*. He even found an opportunity to force into the Inquisition a Servant of *Chamberlain* the English Ambassador in ordinary for Spain. He also strongly solicited the Pope to excommunicate her, but without success. *Pius IV.* was for trying other means, which appeared to him more proper to gain the Queen, and were not prejudicial to his Censures, which he could thunder against her whenever he pleased.

The Pope addresses to gain Elizabeth. Camden.

It was with this view, that he sent *Vincenzo Perpaglia* Abbot of *St. Saviour* into *England* with certain instructions, and a Letter to the Queen, exhorting her to return into the Pale of the Church, and promising to continue

the general Council (3), as soon as possible. It is pretended, this Nuntio had likewise a power to offer the Queen, that the Pope would annul the Sentence of *Henry's* Divorce with *Ann Boleyn*, and the subsequent Act of Parliament; confirm the English Liturgy, and permit the English to communicate in both kinds. But these offers were not capable of moving *Elizabeth*: and the rather, as, probably, they were not sincere, at least, in what concerned Religion. Hence it may be observed, what opinion the Court of *Rome*, and all Catholics, had of *Elizabeth's* birth, since it was offered as a great favour to own her for legitimate Daughter of *Henry VIII.*

1560.

but without success.

Mean time, *Elizabeth* very closely applied herself to the affairs of the Government, in order to render her Subjects as happy as possible, well knowing, her greatest assistance was to flow from them, in case of an Invasion, which she had reason to expect. This year, she was obliged to restore the Coin to its antient standard, which had been extremely debased in the Reign of *Henry VIII.* though no King had ever drawn so much Money from his Subjects (4). If Cardinal *Pole* may be credited, this Prince alone drew more Money from the People, than all the Kings together since the Conquest. The Monastery of *Westminster* was this year turned into a Collegiate Church (5). These were the most remarkable events in *England* in 1560. But before we proceed to the following year, it is necessary, briefly to mention the affairs of the neighbouring States.

Camden.

Stow. Hollings.

The affairs of *France* tended to confusion the beginning of the year. The Protestants seeing themselves persecuted, and condemned to the flames without mercy, thought it time to provide for their common defence. To this end, some of *P. Duval*, after a private Conference, formed a Conspiracy against the Duke of *Guise* and the Cardinal of *Lorraine*, the King's Ministers, and their declared Enemies. They had no Leader who openly appeared, but very likely the Prince of *Candi*, jealous of these two foreign Princes, had, among the Reformed, Emiliars, who intimated to them, that when times were ripe, they should not want a support. However this be, a Gentleman, named *La Renaudie*, projected to carry off the *Lorrain* Princes, then with the King at *Ambais*. This attempt miscarried, was interpreted as a Conspiracy against the King himself, and twelve hundred Persons, either guilty, or only suspected to be concerned in it, were put to death. The two *Lorrain* Princes would have been glad, on this pretence, to have dispatched the Prince of *Candi*, but their measures not being yet well taken, they waited a more favorable opportunity. Some time after, the States being assembled at *Orleans*, the King of *Navarre* and Prince of *Candi* indirectly came thither, though they had intimation of the Court's ill designs against them. The King of *Navarre* indeed was not arrested, but was carefully watched, that an escape was impossible. The Prince of *Candi* was imprisoned, and shortly after condemned to die. But the death of *Francis* (6) about the same time, prevented the execution of the Sentence, and the Prince was released.

Affairs of France. Mazarin. Thuanus. XV. p. 390.

Death of Francis II.

This same year, *Philip II.* having carried War into *Africa*, against the Corsair *Dragut*, who had made himself King of *Tripoli*, his Arms were so unsuccessful, that he was forced to recall the Spanish Troops left in the *Netherlands*. The Inhabitants of those Provinces saw the departure of the Spaniards with great satisfaction, which would have been much increased, had Cardinal *Granvelle* been also recalled, for they mortally hated him, and were encouraged in their hate by the Prince of *Orange*, and the Counts of *Egmont* and *Horn*, his sworn Enemies.

Affairs of the Affairs of France. Charles IX. towards his Brother. Thuanus. Mazarin.

The death of *Francis II.* caused great alterations in the Court of *France*. *Charles IX.*, his Brother and Successor, being yet a minor, *Catherine de Medici* his Mother, had the address and influence to prevail with the King of *Navarre*, first Prince of the Blood, to yield the Regency to her, and content himself with the Title of Lieutenant-General. Mean while, as she was not entirely without fear, that he might one day think of refusing the Rank due to his Birth, she fomented, with all her art, the dissensions which had begun to appear in the late Reign. By this means, she at last formed two Parties in the Court and Kingdom, which proved her security, as she was necessary to Both. The first was headed by the Duke of *Guise*, the Constable of *Montmorency*, and the Marshal of *St. Andri*. These three Lords were called the *Triumvirs*. On their side were all the Catholics of the Kingdom, into

Suppl of the Affairs of France. Charles IX. towards his Brother. Thuanus. Mazarin.

(1) Richard Shelby late Prim of the Order of St. John of Jerusalem in England, Thomas Harvey, &c. Camden, p. 383.

(2) It was a Privilege in the antient Laws of England, that under pain of forfeiting Goods and Chattels, none but Peers of the first Rank, and Merchants, should (without the King's special Licence) leave the Kingdom and reside in foreign Countries, beyond such a fixed time. The *Comte de Feria* married the Daughter of *William Dormer* by *Mary Sidney*. Camden, p. 313.

(3) This was the famous Council of *Trent*, which had been opened many years before, but interrupted in its Sessions by continual Wars, or the Intigues of the Popes.

(4) The present Alloy was in the 5. of Edw. 6. See the Coin Note of *Edward VI.* Queen *Elizabeth* reduced the Silver Coin to eleven Ounces, two Pennyweight fine, and eighteen Pennyweight alloy, the present Standard. See Coin Note at the end of this Reign.

(5) For a Don, twelve Prebends, a Schoolmaster, an Usher, forty Scholars, besides Chaplains, Singing-men, twelve Peacocks, &c. Camden, p. 383.

(6) The 5th of December. Eggen.

1560. whom a belief was infused, that the Chiefs had only in view the maintenance of the Catholic Religion. At the head of the other Party, wholly consisting of Huguenots, (so the French Protestants were called) (1) were the Prince of Condé, the Admiral of Coligny or Chatillon, and his Brother d'Andelot. The King of Navarre fluctuated between the two Parties, without being able to resolve, and the Queen-Regent reaped great advantages from this division among the great Men.

The affairs of France being in this situation, Elizabeth seemed to be out of danger from them. Francis's Successor had no pretence to concern himself with the affairs of Scotland, any farther than as a common ally, and he had no manner of demand upon England. On the other hand, the Queen-Regent, who had no great affection for her Daughter-in-law, was far from engaging in a War for her sake: Though she could have hoped to place her on the Throne of England, it was not her interest to render the House of Guise more powerful than it was. In fine, the Princes of Lorraine, employed in struggling with their Enemies at Court, were not in condition to prosecute the Rights of the Queen their Niece. Wherefore, immediately after the death of Francis II, Mary, by the advice of her Uncles, quitted the title of Queen of England, which she had bore ever since the Treaty of Cateneau. But this was not sufficient to satisfy Elizabeth. Mary being still very young, might marry some powerful Prince, and transfer to him her Pretensions. Therefore to make Elizabeth easy, this young Queen was solemnly to declare, she had no right to this Title, otherwise, she might have refused it, when she pleased; a bare interruption being not sufficient to invalidate her Claim. By the way, Elizabeth, like her Grandfather Henry VII, was, all her life, so jealous of her Crown, that she was for ever uneasy on that account. When she heard of Francis's death, she sent the Earl of Bedford into France, with her compliments of condolence and congratulation to the new King, and ordered him to press Mary to ratify the Treaty of Edinburgh. The Ambassador discharged his Commission, and was answered by Mary, that this affair not concerning her as Queen of France, but as Queen of Scotland, she would not confirm it without the advice of the Scottish Nobility (2). Mean time, as she knew her Mother-in-law, the Queen-Regent, loved her not, she left the Court of France, and retired to Rheims, where her Uncle the Cardinal was Archbishop, to spend part of the Winter there, and afterwards, she went to reside at Nancy. While she was at Rheims, she received a visit from Montguy, la Brisle, d'Osly, and the Bishop of Amiens, who being acquainted with the affairs of Scotland, and knowing her intention to return thither, believed it incumbent on them to give her some Instructions. She came from thence so young, that she was utterly ignorant of the Kingdom she was going to govern. Melvil says, they advised her to gain by her favours, James Stewart Prior of St. Andrew's, her natural Brother, the Earl of Argyll, who had married Jane Stewart her natural Sister, Sir William Maitland of Lethington, and Sir William Kirkcaldy Laird of Grange, and to rely on the Protestants rather than the Catholics, as the former were in all respects superior. Some time after, on her way to Nancy, she gave audience to John Lesly, sent to her from her Catholic Subjects. Lesly says himself, in his History of Scotland, that he advised her, agreeably to his Instructions, not to confide in the Prior of St. Andrew's, and to repair to Aberdeen, where she might be at the head of a good body of Catholic Troops, to restore Religion to the state it was in before the late changes. But she was too wise to follow such dangerous Councils. The next day, the Prior of St. Andrew's, who was also come to France to pay her his respects, met her at Joinville, and gave her Councils more suitable to the situation of her affairs. He confirmed her Resolution to return into Scotland, and advised her to reign like her Predecessors, with the concurrence of the States, assuring her, it was the only way to live happy and peaceable (3). The Queen, agreeably to this advice, ordered him to return to Scotland, and prepare all things for her reception. Moreover, she put into his hands a Patent, empowering the States to meet and ordain whatever they should judge convenient for the good of the Kingdom. Thus, Lesly's pains to prejudice her against Stewart, were for once ineffectual. This Lesly, afterwards Bishop of Ross, greatly contributed, by his Intrigues and violent Councils, to the

misfortunes which at last fell on the head of the Queen his Mistress. Stewart arriving in Scotland, notwithstanding Lesly's endeavours to have him arrested in France, delivered to the States the Patent which the Queen had sent by him. As almost all Scotland was then Protestant, the States employed the general power, granted them by the Queen, to establish the Reformation by public Authority. This was followed with an Order to demolish all the Monasteries, which was immediately put in execution. Buchanan.

Mean time, Mary preparing to sail for Scotland, sent Elizabeth d'Osly to Elizabeth for a Safe-Conduct. Elizabeth answered, she hoped the Queen would ratify the Treaty of Edinburgh, after which she should not only have a Safe-Conduct, but also, without being exposed to the dangers and fatigues of the Sea, might pass through England, Kingdoms where she should be received with all the Marks of affection she could expect from a good Sister (4). Mary complained of this answer to Throckmorton the English Ambassador, so as to show him she was extremely offended at it. She told him, "As she came into France, in spite of Edward, she could return into Scotland notwithstanding Elizabeth's opposition: She was heartily vexed, for asking a favour, she could so well be without: That this refusal and the assistance given by Elizabeth to the Scotch Rebels, was a clear evidence, how little she desired to preserve a good understanding between the two Kingdoms: That it was matter of astonishment to her, that the Queen of England should obstruct the return of her near Relation, and most certainly presumptive Heir, into her own Country: That she could have no pretence for this, since she could not accuse her of meddling with the Affairs of England, though the discontent of the English gave her an opportunity. She added, she was a Queen as well as Elizabeth, and not destitute of Friends when they should be wanted: That the Treaty of Edinburgh was made in the life-time of her Husband, and if he delayed to sign it, she alone ought to bear the blame: That since she was a Widow, neither the Council of France, nor her Uncles had concerned themselves with the Affairs of Scotland: That the Scots about her were private Persons, whom she neither could nor ought to consult in so important an affair: But as soon as she had advised with the States of Scotland, she would return a suitable answer: That therefore she was hastening her return into Scotland, but Elizabeth intended to stop her journey, and so alone was the cause of the delay she complained of. She concluded with saying, she had never offended Elizabeth, and prayed the Ambassador to tell her the reason of her anger."

Throckmorton replied, his order was only to receive her answer concerning the Treaty of Edinburgh: but since she desired it, he would for a moment lay aside the Ambassador, and give her his Sentiments as a private Man. Then, he told her, the Queen his Mistress was very much offended at her assuming the Title and Arms of England, which she had not done in Queen Mary's Reign, and left her to judge, whether a greater indignity could be offered to a crowned head. Mary answered, she did it by the express command of Henry II, her Father-in-law, and of Francis her Husband, whom she was obliged to obey; but upon the death of her Husband, she had, when Mistress of herself, quitted both the Title and Arms: That however, she being a Queen, and Grand-Daughter to Henry VIII's eldest Sister, did not believe it injurious to any Person to bear the Arms of England, which had been done by others more remotely allied without any noise. Camden, from whom this is taken, does not mention Throckmorton's Reply. It would however be strange, that he should be satisfied with such weak reasons. Elizabeth did not only demand that Mary should quit the Title and Arms of England, but also should declare in the most express manner, that she never had any right to assume them. Nay she expected a solemn Reparation for this Incroachment, as appears by the Treaty of Edinburgh. Now Mary's quitting the Title and Arms of England, without owning she had no right to assume them, was very far from contenting Elizabeth, who would not have had any other person but herself, pretend to the Title of Queen of England. Mary's alleging that others had borne the same Arms without any offence, pointed to the Marquis of Exeter, and the Duchess of Suffolk. But there were three remarkable differences between them and Mary. The first was, they bore these Arms by the King's special grant.

(1) They were so called, either from Hope's Gate, in the City of Tours, where they used to meet at first; or from King Hope's Ghost, which was the secret crowd in this Town to frighten Children, and which was said to walk in the Suburbs in the Night, it being the usual Time and Place where the Protestants were wont to meet. Camden IX. called this Name by an Epithet. Thayer, l. 54.

(2) This Affair being thus put off from time to time, Queen Elizabeth began to suspect some Plot was hatching against England, and therefore refused to present it. Accordingly, she dispatched Sir Thomas Randolph into Scotland, to cultivate a good understanding between the English and Scotch Nations. Camden, p. 385.

(3) Camden speaks quite otherwise of James Stewart. Rapin. Camden says, he advised Queen Elizabeth to intercept Mary in her Passage, and that Lord Lesly was also of the same Mind, both at her return, she should treat the Protestants of Scotland with extreme rigour, not as Traytors, but Heretics, as Queen Mary of England had done before her. Camden, p. 387.

(4) Buchanan is in the wrong to omit the Conditions on which Elizabeth was willing to grant a Safe-Conduct. Rapin.

Mary quits
the Title of
Queen of
England.

Engaged by
Elizabeth
to ratify the
Treaty of
Edinburgh.
Returns on
positive de-
fence.
Walting-
ham's Re-
solutions.
p. 18.
Camden.
The Power
of her Af-
fairs.
Melvil's
Memoirs.
p. 20, 31.
Lesly.

p. 26.

Lesly.
Buchanan.

Buchanan.
Melvil.

1560.

The second, that they did it with a limb or border for distinction. The third, that they never assumed the Title of King and Queen of England.

Elizabeth
suspects of
Henry
Carnet.

All this made Elizabeth suspect, the Queen of Scotland was forming some dangerous design, and in quitting the Title and Arms of England, intended only to amuse her, since she refused to own the injustice of assuming them. In short, Mary, being determined to return into Scotland without Elizabeth's Safe-Conduct, sent for *Throckmorton* to *Abbeville*, and demanded of him what was to be done to satisfy Elizabeth. *Throckmorton* answered, she had only to ratify the Treaty of Edinburgh, as he had often told her before. She replied, she could not conceive why she was thus urged to ratify a Treaty already executed: That the Articles concerning the Scots had been really performed: That as she had quitted the Title and Arms of England, she could not be accused of seeking evasions not to ratify the Treaty, since a Treaty already executed did not want a ratification: That the Scots could not complain of being treated with too much rigour, but that she perceived, the person who would prevent her return into Scotland, would prevent their enjoying the effects of her Clemency. She added, she would write to the Queen of England with her own hand, and desired the Ambassador rather to compose than aggravate matters. But the Letter she writ on this occasion, did not give Elizabeth the satisfaction she believed to have reason to expect. As the usurpation of the Arms and Title of Elizabeth, and the Refusal to ratify the Treaty of Edinburgh, were the basis and foundation of the differences between these two Queens, and had a constant influence upon this Reign, it will not be unnecessary to add some observations to what has been said, in order to let in a clearer light the reasons and interests of both.

The interests
and policy of
the Queen of
Scotland
with regard
to the Treaty
of Edinburgh.

Elizabeth, in France and all the Catholick Countries, was deemed illegitimate. It was upon this foundation, that Henry II. obliged the Dauphin his Son, and the Queen of Scotland the Dauphin's Wife, to assume the Title of King and Queen of England, and that, after his death, they continued, to bear the same. Elizabeth was not so void of understanding, as not to perceive that this pretence would be more than sufficient to deprive her of the Crown, should it ever come to be supported by force. On the other hand, she could not doubt that such a design was formed by Mary and her Friends. Of this, her having assumed the Title of Queen of England was a clear indication. It was therefore necessary to provide for her safety. The Civil War in Scotland naturally presenting itself, she assisted the Male-contents, and, whereas France was resolved to invade her from that quarter, gave Francis and Mary cause to apprehend the would deprive them of Scotland. This produced the Treaty of Edinburgh, which was never ratified by Francis, and after his death, Mary persisted in her refusal, contenting herself with only quitting the Title of Queen of England. But this was not a sufficient security for Elizabeth. As Mary had quitted the Title without giving any reason, she could refuse it the first opportunity; and thus was what Elizabeth desired to prevent, and the more, as Mary's obstinate Refusal gave her cause to believe it was really intended.

1561.

Mary on her Side had strong reasons to elude this ratification. She was persecuted, Elizabeth was not the legitimate Daughter of Henry VIII. and that neither his Will nor an Act of Parliament could give her a right which nature denied. Upon this supposition, Mary believed the Crown of England was fallen to her, as next Heir to the deceased Queen, and though Elizabeth had possession, she did not despair of wresting it from her, with the assistance of France, Spain, the Pope, and the English Catholics. But if, by ratifying the Treaty of Edinburgh, she owned herself in the wrong to assume the Title of Queen of England, and promised with an Oath never to bear it more, she had cause to fear, her Friends would grow very cool. To what purpose then did Francis order his Plenipotentiaries to sign a Treaty, which he did not intend to ratify? To this the answer is easy. He could not otherwise draw his Forces out of Scotland, where they were besieged, nor oblige Elizabeth to recall her's. As to the breach of his word, it did not then much trouble the French Court. Now as Mary was at that time in subjection to a Husband, she threw upon him whatever was amiss in this Conduct.

The second reason Mary had to refuse the ratification was still of more force. The Plenipotentiaries of France, in signing the Treaty, made a wrong step, for want of

sufficient knowledge of the English affairs. They suffered to be inferred in the Treaty, without any restriction, this general Clause; That for the future Francis and Mary should not assume the Title of King and Queen of England. Now Mary had reason to fear, that these words, for the future, might be a Snare to make her renounce for ever the Crown of England, on account of her Religion. This fear seemed the more just, as the English had sufficiently discovered their intention, to regulate the Succession by Henry the Eighth's Will, where the Posterity of Margaret Queen of Scotland was omitted, and the Dukes of Suffolk placed next to Elizabeth. It seemed therefore to her, that a ratification of the Treaty of Edinburgh would give occasion to say, the complied with the Will of Henry VIII. which could not but be to her extremely prejudicial. It is scarce to be doubted, that Elizabeth thought the same thing, since afterwards, when Mary, pressed by the necessity of her affairs, offered to ratify the Treaty with this alteration of the Clause in dispute, That during the Life of Elizabeth she would not take the Title of Queen of England, Elizabeth was not satisfied. This is an evident Sign, that her Intention was to make use of the ratification to deprive Mary of her Birth right, or at least, to hold her in subjection, by keeping her in a perpetual uneasiness concerning her Succession. There was then infidelity in both their proceedings. Mary, in evading the ratification of the Treaty, on pretence of the prejudice it might do her, refused in effect to acknowledge she had done amiss in assuming the Title of Queen of England, during the Life of Elizabeth, and thereby preserved all her Claim to be inferred on occasion; for it was not till some years after, that she offered the aforementioned restriction. On the other hand, Elizabeth, under colour of desiring Mary only to renounce a Right which she had assumed to her prejudice, meant to engage her to sign an equivocal Clause, which might have deprived her of all her Rights. These remarks will hereafter appear not to be entirely useless.

Mary, though she had no Safe-conduct from Elizabeth, put to Sea, and happily arrived in Scotland. Some say, she escaped the English Fleet in a fog, which wanted to intercept her (1). But this is only a bare Conjecture without any proof (2). It is however very likely, that as affairs stood between her and Elizabeth, if she had been taken she would have been detained in England, at least till she had ratified the Treaty of Edinburgh. She was received in her Kingdom with great demonstrations of Joy, both by the Nobles and People (3). But she had the mortification to see the Reformation established by Laws so severe, that only herself was allowed the Liberty to have Mass in her own Chapel, but without any Pomp or Ornamentation. Nevertheless some Lords still persisted in the old Religion, and hoping to restore it by her Authority, made their Court to her with great application. Of this number were George Gordon Earl of Huntly, the Earls of Arbol, Crawford, Sutherland, with some Bishops. It was not possible to determine, what was the Religion of the Duke of Chateaufort, his Conduct had been hitherto so ambiguous. The Lords I have named were very considerable by their Birth, their Riches, and their Vassals. And yet, they would never, perhaps, have thought of restoring the ancient Religion, had they not depended upon the Queen's favour, who could alone balance the power of the Protestants. Their first project was to try to alienate her from those of the Protestants, who had the most credit with her, and in the Kingdom. James Stewart her natural Brother was the principal object of their hatred, on account of his adherence to the Protestant Religion. Besides, the Queen having at her arrival, committed to him the administration of affairs, it would be very difficult for them to undertake any thing, without opposition from him, while he continued in that Post. For this reason, they omitted nothing that could serve to ruin him with the Queen. But it is not necessary to be more circumstantial in the Intrigues; it suffices to show the situation of the Court of Scotland, because this is absolutely necessary for the Sequel.

The haughtiness with which Mary talked to the English Mary's Envoy Ambassador before the left France, was not only unsuitable to her present Circumstances, but even contrary to her usual measures, and the projects she had formed with her Un-
cles. Whilst Francis II. was alive, these Princes believed that the Forces of France would be sufficient to subdue Scotland, under colour of extirpating Heresy, and after-

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Mary arrived in Scotland.
Aug. 21.
Leith.
Buchanan.
Blackwood.

The known Catholics persist in refusing their Religion as second.
Buchanan.

Endeavour to persuade James Stewart.

(1) That Queen Elizabeth intended to intercept the Queen of Scots, is not positively asserted by the Scottish Historians. Buchanan says, That Queen Elizabeth had prepared a great Fleet, on pretence to force the Sea of Pyrates; but some say, that it was to intercept the Queen of Scots. If the above is not, it is only a supposition. See *Brutius*, *Dem. lib. p. 130*. Another story, that James Earl of St. Andrew's, in his return from France through England, advised Queen Elizabeth to detain the Queen of Scots, thinking she would come through England. L. 20.

(2) It is true, there was a great fog in her Passage. (See *Brutius*, *Dem. lib. p. 130*.) But that does not prove she was pursued by the English Fleet. *Regis*.

(3) And as well, following the Council of her Friends, she behaved herself humbly to them all, committing her Affairs to her Brother the Duke of St. Andrew's, and to the Secretary Livingston, or Livingston, as met with both to hold the Country at her devotion, and also to beg a strict Friendship between her, and the Queen of England. *Abbeville*, p. 32.

wards

wards in conjunction with the *Scotch Troops*, it would be easy to enter *England*, and, with the assistance of the *English Catholics*, dethrone *Elizabeth*. But the war they had excited in *Scotland*, taking a very different turn from what they expected, and the death of *Francis* following immediately upon it, they found that other measures were to be taken, and the execution of their project deferred for some time. They therefore advised the Queen their Niece, voluntarily to quit the Title of Queen of *England*, to return into *Scotland*, to enter, if possible, into a strict friendship with *Elizabeth*, to endeavour to be declared her presumptive Heir, and under colour of that Correspondence, to form a Party in *England*, where was no want of Malecontents, to be serviceable on occasion. The whole course of this History shows this to have been *Mary's* Plan, and I shall hereafter give convincing proofs of it. Nothing therefore was more contrary to these measures, than her quarrel with *Elizabeth*, whose friendship she ought to have courted, in order to obtain the Declaration she desired, by means of which she was to strengthen her Party in *England*.

When she arrived in *Scotland*, she endeavoured to correct this error, by sending *Maitland* to *Elizabeth*, to notify her safe arrival at *Edinburgh*, and to desire her friendship. The Ambassador carried likewise a Letter from the principal Noblemen to *Elizabeth*, which, after many Compliments, signified to her, that the best way to preserve a good understanding between the two Kingdoms, was for her to declare their Queen her presumptive Heir. *Elizabeth* was so much upon her guard against whatever came from *Mary*, that it was not easy to surprize her. She answered the Ambassador, that the Queen of *Scotland*, while in *France*, promised to give her satisfaction concerning the Treaty of *Edinburgh*, as soon as she should arrive in her Kingdom; it could not therefore but surprize her to find no notice taken of that Article. The Ambassador excused the Queen his Mistress, that the short time since her arrival had not allowed her to think of any important affair. *Elizabeth* seemed satisfied with this excuse, but to the Letter from the Lords, answered plainly, that she would not run the hazard of seeing her Subjects adore the rising Sun. And raising her Voice, added, she would not suffer the Queen of *Scotland* to rob her of the Crown during her Life; neither did she intend to do any thing that might prejudice that Queen after her death, though she had usurped the Arms of *England*, for which she ought in justice to make reparation. This was the Substance of what passed in relation to this Embassy, from which *Mary* drew the advantage she desired, as it gave her an opportunity to renew a Correspondence with *Elizabeth*. I am persuaded, *Melvil* is mistaken, when he says in his Memoirs, that after *Mary's* return into *Scotland*, there was to be close a friendship between the two Queens, that they write to one another every week, and testified an extreme desire to deliver by word of Mouth what they committed to writing. Nothing till then had passed between them that could serve to form or cement this pretended reciprocal friendship. On the contrary, many things contributed to alienate their Hearts from each other. But if *Melvil*, who was then in *Germany*, was rightly informed, one cannot help thinking they were both very great dissemblers. About the end of the year, *Mary* gave the Prior of *St. Andrew's* the Title of Earl of *Murray*, and created *John Arskine* Earl of *Murr*.

Though the answer given last year to the Abbot of *Parpogia*, was by no means proper to inspire the Pope with any great hopes of the Reiteration of the antient Religion in *England*, he sent a Nuncio this year to *Elizabeth*, to notify, that the Council of *Trent* which had been interrupted, would be continued in the same place, and to declare her to send thither some *English Bishops*. The Abbot *Martinuzzi*, who was charged with this Commission, arriving in *Flanders*, and sending for leave to pursue his Journey into *England* (1), could never obtain it. Whereupon, the Nuncio at *Paris* prayed *Throckmorton* to write to the Queen; who coldly answered, she heartily desired an Oecumenical Council; but a Popish one she would never honour with an Ambassador; that she had no business with the Bishop of *Rome*, who had no more power than other Bishops.

After such an answer, *Elizabeth* might depend upon

continual disturbance from the Court of *Rome*, and the more so, since the death of *Francis II.*, the King of *Spain* was entirely estranged from her, because he no longer dreaded the union of *Great Britain*, with the Monarchy of *France*. This fear was the only band that had till then attached him to *England*.

Mean time, *Elizabeth* seeing herself without any Ally, and in danger from all sides, took care in time of her defence. She employed this whole year in preparations, which convinced her Enemies, she would not be easily surprized. Her great care was to have always a good Fleet in readiness, knowing that her Navy was the best bulwark of *England*. At the same time, she ordered all the Forts and Castles of the northern Borders to be well fortified, and particularly *Berwick*, as the place from whence she might be attacked with most ease. As the *English* had till this time been obliged to have all their Gunpowder from abroad, she was afraid of wanting it, and, to prevent that inconvenience, ordered it to be made in her own Kingdom (2). Moreover, she increased the pay of the Soldiers, to encourage them to serve her faithfully, and be ready upon occasion. This same year, was happily discovered in *Cumberland* a Mine of pure Copper (3), which had been neglected many Ages, and at the same time, was found, in great abundance, the Stone called *Lapis Calaminaris*, so necessary for Brass-works.

The cares of War did not divert *Elizabeth* from the affairs of Justice, and the civil Administration. She had her eye every where, and laboured effectually for the Reformation of abuses, and the bringing things into good order. Information being made, that the Officers of the Exchequer reserved the Pensions assigned to those Ecclesiastics, who had been turned out of their Abbies, she ordered, that all who were living, and unprovided with Benefices, should be paid to a farthing (4).

Thus every Man relying on the Queen's Justice and Equity, *England* saw the revival of a happiness she had long wanted. The People had the more reason to be pleased with the Government, as the Queen, without demanding any Subsidies, discharged all the extraordinary expenses out of the Crown Revenues (5), for she did not lavish her Money upon the Court-leeches, like her Predecessors. Her maxim was, to injure none, but to be extremely sparing of her Favours and Treasures, remembering in what want by excessive Proflusion, many of her Predecessors had lived, with great Revenues. This was what forced them to have frequent recourse to their Parliaments, not to have the publick Occasions, but their own Extravagances, supplied (6).

It was not without reason that *Elizabeth* took so much pains to gain the love of her Subjects, by the good Order she introduced into the Kingdom, since at the same time endeavours were used to corrupt and draw them into Rebellion. The Catholics began to meet, and plot to restore their Religion by arms. *Elizabeth* having some intimation of these cabals, was desirous to know where they sprung, and at last found it was the Queen of *Scotland* that was to serve for pretence to the Revolt, on account of her Title to the Crown of *England*. The Countess of *Lenox*, born from a second Marriage of *Margaret* Queen of *Scotland* with the Earl of *Angus*, held a secret Correspondence with *Mary*. Here the first discovery was made. As this Countess had the same interest with *Mary*, since they both depended from the eldest Daughter of *Henry VII.*, the Queen imagined this Correspondence was not without mystery, and therefore sent the Earl and Countess of *Lenox* to the Tower (7).

Soon after, she discovered that *Arthur Pale*, and his A Cousin Brother, descended from a Princess of the House of *York* (8), and Sir *Anthony Forcique*, who had married their Sister, began to form a Party in the Kingdom. Upon this intelligence, they were sent to Prison, and afterwards tried. They confessed a design of withdrawing into *France* to the Duke of *Guise*, of returning from thence into *Wales* with a French Army, to proclaim *Mary* Queen of *Scots*, Queen of *England*, and *Arthur Pale* Duke of *Clarence*. They protested, however, that they meant not to execute their Project during the Queen's life, who, they believed, would die before the end of the year, having been told so by some Pretenders to Astrology. Their own Confession

(1) For it was provided by an antient Act, That the Pope's Nuncio should not set foot in *England*, without leave, and before making Oath, that they would attempt a thing prejudicial to the King, or Liberties of the People. The Council did not think proper to admit the present Nuncio, when there were so many Papists in all parts of the Kingdom, who were endeavouring to involve the Nation into Troubles. Camden, p. 357.

(2) Near *Reynolds*, lying at the foot of the tall Mountain *Siddons*.

(3) The Queen also increased the salary of the Judges, and so it allowed them Provision for their respective Circuits. Camden, p. 358.

(4) Camden observes, that she gave very little out of her own Demerits, or indeed any thing else, but on condition it should, in default of Hire-Male, return to the Crown. It is to be wished this Rule had always been observed. p. 358.

(5) This year, on *June 15.* the *Spirit of St. Paul's* Lightning in *London*, the Tower-part of which was two hundred and forty Feet high and the Roof four hundred and twenty Feet long, and one hundred and thirty by 20, were burnt down, by Lightning, as it was then thought; but a Plummer confessed on his Death-bed, that it was set on fire by his Carcass, in leaving a Pan of Coals in the Stewple, when he went to Dinner. *Straw*, p. 647.

(6) *Hayes's Hist.* *Ref.* p. 318.

(7) The Earl was committed to the Custody of the Master of the Rolls, and the Countess, to the Custody of Sir *Richard Savile*. Camden, p. 359.

(8) Great Grand children to *George* Duke of *Clarence*, brother to *Edward IV.*

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did not agree with the Luxury which was introducing into the Court by the young Queen. The Preachers exclaimed from the Pulpit against these worldly vanities, as very opposite to true Religion. On the other hand, the Earl of Murray, as well to support his interest amongst the Reformed, as to follow his own inclination, signified often to the Queen, that this way of life would at last forfeit her the esteem and affection of her Subjects. This furnished his enemies with a pretence to insinuate to the Queen, that Murray meant to keep her in servitude, and it would be impossible to restore the old Religion, while he had the direction of affairs. But if Buchanan is worthy of belief, they were not content with using secret artifices to ruin him in the Queen's favour. This Historian pretends, the Duke of Châtelaui, and the Earls of Huntly and Bathwell conspired to assassinate him, but their Plot was discovered by the Earl of Arran. He adds, that the Duke was punished with the loss of his Government of Dunbarton, and Bathwell imprisoned in the Castle of Edinburgh, from whence he found means to escape.

But these were not Murray's most dangerous Enemies. Buchanan says, the Cardinal of Lorraine went to the Queen his Niece, to incite her to dispatch the Earl, and some other zealous Protestants, out of the way, for which he might depend upon a powerful aid from the Pope, to restore the Catholic Religion in Scotland. According to this Historian, the Queen resolved to comply with the desires of the Pope and the Cardinal, and communicated her intentions to the Earl of Huntly, who approved of them, and promised his assistance. It was for this purpose, that the Queen took a progress into the North, where lay the Earl of Huntly's Estate (1), and where the Catholics were numerous. But at the same time Huntly finding the Queen, in order to execute her project, was going to a Country which almost wholly depended on him, formed himself the design to carry her away, and force her to marry George Gordon his eldest Son. Murray accompanying the Queen in her progress, several obstacles occurred, which caused the execution of the Plot against him to be delayed, from day to day. Mean while, the Earl of Huntly and his Son improved the occasion to execute their project. One day, when the Court was in a small and ill-fortified Town, George Gordon appeared near it with some Forces, in order to surprise the Queen's Person. But the Earl of Murray, by unexpected good fortune, found means to save her. This important Service effaced for some time the disadvantageous impressions she had received of him.

The discovery of this Plot was not capable to make the Earl of Huntly desist from his enterprise. He still kept in arms with intent to surprise the Court, where the Earl of Sutherland was his Spy, and informed him of what passed there. But an intercepted Letter discovering all, Sutherland fled into Flanders, and the Earl of Murray at the head of some Forces marched against the Earl of Huntly, who bravely expected him. In a Battle fought on this occasion, Huntly was defeated and taken Prisoner, but died within a few days (2). George his Son escaping, the Duke of Châtelaui his Father-in-law very earnestly sued for his pardon, and upon some good hope given him by the Queen, put him into her hands. He was however conducted to Dunbarton, tried and sentenced to die: But the Sentence was not executed (3).

While these things were transacting in Scotland, James Melvil, Author of the Memoirs under his Name, was employed at Inspruck to find out the inclinations of the Imperial Court concerning the Marriage of Queen Mary with the Archduke Charles, second Son of the Emperor Ferdinand. The first overture of this design had been made by the Cardinal of Lorraine, in his way through Inspruck to the Council of Trent, with the offer of the Kingdoms of England, Scotland, and Ireland, for a portion. This occasioned Maximilian, eldest Brother of Charles, to ask Melvil, speaking of this Marriage, whether the Scots would be willing to assist their Queen in obtaining the Crown of England. Hence it is plain, that the Guisies had still this design in view, and were incessantly labouring to execute it. We must not therefore wonder, that Elizabeth had always an eye upon the Queen of Scots as upon a very dangerous Rival (4).

In the beginning of the year 1563, the Duke of Guise laid Siege to Orleans, which was the Magazine of the Huguenots, and where D'Andelot Brother of the Admiral was shut up with a numerous Garrison. The Place was now reduced to the last extremity, when the Duke of Guise was killed with a Pistol-Ball by a Gentlemen named Palrot. The Duke perceiving his end approaching, testified an extreme concern for having kindled the Civil War, and sent his furious advice to the Queen-Regent to make a Peace on any Terms. The Admiral being accused of this Murder, endeavoured to clear himself, but the Relations of the deceased persisted in their belief of his Guilt. Mean while, the Peace between the King and the Huguenots closely followed the death of the Duke of Guise, without any care taken by the Prince of Condé (5), to have his generous Friend the Queen of England included. Nor was this all. For Charles IX. besieging Havre de Grace, the Huguenots distinguished themselves in driving the English out of a place which themselves had put into their hands. If their conduct on this occasion showed them good Frenchmen, it was also a demonstration of their being very ill Politicians. Indeed they could not have done any thing more prejudicial to their own interest, or more agreeable to their Enemies than thus to quarrel with England. The Earl of Warwick defended the Place some time with great bravery and intrepidity (6), but the Plague which raged in the Town, daily swept away fifty of his Men (7), and reduced him to the necessity of a capitulation, by which the Town was restored to the King of France. After Havre was taken, a Peace was concluded between the two Crowns. The English Forces which had served in France bringing the Plague with them into England (8), it made terrible ravages, above twenty thousand dying in London only (9).

The death of the Duke of Guise made some alteration in the affairs of the Queen of Scotland. Charles IX. declaring himself of age to govern, was under the influence of the Queen his Mother, who not loving her Daughter-in-law, gave her some mortifications. The payment of her Dowry was discontinued, the Scotch Guard dismissed, and the Duke of Châtelaui denied his Revenues. The Duke of Guise left a Son, who was too young to have any share in the Government, and the Cardinal of Lorraine had no longer the same credit as during the life of his Brother. Mary complaining of her ill treatment from the Court of France, the Cardinal her Uncle fearing he might be provoked to turn to Elizabeth, was more pressing than ever for her Marriage with the Archduke, and did his utmost to accomplish it. Melvil says, however, in his Memoirs, that he perceived at the Imperial Court, it was not relished by Maximilian, eldest Son of the Emperor. Be this as it will, Mary readily received the Proposition. But as the death of the Duke of Guise had removed at a great distance the near prospect he had of mounting the Throne of England, she believed it necessary to manage Elizabeth, and desire her advice concerning the proposed Marriage. Elizabeth was alarmed at the design of allying the Queen of Scotland with the House of Austria, not being ignorant, with what view the Cardinal of Lorraine offered such a Marriage to his Niece. She therefore told Mary, by Randolph her Ambassador, that having for her the tenderness of a Sister, and regarding her interests as her own, she desired her to consider, that such an alliance would remove her for ever from the Throne of England, since the English would never run the hazard of falling under the dominion of the House of Austria: That England was not without Persons who had their pretensions to the Crown as well as herself, and might greatly embarrass her: It was therefore her interest to gain the affection of the English, by a Marriage which would not be uneasy to them: That if any English Nobleman was so happy as to please her, such a Marriage would doubtless remove the difficulties which lay in the way of her desire to be declared her presumptive Heir. This was the substance of what Randolph was ordered to represent to the Queen of Scotland, without naming however the Lord, Elizabeth wished to give her for Husband. But he had a secret Communion to intimate to the Earl of Murray, and Secretary Lidington, that he believed she had cast her eyes on the Lord Dudley (10).

(1) Inverness.

(2) 27th June, one of his Sons, was executed a few days after. Buchanan, L. 179.

(3) Melvil who was then in Germany, has nothing of this Conspiracy of the Earl of Huntly. Camden, whose aim was only to blacken the Reputation of the Earl of Murray, contents himself with saying, (in his Annals of the year 1560,) that Murray had ruined the illustrious House of the Gordons, without saying one word of this Conspiracy. Roper.

(4) Five years, about 1560, Earl of Lincolne, who had in 1560, broke out into a Rebellion, came and made his Submission to Queen Elizabeth, and received his Pardon. Camden p. 384, 391.—This year also, on December 25, died William Lord Gray of Wilton. Stowe, p. 652.

(5) He played himself with the hopes of being Lieutenant-General of France, and Husband to the Queen of Scots. Camden, p. 292.

(6) There were some Records ten shillings, two hundred whereof perished by Shipwreck, with their Commanders Sir Thomas Lord Kil and two Brothers of the Lord Warrwick. Ibid. Melvil, p. 1208.

(7) The Plague swept away all these famous Officers, Francis Somerset, John Zouch, Almeric Darcy, Thomas Drury, Williford Ansell, Edward Dromely, Gilbert Peapack, Richard Coker, John Cusker, John Proud, William Sauls, Thomas Kemys, &c. Stowe, p. 654.

(8) Most of them embarked July 31. Stowe, p. 656.

(9) Twenty thousand, one hundred thirty five. Ibid.

(10) His Lady, Daughter of Sir John Knepp, was lately dead of a fall from a pair of Stairs, at Camerton in Oxfordshire, and lies buried in St. Mary's in Oxford. Camden, p. 795. English Vol. II. p. 322.

1563.
Muri's Dis-
possession
Camden.

Elizabeth's answer threw *Mary* into great perplexity. She believed herself at least the lawful Heir of *Elizabeth* by her Birth-right; but *Henry VIII.*, having not placed her in the line of the Succession, an Act of Parliament was necessary to restore her to her Right. Without this, she was in danger that, if *Elizabeth* died without heirs, the Will of *Henry* would be punctually complied with. On the other hand, her uncertainty whether *Elizabeth* would cause such an Act to be passed in her favour, and get her declared her Heir, made her unwilling to relinquish the hope given her by her Uncle the Cardinal, of being placed on the Throne of *England* by the assistance of the Pope, *France*, *Spain*, and the *English* Catholics. In this perplexity, she chose to inform the Cardinal of the representation made to her by *Elizabeth*, and of that Queen's design to marry her to *Dudley*. The Cardinal answered, That *Dudley* was not a fit match for her, and that *Elizabeth* only amused her, in pretending to marry her to a Man whom she intended for her own Bed. That as to the hope she was flattered with, of being declared her presumptive Heir, it was not much to be relied on, since, though she kept her word, she might have Children, which would render the Act of no use, or might, on the least pretence, cause it to be repealed. That it was therefore more agreeable to her interest, to depend upon the assistance of her real friends, than on such uncertain hopes.

She delays
the Archduke's
Marriage.

Particulars
of the
Rogues
Camden.

This did not prevent *Mary*, after a mature examination of what had been offered on both sides, from resolving to desist from the design of marrying the Archduke, for fear of doing herself a prejudice in *England*. But withal, she determined to evade the Proposal, *Elizabeth* intended to make her, concerning *Dudley*, without breaking however with her. It was absolutely necessary to show a regard for *Elizabeth*, in order to continue with more ease her intrigues in *England*, and increase there the number of her Friends, which was already considerable. Besides that the Catholics were all for her, many Protestants were persuaded, that the Crown, if *Elizabeth* died without Children, could not be refused her without injustice, and the least discontent was capable to create a belief, that *Mary* had even a better Title than *Elizabeth* herself. This gave great uneasiness to *Elizabeth*, who feared, that *Mary*, by a Marriage with a Catholic Prince, would be enabled to support her Pretensions. Therefore she did all that lay in her power to divert her from any such design. To this end, she told *Melvil*, in his return through *England*, how much it would offend her, if *Mary* married without her advice. She added, as it was their common interest to live in a good understanding, she designed to make her two offers, that, by embracing either, she might avoid the jealousy, which her Marriage with a foreign Prince would raise in the *English*. The Treaty of *Edinburgh* was all this while unmentioned, the conjuncture not being proper to press that affair.

Melvil.
p. 40.

The Death
of Suffolk
Steele.
Camden.

Frances Brandon Duchess of *Suffolk*, so often mentioned, died this year (1). She had accepted for her third Husband *Adrian* Duke, a private Gentleman, by whom she had no Children. Of her three Daughters by her former Marriage with *Grey* Marquis of *Dorset*, and afterwards Duke of *Suffolk*, *Jane* the eldest had been proclaimed Queen after the death of *Edward*, and lost her life on a Scaffold. *Catherine* was in the Tower, or perhaps dead. *Mary* the third had been given in marriage to a Man so little distinguished, that there was no likelihood of her being put in competition with the Queen of *Scotland*. This by the death of the Duchess of *Suffolk*, *Mary* saw herself delivered from one Rival, who was Grand-daughter of *Henry VII.* (2).

1564.
Peace made
between
France and
England.
Camden.
Abb. Pub.
XV. p. 620
Stowe.

The Truce between *France* and *England* ended at last in a Peace, signed at *Troye* in *Champagne* the 11th of April, 1564. By this Treaty, the King of *France* and Queen of *England* preserved entire all their pretensions, without mentioning any in particular, not even the restitution of *Calais*. There were only some separate Articles,

which were left unsigned till the next day, concerning the Hostages delivered to *Elizabeth* after the Treaty of *Cateau*, which she was willing to restore for a very small sum (3). *Throckmorton*, who had been arrested in *France* on some pretence (4), was set at liberty. After this, *Elizabeth* sent to King *Charles* the Order of the Garter by the Lord *Hunsdon* (5), who was sent into *France* to see the Peace sworn to.

1564.

At this time, the Commerce between *England* and the *Netherlands* was entirely broke, by the artifices of Cardinal *Granvelle*. As he foresaw, a War was going to be kindled in the *Low-Countries*, he was willing to remove the *English*, and for that purpose, had prevailed with the Government to forbid the importation of *English* Cloths. This Prohibition obliged the *English* to set up a Staple for their Cloths at *Embleu*, a Town of *East-Friesland*. But a new Ambassador (6) sent into *England* by *Philip*, in the room of the Bishop of *Aquila*, who was dead, considering, that his Master's Subjects would, from this interruption of Commerce, receive no less damage than the *English*, brought this affair to a Negotiation. As there occurred great difficulties, it was mutually agreed, that the Treaty of Commerce, called the *Great Intercourse*, made in the time of *Maximilian*, should subsist till one of the Parties notified the contrary to the other, with the allowances of forty days to the Merchants to withdraw their effects. This affair was very important to both Nations. Camden says, that in his time the Commerce between *England* and the *Netherlands*, rose yearly to above twelve Millions of Gold, and that the Woollen Trade alone amounted to above five millions (7).

Disputes
between
England
and the
Low-
Countries.
Camden.
Stowe.

Abb. Pub.
XV. p. 6

This affair being finished, *Elizabeth* visited the University of *Cambridge*, where she was received with great pomp and magnificence. She testified her satisfaction in an elegant Latin Oration, wherein she assured the University of her protection, and intention to encourage Learning to the utmost of her power.

The Queen
visits the
University
of Cambridge.
Camden.
Stowe.

The tranquility which the Queen then enjoyed would have been complete, if her suspicions of the Queen of *Scotland* had not given her perpetual uneasiness. It was on her she was always reflecting, as on her most dangerous Enemy. She considered, that the Marriage of this Queen might prove to her a fountain of Troubles and Cares, and draw upon her the greatest misfortunes. So, her whole Policy tended either to obstruct all Marriages offered to *Mary*, or at least, to effect that she should espouse a Man, from whom *England* should have nothing to fear.

With this view she writ her a Letter, wherein, after many demonstrations of Friendship, she gave her advice (8) concerning her Marriage, telling her, the marrying without her consent would ruin her affairs. Notwithstanding *Mary's* resolution to live in friendship with *Elizabeth*, she was provoked at her thus taking upon her to advise her, and even with an air of superiority, which was but too manifest (8). Forgetting therefore her resolution, and thinking only of making herself satisfaction (9), she returned such an answer to the Letter, as greatly offended *Elizabeth*. But some time after, reflecting that she herself broke her own measures, in quarrelling with *Elizabeth*, she dispatched Sir *James Melvil* to pay her compliments, and to endeavour to mend what had been spoiled by her impatience. *Elizabeth* received her compliments with equal diffimulation. After telling *Melvil*, how much cause she had to be offended with the Letter, she tore it (10) in his presence, testifying her readiness to be reconciled, and expressing an affection for her good Sister, which assuredly she had not. It was not her interest to quarrel, for fear of inducing *Mary* to marry some Prince, who would not have patience to wait the time of enjoying her Succession. She therefore embraced this occasion to renew her influences to *Mary* for her choice of a Husband, proper to preserve their Friendship, and a good intelligence between the two Kingdoms. All this tended only to a settling forth of several reasons to persuade *Mary* to accept the Lord

Melvil.

Abb. Pub.
XV. p. 47, 49.

Elizabeth's
Policies
with regard
to Mary.
Melvil.

(1) She lies buried in *Wyke Abbey*. *Sandford*, p. 537.—This year also died *William Lord Paget*, and *Henry Masters* Earl of *Rolland*. *Camden*, p. 394.

(2) This year, a Parliament met at *Wyndesore*, *January* 13, and was prorogued on *April* 10. They granted the Queen a Subsidy, and two Fifteenths and Tenths; and the Clergy gave a Subsidy of six Shillings in the Pound, to be paid in three years. *Droz*.—The most remarkable Acts during this session, were these: 1. An Act against holding or maintaining the Authority of the Bishop of *Rome*. 2. That no one shall procure a false Witness, upon the Penalty of forty Pounds; nor any one be a false Witness, upon the Penalty of twenty Pounds, and six Months Imprisonment. 3. An Act making the clipping and washing of Coins, Treason. 4. That any Person which shall be seen or found, for one Month, in a Company of *Reprobates*, shall be deemed a Traitor. 5. An Act for the due execution of the *West of England* Cap-ends. 6. An Act for translating the Bible and Common-Prayer into *Welsh*. Lastly, An Act passed to establish and confirm the Queen's Supremacy in Ecclesiastical Affairs. The work of the Reformation, which, with several Innovations had been carrying on above thirty years, was in great measure completed, and the Articles of the Church of *England* settled by the Convocation, and reduced to the number of thirty-nine, as they stand to this day.

(3) One hundred and twenty thousand Crowns of Gold, *de joint*, each worth sixty one piece Tournois. See *Rymer's Fœd.* Tom. II. p. 624, 625.

(4) On pretence of coming to *France* without a *Pass*. He, and Sir *Thomas Smith*, were the Commissioners employed in negotiating this Peace. *Camden*, p. 394, 396.

(5) *Henry Carey*. (6) Don Diego Colman de Sylva, Canon of *Trile*.

(7) Camden sheweth here, that the *English* Wool proved to the *Netherlands* more than an imaginary Golden Fleece, and from thence was derived that famous Order of the Golden Fleece, instituted in 1430, p. 395.

(8) She desired *Mary* to take heed, that in showing Pleasure to the Earl of *Leves*, she did not displease the House of *Hamilton*, being thereby trouble and hate might arise in her country. *Melvil*, p. 49.

(9) At any other time this Advice would not have been ill taken; but now all delays given by *Elizabeth* were misinterpreted, partly on account of her having hindered the Marriage with the Archduke, and partly because *Rians*, the Queen's chief secretary for the French Tongue, was not very skilful in handling French Letters. *Ibid.*

(10) Not Queen *Mary's* Letter; but an angry answer to it, which she had writ, and intended to send. See *Melvil*, p. 48, 49.

Dudley, tho' she did not directly name him. It is, however, very uncertain, whether this Marriage was sincerely intended by *Elizabeth*, or only designed to amuse *Mary*, and prevent her thinking on others. Nay, it is very likely, *Dudley*, who depended upon *Elizabeth*, was only propoed to prolong the affair. T his seems to be confirmed, by the permission afterwards granted by *Elizabeth* to the Lord *Darnley*, Son of the Countess of *Lenox*, to go into *Scotland*, though she was not ignorant that *Mary* had some thought of marrying that Lord, as the intimated to *Melvil*. Indeed, *Mary* had now relolved it, not in compliance with the counsels of *Elizabeth*, to espouse a Lord, little capable to give her uneasiness, but in hopes of receiving a considerable advantage from this Marriage. It had been frequently hinted to her, that there was room to doubt, whether her Title to the Crown of *England* was as good as the Duchess of *Suffolk's*, which was supported by the Will of *Henry VIII.* and that this was a Point to be decided by *English* Lawyers. T his was to keep her in submission, and prevent her disabbling *Elizabeth*. When this uneasiness was removed by the death of the Duchess of *Suffolk*, and *Catherine* her Daughter, the Rights of the Countess of *Lenox*, Daughter of *Margaret* Queen of *Scotland*, by her second Husband *Archibald Earl of Angus*, began to be whistled. *Henry VIII.* her Uncle, had given her in marriage to *Matthew Stewart* Earl of *Lenox*, who had withdrawn into *England*, as was said in the Reign of that Prince. The Countess of *Lenox* could not indeed, with any seeming justice, enter into competition with *Mary*, since she was born only of *Margaret's* second Marriage, whereas *Mary* came from the first. But it could be alleged in her favour, that she was one degree nearer, and it was to be feared for *Mary*, that this reason would prevail, if supported by *Elizabeth*. So, to avoid this competition, *Mary* had relolved to unite the Titles of the two Families, by her Marriage with the Lord *Darnley*, Son to the Countess of *Lenox*, and thereby disable *Elizabeth* to give her any disturbance. *Elizabeth* had for the same reason relolved to obstruct this Marriage, not from any fear of the Lord *Darnley*, but with intent to keep *Mary* always in awe and submission.

The Reconciliation between the two Queens being made, as I before said, *Mary* seriously thought of executing her design. But as she was prepossessed with a belief, that *Elizabeth* only fought to amuse her and prevent her from marrying, the law it necessary to use some art, to draw the Earl of *Lenox* and his Son into *Scotland*. She began with the Father, and pretended to recall him in order to restore him to his Estate, forfeited during the Regency of the Duke of *Chateaufort*. *Elizabeth* did not think it right to oppose the Earl of *Lenox's* return into his own Country, upon a motive so just and reasonable. In this whole affair the two Queens behaved with equal dissimulation. At the very time, *Mary* was taking measures to marry the Lord *Darnley*, unknown to *Elizabeth*, she pretended a readiness to be directed by her Counsels. She even consented to a Congress of Commissioners of both the Kingdoms, concerning her Marriage, though she was not ignorant of *Elizabeth's* intentions to propoie to her *Dudley*, lately created Earl of *Leicester* (1). On the other hand, *Elizabeth*, not unacquainted with *Mary's* design to marry the Lord *Darnley*, seemed not to perceive it, being well pleased to have her fix her thoughts upon a Subject, whom she believed to be at her disposal, because the Earl his Father had great possessions in *England*. She hoped therefore to have it always in her power to break off or delay this Marriage, as she should judge proper, her sole aim being to gain time, and amuse the Queen of *Scotland*.

Some time after, the Earl of *Bedford* (2) for *England*, and the Earl of *Murray* with *Edinburgh* for *Scotland*, had a Conference at *Borwick* (3), where the Earl of *Bedford*, according to his instructions, propoied the Marriage of the Queen of *Scotland* to the Earl of *Leicester*. But the two Scotch Commissioners, who had likewise their orders, received the Propoial with such coldness, that the Earl of *Bedford* thought it not proper to insist much on it. Nay, it is pretended, that the Earl of *Leicester*, who had some hope to marry *Elizabeth* (4), had desired him not to press it.

Mean time, *Melvil* being returned, freely told *Mary*, in laying his Negotiation before her, that the Queen of *England's* friendship was far from being sincere. This caused *Mary*, who had already no very good opinion of *Elizabeth*, to regard her as a secret Enemy, who, though she always called her good Sister, did not mean her well. Sometimes she thought *Elizabeth* only propoied the Earl of *Leicester* to her, that she herself might marry him with

the less dishonour, after his having been encouraged by a Queen; and sometimes, that this Propoial was only an artifice, to waste time in fruitless negotiations.

Thus was spent the year 1564, in which *Ferdinand I.* died, leaving the Imperial Dignity, and his Hereditary Dominions, to his Son *Maximilian*.

The Queen of *Scotland* had for some time entertained *David Rizzo*, an Italian, who governed her absolutely. As this Queen entirely changed both her conduct and character, after this Stranger was received into her confidence, and as he was the first cause of the troubles of *Scotland*, and the misfortunes of his Mistress, it is necessary to say something of him.

David Rizzo, Son of a Musician of *Turin*, being Servant to the Count de *Muretto*, Ambassador to *Scotland*, attended his Master into that Country. As he perfectly understood Music (5), and sung a good Bass, he got acquainted with the Court-Musicians, and was introduced to the Queen, who wanting a Bass to her Concert, desired the Ambassador to leave him with her. His fine Voice often procuring him the honour of seeing and talking with the Queen, he so artfully insinuated himself into her good graces, that he daily increased in favour and credit. At last the Secretary of the French Dispatches being gone into *France*, *Rizzo* was chosen for that office during his absence. From this time he pushed his Fortune so successfully, that he became in a manner first Minister, nothing of moment being transacted at Court but by him. *Buchanan*, the Queen's great Enemy, often insinuates, that *David's* influence over her was not confined to public Affairs. He says, he admitted him to her Table, and frequently dined at his, and by such uncommon familiarities gave occasion to scandalous suspicions. In a word, he says enough to incline those who pay entire credit to him, to believe that the Queen's Conduct was not free from crime. But as *Buchanan* may justly be suspected of aggravation, it is better to adhere to *Melvil's* account. He can be accused of no design to asperse the Queen's Reputation, since he rather, on all occasions, shews a great zeal for her, without however concealing her Faults. At the time when *Rizzo* was most in favour with the Queen, he had to endure a confidence in *Melvil*, as even to allow, or rather command him to admonish her of her Faults. See what this Author in his Memoirs says of *Rizzo*. As he entered p. 54. 55.

*in greater credit, so he had not the prudence how to manage the same rightly. For frequently, in presence of the Nobility, he would be publicly speaking to the Queen, even when there was greatest Conventions of the States. Which made him to be much envied and hated, especially when he became so great, that he presented all Signatories to be subscribed by her Majesty. So that some of the Nobility would frown upon him, others would shoulder and shut him by, when they entered the Queen's Chamber, and found him always speaking with her. All who had any business at Court, addressing themselves to him, and depending upon him, in short time he became very rich. — As he was a known Minion, and suspected to be a Pensioner, of the Pope, it gave ground of suspicion, that some design would be by him contrived against the Reformed Religion. The same Author adds, that having himself represented to the Queen the injury which her favours upon this Stranger now did, and might afterwards do her, his Remonstrance was very ill received, the Queen telling him, she would not be so far restrained, but that she might dispense her favours to such as she pleased. He says farther, that having remonstrated to *Rizzo* how much he offended the Nobility by his affection to appear so great with the Queen, he seemed to pay some regard to his advice, but within a few days, told him, he had the Queen's order to behave as he was wont, without minding any thing. This Testimony, added to *Cameron's* silence, who, having undertaken in his Annals of *Elizabeth* to justify the Queen of *Scots*, says nothing of *Rizzo*, shews that this Minister or Favorite entirely governed the Queen. So, the Lord *Darnley* being a Catholic, and *Rizzo* the Pope's Pensioner, as *Melvil* affirms, it is not to be doubted, that the Queen was determined to this Marriage by her Favorite's advice. It was therefore to have an opportunity of drawing that young Lord into *Scotland*, that she restored his Father to the possession of his Estate. As this was to be done in the Assembly of the States, summoned to meet in *January*, *Darnley* demanded leave to be absent three Months, in order to be at the Scotch Parliament, and obtained it by the Intercession of *Cecil*, who never imagined he would venture to espouse *Mary*, without the Queen's permission. Probably he was permitted to go into *Scotland*, only with intent to amuse the Queen, and perhaps to give her an opportunity to entertain for that handsome young Lord a pas-*

1564.

Death of St. Emperor Ferdinand, who was succeeded by Maximilian II. 1565.

Rise and Fall of David Rizzo, p. 54. Buchanan, Thuanus.

He becomes the Queen's Favorite.

She sends the Earl of Lenox into Scotland. Camden. Melvil. p. 45. Buchanan.

Dissimulation of the two Queens. Melvil.

Dudley made Earl of Leicester. Camden. Stow. p. 879. Halliwell.

Conference at Borwick on the subject of Mary's Marriage. Camden. Melvil. p. 53.

Camden. p. 390.

Mary's opinion in her death. Melvil. p. 53.

Lord Darnley claims leave to go into Scotland. Camden. Melvil. p. 53. Buchanan.

(1) On September 20. Stow. p. 612.

(2) With Sir Thomas Randolph. Camden. p. 395.

(3) In November.

(4) Queen Elizabeth herself told Melvil, that she esteemed Dudley as her Brother, and best Friend, whom she would have herself married, had the ever wished he had taken a third hand. Melvil. p. 47.

(5) He was the Ambler of the Scotch Tunes.

1565. from, which would hinder her from thinking of any other. However this be, he was well received by the Queen, who immediately gave him great Marks of her Esteem, and shortly after, it was perceived the designed him for her Husband. *Rizzio* instantly contracted to close a friendship with him, that they both lay in the same bed.

After *Rizzio* had ingroffed the Queen's favour, the Earl of *Murray* saw his credit daily decline. This, added to the intended Marriage, and the great Union between *Darnly* and *Rizzio*, convinced him, it was time to retire, and to hasten him, the Queen recalled all his Enemies to Court. The Earl of *Bathwell* returned from *France*, the Earl of *Sutherland* from *Flanders*, and *George Gordon*, who was imprisoned at *Dunbar*, and under Sentence of Death, was released, and after obtaining his Pardon, took the Title of Earl *Huntly*. *Murray* could not see *Bathwell*, who would have murdered him, without resentment. He impeached him in a legal manner, and prevailed to have a day assigned for his Trial. The Queen, according to *Buchanan*, used her utmost endeavours to oblige *Murray* to desist from his Prosecution, and not succeeding, tried to corrupt his Judges. Notwithstanding so powerful a Protection, *Bathwell* thought it not proper to appear, but withdrew. Afterwards, the Queen obtained from the Earl of *Murray* a sort of reconciliation with *Bathwell*. The same Historian pretends, that the Queen had conceived so violent hatred against *Murray*, that, jointly with *Darnly* and *Rizzio*, she formed a design to have him murdered in a Journey she made on purpose to *Perth*, but that *Murray* having some notice of it, retired to his Mother's at *Lach-louchen*. He says further, that the Queen being at *Perth*, a Report was indus-triously raised, that *Murray* intended to surprize her and the Lord *Darnly*, in their return to *Edinburgh*. To make this report the more credible, Scots were sent out on the Road, and the Queen came to *Edinburgh*, with a precipitation apt to create a belief of the greatness of her danger. It must however be owned, that *Melvil* speaks of a conspiracy to seize the Lord *Darnly*, as something real, though *Buchanan* will have it to be all imaginary; but *Melvil* does not ascribe it to *Murray* alone, since the Duke of *Chatterault*, the Earls of *Argyle*, *Glencairn*, and *Ruthe* were likewise concerned.

The Earl of *Murray* had a double interest to obstruct the projected Marriage, the one private, the other publick. I have already taken notice of the first, which engaged him to alter the State of the Court, where he could no longer support himself. The publick flowed, first from the danger into which the Queen's Marriage with a Catholic Lord might throw the Reformed Religion. In the next place, it was to be feared, that this Marriage, being made without the Queen of *England's* participation, or any care for the preservation and support of the Reformed Religion, would lay a foundation for troubles, in which it was almost impossible for *England* and *France* not to be concerned, to the great prejudice of the Kingdom. The Earl of *Murray* was not the only person who disliked this Marriage.

The Duke of *Chatterault* sworn Enemy to the House of *Lenox*, the Earls of *Argyle*, *Ruthe*, *Marr*, *Glencairn*, and many others, some from private Views, others from more honest motives, believed it time to apply effectual Remedies to the impending mischiefs, by making a league to oppose the designs of the Court. It is not easy to decide whether these Lords took arms before, or after, the Queen's Marriage. *Buchanan* intimates this was not till after, upon the Court's intending to oppress them. *Melvil* speaks of an insurrection of these Lords after failing to seize the Lord *Darnly*, and then proceeds to the recital of the Queen's Marriage. *Camden* positively asserts that the Queen, to celebrate the Marriage with more safety, was obliged to march with some Forces against the Confederate Lords, and forced them to fly into *England*. If this be true, she doubtless surprized them before they were prepared. This is not the only disagreement between *Camden* and *Buchanan*.

However this be, *Mary*, having resolved on her Marriage, had now applied to the Pope for a Dispensation (1). When the knew it was granted, she assembled the Great Men of her Court, who were all devoted to her, and asked their advice concerning her Marriage, which was unanimously approved. Only it was added, not to exasperate the People, that care was to be taken of the Protestant Religion. The first part of this approbation was gladly accepted, but as for the restriction, it was no more heard of. *Buchanan* says, the Earl of *Murray* undertook to

procure *Elizabeth's* consent, provided the Protestant Religion was secured. But this was not the intention of the Court, who perceived this security would be the Guaranty of *Elizabeth*, which agreed neither with the interests of the Queen, nor those of *Rizzio*, and the Lords newly taken into favour.

Mean time, the People began to murmur by the secret intrigues of the Confederate Lords. It was debated in private Conversations, whether the Queen could marry without the consent of the States. Some said, she could not be denied a natural Right enjoyed by all her Subjects. Others maintained, that the condition of the Queen and her Subjects was not the same, because the Queen, by her Marriage, gave a Sovereign to her Subjects, which she could not do without their consent. These freedoms convinced the Queen, that she must hasten her Marriage, not to be any longer exposed to the difficulties which might be started, whilst there was hope to obstruct it. She believed, however, that she could not avoid asking, not the advice, but the approbation, of *Elizabeth*, whom it was, as I said, her interest to manage. She writ to her therefore (2), to communicate her design as a thing already resolved. *Elizabeth*, on sight of the Letter, assembled her Council, who examined this affair with great attention. The result was, that the Marriage of the Queen of *Scotland* with *Darnly* was dangerous to Religion and the Kingdom. To Religion, because that Queen, in chusing a Catholic Lord, intended, it was to be feared, to restore her Religion in *Scotland*, which would be very prejudicial to that of the Protestants. To the Kingdom, as *Mary* uniting by this Marriage the interests of the two Houses, who could pretend to the Crown of *England*, seemed to have a design of forming a powerful Party in the Kingdom, and preventing the interruption of her Cabals, by opposing against her the House of *Lenox*. For these reasons, some of the Counsellors were for sending immediately an Army into *Scotland*, to support the Male-contents. But *Elizabeth* thought it not proper to be so hasty, and the more, as the alleging that her Marriage might be dangerous to *England*, was but a weak pretence to make war upon the Queen of *Scots* (3). She contented herself therefore, with sending Sir *Nicolas Throckmorton*, to make her sensible of the hazard the ran of losing her expectation of mounting the Throne of *England*, by a Marriage so disagreeable to the *English*. *Mary's* answer was, that the affair was too far advanced to be recalled, nor had *Elizabeth* any reason to disapprove this Marriage, since by her advice she had now chose an *Englishman*, descended from the Royal Blood of both Kingdoms, and the first Nobleman of all *Britain*. *Throckmorton*, unable to prevail with *Mary*, signified to the Earl of *Lenox* and the Lord *Darnly*, that their licence being expired, they were to return to *England*, or their Estates would be forfeited (4). This menace was incapable to command their obedience in such a conjuncture. However, they both writ very submissively to the Queen, and *Darnly* in particular protested, that he only accepted the honour done him by the Queen of *Scotland*, with intent to preserve a perfect harmony between the two Kingdoms.

But this was not the only Commission the Ambassador of *England* was charged with. He had also Instructions to encourage the discontented Lords, and give them hopes of the Queen's protection. It was probably from this encouragement that they took arms to oppose the Marriage. But the Queen prevented them, by having it solemnized the 29th of *July*, in her own Chapel, after the manner of the Church of *Rome*. *Buchanan* says, she had two other reasons to hasten her Marriage. The first was her fear of the Cardinal of *Lorraine's* opposition, who wished her to make a more considerable alliance. The other was, that *Rizzio* was willing to recommend himself to the Pope, by giving the Queen a Catholic Husband, without any security for the Protestant Religion.

Mean time, the Confederate Lords being cited, and not appearing, the Queen, whether before or after her Marriage, put herself at the head of four thousand Men, and pursuing them from place to place, forced them at last to retire into *England*. There they found a safe retreat (5), notwithstanding the Treaty of the year 1560, by which the two Queens mutually promised to deliver the fugitive *Scottish* Rebels. But such Articles are usually very ill observed. *Melvil* relates a particular which deserves notice. The 57 *Scotch* fugitive Lords having deputed to *Elizabeth* the Earl of *Murray*, to desire her protection, she politically induced him to own, before the Ambassadors of *France* and *Spain*,

(1) And about this time, he created the Lord *Darnly*, Baron of *Adamsmant*, Earl of *Roffe*, and Duke of *Rutley*, which are the usual Titles of the 2d and second Sons of *Scotland*. *Hay's Hist. Ref.* p. 343.

(2) By *Liddington*, *Camden*, p. 596.

(3) The two Queens had an interview this year, in *May* or *June*; but what the effect of it was, does not appear. *Sney's Ann.* Tom. I. p. 120.

(4) Queen *B.* wrote on *June* 22, ordered the Cardinal of *Lorraine*, and her Son *Charles*, to her self in *Scotland*, p. 397. *Melvil*, p. 35.

(5) *Melvil* says, that Queen *Elizabeth* had, by her Ambassadors, promised to hazard her Crown as the Defender, in case they were driven to any such appearance against the Marriage, p. 57.



From an Original in the Royal Palace of St. James

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1566. In short, his death was determined, the King having first signed a Writing, declaring himself to be the Author (1). His Instruments were, the Lord *Rutben*, and *George Douglas*, natural Son to the Earl of *Angus* (2), *Morton* only advising the thing, without lending his assistance, and it was executed in this manner. The Queen being at Table, and *Rizzio* in her Chamber, the King came up by a private pair of Stairs, and stood some time leaning upon her Chair. Presently after, the Lord *Rutben* and *George Douglas* entered all armed, and attended with some of their Complices, the rest having posset themselves in several parts of the Palace to prevent assistance. These Men entered so abruptly, that the Table was overturned. The Queen asking *Rutben* what his design was, he made her no answer, but speaking to *Rizzio*, boldly commanded him to go out of the room, saying, the place he sat in was not fit for him. It seems by that, *Rizzio* was at Table with the Queen. Be that as it will, *Rizzio* perceiving he was the mark they aimed at, trembled for fear, and took hold of the Queen's Robe, to put himself, as it were, under her protection, who did all the could to interpose herself between him and the Conspirators. But the King taking her in his arms, and telling her she had nothing to fear, hindered her from exposing herself to the danger, and withal, from freeing *Rizzio*. Mean time, *George Douglas* taking the King's Dagger from his side, drew it, and stabbed *Rizzio*, who was immediately dragged into another room (3), and there slain (4). The Queen was then above five months gone with child, and it may be easily judged, that the committing such a deed in her presence must have made her like to miscarry (5).

Rizzio being dead, a Guard was set upon the Queen, who found means however to tell *Melvil* to go instantly to the Provost of *Edinburgh*, and bid him draw the People together and come to her relief. *Melvil* having discharged his Commission, the Provost answered, he would do his endeavour to serve the Queen, but there was not much to be expected from the People, who were extremely displeased with the Government. Some however appearing in Arms before the Palace, the King showed himself out of a Window, and assuring them that *Rizzio* was slain by his command, ordered them to retire, which they did immediately (6).

Mean while, the Queen not doubting, *Rizzio's* Murder was committed in favour of the fugitive Lords, and that they would soon return into *Scotland*, sent to *Melvil* by one of her Ladies, that he would endeavour to prepossess the Earl of *Murray*, and intreat him from her not to join with her Enemies, for which he might depend upon her love and favour for ever. *Murray* and the other fugitive Lords arrived indeed two days after *Rizzio's* death, having had notice of the change which was to happen at Court. *Camden* draws this conjecture from the sudden arrival of the fugitives, that *Rizzio's* murder must have been committed for the sake of the Earl of *Murray*, who was to be condemned two days after by the Parliament. But it appears, on the contrary, in *Melvil's* Memoirs, that the Earl of *Murray's* particular Friends had no hand in the deed, since he did not think himself at all obliged to the Aiders. What *Melvil* says upon this occasion, shews that the consequence drawn by *Camden* against the Earl of *Murray* from the sudden Arrival of the Fugitives, is not just. His

words are these: *Which Commission* [to persuade *Murray* not to join with her Enemies,] *I did not fail to execute at his coming upon Monday, but he was more moved at the meeting with her Majesty, who embraced and kissed him, alleging that if he had been at home, he would not have suffered her to have been so unceremoniously handled. Which I much moved him, that the Tears ran from his Eyes. He knew sufficiently well that it was not for his Cause, but their own particular ends, that the greatest part who had made that Enterprise had therein engaged, which made him the less concerned in them. Can any thing be more opposite to *Camden's* inference? This Historian will have *Rizzio* to be slain on the Earl of *Murray's* account, and in order to prevent his Condemnation, without mentioning the other fugitive Lords, as if their Friends had not been concerned in the deed. And yet *Melvil*, who was then present in the Court, and writ long before him, says positively, that the Friends of the other fugitive Lords were the sole Authors of the murder, and that the Earl of *Murray's* were not engaged in it. By such strokes as this, and by perpetual invectives against *Camden*, *Camden* has disgraced the *Scotch* History of those days, and withal, that of *England*, in what it has in common with this neighbouring Kingdom.*

While the Queen was kept in confinement, *Scotland* The King was in a real Anarchy, which however did not last. The King quickly began to repent of following such violent Counsels, and the Queen, who perceived it, managed him so artfully, that she persuaded him to abandon *Rizzio's* Murderer's (7). This unexpected turn astonished them, especially as they saw, contrary to their expectation, that the Earl of *Murray* would not join with them. The Queen embracing so fair an opportunity, proposed an Agreement, to which they readily consented, unable as they were to support themselves. But she had the Address to cause the Writing to be so penned, that there was occasion to make several alterations before it could be settled. This was done to gain time, and give the Queen leisure to take necessary measures to free herself from Captivity. When the Writing was drawn to the satisfaction of the Parties, she represented to the King, that if the signed it whilst a Prisoner, it would be of no force, and by that means the got her guard to be dismissed. But instead of signing the Writing, she found means to escape (8) and retire to *Dunbar*, where she brought the King along with her (9). When she was going away, she ordered *Melvil* [by one of her Ladies,] to use his utmost endeavours to keep the Earl of *Murray* in good resolution, and *Melvil* says, *Murray* and his Friends assured him of their constant fidelity to the Queen.

Mary being come to *Dunbar* and resuming her Authority, granted a pardon to the Earl of *Murray*, and afterwards the Earls of *Argyle*, *Rutben* and *Glencairn* obtained the same favour. As for the Duke of *Chateaufort*, he had withdrawn from them before they were constrained to fly into *England*. The Queen's Anger was wholly turned against *Rizzio's* Murderers: But *Morton*, *Rutben* and *Douglas* being fled into *England*, she could punish only the affirmers, she caused *Rizzio's* body to be removed from the obscure place where it was buried, and laid in the Sepulchre of the Kings, close by *Magdalen of France*, Daughter of *Francis I.* It is easy to guess that the deed lately

(1) The Reader may see this Writing, in a curious Relation of the death of *Rizzio*, written by the Lord *Rutben*, and published at London 1639.

(2) Who was Father to *Margaret Douglas*, Countess of Lennox the King's Mother. *Melvil*, p. 64.

(3) The outer Hall. *Melvil*, p. 65. This was contrary to the design of those who conspired his Death; for they had resolved to hang him publicly. *Buchanan*.

(4) The account of this murder is thus given by the Lord *Rutben*, the principal actor in this business. "Upon Saturday the ninth day of March, the Earl of *Morton*, Lord *Rutben*, and Lord *Douglas*, with their Complices, passed up to the Queen's inner Chamber, and the said Lord *Rutben* passed in through the King's Chamber, and up through the privy way to the Queen's Chamber, as the King had learned him, and through the Chamber to the Cabinet, where he found the Queen's Majesty sitting at her supper, at the mouth of a little Table, the Lady *Argyle* sitting at one end, and *Davis* [his wife] at the

head of the Table, with his Cup on his hand, the King speaking with the Queen's Majesty, and his hand about her Waist. The Lord *Rutben* at this coming in, said to the Queen's Majesty, It would please your Majesty to let your Mother *Duchess* come in to see your Father, for he hath been ever long here, and her Majesty answered, What business hath he made? The said Lord replied again, That he had made great offence to her Majesty's Honour, the King

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1566. committed by the King, greatly encreased the Queen's aversion to him. She put a constraint upon herself whilst a Prisoner; but as soon as she saw herself at liberty, she mortified him beyond all patience. *Buchanan* is very circumstantial, and what he relates is in a manner confirmed by *Melvil*. This last says, the Queen could not bear the King in her sight; she fled from his Company; and he went up and down all alone, *fearing few durst bear him Company*. He was mistified by the Queen, and by all such as secretly favoured the late banished Lords: So that it was a great pity to see that good young Prince cast off, who failed rather for want of good Counsel and Experience, than from any bad inclinations. In a word, the Queen, who had resolved to lie-in at *Sterling*, seeing the King arrive there, retired without him to the Castle of *Edinburgh*, to expect the time of her Delivery.

77. Earl of Buchwell is so great Credit. p. 67. Buchanan. Now began the Earl of *Buchwell* to hold in the Queen's affection the place, *Rizzio* had possessed. As the new Favorite found the Queen had a great regard for the Earl of *Murray*, who had lately given her convincing proofs of his fidelity, he joined with the Earl of *Huntley*, and *John Lesly*, Bishop of *Keils* to destroy him. To this end, they intimated to the Queen, that he intended to get the Earl of *Morton*, and the rest of *Rizzio's* Murderers re-called, in order to form a Party against her whilst she was in child-bed (1): But she would not believe it, and *Melvil* entirely deceived her. Thus *Murray* was always exposed to his Enemies, to whom the Queen, to her own misfortune, gave too much access to her Person.

Elizabeth Mary's Design by help of a Spy. p. 68. *Elizabeth* being fully informed of what passed at the Court of *Scotland*, was not sorry to see her good Sister, (for so she called *Mary*) pursue a course contrary to her true interest, in trusting to Men who could not but ruin her. She knew *Mary* could not relinquish her Project of dethroning her, and that the Pope, the Cardinal of *Lorraine*, and the Courts of *France* and *Spain*, took great care to keep her in this resolution. So, the better to discover her secrets, she had sent one *Rusby* (2) into *Scotland*, who feigning to fly out of *England*, and to have *Elizabeth* mortally, had intimated himself into *Mary's* favour, and by degrees, got out of her some important secrets, which he communicated to Secretary *Cecil*. These discoveries having confirmed *Elizabeth's* suspicions, were the reason, that though she had by Proclamation commanded all the fugitive Lords of *Scotland* to depart out of her Dominions, she gave them private assurances of her protection, designing, when occasion, to make them her instruments to raise *Mary* disturbances, which should prevent her from thinking of *England*.

She offers the Scotch Fugitives for Protection. p. 69. The Spy is discovered. p. 69. Mean while, Sir *Robert Melvil*, the Scotch Ambassador in *England*, having found that *Rusby* was *Cecil's* Spy, gave notice of it to the Court of *Scotland*, who ordered him to be arrested with all his Papers, among which were found some of *Cecil's* Letters in Cypher (3). He was kept with such care, that it could not be known why he was apprehended. Shortly after, *Elizabeth* sending *Kilgrew* into *Scotland* about some affairs, ordered him to demand *Rusby* as an English Fugitive. *Mary*, feigning to be ignorant of *Rusby's* bulwark in *Scotland*, replied, she was ready to deliver him to any Person, whom the Queen her Sister should commission to receive him. But *Elizabeth* understanding, he had been arrested, and suspecting the reason, said no more of the matter. Thus these two Queens, amidst their mutual demonstrations of Friendship, looked upon one another, however, as real Enemies, and not without cause. *Mary* was privately labouring, by her emissaries, to corrupt *Elizabeth's* Subjects, and inspire them with a Spirit of Rebellion. *Elizabeth*, on her part, countenanced the Male-contents of *Scotland*, with secret intimations, that they should always find in her powerful protection.

Elizabeth is vexed at it. Melvil. p. 70. While these things were transacting, the Queen of *Scotland* was delivered of a Prince, on the 19th of *June*, and immediately *James Melvil* was sent to *Elizabeth*, to carry her the news, and desire her to stand Godmother to the new-born Infant. *Melvil* says, in his Memoirs, that Secretary *Cecil* having brought the news to the Queen, who was then at a Ball, the dancing immediately ended, and the Queen sat down in her Chair, leaning her head upon her hand, without speaking a word; that one of her Ladies asking the reason of her sudden melancholy, she replied, *The Queen of Scots was Mother of a Son, while she was but a barren Stock*. However, next morning, when she gave audience to the Envoy, she appeared better dressed,

and more gay than usually, expressing very great joy that the Queen her good Sister was safely delivered. At this Audience, *Melvil* insinuating to her, that in this juncture she could not better shew her concern for what related to the Queen of *Scotland*, than by declaring her presumptive Heir to the Crown of *England*; she coldly answered, the affair was in the hands of the Lawyers, and she heartily wished her Title might be found well grounded.

While *Melvil* was at *London*, *Mary's* principal Friends thought it absolutely necessary to remove the Court of *England's* suspicions occasioned by *Rusby's* Intelligence; and that, for this purpose, it would be proper for Queen *Mary* to write two Letters, one to her Ambassador in ordinary, to be shewn to *Elizabeth*, another to Secretary *Cecil* (4), and draughts were sent to her. These Letters were writ accordingly. In that to her Ambassador, *Mary* protested, she expected nothing, but by the favour and friendship of her good Sister. She enjoined her Ambassador, not to hearken to any Proposal of the Male-contents, but to threaten to discover their Plots if they came to his knowledge. The other Letter, directed to the Secretary of State, contained much the same Protestations. By these Letters, said *Melvil*, *Rusby's* Intelligence was suppressed, and my Brother suffered to stay in *England*, whereby the Queen's Friends got increased, that many subtle Spirits were ready to rebel, and their Captains already named by the Election of the Nobility.

This confession of a Man, who, probably, was well informed, since he was Brother of the Ambassador in ordinary, shews what were *Mary's* designs. Can it be thought, that the Ambassador undertook to incite the Nobles and Counties of *England* to rebel, contrary to the will of the Queen his Mistress, or without her knowledge? There are in *Melvil's* Memoirs several passages to the like effect, which shew, that *Mary* and her Friends were perpetually striving to increase her adherents in *England*, and to keep them disposed to take Arms against *Elizabeth*, when it should be deemed proper. It is therefore no wonder if *Mary* refused to ratify the Treaty of *Edinburgh*. That ratification would have discouraged her Friends in *England* and other Countries. *Elizabeth* was not ignorant of *Mary's* aim, which, in short, was to dethrone her, if she could possibly find means. This was the reason of her pressing her so earnestly to take the false step of ratifying the Treaty of *Edinburgh*, in order to break her measures. On the other hand, at the very time *Mary* was making Protestations of Friendship to her good Sister, and intreating her to stand Godmother to her Son, she was endeavouring to inflame her, by persuading her to get her declared Heir to the Crown. She knew, could she once obtain that advantage, her Party, which was already very great in *England*, would become more numerous and powerful. But they both knew their interests too well, to fall into the Snare, they laid for each other. So, *Mary* never ratified the Treaty of *Edinburgh*, neither did *Elizabeth* ever declare her next Heir. It may, however, be justly presumed, that if *Mary* had not lost herself another way, as we shall see presently, she would have thrown *Elizabeth* into difficulties, which, with all her policy, she would have hardly got clear of.

In the interval between *Mary's* Childbed, and the Prince's Baptism, she was seen to treat the King with so great contempt, and to put such grievous affronts upon him, that it was the talk of the whole Kingdom. *Buchanan* says, she was not content with enlarging upon this subject; but speaks moreover of the Queen's amours with *Buchwell*, in a manner that shews she had lost all shame, and no longer regarded what the World said of her. It might be thought, *Buchanan*, who hated the Queen, has used aggravation, if what happened afterwards, did not too evidently confirm what he has said. *Camden* says nothing of the Queen's amours with *Buchwell*, and speaks but slightly of her aversion for the King, calling it only a difference between them, because these were things directly contrary to his design of an entire vindication. *Melvil* found himself embarrassed. He durst not say all; but the sequel and connexion of his Memoirs, necessarily requiring he should say something of the Queen's amours, he contents himself with intimating in several places, that *Buchwell* was at that time absolute at Court, and entirely governed the Queen (5). He was not so reserved with respect to the Queen's aversion for the King, since he does not scruple to shew it was extreme.

The Prince's Baptism being to be celebrated at *Sterling*, the Ambassadors of *France*, *England*, and *Spain*, who were

(1) And therefore advised her to impel him, till she was delivered. *Melvil*, p. 67.

(2) This Man was to appear to be a zealous Favourite of *Mary's* Right and Title to the Crown of *England*, and to inform her of the great Friendship desires of the Catholics led her, who durst not deal with the Scotch Ambassador, being a Protestant; but that he would deal himself between her Majesty and them. *Melvil*, p. 68.

(3) It was only one Letter, wherein Secretary *Cecil* promised *Rusby* to see him rewarded, and desired him to continue in his Diligence. *Melvil*, p. 69.

(4) The Letters were both writ to *Melvil*, of which the Queen was to see one, and *Cecil* the other. They are to be seen, p. 73. of *Melvil's* Memoirs.

(5) Thus, p. 77. he says, that the Earl of *Buchwell* ruled all at Court, having brought home the banished Lords, and purchased up quiet Friendship with the Earl of *Morton*; and in the same page he affirms, that the Earl of *Buchwell* and *Huntley* entertained the Daughters of the Earl of *Murray* at *Yorkburg*, but the Lord *Howe* came there with *Ferroc*, and presented that Enterprize.

1566.
Catholics.The King
undergoes
many Mortal
perils.
Katholics.

p. 74. 75.

p. 77.

Mary refuses
to ratify the
Treaty of
Edinburgh.
Catholics.
William
Lytelton
to Norfolk,
Treasurer,
and offers to
make articles
by which
she will
give.Elizabeth's
Dilemma.Mary treats
the King
unbecomingly.
He refuses to
allowance.He is poisoned
as he is going
away.
B. chanon.
M. chanon.
Thomas.
He recovers
the poison.

to stand Godfathers, repaired thither, and the Court was very numerous. It was the Earl of Bedford, whom Elizabeth sent to stand in her place (1). The Prince was named James, and the Queen prevailed, though with much difficulty, that he should be baptized after the manner of the *Romish* Church, intending to educate him in the Catholic Religion. Whilst the Court was at *Sterling*, the King was exposed to unheard of indignities, not daring to shew himself, by reason of the extreme want he was reduced to, whilst *Bothwell* appeared with a royal magnificence, to the great scandal of the World. But without insulting upon what *Buchanan* says, since he is not thought impartial, I shall content myself with the Testimony of *Adair*. The Queen, says that Author, being at *Sterling*, seemed very melancholy, and complained to me of *Rizzo's* murder, as of an outrage which could not be blotted out of her mind. I endeavoured to comfort her, and to persuade her to recall the banished Lords, that she might enjoy a peaceable Government. I had now somewhat prevailed with her; but, alas, she had had Company about her, for the Earl of *Bothwell*, who had a mark of his own that he first at, as soon as he understood of her wife and merciful deliberation, took occasion to bring in the Earl of *Morton*, and his Associates, thereby to make them friends, and by them to justify his Faction. For apparently, he had already in his hand the resolution of performing the foul murder of the King, which he afterwards put in execution, that he might marry the Queen. He adds further, that the Earl of *Bedford* being upon the point of returning to England, desired him to tell the Queen from him, that for her own honour, she should entertain the King as he had done at the beginning. *Melvil* discharged his Commission, but without any effect. What *Buchanan* relates, is much better confirmed by these Testimonies, than confuted by *Cameron's* silence.

After the Ceremony of the Baptism, the Earl of *Bedford*, pursuant to Elizabeth's Orders, pressed the Queen of *Scotland* to ratify the Treaty of *Edinburgh*. Hitherto she had only used Pretences and Excuses to evade this demand; but now she spoke more freely. She answered, there was an Article in the Treaty expressed in ambiguous terms, which she could not ratify, without great prejudice to herself: That however, she offered to send Commissioners to the Borders, to agree with those of the Queen of England upon a new Treaty, wherein she would promise to assume neither the Title nor Arms of England, so long as Elizabeth and her Heirs should live. Thus the difficulty was at length unravelled, and indeed, Elizabeth could not with justice require more of her. Nevertheless, she took this answer for a refusal, which, in my opinion, is a clear evidence of what I have said elsewhere, that Elizabeth intended to make use of this absolute ratification, if Mary had been so unwise as to give it, against Mary herself, and thereby prove she had no Title to the Crown of England. It is extremely probable, that most of the English Protestants, after having been so cruelly persecuted in the foregoing Reign, wanted only a pretence to exclude a Catholic Prince from the Succession.

The Court of *Scotland* being returned to *Edinburgh* after the Prince's Baptism, the King was treated there in so injurious a manner, that he resolved at last to retire to *Glasgow* to the Earl his Father, who had left the Court, not to be a witness of the base indignities offered to the King his Son. Just as he was going, some of the Queen's Officers took away all his Plate, and gave him a letter of *Pewter*. He was hardly a mile from *Edinburgh*, when he felt himself seized with a very violent illness, caused by Poison, given him before his departure (2). He went on, however, to *Glasgow*, where *Playfick*, and the strength of his Constitution, overcame the violence of his Distemper, though with great difficulty. Not to interrupt the thread of the affairs of *Scotland*, I have run over at once what of moment happened in that Kingdom, in the year 1566. We must now proceed to other matters.

In the beginning of this year, *Charles IX.* sent Mr. de *Rambouillet* into England, with two Collars of the Order of *St. Michael*, which he desired Elizabeth to confer on what two Noblemen he pleased. She made choice of the Duke of *Norfolk* and the Earl of *Leicester*, and honoured the Bearer with the Order of the Garter (3). But we must not be deceived by these external marks of mutual esteem and friendship between the two Courts, for they were far from being sincere. Elizabeth had broke the measures of the Court of France, by driving the French out of *Scotland*. Moreover, she was looked upon as the Head and Protectress of the Protestants, whose destruction had been determined in the Conference of *Bayonne*. So, in all appearance, it was only to amuse her, that the Court of France gave her this equivocal mark of their esteem. Elizabeth was not ignorant, that the French Court, which was extremely bigotted, and where the Queen of *Scotland* had such powerful Friends, had no affection for her; Nay, supposing she had received no intelligence of the resolution taken at *Bayonne*, which was, however, known or guessed by the Huguenots of France, she could never trust that Court.

This year, the Earl of *Arundel* departed the Kingdom with the Queen's leave, under colour of changing the air for the recovery of his health. It was thought, the real motive of his retreat, was his despair of marrying with the Queen, with which he had vainly flattered himself (4).

Shortly after Elizabeth's receiving the news of the Queen of *Scotland's* delivery, she visited the University of *Oxford*, where she was received in the same manner as at *Carmarthen*. She also shewed here, by her discourse and courteous behaviour, an extraordinary regard for that University (5). Never was Prince greater master than herself of the art of gaining the love of her Subjects, by kind and affectionate expressions, which seemed to flow from her Heart (6).

Notwithstanding all this, a terrible storm was gathering against her. The Queen of *Scotland* having been delivered of a Prince, her Friends began to stir, and stirred not to act openly, in order to have her declared the Queen's Heir. The Parliament met in November (7) with that resolution. Those who managed the affair were Mary's chief Friends, and had only her in view: but the public good was pretended by all. Among the Lords there were, who seeing Elizabeth unmarried, and the Queen of *Scots* inclined to a divorce, flattered themselves with marrying one or other. To this end they kept behind the curtain, and let their Friends to work, in order to strike in the most critical minute. At length, the Party being made, it was moved in the Upper-House, to address the Queen, and pray her to marry, or appoint a Successor. Among the reasons alleged for this request, some were contradictory; but all Arguments were good to those who had formed the Project, provided they could engage the Majority on their side. To gain those who had only the public good in view, they were told, if the Queen died without Issue, the Kingdom would be exposed to great Troubles, because nothing yet was settled about the Succession. The zealous Protestants were made to fear, that the Queen of *Scotland* having a claim to the Crown, there was danger of seeing the late Reign asked over again, if the Queen did not take a Husband, and with the blessing of God, get a Successor. Many fell into the snare, imagining the Queen, who had so great an affection for her Subjects, would comply with their desires, and resolve at length to marry, and they hoped, by that means, to see the Kingdom in perfect tranquillity. The Queen of *Scotland* was not mentioned, and yet it was she alone, the heads of the Plot had in view. They knew the Queen had resolved never to marry: Nay, it was believed, she could not do it without hazarding her life, and that her Physicians had told her the same (8). But feigning ignorance, they resolved she should be pressed to marry, that they might

(1) He was accompanied by *George Carey*, eldest Son of the Lord *Haydon*, *Christopher Hatton*, Esq. Mr. *Lynghe*, &c. *Melvil*, p. 76. The Prince was baptised December 18. *Stow*, p. 680.

(2) *Cameron* says not a word of this poisoning. *Rapin*——*Melvil's* account is this, "The King followed the Queen about whitebreast the rode, but got no good Commencement. So that finding himself lighted, he went to *Glasgow*, where he fell sick, it being alleged, that he had got poison from some of his Servants, p. 77."

(3) It was not the Bearer, but King *Charles* his Mother that was honoured with the Order of the Garter. *Rambouillet*, in the King his Mother's story, took his place among the Knights. *St. George at Windsor*, says *Cameron*, p. 79.

(4) He left the Kingdom after the Expense of a tall Traveller, on the vain hopes of enjoying the Queen. — At the same time others of the English Nation went into *France* to wait upon the King, the chief of whom were, Mr. *John Smith*, Son to the Sister of *John Seymour*, King *Edward VI's* Mother, *Henry Clarendon*, *Philip Boleyn*, *Richard Greenwell*, *William George*, *Thomas Carter*, and others. *Cameron*, p. 399.

(5) She visited the University Thanks for their Civilities in a Latin Speech. *Cameron*, ibid.

(6) It met by Adjournment on September 10. *De Witt*, p. 95.

(7) About the Queen's Physician dissuaded her, he fears, from marrying, on pretence of some natural defect. *Cameron*, p. 399. — Here it may not perhaps be unnecessary to the Reader, to present a Story related by *Melvil*. He was told at *Amersfort*, by an Englishman, one of the Gentlemen of Queen Elizabeth's Privy Chamber, that King *Henry VIII.* had been so curious as to enquire of Diviners or Necromancers, what should become of his Son *Edward*, and of his two Daughters *Mary* and *Elizabeth*. He was answered, that *Edward* should die, having few days and no succession; and that his two Daughters should succeed one another. That *Mary*, his eldest Daughter, should marry a Spaniard, and that way bring many Strangers into England, which would excite great strife and contention. That *Elizabeth* should reign after her, who should marry either a Scotchman, or a Frenchman. Whereupon the King could not give notice to both his Daughters, but because this had not the effect he desired, (for they finding themselves abused by solemn warnings and purgings, and insupporting pain, had taken remedies,) he could not proclaim them both *Bastards*. But the Women that attended about Queen *Mary*, alleged, that her Marriage was confirmed. For she several times supped to be with Child by King *Philip of Spain*, yet brought forth nothing but dead lumps of Flesh. Therefore to be revenge of her Father, she had caused her, in the night to take up her Father's beard, and burn them. *Melvil*, p. 21.

from

1556. from her refusal, have a pretence to oblige her to name a Successor. This could be only the Queen of Scotland, there being no other Person that could dispute her Title. The Dukes of Suffolk, and her two eldest Daughters were dead. The third was very deformed, and had married a Man of a very mean Condition: Nay, I do not know whether she was yet alive. As for the Children of Catherine Grey, the second of the three Sisters by the Earl of Hertford, Elizabeth had caused them to be declared Bastards by a legal Sentence. Consequently they could not pretend to the Throne. As for the Countess of Lennox's Title, Mary had taken care to unite it with her own, by her Marriage with the Lord Darnley. It was necessary therefore, either to call to the Succession some descendant from the Females of the House of York, to which the Queen and Parliament would not have willingly agreed, or to nominate Mary Stewart to fill the Throne after the Queen. The Combination was so strong in the Upper-House, that some of the Lords were of opinion, it was not sufficient to intreat the Queen, but that she ought to be obliged to marry, or in case of a refusal, a Successor be declared by Act of Parliament, even against the Queen's Will (1). At last, it was resolved to send the Lord-Keeper Bacon, to beseech her, in the name of the House, to chuse a Husband, and to lay the reasons before her (2).

The House of Lords, present to Mary, consented, D. 100, p. 100.

The Commons are still more united, D. 100, p. 100.

The Queen's Popularity, D. 100, p. 100.

She finds her dignity, D. 100, p. 100.

Things were managed with still less temper in the Lower House. It was openly maintained, that since the Queen would not marry, she ought to be constrained to appoint a Successor: That by neglecting so necessary a Precaution, she shewed that her pretended affection for her People was all dissimulation, since she preferred her own interest to the Welfare of the Nation: That she could deny what was desired of her, only out of fear of her Successor, which fear could be entertained by none but timorous Princes or faint-hearted Women (3).

The Queen took some time to return an answer to the Lords, and seemed to be ignorant of, or overlooked, what passed in the House of Commons. She was however extremely mortified, that her enemies had credit enough to turn both Houses of Parliament against her, and to see those whom she had most favoured, prevailed with to act so directly contrary to her interest. As she knew, very many of her Subjects were not fully convinced of the justice of her Title to the Crown, she plainly perceived, to appoint the Queen of Scotland for her presumptive Heir, was really increasing and strengthening the Right of that dangerous Rival. Among the Sovereign Princes, she had no Ally, or true Friend. On the contrary, she could not doubt that the Pope, France, and Spain, would readily assent to deprive her of the Crown. Her whole dependence was upon the affection of her People, whose Representatives she beheld combined, as I may say, against her, to oblige her to take a step so opposite to her true interest. It is not easy to guess what she would have resolved, if the Lords had persisted in their demand, and been seconded by the Commons. Till she could more fully discover the intrigues which influenced the Parliament, she made use of an expedient which succeeded, delaying to take other measures, according as her Enemies should proceed. The expedient was, to order thirty of each House to come to her. [These she diverted, by the most obliging expressions, mixed with a gentle reproof from their resolution, and promised them to manage things, not only with the care of a Prince, but the tenderness of a Parent. And whereas the House had offered greater Subsidies than usual (4), on condition she would declare a Successor, she refused those extraordinary Grants (5), and accepted a smaller Sum, saying, That Money in her Subjects' Purse, was as good as in her own Exchequer (6).

The last day of the Session, she made the following Speech to both Houses, to let them know, or rather to disguise, her intentions, and evade their Request.

"MY Lords, and others the Commons of this Assembly, although the Lord-Keeper hath, according to order, very well answered in my name, yet as a periphrasis, I have a few words further to speak unto you. Notwithstanding I have not been used, nor love I to do it, in such open Assemblies; yet now (not to the end to amend his Talk) but remembering that commonly a Prince's own Words be better printed in the Hearers memory, than those spoken by her Command, I mean to say thus much unto you. I have in this Assembly found so much dissimulation, where I always professed plainness, that I marvel thereat, yet two faces under one hood, and the body rotten, being covered with two vizors, Succession and Liberty, which they determined must be either presently granted, denied or deferred; in granting whereof they had their desires, and denying and deferring thereof (those things being so laudable, as indeed to all men they are) were thought to work me that mischief which never foreign Enemy could bring to pass, which is the hatred of my Commons. But alas! they began to pierce the Vessel before the Wine was fined, and began a thing not foreseeing the end; now by this means I have seen my Well-wishers from my Enemies, and can, as me seemeth, very well divide the House into four. First the Broachers and Workers thereof, who are in the greatest fault: Secondly, the Speakers, who by eloquent Tales persuaded others, are in the next degree: Thirdly, the Agreers, who being so light of credit that the eloquence of the Tales so overcome them, that they gave more credit thereto than to their own Wits: And lastly, those that sat still, mute, and meddled not therewith, but rather wondered, disallowing the matter; who, in my opinion, are most to be excused. But do you think, that either I am unmindful of your Surety by Succession wherein is all my care, considering I know myself to be mortal? No, I warrant you; Or that I went about to break your liberty? No, it was never my meaning, but to stay you before you fell into the ditch. For all things have their time; and although perhaps you may have after me one better learned, or wiser; yet I assure you, none more careful over you; and therefore henceforth, whether I live to see the like Assembly or no, or whoever it be, yet beware however you prove your Prince's Patience, as you have now done mine. And now to conclude, all this notwithstanding (not meaning to make a Lent of Christmas) the most part of you may assure themselves, that you depart in your Prince's Grace.

It is not easy to comprehend what the Queen would have intimated to the Parliament when she said, *whether I live to see the like Assembly or no*: For these are ambiguous Words, which may be taken in various Senses. Besides, they are put in where they have not much connexion with the preceding or following words. However this be, after this confused Speech, the Parliament was immediately dissolved. But this was only a palliative remedy, which was not capable of allaying the fermentation already raised among the People (7). If it gave the Queen time to take other measures, it afforded also her Enemies leisure more strongly to erect their Batteries. Very probably, this Affair would have been debated again in the next Parliament, if in the mean while the Queen of Scotland had not lost herself, by her ill-conduct, and visibly lessened her Party in England (8). This is what I am going to shew, after closing the year 1566 with a brief account of the Affairs of the Netherlands.

After Philip II. had quitted these Provinces in 1559, Affairs of the Low-Countries, in order to reside in Spain, the discontent of the Nobles and People was grown to that height, that it was not possible the Affairs of that Country should remain any longer

1566.

Speech of the Queen.

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Speech of the Queen.

(1) The Earls of Pembroke and Leinster did openly, and the Duke of Norfolk with more caution, profess this to be their opinion. But they made their Submissions, and obtained their pardon. Camden, p. 299.—Most of the Lords and other great Men in England, were then well affected to the Queen of Scots, and kept a Correspondence with her, as may be seen in Melvil, p. 46, &c.

(2) This Petition was presented to the Queen November 2. D. 100, p. 100.

(3) Thilo and other Poets were left mired in the House by Mr. Holmwood; and were inflamed upon by Bill and Maslin, great Lawyers, with Darnley, Kinsmill, Winstanley, and others. Camden, p. 400. D. 100, p. 100.

(4) There is mention in the Journals only of a Subsidy, and one Tenth, and Fifteenth. The Bill for it was first read in the House of Commons, October 25, and in the House of Lords, on December 17, and on the second and third times, on the 18th. See D. 100, p. 100.

(5) The reason of this refusal seems to be, that the Declaration of a Successor, and the Subsidy Bill, were entered by the House of Commons to proceed together: So that the one could not be rejected without the other. See D. 100, p. 100. She remitted only the third payment of the Subsidy, as before said, granted by Parliament, to induce her to declare a Successor. See D. 100, p. 100.

(6) Reproaching the thirty Members first by the Queen from each House for so many Deputies from the Parliament, makes the Queen speak the following words to them, and not to both Houses, at the dissolution of the Session. Had he happened to see the original Speech which is here inserted, instead of the Abatement in Camden, he would have perceived his Error.

(7) What is inserted between the two Coronets, is supplied from Camden in order to rectify Ripa's mistake.

(8) The Queen about this time sent one Taverner, a Reader of Law in Little's-Inn into the Tower, upon the Queen of Scots Complaint, that he had stolen her Title in question. Camden, p. 401.

(9) This last mentioned Parliament, which was dissolved on January 2, granted the Queen a Subsidy, and one Tenth, and a Fifteenth. The Clergy granted at the same time a Subsidy of four Shillings in the Pound, to be paid in three years.—The Acts made in this Session were these: 1. An Act declaring the making and consecrating of Bishops within this Realm, to be good, orderly, and lawful. 2. That no Man shall send any Rams, Sheep, or Lambs alive, out of the Realm, upon pain, for the first offence, of forfeiture of all his Goods, and one year's imprisonment; and for the second, of being declared a Felon. 3. That Cut-purses and Pick-pockets shall not have benefit of Clergy. 4. Whereas there was but one Sheriff for Surrey and Sussex, one for Essex, and Northampton, one for Somerset and Dorset, one for Warwick and Leicestershire, one for Nottingham and Derby, and one for Oxford and Berkshire, it was ordered, that for the future (the year 1567 being the first) each of these Counties should have a Sheriff apiece. See Statute.

1566

in their present situation. This universal dissatisfaction flowed from several causes; namely, I. The People's belief, that the King had formed a design to abolish their liberties and privileges, and establish an arbitrary power. II. The Erection of the Bishopricks, which greatly lessened the Jurisdiction and Revenues of the Abbays, in which many Families were concerned. III. The Inquisition which was intended to be set up in these Provinces, and which was little less abhorred by the Catholics than by the Protestants themselves. IV. The Prohibition to assemble the States. V. The King's project to extirpate the Heretics, who were now very numerous in the Country. VI. and lastly, The interest of the great Men, who plainly saw, how fatal to them the execution of the King's designs would be. They had in vain for several years besought their Governours to assemble the States, and prevent the Calamities with which they foresaw their Country was soon going to be afflicted. Their Request was constantly rejected. This Rigour had at length obliged the Prince of Orange, Count d'Egmont, Count Horn, and several other Lords to withdraw from the Council of State, and write to the King, that Cardinal de Granvelle had rendered himself so odious, that the worst was to be feared, if he continued any longer in the Low-Countries. Philip not thinking proper to recall the Cardinal directly, advised him however to withdraw. As soon as Granvelle was gone, the great Men went and refused their places in the Council.

Mean while, the Inquisition being universally abhorred, the People began to stir, and shew their resolution to free themselves from that yoke. The great Men supported this resolution with two Motives. First, because they perceived the Inquisition must prove destructive of liberty. In the second place, because they were informed the King had taken terrible resolutions against them, on account of what had passed about Cardinal de Granvelle. Whereupon they form'd a Confederacy against the Inquisition, and Lewis Count of Nassau, Brother to the Prince of Orange, with four hundred Attendants, presented a Petition to the Governours. On this occasion it was that the Protestants received the name of *Gueux* or *Beggars*. The Governours not having power to grant their request, the Protestants, of their own accord, took the liberty to preach publicly, and the Governours were forced to suffer it, and at length to allow it expressly. From that time, Philip considered the People of the Low-Countries as Rebels, and they for the most part looked upon him but as an unjust and cruel Sovereign, who aspired to be absolute Master of their Estates, their Bodies and their Souls. I shall enter no farther into these Affairs. It suffices to have briefly shewn the Spring of the troubles of the Netherlands, which I shall have occasion to speak of sometimes in the Sequel. I return to the Affairs of Scotland, which more nearly relate to England (1).

1567.

Removal of
Historical
Death of
the King of
Scotland.

I am now going to give an account of an Event which has been rendered obscure, as well by religious prejudices, as for the sake of the Prince of Scotland, whose birth I lately mentioned. This Prince, coming to the Crown of England after Queen Elizabeth's death, thought it his duty to try to vindicate the Queen his Mother from the horrible crime she was accused of during her life, I mean of murdering the King her Husband. In all likelihood, he made use of Camden's Pen for that purpose.

The Queen
is accused by
some, and
excused by
others.

It is agreed, that Henry Stewart King of Scotland, Husband of Queen Mary, was assassinated the beginning of the year 1567. It cannot be denied, that this murder was committed by the Earl of Bathwell, or his order; that the Earl was then in great credit with the Queen, and that she married him a few months after the tragical death of the King her Spouse. This, added to her aversion for the King, forms a strong prejudice against her. On the other hand, almost all the Roman Catholic Writers who mention this Murder, make it their business to justify the Queen, and throw it on the Earl of Murray. They seem to have taken this course with the more reason, as Camden a Protestant Author in his *Annals* of Queen Elizabeth, has openly undertaken Mary's defence, and represented the Earl of Murray as the Author, not only of the crime, but even of all the troubles which happened in Scotland, after the Marriage of Queen Mary with Francis II.

The Necessity
of clearing
the Queen
in this Fact.

It will be asked perhaps, where is the necessity of clearing this Fact in a History of England? I answer, There is an absolute necessity, because otherwise Queen Elizabeth's conduct will be either inconceivable or misunderstood. The History therefore, as well as Truth, requires a distinct Knowledge of the foundation of Queen Elizabeth's Politics, and of the real cause of the events which will be related hereafter. This fact is as the hinge on

which all the affairs of England and Scotland turn for several years. They who, under colour of clearing it, have laboured to darken it as much as they could, were very sensible, how contrary the truth was to the Idea they desired to give of the affairs of this reign. So, to set it in a true light, it will be absolutely necessary to follow a quite different course.

To succeed in what I propose, I must largely treat of Camden's affairs of Scotland. Some grave Authors of an established reputation have endeavour'd to disguise the facts they have related, by curtailing, and altering them, by suppressing material truths, and supposing things which have not even the least probability. To oppose to them a bare narration, containing only the naked truth, would not be the way to satisfy the Reader, who would be still at a loss to know whom he ought most to credit. It is necessary therefore to prove what I advance, and in matter of facts, there are no better proofs than the mutual connexion of these same facts, and the testimonies of unspotted persons. But it is almost impossible to shew where the truth has been altered, without running into some reasonings which indeed do not always fute with History, but which, on this occasion, seem to me unavoidable.

Three Historians who may be considered as originals, have related what passed in Scotland during the reign of Elizabeth, namely, George Buchanan, William Camden, and James Melvil. Some remarks on these three Authors will help to give the reader a true notion.

Buchanan, a Scotchman and Protestant, was a man of great learning, and much esteemed by all the learned in Europe. If he had not penned the History of Scotland, he would perhaps have been neither envied nor hated. But as, in the recital of the frequent quarrels between England and Scotland, he does not always agree with the English Historians, a prejudice is formed against him in England, as if he endeavoured to falsify whatever might be to the advantage of the English. This difference would have been little regarded by other nations, if what Buchanan says of Queen Mary Stewart had not stirred up all the Roman Catholics in Europe against him. His aim was to shew, that Queen Mary was the sole cause of the troubles of Scotland, and particularly, the Author of the King her Husband's death; and his History is full of circumstantial facts, which have a visible connexion, and tend all to the end he propoed. He does not cite testimonies to confirm what he says, because he writ at the very time the things were transacted, or shortly after. On the other hand, he was Murray's creature, and seem'd revengeful. It is chiefly upon these prejudices that his History has been discredited, without however any express endeavours to confute him in any material assertion.

Camden, an English Author and Protestant, wrote the *Annals* of the Reign of Queen Elizabeth, in the time of James I, Son of Queen Mary. He was eminent for his knowledge in the Antiquities of England, and, if I mistake not, he was [Clarendon] King at Arms. The History of England is indebted to him for several good works, which have greatly served to illustrate it. But it manifestly appears, that in writing the *Annals* of Elizabeth, his only aim was to vindicate the Queen of Scots, under colour that the History of Elizabeth cannot be compiled, without a particular account of the affairs of Scotland. He speaks extremely well of Elizabeth when Mary is not concerned. But in the places where the two Queens must be necessarily put in opposition, he does it so fully, that Elizabeth is shewn to be in the wrong. It is not the same, where he can praise or excuse Mary, without wounding Elizabeth; for then he makes no scruple to represent the former as a pattern of Virtue. He entirely passes over in silence whatever may injure her reputation, or contents himself with confuting what she is accused of, by a bare and directly opposite Narration, without allogging the least Proof. So, when a Man reads the Histories of Camden and Buchanan, he would think these two Writers are speaking of two different Queens, who reigned at the same time in Scotland. Buchanan's design was to blacken Mary's reputation; and Camden's, to vindicate or praise her. Wherefore, Camden, who wrote last, has taken care to warn his Readers, that no credit is to be given to Buchanan, because he was the Earl of Murray's creature, a mercenary Writer, and his Works were condemned by the States of Scotland: Nay, he pretends, that before his death he repented of his malice (2); but, according to custom supports what he advances with no proof, neither does he take up Buchanan in any remarkable circumstance, only, as I said, by giving a contrary account. Having thus removed the Testimony of the Scotch Historian, he adds,

(1) This was on the 7th day of June, the Foundation of the Royal Exchange in London was laid by Sir Thomas Gresham, Kt. *H. Junij. p. 1209.*

(2) Camden's Works upon this point are very inconsistent. He says, "that Buchanan often blamed himself with tears in the King's presence, for having employed his Pen in too violent a strain against Queen Mary; and wish'd on his Death-bed, that he might live so long as to recall the Truth of that Fact." Now, surely, if he had often blamed himself for this Fact, he had time enough to recall the Truth of it, before he came to be on his Death-bed. See *Thucyd. Audit. ad Vol. III. p. 520.*

1567.

For his part, he professes, to the end both Sides may be heard, to relate the affair (the King's murder) without any mixture of Love or Hate, as far as he can come to the knowledge of it, from Writings, published at the very time, but soon suppressed in favour to the Earl of Murray, and in hatred to the Queen, or from Letters of Ambassadors, and of other Persons worthy of credit. It must be observed, that he cites in his Annals no passage from these suppressed Books, gives neither the Titles nor Authors, neither does he name the Ambassadors, and Persons of credit, on whose Testimony he builds his account. He alleges but one single Paper, which I shall speak of in its place, and which carries all possible marks of Forgery. Thus, after a caution not to believe Buchanan, who writ of what passed in his own time, and before his own eyes, he will have us believe him who did not write till above forty years after the event, upon his bare word, and upon the Testimony of Persons and Books unknown (1).

After this Preamble, he enters upon the thing, and, in order to relate the King's death, begins with a Character of the Earl of Murray, and represents him as a Man of a boundless ambition, and aspiring to the Crown. It has been seen, that this was the accusation brought against him before Henry II, by the Queen-Dowager and the Cardinal of Lorraine, and of which Melvil has fully cleared him. Camden adds, that, with this view, Murray did all he could to hinder the Queen's Marriage, and not succeeding, took arms against her, and was at length forced to fly into England: That, during her absence, by his Letters and Friends, he sowed discord between the King and Queen, and, to hinder his Condemnation, the Earl of Moray, his Friend, persuaded the King to create Rizzio, Secretary for the French Dispatches, to be assassinated: That the King coming to a sense of the heinousness of this Crime, conceived such an aversion to Murray, that he resolved to make him away: but that Murray having notice of it, was immediately reconciled to Buthwell, and determined with him to kill the King, with design to cast the deed on the Queen, ruin her in the affection of her Subjects, and withal, destroy the Earl of Buthwell, in order to seize the Government.

This is the substance of the Story forged by Camden to justify the Queen, and cast the murder of the King upon the Earl of Murray. I call it a forged Story, because, indeed, it is impossible to reconcile it with the History of Scotland, the principal circumstances whereof this Author has been pleased to omit. For instance, he says nothing of the favour Rizzio was in with the Queen, or of his great credit at Court, neither does he mention that Prince's amours with Buthwell, and yet in his very Narrative, these two Facts must be necessarily supposed. For how can it be conceived, that, to save the Honour and Estates of the Earl of Moray, there was a necessity of making away a Secretary for the French Dispatches, if this Secretary had not been in great credit with the Queen? Again, why must Murray destroy Buthwell, in order to usurp the Government, if Buthwell had not been in possession of it? It is very visible, that otherwise Camden's account has neither coherence nor foundation. In short, this Author was not ignorant, that the Queen of Scots had been publicly accused of the King her Husband's death; that all Scotland and all England were full of it, and that it passed for a certain Fact in both Kingdoms. Can therefore Facts publicly known, if I may so say, be overthrown forty years after, by a bare common account, without the least proof of what is advanced? But to confirm what I have been saying with regard to Camden, I need only observe, that Melvil's Memoirs, penned before Camden's Annals, but which appeared not till long after, are entirely opposite to what that Author has said, and perfectly agree with Buchanan's History, a few circumstances excepted.

Melvil is the third Author I am to speak of. He was a person of distinction, who was employed in several embassies, and concerned in what passed at the Court of Scotland. Nay, it appears in his Memoirs, that he was very much in the Queen's favour, since she chose him to advise

her about her behavior, and tell her of her faults. A Sovereign can hardly give a Subject greater marks of esteem. If Buchanan had not mentioned him in his History, it was probably, because he loved him not. Melvil on his part has drawn in his Memoirs a character of Buchanan, which tho' it does justice to his sense and great knowledge, gives no very advantageous idea of the qualities of his mind. This suffices to show he has not copied that Historian, and that they did not correspond. He has writ what passed before his eyes, from the year 1563, when he returned to his own Country, to the year 1594. Consequently he cannot be said, to be ill-informed. He may be still less suspected by the Queen's Friends, since it is plain in his Memoirs, that he was always attached to the interest of that Princess. Accordingly he speaks of her every where with great caution, contenting himself with briefly intimating some things, which Buchanan has not scrupled to insinuate upon more largely. He has not thought fit however to conceal the principal facts, because these same facts serve for foundation to his Memoirs, which otherwise would have no connexion. He has not writ either to justify, or accuse the Queen, but purely for the instruction of his Son in what passed in his own time. If we compare his Memoirs with Buchanan's History, and Camden's Annals, we shall soon be convinced, it is impossible to reconcile them with what Camden says, but that on the contrary they agree in the principal facts related by Buchanan. All the difference is, Melvil has cleared many things which Buchanan did not well know. And on the other hand, Buchanan, has enlarged much more upon every thing that can reflect on the Queen, whereas Melvil very slightly touches upon such passages. By that he shows he speaks of them with regret, and so far only as to carry on the thread of his Memoirs.

After these remarks upon three Historians, of whom two were contemporaries, eye-witnesses of what they relate, and agree together in the main, without having writ by concert, and without one at least being liable to be suspected of disguising the truth, and of whom the third writ forty years after, and is directly contrary to the two others, without supporting his story with any testimony, or known Author, I think I cannot be blamed if I take the two first for Guides, preferably to the last (2).

Whilst the King was taking remedies to expel the poison, the Queen removed the young Prince her Son from Sterling, and ordered him to be carried to Edinburgh, tho' it was in the midst of Winter (3). Shortly after he heard the King had resolved to withdraw into France or Spain, and that there was an English Ship ready to receive him, as soon as he could bear the fatigue of the voyage. This precaution making her apprehensive he would get away, and so break all her measures with Buthwell, she expressed an intention to be reconciled to him. To that purpose, she sent several tender and affectionate letters to convince him of her sincerity. At last, he went to see him at Glasgow (4), and to softly manage him, that she prevailed with him to return to Edinburgh in a Litter. Melvil does not mention the Queen's Journey to Glasgow, but necessarily supposes a reconciliation, since he speaks of the King's voluntary return to Edinburgh (5).

As soon as he came there, he was lodged in a lone house (6) near the Walls of the City, on pretence he would be disturbed by the noise in the Palace. For some days the Queen made him frequent visits, and even caused her own bed to be brought into a room underneath the King's. In a word, she omitted nothing to persuade him, that she did not bear him the least ill Will. At that time, the Earl of Murray, upon news that his Wife was like to die of a miscarriage, desired leave to go and see her, and went away accordingly, notwithstanding the Queen's intances to the contrary. This circumstance makes equally for Buchanan and Camden. Buchanan infers from it, that the Earl of Murray had no hand in the King's murder, who was killed the night following, since he absented himself the day before the deed (7). Camden

1567.

The Queen orders the Prince to be carried to Edinburgh. Buchanan. The King has a mind to withdraw into Spain. The Queen sends him letters to convince him of her sincerity.

Buchanan. Melvil. p. 78. Spotswood. Thuanus.

Buchanan.

The Earl of Murray leaves the Court. Buchanan. Melvil. Camden. Burntisland.

Buchanan.

The Earl of Murray leaves the Court. Buchanan. Melvil. Camden. Burntisland.

Buchanan.

Buchanan.

Buchanan.

Buchanan.

Buchanan.

Buchanan.

Buchanan.

(1) Many before Camden writ nothing in his Annals about Scotland, but what was dictated to him, or enjoined by James I. We must therefore understand here by Camden, the real Author of the Annals, whoever he be. Rapin.—Others say, that Camden's lines were dictated by King James, and he is said to have written the History and language of his Mother, than to do right for a Mother, that had from a school-mistress, raised him to a University or being the last King at Arms. Memoirs of Queen Elizabeth, p. 16.—It is something remarkable, that the Records of the Court of Session, still extant in Scotland, commonly called, the Acts of Adversary, are missing during the Government of Queen Mary, and also of her Son King James, till after the Trial and Execution of the Earl of Moray in 1591. In which Records was the Earl of Buthwell's Trial, and the Trials of some of the Regents of King Henry's Country. The Records of the Parliament of Scotland, held in August 1560, by appointment of Queen Mary, and her Husband Francis, where the Authority of the Pope was abolished, and the Protestant Religion established, are likewise missing, as are also those of the Parliament in December 1560, where the Act made concerning the Protestant Religion was ratified, with several Acts concerning Queen Mary. Adversary's Edition. Preface to the first Volume, p. 7, 8.

(2) In short, it may be said of these three Historians, in regard to Queen Mary, that Camden has scarce said one word of Truth, that Buchanan has said all the Truth, and more than the Truth, and that Melvil has said the Truth, but not the whole Truth.

(3) Pretending that the House where he was kept was unconvenient, and Sterling a moist and cold Place, where he should catch cold. Buchanan. Melvil says nothing of this Journey, but he supposes it afterwards, when he says, the Queen delivered the Prince to the Earl of Moray, that the Castle of Edinburgh might be taken out of his Hands. Rapin.

(4) Accorded early by the Hamiltons, and other Enemies of the King. Buchanan.

(5) His Words are, The King was afterwards brought to Edinburgh, and lodged in the Kirk Side, in a place of good Air, where he might best recover his Health. But many suspected that the Earl of Buthwell had some Enterprises against him. p. 78.

(6) A vaulted room under Mary. Buchanan.

(7) Melvil says, that he was retired from the Court several days before. p. 78.

1567. draws a quite contrary inference, saying the motive of his going away was to hinder his being suspected. Buchanan and Melvil affirm, many knew there was a design to kill the King, but no man durst warn him of it, because he told all again to the Queen, or some of his Servants, who betrayed him. However, the Earl of Orkney half-brother to the Earl of Murray, gave him notice of it, which he telling again to the Queen, she sent for the Earl of Orkney to examine him; but he denied in her presence, he had ever said any such thing (1).

At length, the time appointed for the deed being come, the Queen left the King to go and put to bed one of her women (2) who had been married that day. I omit numberless circumstances whereby Buchanan intimates the Queen was in the plot. Indeed, those circumstances would be so many proofs, if they were confirmed by an unsuspected Author. But as Melvil says nothing of them, I chuse to pass them over in silence. Be it as it will, the King was strangled that night (3), with one of his Servants who lay in his room. As soon as he was dead, his body was carried into a garden belonging to a neighbouring house, where his flippers were also brought.

Then fire was set to some barrels of powder placed in the room where the Queen's bed was, and the house was blown up. The People who came running in at the noise, were told at first, that the violence of the Gun-powder had thrown the King into the garden. But as his flippers were found by him, as his shirt was not sing'd by the fire, and as some black and blue marks were seen round his neck, the People were not so credulous. The same night it was rumoured about the City, that the Earls of Moray and Murray had caused the King to be assassinated, and this report spread immediately as far as the borders of England. Camden infers from hence, that the Earl of Murray must have been concerned in the murder, since he was presently accused by the voice of the Publick.

But this voice of the Publick consisted doubtless of some People who were seditious to spread the report. Melvil affirms on the contrary, it was whispered at Court that Bothwell had caused the King to be murdered, and that he was intrigued with a napkin. He adds, I came to the door of the Queen's Chamber the next morning after the murder, and the Earl of Bothwell said, that her Majesty was sorrowful and quiet, which occasioned him to come forth. He said, the strangest accident had fallen out which ever was heard of, for thunder had come out of the sky, and had burnt the King's house, and himself was found dead lying a little distance from the house under a tree. He desired me to go up and see him, low that there was not a hurt nor a mark on all his body. But when I went up to see him, he had been taken into a chamber, and kept by one Alexander Durham, but I could not get a sight of him. Buchanan adds, the Queen ordered the body to be brought to her on the wrong side of a bench, and after viewing it some time without any signs of joy or grief, commanded it to be interred near Rizzes, in the Sepulchre of the Kings (4). It is strange that Camden, who attempts to strip Buchanan of all credit, should not undertake withal to confute any of the circumstances related by that Historian, though they are many in number, and very dishonorable to the Queen.

The Earl of Murray, though sick, and notwithstanding the rumour about him, came to Court two days after, and appeared without fear. This shows he was in no dread of the accusations of his Enemies; and indeed he was never questioned for the Fact (5). The Queen keeping her Chamber but a few days, resumed her usual way of life, having always the Earl of Bothwell with her.

Mean while, the People murmured exceedingly that there was no Inquiry concerning the King's death, of which they openly accused the Earl of Bothwell. These Murmurs were so publick, that Bothwell could not help taking some step to show he was willing to clear himself. He went therefore in company with some friends, to the Earl of Argyle, chief Justice of the Kingdom, and requested him to make Inquiry concerning the Murder of the King. Upon his request, a Proceeding was begun, and the depositions of several Persons were taken; but all was suppressed on a sudden. The Court was contented with offering a reward to any Person that should discover the Authors of the King's death. But as all believed the Queen and Bothwell guilty, no one was so bold as to accuse

them. It would have been very dangerous to take such a step (6). However, Libels and Ballads were published, wherein Bothwell was still accused. Whereupon he caused it to be fixed up in several Places, that he would fight any Person that should dare to maintain this accusation. He was answered by another Paper, posted up without a name, that his challenge was accepted, provided he would appoint a neutral place for the Duel; but this came to nothing.

The Queen perceiving at length, that the Murmurs and Complaints of the People might be attended with ill consequences, was desirous of having the Castle of Edinburgh in her hands, the custody whereof was committed to the Earl of Argyll by the State. The Earl was unwilling to comply with the Queen's desire. But at length, imagining a Civil War was at hand, he offered to deliver the Castle, provided he was suffered to carry the young Prince to Sterling, of which he was Governor. She thought it more advantageous to be master of the Prince's Person, than of the Castle of Edinburgh, and the Queen agreed to the exchange.

Hitherto People were contented with liberally publishing their suspicions of Bothwell, without any adversary appearing against him. But at last, the Earl of Lennox finding the Queen very slow to punish the crime lately committed, solicited her by Letters for Justice upon Bothwell, charging him with being the Author of the King's Son's murder. This Letter threw the Queen into great perplexity. She could not deny a Father the satisfaction he demanded, especially in a case concerning the death of a King who had been her Husband. I shall not relate here all her artifices to evade this prosecution, and to get Bothwell acquitted, because Buchanan, who has given the particulars, may be suspected. I shall content my self with transcribing what Melvil says upon this subject.

Every body suspected the Earl of Bothwell, and therefore he durst speak freely to others, said plainly that it was he. Whereupon he drew together a number of Lords of his Dependents to be an Assize, which cleared and acquitted him, some for fear, some for favour, and the greatest part in expectation of advantage. This way being assailed, he remained still the greatest Favorite at Court.

This Testimony of a Man who cannot be suspected of slandering her is very strong against the Queen. She not only could not part with a Man publickly accused of the Murder of the King her Husband, but even made him her prime Minister and Favorite. Though she had believed him innocent, it was renouncing the Laws of decency, which a Woman seldom does, unless carried away by the violence of passion. But these are trifles in comparison of what he did afterwards (7).

The report of the Queen's intending to marry the Earl of Bothwell, flying from the Court over all the Kingdom, the Lord Herries came to Edinburgh. He took for festal time, that he accented the Queen in Bothwell's absence, and casting himself at her feet, freely told her, it would be an everlasting dishonour to her, if she married her Husband's Murderer. The Queen feigning a surprise, answered, she did not know from whence he had this intelligence, and very coldly added, that hitherto her heart had dictated nothing to her in favour of Bothwell. A few days after, Melvil received a Letter from England about the same thing, but expressed in much stronger Terms than the Lord Herries's remonstrance, which he showed to the Queen, who said it was a device of his own. Melvil assured her the Letter came from the Person whose name was subscribed, and contained nothing but what he himself had designed to represent to her as he was in duty bound. Thus the Queen, in resolving to marry Bothwell, sinned not out of ignorance, since she was fully informed of the People's opinion concerning the Author of the King's death.

A few days after, she went to Sterling to see the Prince her Son. If Buchanan is to be credited, her intent was, upon some pretence to get him out of the hands of the Earl of Argyll, who plainly refused to deliver him. In her return to Edinburgh, she was met by the Earl of Bothwell, with a Company of armed Men (8), who carried her away, and conducted her to Dunbar. Melvil, who was present, and was himself arrested, says Bothwell only took her Majesty's Horse by the bridle, and adds not a word which may insinuate that the Queen seemed surprized at this violence, or that she offered to make the least resistance (9).

Buchanan.
Melvil.
Thuanus.

The tragical
Death of the
King.
Buchanan.
Burnet.
T. III. p. 134
&c.
Burnhope.
Spotswood.
Thuanus.

Buchanan.

A Report is
spread that
the Earl of
Moray had
killed the
King.
Camden.
Buchanan.
Spotswood.
Thuanus.

Bothwell is
accused of
Melvil.
p. 78.

The King is
arrested near
Rizzes.
Buchanan.

Murray re-
turns to
Court.
Buchanan.

Sanders
Behaviour
of the Queen.

Bothwell
tries to
win to
their
side.
Buchanan.
Melvil.

Anderson's
Collect.
T. I. p. 36,
108, 135,
&c.

1567.
Buchanan.
Melvil.
Thuanus.

The Earl of
Lennox find-
ing the Queen
very slow to
punish the crime
lately committed,
solicited her
by Letters for
Justice upon
Bothwell, charging
him with being
the Author of
the King's Son's
murder.

Bothwell is
accused of
Melvil.
p. 78.
Spotswood.
April 30,
1567.

The Queen
feigning a
surprise,
answered, she
did not know
from whence
he had this
intelligence,
and very coldly
added, that
hitherto her
heart had dic-
tated nothing
to her in fa-
vour of Both-
well.

M. p. 79.

The Queen
was met by
the Earl of
Bothwell, with
a Company of
armed Men (8),
who carried her
away, and con-
ducted her to
Dunbar.

(1) This Advertisement, says Melvil, moved the Earl of Bothwell to hate toward his Enterpriser; he hid before him a tin of Powder under the House where the King did lodge, and the Night did blow up the said House with the Powder; but it was spoken, that the King was taken forth, and brought down to a Stable, where a Napkin was stopped in his Mouth, and he therewith suffocated. p. 75.
(2) Sebastian, one of her Musick. Buchanan.
(3) February 12. two hours after Midnight. See Anderson's Collect. Tom. 1. p. 36. Cowart varies from this account in some Circumstances, but agrees with it in the main. See Zetel's Collect. Tom. 2. p. 29.
(4) Though the Nobility three prelate had decreed to give him a magnificent Burial. Buchanan.
(5) But Bothwell attempted to dispatch him out of the way. See Buchanan, l. 18.
(6) Since, as Buchanan observes, the Earl of Bothwell was to be the second Person, the Judge, the Examiner, and the Party too. l. 13.
(7) John Davidson, John, Douglas, and Penry, were executed for the King's Murder January 30, following. See Buchanan's Death. Ann.
(8) Six hundred Men, at Melvil Bridge. Buchanan.
(9) The Queen, in her Instructions to the Bishop of Dunblane says, That the Earl partly enticed, and partly obtained, her Permission, to take him for her Husband. See Anderson's Collect. Tom. 1. p. 39.

1567. He says on the contrary, that Captain *Blachater* who seized him, assured him all was done with the Queen's own Consent.

Bethwell to kill the Kings, why should he quit the Court, at a time when, instead of having any thing to fear, he might have expected every thing, from the great credit of his pretended Friend?

Mean while, all *Scotland* loudly complained that no vengeance was taken for the King's death, and at seeing the Queen married to the Man, who was universally considered as the murderer. The King of *France* even wrote to *Du Creq* his Ambassador, to signify his astonishment at it, and his Letter was shown to several Lords. In short, the Earls of *Argyle*, *Morton*, *Morr*, *Abel*, *Glencairn*, and the Baron of *Bogd*, meeting at *Stirling*, signed a Confederacy, the intent whereof, was to bring the murderers of the King to condign Punishment, and to cause the Queen's late Marriage to be dissolved (6). They hoped to effect this the more easily, as they had room to believe, the Queen herself would not be forced to be compelled, considering the unworthy treatment she had now received from her new Spouse. *Melvil* says, he heard her one day call for a Knife to stab herself, not being able to bear his brutish usage.

As the Confederates did not question, that the People of *Edinburgh* would countenance their undertakings, they had projected to invest the City, that the Queen and *Bethwell*, who were there without Troops, might not escape. But *Bethwell*, having notice of their design, retired with the Queen to *Borthwick*. They were pursued by the Confederates; but it was in vain, the Queen and *Bethwell* being now gone to *Dunbar*. Having missed their aim, the Confederates marched to *Edinburgh*, where the Gates were opened to them, notwithstanding the endeavours of the Earl of *Huntly*, the Archbishop of *St. Andrews*, and the Bishop of *Ref*, to the contrary, who were even forced to withdraw into the Castle, from whence Sir *James Balfour*, whom the Queen had made Governor, attended them means to escape elsewhere. He gave also the Confederates to understand, he would not give up the Castle, but intended to stand neuter.

Mean time, the Queen and *Bethwell* drew together some forces at *Dunbar*, with all possible diligence. But the Confederates were extremely embarrassed. They had no Money: *Balfour* refused to give them any Artillery or Ammunition; and by reason of the ill success of the enterprise of *Borthwick*, part of their Troops had deserted them. So, after several consultations, they had almost resolved to give over their Projects, and return to their homes. The Queen and *Bethwell* being informed of their condition, marched immediately towards *Edinburgh*, in hopes of surprising them before they came to any resolution. This news being brought to the Confederates in the night, instead of flying, they resolved to meet the Queen, and decide the affair by a Battle. This resolution stopped their Enemies, who finding things take a quite different turn from what they expected, suffered them to pass the *Esk* without opposition, after which the two Armies stood very near each other. Then it was, the Queen perceived her Troops did not serve her heartily, and that but few of her Officers and Soldiers were willing to fight in her quarrel. The knowledge of this inspiring her with great fear, she desired to speak with *William Kircaldie* Lord of *Grange*, one of the Heads of the Confederates, who commanded a small Body, more advanced than the rest of the Army. *Kircaldie* waiting on her, told her plainly, there was no hopes of agreement, unless she would put away *Bethwell*, who was reckoned the late King's murderer, and moreover, was married to another Woman; but on that condition, the Confederates would honour and obey her as they ought. The Queen asking him, whether she could rely upon his word, he returned to the Confederates, and brought a full power to treat with the Queen upon that same condition. Whereupon *Bethwell* seeing no remedy, chose to retire to *Dunbar*, and the Queen put herself into the hands of *Kircaldie*, who conducted her to the Confederate Army. The Heads received her with more respect than the expected; but it was with great difficulty the Soldiers were retrained, who cried out against her very irreverently. She was conducted [that night] to *Edinburgh*, and lodged in the Provost's House, where a Guard was set on her, so that she was really a Prisoner. It is likely, the Heads were not yet fully determined what to do with her; but she afforded them herself an occasion to be resolved. The very night she came to *Edinburgh*, she bribed one of her Guard, and gave him a Letter for *Bethwell*, full of tender and affectionate expressions, calling

Bethwell
Pursued
by his Wife.
Buchanan.
Melvil.
Spotswood.

P. 80.

The Queen's
Marriage
with Beth-
well.
Buchanan.
Aston's
Colled.
T. L. p. 87.

Spotswood.
Melvil.
P. 80.

Melvil.
Ibid.
Spotswood.

The Queen
and Beth-
well
Leagues
to be signed
by James
Buchanan.

The Earl
refuses to
sign it.
Buchanan.

He returns
into France.
Melvil.
P. 80.
Cameron.

A Confes-
sion in pa-
per by the
King's Mar-
shals, and
affirms the
Queen's
Avarage.
Melvil.
P. 81, 82.
Spotswood.

The Queen
and Beth-
well retire
to Dunbar.
Buchanan.
Melvil.
P. 82.

Edinburgh
delivered to
the Confes-
sion.
Buchanan.
Melvil.
P. 81.

The Queen
and Beth-
well march
to Edinburgh.
Buchanan.
Melvil.
P. 81.

The Con-
federates go
out to meet
her.
Buchanan.

She is a-
fraid of her,
and desired
by her
Troops.
Melvil.
P. 83.
Spotswood.

She capitu-
lates with
the Lords.

and puts
herself into
their hands.
Buchanan.
Melvil.
P. 83.
Spotswood.

She is con-
ducted to
Edinburgh,
and put into
Custody.
Melvil.
P. 84.

(6) Some say he had a Bull to oblige him from this Incest. If so, he would not plead it, that he might give occasion to the annulling of the Marriage.

(7) And yet the Queen, in her Instructions to the Bishop of *Dunblane*, makes this Willing to have been signed before she was carried away. See *Admiral's Collection* Tom. 1. p. 94. and 104.

(8) May 11. At the Prison in *Edinburgh*, by *Adam Bethwell* Bishop of *Orkney*. *Melvil*, p. 80.

(9) And People began to think, that the Prince was in danger to be cut off, by him who had slain his Father;—For *Bethwell* boasted, that if he could get him once in his hands, he would warrant him from revenging his Father's death. *Melvil*, p. 78, 81.

(10) *Melvil* speaks of this Confederacy. He says only, that the Earl of *Murray* retired into *France*, without showing the reason. *Rapin*.

(11) And last but persons assembled about three thousand Men together. *Melvil*, p. 81.

1567. him, *Her dear Heart*, and promising never to forsake him. This Letter falling into the hands of the confederate Lords, made them resolve to be more watchful over her, and afforded a pretence to shut her up in the Castle of *Leith*, under the custody of the Earl of *Murray's* Mother.

The Queen complained bitterly of this usage, and writ to *Kircaldie*, reproaching him, that what had been promised her was not performed. *Kircaldie* answered, he had already upbraided the Lords for the same; but they had showed him a Letter under her own hand, which had stopped his mouth. He ended his Letter with saying, he could do nothing for her, but advise her to think no more of a Man who was married to another, and accofed of killing her Husband. The Queen, as she read the Letter, shed a flood of tears.

But a thing which happened a few days after, was still more prejudicial to her. *Bathwell* coming to *Dunbar*, sent a Man to *Balfour*, Governor of *Edinburgh* Castle, for a Casket which he had trusted with him. It was a Silver Casket, presented to the Queen by *Francis II.*, which she had given to *Bathwell*. *Balfour* delivered it to the Messenger; but if we may believe *Buchanan*, gave notice of it to the confederate Lords, who took it from the Bearer. However this be, it fell into their hands. They opened it, and found a great many Love-Verfes and Letters, and among the rest, some that contained the whole Plot against the late King, and the manner it was to be executed (1). But this was not all, *Buchanan* says, there were also three Contracts of Marriage between the Queen and *Bathwell*, one of which was written in the Queen's hand before the King's death. Another was written in the Earl of *Huntly's* hand, in the interval between the King's death, and the Queen's third Marriage (2); and the last was a Contract in form, made at the time of the Nuptials. Probably, the two first were only draughts, supposing *Buchanan* speaks the truth; for *Melvil* says nothing of the Casket or Contracts. *Camden* says, however, on another occasion, that certain Verfes and Love-Letters were produced against the Queen; but mentions not the Casket spoken of by *Buchanan*.

The Queen's Captivity, and the seizing of her Papers, having made *Bathwell* sensible it would not be proper for him to be in *Scotland*, he retired to the Isles of *Orkney* (3), where he turned Pirate for some time, either for his subsistence, or to be revenged of the Scots.

Mean while, the Chiefs of the Confederates conferring together upon their affairs, considered, that if they should put the Queen again in possession of the Government, they could not rely on her Promises, or be secure against her (4). They concluded, therefore, that it was absolutely necessary to deprive her of the Administration, and to that end, sent the Earl of *Lindsay* (5), to persuade her to resign the Crown to the Prince her Son. *Camden* says, to oblige her to this, she was threatened to be brought to a publick Trial for the murder of the King her Husband, for Incontinency, and for breach of Promise on the account of Religion. And *Melvil* affirms, the Earl of *Lindsay* had orders to threaten her if he thought it necessary. The Queen was strangely surprized at this Proposition: but rightly judging, it was not in her power to deny what was demanded, and that an obstinate refusal might draw upon her worse troubles, she gave her consent. She did it the more readily, as she was privately told by some of the Confederates, and *Throckmorton* the English Ambassador, that whatever the signed in Prison would not be of any force, but might be revoked when she should be at liberty. The confederate Lords willingly agreed, she herself should nominate one or more Regents, to govern the Kingdom during the Prince's minority. She appointed the Earl of *Murray*, either of her own choice (6), or because it was hinted to her, that he was desired for Regent; and, in case he refused the Office, she substituted the Duke of *Chateaufort*, the Earl of *Argyle*, and some other Lords (7). Then, she was made to sign all the Acts necessary for the resignation of the Crown; and notice being sent to the Earl of *Murray*, who was in *France*, the preparations were made for the Inauguration of the new King, who was but a year old. The Queen's resignation was signed

the 24th of June, and the young King was inaugurated the 29th of the same month, by the Bishop of *Orkney*.

Shortly after, some Lords (8), who were not of the Confederacy, met at *Hamilton* Castle, to consult what was to be done at this juncture. The Confederates having notice thereof, sent *James Melvil*, Author of the *Memoirs*, to know the reason of their being assembled. They replied, they could not but think it strange, that the King should be crowned, without their being called to the Ceremony, since they had no less zeal than the rest of the Lords, for the good of their Country, and they believed to have cause to fear there were ill designs against them, since such important resolutions had been taken without consulting them; that therefore they were met, not with intent to offend any Person, but only to provide for their own safety. *Melvil* says, the wilest of the Confederates were for admitting these Lords to their consultations, but the others refused to exclude them, and that this advice prevailed, to the great detriment of the King (9).

From this small number of Lords assembled at *Hamilton*, rose a Party, which declared at length for the Queen, and served long to foment the troubles of the Kingdom.

The Chiefs of the Confederates had not all the same views. Some acted only out of private interest, and made use of the present juncture to ruin their enemies. Others, in signing the Confederacy, intended, to remove the scandal which the Queen's Marriage had given, to get rid of *Bathwell*, to put the Queen again in possession of the Government, and, perhaps, to limit her Authority by means of the States. These last knowing the Earl of *Murray* was returning to *Scotland* (10), sent *James Melvil* to inform him of the situation of affairs, and to exhort him to behave with great moderation, and above all things, to avoid an entire rupture with the Queen. They represented to him, that his interest required it, because he would be much more master of his own Party, so long as he left the Queen some hopes, than if he reduced her affairs to such a state, that her enemies would have nothing more to fear from her. *Murray* perceived, that indeed such a conduct would be advantageous to him, and promised to follow their advice. But he was no sooner arrived, than the Earl of *Murray* suffered himself to be swayed by the violent Men of his Party, who persuaded him to put affairs beyond the power of being ever restored. This is the representation *Melvil* gives of the Earl of *Murray's* Conduct. A few days after his arrival, he waited on the Queen, and instead of comforting her, as he had done formerly, when she was under Confinement at *Edinburgh*, he spoke her with reproaches. This had like to break her heart; for till then, she was in hopes the Earl of *Murray* would labour to restore her.

Mean while, the Confederates praying him to accept of the Regency, he seemed inclined to refuse it, and desired a few days to consider of it: but this was all grimace, and at length, he accepted it (11). Before the States, which had been convened in his absence, met, he writ to the *Hamiltonians*, (for so were called the Lords assembled at *Hamilton*), to desire them to come and join with the rest of the States, in what should be deemed necessary for the good of the Kingdom: but they refused to come. An Agreement was taken of some time, but there occurred insuperable difficulties. *Buchanan* calls the whole blame upon the *Hamiltonians*; and *Melvil*, on the contrary, upon the violent Party of the Confederates, with whom the Regent was joined. All that can be conjectured, is, that those who had procured the Assembly at *Hamilton*, intended to force the Queen, and wanted only a pretence to declare, which the Earl of *Murray* furnished them with, perhaps, very imprudently. However this be, *Murray* not thinking fit to deter the Convocation of the States, in expectation of an agreement with the *Hamiltonians*, which to him still seemed more remote, the Regency was confirmed by a Decree, subscribed by above two hundred Lords and Gentlemen of the greatest distinction, as well Catholics as Protestants.

The new Regent's first care was to remove *Balfour*, who had rendered himself suspected, from the Government of *Edinburgh* Castle, and to confer it on the Laird of *Grange*. Mean while, the *Hamiltonians*, at the head of

(1) These Letters were first published at the end of *Buchanan's* Detection; others have since been printed at London in 1756, by Mr. *Edward Simms*, under *Melvil's* name, but do not agree with the former.

(2) David *Scott* &c. See *Buchanan's* Detection.

(3) And from thence to the *Scottish* Isles. *Buchanan*.

(4) *Indignus*, and some others, were for restoring her to her Authority on these Terms, that the King's Murderer should be punished; that care should be taken of the Prince's Person; and that *Bathwell* should be divorced from her, and Religion established. Others were, for her abdicating the Kingdom in behalf of her Son, and being sent in perpetual Exile, either in *France* or *England*. Others were of Opinion, that she should be tried, and condemned to perpetual Imprisonment, and her Son crowned in her room. And others again, that she should join her Crown and Life together. *Camden*, p. 405.

(5) And the Earl *Robertson*. *Spotswood*, p. 211.

(6) *Melvil* says, she desired the Lord *Murray* to be the 6th Regent, p. 25.

(7) *Elizabeth* Earl of *Lennox*, John Earl of *Arbuthnot*, James Earl of *Marion*, Alexander Earl of *Glencairn*, and John Earl of *Murray*. *Camden*, p. 405.

(8) The Lords *Hamilton*, *Fife*, *Forbes*, *Bell*, John *Hamilton* Bishop of *St. Andrews*, &c. *Melvil*, p. 25.

(9) He came to *Edinburgh*, Dec. 11. *Spotswood*, p. 211.

(10) He was elected Regent, Dec. 25. *Spotswood*, p. 211.

1567.

A Party is formed for the Queen.
Buchanan.
Melvil.
p. 25.

p. 26, 28.

Some of the
Confederates.

Melvil.
p. 25.

The Earl of
Murray arrives,
and disperses
the Regent.
Melvil.
p. 25.
Camden.

He is opposed
to the Regent.
Buchanan.
Melvil.
p. 25.

He is invited
to come to the
States.
Buchanan.
Melvil.
p. 25.

A Casket of
Bathwell's
which some
Papers in
it were
discovered.
Buchanan.
Melvil.
p. 208.

Bathwell
retires to the
Isles of
Orkney.
Buchanan.
Melvil.
p. 28.
The Queen
is obliged to
resign the
Crown to her
Son.
Buchanan.
Melvil.
p. 25.
Camden.
p. 405.

p. 25.

Melvil.
p. 25.
Camden.
p. 405.

She is allowed
to appoint a
Regent.
The names
Murray.
Buchanan.
Melvil.
p. 25.

Buchanan.
Melvil.

1567.

whom was the Earl of *Argyle*, loudly complained of their being neglected, and refused to acknowledge the Earl of *Murray* for Regent. It was easy to perceive, their aim, on that pretence, was to form a Party for the Queen. And indeed, some time after they met at *Dunbarton*, and signed an association, the intent whereof was to release the Queen, and replace her on the Throne. Twelve Lords (1), of whom the Earl of *Argyle* and the Bishop of *St. Andrew's* were the first that subscribed the bond of association. But the Earl of *Argyle* deserted this Party presently after, and came to the Parliament. This Lord, who frequently chang'd sides, did not remain long with the Party he had espoused. As for the Duke of *Chateaufort* he was then in *France* about his own private concerns. This association was not at first very formidable to the Regent; but it became so afterwards, because all the Male-Contents of the King's party join'd it by degrees, it not being easy for the Regent to please all.

During the rest of the year, the Regent took into his hands all the strong places of the Kingdom, and bestowed the offices and governments as he judged necessary for the preservation of the publick peace. He took care, above all things to cause justice to be administered punctually and impartially. *Melvil* blames him only for one thing; namely, his not being so diligent as he might have been, in gaining the *Hamiltonians*. But it must be considered, *Melvil* himself manifestly leaned to that Party. The Queen valued and loved him, and consequently it was natural to wish her restoration. He plainly shews in his *Memoirs*, that he heartily desired he might be replaced on the Throne, which made him blame those who opposed it.

The knowledge of the affairs of *Scotland*, is so absolutely necessary for understanding the motives of Queen *Elizabeth's* Conduct and Politics, that it is not to be thought strange, that I have given so particular an account of what pass'd in that Kingdom. The sequel will justify, as I hope, this long digression. I return now to the affairs of *England*.

The Term for the restitution of *Calais* being expired, *Elizabeth* sent into *France* Sir *Thomas Smith* Secretary of State, and Sir *William Winter* Master of the Naval-Stores, to demand that Place of the King, according to the Treaty of *Cateau*. But nothing was farther from the King of *France's* thoughts. He appointed Commissioners to treat with the *English* Ambassadors, as if it was to be considered again to whom that Place was to belong, and as if the Treaty of *Cateau* was to be reckoned as nothing. *Michael Hospital* Chancellor, who was first Commissioner, made, on this occasion, a long Speech, of which it will be sufficient to relate the substance, to shew how groundless were the reasons with which he supported the Refusal of *Calais*. He said,

"By the same right the *English* demand *Calais*, they may as well claim *Paris*; for the one, as well as the other, was won and lost by arms (2).

"The *English* plead a new Title to *Calais*, whereas the King of *France's* Title is of the same date with the Monarchy itself.

"Though the *English* had it in possession above two hundred years, yet the Right was as much in the Kings of *France*, as were the Dukedoms of *Guienne* and *Normandy*, which the *English* detained a long time by force. And therefore it could not be said, the *French* had conquered *Calais* and those Dukedoms, but only recovered what belonged to them.

"Precipitation of Time is of no consideration among Princes, but Right always takes place, and by the Law of the Twelve Tables, the Authority remains perpetual against an Enemy.

"Though the *English* undertook the late War for the sake of *Calais*, yet that place was not mentioned in the Treaty of *Troyes*, and thereby they owned they had no farther pretensions to it.

"The Clause inserted in the Treaty of *Troyes*, relating to the reversion of Rights, concerns only small and insignificant matters, and not the restitution of *Calais*, which is an Article of the greatest importance.

"The pretended attempts of *Francis II.* in *Scotland*, could by no means affect the Right of *Charles IX.* his Successor. Indeed, the very intentions of private Persons are in some respects liable to the Laws; but the case of Princes is quite different.

"The late King, in aiding the Queen of *Scotland* his Wife, did no more than the *English* themselves had done in seizing *Havre de Grace*, under colour of keeping it for the King. Moreover, they furnished the Prince

of *Condé* with Money, and therefore have forfeited their claim to *Calais*.

"When it pleased God that the *French* should recover *Calais*, he set the natural bounds between the Kingdoms of *France* and *England*, according to the Poet:

"*Et penitus tota divisos orbe Britannis.*

"In a word, if any one had the assurance to propose to the King the restitution of *Calais*, he would deserve not only death, but a worse punishment, damnation."

Smith replied, he would not stay to shew the weakness of the Arguments alleged by the Chancellor, because he could not believe, the refusing to restore *Calais* would in good earnest be founded upon reasons so little plausible. There was a Treaty made expressly on this account, which the Chancellor never mentioned, as if he had forgot, that upon this Treaty, signed, ratified, and sworn to by the King of *France*, the Queen of *England's* demand was grounded. Neither did he intend to lose time in combating maxims, which, if admitted, would render all Treaties between Sovereigns of no effect: but would content himself with answering two objections, which were the most specious. As for the Treaty of *Troyes*, he appealed to some of the Commissioners, who were present at the conclusion of that Treaty, whether it was not agreed, that the restitution of *Calais* should be comprised in the general reversion of Rights, and that the reason which they alleged to hinder the Town of *Calais* from being referred by name was, because the eight years were not yet expired. As for *Havre de Grace*, the *English* made a peaceable entry, being invited by the Inhabitants and the People of *Normandy*. In short, as for the Money lent to the Prince of *Condé*, the King of *France* himself owned it was for his service, since it was to pay the German Soldiers, who threatened to ravage the Kingdom. But all these reasons were to no purpose, *France* being resolved not to part with *Calais*. I shall observe here by the way, that the Chancellor of *France* did not use, in order to evade the restitution of *Calais*, the Arguments taken from the Treaty itself of *Cateau*, as he might have justly done, if that Treaty were expell'd in the Terms, or after the manner mentioned by the *French* Historians.

It was not the Chancellor's arguments that hindered *Elizabeth* from asserting her right to *Calais*; but the situation of her affairs, which permitted her not to enter into a war with *France*. Her intention was not to invade, but to defend and maintain herself on the Throne, in spite of the endeavours of her enemies. This was her only care, during the whole course of her Reign. Hence it was that she sometimes seem'd willing to marry, though, in all appearance, she had no such desire. The first she decoyed with this hope, was the Archduke *Charles of Austria*, the same that was proposed to the Queen of *Scotland* by the Cardinal of *Lorraine*. She carried her dissimulation so far, as to send *Thomas Ratcliffe* Earl of *Suffolk* in embassy to the Emperor *Maximilian*, to settle the marriage-articles, the Emperor on his part having dispatched Count *Stolberg* to keep her in this good resolution. The Earl of *Suffolk* stayed five months at Vienna about this negotiation, going thither under colour of carrying the Emperor the Order of the *Garter*. But he was accompanied with the Lord *Norrb*, the Earl of *Leicester's* Creature, who was ordered by his Patron to defeat the negotiation as much as possible, by tacitly hinting to the Imperial Court, that the Queen had no design to marry, whatever she pretended. The Emperor found afterwards, that *Norrb* was better informed than the Ambassador, who, fearing the Queen would espouse the Earl of *Leicester*, did his utmost to adjust all differences and remove the objections. The main difficulty was to find expences upon the article of Religion, which should satisfy both Courts. The Emperor relaxed as much as he could, and the Earl, on his part, did all that lay in his power to remove this obstacle. They were now agreed, that the Archduke should have the Title of King of *England*, and Guardianship of the Children, in case the Queen died first. As to Religion, after the Emperor had often, but in vain, demanded the Privilege of a publick Church for the Archduke, he consented at length, that he should be satisfied with a private Chapel in some part of the Royal Palace, where no *Englishman* should be admitted; and if his way of Worship happened to give any offence, he should forbear it for a time, and be present with the Queen at the Service of the Church of *England*. But this affair being debated in the Council of

(1) Eleven only. *Albion*, p. 25.

(2) There was an express Treaty for *Calais*; but there was none for *Paris*. *Regis*.

1567. *England*, the Queen sent the Earl of *Suffex* word, that he could not admit even of this. So the Negotiation was broke off, though without noise, with marks of esteem and friendship mutually given by the Emperor and the Queen.

By the way, this obstacle concerning Religion, was the means the Queen always used to break off all the Negotiations about her Marriage. And therefore she ever treated with Catholic Princes, because she was sure of breaking off the Negotiation whenever she pleased. As for the Protestant Princes, who offered themselves whilst she was of age to marry, she took care to let them soon know, they had nothing to hope for. This behaviour confirms the suspicion which had been always entertained, that she had made a settled resolution never to submit to the matrimonial yoke, though her affairs obliged her sometimes to pretend the contrary.

This year arrived at *London* Ambassadors from *John Basilewitz*, Grand Duke of *Muscovy*. Their public Commission was, to confirm and renew the Favours which the *Czar* their Master had granted to the *English* Merchants, associated by the name of the *Muscovy Company*. But with these Ambassadors returned *Anthony Jenkinson* an *Englishman*, who had made a long stay in that Country, and was charged with some private instructions (1). The *Czar*'s design was to make with *Elizabeth* a league offensive and defensive, with a mutual obligation to afford each other a safe retreat, in case either should be driven out of their Dominions. This Prince, who was a great Tyrant, was willing to provide for his safety, being apprehensive his Subjects would not always suffer his Tyranny. The Queen returned him a doubtful answer, which he had no reason to be pleased with, and yet he granted, two years after, to the *English* Merchants, Privileges which very much conduced to render their trade with *Muscovy* flourishing.

About this time there were Commotions in *Ireland*, occasioned by the Rebellion of *Sham-Oneal*, a Lord of great interest in the North; but which ended with the death of the Rebel, who was slain by his own People.

The Duke of *Norfolk*, who was one of those that were most in the Queen's favour, lost his Duchies this year (2), and by that means unfortunately saw himself in a condition to form projects which proved his destruction (3).

The Affairs of the *Low-Countries* were very much altered during this year. The great Men were divided, and several had betrayed the common cause. The Prince of *Orange* was withdrawn to his Governments, Count *Horn* to his own House, and Count *Egmont* continued with the Governors, who improving this dissension, revoked whatever he had been forced to grant to the Reformed. Then the sent for Forces out of *Germany*, and raised some *Hallam* Regiments. Shortly after *Philip II.* resolved to send the Duke of *Alva* into the *Low-Countries*, with an Army of native *Spaniards*, to chastise both the Nobles and People. Whereupon, the Prince of *Orange* retiring into *Germany*, the Duke of *Alva* entered the Country at the head of his Army, without any opposition. At his Arrival at *Brussels*, the *Duchess of Parma* put the Government into his hands, and then the Duke exercised cruelties which it is needless to relate, since they are universally known. The Counts of *Egmont* (4) and *Horn* lost their lives by the hand of the Hangman, whilst *Montigny* suffered the same punishment in *Spain*, and all the Prince of *Orange*'s Lands were confiscated.

On the other hand, the Court of *France*, under colour of feasting the Duke of *Alva*, who was to pass near the Borders, levied six thousand *Switzers*, with design to extirpate the *Huguenots*, whilst the Duke of *Alva* should do the same in the *Netherlands*, pursuant to the agreement at *Bayonne*. It is easy to see, that in such a juncture, *Elizabeth* could not attempt the Recovery of *Calais*. It was sufficient if she could avert the Flames which threatened *England*. Mean while, the Prince of *Condé*, having with difficulty escaped the Snares of the Court, re-assembled the *Huguenots* by the Admiral's help, and was very like to have succeeded in his design of carrying away the King at *Mons*. After this disappointment, he went and blocked up *Paris*. In short, on the 10th of *November* was fought at the Gates of *Paris* a Battle, wherein the Constable *Montmerney* was slain. This Action not being decisive, the Prince marched to meet *Casimir*, Count *Palatine*, who was bringing him an aid of three thousand Foot, and six thousand five hundred Horse. In *September*, *La Neuve*, one of the chief of the *Huguenots*, took *Orleans*. Thus

all the neighbouring Countries of *England*, namely, *Scotland*, *France*, and the *Low-Countries*, were in trouble and confusion, whilst the *English*, by the wise management of the Queen, enjoyed a profound Peace.

It was however at the expense of her own, that *Elizabeth* secured the repose of her People. She had to fear both at home and abroad, and consequently was obliged to attend perpetually as well to foreign as domestic affairs, in order to prevent the designs of her Enemies. The state of the *Huguenots* in *France* made her very uneasy. Their Enemies were likewise hers, and as there was little appearance of their withstanding the Catholics, who were a hundred to one, and supported by the authority Royal, she was apprehensive, that after their extirpation, the storm would fall upon *England*. It was scarce to be doubted, that the War, which was waging at once with the Protestants of *France* and the *Low-Countries*, was the effect of the mutual Councils of the *French* and *Spanish* Courts, and that the destruction of the Protestant Religion was the principal object these two Courts had in view. *Elizabeth* therefore thought it absolutely necessary, to let the King of *France* know, she was concerned for the preservation of the *Huguenots*, whatever reason the might have to complain of their behaviour to her. To that purpose she ordered *Norris*, her Ambassador to *Charles IX.*, to intercede earnestly for them, and give to understand, she knew her own interest too well to follow them to be entirely ruined. These threats from *England*, the resolution of the *Huguenots*, and their assistance from *Germany*, produced a good effect, and procured them a Peace. But it was only a treacherous Peace, wherein the Court intended only to deceive them, and which for that reason was called afterwards the *Lame Peace*. *Catherine de Medici* knowing it would not be long before the War would re-kindle, resolved to be beforehand, to prevent *Elizabeth* from assisting the *Huguenots*. To that end she began now to hint to the *English* Ambassador a marriage between *Elizabeth* and the Duke of *Anjou*, who was but seventeen years of age. I shall speak elsewhere of the sequel of this project.

At the same time *Philip II.* showed his spite against *Elizabeth*, by confining her Ambassador (5) to a country Village. On the other hand, Sir *John Hawkins*, an *English* Merchant, who was gone to trade in the Bay of *Mexico* with five Ships, by virtue of the Treaty between *Charles V.* and *Henry VIII.* was seized by the *Spanish* Fleet, which took and rifled three of his Ships. These outrages were very grievous to *Elizabeth*, especially as the *Merchants* loudly murmured, and were importunate for a War with *Spain*. But she did not think proper then to fliew her resentment, for fear of being engaged farther than the situation of her affairs would permit. She had the more reason not to enter into a War of this nature, as at the same time the affairs of *Scotland*, which touched her more nearly, took a new turn, and might be to her of very great consequence.

Queen *Mary* was Prisoner at *Lech-lein*: but that did not hinder her from having still a strong Party consisting of all the Catholics, with those that envied and hated the Earl of *Murray*, or such as were in credit about him. Indeed, most of those Men little regarded the Queen, but thought she could afford them a plausible pretence to act against the Regent, and it was this that caused them to declare for her. On the other side, in the Regent's Party itself, which was called the King's, there were some who were engaged in it purely to ruin *Bathwell*, whom they hated and feared. These imagined, if they could get him out of the way, things would return to their proper channel, and the Queen might marry some Prince, who would cause *Scotland* to flourish again. *Kircaldie*, who was of this number, being informed, that *Bathwell* was playing the Pirate near the Isles of *Scotland*, equipped two Vessels, and resolved to go in chase of him, believing all troubles would cease with his death. He was so fortunate as to meet with him. He pursued and obliged him at length to run his Ship ashore, and escape to land in his Boat. But his Ship was taken with his Servants, who, it is said, gave information of many things concerning the late King's murder, which reflected on the Queen. But there is no relying upon such sort of public reports. *Bathwell* having the good fortune to escape, but not knowing which way to fly, resolved at last to retire into *Denmark*, where he was taken up and thrown into Prison. He lived there ten

Affairs of France
Nobles
Treasons
P. Duval.

Affairs of the Low-Countries.
Gentius.
Strada.

Affairs of the Low-Countries.
Gentius.
Strada.

Affairs of the Low-Countries.
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Affairs of the Low-Countries.
Gentius.
Strada.

(1) He took an accurate Map of *Russia*, and was the first *Englishman* who ventured through the *Caspian* Sea, into the Country of the *Bastians*. Camden, p. 408.

(2) She was his third Wife, with whom he had lived about a year. Her Name was *Elizabeth*; she was Daughter of Sir *Francis Laune*, Knight, and Widow of Thomas Lord *Darien* of *Gloucestershire*. Dugdale's Baron, Vol. II. p. 276.

(3) This year also, in *January*, died *Dodder Nicolas Wines*, Dean of *Canterbury* and *York*, often mentioned in this History. Camden, p. 408.

(4) *John de la Motte*, a French Gentleman, was beheaded at *Brussels* in the beginning of *July*. The French Ambassador, who was a private Spectator of the Execution, is said to have written to *Charles IX.* King of *France*, "That he had seen that Head struck off, whose Valour had made France twice tremble!"

(5) Alluding to the Battle of *Meuse*, near *Graveling*. The *Flamings* were so fond of him, that his Execution made them lose all Patience. No Officers from *Paris* could quell them, and they never left pursuing their revenge, till they had entirely brook off the Spanish Yoke. Strada de Bell. Belg. l. 7.

(6) Camden, p. 408.

1568. years in extreme misery, which turned his Brains. Camden affirms, that before his death, he solemnly protested the Queen was in no degree privy to the Murder of the King her Husband (1). But, according to custom, this Author does not say from whence he had this particular (2).

Several of the King's Party were killed. *Buchanan.* *Melvil.* *P. 90.* *Spotswood.* *Bathwell* being no longer to be feared, all those that had declared against the Queen from their hatred to him, forsook the King's Party, some privately, others openly. *Lindington* and the Lord *Byrd* were amongst those who feigned to be still attached to the Regent, in order to have a fairer opportunity to do the Queen Service. The Earl of *Argyle* wavered for a time, but at last quitted the Earl of *Murray*, and joined the other Party.

The Queen's escape out of Fife. *Buchanan.* *Melvil.* *P. 90.* *Spotswood.* Mean while, the Regent being gone to *Glasgow*, heard a few days after, that the Queen had made her escape from *Leuch-lein* (3), and was at *Hamilton* Castle, but twelve Miles from *Glasgow*. This News quickly spreading, the Lord *Byrd*, who was of the Regent's Council, forsook him immediately and went to the Queen.

She marches against the Regent. *Melvil.* *P. 90 & 91.* The Regent was extremely perplexed, especially as he learned at the same time, that the Queen's Friends were drawing People together from all sides, and flocked to her in great numbers. This made him sensible, he must either forsake the Party, or try the fortune of a Battle. He chose the last, and assembling some forces, though in number very inferior to the Queen's, he departed from *Glasgow*, at the very time the Queen was marching to give him battle. *Melvil* says, the Queen's design at first was not to fight, having left *Hamilton* Castle only to retire to *Dunbarton*, but that the Archbishop of *St. Andrew's* and the rest of the heads of the Party (4) were for hazarding a battle, trusting to their numbers, and hoping to govern in the Queen's name, when the Regent was vanquished. Be it as it will, this Army, six thousand strong (5), advancing towards *Glasgow*, met the Regent who had but four thousand Men, and the Battle began. It is needless to give a description of it here (6). It suffices to say in a word, the Queen lost the day, and for fear of falling into the hands of her Enemies, fled towards the Borders of *England*. She chose for her first retreat the House of *Maxwell* Baron of *Herris* (7): But a few days after, not thinking herself safe there, or in any other place in the Kingdom, she resolved to retire into *England*. Upon the least attention to what had passed hitherto between *Elizabeth* and *Mary*, and to the just reasons they had to distrust, and consider each other as real Enemies, notwithstanding their external demonstrations of a mutual friendship, which was all dissimulation, it will not be thought, that *Mary* would have voluntarily taken refuge in *England*, had it been in her choice to retire elsewhere. But there was a necessity either of falling once more into the hands of the Scots her Enemies, or of throwing herself into the arms of *Elizabeth*. Of the two dangers, one was near and infallible: the other was yet distant, and not so certain, as to destroy all hopes of finding assistance in that Queen's generosity. However this be, the first one of her Servants, *John Beton*, to *Elizabeth*, to desire her protection and leave to retire into *England*. Camden says, she sent by the same Messenger a Diamond, which he had received from her as a pledge of her friendship, and promise to assist her to the utmost of her power, when there should be occasion. And yet this same Author has inferred, under the year 1582 of his Annals, a Letter of *Mary* to *Elizabeth*, wherein it appears this Diamond was sent back before the Battle of *Glasgow*. Besides, though *Elizabeth* may possibly have added to her Present of the Diamond some tender and affectionate expressions, with some general promises, it is not likely she intended to oblige herself so far as Camden would insinuate. This is what I believe for several reasons. First, it is certain *Elizabeth* was never so well-affected to *Mary*. Secondly, such an engagement was directly contrary to her interest, which required not she should be so careful of her Rival's prosperity. Lastly, no time can be assigned, when *Elizabeth* was under any necessity to carry her dissimulation to that height. Camden

adds, *Elizabeth* sent word to *Mary* by the same *Beton*, that she would give her all the proofs of friendship which could be expected from a Sister. But as I have often hinted, it is not always safe to rely wholly on the testimony of this Author (8). However, before this answer arrived, *Mary* fearing to be discovered in her retreat, took boat (9), and came to *Wirkinton* in *Cumberland*, attended only by the Lords *Heriot* and *Fleming*, and a few Servants. The same day she writ to *Elizabeth*, acquainting her with her arrival in *England*. She told her in the Letter, that having escaped out of Prison, and intending to go to *Dunbarton*, her Enemies came against her to dispute her passage (10), and defeated her Army: That this misfortune obliged her to quit her Kingdom, where she could not be with safety, to come and implore her Protection, and the intreated her to cause her to be conducted to her Presence. She said also in the same Letter, *That her Enemies, after murdering her Servant before her Face, had committed a new Crime, which they pretended to charge her with, though themselves had plotted it, as appears by a Writing under their own Hands and Seals*. It is this doublet which gave Camden occasion to say under the year 1567, that the Earls of *Murray* and *Morton* bound themselves by a Writing to support *Bathwell* when he should have killed the King (11). If this Writing, which never appeared, were really true, it would evidently follow that *Mary* was not ignorant of *Bathwell's* being Author of the King her Husband's murder, since she knew *Murray* and *Morton* had promised to screen him. But it is not likely, she would have made such a confession to *Elizabeth*. Besides, on supposition that *Mary's* Letter was such as Camden represents it, she does not name the Earl of *Murray*. She only imputes to her Enemies the crime she herself was accused of. We shall see hereafter how she maintained what she had advanced, and after what manner she made her defence.

Elizabeth being informed the Queen of *Scots* was in *Elizabeth* *England* after the loss of a Battle, sent Sir *Francis Knollys* to comfort her, and ordered her to be lodged at a Gentleman's House, where she was treated as a Queen. After that, she was conducted to *Carlisle* (12). Here *Mary* writes a second Letter, according to Camden, intreating her either to admit her to her presence, or give her leave to depart elsewhere. Camden says, *That Elizabeth was touched with Compassion (13), because the Queen of Scots offered to debate her Cause before her, and engaged to prove her Adversaries guilty of the Crime they unjustly loaded her with*. But this Historian forgets a little too far what *Mary* said in her Letter, since she did not offer to prove her Adversaries guilty, as indeed she never attempted it. There is not a single word in Camden's Annals concerning the Queen of *Scots*, but what must be guarded against. We are going to see *Elizabeth's* Compassion for this Queen. She sent her word, that as she stood charged by the Voice of the publick, with being privy to the murder of the King her Husband, or at least with not inquiring after the Murderers, and with keeping still in her service, and in her very House such as were accused of being Accessories, she could not see her till she had cleared herself of so heinous an accusation, and desired to know in what manner she intended to justify herself. Whereupon, it was agreed, that *Elizabeth* should hear her defence, and protect her if innocent. It is very probable, or rather certain, that herein *Elizabeth* intended only to gain time, and have a pretence to detain her till she had determined what was to be done, which her Council was at no small loss to know.

There were on this occasion several ways to be taken, and each had its difficulties. But, as it is very usual in the Councils of Princes, the Star by which the Ministers and Counsellors were guided, was not Justice or Equity, but the Queen's safety. In much the same case *Henry IV.* stayed the King of *Scotland's* eldest Son, who was afterwards King himself, under colour that he was come into his Dominions without his leave, and that Prince was de-

(1) Her consenting to marry him so soon after her Husband's murder, carries with it a very strong Presumption, which nothing but a direct proof can possibly remove.

(2) By *Edinburgh*, Queen *Mary* had a Daughter, who was a Non at *Niort Dame de Suffren*. *John's Coll.* Tom. II. p. 610.

(3) On *May 2*. By the assistance of *Gorge Douglas*, half Brother to the Regent: whose Mother was likewise thought to be concerned in it. *Buchanan*. Camden, p. 410.

(4) *Christy* the House of *Hamilton*. Some hold, that the Archbishop of *St. Andrew's* intended to cause the Queen to marry the Lord *Hamilton*, in case they had obtained the Victory. And the Queen herself feared the same. *Melvil*, p. 91.

(5) *Buchanan* says, it consisted of about six thousand five hundred fighting Men, l. 10. On the Queen's side, the Earl of *Argyle* commanded the Battle, and the Lord of *Arbuthnot* the Vanguard. And on the other side, the Regent led the Battle, and the Earl of *Morton* the Vanguard. *Melvil*, p. 91.

(6) *Melvil* describes this Battle at large, (which was fought on *May 15*. *Buchanan*, l. 19.) The Victory was owing to the Conduct of the Laird of *Gowrie*. See *Melvil's* Memoirs, p. 91.

(7) *Dundren* in *Galloway*. *Blackwood*, p. 217.

(8) Camden's account is confirmed by *Lely's* Negotiation, from whence it is visibly taken, and on whose Credit is entirely rest. See *Anderson's Coll.* Tom. III. p. 200.

(9) She got into a Fisher-boat at *Ardbright*, with eighteen or twenty Persons. *Spotswood*, p. 217. *Anderson's Coll.* Tom. 4. p. 2, &c.

(10) The contrary appears by the Testimony of *Melvil* above-mentioned. *Rapin*.

(11) The Words in Camden are: "They went so far as to charge me with a new pretended Crime, and sign this Accusation with their own hands." Which Words don't seem to give Camden reason to say, as *Rapin* here imagines.

(12) And *John IV.* was removed to *Bolton*, a House belonging to the Lord *Scrop*, Warden of the *West-Marches*. *Anderson's Coll.* Tom. IV. p. 6.

(13) Camden's Words are, she seemed at last touched, (for who can deny into the House of Princes, of which they who are wife always keep the Key) with a hearty Sense of, &c.

1568. tained till the reign of *Henry VI.* It cannot be denied, that a Sovereign has power to seize a foreign Prince, who enters his Territories without a Safe-conduct. But there are cases wherein strict Right becomes the greatest Injustice. Such was that of *Henry IV.* with regard to the Prince of *Scotland.* But in *Mary's* case, the Circumstances appeared still more favorable. It was a Woman, vanquished by her own Subjects, whose violence she feared, and who, far from being suspected of any ill design against *England,* was come only for refuge, and to implore the protection of a Queen her near Relation, who had always affected to give her marks of her friendship. So to consider the Queen's fault, only as a sort of breach of the Law of Nations, she did not deserve to be detained in Captivity. But as I said, it is not always by these maxims that Sovereigns are guided. The point in debate in the *English* Council, was, not to search for what was most consonant to justice or generosity, but what was most advantageous (1). The various courses therefore which might be taken with respect to the Queen of *Scots* were examined, in order to choose the most beneficial to *Elizabeth.* The first was to restore her to the Throne, for an example, that Subjects shall not expel their Sovereigns with Impunity. But though this was what *Elizabeth* should have done as a Sovereign, yet other more particular Considerations hindered her from endeavouring to restore and render more powerful, a Queen whom the justly looked upon as a dangerous Rival. For the same reason it was to be feared, if she sent her back to *Scotland,* though without Succours, her Faction would revive, and one Victory, which was not impossible, might render her absolute. In that case she might recall the *French* into *Scotland,* and pursue the execution of the projects formed in *France,* in the reign of *Francis II.* her Husband. On the other hand, if she were sent over to *France,* there was no certainty that she would not return to *Scotland.* Besides, if the King of *France,* and the Princes of *Lorraine,* were masters of her person, it was very likely they would make use of her name to invade *England,* and the Pope and King of *Spain* join with them. There was no way therefore but to keep her in *England,* either free or in prison. But to leave her at liberty was running a manifest hazard. Her Title to the Crown of *England* would draw to her Court all the Catholics, and disaffected persons in the Kingdom, as well as the *French* and *Spanish* Ambassadors, to assist her with their Counsels. That if, being absent, she had been able to form a strong Party in *England,* how much more might her presence render the same party more numerous and powerful. It is certain, though *Elizabeth* and her Ministers pretended to think it very strange, *Mary* should claim the Crown of *England,* they knew however the grounds of her Title, and that many people were convinced, it was even more lawful than the Queen's. Finally, in detaining her in prison, there was no question, *Elizabeth* would incur the Indignation of all *Europe,* by this excessive Severity, the motives whereof would not be generally known. This was however the course which *Elizabeth* took, by the advice of her Council, and without doubt, by her own Inclination. It is certain, besides the reasons of State which induced her thereto, she was also moved by a personal jealousy of the Queen of *Scots,* who was handsomer and younger than herself, though she was very far behind her in other respects. However, to colour in some measure the Severity which was to be used to the Queen, *Elizabeth* resolved to appear extremely concerned for her misfortune, and very desirous to be convinced of her Innocence, that she might afterwards give her a powerful assistance, without fear of reproach. But withal, she took a resolution to delay the methods to be used for this purpose, till time and opportunity should afford room for other measures. From thenceforward she constantly refused to hear those who spoke against the Queen of *Scots,* but then she was not sorry that divers Accusations were publicly spread against her, that it might not be thought strange, this affair could not be cleared in a short time. So, *Camden* had reason to say, *Elizabeth* seemed touched with a lenity of the Queen of *Scotland's* misfortune, and openly detested the behaviour of the *Scots.* But it does not follow, there were her real Sentiments. Her aim being only to prolong the affair, under colour of labouring the Justification of her Prisoner, it was not proper, she should, by her discourses, declare herself a party against her. She sought rather to shew, she inclined to her side. *Mary* herself was long deceived by this policy. She imagined *Elizabeth* really intended to serve her. But discovering the artifice at last, she resolved to take such measures as furnished her Enemy with a plausible pretence to detain her in prison. I will venture to affirm, this is the true key of the affair, which

will never be well understood, if we stand to what is said by the Historians of either side.

Whilst these things passed in *England,* the Earl of *Murray* called a Parliament at *Edinburgh,* to get those condemned who had taken Arms against the King in favour of the Queen. The opposite Faction seeing they were like to be oppressed by the decree of the State, used all their endeavours to prevent their assembling. They even demanded Aid of the *French,* who resolved to send an Army into *Scotland,* under the Conduct of *Montgomes.* In the mean time, the Queen's friends met at *Glasgow,* to consult how to hinder the Session of the Parliament, but as they could not agree, the Earl of *Argyle* withdrew to his House. The Earl of *Huntly* more fiery than the rest, assembled some Troops, and posted himself at *Perth,* to alarm the Regent, till the arrival of the *French* Succours. But the Civil War which re-kindled in *France,* obliging the King to keep the Forces designed for *Scotland,* the Earl of *Huntly* was constrained to retire. This reluctance failing, the Queen's friends applied to *Elizabeth,* representing to her, that the Regent, by an unseasonable Session of a Parliament, was going to drive the principal Lords of *Scotland* to despair, and offered to take her for Umpte of their differences with the Regent. This offer was very grateful to *Elizabeth,* because she could thereby render herself mistress of the affair, and prolong it as she pleased. She therefore let *Murray* know, he would oblige her in deferring the Parliament, till she was better informed of the reasons, which had induced the *Scots* to deprive their Queen of the Government of the Kingdom. But he desired to be excused, and held the Parliament on the day appointed. *Buchanan* pretends, *Lidington,* who feigned to be attached to the Regent, managed it so by his Intrigues, that the States resolved to punish only some of the most guilty, and that this Indulgence was a great means to strengthen the Queen's Party. The Parliament breaking up, the Regent raised an Army to pursue those who were condemned. He reduced several places to the obedience of the King, and very probably, would have over-run the whole Kingdom, if the Court of *England* had not interrupted the execution of his designs.

Elizabeth found to great an advantage in becoming Umptire of the affairs of *Scotland,* that she took care not to let slip the present opportunity, without improving it. To compass her ends the more easily, she plainly intimated, that she believed the Queen of *Scots* innocent; that she herself was concerned in this quarrel, which all Sovereigns ought to espouse, and that it was their Interest to chastize rebellious Subjects, who might give a dangerous example to others. In a word, she so artfully disguised her sentiments, that the *Scots* Queen's Friends, blinded by these appearances, persuaded the unfortunate Queen, to offer to appoint Commissioners to defend her cause before *Elizabeth,* and so fell into the snare *Elizabeth* had laid for her. She had no sooner made this imprudent Offer, but *Elizabeth* writ to the Earl of *Murray,* that the proceedings of the *Scots* in deposing their Queen, were so extraordinary, that she could not approve them, unless they shewed by very good reasons, that they could not have done otherwise. That if their Queen were innocent, she thought herself bound by all sorts of considerations to protect her, and restore her to the Throne, but was willing, before she came to any resolution, to hear what they had to say in vindication of their conduct. That therefore, she desired the Regent would send some well-informed Persons to *York,* where she would order Commissioners to hear what the *Scots* had to allege against their Queen. That it was necessary he should in person clear himself of the crimes he was accused of. In short, she gave him to understand, she should take his refusal as an authentic proof of *Mary's* innocence. *Elizabeth* must have talked something high, to oblige the Regent to take so extraordinary a step. Besides, it was no less necessary to keep by that means the Queen of *Scots* in the belief, that *Elizabeth* fought only to cause her to come off honorably, for fear she should revoke the consent she had given. *Elizabeth's* real aim was to have a pretence to detain the Queen of *Scots,* till the affair should be cleared, well knowing she should not want means to prolong it as she pleased. Besides, how much sower the pretended not to be fully informed, she knew enough to judge, that the *Scots* would bring good evidence against *Mary,* and thereby furnish her with a very natural excuse, to require a farther examination. All this was extremely agreeable to the scheme she had laid, and afforded her means to silence the *French* and *Spanish* Ambassadors, who pressed her continually in behalf of the captive Queen. She told them, she intended to assist *Mary* with all her Forces, and restore her to her former dignity; but that

(1) It was at first refused in the *English* Council, to ask the Queen of *Scots* whether she would restore her to her Crown and Country, as is shown by *Bishop Burnet* *High. Hist. Tom. II. p. 417.*

1563. decency required the Queen should first be cleared, in the eyes of the Publick, of the crime she was charged with, and that all possible expedition was using to make her innocence appear.

The Regent is determined to give him self Buchanan. Melvil. p. 93. Camden.
The Earl of Murray was very much at a loss what answer he should return to Elizabeth's Summons. It was dangerous for a Regent of Scotland to put to arbitration an affair already decided by the Parliament, and dishonourable to answer before a foreign Power. But on the other hand, he could support himself only by the assistance of England; how much less, if Elizabeth should resolve to refuse Mary to the Throne? Besides, he was afraid his refusal would be construed as a sign, he mistrusted the justice of his Cause. So, after consulting his Friends upon so nice a point, he resolved to go himself to York with eleven Deputies, who were appointed to assist him (1). These were, James Douglas Earl of Morton, Adam Bishop of Orkney, Robert Commendator of Dumfries, and Patrick Lord Lindsay. Mary nominated the Lords Heriot, Livingston, Boyd, Gavin Commendator of Kilsyth, John Gordon of Lochmurray, James Cuthbert of Stirling, Knight, and the Bishop of Ross. Elizabeth commissioned Thomas Howard Duke of Norfolk, Thomas Ratcliff Earl of Sussex, and Sir Ralph Sadler (2), to hear what both Parties had to say, whether for or against. All these Lords came to York on the same day, namely, the 4th of October.

In order to understand fully what passed at the Conference of York, and at another afterwards at Hampton Court, it will be necessary to know what is said upon this occasion in Melvil's *Mémoires*. Without this Key, there is no comprehending any thing by Buchanan's account, and still less by Camden's, who endeavoured rather to darken, than clear the affair. What Melvil relates is a secret, equally unknown to Buchanan and Camden.

Account of a private Affair which passed at the Conference of York. Buchanan.
Very likely, the Duke of Norfolk, who had lost his Duches last year, had now formed the Project of marrying the Queen of Scots, before he repaired to York. At least, it may be affirmed, this Lord was Mary's principal Friend in England. For which reason, he accepted the Commission of presiding at the York Conference, only to hinder the success Elizabeth expected, and to break her measures. However secret the Queen's Project was, the Duke of Norfolk, it seems, had entire knowledge of it, Courtiers having usually a wonderful sagacity, to discover what the Prince would keep most private. Nay, it is said, he had ordered the Earl of Westmoreland, his Lieutenant in the Presidency of the North, to kill the Earl of Murray when he came upon the borders, and seize all his Papers, in order to destroy the Proofs he was bringing against the Queen of Scots, but altering his mind, had revoked the Order. In the beginning of the Conference, he started several incidents to retard the conclusion of the affair in debate. But at last, perceiving all his endeavours would avail only for a delay of a few days, he opened his mind to Lidington, who, though suspected by all the King's Party, had attended the Regent as Deputy and Secretary of State. The Duke told this Lord, that he could not imagine what had induced the Scots to come and accuse their Queen before English Commissioners; that they greatly dishonoured their Nation, and would one day be responsible for it. Lidington replied, he was very glad to find him of this opinion, that for his part, he had done his utmost to hinder the Regent from taking this step; that Kirkcaldie had done the same, but to no purpose: and if he had accompanied the Regent, it was only in hopes to succeed better in England, and desired him to talk with the Regent, and try to dissuade him from accusing the Queen. The Duke of Norfolk knowing by this, the Earl of Murray's Proceedings were not approved by all his Party, and that even Remonstrances had been made to him upon this occasion, hoped, by speaking to him himself, to prevail with him in some measure. He talked with him therefore in private, and representing to him what he had before said to Lidington, added, he was much mistaken, if he imagined Elizabeth intended to give sentence upon the difference he and his Party had with the Queen of Scots: but that her sole aim was to make them subservient to her own ends: That if he desired to be convinced of

this, he had only to require a Promise under her own hand, to give sentence as soon as the Proofs should be produced, and to support the King of Scotland's Party, in case the Queen his Mother was found guilty. He added, the Queen would never give any such Promise in writing, and thereby demonstrate, she sought only to amuse them. In short, he so managed the Regent, that, before they parted, they agreed, that when he was called upon to produce his Evidences, he should demand a previous engagement from the Queen, such as the Duke had suggested to him. The Earl of Murray imparted this Agreement to none but Lidington and Sir James Melvil, who liked it extremely (3).

At the next meeting, the Regent being pressed to give in his proofs against the Queen of Scots, replied, as he had agreed with the Duke of Norfolk, to the great surprise of the Hearers, except those who were in the secret. It was resolved therefore to write to the Queen, to inform her of this new and unexpected difficulty, and to know whether she would give the Regent of Scotland the engagement he demanded. Her answer was, she thought it very strange her word could not be taken, but that a writing under her own hand should be required, and prayed the Earl of Murray to send two Deputies to acquaint her with his reasons. The Regent chose for this purpose Lidington (4), and Magill, to the great amazement of the rest of the Deputies, who could not conceive that he should trust with such a Commission Secretary Lidington, of whom the whole Party were so jealous.

Shortly after, the Queen desired the Regent to come himself to London with the other Deputies (5), to which he consented. When they were arrived, the appointed other Commissioners to confer with them, namely, Sir Nicholas Bacon, Cecil, the Earl of Leicester, the Lord High-Admiral (6), and Sir William Sadler (7). Probably, the suspected the Duke of Norfolk of some prevarication, and this suspicion was not groundless. She earnestly wished, upon several accounts, to have in her hands the proofs intended to be used, in support of the accusation against the Queen of Scots. First, to silence such as murmured at her not endeavouring to restore that Princess. And indeed, it was manifest, if Mary were guilty of the crime laid to her charge, she was unworthy of her protection. Secondly, having these proofs in her power, she would not only have the management of this affair, but might also cause all delays to be considered as so many favours to Mary, who, in all appearance, would not dare to prefer her to give sentence. Spite and Jealousy might possibly be a third reason, Elizabeth being secretly pleased with her Rival's flame. In the first Conference at Hampton Court, the English Commissioners were very urgent with the Earl of Murray, to give in his proofs against the Queen of Scots. He answered, it was with extreme reluctance that he could resolve to accuse the Queen his Sister, and should never proceed to this extremity, unless it were for the real good and welfare of all Scotland: That therefore he required the Queen of England's written promise, to protect the King, in case the Queen his Mother were found guilty.

The affair standing thus, and the Earl of Murray still persisting in his demand, the Earl of Morton happened to be informed of his agreement with the Duke of Norfolk, by some one whom Mary had trusted with the secret (8). Then it was, Morton came to know the true motive of the Regent's Conduct, which hitherto seemed to him incomprehensible, since he refused to accuse the Queen, though he was come into England for that very purpose. He imparted the secret to some of his Collegues, and they resolved to acquaint Secretary Cecil with it. What passed afterwards between Cecil and the Earl of Murray is not known; but it may be conjectured by what followed, that Murray suffered himself to be prevailed with, to act quite contrary to his engagement with the Duke of Norfolk.

At the first meeting after this discovery, the English Commissioners demanding that the proofs against the Queen should be given in, and the Regent refusing it, all the Scots, except Lidington, were for producing them. Then Wood, Secretary to the Regent, pretending a zeal for his Master, said, it was not from a spirit of civility, as some

(1) Melvil names fourteen, including no doubt all those who attended the Regent. He was himself of this number. *Regin* — As were also Secretary Lidington, Magill, a famous Civilian, George Buchanan. And on the Queen's side, the Lord Fleming, Sir Robert Melvil, Brother to the Author of the *Memories*, &c. see Melvil, p. 93. *Regin* was mistaken in the Names of the Scottish Deputies, but his mistake is here rectified out of the original Commission extract in *Anderson's Collect.* Tom. 4. Part 2. p. 34. 35.

(2) Chancellor of the Duchy of Lancaster. *Spartanwood*, p. 219.

(3) And, in the presence of Lidington, it was agreed between the Regent and Murray, and the Duke of Norfolk, that the Regent should in no way accuse Queen Mary; and that the Duke should obtain in him the Queen's favour, with a Confirmation of the Regency. *Melvil*, p. 93.

(4) As he by mistake, calls him all along Earl of Lidington, whereas he was but Lord Lidington.

(5) The reasons of the Conference being removed to London, were, a suspicion entertained by Queen Elizabeth against some of her own Commissioners; as also, that the Scottish Deputies were ever Bona, and wish to enter into the grounds of the Cause. *Lefly's Negociations*, p. 24.

(6) Edward Ford, Lord Clinton and Saye.

(7) Together with the Duke of Norfolk, and the Earls of Arundel and Suffolk. They met at the painted Chamber at Westminster. *Anderson's Collect.* Tom. 4. Part 2. p. 97. *Lefly's Negociations*, p. 28.

(8) The Duke of Norfolk had by a secret hand advertised the Queen, and she again told it to some of her Familiars, who advertised the Earl of Morton thereof. *Melvil*, p. 96.

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thought, that the Regent would not give in the accusation, but because the Queen of England refused the Promise required: That this Promise being given, he would immediately deliver the accusation and proofs which he had ready; and with that, he took the Papers out of his bosom, and shewed them to every body. But whilst he was holding them up, the Bishop of *Orkney* easily snatched them out of his hand, and gave them to the *English Commissioners*. It is evident, *Murray* had been gained by *Elizabeth's* Ministers, and took this way, only to save in some manner his promise to the Duke of *Norfolk*. With this key it will be easy to understand what *Buchanan* and *Camden* say about the *York Conferences*, which I shall but just mention, because as these two Historians were ignorant of the Duke of *Norfolk's* secret intentions, and the motives of the Regent's Conduct, what they have related cannot be of much service towards clearing this part of the History.

Account of the York Conference according to Camden and Buchanan. Spottiswood. Lisle's Neapolitan. Anderson's Collection. Tom. IV. Part II. p. 52.

At the *York Conferences*, *Mary's* Deputies were heard first. They protested (1), that the present proceedings should not be prejudicial to the Rights of *Scotland*, since *Queen Elizabeth* had no power to meddle with the affairs of that Kingdom. Then they set forth at large the injuries received by the Queen of *Scots* from her own Subjects, and craved *Elizabeth's* assistance to recover her Throne. The Earl of *Murray* answered, That *Bathwell* was Author of the King's murder: That he carried away the Queen with her own consent, and publicly married her: That afterwards, he resigned the Crown to the Prince her Son: That this resignation was confirmed by the States, and it was not in his power to alter what the States had ratified. *Mary's* Deputies replied, That the Queen's Marriage with *Bathwell* was not a sufficient reason to depose her, because *Bathwell* was legally acquitted: That besides, it was manifest, *Bathwell* was only a pretence made use of by the Rebels to act against the Queen, since they might have taken him if they had pleased; but they let him escape, because the Queen alone was what they aimed at. Then they made appear, that the resignation of the Crown was extorted by force, since it was not in the Queen's power to refuse it.

Camden.

Both Parties being heard upon these general points, the *English Commissioners* declared, they could not admit of the Protection against the Queen's being a competent judge, by reason of her right of Sovereignty over the Kingdom of *Scotland*. At to the Regent's answer, they said, the Queen having commissioned them to hear what the Deputies of *Scotland* had to say against their Queen, they could not allow the determination of the States to be valid, because the question was to know, whether they had just grounds to determine in the manner they had done, which could not be known till the reasons, on which their determination was built, were examined. Then they appointed the 7th of *October* to examine the proofs.

Buchanan.

Mévil. p. 91.

At this same meeting (2), the Duke of *Norfolk*, who fought only to gain time, required, that the Regent should do homage to the Queen for the Kingdom of *Scotland*. But *Lidington* answered for him, and affirmed, the Kingdom of *Scotland* owed no Homage to *England*; that if the Kings of *Scotland* had formerly done any, it was only for the Earldom of *Huntingdon* and some other Lands, which were since fallen into the hands of the *English* (3).

Between this, and the next meeting, on the 11th of *October*, it was that the Earl of *Murray* made the fore-mentioned Agreement with the Duke of *Norfolk*. *Lidington* opened this Session with a Speech directed to the Regent and Deputies of *Scotland*, telling them, That whereas it appeared, by the Authority granted by the Queen of *England* to her Commissioners, that her whole design was to engage the *Scots* to throw a bimbo on the Reputation of their King's Mother, they would therefore do well to consider carefully beforehand, what hazard they exposed themselves to, and how they would draw upon themselves the resentment of the Queen, her Relations, and Friends, and the indignation of all Europe, should they impeach her of a Crime which must stain her Honour, and in so public a manner, before the *English*, the professed Enemies of *Scotland*: What account would they be able to give their King when he came of age, of a charge so bold and dishonourable to the King, to his Mother, and to the whole Nation? He therefore, for his part, thought it

Camden.

necessary to waive so scandalous an accusation; or if they would proceed, it was requisite, at least, that the Queen of *England* should expressly engage to defend them against such as should hereafter give them any disturbance upon this account. He concluded, with saying, that he thought it his Duty to give them this advice, as he was Secretary of *Scotland*.

1568.

It is easy to perceive, that the drift of this Speech was to give the Regent an excuse to drop the accusation, according to his Agreement with the Duke of *Norfolk*. He was come from *Scotland* on purpose to accuse the Queen, being provided with all the proofs he intended to use: but by the Duke of *Norfolk's* suggestion, had altered his mind. It was necessary therefore to find a pretence for this change, and this pretence *Lidington* furnished him with, by laying before him such plausible reasons. *Camden* and *Buchanan* were at a loss for the reason of the Earl of *Murray's* sudden change. *Camden* would insinuate, that the engagement he demanded of *Elizabeth*, was only a cavil, to hide his mistrust of the justice of his cause. He says, the *English Commissioners* pressed him very much to give proofs of the accusation, which as yet appeared to be founded only upon a few Letters from the Queen, so much the more suspicious, as *Lidington* had privately intimated, he himself had often counterfeited her hand. But I believe *Camden* would have been puzzled to prove, that any of the Articles of the accusation were examined at *York*. *Buchanan*, who knew as little of the secret as *Camden*, thought he was one of the *Scotch Deputies* (4), pretends, the Regent, purely out of conscience, scrupled to accuse his Sister before Foreigners.

The *York Conference* breaking off, and being, as I said, removed to *Hampton Court* (5) before new Commissioners, the Regent, or *Wood* his Secretary, suffered the accusation, with the proofs, to be snatched out of his hand. Which done, a day was appointed for the *Scots* to enlarge upon their proofs. The Regent agreed to it, and demanded that *Mary's* Deputies should be present, that they might urge their objections, and matters be more fully cleared (6). But when the day came, *Mary's* Deputies produced a formal revocation of their Commission, and an exception against the *English Commissioners*, unless the *French* and *Spanish Ambassadors* were joined with them. *Mary* demanded farther, that the Earl of *Murray* should be sent to Prison, affirming, he could convict him of being Author of the King's murder.

This Revocation, just at the critical time, when the proofs against *Mary* were going to be examined, gave occasion to suspect, the thought herself unable to answer to the purpose. Whilst she was made to hope that matters would not come to the producing and examining the proofs, she had left a full power with her Deputies. But as soon as the found *Elizabeth*, instead of serving her as she expected, sought to bring to light what was capable of dishonouring her, she believed it absolutely necessary to avoid such an examination. For this reason, she revoked the Commission to her Deputies, excepted against the *English Commissioners*, and required an impossible condition, knowing the *French* and *Spanish Ambassadors* would not receive a Commission from *Elizabeth*, and that the Queen would not suffer them to be concerned in the affair. In short, she did not offer to prove the Earl of *Murray* guilty of the King's death, till she had revoked the power of those who were to have accused him in her name. All these things give occasion to believe, she dreaded the event of this Examination, though by her Letters to *Elizabeth*, it should seem, the most earnestly desired to have an opportunity to make her innocence appear before her.

Elizabeth did not much trouble herself about these Acts. Her design was not to judge the Queen of *Scots*, but to draw from her accusation and the proofs, a pretence to detain her till the affair should be fully cleared, being resolved never to think it sufficiently explained either for or against, but to testify however she should be very glad to find her innocent. I say only to testify, for certainly she was pleased to have in her hands proper proofs to show, upon occasion, that she could not justify her. She acted this part a good while.

In fine, though *Mary* had excepted against the *English Commissioners*, they proceeded however to the examination of the proofs. The Earl of *Murray* produced the

Hampton Court Conference. Anderson's Collection. Tom. IV. Part II. p. 92, 93.

Camden.

Elizabeth's Policy.

Fraser. Hist. of the Protest. Buchanan. Anderson's Collection. Tom. V. Part II.

(1) Their Protestation, dated *October 7*, is extant in *Anderson's Collection*. Tom. 4. Part 2. p. 49.

(2) It was on the first day of the meeting. See *Mévil*, p. 94.

(3) He added, *The Kingdom of Scotland was never seen England itself had been lately, when it paid St. Peter's Penny to the Pope*. *Mévil*, p. 94.

(4) He was only one of three that accompanied them. See above, p. 52.

(5) The Conference was held at *Hampton Court*, *December 12*, 1568, 1569, 1570.

(6) A full and curious account of it is in *Anderson's Collection*. Tom. 2. Part 2. p. 101, 102.

(7) On November 6, the Accusation against *Queen Mary* was produced, and indeed it was very home and express. "It is certain, and we hold it certain."

"Mary's affirm, (says the Regent, and the rest of the Deputies) That as James, sometime Earl of *Bathwell* was the chief Executioner of the homicide and"

"unlawfully murdered, preposterous in the action of the late King Henry of good memory, Father to our S. *Charles* King, and the Queen's David Richard."

"So was with the *French-widow*, Council, Deviser, Persecutor, and Commover of the said Murder to be done, Maintainer and Furbisher of the Execution"

"thereof, by imposing and shipping of the said Earl and Parliament due for the same, according to the Laws of the Realm, and consequently by Marriage"

"with the said James, sometime Earl of *Bathwell*, universally charged this Author of the above-said Murder." To this the Queen's Commissioners replied, by charging that Accusation with falsehood; by alleging, that some of the Accusers were guilty too; the first Executioner, the Secretary for the Death of the late King, as was made manifest before ten thousand People at the Execution of one of the principal Gentlemen; and lastly, by telling to proceed, which *Queen Mary* was admitted to answer for herself. See *Anderson's Collection*. Tom. 4. Part 2. p. 125, 127, 129, 130, 145, &c.

Confessions,

1568. Confessions of those who were executed for being concerned in the King's murder. Then he read the decree of the States, confirming the Queen's resignation of the Crown to the King her Son. After which, he produced the fatal Casket, which *Balwell* would have taken from the Castle of *Edinburgh*, and showed the Letters, Verfes, and Contracts before mentioned. This is what *Buchanan*, who was present, attests (1). But *Camden*, without descending to any particulars, contends himself with saying, *The Earl of Murray endeavoured to prove her guilty of her Husband's Murder, by conjectural proofs and circumstances, by force few affidavits, by certain Love-Letters and Verfes writ, as he affirmed, with the Queen's own hand. But these Letters and Verfes were little regarded, these being no name or date to them.*

Buchanan's History was published when *Camden* writ his Annals. The first attests, that in the Casket were found Letters containing the whole Conspiracy against the King, and the Queen's Rape, besides the Contracts. *Camden* insists upon some Letters and Verfes, and even intimates they were forged. Had he writ first, he might have supposed his Assertions would not be questioned. But as he wrote forty years after *Buchanan*, he ought, in my opinion, either to have positively denied or explained the facts related by that Historian. And therefore, as he does not confute them, it is plain he had nothing material to object to them. He farther adds, *Murray* gave the Commissioners a Book of *Buchanan's*, intitled, *The Detestum*, wherein was a particular account of the King's death, with the Vouchers: But that it found little credit with the Commissioners, because the Author was a mercenary Writer. As to the confessions of those that were put to death, he says in another place, that all declared the Queen innocent with their last breath. Here he owns, the depositions of these same People were produced against her, but answers them not. He adds however, that *Elizabeth* was very well pleased that these accusations had something impaired the Queen of *Scots* reputation (2). But if the Commissioners gave no credit to the proofs of the Accusers, as he would intimate, *Mary's* reputation could not be impaired, but on the contrary, the would have been fully cleared (3).

The examination being ended, *Elizabeth* forbore to decide either for or against, as she had resolved. Mean while, as *Mary's* friends were endeavouring to raise troubles in *Scotland*, and the Regent's presence was necessary, *Elizabeth* took occasion to put off the conclusion of the affair till a more convenient time. Thus she obtained her desires, that is, a pretence to detain *Mary* till the affair was more fully cleared, and withal, proofs which would very probably hinder the Queen and her Friends from following a decision. *Buchanan* affirms, the cause the *Scotch* Deputies to be told, that thus far she did not see any thing blameable in the conduct of the *Scots*. *Camden* says, on the contrary, she abhorred their insolence. *Melvil* adds, the acquainted *Mary*, that she believed her wrongfully accused, and could not enough detest the insolence of her Accusers; nor should the accusation be ever made publick. The difference between *Camden* and *Melvil* is, that *Melvil* relates this only to show to what height *Elizabeth* carried her dissimulation; but *Camden* pretends to infer from thence, she believed her innocent. After all, the accounts of these three Authors may be equally true, because *Elizabeth's* scheme was to leave the Affair undetermined, and to put both parties in hopes of her favour. *Buchanan* says, before the Conference ended, *Murray* offered to clear himself of the King's murder before *Mary's* Deputies: But that they thought proper to drop their accusation (4). They could hardly do otherwise, for though they might have hoped to convict him, their Commission was revoked.

Though, according to *Melvil*, *Elizabeth* said she would not see the Earl of *Murray* any more, she had however several private Conferences with him. In these Conferences it was, that he informed her of all that had passed between him and the Duke of *Norfolk* (5), and showed her Letters from *Mary*, which had been intercepted in *Scotland*, where-

in she complained in very harsh terms, of the treatment she received since her coming to *England*. Moreover, she hinted to her Friends, that they should not be discouraged at what had passed at *York* and *Hampton Court*, and that she expected a powerful aid from a certain place which she would not name. These Letters, added to what was discovered at the same time, that the Pope was labouring to raise a Rebellion in *England*, by means of *Ridolfi* a *Florentine* Merchant, and to *Livingston's* frequent Conferences with the Duke of *Norfolk* (6), who was become very suspected, obliged *Elizabeth* to order the Queen of *Scots* to be removed to *Tutbury Castle* (7).

The Duke of *Norfolk* was so exasperated against the Earl of *Murray*, that he had resolved to have him murdered in his return to *Scotland*. But *Throckmorton* having reconciled them, the Duke desisted from his design. *Melvil* affirms, *Murray* promised *Elizabeth* to send her the Letters the Duke should write to him, and that he performed his promise (8).

Whilst these things passed in *England*, the French Court was thinking of executing their design of carrying away by force the Prince of *Condé* from his House at *Noyes*. The Peace granted to the *Huguenots* was only to amuse them. Happily for the Prince, he had notice of it time enough to escape to *Rochele*. This stratagem failing, the persecution against the *Huguenots* was renewed with greater fury than ever. The King forbid them the exercise of their Religion, and banished all their Ministers. Whereupon, they fled for aid to *Elizabeth*, who sent them a hundred thousand Crowns of Gold, with a good train of Artillery. She saw plainly this was a consequence of the Councils held at *Bayonne*, and that if she suffered the *Huguenots* to be oppressed, the flames would soon reach *England*. What confirmed her in this opinion was, that the Duke of *Alva* proceeded in the same manner in the *Low-Countries*, and plainly showed, he intended utterly to destroy the Protestant Religion in these Provinces, and make the King absolute. The Prince of *Orange* had brought an army from *Germany* to try to stop the execution of this design, but for want of money to pay it, was forced to retire among the *Huguenots* of *France*. This Accident compelling many *French* Families to fly to *England* for refuge, the Queen gave them leave to settle in several good Towns, where they contributed very much to cause trade to flourish (9).

About the close of the year an accident happened, which occasioned a Quarrel between the Queen, the King of *Spain*, and the Duke of *Alva*. The *Genoa* Merchants, and some others of *Italy*, having a great Sum of money in *Spain*, and resolving to send it into the *Low-Countries* (10), obtained a Pass-port of the King of *Spain*, and put the money on board some Vessels of *Biscay*. These Ships being attacked in their passage by French Pyrates, did with great difficulty escape into *Plymouth*, *Falmouth*, and *Swanhampton*. As soon as the Queen had notice of it, she ordered the Magistrates of those places to treat the *Spaniards* civilly, and assist them in case the Pyrates attempted any thing against them. The Spanish Ambassador telling her the money belonged to the King his master, obtained leave to have it landed. His design was to carry it by land to some Port nearer the *Low-Countries*. But, at the same time, Cardinal de *Castillon*, who was then in *England* (11), informed the Queen that the money belonged to some Merchants, and that the Duke of *Alva* was to seize it to help him to carry on the War. This was also confirmed by other people. So, to deprive the Duke of *Alva* of this assistance, she took the money by way of loan, and gave security for the payment. Some time after, the Duke of *Alva* demanding the money, the Queen replied, she would punctually return it, as soon as it appeared by good proofs that it was the King of *Spain's*. Upon this refusal, the Duke seized the effects of the *English*, and sent the Owners to prison; and the Queen did the like by the *Flemings*. A few days after, she issued a Proclamation upon this occasion, which the Spanish Ambassador answered in print.

(1) These Letters and Verfes are to be found at the end of *Buchanan's* *Dejection*; and in *Theological History* of *Mary Queen of Scots*, which is little more than a French Translation of the *Dejection*, together with the Contracts and Depositions of the Witnesses. *Rapin*.

(2) *Melvil* says, that *Elizabeth* was very well satisfied with the advantage she thereby received. First, she thought, she had matter to show, whereas she detained the Queen, when she was challenged by the foreign Ambassadors. Then she was glad of the Queen's disobedience. She also sent immediately to the Queen to commit her, saying he to look on herself in a better Case, though for a while detained of her liberty, than to be in *Scotland*, among so many subjects, who had accused her fairly and innocently; so she was assured that she would neither be judged, nor give out any Son over these poor men. Should any part of the said late Accusation be made known by her, so her Councils to say. *Melvil*, p. 97.

(3) The *Memories of the State of France* in the Reign of *Charles IX.* may be consulted upon this occasion, printed in *Octavo* at *Middleburgh*, 1579. Tom. 1. p. 81—144.

(4) According to *Rapin*, they were compelled singly and severally to confess, that they knew nothing of themselves, why *Murray*, or any of his, should be accused of the King's Murder. p. 80.

(5) He had been informed of it before, by means of the Earl of *Morton*. *Melvil*, p. 97, 98.

(6) At *Tutbury Castle*, p. 415.

(7) In *Staffordshire*, where he was committed in the Castle of *George Talbot* Earl of *Shrewsbury*. *Camden*, p. 415.

(8) *Melvil* says, that after this Reconciliation, *Murray* did very early in the Queen, especially his design to marry the Queen of *Scots*, and to give his Daughter to the young King of *Scotland*. The Duke had caused the Queen to give to *Murray*, who was in great want of Money, two thousand Pounds, for which he became *Scots* money and was afterwards forced to pay it. *Melvil*, p. 99.

(9) They settled at *Newcastle*, *Leedsburgh*, *Scarborough*, *Bradford*, and *Swansea*, which turned to the great advantage of *England*; for they were the first that brought into the Nation the Art of making *Brags* and *Soyes*, and other *Linens* and *Woolen Cloths* of the like kind. *Camden*, p. 416.

(10) To raise a new trade. *Camden*, p. 416.

(11) He came to *England*, Sept. 1579; 13, this year. *Sicor*, p. 662.

1568. But this did not satisfy him; he dispersed very insolent Libels, containing grating reflections upon the Queen's reputation (1). For this he was kept under a guard for a day or two. The Queen complained to the King of Spain of his Ambassador's insolence; but could obtain no satisfaction (2).

1569. This difference between the Queen and Philip II. was quickly followed by a disturbance at Court. Among all Elizabeth's Ministers and Counsellors, there was not one so heartily attached to his Mistress's Interest as Cecil, who was Secretary of State. All the rest had their private views, to which they strove to adapt the Queen's and the Nation's interests. But Cecil minded only the Queen's, and was in great favour with her. Therefore to him chiefly she imparted her most secret thoughts with respect to the Government of the State. Several Privy Counsellors were engaged in the Queen of Scots Party: That is, they wished the Crown of England was secured to her, in case Elizabeth died without Issue. They were of opinion, it was a thing agreeable to equity, justice, and the Laws of the Land; and pretended it was the only way to prevent the troubles which might happen after the Queen's decease. But Elizabeth thought, that when they considered the public advantages, they did not sufficiently attend to her safety. Mary did not pretend only to be Elizabeth's presumptive Heir: It was well known her pretensions reached much farther, and that many were perfwaded, her Title was preferable to the Queen's. If therefore she was appointed Elizabeth's Successor, it could be only in virtue of her Birthright, and not in consequence of Henry VIII's Will, where she was not so much as named, whereas many thought Elizabeth derived her Title solely from thence. So, in taking this course, the Titles of the two Queens would have been put in opposition, very much to Elizabeth's disadvantage. Consequently her fear was, this nomination would increase the number of Mary's friends, and in the end endeavours would be used to set her on the Throne before the time appointed. All who were displeased with the Government thought the Nation would get by the change. The Catholics heartily wished it, and amongst the Protestants themselves, there were many to whom it was indifferent which Queen was on the Throne, because they made no great conscience of conforming to all the changes which might be made in Religion, as was the case more than once. It was therefore of great moment to Elizabeth, to hinder Mary from being nominated to succeed her. So, she could not but have a great regard for those, whom the law sincerely attached to her private interest. Among these Cecil was the chief, and it was he also whom Mary's Friends considered as her most dangerous Enemy, and the rather, as he had frequently shown his inclination to the House of Suffolk, before the death of the Duchess of that name. This was the real motive of a Plot laid in the beginning of the year 1569, to ruin that Minister. The Duke of Norfolk, the Marquis of Winchester, the Earls of Northumberland, Westmoreland, Arundel, Pembroke, Leicester, and others (3), entered into this sort of conspiracy. They accused Cecil of being the cause of the Queen's detaining the Spanish money, and by that of her running a manifest risk of a War with Spain, which could not but be very prejudicial to Trade. They flattered themselves, that upon this charge the Queen would send the Secretary to Prison, and then they made no question they should find ways enough to effect his ruin. But the Queen being too quick-sighted not to see into their aim and the motive of their Plot, commanded them silence in such a manner, as destroyed all their hopes of success either then or for the future. We shall see presently with what view they projected to deprive the Queen of this Minister.

The sudden quarrel between the Queen and the King of Spain, obliging the English Merchants to send their effects to Hamburg, the Duke of Alva prohibited all Commerce with England. Then he appointed certain Spies in all the Sea-Ports, to give him information of those that acted contrary to the prohibition. Of this number was one Sirry an Englishman in command, who was very busy in discovering the private Trade still driven by several persons

with the English, notwithstanding the prohibition: But his diligence cost him dear (4). Some time after, being drawn on board a Vessel, which he was told had brought over English Goods, and some Heretical Books, he was carried to England, where he languished in Prison some years, and at last was condemned to die.

The English Merchants met with no better treatment in Spain than in the Netherlands. Philip ordered all their effects to be seized, by way of Reprisals for the money stoppage in England. But this did not satisfy him. To be more fully revenged of Elizabeth, he endeavoured to bribe the Duke of Norfolk to raise a Rebellion in England, and the Earl of Ormond to do the same in Ireland; but these two Lords discovered it to the Queen. On the other hand, though there was no War proclaimed between England and Spain, the English, on pretence of the injury done to their Countrymen, fell upon all the Merchant-Ships belonging to the Spaniards. They did so much damage to Philip's Subjects, by these continual Cruisings, that the Queen fearing to be involved in a formal War, was forced to restrain them by Proclamation.

Whilst the English Trade suffered in Spain and the Netherlands, it was like to be quite lost in Muscovy, by the avarice of the English Merchants, who had angered the Czar. But the Queen speedily sent thither Sir Thomas Randolph, who managed the Czar, that he obtained divers privileges for the Russia Company (5). Shortly after, the Czar sent an Ambassador to the Queen, to offer a personal alliance. That it was no great honour to be allied with a Prince so victorious for his cruelties, he thought proper however, for the benefit of her subjects, to make a treaty with him, mutually promising to afford one another refuge, in case either should be dethroned.

Whilst Elizabeth was treating with the Russian Ambassador, Plots were forming in England, which might have proved fatal to her, had they not been prevented. Some of the Queen of Scots chief Friends, the same who would have destroyed Cecil, had projected to marry her to the Duke of Norfolk. The Earl of Leicester himself was in the plot; but in all appearance, it was only to be let into the secret, and discover every thing to the Queen. It is hardly to be doubted, that they who undertook this affair, were set to work by the Duke of Norfolk himself, tho' he let his Friends proceed, without appearing in it himself. The occasion or pretence of this Project was this: 'Twas said, Elizabeth intending never to marry, the Queen of Scotland might happen to espouse a foreign Prince and a Papist, in which case the Protestant Religion would be liable to great danger, since it was not impossible that the young King her Son should die before her. It was therefore necessary, to think betimes of marrying Mary to a Protestant Husband, that she might be restrained, in case she should attempt any thing against Religion, when she came to the Crown of England. It was said further, no English Lord was more worthy of this honour than the Duke of Norfolk, who was a sincere Protestant. But to curb the Duke's ambition, in case he should think of carrying it too far, it was resolved he should give his daughter in marriage to the King of Scotland, that he might be concerned, in the young Prince's preservation. Such was the project, which did not seem to have any thing criminal, especially as it was agreed, it should not be executed without the Queen's approbation. But, very probably, the managers of this affair had farther views. For, if they intended only the Good and Welfare of the Kingdom, why did they desire to hide their designs from the Queen, till they had so well taken their measures, that it should be impossible for her to hinder the execution? But however, without staying to examine whether it was the Earl of Murray that first inspired the Duke of Norfolk with the thoughts of this marriage, as Camden affirms contrary to all appearance (6), the Queen of Scots was informed of the project by the Bishop of Ross, who was very diligent in all her concerns. At the same time, she was promised to be restored to the throne of Scotland, and declared presumptive Heir to Elizabeth, on the following terms.

That as to the Succession to the Crown of England, the

(1) Under the fictitious Name of *Amadis Oriano*. Camden, p. 413.

(2) This year, a new English Translation of the Bible was published at London. It was done by the Bishops of Exeter, St. David's, Winchester, Norwich, Ely, and other learned Men, and is commonly called the *Bishop's Bible*. See *Seymour's Life of Archbishop Parker*, and his *Journal*. This year also, on December 30, died the learned Roger Ascham, who was for some time Tutor to Queen Elizabeth, and her Secretary for the Latin Tongue. Camden, p. 416.

(3) Partaking Sir Nicolas Treville. Camden, p. 417.

(4) He had practised with one *Bellini*, a Conjuror, against the Queen's Life, and had given the Duke of Alva directions how to invade England. *His* into *Perseus* and *Calisto* by the *Calisto* Sea, the Merchants of other Nations being not permitted to trade by good *Muscovy*. And now did the English venture to transport their Goods in *Boys*, made of one entire Tree, up the River *Dvina*, as far as *Whigda*. From thence in seven days by Land to *Tver*, and thence thirty days and nights down the River to *Albracca*, by the *Wolga*, where they used to build their Ships. From *Albracca*, they took the *Calisto* Sea, and made their way through the vast Deserts of *Byzaria* and *Baltavia*, and the Ruberies committed by the *Barbarians*, the *Landladies* were destroyed from pursuing this glorious Enterprise. Camden, p. 417, 418.

(5) A still seems to say the Duke merchant it first. p. 418.—But *Lejley* affirms, that the Earl of *Murray* fell let on *fact*, as at least promising it *Armenia*. By comparing Camden with *Lejley's* Negotiations, it plainly appears, that what the former relates about *Mary Queen of Scots*, is a mail y taken from the latter. See *Lejley's* Negotiations, p. 34, 35.

1569. should attempt nothing to the prejudice of Queen Elizabeth and her Issue.

That she should consent to a League offensive and defensive between the two Kingdoms of England and Scotland.

That she should confirm the Establishment of the Protestant Religion in Scotland.

That she should pardon such of her Subjects as had acted or appeared in arms against her.

That she should revive the Affirmation of her Right to the Kingdom of England, which she had made to the Duke of Anjou, the King of France's Brother.

That she should marry the Duke of Norfolk.

Camden.

Mary very readily accepted the offer with the Conditions annexed, all but the League, which she scrupled at a little, because she was willing, before she enter'd into it, to consult the French King. She denied she had made any Affirmation to the Duke of Anjou, and yet offered to procure his renunciation, if required, for the greater security.

It is easy to perceive, the Proposers of these Terms had taken great care to juggle themselves from the Law, since they seem'd very free in themselves, and advantageous to both Kingdoms. But they suppos'd the Restoration of Mary to the Throne of Scotland, and her nomination to succeed to the Crown of England. This was to be done first, and then the execution of what she promised on her part, was left to her honour. It was in this the artifice confided.

The Project is carried on. Camden.

As soon as Mary's consent was gained, several Lords and Gentlemen were founded, who not perceiving the venom of the Project, approv'd it, but with this proviso, that nothing should be done without the Queen's consent. It was also communicated to the Kings of France and Spain, who were very well pleas'd with it, though it be evident, they would have had no reason to be so, if they had believed, the conditions would be punctually performed. The proceedings of those who had fram'd such a Project, without consulting the Queen, plainly shew, their design was to put the affair in such a state, that it should not be in her power to hinder the Execution, when propos'd to her. The Duke of Norfolk thought himself so secure of success, that the Earl of Northumberland having acquainted him, that Leonard Dacres intended to carry away the Queen of Scots (1), he desired the Earl to hinder it, being apprehensive the would be conducted into Spain.

Elizabeth is informed of it. Camden.

This affair passing through so many hands, and being hardly any longer a secret, the Duke of Norfolk justly feared, the Queen would be offend'd that she was not inform'd of it, and therefore, not to incense her more, he desired the Earl of Leicester to speak of it to her. Leicester promis'd to do it the first opportunity, and yet delay'd it from day to day, so that all knew it, except the Queen, who, it is likely, feign'd ignorance. However, she was willing to give the Duke occasion to disclose his secret, by telling him one day (2), to beware upon what Pillow he laid his head; but he pretended not to understand what she meant, chusing rather that the Earl of Leicester should speak to her first, because he thought him his Friend (3). But it is said, the Earl had acted in this affair only to ruin him, because he considered him as a dangerous Rival in the Queen's favour. However this be, the Court being at Titchfield, the Earl of Leicester feigns himself very ill, and the Queen going to see him, he shew'd signs of fear and trouble, which she easily perceiving, asked him the reason. Then begging her pardon, for having so long conceal'd from her a secret which he ought to have told her, he discover'd all that had pass'd concerning the Duke of Norfolk's Marriage with the Queen of Scots. After which, the Queen call'd the Duke into a Gallery, and taxing him with imprudence and rashness for attempting this Marriage, without vouchsafing to impart his design to her, commanded him to desist from this Project. The Duke own'd, such a proposal had been made to him, and he had consented to it; but shew'd himself so regardless of it, that he told the Queen, his Revenues were not much less than those of the whole Kingdom of Scotland, drain'd by civil Wars; and that when he was at his Tennis Court in Norwich, he thought himself as good as some Kings. In short, he promis'd the Queen to think no more of the Marriage. Mean while, as afterwards he perceived the

1569. did not look upon him with the same eye as before, that the Earl of Leicester was against him, and the Courtiers shunn'd him, he withdrew from Court, without taking his leave of the Queen, and came to London. The same day the Bishop of Eski (4) suing for the enlargement of the Queen of Scots, Elizabeth, in great disgust, told him, that his mistress had nothing to do but to rest satisfied, unless she had a mind to fee those, on whom the most relied, shorter by the head.

Camden.

This affair being entirely divulg'd, the Queen endeavour'd by all ways to get information of such particulars, as might have escap'd the Earl of Leicester's knowledge. As she knew the Duke had frequent Conferences with the Earl of Murray, she sent Sir George Carey (5) into Scotland, to desire him to acquaint her with what he knew of the matter. Mean while, the Duke being privately warn'd by a Message from the Earl of Leicester, that a resolution was taken to send him to the Tower, retir'd into Norfolk. But repenting of this hasty step, which might render him suspected, he returns to Court, after writing to the Queen to beg her pardon, and to his Friends, to intreat them to speak to the Queen in his behalf. Some days after, the Queen received Letters from Scotland (6), informing her of some things which had not come to her knowledge, and which made her sign a Warrant to send the Duke of Norfolk to the Tower. Then the Bishop of Eski, who acted as the Queen of Scots Ambassador, was examined, and Ridolfi the Florentine was deliver'd to the Custody of Sir Francis Walsingham. The Lord Lumley was arrest'd, the Earl of Pembroke was confin'd to his own Houle, and all the rest who were concern'd in the Project of the Duke of Norfolk's Marriage, were banish'd the Court, except the Earl of Leicester. The Earl of Northumberland and Westmoreland made their submission to the Earl of Suffolk, Lord President of the North. All these Lords endeavour'd to excuse themselves, by declaring, they had approv'd the Project of the Duke's Marriage, on the express condition, it should not be consummated without the Queen's consent.

He returns to the Tower. Camden.

He is sent to the Tower. Camden.

He is sent to the Tower. Camden.

He is sent to the Tower. Camden.

He is sent to the Tower. Camden.

Elizabeth did not think fit to publish all she knew of this affair, wherein the prime Lords of the Kingdom were concern'd. Besides, she had receiv'd, some time since, advice of a Conspiracy ready to break out, and consequently, it might be very dangerous to use too great a severity at such a juncture. The Earls of Northumberland and Westmoreland, both very powerful in the North, had held together several Conferences, of which the Queen had notice, and which caus'd her to order them to repair to Court. They made some dilatory excuses, but the Queen sent them a more express Order, to put them under a necessity of relinquishing their enterprise, or engaging in an open Rebellion, before they had taken proper measures. This second Order produc'd the effect she expected. The two Earls knowing themselves guilty, and not daring to trust to the Queen's Mercy, took arms, and drew some forces together (7).

Conspiracy and Rebels join in the North. Camden.

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Conspiracy and Rebels join in the North. Camden.

The Rebels design was to free the Queen of Scots, though they mention'd her not in their Manifesto. They said only, their intent was, To restore the Religion of their Forefathers, remove evil Counsellors from the Queen, and cause Justice to be done to the Duke of Norfolk, and the other Lords now in Prison, or under disgrace. At the same time, they writ circular Letters to the Catholics, inviting them to come and join with them. But most sent the Letters, they receiv'd, to the Queen (8), whether they were not willing to disturb the Peace of the Realm, or were discouraged by the Duke of Norfolk's imprisonment. Mean while, the Rebels coming to Durham, burn all the English Bibles and Common-Prayer-Books, and openly say Mass. Then they march'd to Clifford-Moor, where they took a muster, and found their Army amount'd to four thousand Foot, and six hundred Horse. Their chief design was to free the Queen of Scots, in order to free her at their head; but upon the first news of this Rebellion, she was convey'd to Coventry (9), a strong City in the middle of the Kingdom, not to be taken without a formal Siege, for which the Rebels were by no means prepared. Besides, in marching thither, they would have gone into a Country, where the Inhabitants were not their Friends.

The Rebels design was to free the Queen of Scots. Camden.

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Mean time, Forces were levying for the Queen in several parts. The Earl of Suffolk had now eleven thousand Men (10).

The Rebels design was to free the Queen of Scots. Camden.

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The Rebels design was to free the Queen of Scots. Camden.

(1) She was then in Confinement at Walsingham, in the Custody of the Earl of Shrewsbury. Camden, p. 410.—Where it seems she used to bath herself in Wine. See Sney's Ann. Tom. 1. p. 175.

(2) At Farnham in Surrey, where she was on her Progress. Camden, p. 410.

(3) Cert, who was told all by Leicester, desired the Duke to speak to the Queen himself. Camden, p. 410.

(4) Camden says, it was the Spanish Ambassador. p. 410.

(5) Brought by the Abbot of Durestrey; wherein the received information, that the Duke had been pacifying with the Earl of Murray at Hampton Court, to favour and assist his Marriage, &c. See Camden, p. 411.

(6) One Nicolas Morton, a Priest, was the great incendiary, who had been sent from the Pope to pronounce Queen Elizabeth an Heretic; and therefore to have forc'd her Right to her Crown and Kingdom. Camden, p. 412.

(7) With the Bretons thereof. Camden, p. 412.

(8) And committed to the Custody of the Earl of Shrewsbury and Walsingham. Camden, p. 412.

(9) And was accompanied with Edward Earl of Rutland his Lieutenant, the Lord Harlow, Evers, and Willoughby of Parham. Camden, p. 412.

1569. the Lord Clinton was at the head of twelve thousand, and the Earl of Cumberland, with the Lord Scrop, were near Carlisle with a good body of Troops, besides the Garrison which they had thrown into that City. So, the Rebels finding their number not increase, thought proper to retire to the borders of the North (1), where they took Bernard Castle, but, presently after, fearing to be surrounded, dispersed themselves. The Earl of Northumberland concealed himself [at Harlowe] in Scotland (2). The Earl of Westmorland escaped into the Netherlands, where he spent the residue of his days, living upon a slender Pension allowed him by the King of Spain. The Rebels being thus dispersed, some were hanged for an example (3). Forty others, who were fled out of the Kingdom, were convicted of High-Treason and out-lawed, and their sentence was confirmed by the next Parliament. Of this number were, Charles Nevill Earl of Westmorland, Thomas Percy Earl of Northumberland, with his Countess, and Egremont Ratcliff, Brother to the Earl of Sussex (4). The Queen pardoned the rest, who did not fly out of the Land. Some time before this Rebellion, the Duke of Alva sent to the Queen *Giuseppe Vitelli*, a famous Captain, to demand the Money which had been stopped. But his Commission was so limited, that he was forced to write to the Duke of Alva for a more ample power. The real design of this Embassy was to have in England an experienced Leader to command the Rebels, and the forces the Duke of Alva was to send over. *Lamotte* Governor of Dunkirk, disguised like a Sailor, had already founded the Ports, as he himself confessed afterwards. But the Queen broke all these measures, by compelling the two Heads of the Rebels to take arms sooner than they had resolved.

Some are
perished.
Cymen.
Thames.

Others per-
ished.
Cymen.
Thames.

Ducen's
Rebellion.
Cymen.
Stow.
Hollingsh.

He is de-
fined, and
for one
Flanders.
February 12.
Hollingsh.

Commo-
tions in
Ireland.
Cymen.
Thames.

The Duke of
Norfolk
remains in
Prison.

Affairs of
Scotland.
Buchanan.
Andrieux's
Collect.
T. IV.
Part II.
p. 196.

This Rebellion was quickly followed by another, of which *Leonard Dacres*, a Gentleman of the North (5), was the Head. He had some business at Court, which he was soliciting when the first rebellion broke out. Upon the news, he went and offered his service to the Queen, who accepted it, because she knew he had a great interest in the northern parts. Having received a Commission from the Queen to raise forces, he sent to the Earls of Northumberland and Westmorland, that the Troops he should raise by virtue of his Commission, should be at their service. He even put them in hopes of foreign succours, as certain Ambassadors at London had assured him. His chief design was to carry away the Queen of Scots; but he was disappointed, by her being sent to *Greenwich*. So, finding himself at the head of three thousand Men, after taking some Castles (6), he resolved to expect the Lord *Hunsdon*, who was marching towards him with the Garrison of *Burwick* (7). The battle was fought near the little River *Gelt*. *Dacres* behaved very gallantly, but being vanquished, fled into *Flanders*, where he died. The Queen pardoned all his Followers.

At the same time, there were Commoitions in Ireland, in which, it appeared, the King of Spain was concerned, since he had dispatched thither *Juan Mendoza*, an Officer, to foment them. But they were easily allayed (8).

It is uncertain, whether the Duke of Norfolk was concerned in the late Rebellion in England. Several circumstances made against him. First, as most Insurrections necessarily require some preparations, it might be thought the Rebels were getting ready, at the very time the Duke of Norfolk and his Friends were preparing every thing, to obtain the Queen's consent to the projected Marriage. In this expectation, he had hindered *Dacres* from attempting to free the Queen of Scots, as he had intended. Secondly, all the motions of the Rebels tended to *Mary's* deliverance, and most of her Friends were discouraged, when they heard the Duke of Norfolk was in the Tower. Lastly, the Rebels themselves said in their Manifesto, they had taken arms to release him. But on the other hand, it is certain this Lord was never called to an account, and the Queen was contented with keeping him in prison till September the next year. Hence, it seems, it may be inferred, there was no proof against him. But perhaps the Queen did not think it advisable to let the people know, the first Lords of the Realm were concerned in the conspiracy.

I tell, about the end of the last year, the Earl of Murray in England, where he had played several and very op-

posite parts. Upon his arrival in Scotland, he assembled all the Lords of the King's Party at *Sterling* (9), to communicate what he had done in England, and his Conduct was approved.

The Duke of Chateaufort was come from France to London, a little before the Earl of Murray's departure. He forthwith demanded Queen Elizabeth's aid and protection, to obtain the Regency of Scotland, being the young King's nearest Relation. But the Queen knew her interest too well to fall into such a snare, and to favour a Lord, whose conduct had ever been very equivocal, and who, in all appearance, had not imbibed at the Court of France favorable notions of the King's Party. The Duke not being able to obtain his desire, left the Earl of Murray depart, and came not to Scotland till some time after him. He brought a Patent from Queen Mary, wherein it appeared, that by a new and unheard-of Right, he had adopted him for her Father, and as such, committed to him the Regency of the Kingdom. The Earl of Murray hearing the Duke assumed the Title of Regent in virtue of this Patent, immediately assembled an Army, to compel him to submit to the Government, refusing no other Authority but the King's should be acknowledged in Scotland. Since the Queen's defeat and flight, her Party was grown so weak, that the Duke of Chateaufort was unable to resist. All his dependance was upon the good success of the Project, which was then forming in favour of the Duke of Norfolk, after which he did not question to gain the advantage of the Earl of Murray. But as it was not in his power to halt the execution of the Project in England, he was forced to confine himself to the endeavouring to gain time, by proposing an Agreement. He plainly perceived, the way of arms could not be successful in his present circumstances. He set therefore his Friends to talk with the Regent, and it was agreed, he should come to Glasgow, acknowledge the King's Authority, and renounce the Queen's; for which some advantages he had required were granted him. Notwithstanding this Agreement, he raised fresh difficulties to attain his end. But the Regent not being fatigued with all his evasions, began to march with his Army to attack him. Then the Duke having no other refuge, was constrained to go to the Regent with the Lord *Herriot*. A few days after, the Regent having assembled at Glasgow the Lords of the King's Party, it was resolved that a Proclamation should be published, offering to all who had hitherto refused to own the King's Authority, to receive their submissions, and restore them to the enjoyments of their Lands. But the Earls of *Argyle* and *Huntly* would not accept of these terms, being extremely displeased at the Duke of Chateaufort's putting himself into the hands of the Earl of Murray. At the same time, Queen Mary writ Letter upon Letter to her Friends, exhorting them to stand firm, and giving them hopes of a speedy and happy revolution in her affairs. She was then in expectation of the success of the Projects concerning her Marriage with the Duke of Norfolk.

The Regent's Proclamation not meeting with the expected success, and no one appearing to accept the offered favour, he departed for *Edinburgh*, carrying with him the Duke of Chateaufort and the Lord *Herriot*. He had delayed thus long to press them to make their submission to the King, because he was desirous it might be a general affair. But at last, finding the Queen's Friends were in no haste to make their submission, he resolved to incite them by the Duke of Chateaufort's example, who was the head of the Party, and summoned him to perform the agreement made at Glasgow. The Duke seeing himself pressed sought excuses, saying he did not mean to treat for himself alone, but for the Queen's whole Party, and therefore could do nothing without the concurrence of the other Lords, and the Queen's approbation. Whereupon, the Regent asking him what he intended to do if the Queen approved not the agreement of Glasgow? He replied, that he believed himself bound to nothing. The circumstances of the Duke of Norfolk's Plot, the success whereof he expected every moment, made him think it not very dangerous to talk thus. However, the Regent finding himself thus amused, sent him and the Lord *Herriot* Prisoners to the Castle.

This is Buchanan's account of the occasion of the Duke

1569.

Sp. 1600.
Thames.

The Duke of
Chateaufort
James Buchanan.
Sp. 1600.

(1) First to *Raby*, the chief Seat of the Earl of Westmorland, and then to *Hexham*, and *Newcastle* Castles. Camden, p. 422.

(2) The occasion of his Retreat was, a trapped wrong done him by the Queen, in granting away from him a rich Upper Mine, found upon his Estate. Camden, p. 422.

(3) Thricecore and Six were executed at *Durham*, and several at *York* and *London*. Camden, p. 423.

(4) As also *Leonard Dacres* of *Morton*, *John Nevill* of *Leeds*, *J. Swinburn*, *Thomas Mortley*, *Christopher Nevill*, *Richard, Chigley*, *Marmaduke*, and *Thomas Norton*, *Robert and Michael Temple*, *George Stefford*, and about forty more of noble extraction. *Ibid.*

(5) Second Son to *William Lord Dacres* of *Glasgow*. The Cause of his disgust was this: His Brother's Sundry young, (on May 17. this year, Stow, p. 403.) a great Estate fell to his Niece, who were contracted, by the Duke of Norfolk's Father-in-law, to two of his Sons. He entered a Suit against his Niece, and the Cause going against him, he fell to plotting, and attempted to rescue the Queen of Scots, though in vain. *Ibid.*

(6) *Glasgow*, *Newcastle*, and other Castles. *Ibid.*

(7) Which consisted only of fifteen hundred Horse and Foot. *Hollingshead*, p. 1215.

(8) They were raised by *Edmond* and *Peter Butler*, Brothers of the Earl of *Ormond*, who being first over, persuaded his Brothers to lay down their arms. Camden, p. 423.

(9) On February 12. *Andrieux*, Tom. IV. p. 196.

1567.
Cathcart
p. 418.
Lindsay
Nugent.

of *Chateaufort's* imprisonment, an account which the circumstances of affairs renders very probable. But *Camden* and his Followers have been pleased to say only, the Regent having summoned at *Edinburgh* the Lords of both Parties, to labour an agreement, the Duke of *Chateaufort* and the Lord *Harris* first repaired thither, and were ordered to prison. In this manner has *Camden* maimed and disfigured the History of *Scotland*, to give some colour to his Invektives against the Earl of *Murray*. I am going to relate another instance, either of his prejudice or unfaithfulness. I have referred it till now, though it be not its proper place, because it would have been impossible to convince the Reader of my affection, if he was not first inform'd of what has been said concerning the affairs of the Queen of *Scots*. I hope I shall be pardoned this sort of digression.

Camden, after a very brief account of the murder of King *Henry Darnley*, in the year 1567, and an insinuation that the Earl of *Murray* was the real Author of it, Says, that the same *Murray* earnestly pressed the Queen to marry the Earl of *Bothwell*, to which she consented at last, after much difficulty. Then he immediately adds,

"I shall willingly insert here what *George Earl of Huntley* and the Earl of *Argyle*, who were the principal Lords of *Scotland*, protested soon after, as I have taken it from an original signed with their own hands, which they sent to *Queen Elizabeth*.

Camden.
p. 404.

Anderson's
Collect.
T. IV.
Part 2.
p. 153.

*Forasmuch as the Earl of Murray and others, to colour their Rebellion against the Queen, whose Authority they usurp, do openly slander her, as guilty of the Murder of her Husband; we do publicly protest and witness these things following. In the month of December (11) 1566, when the Queen was at Craigmillar, Murray and Lidington acknowledged before us, that Morton, Lindsay and Ruthven slew David Rizzo, with no other intent than to save Murray, who was at that very time to be preferred. Therefore, that they might not appear ungrateful, they greatly desired, that Morton and the rest who were banished for Rizzo's Murder, might be recalled. But this they said could not be done, unless the Queen were divorced from her Husband, which they promised to accomplish, would we but give our consent. Afterwards Murray promised to me (*Huntley*.) that my ancient Inheritance should be referred to me, and I should be an ever-lasting Favourite with the exiles, if I would but countenance the Divorce. Then we applied to Bothwell for his Consent also. And lastly, we came to the Queen, and Lidington, in the name of us all, earnestly intreated her to reverse the Banishment of Morton, Lindsay, and Ruthven. The King's faults and offences against the Queen and the Realm, he aggravated with very great bitterness; and showed how much it concerned the Queen and State, that the Divorce should be made out of hand, it being impossible for the King and Queen to live together in *Scotland* with safety. She answered, she had rather withdraw for a time into France, till her Husband should be sensible of the Errors of his Youth, being unwilling any thing should be done to her Son's prejudice, or her own dishonour. To this Lidington replied, we who are of your Council will look to that. But I command you, says she, to do nothing that may blench my honour, or offend my conscience. Let the thing remain as it is, till God please to provide a remedy from above: That which you imagine will be for my good, may, I fear, turn to my hurt. (To which Lidington said, please to leave matters to us, and you shall find nothing will be done but what is just, and what the Parliament will approve of.) A few days after, the King happening to be murdered in an execrable manner, we do from the inward Testimonies of our consciences, hold it for certain, that Murray and Lidington were the Authors, Conspirers, and Actors of this Regicide, whoever were the Actors.*

This Protestation, as may be easily observed, squares exactly with *Camden's* design in his Annals of *Queen Elizabeth*, namely, to clear the Queen of *Scots* from the crime of murdering the King her Husband, and to accuse the Earl of *Murray*. But wihal, it is directly contrary to the Testimony of *Melvil*, an Eye-Witness, who, in his Memoirs, says not a single word which can give occasion to suspect, the Earl of *Murray* was thought guilty of the murder. If this Protestation therefore be true, *Melvil's* Memoirs must be only a heap of Fables, which no man of sense will ever believe. But to shew that this Writing is

counterfeit, it will be proper to examine it particularly, and make some remarks which will discover the Forgery.

Camden begins with saying: I shall willingly insert here what *George Earl of Huntley*, and the Earl of *Murray*, who were the principal Lords of *Scotland*, protested soon after.

This soon after must have been two whole years at least, as I shall demonstrate hereafter.

As I have taken it from an Original signed with their own Hands.

Camden has not yet these two Lords joined to the Writing, it may be, because he did not know in what order they were to be placed. In a certificate however, one would think the signature is a material thing (2).

Which they sent to *Queen Elizabeth*.

Supposing the truth of this Protestation, it could not be sent to *Queen Elizabeth* till the latter end of the year 1568 at the very soonest, when the Earl of *Murray* went to *Torbear* to accuse the Queen before the English Commissioners. This remark discovers *Camden's* artifice, who deligently neglecting to date the Writing, places it in his Annals the beginning of the year 1567, immediately after the King's Murder, as if at that very time *Murray* had been accused of killing that Prince; whereas it was not till after the Queen's flight into *England* that the thought of casting the crime upon him. It was not therefore out of pure negligence that *Camden* avoided dating the Protestation.

Forasmuch as the Earl of Murray and others, to colour their Rebellion against the Queen, whose Authority they usurp, do openly slander her as guilty of the Murder of her Husband.

The Earl of *Murray* cannot be said to usurp the Queen's Authority, till after he was declared Regent, or the Queen to accuse him publicly of killing the King, till the *York Conference*, or rather till that of *Hamton-Court*; that is, in *October* or *November* 1568. Now at that time the two factions were both formed. *Murray* was head of the one, and *Huntley* of the other. So, supposing this Writing not to be forged, what opinion can a man have of the attestation of one sworn Enemy against another? As to the Earl of *Argyle*, *Buchanan* affirms, he was retired a little before to his own House; so that it is not probable he should join with the Earl of *Huntley* to frame this Certificate at the time it must be supposed to be drawn. If it was dated, we might speak of it with more certainty.

We do openly protest and witness these things following. In the month of December 1566.

This way of beginning argues it was now some time since the things they are going to mention were transacted.

When the Queen was at Craigmillar, Murray and Lidington acknowledged before us, that Morton, Lindsay and Ruthven, slew David Rizzo, with no other intent than to save Murray, who was at that very time to be preferred.

I have already made appear by the testimony of *Melvil*, that the Earl of *Murray*, far from owning that *Rizzo* was killed on his account, would not join with the Party of the Murderers, but remained constantly attached to the Queen. Besides, the Earl of *Argyle*, Author of this Protestation, was then a fugitive as well as *Murray*, and was no less to be condemned than he. And yet, he speaks here of this affair, as if he were a Stranger to it, though he was the most considerable of those who were to be banished, and though *Melvil* affirms, it was for his and the others sake, who had taken arms against the Queen, *Murray* excepted, that *Rizzo* was murdered.

Therefore that they might not appear ungrateful, they greatly desired that Morton, and the rest who were banished for Rizzo's Murder, might be recalled.

What has Lidington to do here, when he was never concerned in *Rizzo's* affair? and wherein consisted his ingratitude, if the exiles were not recalled?

But this they said could not be done unless the Queen were divorced from her Husband.

Rizzo was killed by the King's order, and in his presence, and solely, according to the Author of the Protestation, to save the Earl of *Murray*. The point was to get the Murderers recalled, who had been banished for this Murder committed by the King's order, and these exiles cannot be recalled by the Queen, the only Person who could unless he is divorced from the King. Let this consequence be well examined, and it will never be thought, that the Earls of *Huntley* and *Argyle* were so weak as to reason in

(1) Or thereabouts, in the Copy in *Anderson*, Tom. IV. p. 153. *Camden* has very much contracted or curtailed this Protestation.

(2) This Protestation is in Mr. *Anderson's* Collection, Tom. IV. Part 2. p. 153, &c. but it is taken from a Copy, without either Hand or Date. However, it is so believed, that in the same Collection there follows an Answer of the Earl of *Murray*, to the aforesaid Protestation, wherein he says, "In case any Man will say and affirm, that ever I was present when any Purposes were hidden at Craigmillar in my Audience, tending to any unlawful or dishonourable end; you shall see that ever I subscribed any Band there, or that any Purposes were hidden about the subscribing of any Band by me to my knowledge, I say so truly &c. &c. wordly and solemnly; which I will maintain against them as becomes an honest Man, to the end of my Life; only thus far the Subscription of *Buchan* by me to true, That indeed I subscribed a Band with the Earls of *Huntley*, *Argyle*, and *Buchanan*, at the beginning of October, in the year 1566, which was devised in face of our Reconciliation, in respect of the former grudges and displeasures that had been among us: Whereunto I was constrained to make Promise before I could be admitted to the Queen's presence, or have any show of her favour, and there was never any other Band made or subscribed, nor yet proposed to me in any wise, before the Banishment of the late King. *Melvil*, *ibid.* p. 194, 195.

1569. so wretched a manner. In December 1566 (1), that is, about the time of the Prince's Baptism, the King was looked upon as a cypher, and exposed to all sorts of insults from the Queen.

Which they promised to accomplish, would we but give our consent.

At that time the Earl of Murray had no credit at court. It was Bothwell that ruled all. I don't know how it stood then with Lidington. However, Murray and Lidington are represented here as the Persons that were to be the chief Agents in accomplishing the Queen's Divorce, and as wanting for that purpose only the bare consent of the Earls of Huntley and Argyle. This is by no means probable.

Afterwards Murray promised to me (Huntley) that my ancient inheritance should be restored to me, and I should be an everlasting Favorite with the Exile, if I would but countenance the Divorce.

The Author of the Protestation has confounded the times. Murray having then no power, could not make any such promise to the Earl of Huntley. None but Bothwell was able to make and perform it. Besides, it is not likely the Queen, when she recalled the Earl of Huntley, who was condemned to die, should still retain his ancient Inheritance which had been confiscated.

Then we applied to Bothwell for his Consent also.

This confounds the whole History of Scotland. Murray and Lidington are made Authors of the project of the Queen's Divorce, and the Earl of Bothwell, as one who is only to give his consent, though it is certain, he had then an absolute sway over the Queen, who married him very soon after.

And lastly, we came to the Queen, and Lidington in the name of us all, earnestly entreated her to reverse the banishment of Morton, Lindsay, and Ruthven. The King's Faults and Offences against the Queen and the Realm, be aggravated with very great bitterness; and showed how much it concerned the Queen and State, that the Divorce should be made out of hand, it being impossible for the King and Queen to live together in Scotland with justice.

Can it be conceived, that to induce the Queen to pardon Men who had killed her Favorite in her presence, and by the King her Husband's express order, there should be occasion to aggravate the King's faults, and demonstrate to the Queen, that she must be divorced from him?

She answered, she had rather withdraw for a time into France, till her Husband should be sensible of the errors of his Youth, being unwilling any thing should be done to her Son's prejudice, or her own dishonour.

The Author of this Protestation represents the Queen in December 1566, as being under opposition, and speaking of retreating into France till the King should be pleased to amend his errors. This suffices to shew, that the whole is a forgery; for it is not likely, the Earls of Huntley and Argyle should talk in this manner.

To this Lidington replied, We who are of your Council will look to that. But I command you, say, she, to do nothing that may blemish my Honour or offend my Conscience. Let the thing remain as it is, till God please to provide a remedy from above: That which you imagine will be for my good, may, I fear, turn to my hurt.

The artifice of these words which the Queen is made to speak, consists in this: The Queen having commanded all these Lords to do nothing with respect to her Divorce, Murray and Lidington found no other way to get the Exiles recalled, but by causing the King to be murdered. As if the King alone was an invincible obstacle to the recalling of the banished Lords, who killed *Rizzio* by his orders, and in his presence. I confess this reasoning appears to me incomprehensible.

A few days after, the King happening to be murdered in an extraneous manner.

What has been just related passed in December 1566, according to the Protestation, and the King was killed in February 1567, that is, two months after. Now can it be supposed, that the Earls of Huntley and Argyle could possibly be so mistaken, as to call two months a few days?

We do, from the inward Testimonies of our Consciences, hold it for certain, that Murray and Lidington were the Authors, Contrivers, and Abettors of this Regicide.

The Inference the Author of this Paper would draw, that the Earls of Murray and Lidington were the Contrivers of the King's murder, from their having projected the Queen's Divorce, appearing to him, without doubt, liable to strong objections, he seems to give it up in part, when

he grounds it wholly upon the inward Testimony of Huntley's and Argyle's Consciences.

Whatever were the Affairs.

It was notorious that Bothwell was the contriver of the King's murder, and Camden himself makes no scruple to own it, joining however the Earl of Murray with him. But the Author of the Protestation durst not name him, because it was giving a sensible wound to the Queen's Honour, who, within a few months, married the murderer.

I shall only add one remark, which to me seems decisive to demonstrate the forgery of this Paper. Lidington was never accused but in this writing only, of being concerned in King Henry's murder (2). On the other hand, so far was he from being considered as an Enemy to the Queen, that he was rather very much suspected by the young King's and the Earl of Murray's Party, and not without reason. What Melvil says of him, and of the occasion of the York and Hampton Court Conferences, is a clear evidence that he continued in the Regent's Party, only to have opportunities to serve the Queen. Buchanan confirms Melvil's Testimony, in a Book, entitled, the *Camelion*, wherein he pretends to shew, that Lidington betrayed the young King's Party, and in his History he drops many the like Expressions against him. Now, how can it be thought, that the Earls of Huntley and Argyle, Heads of the Queen's Party, should be ignorant, that Lidington was privately labouring for them? If they knew it, 'tis by no means likely, that at the very time when Lidington was at York or Hampton Court, and frequently conferring with the Duke of Norfolk, to hinder the Earl of Murray from accusing the Queen, these two Chiefs of the Party should publicly accuse their secret friend of being Author of the King's murder; especially as there was not the least ground for such a charge. But very possibly, the Author of the Protestation was ignorant of Lidington's secret practices, and seeing him among those who attended the Regent at York, imagined he might safely join them together in the same Accusation.

But however this be, though this Protestation be as true as it appears to be counterfeit, it cannot serve for proof to support what Camden advances concerning the Earl of Murray, because it will be still true, that it came from one of his most mortal Enemies. I return to what passed in Scotland during the year 1569.

Shortly after the Duke of Chateaufort's arrest, the Regent convened the chief of the Nobility at Perth, to communicate to them certain Letters he had received, upon which it was necessary to consult together. The first was from a friend in England (3), to give him notice of the Conspiracy in favour of the Duke of Norfolk, to espouse the Queen of Scots, telling him withal, the Conspiracy was in such a state, that all the Forces of Great-Britain were not capable of preventing its success; and advising him therefore to think in time of his own affairs.

The second Letter was from Queen Mary, and directed to the States of Scotland. It was to desire, that the validity of her Marriage with the Earl of Bothwell might be examined, adding, if there appeared any essential defect in it, she would very willingly consent, it should be dissolved. As Bothwell was still alive in Denmark, it was necessary his Marriage with the Queen should be annulled, before she could espouse the Duke of Norfolk. For this reason she wanted the States of Scotland to get it dissolved, pretending only to give her consent to it, though she could not proceed without it.

The third Letter was from Queen Elizabeth, to the same States, to demand one of these three things in favour of Mary. The first, *That she should be restored to the Throne as formerly.* The second, *That she should reign jointly with the King her Son.* The third, *That she might live in Scotland, with such Honours, as should not be prejudicial to the King's Authority.* Camden, who agrees in this with Buchanan, will have it, that these demands of Elizabeth are to be considered as the effect of her Compassion for the Queen of Scots. But where was the Compassion, to propose to the States three things so disproportionate, and to leave the choice to them? She knew, the two first would be rejected, and though the third should be accepted, many difficulties would occur before it could be settled. Thus what Camden considers as an effect of Elizabeth's pity, was in truth only a consequence of the project she had formed to prolong the affair, under the specious colour of favouring her Prisoner.

The Scotch Lords assembled at Perth, thought Mary's

(1) *Rexis* has it here and elsewhere September, which, I suppose, is a mistake, for it is December in Camden, from whom he takes this Protestation. King James was christened December 15, 1566.

(2) Here *Rexis* is mistaken. Melvil expressly says, "That Captain Camdenu was directed to accuse Lidington before the Privy-Council [of Scotland] of the late King's murder, and being accused of so odious a Crime, he was committed to ward," p. 100. The same is attested by Buchanan, l. 19, and Spalding, p. 231. But Melvil observes, in the same Page, that he and Sir James Balfour "were wrongfully pursued, only by the malice and envy of their enemies for their Offices."

(3) Sir Nicholas Throckmorton. Spalding, p. 230.

1569. Letter ought not to be answered, because she addressed to the States as if she was still the Queen, which they would not allow. She did what she could to remove this difficulty; but all her endeavours served only to confirm them the more in their resolution. They were far from being willing to facilitate the Queen's Marriage with the Duke of Norfolk, by causing *Botwell's* to be nulled. *Mary*, who did not know they were so well acquainted with her Secrets, complained very much of their scrupling to dissolve a Marriage, which had served them for a cloak to take Arms against her. But her complaints were little regarded.

As to Elizabeth's demands, the Lords resolved to reject the two first, and accept the third, if *Mary* would be satisfied with it, and sent their answer to the Court of England by a young Gentleman. But Elizabeth, who only sought to gain time, writ to them, that she desired a person of more consideration to be sent to confer with her about so weighty an affair. For this reason the Lords deputed *Robert Pittar*.

Whilst *Pittar* was on his way, the Regent perceiving the Queen's Faction daily grew stronger, by the hopes which the Duke of Norfolk's project gave the whole Party, thought it necessary to secure *Lidington's* person. This Lord, by feigning to be attached to the King's party, served the Queen to the utmost of his power, and as he was a Man of great sense and parts, did much more prejudice to the Regent, by outwardly embracing his side, than if he had openly declared for the Queen. So, the Regent having on some pretence drawn him to *Sterling*, ordered him to be apprehended, and sent Prisoner to *Edinburgh* (1). But *Kircaldie* coming unexpectedly with part of the Garrison of the Castle, released him (2), promising to see him forth-coming when it should be required. This notable proceeding rendered *Kircaldie* very suspicious to the King's whole party (3).

Mean while, the Duke of Norfolk being sent to the *Tower*, without effecting any thing of his projects, all *Mary's* designs, as well in Scotland as England, vanished into air. Shortly after, the Earls of *Huntley* and *Argyle* were reconciled to the Regent, and submitted to the King's Authority. By that the Queen's Faction was in a manner extinguished for some time. This shews how much Queen *Mary* and her Adherents relied on the Duke of Norfolk. I shall close this year with a brief account of what passed in France and the Netherlands.

The war continued in France during the whole year 1569. On the 13th of March was fought the Battle of *Jarnac*, wherein the Prince of Condé was killed. D'Andelot the Admiral's Brother did not long survive him. Some time after, the Duke of *Deuxponts* led an Army into France, to the assistance of the *Huguenots*, but died there in June, leaving the Command of the Army to Count *Montfaucon*, who joined the Admiral. With this Re-inforcement the Admiral laid Siege to *Poitiers*, but was forced to raise it in September. In October, the *Huguenots* lost the battle of *Moncontour*. This defeat obliged the Admiral to send for a speedy aid from Elizabeth, who lent him Money upon the Queen of Navarre's Jewels, which were sent to her in pawn. She also permitted a Company of a hundred Gentlemen-Volunteers to be raised, to serve in the Army of the *Huguenots* (4). The Campaign ended with the taking of *St. Jean d'Angely*, which the King became master of before the end of October.

The Duke of *Alva* still continued his oppressions in the Netherlands. He had set up the Inquisition, and ordered the Council of *Trent* to be received, as well as the new Bishops, whose Jurisdiction had been hitherto rejected. The bloody Council still acted with fury. The Privi-

leges of the Cities, Universities, Provinces, were delivered to the King's mercy. In a word, the Duke of *Alva* ordered the hundredth part of the Revenues to be paid to the King, after that, the twentieth part of the real, and the tenth of the personal, Estates, every time they were sold. Some of the Magistrates of the Towns having the boldness to appeal to the King from these Ordinances, were severely punished. In short, these Provinces being now considered by the Spaniards, but as a conquered Country, all were driven to despair (5).

The beginning of the next year 1570, the Earl of *Murray* having notice that the Earl of *Northumberland* was concealed in Scotland, found means to seize him, and committed him to prison at *Loch-levin*. Camden says, he offered to deliver this Lord to Elizabeth, in exchange for the Queen of Scots; but this is not likely. *Mary* was better guarded in England than she could be in Scotland, and *Murray* was not ignorant of Elizabeth's reasons never to release her.

A few days after, *Murray* was shot through the body by one of the Family of *Hamilton*, who pretended it to be only in revenge of a private Injury. But it soon appeared to be by the direction of the Queen's Faction (6). On the morrow, the Scots and the Carrs, great friends of the Queen (7), entered England in Arms, and destroyed the Borders with fire and sword. As they had no private reason to make this Invasion, it is easy to perceive, they were encouraged by the heads of the Queen's Faction, who were willing to try to give a new turn to affairs. Their Scheme was this.

The Queen's Faction was ruined, and without any likelihood of being ever able to rise again, because the Earl of *Murray* could be always sure of assistance from England in case of necessity. Wherefore the heads of that Faction (8), who had submitted to the King against their wills, formed new projects. They considered the strict Union between England and Scotland, as a strong fence against all their enterprizes in favour of *Mary*, and therefore resolved to break it at any rate. To succeed, they deemed it necessary before all things, to affainate the Earl of *Murray*, that the Kingdom might for some time be in a sort of Anarchy, as it happened indeed. That done, they hoped, by provoking the English on their Borders, they should excite them to a revenge on all the Scots without distinction; that this would revive the old enmity between the two Nations, and so all Scotland would be united against England; that then Succours might be safely sent for from France and Spain, and the project be resumed of invading the borders of England, whilst the Catholics should on their part act within the Kingdom. The Lord *Seaton's* Embassy to the Duke of *Alva*, and the Pope's Bull, of which I shall presently speak, plainly shews, this was their Intent, though Camden is pleased to confute the Invasion of the English Borders, as a mere caprice of the Scots and Carrs.

Immediately after the Earl of *Murray's* death, *Kircaldie* released *Lidington*, who used all his art to hinder the King's Party from proceeding to the election, of a new Regent. He intimated, that Scotland would never be in Peace, unless a Regent were chosen who should be approved by the two Parties, and consequently it was necessary to assemble the Great Men of both sides, that they might agree together. In what he said there was the appearance of good. But he knew, it would be difficult to get all the great Men together in one place, and though they should meet, they would never agree upon the choice. However this served to gain time, in the expectation Queen Elizabeth, by resolving to revenge the injury she had received, would drive all the Scots to despair, and unite them all against her.

(1) He was accused of having had a hand in the late King's murder, as is observed above. Buchanan, l. 19.

(2) He counteracted a Warrant under the Regent's hand, by virtue of which the Laird of Grange was delivered into his hands. Buchanan; and Spenser, p. 137.

(3) Melvil says, *Kircaldie* released *Lidington*, with the consent of the King's Party, which is not very likely. Melvil was an intimate Friend, and great adviser of the Laird of Grange. Regent. — Melvil says, the Regent sent Grange word, the Lords had forced him to take up *Lidington* against his will, and therefore Grange refused him, thinking, if he was arrested against the Regent's Will, the Regent would be glad of it. And if the Regent were dissatisfied at what he had done, it would be a certain token of his dissimulation. Melvil's Mem. p. 105.

(4) They were commanded by Henry Campvere, with this Motto on his Colours, *Proinde mihi Pictas*. Amongst the Volunteers was Walter Raleigh, a very young Man, who now first began to be taken notice of. Camden, p. 425.

(5) This year, in September, died Edmund Bore, late Bishop of London, and was buried on September 8, in St. George's Church-yard in Southwark. He is commonly reported to have been a Barber; but Mr. *Sayre* affirms, that he was buried in 1565, by the late Baron Leobome. That Bore was born at *Harley* in *Worcestershire*, of one Bore, an honest well known Man, in a House called Bore's Place to this day, a little College of about five Pounds a year, purchased of Bishop Bore by the said Baron the Great Grandfather. See *Sayre's Acc.* Tom. I. p. 574. 575.

(6) It was done by James Hamilton, Nephew to the Archbishop of St. Andrews, who, after the battle of *Langside*, had been sentenced to be hanged. But escaping, by interceding his Estate, which he endeavoured in vain to recover, he vowed revenge, which he accomplished at *Lidington*, on the 13th of February 1570, up to the Regent, who was most innocent, and had released him in liberty. The Regent, it seems, was sold at it, and yet would not let the King to fetch the House. The Murderer escaped into France, where, it is said, he was offered a great reward to assassinate Admiral Coligny, but refused to do it, saying, though he had, so his sorrow, revenge his own just Grievances, he would never commit murder for reward. Buchanan, *Thesaur.* l. 4th. Melvil, p. 103. — Thus did the Regent, "the good Regent," as Melvil calls him, who said, "if he be my way, and will ever do so, he will be my friend." He was at first of a gentle nature, well inclined, good, wise, and stout. In his first speaking, his way was to lie upon the left foot of Company. He was religiously educated, and deeply inclined. So that Buchanan relates, he called always, after dinner and supper, a Chapter of the Bible to be read in his House. "Above all his Virtues, which were not a few, he shined in Piety towards God, ordering himself and his Family in such sort, as a good man might resemble a Church than a Court." See Spenser, p. 137. — *Thesaur* highly extols him, for his Justice, Justice, Integrity, and other virtues, in this words, — *Dum viceret, acie facillimum ripem, sedis summoque ab aculeis laceraret, sed pollicem moriens, ubi, sua iustitia, etiam ab insidulis laudaret, quod et pueris, et animi in periculo, bellatorem in pacem, in jure decido aequitatem, totumque primum cum iustitia de humilitate summa compunctum predicabat.* l. 4th.

(7) Walter Scott, and Thomas Carr, or Cox, of *Farnley*, entering England, the next night after the Earl of *Murray's* murder, ravaged all the north parts, and then they were sent to the King's, on purpose to engage the two Kingdoms to a War. Buchanan, l. 23. Spenser, p. 137.

(8) The *Hamiltons*, particularly the Bishop of St. Andrews. Buchanan.

1570.

Elizabeth
calls him
France's
false
counsellor.

He succeeded in the first part of his design, and by his intrigues managed it so, that the election of a Regent was deferred. But he was not so happy in the other part of his project. *Elizabeth* and her Council were too wise to fall into the Snare. On the contrary, the more they found that endeavours were used to unite all the Scots in one Party, the more they judged it necessary to keep them divided, nothing being so advantageous to *Elizabeth* as to foment confusion and discord in that Kingdom, till the could take other measures.

She complains
of the
wickedness
of the
French, but
not of the
wicked
Nations.
Buchanan.
Melvil.
p. 105.
Spottiswood.
Camden.

To that purpose the sent *Randolph* into Scotland, to complain of the Inroad made into England. But instead of laying the fault upon the whole Nation, as the Authors of the Invasion expected, the said wital by her Ambassador, she was very sensible, those who governed Scotland were not concerned in the insult on the English, and therefore she was willing to distinguish the innocent from the guilty. That he demanded however a suitable reparation, and if they who were at the helm could not procure it for her, she offered them the assistance of her Forces. That in case they refused it, she would send an Army into Scotland, not to attack the whole Nation, but to punish such only as wantonly, and without provocation, had insulted the English. As it was then a time of Anarchy, there being no Regent yet, the giving the Ambassador an answer was put off till May, when the States would be assembled. *Randolph* insisted not upon a speedy answer (1). He contented himself with exhorting the Scots to Peace and concord, whilst he privately laboured to cherish their divisions, and hinder their union. This is what *Melvil* clearly shews in his Memoirs. Mean while, *Elizabeth* prepared an Army, which she intended to send into Scotland, as well to revenge her Subjects, as to support the King's Party, and cause a Regent to be elected, who should not be against the interest of England.

Melvil.
p. 105.

Little published
in Scotland
against Elizabeth,
who avoids the
issue.
Buchanan.

Though the heads of the Queen's faction saw *Elizabeth* did not fall into their snare, they endeavoured however to provoke her, and incite her against the whole Nation, by Libels and Slanders which they took care to publish. But all their Artifices were not capable of making her alter her course. Mean while, her Army which was to be commanded by the Earl of *Suffex*, was preparing with all possible expedition.

Buchanan.
Thomson.
Spottiswood.

In the mean time, *Mary's* Adherents taking courage since the Earl of *Murray's* death, held frequent Councils upon the situation of their affairs. Their aim was to gain time, in expectation of the Succours which *Verac* the French Envoy (2), put them in hopes of. They expected likewise an aid from the *Netherlands*, and as these Succours could not be ready so soon as they wished, they endeavoured to amuse the King's Party by Proposals of agreement. But these last constantly refused to conclude any thing before the Assembly of the States.

George sets
his Professors
at liberty.
Melvil.
p. 105.

In this interval, the Laird of *Grange* released the Duke of *Chateaufort*, the Lord *Herris*, and the rest of the Prisoners, and thereby the Queen's Party was considerably strengthened. It muft however have been still very weak, since it could act but by negotiations. Be this as it will, the heads of that Party resolved to meet at *Lindisgaw* (3), by the name of the States, since, there being no Regent, they thought they had as much right to convene the States as the other Party. In this Assembly they vainly fought means to engage England to break with the whole Scotch Nation. *Elizabeth* was too much upon her guard to be easily surprized. At last perceiving they could not succeed, they believed it necessary for their safety to try to become masters of *Edinburgh*. But as this could not be effected by force, they desired the Magistrates of *Edinburgh* to permit them to hold their Assembly in the City. This was readily granted; but the Inhabitants kept so strict a Watch, that the Project of the Queen's Adherents was frustrated. Mean time, there were sundry Negotiations between the two Parties which came to nothing.

Mary's Party
hold an Assembly
of the
States, and
try to convince
the
Edinburgh
Magistrates.
Buchanan.
Spottiswood.

Presently after, upon news of the Earl of *Suffex's* being come to *Berwick*, the Assembly of *Edinburgh* broke up. The Heads had now sent Deputies to *Elizabeth*, to try to divert the impending storm, and to gain time, till the Arrival of the French Succours. They even offered to make her Umpire, and were so well seconded by the French Ambassadors, that she readily consented to be Mediatix between the two Parties. But she pretended, the affair, for which she sent an Army into Scotland, had no relation to the differences between the two Parties, for it was only to chastise the Violators of the Peace, who were owned by neither Party, without however either being

The English
Army appears
periodically.
Buchanan.
Spottiswood.
Elizabeth
despises the
help of France
because the
two Parties, Camden.
James bewails
the punishment
of the Authors
of the Invasion.

able to procure her any satisfaction. So the Earl of *Suffex* received no counter-orders. When that General was come to *Berwick*, the Duke of *Chateaufort* sent *Melvil*, to know whether he intended to join one of the Parties, or endeavour their reconciliation. *Melvil* says in his Memoirs, that in his Conferences with the Earl of *Suffex*, he found the Earl had orders indeed to favour the King's Party, but would not quite discourage the Queen's (4). He infers that his chief aim was to continue the troubles in Scotland, which is very likely.

1570.

The Earl of
Suffex enters
Scotland.
Melvil.
p. 105.
Buchanan.
Spottiswood.
Camden.

The English Army entering Scotland in April, ravaged the lands of the Scots and Carri, and of those who were concerned in the late incursion into England (5). *Camden* says, in this expedition were burnt about three hundred Houses, and about fifty Castles. *Melvil* adds, the Earl of *Suffex* assaulted and took the Castles of *Hume* and *Falst*, belonging to the Lord *Hume*, to oblige him, who had hitherto remained in a sort of neutrality, to declare for *Mary's* Party, till the balance should incline too much to the King's side. This conjecture is grounded upon the project formed by the Queen's faction, to unite all Scotland, and upon *Elizabeth's* interest to prevent such an union.

The beginning of May, the States summoned in the King's name, met at *Edinburgh*. Their first care was to depute *Robert Pitcairn* to *Elizabeth*, to bespeak her favor, and acquaint her, they were ready to chuse a Regent to her liking.

The States
called on the
King's name
met.
Buchanan.

Whilst *Pitcairn* was on his way, *Mary's* Adherents besieged the Castle of *Glasgow*, which made a braver defence than they expected. The Earl of *Suffex* having notice of it, detached Sir *William Drury*, Governor of *Berwick*, with a thousand Foot, and two hundred Horse. At their approach, the Besiegers retired, and dispersed themselves in the Mountains. Mean while, *Drury* being joined by a body of Scotch Royalists, ravaged the lands of the *Hamiltons*, and took the Castle of that name, belonging to the Duke of *Chateaufort*.

Five of
Glasgow.
Buchanan.
Spottiswood.
Hume.
Camden.

In the mean time, *Pitcairn* returning from England, reported to the States, that *Elizabeth* thought it very strange, that since *Murray's* death she had not been informed of the posture of affairs in Scotland; that her ignorance in that respect had kept her in suspense, concerning the course she was to take: That at length, tired with continual sollicitations, she had consented, that a conference should be held between the two Parties, wherein she was very willing to act as a Mediatix, provided they would both refrain from violent methods, and leave things as they were: That she desired therefore the States to observe this condition, and defer the election of a Regent till the success of the Conference should be known. This demand very much embarrassed the States. They could remain no longer without a head, and yet, durst not disoblige the Queen of England, who alone was able to support them. Wherefore they resolved to elect an *Inter-Rex*, who could be revoked without any consequence, and the choice fell upon the Earl of *Lenox*, then in England. Shortly after, they received a Letter from *Elizabeth*, acquainting them with her consent, that they might chuse a Regent, and recommending to them the Earl of *Lenox*, who was justly chosen.

Elizabeth
expresses a
suspicion of
them.
Buchanan.

The States
elect an
Inter-Rex.
The Earl of
Lenox is
made Regent.
Buchanan.
Camden.

Mean while, the Earl of *Huntly* receiving from Spain Money and Ammunition, took the field, and stored the Castle of *Brechin*. Shortly after, the Earl of *Lenox* arrived in Scotland, and when the States broke up, resolved to recover that Castle which was of so great importance. He assembled for that purpose his Forces at *Lindisgaw*, and demanded Artillery and Ammunition of *Grange*, Governor of the Castle of *Edinburgh*, who refused them, on pretence he would not be instrumental in shedding the blood of his Countrymen. *Grange* was properly of the Queen's Party, but had other views than the rest of her Friends. His project was to set himself at the head of a third Party, with which he pretended the other two should join, to refore the Queen to the Crown upon certain Terms. This was the cause of his ruin, as will hereafter appear. Sir *James Melvil*, Author of the Memoirs so often quoted, was in the same sentiments, as he discovers in several places, but probably waited for a more favorable opportunity to declare.

The Regent
takes Brechin,
and disperses
Huntly's
Troops.
Camden.
Melvil.
p. 107.
Spottiswood.

Grange's refusal hindered not the Regent from becoming master of *Brechin*, and compelling the Earl of *Lenox* to fly to the mountains, where it was not easy to pursue him. Not long after, the Queen's Party obtained a Truce (6), at Queen *Elizabeth's* instance, who fought

Buchanan.
Thomson.
Lefroy's
Negotiations.

(1) He was put off till the first of May. Buchanan.

(2) Thomson calls him *Verac*, and speaks of him as one sent by the Guise, and not by the King of France. The English and Scots call him *Verac*, and mention him as the French King's Envoy. *Rapin*.

(3) On April 9. Buchanan.

(4) He also declared to *Melvil*, that he looked upon the Queen of Scotland and the Prince her Son, as true Heirs to the Crown of England. *Melvil*, p. 105.

(5) The Lord Somers, Warlike of the West-marches, entering into Scotland, April 12, burnt and destroyed as far as *Dunfermline*. There was rased, overthrown, and burnt by the English, in this expedition, above three hundred Towns and Villages, *Lea* 20. *Drury*, p. 664.

(6) The Reader may see the Articles of this Truce, in *Lefroy's* Negotiations, p. 91, &c. 92.

1570. only to prolong the affair; as on their part, the Queen's Adherents tried to gain time, to wait the effects of the Duke of Alva's promises. Some time before, they had sent the Lord Statute to him to desire aid, and he had promised them ten thousand Men. But the disorders which unexpectedly arose in the Netherlands, hindered him from performing his promise (1).

While these things passed in Scotland, several Plots were forming in England to free the captive Queen. *Mouluc* Bishop of *Valence* came to London, and very earnestly solicited the Queen of Scots liberty. The Spanish Ambassador was no less urgent for the same. The Queen was the more jealous of the zeal of France and Spain for Mary, as at the same time Pope [Pius V.] caused a Bull dated the last year, to be fixed up in the night in several places in London (2), whereby he excommunicated Elizabeth, and absolved her Subjects from their Oath of Allegiance. On the other hand, it was discovered, that some Norfolk Gentlemen had resolved to take arms and raise a Rebellion in that County (3). This Conspiracy being discovered, the Authors were apprehended. But the Queen pardoned all but three, two of whom were *John Throckmorton*, and *Felton*, who plotted up the Bull (4). Shortly after, he heard also that two of the Earl of Derby's Sons (5) had plotted to free the Queen of Scots. As *John Lesley* Bishop of *Ross*, who acted as Mary's Ambassador, was the chief promoter of all these Plots, it was thought fit to confine him again to the Bishop of London's Palace. He was but lately released, having been arrested for being deeply concerned in the Earl of Northumberland's Conspiracy. Notwithstanding the just suspicions which all these Machinations might raise in the Queen of the Duke of Norfolk, who was considered as the head of Mary's Party, he was discharged from the Tower (6). But it was not till after he had expressed great Sorrow for his fault, and protested by word of mouth and under his hand, that he would never more think of marrying the Queen of Scots.

It was not difficult for Elizabeth to perceive, that the Queen of Scots was the sole cause of all these embarrassments. If repose would have followed upon her release, she would have willingly freed her. But though Mary's Adherents, and those who solicited in her behalf, pretended, they acted only from a motive of compassion, and exclaimed against the injustice of detaining her in prison, Elizabeth was not ignorant, that their views extended much farther. The Pope, Spain, the House of Lorraine, the Duke of Alva, the English, Scotch, and Irish Catholics confined not themselves to the freeing the unhappy Queen from captivity: Their aim was to set her on the Throne of England. Consequently it was more dangerous for Elizabeth to release her than to keep her confined. But she did not think proper to disclose her thoughts, as on their part their Enemies were extremely careful to conceal their designs. She continued therefore to feign, that she desired nothing more earnestly, than to find means to restore Mary to the Throne of Scotland, provided it could be done without danger to England. To this end she sent Cecil (7), to make her some capacious Proposals, tending only to dazzle the publick. Mary hearing the Proposals, returned a general answer, declining to give a particular reply to each article, without the consent of the heads of her Party in Scotland, to whom she desired they should be communicated, that they might answer them as they should think proper. The Proposals with the answers were to this effect:

I. The Queen of Scots shall ratify the Treaty of Edinburgh, and renounce her claim to the Crown of England, during the life of Queen Elizabeth, and her Issue.
 Answer. Agreed.
 II. She shall not make nor renew alliance with any power whatever against England.
 Answer. By renouncing the Alliance of France, the Queen will forfeit her Dowry, and the Scotch Nation be great Losers. Wherefore the Queen of England must make amends for these things some other way.
 III. She shall admit no foreign Troops into Scotland.
 Answer. Agreed, with this Restriction, unless she is not able with her own Forces to suppress the rebellions of her Subjects.

IV. She shall hold no intelligence with the English or Irish, without the Queen of England's knowledge.

Answer. Agreed, provided the Queen of England will hold none with the Scots.

V. She shall deliver up the English and Irish Rebels.
 Answer. If there are any English or Irish Rebels in Scotland, they may be demanded of those who have taken arms against their Queen.

VI. She shall make the English Borderers amends for the losses sustained in the late invasion.

Answer. Commissioners on both sides shall be appointed to examine the Damages which were done.

VII. She shall prosecute, and punish according to Law, the Murderers of King Henry and of the Earl of Murray.

Answer. Agreed.

VIII. She shall give her Son for Hostage.

Answer. Her Son is not in her power.

IX. She shall not marry any Englishman without the Queen of England's knowledge, nor any other without the consent of the States of Scotland.

Answer. To be tied to these Terms is a thing unworthy of a Queen.

X. The Scots shall not pass into Ireland without the Queen of England's permission.

Answer. Agreed, provided the Irish be not suffered to pass into Scotland without the Queen of Scots leave.

XI. She shall give six Hostages of the Queen of England's naming.

Answer. Agreed, provided the Duke of Chateaurault, the Earls of Huntley, Argyle and Athol be excepted.

XII. If he attempt any thing against Queen Elizabeth, she shall forfeit the Right she claims to the Crown of England.

Answer. Agreed, on condition that in the like case the Queen of England will be liable to some equivalent Penalty.

XIII. The Castles of Hume and Falst shall be three years in the possession of the English.

Answer. This cannot be granted: On the contrary, the Queen of England is required to restore these Castles to the Lord Hume.

XIV. Some places on the borders of Galloway or Cantyre shall be put into the hands of the English, to hinder the Scots from infesting Ireland.

Answer. To deliver such places to the English would be creating a perpetual War in Scotland.

All these Articles shall be confirmed and ratified by the States.

There is no answer to this Article.

It would be very easy, in examining of these Proposals, to shew that some were only to create a belief of Elizabeth's acting with moderation and sincerity; that others were but Snare to surpize the Queen of Scots: And that some there were, the execution whereof was impracticable. Elizabeth's design therefore was only to amuse.

On the other hand, the answers were as little proper to procure an agreement between the two Queens. They who drew these answers, pretended, that Mary should treat Elizabeth upon equal terms, as she might have done, had she been on her Throne at Edinburgh: but the English meant no such thing. Mary was Prisoner in England, and the point was to release and restore her to her Throne. She accepted these Conditions to obtain these two great advantages; but withal she is made to say, that she expected Elizabeth should be bound to the like or equivalent Terms. This was as much as to say, that otherwise she would not accept what was offered her. Nothing could be more grateful to Elizabeth, since it was a certain means to prolong the negotiation. Had Mary accepted these Proposals without any restriction, she would perhaps have embarrassed Elizabeth's Council. At least they would have been forced to seek means to obstruct the execution, and thereby the Fault would manifestly have been on the side of the Court of England.

Elizabeth, it is certain, had no desire to release her Prisoner on any terms whatever. She was a very dangerous Rival, even when in Prison, how much more had she been at Liberty? From her return to Scotland, upon the

(1) However, he sent them ten thousand Crowns. See *Lesley's Negotiation*, p. 105. *Hamden*, *Reſce of Dunbar*, had, sometime before, privately procured out of the Netherlands, great Store of Arms and Powder, seven great Guns, and some Money, for *Hamley*, the Queen's Lieutenant in Scotland. Camden, p. 426.

(2) This Bull is dated February 23. 1569, and may be seen in *Spott*, p. 323. and in Camden, p. 437. It was fixed on the Bishop of London's Palace Gate. Camden, *ibid*.

(3) Their design was to set the Duke of Norfolk at liberty. *Ibid*. p. 428.

(4) *John Prius* was not one of the three Norfolk Rebels; but he was executed for setting up the Bull. He would not fly, but boldly owned the Fact; for which he was arraigned and hanged in *Abchurch-Lane*, near the Bishop's Palace. However, he got barely the empty repute of a glorious Martyr. Camden, p. 428. *Trevelyan*, p. 440.

(5) Sir Thomas, and Sir Edward Stanley, the Earl of Derby's younger Sons by the Duke of Norfolk's Daughter. Their Accomplish were, *Thomas* *Gravel*, *Rijon*, *Hall*, &c. *Prius*'s Son, one of the Band at the Gentlemen Prisoners, delivered the Plot. Camden, p. 428.

(6) Where the Plague, which then raged in London, was got, and he was removed to his own House, the *Chancery-House*, where he lived under the easy Confinement of Sir Henry Nicoll. Camden, p. 429.

(7) And Sir Walter *Murray*, Chancellor of the Exchequer, in *October*. The Queen of Scots was then at *Chesham* in *Derbyshire*. Camden, p. 429.

Lesley's Negotiation, p. 100.

1570. death of her first Husband, she had never ceased holding Intelligence in England, to try to excite the English to rebellion. This is what very evidently appears in Melvil's *Almanac*. Her misfortune to fall into the hands of Elizabeth did not make her discontinue her practices. On the other hand, the project of her marriage with the Duke of Norfolk, the Earl of Northumberland's Conspiracy, and the Correspondence of her adherents with foreign Courts, tended only to raise her to the Throne of England, even in Queen Elizabeth's Lifetime. In short, it was manifest, the Pope, the King of Spain, the Princes of Lorraine, the English Catholics, all the Irish, and part of the Scots, were labouring to accomplish this design. How imprudent would it have been to release her, that she might the better prosecute her pretensions? It is true, after the death of Francis II. she quitted the Title of Queen of England, and professed, she claimed not the Crown of England till after Elizabeth and her posterity. But, that a bare Protestation may serve for security, the sincerity of the Person protesting must be first well-established. Here was quite the contrary, all Mary's Proceedings having shewn the desisted not from her claim. So her bare Protestation was only her word, on which it was very dangerous to rely. Certainly, Mary was unhappy only in having too zealous Adherents, who, by all their proceedings, pushed her continually towards her destruction. But this is no wonder. They acted not for her sake, but for their own ends, and the Interest of the *Romish Religion*, to which she served for pretence. Sir James Melvil, who was not Mary's Enemy, observes in his Memoirs, that both parties equally hurt her, the one in acting directly against her, the other in serving her with too much zeal. He adds, the Queen's Party groundlessly flattered themselves with ruining their Adversaries, who were supported by England.

Melvil.
p. 112.

Delphic of
the French
Court as to
Mary.

The reason he gives is very strong, namely, there was no likelihood that the Queen's party would ever receive great assistance from the Court of France, which dreaded nothing so much as to see the two Crowns of England and Scotland upon the same head. He relates upon this occasion a particular, which may be of great Service to discover the situation of Mary's affairs. Sir Robert Melvil, at his return from his Embassy to England, gave Queen Mary a Paper, signed by five and twenty English Earls and Lords, promising to let her on the Throne of England. Mary sent the Paper to the Cardinal of Lorraine, her Uncle, desiring withal the assistance necessary to execute that design. But the Cardinal himself dissuaded Queen Catherine de Medici from thinking of such an Enterprize, demonstrating the prejudice France would receive by the Union of the two Kingdoms of England and Scotland. Nay, to hinder the thing from being effected by other means, they gave notice thereof to Queen Elizabeth, who always feigned Ignorance of what she was told by the Court of France. Melvil affirms, he had this from the Queen of Scots own mouth, at a time when she was dissatisfied with the Cardinal. It is evident then, that the eagerness of Mary's friends was prejudicial to her. But especially they who continued the war in Scotland, only helped to secure Elizabeth's affairs, who thereby was sheltered from the quarter she had most to fear, whereas the Scots, by their Union, would have been more considerable, and doubtless, Elizabeth would have had more confidence for her Prisoner. Upon this Principle it was that Grange and Melvil laboured to procure an Agreement between the two parties, wherein they endeavoured to serve Mary effectually. But it was not easy to bring passionate Men, to sacrifice their Passions and Interests to the good of the publick. The Council of England improving these Dispositions, never ceased fomenting the troubles of Scotland, under colour of appealing them, till it should be Elizabeth's Interest to end them. This Melvil plainly shews in his Memoirs; but it would be too long to alledge the proofs. This Mary was in a wretched condition, by the ill Counsels which were given her, and which she was so unwise as to follow with ardor. The Bishop of Ross, her Agent at London, a great zealot for his Religion, but whose views were not very extensive, did her infinite damage by his passion and pains to cherish the discontent of the English Catholics. As Elizabeth had good Spies, she was not ignorant that this pretended Ambassador was concerned in all the Plots laid against her, from whence she could not but infer, that he acted agreeably to his Mistress's Inclinations and Orders. As soon as this Prelate had the Articles proposed to Mary, he sent Copies to the Pope, to the Kings of France and Spain, to the Duke of Avois, intimating to all these Potentates, that

Mary would be at length constrained to accept them, if some vigorous Effort were not made in her favour. But his Solicitations were fruitless. The King of Spain being then employed in his Marriage with Ann of Austria his Niece (1), Daughter of the Emperor Maximilian, left to the Duke of Avois, the care of assisting the Queen of Scots. But the Duke was himself employed in the Netherlands. The City of Brussels refusing to pay the hundredth Penny, Gallows were now prepared to punish the disobedient, when he heard the Prince of Orange was levying an Army in Germany. So, instead of aiding the Queen of Scots, he was preparing for the war, which he saw ready to kindle in the Low-Countries, and wherein, probably, he would have to deal with the Inhabitants of these Provinces, as well as the Germans.

As for the Court of France, besides that they never really intended to let the Crown of England on the head of the Queen of Scots, but only to create Elizabeth troubles, they began to form projects, which suffered them not openly to espouse Mary's Cause. Though the King had gained several Victories over the Huguenots, he saw with grief there was no end of the affair, and that these people chafing rather to die with their swords in their hands, than at the stake, or the gallows, it would be very difficult to destroy them by open force. He resolved therefore, in order to attain his ends more easily, to amuse them with a Peace, which he granted them in August this year. From that time his sole care was to dissemble his Sentiments, and make them believe they had nothing more to fear from him. To convince them the better that the design of extirpating them was entirely relinquished, Catherine de Medici proposed a Marriage between the King her Son and Elizabeth, who replied in two words, that he was too Great and too Little. This project failing, Catherine proposed her second Son the Duke of Anjou, as a more suitable match. This was therefore no favorable juncture for the Queen of Scotland, since the Court of France could undertake nothing openly in her behalf, without breaking their own measures (2).

Secretary Cecil was created Baron of Burleigh the beginning of the year 1571. No Man had better deserved than he to receive this Mark of Distinction, which was very considerable in the reign of a Queen, who conferred Honours with great circumspection.

I have several times observed, that Elizabeth was resolved not to declare publicly for either of the Scotch Factions, but to prolong the Negotiation as much as possible, that she might never want a pretence to detain Mary in prison. We are going to see an effect of this resolution in the source she pursued during the year 1571. Though in June the last year, she had agreed to a Conference between the two parties, of which she was to be Mediator, six months were passed, and nothing more said of it. At last, Elizabeth resolving to negotiate her Marriage with the Duke of Anjou, did not question, but on that occasion, the French Court would strongly solicit her in behalf of the Queen of Scots. To be provided therefore with an evasion, she caused at length the Conference to be held in the months of February and March, that she might be able to say to the King of France, the affair of the Queen of Scots was upon terms of agreement, fully bent however to manage it so, that the Conference should be without effect.

The Earl of Morton, Pitcairn, and others (3), were sent from Scotland to the Conference, which was to be held at London to maintain the King's Cause. For Mary appeared the Bishops of Ross and Galloway, with the Lord Levingston, and the Queen appointed seven of her Privy-Counsellors (4) to hear the reasons of both parties. They immediately required the Earl of Morton, and his Colleagues, to declare plainly the Inducement of the Scots to depose their Queen, and give the Crown to the Prince her Son. The Scotch Deputies delivered a large Remonstrance in writing, wherein they took for granted, that the Queen was privy to the King her Husband's death, and afterwards married the Earl of Bothwell the murderer: That to justify their conduct with regard to the Queen, there were two points to be examined, the one of Fact, the other of Right. For the first, they stood to the proofs given by the Earl of Murray at Hampton-Court before the English Commissioners, and which the Queen of England had in her hands: That the Earl had so evidently proved Mary guilty of the Crime laid to her charge, that they thought it needless to repeat the same things, which besides they could not without great reluctance. As to the point of Right, which consisted in knowing, whether the

(1) Queen Elizabeth sent Charles Howard, with a Fleet, in which were several Noblemen, to convey her from Zealand to Spain. Camden, p. 470.

(2) This year, on March 16, died William Herbert Earl of Pembroke, and was buried in St. Paul's Cathedral, April 18. See, p. 669. The year also died Henry Clifford, the second Earl of Cumberland of the name; and Sir Nicolson Herlihymer, Camden, p. 470. On the 18 of October, there was a terrible Tempest, which did an incredible damage in several places. See an account of it in Hallyburt, p. 122, 123.

(3) See Melvil, p. 112.

(4) Namely, the Earls of Leinster and Suffolk, Nicholas Bacon Lord-Keeper, the Earl of Oxford Lord Chamberlain, William Lord Burleigh, Sir Walter Blount, and Sir Francis Knollys. ap. Melvil, p. 146.

1571. Scots had power to depose their Sovereigns when they became unworthy of the Throne, they maintained, it was an undoubted Right enjoyed by the Scotch Nation, ever since the beginning of their Monarchy. They supported this Principle with divers Instances drawn from the History of Scotland, and of other Countries, as Spain and Denmark.

Elizabeth still pursuing her Scheme, not to declare herself, briefly answered to the Scots Remonstrance, which was communicated to her, that she was not thoroughly convinced of the Justice of their Proceedings, and desired them to confer with her Ministers, in order to find some Expedient to adjust this affair. But they replied, it was needless to search for Expedients, since they had no power to agree to the diminution of the King's Authority. Whereupon, Elizabeth ordered a thing to be proposed to Mary's Agents, which the knew they would not accept, and this was, to give her the chief Lords of their Party in Hostage, with some Places in Scotland (1). And indeed they boldly rejected it, and made other offers which the English Commissioners rejected in their turn. At last, they demanded of the Scots, to give the young King of Scotland in Hostage to the Queen; to which they answered, they had not power to promise any such thing. Camden says here, that Mary's Agents made a Jest of this Evasion, affirming, the Deputies wanted not power, since the same Crime renders all the Complices equal.

At last, Elizabeth admitting the Scotch Deputies to an Audience, agreed with them, that the affair could not be determined but by the States of the Kingdom. Then, she desired them to order it so, that another Conference should be held in Scotland during the Session of the Parliament, which was to meet in May. She detained them however some time longer, being willing to know, before their departure, whether the Queen of Scots would consent to the Conference. But, so far was she from agreeing to it, that she complained very much of her Deputies suffering her Right to be called in question, and revoked their Powers. She ordered however the Bishop of Reims to reside still at London, as her Ambassador. This gave Elizabeth great suspicion, being sensible the Bishop was the chief promoter of the Plots against her; but she durst not refuse him, for fear of giving occasion to say, she did not own Mary for Queen, and thereby wound her pretended Impartiality. At length, the Scotch Deputies departed the 8th of April, after a six weeks stay in London to no purpose. Wherefore it was not Elizabeth's Intention that this Conference should produce an agreement. Though this did not evidently appear in her whole Conduct, it might easily be seen in a Letter of Cecil to Walsingham, then Ambassador in France, wherein he told him plainly, that the sole aim, in that Conference, was to gain time. Another Letter to Walsingham from the Earl of Leicester about the same thing, manifestly discovers Elizabeth's policy. The Earl told him, the Queen agreed, that Mary was unworthy to sway the Scepter, but could hardly believe her Subjects had power to depose her. That therefore she remained in suspense, not being able to determine either to restore Queen Mary, or defend the Cause of the Scots, because she did not think it entirely just. During this pretended uncertainty, Mary remained still in prison.

The Truce between the two Scotch Factions being expired, during the Conference at London, or shortly after, the Earl of Lenex took the Town of Dunbarren by surprise, which had till then been in the hands of the Queen's Adherents. Vrac the French Ambassador was taken there, and sent to St. Andrew's, from whence he was readily suffered to make his escape. But the case was otherwise with [James Hamilton] Archbishop of St. Andrew's, who being also taken Prisoner upon the same occasion, and sent to Sterling, was condemned to be hanged. He was accused of being a complice in the murder of the late King, by a Priest (2), who was brought face to face, of whom, instead of defending himself, he demanded, what those Priests deserved who revealed the Secrets of Confessions? 'Tis said, Cardan going to Scotland to cure him of a Dropsy, told him, when he had restored him to health, that he had, by the help of his Medicines, freed him from the present danger, but it was not in his power to prevent his dying on the Gallows.

Elizabeth was not wholly taken up with the affairs of Scotland. There was another which gave her no less trouble, by reason of its difficulties, and the consequences it might be attended with. Her Ministers, knowing her Enemies were in perpetual motion, and when one Plot failed, were immediately forming another, were afraid her prudence would in the end be defeated. In Walsingham's Negotiations, there is a Letter from the Secretary of State,

telling him, that whilst the affair of the Queen of Scots was in hand, her friends were thinking of carrying her away, of which the Court had some dark Intimations. The Earl of Leicester wrote to the same Ambassador, that Mary's Adherents were more bold than ever, which, in all appearance, proceeded from their hopes of the success of some fresh attempt. The Ministers therefore believed, nothing but a Marriage could secure the Queen from so many Conspiracies which were daily renewed. An Alliance with some powerful Prince would naturally produce a good effect, by reason of the Succours which might be thence received upon occasion, besides that it would strike a dread into the Queen's Enemies. On the other hand, they imagined, if it pleased God to bless the Marriage, the birth of a Prince would deprive the Queen of Scots of great part of her Adherents. Wherefore, they never ceased to represent to Elizabeth, the reasons which ought to determine her to marry. At last, whether she yielded to these reasons, or to be freed from their Importunities, she told them, that nothing hindered her but the difficulty of finding a suitable match. And indeed, it was not easy to make a fit choice. She must take either a Protestant or a Popish Prince. But as two principal Inducements prompted her to marry, namely, to make a strong Alliance, and to have a Successor; in chusing a Protestant, the first of these Inducements would not be answered, because there was no Prince of the Reformed Religion, whose Alliance could be very advantageous to England. In resolving upon a Catholic, there was no choice, since the Duke of Anjou, the King of France's Brother, was the only fit person. But this project had its difficulties. The Queen gave to understand, that in marrying the did not mean to give herself a master, or even an equal, since she was resolved to hold the reins of the Government alone, and communicate to her Spouse the external Honours of Royalty only. In the second place, she did not pretend the English Catholics should reap any advantage from her Marriage with a Prince of their Religion. But there was no likelihood, the Duke of Anjou would submit to what the Queen desired, or dissemble his Religion, to enjoy the bare Title of King, which was not sufficient to satisfy his Ambition. Mean while, the Ministers were so urgent with the Queen to marry, that at length they obtained her consent to treat with France upon that subject. But very probably, she gave her consent, only because she imagined it would be in her power to break off the Negotiation whenever she pleased, by the difficulties she should start. She concealed her Sentiments however from her Ministers. Burleigh thought her sincere for some time. The Earl of Leicester was not entirely of that opinion, but knew not what to think. Be this as it will, the Queen was told, that Catherine de Medicis, having plainly perceived the reasons which moved her to reject the proposal of a Marriage with Charles IX, had intimated, that the Duke of Anjou would be more proper for her. It was also hinted to her, that the young Prince was by no means a Bigot, and might possibly be brought to communicate with the Church of England. The only thing therefore, was to manage it, that the French Court should make the first advances, after which, the Treaty might begin. That end it was, that in August 1570, Norris was recalled from his Embassy in France, to make room for Sir Francis Walsingham, who was doubtless thought more proper to manage this affair, being also a Creature of the Lord Burleigh, who was extremely desirous of the Marriage.

Walsingham stayed all the rest of the year, and part of the next at Paris, without any overture being made, and yet the marriage was much talked of. He informed the Court of England of it, and presently after received Instructions from Burleigh, importing, that if any person of distinction should speak to him of the marriage, he might answer, that upon the report, he had taken care to inquire how the Queen stood inclined in that respect, and found, as the Good of her People was her chief view, the had resolved to marry, if he could meet with a suitable match. Shortly after, the Lord Buckburgh being sent to Paris (3), as Ambassador extraordinary, King Charles, and his Mother Queen Catherine, opened their minds to him upon that subject, and a negotiation was begun. But as this Project was not executed, I shall content my self, without descending to particulars, to show here the real cause of the breaking off the negotiation.

It is almost certain, neither Elizabeth nor the Court of France had any desire to conclude this marriage, though it seemed to be seriously negotiated on both sides. Elizabeth found a double advantage in this feigned negotiation. First she amused her own Ministers, who pressed her earnestly to marry. Secondly, her Enemies believing this

Elizabeth's
Ministers
page her re-
negate her
Marriage
with the
Duke of
Anjou.
Walsingham.
Negotiat.
p. 11. 12.
Thomson.
P. Daniel.

Camden.

Walsingham
1570. Amb-
assador to
France.
Walsingham.
Negotiat.
p. 18.

Walsingham
1571. Amb-
assador to
France.
Walsingham.
Negotiat.
p. 18.

(1) The Lords demanded, were the Duke of Chateaufort, the Earls of Hunting and Argle, the Lord Herries, the Lord Norris, and another; and the Places required, were the Cities of Dunbarren and Hume, for three years. Camden. p. 431. Lejley's Negotiat. p. 127.

(2) James Hamilton, one of the chief Arians in that murder, discovered the whole matter to his Confessor, who revealed it to others. Camden. l. 10.

(3) He went away in February, and came back a little before Easter. Stru. p. 668, 669.

1571. marriage was really going to be concluded, would of course remain quiet. And indeed, it was not likely they should think of attacking her, when they saw her upon the point of being strictly united with France. It was requisite therefore, the better to amuse those who might have formed Plots against her, to show some earnestness for this marriage, least, if she acted with indifference in this affair, her most secret thoughts should be discovered.

Reason of
Charles IX.

On the other side, the Court of France proposed the marriage only to amuse Elizabeth, and with her all the Protestants of Europe, but particularly the Huguenots. In all likelihood, Charles IX. had now formed the barbarous Plot which broke out the next year. But this was only the beginning of a greater project, which was to destroy all the Protestants in general, and suddenly attack Elizabeth herself. The Pope and King of Spain were engaged in the design, and pretended to be alarmed at what was negotiating at Paris, to ensure the more easily those they intended to surprize. Wherefore, it was necessary for the Court of France to appear very desirous of the Match, and to yield as far as possible, but without concluding any thing in point of Religion. So the difficulties started by Elizabeth in this negotiation, were extremely subservient to the designs of the French, as they gave them room to make advances capable of deceiving the Publick, and causing it to be thought they had no ill design against the Protestant Religion. By this means they removed all sorts of suspicion both from the Court of England and the Huguenots. Indeed, it was hardly possible to conjecture, that when the King and his Mother testified such a zeal to accomplish the proposed Marriage, they were thinking of extirpating all the Huguenots in the Kingdom. Nay, they were extremely careful to take away this suspicion by their great dissimulation towards them, pretending to lend an ear to the Leaders of the Huguenots, and place entire confidence in them. But notwithstanding all their care to conceal their designs, the French Court made Elizabeth very jealous during the whole negotiation, by their pressing and repeated instances for the Queen of Scots liberty. Elizabeth could not understand this way of proceeding. The King of France, as she thought, having proposed the Marriage with the Duke of Anjou, and a strict Alliance between the two Crowns, should have been entirely in her interest, whereas she saw him concerned for Mary's, which was directly contrary. Nay, she discovered at that time, that France privately favoured Mary's projects, which could not be reconciled with the design of the Marriage and Alliance. For this reason the frequently intimated to the King and his Mother, that she was offended at their conduct. But she was answered with Protections of friendship, esteem, and regard, and with excuses, that Mary being Queen Dowager of France, less could not be done than to solicit in her behalf. Charles did not even scruple to own privately, that what he did was only for form's sake, that he might not appear entirely to forsake the unfortunate Queen. Perhaps it will be thought strange, that Charles should not carry his dissimulation so far as to declare openly, he would not concern himself any more about Mary; but this Policy would have spoiled all. The design of the league of Religion was to extirpate the Huguenots at once, that being freed from the fear of any diversion in France, the Catholics might carry their Arms into England. If therefore Mary's Restoration to the Throne of Scotland could have been obtained, whether by Treaty or Solicitation, or any other way, England might have been invaded with much greater ease, whilst insurrections were raised within the Kingdom. This was the scheme which had been formed from the beginning of Elizabeth's Reign. To invade England by Sea, would necessarily have been very expensive, besides that such an undertaking was liable to greater inconveniences, as Philip II. afterwards experienced. Scotland therefore alone could afford a passage, but to that end the Kingdom was to be governed by Persons well affected to the Catholic Religion. This was the aim of all the intrigues, publick and private, for the Queen of Scots Restoration. I am persuaded that they who have intimated, that compassion for Queen Mary made her Friends act for her, had no just idea of the incessant and extraordinary pains in her favour. I do not however deny, that among those who served her, some acted from that motive: But that was not the thought of those who managed affairs. In the intention of those, Mary's Restoration was only a means to execute greater projects.

They cannot
arrive upon
this Article
of Religion.
Bishop's
Compleat
Ambassador.
p. 82-101.

It is therefore certain, the Court of France never seriously thought of concluding the Marriage, and in all appearance, the Queen herself was as little inclined to it, though her Majesties did all they could to perfwade her. As she had declared at first by Walsingham, that she would not allow the Duke of Anjou the exercise of his Religion, the Court of France imagined there would be no great danger in making some advances with respect to that point, since they

were almost sure of finding in it an occasion of rupture, as well as a continual pretence to prolong the Treaty as they pleased. The Duke of Anjou came therefore by degrees to be satisfied with a little Chapel in some private corner of the Palace, and the French Ambassador had orders to protest, that the Duke could not be contented with less, and to demand a positive answer in ten days. Hitherto the Queen had refused to agree, that the Duke should have the exercise of his Religion at all, nay, had pretended, he should accompany her when she went to Chapel, and be present at Divine Service. The business then was to answer the Duke's Proposal, which probably was to be the last. But whilst she was deliberating, the French Ambassador showed to some Person of distinction at Court, Letters from Paris, whereby it appeared, the Court of France did not insist upon that Article so strenuously as some would have insinuated. On the other hand, the Lord Burleigh was informed by a Frenchman of note, that if the Queen stood her ground, the Court of France would give way in the end. Moreover Walsingham writ from Paris, that the Duke of Montmorncy had given his opinion in Council, that it would be best not to mention Religion at all in the Treaty of Marriage, which was the same thing as leaving this Article entirely to the Queen. All these insinuations were so many snares laid for the Queen by the Court of France, to induce her to refuse a thing which seemed reasonable, and that it might appear the rupture proceeded not from the Duke. She suffered herself to be surprized, and in her answer desisted not from her pretensions.

Elizabeth's obstinacy convincing the King of France, he might venture to proceed one step farther, he offered to leave this Article of Religion undetermined. But Elizabeth would not agree to it, saying, it would be an insupportable means to sow discord between her and her Spouse. In short, the Court of France went so far, as to be satisfied with the Queen's promise in writing, that the Duke of Anjou should not be prosecuted according to the Laws of England, if he secretly exercised his Religion in a private Chapel. Whereupon Elizabeth, with great difficulty, agreed at length to this:

That if the Duke of Anjou would promise to accompany the Queen when she went to Chapel, and would not refuse to hear and learn the Principles of the Church of England, she would agree, that neither himself nor his Family, should be compelled against their Conscience to conform to the English Church, till they should be otherwise persuaded. Moreover, that neither himself nor his Domesticks, the number of whom should be agreed upon, should be disturbed in the use of any Rites and Ceremonies different from those established by Law, provided they were not repugnant to the word of God, and on condition it were done in a private place, for the satisfying their Consciences, and so as the people might not take occasion from thence to violate the established Laws of the Land. It was with much difficulty that the French Ambassador got the Terms, repugnant to the word of God, to be changed into these, repugnant to the Church of God.

It is easy to perceive, that when Elizabeth seemed to relax a little on this Article, she added restrictions which required explication, and which left a door to go back, in case she had been taken at her word. Hence therefore it may be inferred, that she did insist so much upon the Article of Religion, only because she thought it serviceable to break off the Negotiation. Accordingly we find in Walsingham's Memoirs, that the Earl of Leicester, and the Lord Burleigh, were convinced at last, she had no mind to marry.

The affair standing thus, Charles IX. told the Queen, by La Mothe Fenelon his Ambassador, that he thought her answer very hard, and desired her to send some trusty person to settle with him every thing relating to the Marriage. Elizabeth replied, she could not proceed to any other Article, without knowing first, whether the King and Duke intended to allow what she had proposed, with respect to Religion. So, the business stopped there. Charles still seemed to expect the trusty person he had demanded, and the Queen pretended she had sent for the Court of France's consent to the Article concerning Religion, as she had sent it. This Negotiation lasted from March till September, and the rupture altered not the good understanding between the two Courts. On the contrary, Charles thanked the Queen for dealing so freely with him, and without saying any more of the Marriage, desired to make a definitive League with her. Elizabeth readily consented. As she had no Ally, it was her Interest to unite with France, as well to disengage that Crown from the Queen of Scots Interest, as to discourage the Pope, the King of Spain, and the English Catholics, by this Alliance. But she knew not that Charles's aim was only to amuse both her and the Huguenots, whose destruction was determined, though he affected to care, and make use of, them, to execute his pretended projects against Spain. However

1571.

p. 104.

Walsing.
Negotiat.
p. 92.

Camin.

Camin.
p. 433.The Rige-
ration
breaks off.

1571.

More than
in Spain.Elizabeth
towards Spain.
Lefroy's
Negotiat.
Camden.
Thomson.The Duke of
Norfolk is
engaged
again in
Mary's in-
terest.
Lefroy's
Negotiat.
Camden.
Thomson.The Duke
and Norfolk
are partly
engaged
for the
purpose of
marrying
Elizabeth
to Mary's
Nephew.
Camden.Elizabeth's
Nephew is
partly
engaged.
Lefroy's
Negotiat.
Camden.
Thomson.Lefroy's
Negotiat.
Speciellwood.The Court
discovers
Norfolk's
designs.
Lefroy's
Negotiat.
Camden.
Dugdale's
Annals.

p. 34-35.

However this be, *Elizabeth* sent Secretary *Smith* into France, to negotiate the League jointly with *Walsingham*.

Whilst the Queen's Marriage with the Duke of *Alva* was treating at *Paris*, and both sides affected to publish, it would soon be concluded, the Queen of *Scots* was in a grievous condition, because the plainly *fav* she was going to life *France*. This obliged her without doubt, to turn towards *Spain*, and try to obtain from thence the assistance she wanted. To that purpose, she dispatched *Ridolph* to the Pope, and King of *Spain*, to inform them of the state of her affairs. At the same time she writ to the Duke of *Alva*, and sent him in cypher the copy of her Letters to *Rome* and *Madrid*, recommending to him *Ridolph*, as a truly person, to whom she desired him to give Letters of credit. Upon the receipt of these Letters, the Duke ordered *Higford* his Secretary, who had the key, to decipher them, and then bid him throw them into the fire. But whether *Higford* was already gained by the Court, or designed to betray his master, he hid all these papers under a matt in his Bed-chamber.

Ridolph, who was the Pope's private Agent, did all he could to persuade the Duke of *Norfolk* to undertake the Queen of *Scots* defence. He represented to him, that there were in *England* many Male-contents, who would be glad to see him at their head, and by that means he might revenge the Injuries he had received, and the long Imprisonment he had endured. He put him in hopes of powerful Succours from the Pope (1), and the King of *Spain* (2), adding, that in this he would do no wrong to *Elizabeth*, since it was only to obtain her consent to marry the Queen of *Scots*, and oblige her to tolerate the Catholic Religion in *England*. At the same time, the Bishop of *Ros* frequently told the Duke, by *Barker*, one of his Confidants, that by the help of his friends, who were very numerous, it would be easy for him to seize the Queen, become master of her person, and detain her in custody, till he had married the Queen of *Scots*, and provided for the security of the Catholic Religion. But the Duke rejected the Bishop of *Ros*'s project, and even refused to give *Ridolph* the Letters of credit, which he desired for the Courts of *Rome* and *Madrid*, and for the Duke of *Alva*. But though all the Duke of *Norfolk*'s proceedings in this affair are not particularly known, 'tis however certain, he engaged in it too far, in expectation of espousing the Queen of *Scots*. But it cannot well be conceived, how he intended to accomplish his enterprise, or what he designed to do after marrying the Queen of *Scots*. Nevertheless it is easy to conjecture, that the Pope and the King of *Spain*, who let *Ridolph*, and the Bishop of *Ros* to work, would never have thought of employing the Duke of *Norfolk*, if they had not had some assurances from him, that he would comply with their Intentions.

Ridolph, having conferred with the Pope, and the Duke of *Alva*, informed one *Baily*, [a Fleming,] the Queen of *Scots* Servant, of what he had negotiated, and as this Man was to go into *England*, gave him several Letters for the Queen of *Scots*, the Spanish Ambassador, the Bishop of *Ros*, and the Duke of *Norfolk* (3). *Baily* was no sooner landed at *Dover*, but he was seized. His Packet was taken from him, and sent to the Lord *Cobham*, Governor of the *Cinque-Ports*. But the Bishop of *Ros* being informed of this accident, so artfully managed the Lord *Cobham*, the Duke of *Norfolk*'s secret friend, that the Letters were changed, and others put in their place, containing nothing criminal, or of moment, which were delivered to the Council. However, *Baily* was put to the rack, and confessed the true Letters were in the Bishop of *Ros*'s hands. But the Bishop had taken care to send all the Papers which might hurt him, beyond Sea with his Secretary. So nothing was found at his house, and yet he was arrested, and committed to the custody of the Bishop of *Ely* (4).

Shortly after, the Court made a new discovery, which proved fatal to the Duke of *Norfolk*. The French Ambassador intending to distribute some Money in *Scotland* among the Queen's friends (5), applied to the Duke of

Norfolk, who caused him to put it into the hands of *Higford* and *Barker*, to deliver it to one *Brown* [of *Shrewsbury*] who was to convey it to *Lanther* and *Benjeler*, and these were ordered to send it to the Lord *Heriot*. *Brown*, who was not in the secret, receiving the Money well packed up, and finding by the weight it was Gold, whereas he had been told it was Silver, carried it to the Secretary of State. The Packet being opened, there was found a Letter in cypher from *La Motte Foulon* to *Villac* the French Ambassador in *Scotland*. Whereupon *Higford*, the Duke of *Norfolk*'s Secretary, being arrested, presently confessed, that the Money was returned by the French Ambassador. He discovered likewise where he had hid the Queen of *Scots* Papers, which the Duke his master had ordered him to decipher and transcribe. This was sufficient to cause the Duke of *Norfolk* to be apprehended, and sent to the Tower the 7th of September. There was found upon him a long Memorial in cypher, dated the 7th of February this year, wherein the Queen of *Scotland* told him, she was advised to retire to *Spain* rather than *France*, by reason of the Duke of *Alva*'s Marriage with *Elizabeth*, which was much talked of. She added, when she should be in *Spain*, she would feign a desire to marry Don *John* of *Austria*; but that the Duke should not be alarmed at it, because she reserved herself for him. Finally, after speaking of *Elizabeth* in very injurious terms, she desired the Duke to dispatch *Ridolph* to *Rome* with Instructions (6).

The Duke of *Norfolk* being examined, confessed, that about a year since, he received four Letters in cypher from the Queen of *Scots*, and had answered them; but he said, it was only to thank her for her goodwill, and to persuade her to rely entirely on the Queen. He said further, that the Bishop of *Ros* having pressed him to write to the Duke of *Alva* by *Ridolph*, he had refused it, neither would he give him any Instructions about the affair for which he went to *Rome*. He confessed also, he had helped to convey to *Villac*, a Letter from the French Ambassador residing at *London*. As to the Papers he had received from the Queen of *Scots* by *Ridolph*, he said, they were burnt, as he really believed. Then his House was searched, and the Cypher which the Queen of *Scots* and he used, was found with the Papers hid by the Secretary. Some of the Complices who were apprehended, confessed all they knew, without being put to the rack.

Whilst proofs were collecting against the Duke of *Norfolk*, in order to form his process, the Council debated on what was to be done with the Bishop of *Ros*. He assumed the Character of the Queen of *Scots* Ambassador, and probably, had been acknowledged for such, *Elizabeth* not having thought proper to deny *Mary* the Title of Queen, or openly to own she was a Prisoner. So the case being something uncommon, some learned Civilians were consulted upon three queries (7). First, whether an Ambassador, convicted of conspiring against the Prince to whom he is sent, ought to enjoy the privileges of an Ambassador? The Civilians replied, such an Ambassador, by the Law of Nations, forfeits his privileges. Secondly, whether a Prince deposed can give his Minister or Agent the Title of Ambassador? The answer was, the right of sending Ambassadors belonged only to Sovereigns, and a Prince lawfully deposed cannot confer that title. It must be observed, *Elizabeth* had not owned that *Mary* was lawfully deposed. Thirdly, whether a Prince who comes into another Prince's Dominions, and is there kept Prisoner, can have an Agent? And whether that Agent may be reputed an Ambassador, though it be notified to him that he shall be no longer acknowledged for such? It was answered, [If such a Prince has not forfeited his Royalty, he may have an Agent; but whether that Agent may be reputed an Ambassador, depended upon the Authority of his Commission. And] a Prince may forbid an Ambassador his Dominions, if he does not keep himself within the bounds of his Office: But however, the privileges of Ambassadors are not to be violated (8).

These Queries being thus answered, the Bishop of *Ros* was brought before the Council (9), and charged with the

(1) When he had laid down, the last year, when the Bull was published, a hundred thousand Crowns, whereof twelve thousand had been distributed by *Ridolph* himself, among the English fugitives in *Flandres*. *Lefroy's* Negotiat. p. 164.

(2) Altho' that the King of *Spain* would furnish him with four thousand Hoies, and six thousand Fire, which might be transported to *Harwich* in *Negatives*, *Ridolph*, and without the least suspicion, in the beginning of Summer, when the Duke of *Medina Celi* was coming in the *Netherlands* with a Fleet. *Ibid.*

(3) And the Lord *Loring*. *Camden*, p. 436.

(4) And conveyed a while after to the Duke of *Ely*. Sir *Thomas Stanley*, and Sir *Thomas Grenard*, and *John*, were sent to the Tower. And *Henry Howard*, who had applied to the Archbishop of *Tork*, was, upon false cues, committed to the custody of the Archbishop of *Canterbury*. *Ibid.*

(5) Two thousand Crowns. *Camden* says, the Money was sent by Queen *Mary* to the French Ambassador, to be by him conveyed to her Party in *Scotland*. p. 434.

(6) This Memorial, according to *Camden*, was not found about the Duke, but being sent to him by Queen *Mary*, with the Copy of her Letters to *Rome* and *Madrid*, he ordered it to be burnt with the rest of the Papers. But *Higford*, upon his being taken up, discovered to the Council where it was hid, with the Letter. It was a draught of Queen *Mary*'s design, which the Duke of *Norfolk* imagining *Higford* had burnt, desired to have every thing that *Higford* had written, but when the Cardinal pruned *Higford*'s and other Confessions, together with the *Dumblis* and *Amies* to the Duke's Face, he was amazed, thinking they had been burnt. The Letter is described as *Scottish*, the Words *Lenny* and *Collum*, *Thomas* *Brown*, *Henry* *Perry*, *Lanther*, *Benjeler*, *Benjeler*, &c. were taken up also, who all confessed what they knew. *Camden*, p. 435.

(7) *Rapin*, by *Milike*, says, the Judges were consulted, but it was not their business. The Civilians were, *Daniel* *Levici*, *Valentine* *Dale*, *William* *Dreyer*, *William* *Malay*, and *Henry* *John*. *Camden*.

(8) The answer to which proof is the Queen's Letter to *Rome*, is supplied from *Camden*, and placed between *Centuries*.

(9) He was brought before the Earl of *Arundel*, *Thomas* *Lord* *Arundel*, the Lord *Burghley*, Sir *Francis* *Ancler*, and Sir *Thomas* *Smith*, with the Queen's Attorney and Solicitor, at the Lord Mayor's House. *Lefroy's* Negotiat. p. 179.

tempting to disturb the Peace of the Kingdom. He refused at first to answer, insisting on the Privileges of an Ambassador. But at length, seeing this Defence was little regarded, and Witnesses began to be produced against him, he said, that by an inviolable custom, grown into a Law, the *English* and *Scots* could not be Witnesses one against another. Whereupon it was examined, whether this custom was to take place any where but on the Borders, especially in a case where the safety of the Queen and Kingdom was concerned. In short, the Bishop was sent to the *Tower*, and some time after examined (1) upon three and twenty Articles, to each of which he answered in particular: but *Camden* has not thought fit to give us either the Examination or the Answers. He says only in general, that the Bishop excused the Queen his Mistress, for that being a Prisoner, and in the flower of her age, it was no wonder she should use her endeavours to escape: that the project of her marriage was formed by the advice of several *English* Lords, some of whom were Privy-Councillors: That indeed the Duke of *Norfolk* had promised to think no more of the affair: but his promise was not capable of breaking a prior engagement (2): Lastly, He endeavoured to justify his own conduct, for that being an Ambassador, he was obliged to serve the Queen his Mistress to the utmost of his power: Adding, that he proposed the design of seizing the Queen to the Duke of *Norfolk*, only to try him; and he refused to name the great Men who had promised to assist him in this attempt. But he confessed, that by the orders of the Queen his Mistress, he had consulted the Earl of *Arundell*, *Lumley*, *Throckmorton*, and the Lord Viscount *Montague*, about the Queen of *England's* demand, that the King of *Scotland* should be put into her hands. This is all *Camden* says of the Bishop of *Ros's* defence. But it is not unlikely, the fear of death with which he was threatened, made him discover some things which *Camden* has not been pleased to publish, as will appear in the Sequel.

The Duke of *Norfolk's* imprisonment making a great noise in *France* and elsewhere, *Elizabeth* caused the reasons to be imparted to *Charles IX.* by *Killegrew*, whom she sent to *Paris* to call *Walsingham* who was sick. The new Ambassador told the Queen-Mother, that it was now two years since the Queen of *Scots*, without acquainting his Mistress with it, had designed to marry the Duke of *Norfolk*, and therefore he was sent to the *Tower*, without however being deprived of the enjoyment of his estate: That afterwards, the Duke swore to think of that Marriage no more, and the Queen of *Scots*, both by Letters and Agents, promised the like: That nevertheless they had still continued their Intrigues, as it was easy to prove by their own Letters; and under colour of fleeing the Queen of *Scots*, had projected to set her on the Throne of *England*, by raising a Rebellion in the Kingdom, and calling in foreign Troops, which evidently appeared by their Letters and the Confessions of their Complices: That the Queen of *Scots* had expressly ordered her Agents to conceal her designs from the Court of *France*, because she was entirely devoted to *Spain*, having even resolved to convey her Son thither, and marry *Don John of Austria*.

In the present situation of the French Court, *Elizabeth's* Complaints against the Queen of *Scots* were not much regarded. But the Parliament of *England* (3) took the Queen's Interest extremely to heart, and to prevent the dangers to which the case was exposed by these plots, passed a very remarkable Act. It was provided, "That if any man should attempt the personal hurt of the Queen, or the depriving her of any part of Sovereignty; raise war, or stir up others to war against her: If any one should dare to give out that another Person has a juster title than she to the Crown; or should say she is an Heretic, Schismatick or Infidel; or should usurp her Right and Title during her Life; or should affirm the Parliament has not power to settle and limit the Succession to the Crown, every such Person should be guilty of High-Treason" (4). It was also enacted, "That

"whoever, by Bulls or other Mandates of the Pope, should reconcile any Man to the Church of *Rome*, and those who should be so reconciled, should be guilty of Treason: That whosoever should relieve such Recorders, or should bring into *England* any *Agents* of *Scots*, *Grains*, or other things consecrated by the Pope, should incur the penalty of a *Premunire*, loss of Goods, and perpetual Imprisonment." It was provided also, "That all the Fugitives should within such a time, under forfeiture of their Estates, return and submit themselves to the Government, and that all the fraudulent Conveyances of their Lands should be void." It was likewise moved, That if for the future the Queen of *Scots* should be concerned in any Conspiracy, she should be proceeded against by Law, as the Wife of an *English* Peer. But the Queen hinder'd this Bill from passing, being satisfied with letting her Prisoner see to what she would be exposed, if she continued her practices (5).

Before we see what followed upon the late discoveries, it will be necessary to run over what passed in *Scotland*, after the Earl of *Morton's* return. The beginning of *May*, the Queen's Party became master of *Edinburgh*, by the assistance of the Laird of *Grange*, who favoured them, though he pretended to keep the Cattle for the King. This done, the heads of this Party convened the States belonging to their faction, and at the same time, the Earl of *Lennox* assembled the States of the King's Party in the Suburbs of the same City. These two Assemblies did nothing but mutually condemn each other, and as if they had given one another the word, they resolved each apart to meet again in *August*, the King's Lords at *Stirling*, and the Queen's at *Edinburgh*. These resolutions being executed at the time appointed, the Lords at *Edinburgh* formed the project of carrying away by force the Lords of the contrary Party, who were at *Stirling* without any precaution. *Melvil* says, his Friend *Grange* was the author, contriver, and manager of this enterprise. He would have headed them himself: but his Friends would not suffer him to be exposed to the danger. This is the same *Grange*, whom *Melvil* represents as a neutral Person, and aiming only at the good of his Country. This project was executed with so much conduct and success, that the Regent and the Earl of *Morton* were presently made Prisoners. In all appearance, few of the King's Lords would have escaped, had not the victorious Soldiers taken to plundering. But whilst they were dispersed about the Town, the Earl of *Mar* fell out of the Cattle with the Garrison, and compelled them to retire. In the disorder, the Earl of *Morton* fortunately escaped, but the Regent was carried away, and murdered on the road in cold blood by one hired to do it, in spite of (*David Spence*) the Officer who guarded him. A few days after, (*John Erskine*) Earl of *Mar* was chosen Regent, to the great mortification of the Earl of *Morton*, who aspired to that dignity, and was supported by the *English* Ambassador.

To understand the situation of the Affairs of *Scotland*, it is necessary to consider, that though there seemed to be but two Parties in the Kingdom, namely, the King's and the Queen's, there were however five, because there were so many different opinions in both, which occasioned that all of the same Party did not tend to the same end. Some were wholly attached to the Queen, and their chief view was to restore the Catholic Religion. Others earnestly adhered to the King's Party and the Protestant Religion. The new Regent, like his Predecessor, was desirous to unite the two Factions, and laboured to bring all to the obedience of the King, which he hoped to accomplish, by granting to the Queen's Adherents all the favours they could reasonably expect. *Grange* and his Friends had formed the same design of uniting the two Parties, but in such a manner as that the Kingdom should be governed in the Queen's name. In fine, the Earl of *Morton*, who was Pensioner to the Court of *England*, was at the head of a fifth Party, who, though outwardly for the King, sought only to cross those that endeavoured to unite the two factions. This was properly *Elizabeth's* Party, or at least the Party she favoured most, though she affected a neutral

(1) By the Lord *Burgley*, Sir *Francis Knollys*, and Sir *Thomas Smith*, *Lesley's Negotiator*, p. 120.

(2) It has now lived ten years in *Dumfriesshire*, as *Camden* says in another place, it is not to be conceived how Queen *Mary* could promise with an Oath to marry the Duke of *Norfolk* in 1570, seeing *Marshall* was then alive. *Regin.*

(3) This Parliament met at *Windsor*, April 22, and dissolved May 29. The Clergy granted a Subsidy of six Shillings to be paid in three years; and the Lords and Commons two Pence each and Tenber, and a Subsidy of two Shillings and Eight pence in the third. *Dewes*, p. 446.

(4) The Act goes on: And if any one, during the Queen's Life, should by Book written or printed, maintain that any Person is entitled to be the Queen's Heir and Successor, except the natural issue of her Body, &c. Some looked upon this as too severe, thinking of the naming of an Heir would tend to the establishing the right of the Nation. But its merit, abundance of Jews were pulled upon the Circle, except the natural issue of her Body, &c. In *Low*, those who were executed natural which have been out of *Widdell*. So that *Camden* says, being then a young Man, he is now almost dead by his fall, that the word *advent* was inserted into this Bill by *Lesley*, with a design, one time or other, to impose some *Bartholomew* of his upon the *English* for the Queen's natural issue. *Camden*, p. 436.

(5) The other Acts made in this Parliament were these: 1. That fraudulent Deeds made to avoid the Debts of others shall be void. 2. That fraudulent Conveyances or Deeds made by spiritual Persons, to defraud their Successors of revenue for Disputations, shall be void. 3. That any Ecclesiastical Person shall be admitted to any Benefice with cure, except he be twenty three years of age at least; and shall first subscribe the Articles of Religion in presence of the Ordinary; and within two months after Induction, read the same in his Parochial Church, in the time of Common Prayer; and declare his unfeigned assent thereto; and all this upon pain of deprivation. That no Person shall retain a Benefice with cure, being under the age of twenty and years, or not being a Doctor at least. That none shall be admitted to preach or administer the Sacraments, under the age of twenty four years; nor without a Testimonial of his sound faith; nor make he is able to render to the Ordinary an account of his Faith in *Latin*.

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p. 499.

lity. Her Ambassador *Randolph*, a Man of a great Genius, and very fit for his Office, was the instrument he made use of to strengthen it. Nothing could be more prejudicial to *England*, than the union of the two Parties which was endeavouring at any rate. It was to be feared, that after this union *Queen Mary's* Friends would grow too powerful in the Parliament, and procure resolutions destructive of the interests of *Elizabeth* and *England*. Thus discord among the *Scots* was yet for *Elizabeth's* advantage, till affairs should take another face. But as the Earl of *Mar*, the new Regent, was not to be managed as she wished, she laid her measures beforehand, to procure the Earl of *Morton* a Party, capable of being opposed to the Regent if occasion required. Such was the state of the Affairs of *Scotland* in the year 1571. We must now see what passed in *France*.

Affairs of
France.
Merrill
Dissimulation
of Charles IX.
p. 499.

All this year the Court of *France* used the highest dissimulation to draw the *Huguenots* into their snares. There were no favours at Court but for them. The King pretended to fear his Brother the Duke of *Anjou*, and to be displeased with the *Guises*, who, as he said, kept him in a shameful captivity. Besides this, he made use of two very effectual means to deceive the Admiral. The first was, to feign a real intention to wage war with *Spain*, and to trust him with the management of it. The second was, to conclude the Marriage of his Sister the Princess *Margaret* with the King of *Navarre*. After that, the Admiral and the *Huguenots* no longer questioned the King's goodwill towards them, especially as they saw him very intent upon the Marriage of the Duke of *Anjou* with the Queen of *England*, and as compliant as possible with respect to Religion.

Affairs of
the Low-
Countries
Gronov.
Struik.

At the same time, the Prince of *Orange* was striving to put the *Netherlands* in motion, having resolved to make some attempt, whilst the King of *Spain's* Arms were employed against the Infidels. The Kings of *Sweden* and *Denmark* refusing to assist him, he applied to *Elizabeth*, who durst not give him assistance, though she was not ignorant of the correspondence held by the Duke of *Alva* in *Scotland* and *England* with *Mary's* Adherents. She even forbid the Ships of *Holland* and *Zealand*, which acted against *Spain*, to enter her Ports. In this extremity, the Prince of *Orange* sent his Brother Count *Louis* to King *Charles IX.*, who loaded him with caresses, and even imparted to him the false secret of his pretended design to make war upon *Philip*. But all this was only to deceive him. In the mean time, the Count *de la Mark*, with four and twenty Ships, did the *Spaniards* all the damage he could. This was all the Prince of *Orange* could effect during this year (1).

1572.
The Duke of
Norfolk is
condemned to
die.
State-Trials
Stow.
Hollingsh.

The 16th of *January* the Duke of *Norfolk* was brought to his Trial before the Peers of the Realm (2). His Accusation ran: 1. That he had attempted to deprive the Queen of her Crown and Life, and seize the Throne himself by the help of Foreigners. 2. That, unknown to the Queen, he had treated of a Marriage with the Queen of *Scots*, though he knew she had usurped the Title and Arms of *England*. 3. That he had lent her a great Sum of money. 4. That he had supplied with money the Earls of *Norfolk* and *Westminster*, who were banished the Kingdom, and declared Enemies of their Country. 5. That he had writ to the Pope, the King of *Spain*, the Duke of *Alva*, desiring aid to free the Queen of *Scots*, and restore the Popish Religion in *England*. 6. Lastly, That he had sent Supplies to the Lord *Harris*, and other the Queen's Enemies in *Scotland*.

It may be said in general, the Duke made a very weak defence to most of these Articles. But it was not easy for him to deny what his own Letters, and the Confessions of his Servants, and Complices, proved against him. Besides, an intercepted Letter from the Bishop of *Ros* in prison, to the Queen of *Scots*, clearly shewed, the Duke had formed pernicious designs against the Government. *Comden* did not think fit to relate the Contents of the Bishop's Letter. It is probable however, it was very much to the purpose, since the Duke desired to see whether it was the Bishop's own hand. When he was convinced of it by his own eyes, he made the same defence as the Bishop had done, namely, that the testimony of a *Scot*

against an *Englishman* was not valid. In this they both pretended, without ground, to take advantage of a custom introduced on the borders of the two Kingdoms, where, in cases of deprecation, the evidence of one Nation against the other was not admitted, because they were Parties. But this custom was not become so general as to be of service to the Duke in his cause. The strength of his defence was, that his design to marry the Queen of *Scots* could not be reckoned High-Treason, neither could it be thence inferred, that he intended to seize the Throne. The Queen's Attorney replied, that all the circumstances of the affair, and all the Duke's proceedings, evidently shewed, he aimed at something more than barely to marry a deposed and imprisoned Queen; for, by the measures he would have taken with the foreign powers, it plainly appeared, that in espousing the Queen of *Scots*, he designed to assert her claim to the Crown of *England*. At last, after a long examination, he was condemned by his Peers as guilty of High-Treason: but the Sentence was not executed till June.

In the mean while, the Queen made *Walter d'Exeter* Earl of *Essex*. He was descended by the great Grandmother's side from the noble Family of *Bourchier*, which had long borne that title. At the same time the Lord *Clinton* High-Admiral was created Earl of *Lincoln*, and four new Barons were summoned to the next Parliament (3).

The Parliament hearing, Plots were formed to free the Duke of *Norfolk*, passed an Act, whereby it was made death to attempt to deliver a Prisoner condemned for High-Treason. By the same Act, it was perpetual imprisonment and forfeiture of Estate, if the Prisoner was only accused of High-Treason, though not condemned (4).

At length, the Queen, after having been long in suspense, signed a Warrant for the execution of the Duke of *Norfolk*, the 2d of *June*. He confessed part of his faults, excused himself as to the rest, and in general owned he was justly condemned. But he declared, he never had any thoughts of restoring the Popish Religion in *England*, and that he died a Protestant (5). He was Son to the Earl of *Surrey*, beheaded in the latter part of *Henry the Eighth's* Reign, for quarrelling the Arms of *Edward the Confessor* with his own, without the King's licence. All of that Family had firmly adhered to the Catholic Religion, except this Duke who embraced the Protestant in the beginning of *Queen Elizabeth's* Reign. Since he declared that he died in the Reformed Religion, I don't see how his sincerity can justly be questioned. But who can tell how far his ambition might have carried him, if he had found his projects more practicable? At least, it cannot be denied, that they who put him in motion, thought they had reason to rely on him. After all, if any one doubted that the end of this conspiracy was to restore the Popish Religion in *England*, he might be satisfied by the testimony of *Hieronymus Catana*, in the life of *Pius V.* Instead of clearing the Pope, the Author makes him glory in having been the promoter of this design, and in having sent *Ridolph* into *England* to excite the *English* to rebel against *Elizabeth*.

Ten days after the Duke of *Norfolk's* death, *Elizabeth* the Queen of *Scots* sent two Privy-Counsellors to the Queen of *Scots* (6), not to accuse her criminally, as *Comden* assures (7), but to inform her, of what she had been charged with in the Trial of the Duke of *Norfolk* and his Complices, and to tell her, the Queen would be extremely glad, she could justify herself. It was chiefly to let her know, that her Practices were discovered, and therefore she had been more closely confined and reduced to a smaller number of Domesticity. *Elizabeth* was also well pleased to let her see, she had good Spies, and knew, that it was not barely to obtain her Liberty, that so many Powers used their Interest for her, but rather to let her on the Throne of *England*. Wherefore the two Privy-Counsellors represented to her, 1. That she had assumed the Title of *Queen of England*, and, afterwards, refused to ratify the Treaty of *Edinburgh*, whereby she had engaged to renounce it. 2. That she would have married the Duke of *Norfolk* without the Queen's knowledge, and there was reason to believe, it was with design to dethrone her, since she would have used foreign Troops to set the Duke free. 3. That

(1) The *English* having, since the year 1550, carried on a gainful Trade for Gold with the *Negros* on the Coast of *Guinea*, wherein they had often been disturbed by the *Portuguese*, who laid claim to that Country, in the first Discoverers of it; at last, all differences between the two Nations were adjusted, by a Treaty concluded this year. *Comden*, p. 437. — The *Exchange* having been some time suspended, namely, ever since *December* 1567, *Queen Elizabeth* came, *January* 23, this year, to see it, and by her Lord of *Tromp*, her Herald named it, *The Royal Exchange*. *Stow*, p. 668. *Comden*, p. 437. — On *October* 23, died the learned *John Jewel*, Bishop of *Salisbury*. *Stow*, p. 670. This year also died *William Parr*, Marquis of *Norborough*. *Comden*, p. 437.

(2) *George Talbot*, Earl of *Sherburne*, was constituted Lord High-Steward of *England* for that day, and with him sat twenty five Peers. *Comden*.

(3) Namely, *John Puckot* of *Bezing*, the Marquis of *Winchester's* Son, *Henry Compton*, *Henry Clancy*, and *Henry Norris*. *Comden*, p. 440.

(4) *Bill of Attainments*, Forfeiture of Estate during Life, and Imprisonment during the Queen's pleasure. If arraigned, Death: If condemned, the Penalty of High-Treason was to be incurred. This was only done the Queen's Life.

(5) He was attended on the Scaffold by *Alexander Broun*, Dean of *St Paul's*, and was buried in the Tower Chapel. *Comden*, p. 440. *State-Trials*, Vol. I.

(6) The Persons sent to expostulate with the Queen of *Scots*, were, *William Lord de la Mare*, *Sir Ralph Sadler*, *Dr. W. Jones*, and *Thomas Bromley*. *Comden*, p. 441. *Rapin*, by mistake, says there were but two.

(7) *Comden's* words are, "to expostulate with her by way of accusation."

1572. she was deeply concerned in the Northern Rebellion. 4. That she had relieved the Rebels in Scotland and Flanders. 5. That she had sent *Ridolpho* to the Pope and the King of Spain, to solicit them to invade England. 6. That she had received Letters from the Pope, wherein he assured her of his Protection. 7. That she had procured the Pope's Bull, to absolve the Queen's Subjects from their Oath of Allegiance. 8. Lastly, That she had suffered her Agents in foreign parts to stile her publicly, *Queen of England*. All these facts were but too true; however, as it was not easy to convict her, that she had acted with the intention ascribed to her, she therefore boldly made her defence to this effect:

That if she had taken the Title of *Queen of England*, it was by command of the King of France her Husband, and she had quitted it after his death; nay, she had declared, and still did declare, she would not claim it so long as *Elizabeth* or her Children lived: That in desiring to marry the Duke of Norfolk, she had no design to hurt *Elizabeth*, but rather was of opinion, the Marriage would be advantageous to England: That if she had not renounced the Marriage, it was because she was contracted to the Duke (1). That she thought herself obliged, by conjugal Love, to warn him of the danger, and persuade him to make his escape: That she was necessary to no Rebellion, but on the contrary, was always ready to discover whatever came to her knowledge, if *Elizabeth* would have vouchsafed to see and hear her: That she had never relieved the English Rebels, but only recommended the Counts of Northumberland to the Duke of Alva: That hearing *Ridolpho* was in the Pope's favour, the rude use of him in concerns no way relating to England: That she had employed no person to free her, but had willingly hearkened to such as offered their Service for that purpose, and with that view had given her Cypher to *Redfoun* and *Hall*: That the Letters she had received from the Pope, contained only matters of piety and consolation: That she was not the procurer of the Bull, and had only seen a copy of it, which when she had read she threw into the fire: That if any in foreign Parts filed her *Queen of England*, she could not help it: That she had never desired aid of the Pope, or the King of Spain, to invade England, but implored their assistance to restore her to her Kingdom: Lastly, That in case she was to be tried, she desired it might be before the Parliament, as a Princess of the Blood-Royal of England.

These answers shew, that *Mary* did not deny the Facts, but only the intention ascribed to her. But on the other hand, though this intention could not be fully proved, her bare denial was not sufficient to shew she never had it, or to efface the suspicions entertained of her. However, as there was no design to bring her to a Trial, the affair rested there; but *Elizabeth* was still persuaded, that the end of *Mary's* and her friends Intrigues, was to dethrone her.

The Negotiation of the defensive League between France and England was still continued at Paris, with great dissimulation on *Charles's* side. He insisted upon difficulties which ought not to have caused any delay, since his sole aim was to make use of this League to surprize the *Huguenots*, but this served the better to conceal his designs. He pretended to be much afraid of the power of Spain, and therefore was obliged to join with England. The difficulties of the League consisted in two things. First, *Elizabeth* required, that both Parties should mutually promise to assist one another, in case either should be attacked, though on account of Religion. But *Charles* said, he could not admit of that clause, for fear of offending his Subjects, and all the Catholic Powers. He was willing however to agree, that the Article should be expressed in more general Terms, which should have the same meaning, namely, that the two Parties should mutually defend one another, if either was attacked upon any account whatsoever. The English Ambassadors objected, that England feared no attack, but only on account of Religion, whereas France had numberless quarrels with other States, and therefore the condition would not be equal. To remove this difficulty, *Charles* offered to write to *Elizabeth* a Letter with his own hand, wherein he would declare, that he understood the cause of Religion to be included in the general clause. But the English not being satisfied with this security, required at least a private Article under the Great Seals of France and England. Whereupon, *Charles* exclaimed against the Injury done him, in believing him capable of breaking his word, and said, he

preferred his Honour to his Life. * *Walsingham*, one of the English Plenipotentiaries, was so biased in favour of *Charles*, that he thought him a perfect honest Man. He even wrote to the Lord *Burleigh*, that he did not doubt, that the security was sufficient. In short, after many debates, *Elizabeth* was contented with the Letter offered by *Charles*.

The second difficulty consisted, in that the King of France would positively include the Queen of Scots in the Treaty, to which *Elizabeth* would not consent. She thought it very strange, that the King of France should so heartily espouse the Queen of Scots Interest at such a juncture. *Mary* was using her utmost endeavours to dethrone her: The design of the League between France and England, was for a mutual defence against the attacks of their Enemies, and at the same time France earnestly laboured to have the Queen of Scots released, that is, to enable her to execute her designs. *Elizabeth* could not understand this proceeding, and it gave her great suspicion. However, as she believed the League necessary for her safety, she overlooked many things which gave her cause to mistrust the King of France's sincerity. There was no way found to surmount this difficulty, but by inserting in the Treaty a doubtful clause to this effect, *That both Parties shall maintain the present Laws of Scotland*. *Elizabeth* meant the present and actual Government of that Kingdom, under the King's Authority, and *Charles* understood the preceding Government, under the Queen's Authority, considering the present as unlawful. But what he intimated, that he desired those terms, which were capable of a double meaning, to be used, only to avoid the blame of abandoning the Queen of Scots. *Elizabeth* imagined it a great advantage, that *Mary* was not mentioned in the Treaty. These two difficulties being removed, the League was signed at Blois, April 11. The Substance whereof was as follows:

Charles and *Elizabeth* shall mutually assist one another against all persons who shall attack them under any pretence whatsoever.

The League shall remain in full force till a year after the death of either Party.

The Party requested shall be bound to send to the Party requiring, an aid of six thousand Foot, or of five hundred Lances, making up, with others, fifteen hundred Horse, at his choice, with eight Ships of war, manned with twelve hundred Soldiers, the whole at the expence of the Party requiring.

There shall be no Innovations made in Scotland, but both Princes shall endeavour to preserve the Peace of that Kingdom, according to the present Laws, without suffering the arrival of any foreign Troops.

Some time after, *Elizabeth* sent the Earl of Lincoln into France (2), to see the Treaty sworn; and the Marshal de Montmorency came to London upon the same account. *Elizabeth* swore to the League the 17th of June, and honoured the Marshal with the Order of the Garter. Whilst Montmorency was at the Court of England, he never ceased strongly to solicit for the Queen of Scots Liberty, to whom this eagerness did more hurt than good. On the other hand, the Queen ordered the Earl of Lincoln, to shew the King of France the intercepted Letter from the Queen of Scots to the Duke of Alva, wherein it appeared, that she put herself entirely under the King of Spain's protection. Montmorency would likewise have resumed the affair of the Queen's Marriage with the Duke of Anjou, but did not much insist upon it. Probably, he had no orders to press it very strenuously, considering what happened in France immediately after his return, I mean, the Massacre of St. Bartholomew's, wherein Admiral Chatillon, and all the Huguenots were butchered (3), who had been drawn to Court, under colour of the Nuptials of the King of Navarre, with the Princess Margaret, King *Charles's* Sister. It is needless to expatiate on this horrible massacre, so universally known. It suffices to observe in a word, it demonstrated to persons of the least penetration, that the Court of France was then the most perfidious in the world.

This massacre threw all the Protestants in Europe into the utmost consternation, especially when they knew it was openly approved of at Rome (4). The Protestant Princes of Germany began to prepare for their defence, believing it was only the beginning of a Combination to destroy their Religion throughout all Christendom, and the Swissers resolved in a Diet, to lend France no more

(1) Since *Ridolpho* was alive, how could he be contracted to the Duke of Norfolk's Regent.

(2) He set out, May 26, with a great Train of Nobility, among whom were the Lords Darnley, Rix, Talbot, Scales, &c. Comtes, p. 444. Stow, p. 672.

(3) About three thousand. See P. David, Tom. VIII. p. 230. Others say, ten thousand. See Strype's Ann. Tom. II. p. 138.

(4) There were Models struck in memory of this horrid Fact; having on one side the King sitting on a Throne, and treading on dead Bodies, with this Motto *Præter se Relinquit*. And on the Reverse, the Arms of France crowned between two Columns, and *Præter se Relinquit* 1572. See P. David, Tom. VIII. p. 230.

1572. Troops. But the Court of England reflected on it particularly, not questioning, it was an effect of the League of Bayonne, and that the storm would quickly fall upon England. *Walsingham*, who had expressed to great an esteem for *Charles IX.*, wrote Letter after Letter, to give warning, that he was no longer to be trusted, though he should repeat his protestations of friendship to the Queen, and his assurances punctually to observe the late Treaty (1).

Charles IX. *from great regard for Elizabeth.* *Walsingham.* *Negotiat.*

It was not without reason that *Charles IX.* desired to keep fair with *Elizabeth*. Though he had sacrificed an infinite number of his *Huguenot* Subjects, he saw the rest ready to take Arms to screen themselves from his barbarity. The City of *Rochelle*, which was as their bulwark, had refused to open her gates to the King's Forces. Some were already in arms in *Languedoc*, and other Provinces, and probably, *Charles* was going to enter into a new war where he would have to deal with desperate People. Apprehensive as he was, that *Elizabeth* would aid the *Huguenots* with all her Forces, there was no diffimulation but what he practised to divert her from it. When she told him by her Ambassador, that after the late massacre, he could no longer place any confidence in him, he endeavoured to excuse himself in the best manner he could. One while he said, it was done without his knowledge; another while, that he was forced to it, in order to prevent a Conspiracy formed by the Admiral against him, the Queen his Mother, and his Brothers. However, at the very time he shewed the greatest desire to live in a good understanding with *Elizabeth*, he was taking private measures to raise her disturbances both in England and Scotland. After the massacre of *St. Bartholomew's*, the Pope sent a Legate into France. The Duke of *Sevry*, a great friend to Spain, was come to *Paris*, and *Charles's* pretended dread of *Philip's* design was entirely vanished. Nay, there was a strict Union between the two Kings. On the other side, *Walsingham* gave frequent notice, that the Duke of *Guise* had private Conferences with the *Scots*, and the Queen-Mother frequently felt for the Bishop of *Gloucester*, *Mary's* Ambassador, to her house at unfavourable hours. These things were plain indications to *Elizabeth* and her Council, that the friendship of France was not to be relied on, though it had been earnestly sought.

Walsingham. *Negotiat.* *p. 269, 275, 280, 286, 299.*

Elizabeth's *misappreh.* *Id.* *p. 259, 265, 268, &c.*

Affairs being in this situation, it was not easy for the Queen to determine what course she should take. She suspected, some plot was formed against her; but was not sure (2). On one hand, she was afraid, France and Spain were in league against her; but she could not conceive how it was possible for them to agree, their Interests being directly contrary. She considered however, that *Charles IX.* was governed by the *Lorrain* Princes, who had different views from his, and who regarded their own private Interest, more than the welfare of France. Besides, an excessive religious zeal might cause him to overlook his true Interest. In this state of uncertainty, she thought it most advisable to stand upon her guard, and make preparations as if she was to be speedily invaded, and to equal the King of France in diffimulation, letting him know however, it would not be easy to deceive her. So, each playing the hypocrite, never were there so strong and so frequent protestations of friendship between *Charles* and *Elizabeth*, as in the first months after the massacre of *St. Bartholomew's*. Both said, they desired above all things to keep the League inviolably, though *Charles* had no occasion for *Elizabeth's* aid, and *Elizabeth* could no longer depend upon the amity of such an Ally. It was hardly possible for them to love one another. *Charles* looked upon *Elizabeth* as the Protectress of the Religion he was endeavouring to extirpate, and *Elizabeth* could consider him but as a Prince without honour or honesty, and as a sworn Enemy to the Religion he professed. Notwithstanding all this, *Charles* offered to renew the League with a fresh Oath, and proposed a Marriage between *Elizabeth* and his younger Brother, the Duke of *Alençon*. In short, to give *Elizabeth* a sensible mark of his pretended friendship, he desired her to stand Godmother to a Princess his Queen was delivered of in October. *Elizabeth* answered to the first proposal, that the Treaty of *Blais* not having been violated on her part, she did not see any necessity to renew it, or swear to it again. As to the Marriage of the Duke of *Alençon*, she expressed herself in such a manner, that she left it undetermined, whether she would accept or refuse it. As to the King's requesting her to be Godmother to the Princess his Daughter, she replied,

Charles offers to renew the League, and the Marriage of the Duke of Alençon with Elizabeth. *He desires her to be Godmother to his Daughter.* *The Queen's Answer.* *Walsingham.* *Negotiat.* *p. 277, &c. 283, 287, &c. 297.*

Though her own Subjects, and several foreign Princes dissuaded her from being spiritually allied to a sworn enemy of the Protestant Religion, she was willing however to give him a proof of her desire to preserve their mutual Alliance, as far as lay in her power. Thus, it was all diffimulation on both sides. But I don't know whether *Elizabeth* can be justified, for not having refused this last Article, in order to shew at least her detestation of the deed *Charles* had lately committed. Be this as it will, all the rest of the year was spent in reciprocal protestations of a sincere friendship, but without, in a mutual distrust. *Charles* was afraid, *Elizabeth* would assist the *Huguenots*, and thereby all his measures be broken. *Elizabeth* had a mind, before she came to any resolution, to see a little farther into the designs of her enemies, and to that purpose it was necessary for her to keep, at least outwardly, some correspondence with King *Charles*. Mean while, the *Huguenots* knew not what to think of her. They saw themselves upon the brink of destruction, considering the great Forces with which the King was preparing to attack them, and at the same time they saw *Elizabeth*, who was their sole refuge, stand Godmother to the child of their Persecutor and Executioner. But the interest of the *Huguenots* was not the thing she had chiefly in view. Her zeal for the Protestant Religion was always subordinate to her private Interest.

Elizabeth's *diffimulations.* *Id.* *p. 279, &c.*

Opinion of the Huguenots upon her conduct.

The Earl of *Northumberland*, who, after his being seized in Scotland, had been delivered to the Queen, was beheaded in this juncture, wherein the Queen thought, she could not take too many precautions to provide for her safety (3).

The Earl of Northumberland is beheaded. *Id.*

I must now mention the affairs of Scotland, to which the Queen had always an eye. The discovery of the Duke of *Northumberland's* Plot had much weakened *Mary's* party. Some had forsaken it, and others were ready to do the like. If they still adhered to it, it was only to obtain advantageous terms for quitting it. *Grange*, Governor of *Edinburgh* Castle, *Lidington*, the Lord *Hume*, *Robert Melvil*, and some others, who were in the Castle, still affected a sort of neutrality, and a great zeal for the good of their Country. But they made this Good to consist in a certain union of the two Factions, which should not be prejudicial to the captive Queen. That is, they would have the King's authority to be annulled; and if it could not be agreed, that the State should be governed in the Queen's name, as indeed it was very difficult to gain that point, at least that the administration of Affairs should be put into the hands of a certain number of Regents chosen by the two Parties, without any mention of Queen or King. By this means they would have preserved the Queen's Rights entire, and broken the measures of the contrary Party. Probably, *James Melvil* Author of the Memoirs was in the same Sentiments, though he desired to be looked upon as neuter, and as such, was employed on both sides, to serve for mediator. The Men of this Party durst not however fully discover their minds; but flattered themselves, that being Masters of *Edinburgh* Castle, with the help of never so few Succours, they should be able to support their Pretensions. They spent the whole winter of the year 1572 in several Negotiations in France and the Netherlands, to obtain the Succours they wanted. They were made to hope for assistance from both places; but it was only empty promises without any effect. The Court of France durst not pull off the mask for fear of obtruding the grand design which was executed within a few months. For that reason, they consented at length that the Queen of *Scots* should not be mentioned in the Treaty of *Blais*. They were contented to agree with the English Ambassadors, that the two Crowns should send Plenipotentiaries into Scotland, to adjust the differences between the *Scots*, or compel them to lay down their arms. And indeed *Charles IX.* nominated *Du Crocq*, who had been often sent into Scotland, to endeavour this agreement, ordering him to pass through England, and strongly solicit *Elizabeth* to send the Queen of *Scots* into France. He gave him moreover certain Instructions, which he was to impart by word of Mouth to the captive Queen. *Elizabeth* thought this proceeding very extraordinary, just as the Treaty of League was going to be concluded. So, suspecting some mystery in this conduct, she plainly refused *Du Crocq* leave to see *Mary*, and even to pursue his Journey to Scotland till the League was signed.

The Court of France is suspected by Elizabeth. *Walsingham.* *Negotiat.* *p. 267, 272, 281.*

A few days after, she made a discovery which much

Elizabeth's *suspensions.* *Id.* *p. 277, 281.*

(1) In one of his Letters to Sir *Thomas Smith*, he informs him, That all the *Huguenot* Lands, which would amount to many Millions, were to be sold, and employed in the Conquest of Countries. And if so, England was in no small danger. See *Digges's* *Compt. Ambros.* *p. 245.*

(2) There was for some considerable time a large French Fleet Rationed between *Rochel* and *Bordeaux*, which caused her no small uneasiness. See *Digges's* *ibid.* *p. 249—260.*

(3) *Thomas Percy Earl of Northumberland*, was for a Sum of Money delivered to the Lord *Hastell*, Governor of *Burwick*, by *Morton*, who had been extremely devoted to the Earl during his exile in England. He was beheaded at *Turk*, on August 23. *Id.* *p. 675.*—This year died also two great Men in an advanced age; *William Pausel* Lord Treasurer of England, (in which he was succeeded by *Guil. Lord Burleigh*), Marquis of *Winchester*, Earl of *Wiltshire*, and Baron of *St. John of Baynes*. He died March 10. in the sixth year of his age, and lived to see a hundred and three Persons descended from him. The other was *St. William Percy*, Secretary to *Henry VIII.*, *Edward VI.*, *Mary*, and *Elizabeth*. He was a great Benefactor to *Exeter College* in Oxford, wherein he was educated; and left in *Lands* to the value of one hundred Pounds a year. He died January 12. This year 1572, on November 24, and *Edward Stanley* Earl of *Derby*, Lord *Straw* and *Strange*, of *Kensington*. *Gentles* *p. 445.* *Id.* *p. 271, 672.*

increased

1575.
B. p. 151.
Cander.

increased her suspicions. The Lord *Scot*, a Scotchman, who called himself *Mary's* Ambassador to the Duke of *Alva*, had taken a journey to *Paris*, and there held several Conferences with the King and the Queen-Mother. Then he returned to *Brussels*, and shortly after departed for *Scotland*. But the stormy weather compelling him to land at *Harwich*, he disguised himself like a Sailor, and before it was known who he was, crossed *England*, and came to *Edinburgh*, where he frequently conferred with *Grange*, and the other Lords in the Castle. But as he had not been able to carry away his Papers, they were found in the Ship, whereby it was discovered, he had orders to encourage the Lords in the Castle of *Edinburgh* to hold out, and give them hopes of a speedy assistance. It was also known, he was commissioned some time before by the *Scots* of the Queen's Party, to tell the Duke of *Alva*, that with a little aid, it would be easy to carry away the young King, and send him into *Spain*. In short, *Elizabeth* heard, that *Grange* and his Companions, who had begun to treat of an accommodation with the Earl of *Mar*, would hear no more of it, since they had seen the Lord *Scot*. All this, added to *du Crey's* influences for the Queen of *Scots* liberty, and for leave to speak with her, made *Elizabeth* and her Council judge, this Envoy was not sent into *Scotland* to appease, but rather to foment, the troubles. This was the more credible, as he had said himself, that his instructions reached no farther than to exhort the *Scots* to peace. It would therefore have been imprudent to suffer him to confer with *Mary*, or to pursue his Journey into *Scotland*.

She takes
new mea-
sures with
regard to
Scotland.
Mervin.
p. 143.

Negotiation
of the Regent
of Scotland
with the
Queen's
Party.
Mervin.
p. 117.

I observed before, that the Court of *England* was no less forward than that of *France*, to perpetuate the troubles of *Scotland*; and this was true, during the Regency of the Earl of *Lennox*, because the Queen's Party was then very strong, and it was to be feared the two factions would be united, to the great detriment of *England*. But after the Duke of *Norfolk's* death the scale was altered. The Queen's Party being considerably weakened, the Council of *England* thought it time to end the troubles of *Scotland*, by giving some content to those in the Castle of *Edinburgh*, in order to induce them to submit to the King, and deliver up the place. To this end, the Earl of *Mar*, with *Elizabeth's* consent, had begun with those of the Castle, a Negotiation, interrupted by the arrival of the Lord *Scot*.

The League between *France* and *England* being concluded shortly after, the Earl of *Mar* thought it a favorable opportunity to resume the Negotiation with those of the Castle, and to that purpose offered by *James Melvil* very advantageous Terms. *Melvil* insinuates, that the Regent's inducement to this accommodation, was only to free *Scotland* from the yoke of the *English*. He adds farther, that *Grange* scrupling to demand any Terms for restoring Peace to the Kingdom, left it to the Regent's discretion, who privately swore to the Peace, in the presence of two or three persons only. But *Walsingham's* Memoirs shew that *Melvil* was not well informed, since this agreement was made with *Elizabeth's* approbation, and even some Articles were signed, whereof Secretary *Smith* sent a copy to *Walsingham* at *Paris*.

Death of
the Regent.
Oftob. 29.
Walsingham
Negotiate
p. 155.
Mervin.
p. 118.

This project was defeated by the death of the Earl of *Mar*. He went to *Edinburgh* with design to have this private Treaty approved, and the Earl of *Morton* was the chief person to be prevailed with to sign it. To this end, he made him a visit at *Dalkeith*, where he was honourably received, and treated magnificently. But before the Banquet was over (1), he let himself seized with a violent illness, which hardly suffered him to ride to *Edinburgh*, where he died (2). Many suspected he was poisoned. However, on the 14th of *November*, the Earl of *Morton* was chosen Regent, by the interest of *Elizabeth's* Friends in *Scotland*.

Morton
is chosen
Regent.

Nothing could be more advantageous to *Elizabeth*, than to see the Regency of *Scotland* in the hands of a Man who depended upon her, and whom she could manage almost as she pleased. But on the other side, the Court of *France*, where the *Guis* then ruled, finding that by the Earl of *Morton's* promotion, they were going entirely to lose *Scotland*, resolved to do their utmost to ruin the new Regent, and support those who still held the Castle of *Edinburgh*. Indeed, that was their only way to have still any influence upon the Kingdom. The Duke of *Gis*, who managed every thing, plainly saw, if the Earl of *Morton* was left

unmolested, he would not fail, with the help of the *Eng- 1575*
lish, to crush the Queen's Party entirely, and shut out the French from *Scotland* for ever. He resolved therefore to send *Verac* thither with money to supply the occasions of those in the Castle, under colour of labouring to appease the troubles. But *Verac* not being ready soon enough, the money was put into the hands of *Grange's* Brother, who had been sent into *France* to solicit aid. At the same time, great pains were taken to gain the Earls of *Argyle* and *Arbuthnot* and the Duke of *Chateaufort* was told, if *Grange* could hold out till *Whitsuntide*, he would be strongly assisted by the Pope, Spain, and *France*. This was what *Walsingham*, who had good Spies at *Paris*, had frequently writ to the Court of *England*. It was therefore no longer *Elizabeth's* interest to continue discord among the *Scots*. On the contrary, it was necessary the Queen's faction should be destroyed, before the measures which were taking in *France* and *Flanders* could have their effect. We shall see presently that she neglected not her interest.

During all this year, the Queen of *Scots* and her Adherents relied much upon the Duke of *Alva's* assistance, and yet they had nothing to hope from thence. From the beginning of the year to the time of the Massacre of *Paris*, the Duke had been so employed, that it was not possible for him to think seriously of the Queen of *Scots* concerns, though he did not want a good-will to annoy *Elizabeth*. The Count *de la Mark*, whom the Queen had driven from her Ports, for not breaking with Spain, had taken the *Briel* in *Holland*, and by that unexpected Blow revived the Courage of those who wished to be freed from the Dominion of the *Spaniards*. Shortly after, the whole Province of *Holland* threw off their yoke, and *Flushing*, with some other Towns in *Zeeland*, followed that example. The Duke of *Medina-Celi*, sent afterwards from Spain with a Fleet, was defeated by the Confederates, and most of his Ships taken. In a word, whilst the Duke of *Alva* was employed in reducing the revolted Towns in *Holland*, the news of the City of *Mant* being surprized by Count *Lewis* of *Nassau*, obliged him to quit *Holland* in order to attempt the recovery of that Place. Mean while, the Prince of *Orange* entered the *Netherlands* at the head of an Army raised in *Germany* (1). On the other hand, *Charles IX.* sent the Count of *Nassau* five thousand Foot, and five hundred Horse, commanded by *Genlis*, which were defeated by the Duke of *Alva*, to whom the King himself had sent notice of the march of this aid, designed only to amuse the *Huguenots*. The tragical which was acted in *France* shortly after, having opened the Prince of *Orange's* eyes, he was forced to disband his Army, finding the King of *France*, who promised to help to maintain it, would not keep his word. In the mean time, the Duke of *Alva* was taken up with the Siege of *Mons*, which he surrendered not till the 19th of *September*. After the Siege, his Troops under the command of *Frederick de Toledo* his Son, were employed in taking *Zutphen*, *Nardun*, and other Places. Hence it appears, that during the course of this year, the Duke of *Alva* was not able to send an Army into *Scotland*, tho' *Mary's* Friends were still in hopes of it. *Mary's* expectation of assistance from Spain was very prejudicial to her, because, when her practices were discovered, *Elizabeth* was more intent upon ending the troubles of *Scotland*. Besides, the King of *France* grew a little cool, when he found *Queen Mary* threw herself into the arms of the *Spaniard* (2).

Though *Charles IX.* and *Elizabeth* were very jealous of each other, they kept however a strict correspondence, capable of deceiving those who knew not the interests of the two Courts. Nothing passed on both sides but Protections and Assurances of observing inviolably the Treaty of *Blais*. The beginning of the year 1575, *Elizabeth* sent (William *Scarsfield*) Earl of *Worcester* to *Paris* to stand in her head to the Prince, *Charles's* Daughter (3), who was named *Elizabeth*. She had ordered her Ambassador, to be persuaded to be present at the Mass in the ceremony of the Baptism, and in case it was insisted upon, to desire the Queen of *Navarre* to stand in his room.

A little before, *Queen Catherine* had sent to *Elizabeth* the Earl of *Rais* her confidant, to propose once more the marriage of the Duke of *Alençon* her third Son. But this was not the sole motive of his coming. The Earl had undertakers to observe what passed in *England*, where the Earl of *Montgomery* and some other French Refugees were equipping

Charles
and Elizabeth's
disposi-
tion.
Walsingham
Negotiate
p. 104, 107,
110, 112.
St. w.
Jan. 15.

The Duke
of Alençon
proposed
for marriage.
Walsingham
Negotiate
p. 104, 107,
110.

(1) *Melvil* says, it was shortly after, p. 118.

(2) He rose to *Stirling*. *Mervin*, p. 118.

(3) He received all favours from *England*; for *Thomas Morgan* carried over three hundred Men to *Flushing*; and afterwards secured nine Companies more, which were commanded by Sir *Henry Gibb*. *Cander*, p. 443.

(4) This year *Queen Elizabeth* had the Small Pox. After her recovery, she ordered *Perforation* to be threatened with new Fortifications, her Navy to be increased, Masses to be celebrated in every Court. *St. w.* *Cander*, p. 444. — July 13, William Lord Howard Bacon of *Essex*, was made Privy Seal; Thomas Ratcliffe Earl of *Suffolk*, Lord Chamberlain; Sir Thomas Smith, Principal Secretary of State; and Christopher Harlow, Esq. Captain of the Guard. *St. w.* p. 675. — This year, on May 8, a new Parliament was held at *Westminster*, and was prorogued June 30. The Acts made were: were the 1. An Act, making the crime of counterfeiting of foreign Coins, punishable of Treason. 2. That *John* of *Paris*, at the *Quinta-Schola*, shall rise every Year within the Stone to which they belong. For the relief of the Prisoners in the *Common-Gaol*.

(5) He carried with him a Foot of Gold weighing 346 Ounces. *St. w.* p. 675. He came back to *England*, February 27. *Holingsh.* p. 1237.

1572. a Fleet to relieve *Rebelle*, which, after a long blockade, was at length besieged in form. The Duke of *Anjou* commanded at the Siege, having with him the Duke of *Alençon* his Brother, and all the Catholic Nobles of *France*. *Elizabeth* answered concerning the proposal of the Marriage, that she was very willing to begin a Treaty about it, provided the Article of Religion was first settled, else it was in vain to say any more of it.

Elizabeth's answer.

Complaint of France about the Succession given to Rebelle, Walgrave, Negus, resolved by the Queen, Calicut.

About the same time, *Montgomery* failing to the relief of *Rebelle*, the French Ambassador complained that he was suffered to depart, and that the English Merchants had supplied the Besieged with Provisions. Answer was made, that the persons who were failed out of the ports of *England*, were not owned, and carried counterfeit flags, and if they could be taken, should be severely punished. As for the Merchants, they were men who followed their gain where-ever they hoped to find it, and not being able to send their commodities to any other port of *France*, since the people were left to butcher whom they pleased, it was no wonder, they should find them to *Rebelle* where they could vend them with safety. Probably, the Court of *England* had connived at *Montgomery's* attempt, which however had no effect, and at sending provisions to the *Rebellers*. This was all the assistance the gave the *Huguenots* in their wretched condition. She had resolved to avoid a breach with the French, whether she hoped to gain them to her interest, or make the world believe there was a greater union between her and King *Charles* than there was in reality. This was doubtless to render her enemies both at home and abroad less eager to form plots against her.

End of the War in Scotland.

We are going at length to see an end put to the troubles of *Scotland*. The Earl of *Morton* the new Regent having good intelligence of what passed at the Court of *France*, and knowing it was refused to assist powerfully the Queen's faction, after the taking of *Rebelle*, believed he ought to improve this interval to prevent their designs. He proposed therefore to *Grange* by James *Melvil*, to renew the negotiation begun before the Earl of *Mar's* death. *Grange* and his companions made some scruple at first, because they expected the French Successors promised them by the Lord *Scotus*. However, not to give occasion to say, they were entirely against a Peace, and to try to gain time till *Whitsunday*, *Grange* replied, he was willing to accept the same terms as had been offered by the Earl of *Mar*, provided the Queen's whole party were included in the Treaty. The Regent, who was better informed than *Grange* imagined, easily judged, this answer tended only to prolong the agreement, by the difficulties of contenting every one. He refused therefore to treat with the whole party, and offered to give *Grange* and his companions all the satisfaction they could reasonably expect; but his offer was rejected. Whereupon he turned to the Duke of *Guthrie*, and the Earl of *Huntly* and *Argyle*, who were not so scrupulous as those of the Castle of *Edinburgh*. They treated for themselves and dependents, that is, for almost all the rest of the Queen's party, without regarding the concerns of *Grange* and his associates. They perceived they could no longer rely on the assistance of *France*, which was too remote, and withal very uncertain, considering the civil war which afflicted that Kingdom. The Treaty which they made with the Regent, assisted by *Drury* and *Killegrew* the English Ambassadors, was to this effect:

Melvil. p. 115. Walgrave. Negus. p. 131. &c. Spotswood.

Melvil. p. 115-120.

p. 120.

Candem. p. 448. Spotswood.

That they should submit to the King, and conform to the established Religion. That if any person should violate this article he should be declared a Traitor.

That the sentences pronounced against the *Hamiltons* and *Gordons* should be repealed, excepting such however as concerned the murders of the Earls of *Murray* and *Lennox*, which should be left to the Queen of *England's* decision.

That the Queen of *England* should bind herself by some publick instrument, that the *Hamiltons* and *Gordons* should not be prosecuted for the murder of the Earls of *Murray* and *Lennox*, without her express consent.

The Estates of the Kingdom meeting shortly after, confirmed this agreement by their authority.

1573.

As soon as *Grange* heard of the agreement which was negotiating between the Regent and the heads of the Queen's party, he endeavoured to obstruct it, by offering to surrender the Castle of *Edinburgh* in six months. But as the Regent was better informed than *Grange* imagined, it was easy for him to perceive, this offer tended only to gain time, till the French Successors should arrive (1). At last, when *Grange* knew, the heads of the Queen's party were upon the point of signing their Treaty, he offered to deliver the Castle immediately, provided he might put it into the hands of the Earl of *Rothes*. But the Regent did not think fit to place in that Fortress a Governor of *Grange's* chusing. Besides, all the proceedings of those of the Castle, and the evasions they used to avoid surrendering the place, plainly showed, they were not heartily inclined to an accommodation. So, without farther ceremony, he declared them Traitors, and prepared in good earnest to besiege them. *Melvil* says upon this occasion, that he knows not what rage possessed the Regent, to desire to have by way of siege a place which was offered to be surrendered voluntarily and instantly (2). It is indeed little probable the Earl of *Morton* should desire to expose himself to the difficulties of such a siege, if he could otherwise have had the place. But what *Melvil* ascribes to the Regent's rage, may, with much more likelihood, be imputed to the cavils of those of the Castle, who strove to prolong the time till the promised Successors should arrive. In *Walgrave's* negotiations there are several letters from the Queen, the Lord *Burleigh*, Secretary *Smith*, blaming *Grange* and his companions for their foolish presumption and invincible obstinacy, in attempting alone to continue the troubles in *Scotland*. *Melvil*, *Grange's* intimate friend, gives quite another turn to this story, and lays the whole blame upon the Regent (3).

Melvil. p. 116, 117. Spotswood.

p. 120.

Grange's Answer.

Candem. Spotswood.

Be thus as it will, the Earl of *Morton* having but few Troops, and wanting Artillery and Ammunition, by reason the publick Magazine was in the Castle of *Edinburgh*, applied to Queen *Elizabeth*. I have already shown, of what consequence it was to *England*, that the troubles of *Scotland* should be ended before *France* could interfere. For this reason, *Elizabeth* immediately made a Treaty with the Regent, which, among others, contained the following Articles:

Elizabeth shall send to the Regent, Men, Ordnance, and Ammunition, for the besieging the Castle of *Edinburgh* jointly with the Scots.

Elizabeth's Treaty with the Scots. Candem.

No capitulation shall be granted to the Besieged, without the mutual consent of the Regent, and the English General.

If the Castle be taken [by the English] it shall be delivered to the King of *Scotland*.

The Prisoners, after the taking of the Castle, shall be detained to be proceeded against according to Law, the Queen of *England* being first acquainted therewith.

Pursuant to this Treaty, *Elizabeth* ordered Sir *William Drury*, [Marshall of *Berwick*] to march into *Scotland* with fifteen hundred Men, and a train of Artillery, which was a manifest breach of the Treaty of *Blair*, which ran, That no foreign Troops should be suffered to enter *Scotland*. But she had discovered by the Lord *Scotus's* Papers, that *France* intended to violate this same Article, she believed doubtless, it would be simplicity to suffer herself to be prevailed. However this be, the Castle was invested, and the Besieged defended themselves a whole month like Men in despair. But at last their Water failing, they were forced to surrender at discretion, if we may believe the English and Scots of the King's Party. *Melvil* affirms on the contrary, that they capitulated, but the Capitulation was not kept. Thus much is certain, the Laird of *Grange*, James *Kirkcaldie* his Brother, and some others, were condemned to be hanged, and the Sentence was executed accordingly (4). *Lidington* died in prison, having himself, according

Candem. Spotswood.

Grange's Answer. p. 120, 121.

Grange's Answer. p. 120, 121.

(1) The following Project was formed between the Court of *France* and Queen *Mary's* Party: That the Marquis de *Mons* should lead an Army, with one thousand shot, and, after joining the Queen's Party, repair to *Edinburgh*, where *Castle Lidington* and *Grange* had promised to deliver to the French, and in consideration thereof, were to receive a Pension, or some other Livelihood, in *France*; after which they were to fortify themselves in *Leith*, *Branks*, *Dundee*, and *Ayr*. And then the Duke of *Glen* was to come over with French to deliver the Duke of *Scots* and at the same time, her Friends in *England*, who were very numerous, were to rise in Arms, and deliver her in spite of Queen *Elizabeth*. See *Dugdale's* *Compl. doct.* p. 154.

(2) To which he adds, "seeing he might have obtained his intent without the help of *England*, having all *Scotland* at his devotion, having that few number without the Castle, who would certainly have agreed upon any reasonable condition." p. 120.

(3) *Melvil* says, that having told the Regent, *Grange*, for his heretic's sake, was refused to agree for the whole Party: The Regent answered, He would not agree with all, because then their Estates would be at threat as every one's, and besides, as the troubles had occasioned great sorrow and distress, he thought rather that the Crimes should be laid upon the *Hamiltons*, &c. because their Estates were greater than those of *Grange*, and that he in the Castle, and consequently more Land would be richest to him as the reward of his labours. *Melvil* telling *Grange* the Regent's resolution, he insisted upon agreeing with all; and after hearing of it, perceived to like him the better for standing upon his Reputation and Honor, and seemed as if he had been himself to agree with those in the Castle. He thanked *Melvil* for the trouble he had been at, and in the mean time he would give up the matter to the rest of the Noblemen of his side, who he doubted not, would be very well satisfied with his Proceedings, and then he would send his friends again, and put the sum of the Agreement in writing. But he took immediately another course, and sent and offered an accommodation to the *Hamiltons*, &c. who were accused at it as above. *Melvil*, p. 115-120.

(4) *Melvil* gives *Grange* an extraordinary Character. He says he heard Henry III. of *France* say, (speaking to him) you are one of the most valiant Men of your Age. The great Confidant of *France* would never speak to him unadvised. *Candem* says, a husband of the family of the *Kirkcaldies*, called to the No. 49. VOL. II.

1573. cording to some, hastened his Death by Poison. The Lord *Hume* and Sir *Robert Melvil* were released (1). Thus ended the Civil Wars of Scotland, and thus Elizabeth's Enemies lost all hopes of invading her from that quarter. From what has been hitherto said, it may be easily perceived, of what consequence the Transactions in Scotland were to Elizabeth. Accordingly she was ever very intent upon the Affairs of that Kingdom, where she successfully managed her Interest with the most refined Policy.

At the time the heads of the Queen of Scots Party were about to sign their Treaty, *Verac*, who was sent into Scotland to encourage the Party to stand their ground, was forced by a Storm into *Scarborough*. The President of the *Northern Marches* having notice of it, ordered him to be conveyed to *London*, without hearkening to the reasons he alleged against it, taken from his character. It was known afterwards, that the moment he was seized he burnt all his Papers. The French Ambassador made great noise that *Verac* was hindered from going to Scotland. But he was told, the Queen had no advice of the sending of this Ambassador, and if he had known it, would have taken care he should have been treated with the respect due to his character. That he had been conducted to *London*, by the general order which the President of the North had, to deal thus by all Foreigners who should land in those parts, unless they were known to be Merchants.

The Ambassador was not very well pleased with this answer; but he had still less reason to be so with that he received shortly after to his urgent request, for leave to speak with the Queen of Scots in private. This request had been often repeated to no purpose. At last, the Queen, tired with his Importunities, told him plainly, she was not ignorant of the practices of the King of France, and the Queen-Mother, in favour of Mary, and how they stood affected to England: That however, she had always invariably observed the late Treaty (2), and would still observe it, chusing rather the rupture should come from France, than from her: That in case of a breach, she did not question, she should be able to defend herself, being well assured of the affection of her Subjects: That she could hardly refrain from those who offered to relieve *Rochelle* at their own expence, and maintain six months, in *Gagagne*, an Army of twenty thousand Foot, and two thousand Horse.

Upon the Ambassador's demanding leave for *Verac* to pursue his Journey to Scotland, the Queen agreed to it, after some affected delays. But whilst she was putting obstacles in his way, she caused a Letter to be sent from the Earl of *Morton*, telling her, that *Verac's* coming to Scotland would be very displeasing to him, as well as to the Duke of *Châtellerau*, and the Earl of *Huntley*, with whom he was in perfect friendship: That therefore he believed, the Envoy would do well to save himself the trouble of the Journey. Whilst they were debating at *London* about this affair, the Castle of *Edinburgh* surrendered, and so *Verac's* Journey became entirely needless. Queen *Catherine de Medici*, politick as she was, could not help making a false step, in discovering to *Walsingham*, that the French Court's design, was to foment the troubles of Scotland. Upon the Ambassador's warm complaints of the Intrigues of France, with respect to Scotland, she protested, the King her Son, and herself knew not what he meant, and that their intention was only to persuade the Scots to agree, and acknowledge Queen Mary for their Sovereign. That's the very thing, replied the Ambassador, the Queen my Mistress complains of, since it is a direct breach of the Treaty of *Bleith*. The Queen perceiving she had said too much, turned the discourse, and complained of *Verac's* being detained in England: to which *Walsingham* made the same answer as had been given to *La Motte* at *London*.

Scotland being in peace, under the authority of the young King, and of a Regent devoted to England, Elizabeth was freed from a great uneasiness. The recalling the Duke of *Alva* from the Government of the *Low-Countries*, was a farther increase of her happiness. The Commander of *Requesens*, who succeeded the Duke of *Alva*, finding he had full employment, refused to meddle with the affairs of England and Scotland, and so Elizabeth had nothing to fear from that side. Her Enemies having

no longer admittance into Scotland, and England being safe from all attacks but by Sea, she lived some years in great tranquillity. Besides, France was not in condition to make any considerable attempt upon her, as well for want of naval Forces, as because of the Civil Wars which had waste the Kingdom.

Mean while, Elizabeth, being desirous also to secure herself from all domestic attempts, commanded the Bishop of *Ros*, author and promoter of all the Plots against her, to depart England. He thought himself happy in coming off so easily, and withdrawing into France, continued his secret practices, though to little purpose. He writ there a History of Scotland, from the beginning, to the year 1561. What he says of the Earl of *Murray* towards the end of his History, speaking of the first troubles of Scotland, and which Camden has taken care to copy, plainly shows, what might have been expected from him, had he continued it to the end of the war.

Though Elizabeth had said, in her answer to the proposal concerning her Marriage with the Duke of *Arles*, that the Article of Religion was first to be settled, *Catherine de Medici* did not fail however to solicit her upon that subject. She said, the Court of France would yield in that point, but did not say how far. Moreover, she caused the Duke of *Arles*, who was then at the Siege of *Rochelle*, to send her Letters, expressing his eager desire to have the Marriage succeed. At last, she was solicited so much to permit the Duke to come and see her, that she consented, provided he would not take it ill, in case he was obliged to return without any thing done. But the Siege of *Rochelle* holding longer than was imagined, hindered the Duke from paying his Visit.

This Siege, which had lasted so long, was at length raised on the 21th of June, after the City had withstood thirty thousand Cannon Balls, nine great Assaults, besides twenty lesser ones, and the effects of sixty Mines. The Duke of *Arles* lost above twelve thousand Men. The news of his being chosen King of *Poland*, and of the *Polish* Ambassadors being on their way to offer him the Crown, afforded him a pretence to relinquish his enterprise, which perhaps would not have ended to his Honour; and the raising the Siege brought with it Peace to the *Huguenots*, who were hardly able to support themselves.

Charles IX. was afraid of the Duke his Brother, and the Queen-Mother loved him tenderly. This bred between the King and the Queen his Mother, a Disunion, which, 'tis likely, proved fatal to the King. He thought it long till his Brother was gone to *Poland*, and the Queen still found some fresh excuse to hinder his departure. At last, *Charles* grew so suspicious of all these delays, that he could not forbear threatening the Queen his Mother, who was forced at length to suffer her beloved Son to depart, and the King was pleased to accompany him part of the way. But he could not go so far as he had resolved, by reason of a Distemper wherewith he was seized, and of which he never recovered. Elizabeth hearing the King of *Poland* was gone, and *Charles* taken ill, did not think proper to receive the Duke of *Arles* in visit, before she had a fuller knowledge of the affairs of the Royal Family of France. She writ to him therefore, to defer him to defer his Journey, and gave him for reason, that the English would not look with a good eye upon a Prince coming from the Siege of *Rochelle*, and wearing a sword died with the blood of their Brethren.

This year *Walter d'Evereux* Earl of *Essex* had leave to go into *Ireland*, to conquer the Country of *Clandeby* at his own expence. But his enterprise was not crowned with success, because he was privately hindered by the Earl of *Leicester* his enemy (3).

Queen Elizabeth's Letter to the Duke of *Arles* not being capable of discouraging him, he made fresh instances for leave to come into England, to which the Queen at length yielding, sent him a Safe-Conduct. But in the mean time, the Queen his Mother suspecting him of a design to supplant the King of *Poland* his Brother, in case the King happen'd to die, ordered it so, that the King set a guard over him as well as the King of *Norwary*, who was accused of fomenting this design to him. However this be, the Queen-Mother perceiving the King near his end, thought fit to take this precaution, to secure the

Vassals for ever to the Regent, to pay a yearly Pension of three thousand Marks, and two thousand Pounds Scotch in hand, if he would spare his life. He was (say *Melvil*) gentle and meek, like a Lamb in the House, but like a Lion in the Field. King *James*, when he came of age, took up his Burets, and buried them honourably, reserving his Heirs p. 123, 125.

(1) The Lord *Howe* died shortly after in *Edinburgh* Castle, where he was confined. *Melvil*, p. 123.

(2) Probably, he had some reason to excuse the killing of his Son-in-law *Scotland*. *Rapin*.

(3) In the beginning of the year 1573, viz. January 15, died *William Lord Howard of Effingham*, Lord Privy Seal, Son of *Thomas Howard*, the married Duke of *Norfolk*, by his second Wife, *Agnes Tilney*. He was made Lord High Admiral by Queen *Mary*, and afterwards Lord Chamberlain, in which Post he served Queen *Elizabeth*, and was succeeded by his son *Charles*, who a while after was made Lord Chamberlain, and also High Admiral. Not long after, on March 17, died also *Reginald Grey Earl of Arundel*, whom the Queen, the year before, raised from a private Man to the dignity of Earl of Arundel, after the Time had been dormant six years. His Brother *Henry* succeeded him in his honours. *John Cant*, a famous Physician, born at *Norwich*, and bred up at *Padua* and *Cambridge*, died about this time, and lies buried in *Greenwich* and *St. George's*, to which he was a great Benefactor, with this inscription on his Tomb, *P. III. C. A. D. 1573*. — A Commerce between England and the *Netherlands*, which had been prohibited ever since 1568, was renewed, in January, this year, and the Articles agreed upon in *Brussels* concerning it, were ratified by the King of *Spain*. This year also Queen *Elizabeth* renewed and confirmed the Charter of the City of *London*. Camden, p. 449, 449. *Rapin's* *Fad. Tom.* 15. p. 701, 719.

1574. Crown to the King of Poland, who was absent. And indeed Charles IX. died the 30th of May, in the twenty-fifth year of his Age. The manner of his Death was so uncommon, that it gave occasion not only to the Protestants but the Catholics themselves, to consider it as an effect of the divine Vengeance, for the horrible massacre committed by his orders. The blood gushed out of all the passages of his Body, and even spouted through his Pores. The Queen-Mother took her measures for this, that causing the dying King to confer on her the Regency of the Kingdom, she kept all quiet till the arrival of the King of Poland, who succeeded his Brother, by the name of Henry III. He arrived in France the 5th of September, but came not to Paris till about the middle of February the next year.

Nothing memorable passed in England during the year 1574. (1). The only thing Camden has remarked in his *Annals*, is the marriage of Charles Earl of Lenox, Uncle to the King of Scotland, with Elizabeth Countess of Sutherland's daughter. As this marriage was made unknown to the Queen, she imprisoned the Mothers of the new married couple.

In the Netherlands, the Confederates took Middleburgh in Zealand. But on the other hand, Lewis Count of Nassau, who was leading an Army to his brother the Prince of Orange, lost a battle upon *Mook-beeth*, near Ninmegen, and was himself slain, with his Brother Henry, and Christopher Count Palatine (2). This same year, the Spanish Troops mutinying, surprized and plundered Antwerp, where they made an immense Booty. The Government of the Low-Countries, to avoid greater Mischiefs, was forced to pardon them.

As soon as Henry III. was arrived in France, it was resolved in his Council, to wage war with the Huguenots, though they had given no occasion, and presently after, Hostilities were renewed against them. Mean while, as Henry was afraid, the Queen of England would assist those whom he design'd to extirpate, his first care was to renew with her the League of Blois, after moving the Question to her, whether the mutual Defence against all Men, mentioned in that League, did include the Cause of Religion? Elizabeth answer'd, it did, as she could prove by a letter from the late King which she had by her. Adding, if he were attacked on account of religion, and required her aid in virtue of the Treaty, she should be always ready to give it. Indeed, she ran no great risk in making that offer, being fully perswaded, the French King would not use English Troops against the Huguenots. Besides, by the terms of the League, she was not bound to send him Troops, since instead of being attacked, he was himself the aggressor. However, Elizabeth's answer to Henry might have given the Huguenots all notions of her, if she had not privately supplied the Prince of Condé with money to pay the Army, Prince Cusine Count Palatine was levying for them in Switzerland and Germany.

England was pretty quiet during the year 1575. There happened only an accident on the borders of Scotland, where Sir John Forster (Warden of the Middle March) (3), and Carmichael (Warden of Liddesdale in Scotland) holding a Conference, each at the head of a Troop of his own nation, quarrelled and fought. The English were worsted, Sir George Heron (Warden of Tindale) lost his Life, and Forster being taken Prisoner (4), was conducted to the Earl of Morton, who treated him very civilly, but detained him some time, for fear, if he were presently dismissed, he would in his heat attempt a revenge. At last, having released him, he made him promise to appear in Scotland at a set day. Elizabeth thought the Regent of Scotland's proceeding very strange, and at first took this affair very heinously; but Morton found means to appease her, by making all the submissions she was pleased to require. This year died the Duke of Chaberaut (5).

1576. The Year 1576, affords as little matter for the History

of England as the foregoing. We find only that the Earl of Essex died in Ireland (6), and the Earl of Leicester privately married his Widow, unknown to the Queen, though he was suspected of having caused the Husband's death to be poisoned. He was always in the Queen's good Graces, who was so biased in his favour, that no man durst tell her his thoughts. It was one of Queen Elizabeth's greatest failings, to place her esteem upon a Person who so little deserved it (7).

As it is necessary for the sequel of the History to know what passed in the Countries near England, I must make a short digression, not so much to inform the reader of things which are well known, as to refresh his memory.

Louis de Zuniga, Commander of *Requena*, and Governor of the Low-Countries, died this year. After his death, the Council of State administered alone the Affairs of the Netherlands till a new Governor should arrive. The Council consisted of Natives and Spaniards. Shortly after, the Spanish Troops happened to mutiny, and refused to plunder *Brussels*. The Magistrates alarmed at the danger, applied to the Council of State, who declared the Mutineers Rebels, though several of the Councilors favoured the seditious. And indeed, presently after, the little town of *Alost* was sacked, and the Council of State took no care to punish the authors of that outrage, or prevent the like misfortune which threatened the other Towns. For this reason some Lords of *Brabant* drew together at *Brussels* a company of the Citizens, and investing the place where the Council of State held their Sessions, expelled such of the Members as were suspected to countenance the Mutineers, and put in their room Persons better affected to the good of their Country. This new Council of State, thus composed, joined the Confederates, who were now in Arms in defence of their Liberties, and they entered together into a League to free themselves from the Spanish Forces. Then Hieronymus de Rada, a Spaniard, one of those who were expelled the Council, headed the Rebels, and sent for the Spanish Troops which were in Holland, with whom the Germans joined. This Body, grown very considerable, plundered *Maastricht* and *Antwerp*, where they made an immense Booty. The Prince of Orange, who was in Holland, seeing the affairs of the Netherlands reduced to this point, offer'd the Council of State his Troops, his Person, and the assistance of the Provinces of Holland and Zealand, which began to make a separate State, under his Government. Upon this offer the Council of State resolved to enter into Treaty with Holland and Zealand. The Conferences were held at *Ghent*, where with an unanimous consent, *Luxemburg* excepted, was formed the union of the Provinces of the Low-Countries, called the Union, or Pacification of *Ghent*, for the defence of their Laws and Liberties. Notwithstanding this, they were still willing to own the King of Spain's authority, provided he would govern according to the ancient Laws. This union being thus formed, the Fortresses rais'd by the Duke of Alva to keep the Netherlands in subjection, were demolished every where. Some time after, the Allocation was sworn by the Clergy and Nobility, solemnly approved by the Council of State, and published at *Brussels*. By that, Philip II. lost almost all his authority in the Low-Countries, having only the bare title of Sovereign, unless he would confine himself to the Rights enjoy'd by his Predecessors, which was very far from his Thoughts.

France was not more quiet than the Low-Countries. The Duke of Alençon had assembled an Army against the King in favour of the Huguenots. On the other hand, the Prince of Condé, with the Forces levied by Prince Camille in Germany, entered France and joined the Duke of Alençon. Thus the Huguenots, whom the Court had determin'd to extirpate, were in a condition to fell their lives dear, having at their head the King's Brother, the King of Navarre, the Prince of Condé, with an Army of thirty

(1) This year, in order to avoid excess in Apparel, which had spread itself all over England, the Queen, by Proclamation, commanded that every one should within fourteen days wear Clothes of such a fashion, which she herself began to wear in her own Court. Sumptuous business cept in effect about this time; and, as Camden observes, was the great ornament of the Kingdom, but to a great decay of Hospitality, p. 413.—On April 1, the Queen granted a Commission to the Lord Burghley High Treasurer of England, and to Sir Walter Mildmay Chancellor and Under-Treasurer of the Exchequer, to manage all and extraordinary Business and Business, [or, as they are now called, Copy holders] regarding and appertaining to the royal Mauners and Possessions within the Counties of Cornwall, Devon, Somerset, and Gloucester. Rymer's Fed. Tom. 1. c. p. 731.

(2) Whereupon the Prince of Orange began to think of applying to the French, but Elizabeth sent Daniel Rogers to dissuade him from it; which not being able to do, the Queen sent Henry Cusine to the King of Spain, to inform him of the Prince of Orange's design. Camden, p. 453.

(3) And Governor of Berwick. Camden, p. 454.

(4) With Francis Russell, Son of the Earl of Bedford, and Sir Isaac de Offley, Cathbert Collingwood, James Ogley, Henry Ferriock, &c. Camden, p. 454.

(5) James Hamilton Duke of Chaberaut, and Earl of Arras, was Great Grandson to James II. of Scotland by his Daughter. He was appointed Tutor to Mary Queen of Scots and Governor and protector of the Kingdom during her minority. Upon his delivering her to the French, he was made Duke of Chaberaut in France. Camden, p. 454.—This year also, on May 17, died the learned Matthew Parker Archbishop of Canterbury. Strype's Annals, p. 679.

(6) Being contrived to give over his enterprise in Ireland, he returned into England, having much wasted his Estate, where openly threatening Leicester, who he was to be collected to have done him ill offices, he was by his coming Court tricks sent back into Ireland, with the insignificant Title of Lord Marshal of Ireland; where grief and sorrow throwing him into a bloody-fever, he died Sept. 22. 1576, in the 36th year of his age. Upon which, Leicester putting away Drury's supposition, whether his Wife or Mistress is not known) he made love to Essex's Widow, Daughter to Sir Francis Knollys, to whom he was afterwards doubly married, first privately, and then publicly, for Sir Francis's last will, who desired of the private marriage. Camden, p. 451, 452.

(7) This year, the Parliament met, by Proclamation, at Westminster, on February 8, and was prorogued again March 10. The Lords and Commons granted two Fifteens and Tenth, and a Subsidy, and the Clergy gave a Subsidy of six Shillings in the Pound, to be paid in three years. See Strype's Hist. The Acta now made, were, 1. That all persons which by any means whatsoever impair, diminish, or falsify the Coinage of the Realm, shall be guilty of Treason. 2. An additional Act to those already made for the repairing of it by ways, &c. See Statut 15 Eliz.

1576. thousand men. But the Queen-Mother had the address to break all their measures. She sent them offers of Peace, and during the negotiation, found means to sow jealousy among them, and win from them the Duke of *Alençon* and Prince *Cajmir*. In short, she caus'd them to agree to a Peace, which, for all its seeming advantages, proved fatal to them, as it diminished their forces. The Treaty was concluded the 9th of *May*, and enrolled six months after by the Parliament of *Paris*. The *Huguenots* had never obtained so advantageous a Peace since the beginning of the Troubles. In October the Duke of *Alençon* came to Court, where the Queen his Mother disengaged him entirely from the side of the *Huguenots*. Then it was that he assumed the Title of Duke of *Anjou*, borne by the King his Brother before he ascended the Throne.

The Peace was no sooner signed, than, according to the Sincerity some time since professed by the Court of *France*, they took new measures to ruin the *Huguenots*. Treaties and Oaths went then for nothing, and were considered only as lawful snares to surprise Heretics. The Cardinal of *Esse* the Pope's Legate, and Don *John of Austria*, who was going to take possession of the Government of the *Low-Countries*, came to the Court of *France*, and had several Conferences upon this occasion with the King, the Queen-Mother, and the Duke of *Guise*. *Guise* was looked upon as the Head of the Catholic Party, and for that reason, the Legate took with him measures of which the King was not fully inform'd. The most proper means, in their opinion, to attain their end, was to unite several affections, made in divers Provinces by the zealous Catholics, and form one general affection against the enemies of the ancient Religion. This is what was called the

Maimbourg.
Hist. de la
Ligue.

Holy Union, or simply, the *League*. *Humières* was the first that signed it in *Picardy*, from whence it spread afterwards over the Kingdom. The Pope was the chief promoter of it, the King of *Spain* gloried in being called its protector, and the Duke of *Guise*, who aimed at being declared the head, supported it to the utmost of his power. The Queen-Mother willingly came into it, not from a religious zeal, but because the *Huguenots* had threatened to call her to an account, for her administration during her Regency. In fine, the King himself, seduced by ill counsels and his own fineness, was carried away with the torrent, and suffered the evil to encrease, which was one day to prove his ruin.

When the late peace was negotiated, the *Huguenots* earnestly solicited a general meeting of the States, imagining, besides a great many Deputies of their Religion, they should have for them the Duke of *Alençon's* party, and many others who were not pleased with the Government. But when the Deputies came to be elected, the Duke of *Alençon* had now changed sides. Besides, the Court, by intrigues and money, found means to procure a great number of Deputies to be chosen who were against the *Huguenots*. So, the States meeting at *Blisi*, instead of moving any thing in favour of the Reformed Religion, were going to demand of the King the confirmation of the League, and request him to appoint the Duke of *Guise* for head. But the King, who was now grown extremely jealous of the Duke of *Guise*, resolved to prevent it. To that end, he declared himself head of the League, and signing it first with his own hand, caus'd the Great Men of his Court to subscribe it, and sent it into the Provinces that every one might do the same. Shortly after, the States having sent to pray him, that he would not allow any Religion in the Kingdom but the Catholic, he answered, it was his intention; and if he was under a necessity of promising the contrary, even with an oath, he would keep his word only till he had forces sufficient to enable him to break it. Thus the *Huguenots* were forced to defend themselves to the last drop of their blood, without the least hopes of seeing an end to their calamities by a Treaty, since the King himself declared he would never make any with them, but only to deceive them (1).

Don *John of Austria* came into the *Low-Countries* the beginning of the year 1577, full of vast projects. He was a Prince of a great genius, and of an ambition insatiable to his birth. The condition of a Subject was a burden of which he would have been glad to be eased. All his views tended to Sovereignty. His first project was to make himself

King of *Tunis*: That failing, he thought of marrying the Queen of *Scots*, and becoming Sovereign of all *Great-Britain*. Camden affirms, he had this from the mouth of *Antonio Perez*, who told him moreover, that the project was imparted to Pope *Gregory XIII.* who approved it, but was concealed from King *Philip*. This was probably the subject of Don *John's* conferences at *Paris* with the Duke of *Guise*. So, Don *John* when he arrived in the *Low-Countries* had two grand designs in his head: First, to subdue the *Netherlands* entirely: Secondly, to become master of *England* and *Scotland*. Elizabeth was not ignorant of the first, but the second was still a secret to her.

The Pacification of *Ghent* was communicated to the Spanish Court, and *Philip* giving way to the times, thought proper to confirm it by an edict. So, when Don *John of Austria* came to the *Netherlands*, he was forced to sign it before he was owned for Governor. This was followed by an Assembly held at *Marbais* in *Flanders*, where it was resolved to publish a perpetual Edict (as they called it) for driving the Spanish Troops out of the *Low-Countries*, pursuant to the Pacification of *Ghent*. *Philip* approving also this edict, the Spaniards were sent into *Italy*, all the places remaining in the hands of the States. Thiereto Don *John* had been forced to dissent: But some time after, he took off the mask and surprized the Castle of *Namur*. At the same time he solicited the *German* Troops, who were waiting in that Country for their arrears, to surrender the places where they were in possession. But he was prevented by the States, who found means to gain those Troops before him. The States imputed this rupture to Don *John's* ambition, and carried their complaints to the King, to whom Don *John* also writ, that the cabals of the Prince of *Orange* had contrived him to provide for his own safety. Be this as it will, the States of *Brabant* called the Prince of *Orange* to their relief, and gave him the superintendency of their Country, by conferring on him the title of *Raart* (2). This proceeding raised the jealousy of the Duke of *Alençon*, and some other *Brabant* Lords, who, to ruin the Prince of *Orange's* credit, proposed to the united Provinces, the electing a Governor-General, under colour they should all have the same head. The Prince of *Orange* perceived he was aimed at, but not to give occasion to a fatal division of the forces of the confederates, opposed not the election. The choice fell upon the Archduke *Matthias*, Brother of the Emperor *Rudolph II.* and the Prince of *Orange* was declared Lieutenant. In the Archduke's Patent however were inserted certain conditions, which, giving him the title and honour of Governor, left the whole authority to the States. This done, *Matthias* stealing away, as it was pretended, from his Brother the Emperor's Court, came into the *Low-Countries*, where he was put in possession of his post. Then the States proclaimed war with Don *John*, who had taken care to be prepared, by sending for Troops from *Italy*, which were now on their way.

Then, and not before, Elizabeth perceived she must have an eye to what passed in the *Netherlands*, because, at the same time, the Prince of *Orange* informed her of Don *John's* design to marry the Queen of *Scots*, and the States sent Ambassadors (3) to desire her assistance. So, finding the designs of the Governor of the *Low-Countries* reached farther than he imagined, he immediately sent the States a hundred thousand pounds Sterling, which they desired of her (4). Camden speaks here of a Treaty whereby the Queen engaged to assist the States with a thousand Horse well-mounted, [and five thousand Foot,] on condition the General, or Commander [being an Englishman] should be admitted into the Council of State, and nothing determined without his consent. But *Grotius* does not mention this Treaty in his Annals of the *Low-Countries*. He says only, from that time Elizabeth concerned herself far with the affairs of the united Provinces, that she did not suffer the States to come to any important resolution without giving her notice (5). Indeed, it was very much her interest to order it so, that the war now beginning in the *Low-Countries*, should be continued in such a manner as to disable Don *John of Austria* to execute his projects upon *England*. These projects were not the inventions of the Prince of *Orange*, to engage Elizabeth in the defence of

1577.

Grotius.
Strada.

Feb. 17.

Strada. l. 9.

Matthias
brother of the
Emperor of the
Low Countries.The States
declare War
with Don
John.Embassy of
the States
Elizabeth.
Don John's
design.
Grotius.
Camden.Elizabeth
sends the
States Money.
Camden.
p. 458.It is here
noted to aid
the Low-
Countries.

1577.
Affairs of
the Low-
Countries.
Grotius.
Strada.
Camden.
p. 458.

(1) This year, on June 11, died Sir Anthony Cook of Gylly Hall in Essex, one of the Tutors to King Edward VI. One of his Daughters married William Lord Burghley, and another Sir Nicolas Barron Lord Keeper. Strada's Ann. Tom. 3. p. 467. — This year, on June 14, Albert Landolt sailed from England, with two small Barks and one Pinace, with design to go up on the discovery of a passage to Cathay and China by the North part of America. On the 20th of July, he discovered a high land, which he called Queen Elizabeth's Headland, and a river, which he named which was his name. He perceived forty Savages further, and went on shore, where he caught one of the Savages, whom he brought to England, when he returned thither in August. He made a second Voyage to the same place the next year; and a third in 1568. Strada. p. 465, 468, 469.

(2) An Office resembling to that of D. and among the Romans. Strada. l. 9.

(3) The Marquis of Havre, and also Mr. Morley. Camden. p. 466.

(4) For eight months. She told the Ambassadors, that if they could borrow this sum of Money any where, she, and the City of London, would be very ready for it on condition, that certain Towns in the *Netherlands*, which she thought name, would become bound to repay the Money when a year. She had sent them 50,000 l. last year, and caused them at the same time, not to change their Religion nor their Prince, and not to receive the arms into the *Netherlands*. Camden. p. 466, 468.

(5) Queen Elizabeth died, on January 7. this year, a League offensive and defensive with the States, which in effect contained no more than this. See *Hynde's* Fed. Tom. 15. p. 784.

1577.
Beda.

the *Netherlands*. *Famianus Strada* positively mentions them in his History. He even says, *Gregory XIII.* sent a Nuncio to *Don John* with the sum of fifty thousand Crowns, to be employed in the expedition projected against *England*, but that he was forced to use it in his war with the States.

His Letter to
Philip II.
Grotius
Candem-
p. 283, &c.

Mean while, at the very time *Elizabeth* lent money to *Philip II.* enemies, she wrote to him (1), that she by no means intended to break the ancient Alliance between *England* and the House of *Burgundy*: That, on the contrary, she supplied the confederates with money, only to secure these Provinces to him, and hinder them from desperately throwing themselves into the arms of *France*. It is likely, *Philip* was not very well pleased with these reasons, but feigned to be so, not to induce *Elizabeth* to do more.

Continuation
of the affairs
of France.
Maitre.
Thuanes.
P. Daniel.

At this time the affairs of *France* were in a sad condition. The Transactions of the States at *Blois*, could not but raise a Civil War in the Kingdom. The *Huguenots* finding, a resolution was taken to extirpate them, made a Counter-League, whereof the King of *Navarre* was declared General, and the Prince of *Condé* appointed for his Lieutenant. The former Edict of Pacification being revoked, as had been resolved by the States, Hostilities were renewed on both sides, but with great disadvantage to the *Huguenots*, who were very weak. However, as the war gave the Duke of *Guise* too much credit, of whose power the King was extremely jealous, *Henry* thought it his interest to grant a Peace to the *Huguenots*. From thenceforward he plunged himself into pleasures, and lived at so expensive a rate, that he forfeited the love and esteem of his subjects. The Prince of *Lorraine* knew how to improve the advantages which the King's Conduct procured him, as will hereafter appear (2).

1578.
The Pope's
deposals upon
Ireland.
Candem.
Walsh.
Negotiat.
p. 58-93.
Steeple's
Ann. T. II.
p. 8-10.

Whilst *Elizabeth* assisted the Confederates of the *Low-Countries*, under colour of hindering them from submitting to *France*, *Philip* returned this favour, by endeavouring to raise a Rebellion in *Ireland*. This project was formed some time before, on account of Pope *Gregory XIII.*, who wanted to procure for his son *Jacomo Boncompagni* the Crown of that Kingdom. *Thomas Stukely*, an English Fugitive, was the first author of it, and *Philip II.* undertook to supply whatever was necessary to accomplish it. In the year 1570, *Stukely* went to *Pius V.* and persuaded him, it would be very easy to burn the English Fleet, and then conquer *Ireland*; and to that purpose he desired the command of some Ships, and three thousand *Italians*. This project, which could not then be executed, was refused under the Pontificate of *Gregory XIII.*, who was allured with the hopes of procuring the Crown of *Ireland* for his *Baffard* Son. As *Stukely* knew, that, besides the Navy-Royal, *Elizabeth* could, upon occasion, equip a good number of other Ships, he proposed the freightage of as many English Vessels as possible, by the *Flemings*, *French*, *Spaniards*, *Italians*, and the sending them some long Voyage. After that, he was to attack the Royal-Navy, which was then very weak, and try to burn the Ships in the several Harbours where they lay. Which done, he intended to make a descent in *Ireland*, where he did not question the native *Irish* would join him; and after the expulsion of the English, he was to cause the Pope's Son to be proclaimed King. It is not very likely, *Philip II.* depended upon the success of this enterprise; but he hoped, no doubt, to cause a diversion, which should hinder *Elizabeth* from assisting the Rebels of the *Low-Countries*, or at least, convince her, she ought to pay him more regard. However this be, the Pope, having conferred on *Stukely* several honorable Titles (3), taken from the Kingdom of *Ireland*, as if he had been in possession, gave him some Ships, and eight hundred *Italian* Soldiers, paid by the King of *Spain*. *Stukely* sailed from *Civita Vecchia*, and safely arrived at *Lisbon*, with intent to pursue his Voyage and Undertaking. But *Don Sebastian* King of *Portugal*, being then going into *Africa*, to make war upon the *Moor*, persuaded him to accompany him in his Expedition, and obtained *Philip's* leave. Shortly after, they both perished in the battle of *Alcazar*, and *Philip* relinquished the project of conquering *Ireland*, for that of securing the Crown of *Portugal*, after the death of the old Cardinal *Henry*, who succeeded *Don Sebastian*.

Continuation
of the affairs
of Flanders.
Candem.
Grotius.
Stada.

The war commencing in the *Netherlands*, several Companies of Volunteers were formed in *England*, who went to serve the States, with the Queen's consent, or at least connivance (4). On the other hand, part of the Spanish Troops, disbanded at the arrival of *Don John of Austria*,

were now returned to the *Low-Countries*, and moreover, *Alexander Farnese*, Son of *Ottavio*, had brought *Don John* a considerable Body of *Italians*. With these Forces, *Don John* gained, at *Gembours*, a signal Victory over the Army of the States, which was followed with the taking of several Places. Some time after, *Philip II.* offered a Peace to the States, but, as it was upon terms very different from the Pacification of *Ghent*, and as he did not talk of recalling *Don John of Austria*, his offer was rejected.

The affairs of the States were however in an ill situation. The jealousies among the great Men, and the diversity of Religions, bred very dangerous troubles in the rising Commonwealth. The Duke of *Anjou*, and Prince *Casimir*, equally offered their assistance to the States, who knew not which way to turn. But at this very time a fortunate and unexpected accident happened. The City of *Amsterdam*, which hitherto had been for the King, resolved to join the Confederates, and by that considerably strengthened their Party. On the other hand, what passed soon after in the same City, very much increased the suspicion and distrust of the Catholics. They who had been banished on account of Religion, being recalled, found means to expel the Magistrates, and put the Government of the City into the hands of the Reformed. The same thing was done at *Haerlem*, *Utrecht*, and other places; and this gave the Catholics reason to suspect, that, under colour of maintaining the cause of Liberty, there was a design to abolish the ancient Religion, contrary to the Pacification of *Ghent*. And therefore, to prevent the execution of this project, the Catholics proposed to give the Government of the State to the Duke of *Anjou*, a Prince attached to his Religion, and over whom they hoped the Prince of *Orange* would not have the same influence, as over *Matthias*. The Prince of *Orange* not thinking proper to oppose this motion, for fear of confirming the suspicions of the Catholics, the Duke of *Anjou* was declared by the States, Protector of the *Belgick Liberties*.

Mean while, the Reformed fearing, the Duke of *Anjou's* arrival would produce some change prejudicial to their Religion, presented a petition to the States, desiring to be admitted to the exercise of the publick Offices, as well as the Catholics. This request was granted, on condition the Catholics should enjoy the same Privilege in *Holland* and *Zealand*; but these two Provinces, without directly opposing this resolution, found means however to evade the condition annexed. Thence arose great divisions among the Confederates. The Catholics would yield nothing in the Provinces where they were masters, since *Holland* and *Zealand* did not perform what was ordained, and the Reformed would seize by force, what was granted them by the States.

Whilst these differences sensibly lessened the Union of the Confederate Provinces, it happened, that the Inhabitants of *Ghent* expelled the City all the *Romish* Priests, and without obeying the Archduke, and Prince of *Orange*, who commanded them to recall them, prepared for their defence. In case they should be compelled to submit. On the other hand, the people of *Artois* and *Haynault* refused to suffer the Reformed in their Territories, and even pretended, that the *Gantois* ought to be reduced to their duty by force. But the Prince of *Orange* stoutly opposed all violent methods, by reason of the manifest danger of turning the arms of the Confederates against themselves, at a time when *Don John of Austria* was preparing to do his utmost to destroy them. And indeed, shortly after, he attempted to force the Army of the States, which was strongly intrenched, but was bravely repulsed. This attempt failing contrary to his expectation, he made fresh offers of Peace, to amuse the States, till the arrival of a considerable body of Troops, which were coming to him. For the same reason, the States readily entered into Treaty to gain time, because they expected Prince *Casimir* with an Army, and the Duke of *Anjou*, who was now on the borders of *Haynault* with eight thousand Men. *Don John's* Succours coming first, he broke off the Negotiation, and renewed the Hostilities, being at the head of thirty thousand Foot, and sixteen thousand Horse. Prince *Casimir* arriving also presently after, the army of the States was sixty thousand strong, whilst the Duke of *Anjou* took, in *Haynault*, the little Town of *Binck*. *Casimir's* army was chiefly paid by the Queen, whose Interest it was to hinder *Don John* from growing too powerful in the *Netherlands*, though, feigning to be ignorant of

D. Farnese
at the Low-
Countries.
Grotius.
Stada.The Duke
of Anjou is
shown
in Practice
of the Belgick
Liberties.The Divi-
sion between
the Catholics
and Reformed.The Catholics
expel the
Romish
Priests.Candem.
Thuanes.(1) By *Thomas Wille*, whom he dispatched to him. Candem. p. 466.(2) This year died the learned Sir *Thomas Smith*, Secretary of State. Candem. p. 460.(3) The Pope made him Marquis of *Lanther*, Earl of *Wexford* and *Casert*, Viscount *Morumb*, and Baron of *Rife*. This *Stukely* was a profane bragging Man, who, after spending his Estate, fled into *Ireland*, where being disappointed of the hopes he had of being Steward of *Wexford*, he vented many scurrilous things against the Queen, and there made his escape from *Ireland* into Italy to *Pius V.* Candem. p. 465.(4) The chief were *John Norris*, the Lord *Norris's* eldest Son; *John Norris*, the Lord *Norris's* second Son; *Henry Crovells* and *Thomas Morgan*, Colonels *Norris's* General of the English, in the first battle fought jointly, having three Horses killed under him. Candem. p. 460.

1578. his designs, he found other pretences to justify her assisting the States (1).

Strala.

The divisions between *Ghent* and the Provinces of *Artois* and *Hainault*, rendered the great Armament of the States ineffectual. Some of their Troops complaining they were not duly paid, suddenly quitted the Army, and took *Münster*. Shortly after, Colonel *Montigny* followed their example with his whole Regiment, and headed all the Defectors. After that, he joined the Troops of *Artois*, and made Inroads into the Province of *Flanders*. Then the *Gantois* seeing their neighbours so powerful, and able to give them law, called Prince *Casimir* to their relief, and promised to pay his Troops. The Prince accepted their offer, and coming to *Ghent*, the Duke of *Anjou* refused to join the Army of the States, unless Prince *Casimir* would return with his *Germans*; and as he could not prevail, he retired to *France*, leaving his Troops free to join those of *Montigny*. Thus these two Princes, who came into the *Low-Countries* on purpose to aid the confederate Provinces, served only to ruin their affairs, by fomenting discord among the Inhabitants. Some time after, *Casimir* passed into *England* (2), probably to vindicate his conduct to *Elizabeth*, who had supplied him with Money to raise and maintain his Army.

Casimir
came into
England.
Camden.
Strada.

Death of
Don John
of Austria.
Grosius.
Camden.
Strada.

Don John of Austria had not time to improve the troubles raised in the *Netherlands*, being prevented by Death, the 1st of *October*. There had been a conspiracy against him, for which two *Englishmen*, namely, *Ratcliffe* (3), and *Gry*, were executed. But he could not escape the poison which the King his Brother caused to be given him, if we may believe some writers. After his death, [*Alexander Farnese*] Prince of *Parma*, took upon him the Command of the Army, till farther orders from the Court of *Spain*. His principal care was to cherish the dissention between the *Flemings*, and the Inhabitants of *Hainault* and *Artois*, in which he succeeded to his wish.

The Duke of
Anjou's pre-
sent Mar-
riage with
Elizabeth.
Thuanes.

Whilst the Duke of *Anjou* was in the *Low-Countries*, he went into *England* a Gentleman, called *Bacquerolle*, to renew the Treaty of his Marriage with the Queen. The King of *France* also sent thither *Rambouillet* upon the same account, being very desirous to be freed from a Brother, who made him very uneasy by his Levity, which suffered him to be directed by people who had not always his interest in view. The Queen received these Envoys to very gratefully, that all the world imagined the really intended to marry. It is difficult to know whether, being then five and forty years old, the seriously thought of espousing the Duke of *Anjou* who was but twenty, or, taking a sort of pride in being wooed, only meant to amuse him. For my part, I believe it to be an effect of her Policy, that her Enemies, upon the rumour of her going to marry the Duke of *Anjou*, might be less eager to pursue their designs against her. I mean the private designs upon her Life, since there was then no likelihood of her being openly attacked, nor consequently any urgent reason to determine her to marry. She had nothing to fear from *Scotland*, *France* was not then in condition to make any considerable attempt upon *England*. The King of *Spain* was wholly intent upon procuring the Crown of *Portugal*. In a word, the situation of the affairs of the *Netherlands* permitted not *Don John of Austria* to execute his vast Projects. Thus, in all appearance, the Queen upon this occasion acted solely out of Policy. But before I relate the event of this Negotiation, it will be necessary to give a general knowledge of what passed in *Scotland* during the year 1578.

Affairs of
Scotland.
Melvil.
p. 124.

The Earl of *Morton* still governed that Kingdom as Regent, but in such a manner, that he daily created to himself fresh Enemies. If *Melvil* is to be credited, he was proud and covetous. He fought pretences against the rich, to rob them of their Estates, and could suffer about him such only as were always ready to flatter him. *Elizabeth*, whose interest it was to preserve Peace in *Scotland*, under the government of a Man on whom she could depend, was afraid, that at length the Regent's ill-conduct would deprive her of that advantage. Wherefore she dispatched *Randolph* into *Scotland*, under colour of congratulating the King, who was then between eleven and twelve years old, upon the progress he was making in his Studies. But the Ambassador's chief business was to inflame into the Earl of *Morton* a little more moderation, and persuade him to live

Camden.
Thuanes.

in a good understanding with the Earls of *Argyle* and *Albani*, and some other Lords, who being dissatisfied might in the end raise troubles in the Kingdom. The Regent took this advice in good part, but not knowing how to improve it, was himself the sole cause of his Ruin.

1578.

The King had for Governor *Alexander Arden*, Son of *Melvil*, Brother of the late Earl of *Mary*, and four Preceptors, of whom *George Buchanan* was one. The Earl of *Morton* having imprudently dissembled these men, they found means to set the young King against him. This was not very difficult, considering the King's age, the continual access they had to him, and the frequent occasions the Regent gave them to take notice of his ill-management. When they had prepared the King almost to their wish, they sent for the Earls of *Argyle* and *Albani*, who had now privately taken measures to execute their purpose. These two Lords very easily persuaded the King, to lay aside this troublesome Regent, and take himself the reins of the Government (4), promising to assist him in it. This was done so suddenly, that the Earl of *Morton*, who suspected nothing, was not able to prevent it. The States of the Kingdom meeting at the same time, confirmed by their authority what the King had done, and appointed a Council of twelve Lords, among whom was the Earl of *Morton*. But instead of taking his Place in the Council, he retired to be quite weary of the Court, and retired to his own House, where he seemed wholly employed in cultivating his Gardens.

The King
takes the
reins of the
Government.
Melvil.
p. 125.
Camden.
Thuanes.

The young King having taken the Government into his hands, sent immediate notice of it to Queen *Elizabeth*, demanding withal, the Lands of the late Earl of *Lennox* his Grandfather, and the renewal of the Alliance between *England* and *Scotland*. It was not the way of *Elizabeth* and her Council, to be governed by motives of Generosity, but rather to use Artifice, in order to reap from every occurrence, all the benefit possible. Nothing could be more just than the King of *Scotland's* demand. The Countess of *Lennox* his Grandmother, who lately died in *England* (5), had enjoyed, so long as she lived, the Estate assigned her by Henry VIII. her Uncle, when she married the Earl of *Lennox*. He gave also certain Lands to the Earl her Husband, to support the honour of being married to a Princess of the Blood-Royal. Who could therefore be their more lawful heir, than the King of *Scotland* their Grandson? And yet the Council of *England* pretended, the Inheritance might be claimed by *Isabella Stewart* Daughter of *Charles Stewart*, younger Brother to the late Earl of *Lennox*, under colour, that she was born in the Kingdom; though in *England*, the Princes of the Royal-Family are not to be considered as Foreigners, in what place forever they are born. Not that the Queen intended to debar the King of *Scotland* entirely of his Inheritance, but had a mind to hold him in subjection, by an Intimation, that the same reason might be used to deprive him of his Right to succeed to the Crown of *England*, and that he wanted her to surmount the difficulties which might occur. For this reason, she ordered the rents of the Lands to be sequestered by the Lord *Burleigh* [Master of the Ward]. As to the renewing of the Alliance between the two Crowns, the appointed Commissioners to treat of that affair with the *Scottish* Ambassadors. These Commissioners required the Ambassadors to make propositions answerable to the gratitude due from the King their master to the Queen, for placing and supporting him on the Throne, at the expense of her Treasure, and the blood of her subjects. The Ambassadors replied, they had only power to renew the Alliance between the two Crowns, with an additional Article for the defence of the Protestant Religion (6), received in *Scotland* since the last Treaty. The *English*, desiring to make this Alliance to be considered as very advantageous to the King of *Scotland*, proposed, that in return for the favors the King had received, and daily did receive, from their Queen, and for the advantages this League was to procure to *Scotland*, he should promise not to make any Alliance with other Princes or States, nor to marry without the Queen of *England's* consent. But the Ambassadors absolutely rejected this proposition.

Mean while, the Earl of *Morton*, who had Correspondents in *Sterling*, where the King resided, appearing one night at the gate of the Town, with a company of armed

The Earl of
Morton re-
sumes his
Ambassy.
Camden.

(1) About this time, Count *Stuart* arrived from the Emperor, *Pompey de Bellieres* from the King of *France*, and the Lord *Chalm*, and Sir *Francis Walsingham* from Queen *Elizabeth*, required to the United Provinces, to find out some way for making a Peace; but nothing could be agreed on. Camden, p. 124.

(2) He was in *England* from January 22. to February 24. Strada, p. 685.

(3) *Erasmus Ratcliffe*, Son to Henry Earl of *Suffolk* by his second Wife, who had been a violent Man in the northern Rebellion, and now forced under *Don John*, was seized by the *English* Fortunes, that he was formerly sent to assassinate *Don John*, upon which he was taken up and put to death, with *Gry* his accomplice. The *Spaniards* give out, that at his death he confessed he was let out of the Tower on purpose to commit this murder. But the *English*, who were present, deny he made any such confession. Camden, p. 450, 461. Strada's Ann. Tom. II. p. 499.

(4) Though he was not yet twelve years old.

(5) *Margaret Douglas* Countess of *Lennox*, Sister to Henry VIII. by his eldest Sister, Widow of *Marquess Stewart* Earl of *Lennox*, and Grandmother to James I. King of *Great Brittain*, having married eight Children, died this year, on March 10, in her great Chamberlain's, and was buried at *Windsor*, with a stately Funeral at the Queen's charge. Camden, p. 461. Strada, p. 755, 746.

(6) Against the Pope and his Confederates. Camden, p. 470.

1576. Men, it was opened to him, and he entered without opposition. Then, he went directly to the King's Palace, of whose person he became maffer, and expelling his Enemies, refused the Post he had been obliged to relinquish. The Earl of *Amb*, who had been made Chancellor, died shortly after, not without suspicion of being poisoned. We must now return to the affairs of *England* (1).

1579. Prince *Casimir* left not the Court of *England* till about the middle of *February*. He had been honoured and caressed in an extraordinary manner, the Queen having shewn, it would be grateful to her to render his stay in *England* as agreeable as possible. Before his departure she conferred on him the Order of *St. George*, and put on the Garter herself about his leg (2). It was not without reason that she used him thus civilly. He had still a considerable body of Troops ready to assist the Protestants, and it was no small advantage to her, that she could rely on him, by supplying him with Money. In the present situation of her affairs, nothing delivered her care more, than to hinder the ruin of the Protestants in *France* and the *Netherlands*, since on their preservation depended her safety. *Casimir* was her Instrument to continue, in the *Low-Countries*, troubles which made her sleep in peace. When he arrived in the *Netherlands*, he found his Horse had accepted the Duke of *Parma's* Pass-Port, for their safe return into *Germany*, because wanting their pay, they would neither serve any longer, nor stay in the Country.

At the same time, the Queen was employed in an affair which required her whole attention: I mean, the negotiation of her Marriage with the Duke of *Anjou*. Besides *Rambouillet* and *Bacqueville*, who had been in *England* some time upon that account, the King of *France* had also sent *Simif* (3), a Man of parts, and very fit for the purpose. *Elizabeth* had a large share of wit and sense, and was perfectly acquainted with her own Interests; but was not free from all the Passions of her Sex. *Simif* soon discovering her temper, did not lose his time in soliciting the Duke of *Anjou's* suit, by reasons of State and Policy: She knew more of that matter than himself. But he too well knew the most proper way to win her heart, that he gained her ear more than the Duke of *Anjou* would have done himself. All were surprized at the great change they saw in her, and at the progress the Duke of *Anjou* had made by the help of *Simif*. Nay, 'twas believed he had used Love Potions, and other unlawful arts, such was his address to render himself agreeable, if, after all, he was not himself deceived by the Queen. Above all things, he took great care to ruin the Earl of *Leicester*, not having the same reasons as the *English* Courtiers, to manage that Favourite. It was he who revealed to the Queen *Leicester's* clandestine Marriage with the Earl of *Essex's* Widow, and this discovery put her into such a passion, that she was going to send him to the Tower (4). *Leicester* was vexed to see himself thus braved by a Foreigner. This even said, he bribed one of the Guards to assassinate him. It is at least certain, the Queen fearing the *French* Envoys might receive foule affront, took them under her especial protection, and commanded by Proclamation, that no Man should offer them any Injury. It happened shortly after, that as the Queen was in her Barge on the *Thames*, [near *Greenwich*], with the three *French* Envoys (5), a Pistol was discharged out of a Boat, and one of her Bargesmen wounded. The Man that fired the Pistol was taken immediately, and threatened with the rack; but he cleared himself so ingeniously, that the Queen was persuaded of his innocence. She took occasion from her pardoning this Man, to display the affection she had for her Subjects, living, *She could believe nothing of her People, which a Parent could not believe of his own Children*.

Shortly after, the Duke of *Anjou* came incognito into *England*, with only two Servants. He went to Court, without being known, and after some private discourse with the Queen, returned into *France*. Two months after, the Queen ordered some of her most trusty Privy-Counsellors (6), to examine together the advantages and mischiefs which might arise from her Marriage with the Duke of *Anjou*, and report them to her (7).

The Duke of *Anjou's* arrival in *England* was so secret, that it was not till some time after that it was known. The Duke of *Anjou* was so secret, that it was not till some time after that it was known. The Duke of *Anjou* was so secret, that it was not till some time after that it was known.

Whilft *Elizabeth* was intent upon gaining the King of *France's* friendship, the Duke of *Guise* was framing a plot capable of creating her one day much trouble. As *England* could be conveniently invaded only from *Scotland*, *Guise*, who had not relinquished the project formed by the late Duke his Father, and the Cardinal his Uncle, was devising means to accomplish it, by setting *Elizabeth* and the King of *Scotland* at variance. He made use for that purpose, of *Ejme Stewart*, Baron d'*Aubigny*, who came to *Scotland* under colour of paying his respects to the King as his near relation. He was Son of *John Stewart*, younger Brother of *Matthew Earl of Lennox*, the young King's Grandfather. This Lord, who was settled in *France*, where his Family held the Barony of *Aubigny* [in *Berry*], being come to the King, so artfully insinuated himself into his good graces, that in a little time he became his Favourite. There was also about the same time another young Man, sprung from a branch of the *Stewart* Family, distinguished by the name of *Obihely*, who was very much beloved by the King. These two Favourites joined together to ruin the Earl of *Morton*, as well for the sake of their own Interest, as because it was necessary, in order to execute the Duke of *Guise's* designs, to be rid of a Lord, who was too much attached to the Interest of *England*. To compass their ends, they persuaded the King to take a progress into some of his Counties, well knowing the Regent had business which would not suffer him to attend him. The Earl of *Morton* not mistrusting these young Men, who seemed only to mind trifles, opposed not the King's design. During the progress, the two Favourites inflamed into the King an utter aversion to the Regent, and an excessive desire to be freed from him. We shall see presently the effects of this aversion; but it will be proper first to mention what had passed in the *Netherlands* (8).

The Army of the States being much weakened by the retreat of the *German* Troops, the Prince of *Parma* besieged *Maastricht*, whilst Plenipotentiaries on both sides were treating a Peace at *Cologne*. But this Negotiation served only to divide the Confederates the more. From that time several Lords forsook them. *Mortray* came to the Prince of *Parma's* Army with the Forces under his Command. *Artius* and *Haynault* made a separate Treaty, and some other Provinces returned to the obedience of the King of *Spain*. The Prince of *Orange* seeing this defection, used his endeavours to unite still more strictly the Provinces which persisted in the resolution to throw off *Philip's* yoke. He succeeded at length, and caused the famous Union of *Utrecht* to be signed, between *Holland*, *Zealand*, *Friesland*, and *Utrecht*, the Articles whereof are to be seen in the Histories of those Countries. *Ghent* and *Ypres* afterwards came into the Union, and the Prince of *Orange* was made Governor of *Flanders*. Mean while, the Prince of *Parma* took *Maastricht*, after which he disbanded most of the *Spanish* and *Italian* Troops, according to his promise. This sincerity procured him *Mechlin*, *Lille*, and *Valenciennes*.

The City of *London* increasing excessively, to the detriment of the rest of the Towns, the Queen thought it necessary to remedy this inconvenience. She published therefore in the beginning of the year 1580, a Proclamation, prohibiting any new buildings within three Miles of the gates of the City, upon pain of imprisonment, and forfeiture of the material (9). It were to be wished for *England*, that this prohibition had been punctually executed even to this day, since the City is so enlarged, that it is grown a monstrous head, to a body of a moderate size, to which it bears no proportion.

But there was a still more pressing evil, which it was no less necessary to remedy. I mean the hindering of the *English* Seminaries in foreign Countries from sending Priests into *England* to preach sedition and rebellion, under colour of administering the Sacraments to the Catholics. The Priests expelled *England* in the beginning of this Reign, had set up a College at *Douay* [in 1568.] by means of *William Allen*, an *Oxford* Man, afterwards Cardinal. Whilft the Duke of *Alva* was Governor of the *Netherlands*, in this College were formed all the Plots I have

(1) This year died the Lady *Mary Grey*, one of the Daughters of *Henry Duke of Suffolk*, Sister to the Lady *Jane Grey*, and Widow of *Martin Key*.

Strype's Ann. Tom. II. p. 161.

(2) She also lent a young Pension on him. *Camden*, p. 471.

(3) He is called by the *French* Writers, the Baron de *Simier*. See *P. David*, Tom. IX. p. 111. *Thuanus* gives him this Character, *Johannes Simius*, domus *Hardemontis*, *Castellanus* *immo* *totius* *adules*, l. 66.

(4) It is true, though his passion was not so generally diffused, but of opinion, that no Man ought to be troubled by lawful Marriage.

Howards, *Camden* affirms, that *Leicester* was ordered not to stir out of *Greenwich* Castle. *Camden*, p. 471.

(5) *Camden* says, only *Simif*, with the Earl of *Lincoln* and *Hutton* her Vice-Chamberlain, were in the Boat with her. *Ibid.*

(6) The Lord *Burleigh* the Earl of *Suffolk* and *Leicester* and *Hutton* and *Walsingham*. *Camden*, p. 471.

(7) See the Articles presented by the Duke for his Marriage, in *Strype's Ann.* Tom. II. p. 161.

(8) This year, on *February* 20, died Sir *Nicholas Bacon*, Lord Keeper of the Great Seal, and was buried in *St. Paul's* Cathedral. He was succeeded by Sir *John* was *Bacon*, Lord Chancellor. This same year, on *November* 22, died also Sir *Thomas* *Grey* Knight, Founder of the Royal Exchange, and of *Greyfriars* College in *London*, and was buried in *St. Martin's* Church-yard. *Strype*, p. 681; 682.—This year also, *Amurath* *Cree*, Emperor of the *Turks*, upon *Turkey* *William* *Harboure* an *Englishman*, and *Michael* *Regis*, a *Turkish* *Basha*, fought, that the *English* *Merchants* might freely trade throughout the *Levant* *Dominions*, in like manner as the *French*, *Portuguese*, and other neighbouring Nations did. Whosoever the *English* *Merchants*, by the Queen's Privilege, affiliated themselves into a Company, called the *Turkey* Company. *Camden*, p. 472.

(9) And ordered, that no more than one Family should dwell in a House. *Camden*, p. 474.

1580. mentioned in favour of the Queen of Scots. But *Don Lewis de Requesens* having banished from the *Low-Countries* all the English fugitives, the members of *Doway College* retired, some to *Rome*, and some to *Rheims*, where they erected Seminaries, under the protection of the Pope and the Cardinal of *Lorraine*, Archbishop of *Rheims*. It was these two Seminaries which supplied the Catholics in *England* with Priests. So long as the Court imagined these men only administered the Sacraments in private to those of their religion, no notice seemed to be taken of it. But it was discovered at length, that they were diligent in spreading pernicious principles, which might be attended with ill consequences. They maintained, that the Pope had [by divine right] full power to dethrone Kings, and, *Elizabeth* being excommunicated and deposed by *Pius V's* Bull, her Subjects were freed from their allegiance. Four of these dangerous emissaries were condemned and executed, for daring to maintain publicly, that the Queen was lawfully deposed (1).

Four Priests executed.
Stow.
Candem.

Two Jesuits in England.
Candem.

Stow's Ann. T. II. p. 645. Re. Proclamation enjoining the calling home of Children from foreign Parts.
Jan. 7. Candem.
Stow's Ann. T. III.

Another drawing out.
Candem.

Disent of the Spaniards in Ireland.
Candem.
Stow.

This did not hinder the two Seminaries from continually sending into *England* Incendiaries, with whom were joined *Robert Parsons* and *Edmund Campian* Jesuits, who were the first of that Order employed to preach the forementioned dangerous Tenets. They had obtained of the Pope a Bull, dated the 14th of April 1580, declaring that *Pope Pius's* Bull did for ever bind *Elizabeth* and the Heretics, but not the Catholics, till a favorable opportunity should offer to put it in execution. These two Jesuits had professed the Protestant Religion, and even bore offices in the University of *Oxford* (2). After that, withdrawing out of the Kingdom, they returned from time to time, appearing one while like Clergymen, another while like Soldiers, or in some other disguise, and frequented the Houses of the Catholics, under pretence of instructing and comforting them, but in reality to inspire them with sedition and rebellion. Nay, they had the confidence to challenge the Protestant Clergy to dispute in print (3). All this coming to the Queen's knowledge, a Proclamation was issued out, commanding all those who had any Children, [Wards, Kinsmen] beyond Sea, to give in their names [to the Ordinary] in ten days, and call them home within a month (4), with a prohibition to supply them with money after that time. By the same Proclamation, all persons were forbid to entertain or harbour any Jesuits or Priests, sent forth from the Seminaries of *Rome* or *Rheims*, on pain of being punished as rebels and seditious persons.

Shortly after, printed Books were dispersed, intimating, that the Pope and King of *Spain* had conspired to conquer *England* and restore the Catholic Religion, and exhorting the English Papists to encourage the design. Whereupon the Queen issued out another Proclamation, declaring, she was not ignorant of the practices of her enemies, but by the blessing of God and the help of her faithful Subjects, she was able to withstand their attacks, both at home and abroad: That moreover, as the Plots which were contriving, were not only against her person, but also against the whole Kingdom, she did not intend to be cruel to the good, by sparing the bad; and therefore such as would not for the future keep within the bounds of their duty were to expect no favour (5).

The menaces from the Pope and King of *Spain* were not entirely vain, since it appeared this very year that there was a plot formed against *Ireland*. *Arthur Grey*, Lord-Deputy of that Island, had intelligence that seven hundred Spaniards and Italians, sent by the Pope and *Philip II.* were landed without opposition (6), under the command of *San Jysippo an Italian*, and had raised a Fortification, which they called *The Fort del Orr*. The Earl of *Ormond*, who was not far from those quarters, posting thither with some Troops, took a few Prisoners, who declared, they had brought arms for five or six thousand Men, who were to join them, in order to drive the English out of the Island. The Earl not having sufficient forces to besiege the Fort, contented himself with

investing it, till the Lord-Deputy, who was on the march, should join him. A little after, the Fort was besieged in form, and compelled to surrender the fifth day at discretion. This good success was fully by the cruelty of the English, who, under pretence of the great difficulty of guarding so many Prisoners, put the Spaniards to the sword, and hanged all the Irish.

1580.

This year was memorable for the return of *Francis Drake* from his Voyage round the World. He had navigated in *America*, upon the North and South Seas, and amassed a prodigious quantity of Gold and Silver taken from the Spaniards. At his return, which was in *November*, the Queen knighted him, and was pleased to dine in the Ship which had made his great Voyage. After that, he ordered it to be drawn up in a little creek near *Dryford*, and certain inscriptions to be set up in memory of the thing (7).

Drake's return from his Voyage round the World.
Candem.
Stow.

Bernardine de Mendoza the Spanish Ambassador made great complaints against *Drake*. He required, that he should be punished for his Robberies, and for daring to sail in the Seas which were under the dominion of the King of *Spain*, and all the money, plundered upon the Spaniards, restored. He was told, that the Indian Ocean was common to all the Nations of *Europe*, and that the English by no means allowed of the propriety assumed by the King of *Spain*, nor of the Pope's pretended donation, who had no right to dispose of Countries and Seas which belonged not to him: That *Drake* should be always ready to answer in Law whenever he should be attacked, and to hinder him from converting the Gold and Silver to his own use, the Queen had ordered all the goods, he had brought home, to be sequestered, with design to satisfy the King of *Spain*, if he could prove they belonged to him or his Subjects, though the charges she had been at in defending *Ireland* against the attacks of the Spaniards, amounted to a much greater sum. The Queen however repaid afterwards part of the Treasure (8).

The Spanish Ambassador's Complaints against Drake.

The Queen's answer.
Candem.

Henry Fitz-Alan Earl of Arundel died this year. He was the last of that illustrious Family which had flourished in *England* above three hundred years (9). One of his Daughters married *Thomas Howard Duke of Norfolk*, and thence it was that the Title of *Earl of Arundel* came to the *Howards* Family.

Death of the Earl of Arundel.
Candem.

The religious War was renewed in *France* in the month of *January*, and ended in *November*, by a sixth Treaty of Peace.

Affairs of France.

This year *Philip II.* seized the Throne of *Portugal*, *Philip II.* vacant by the death of *King Henry*. *Don Antonio*, Prior of *Creta*, natural Son to *Don Lewis*, Brother of the late King, would have disputed the Crown with the King of *Spain*, but the Forces of the two Competitors being very unequal, *Don Antonio's* endeavours were fruitless.

Philip II. Prior of Creta.
Candem.

The affairs of *Scotland* began to give *Elizabeth* some uneasiness, because she knew *James's* two Favorites were using their utmost endeavours to turn him against *England*. The first point of their project was to finish the Earl of *Morton's* ruin, whom they had already destroyed in the King's favour. The second, to engage the King to marry a French Princess. The third, to persuade him, after his marriage, to declare the Duke of *Gulife* his Lieutenant-General. The advice, the Queen received upon this occasion, wanted not proof, since she had long known the design to invade her from *Scotland*, and since what was contriving at *King James's* Court was very proper to accomplish that project. She saw moreover, that the two Favorites, one of whom was wholly devoted to the House of *Lorraine*, gained more and more the love and confidence of the King, who delighted to load them with favours. *Aubigny* had been made Earl, and then Duke of *Lennox* (10), and *James Stewart* was honoured with the Title of Earl of *Arran*. Upon the intelligence she had received, she believed it necessary to begin with opening the young King's eyes, in relation to the Plots of his Favorites, or put him under a necessity to shew that he approved them, which could not but breed great discontent among the People of *Scotland*. To that purpose, she sent Sir *Robert Bruce*,

Affairs of Scotland.
Mortimer.
Scottish.

Aubigny made Duke of Lennox, and Stewart Earl of Arran.
Mortimer.
p. 128.
Candem.
Stow.

(1) Namely, *Harps, Noyes, Maier*, and *Sheward*. Stow, p. 682, 684, 685. Candem, p. 476.

(2) Robert Parsons was born in *Simensthorpe*, and brought up at *Batol College*. Edmund Campian was a *Londoner*, Fellow of *St. John's College*, and Professor of the University in 1568. Candem, p. 477.

(3) Campian likewise published his *Deum Rationes*, in defence of the *Romish* Communion. His Book was answered by Dr. *Winstanley*. Candem, p. 477.

(4) Within four months after. Candem, p. 476. There was another Proclamation against Jesuits and Seminary Priests, April 24. 1581. which may be seen in *Stow's Ann.* Tom. III. p. 83. &c.

(5) There came also about this time *Richard Allen*, who called themselves of the *Family of Love*, and maintained, that those only were elected, and should be saved, who were admitted into their Family, and all the rest were reprobates, and should be damned; and the like absurd Tenets. Candem, p. 477.

(6) Admiral *Winter* had waited a good while for their coming, and returned to *England* about *Michaelmas*; but upon news of their landing, he went back to *Ireland*. Candem, p. 475.

(7) He sailed from *Plymouth* the 13th of December 1577, and returned to the same Port November 3. 1580. When the Ship was hawled up, the same day some *Windsor School* set up some Verses on the Main Mast in praise of *Drake*, which I suppose were the Latin poems mentioned by *Rapin*. Two of the Verses were as follows:

Plus ultra *Horatius* inscribit, *Drake*, *Columbus*,
Et magnos dicit, *Hercules* majore ero. Candem, p. 477—480.

(8) This year, on *January 16*, the Parliament met by Proclamation at *Windsor*, and was prorogued again *March 18*. The Temporality granted the Queen a Subsidy and two Fifteenths; and the Clergy a Subsidy of 6 s. 8 d. to be paid in three years. See *Statuta*.

(9) From the time of *Richard Allen*, who, (being descended from the *Albany's*, ancient Earls of *Arundel* and *Suffolk*) in the Reign of *Edward I.* received the Title of Earl without any creation, in regard of his being possessor of the Castle and Lordship of *Arundel*. Candem, p. 481.

(10) He was also made Chamberlain of *Scotland*, and Captain of *Dunbarrie Castle*. Candem, p. 474.

[Treasures

1580. [Treasurer of *Berwick*] into *Scotland*, to accuse the Duke of *Lennox* before the King and Council, of holding with the Court of *France*, and particularly with the Duke of *Guise*, intelligence destructive of *Scotland* and *England*. The Council of *Scotland*, governed by the Duke of *Lennox*, thought not proper to admit the accusation; but the King sent into *England* the Lord *Hume*, to clear his Favorite to the Queen, who refused him audience. Nothing could be more grateful to the Favorites, than the misunderstanding which began to be formed between their Master and the Queen of *England*. Not to give him time to cool, one day, as the Earl of *Morton* was present in the Council, the Earl of *Arran* accused him of being concerned in the late King's Murder. Upon which he was immediately arrested, sent to prison in the Castle of *Edinburgh*, and afterwards removed to *Dunbarton*.

Morton is
James's Prefire.
Melvil.
p. 117.
Spotswood.

1581. Elizabeth hearing of the Earl of *Morton*'s disgrace, and finding, his attachment to *England* was the sole cause of it, dispatched *Randolph* immediately to solicit in his behalf. But the Favorites intention being rather to exasperate than appease, his intercession was in vain. *Randolph* seeing the King too biased, that it was not possible to prevail, demanded an audience of the States, then assembled. He represented, how necessary a good understanding with *England* was to them, what the Queen his mistress had done for *Scotland* since the King's birth, how great an affection she had ever expressed for him, and with what pains and charge she had always protected his faithful subjects: That, notwithstanding all this, the Duke of *Lennox* was endeavouring to sow discord between the two Kingdoms, and had so far succeeded, that the King now looked upon the Queen of *England* his good kinswoman as an enemy. The States heard his harangue, and returned a general answer, which demonstrated their being directed by the Court. So, finding he could obtain nothing either from the King or States, he began to practise upon the great Men, to persuade them to rise in arms, whilst *Elizabeth* should send forces towards the Borders (1). As all this could not be done without the knowledge of the King and his Favorites, the Government of *Scotland* was taken from the Earl of *Mar*, who was suspected of being too good a friend of the *English*, and the King published an order to all his Subjects fit to bear arms, to hold themselves ready to march at a moment's warning. But as *Elizabeth* meant only to terrify the King of *Scotland*, and not to wage War with him for the sake of the Earl of *Morton*, she ordered her Troops to retire. Probably *Elizabeth*'s endeavours to save the Prisoner's Life, rather hastened his Death, since, presently after, he was condemned and beheaded. He confessed the Earl of *Bathwell* imparted to him his design to kill the King, but denied, he had any hand in the murder. He said also, he had intended to carry the King into *England*, that being educated among the *English*, he might find the less difficulty to obtain the Crown of that Kingdom after the Queen's death. *Randolph* seeing *Elizabeth* had no design to support the great Men of *Scotland*, whom he had gained, retired without taking his audience of leave.

He is in
his up a
Rebels in
Scotland.
James pro-
vides for his
defence.
Melvil.
p. 117.
Spotswood.

The Earl of
Morton is
beheaded.
June 23.
Canden.
Melvil.
p. 118.

The two
Favorites
know advised.

Their Cha-
racter.
Melvil.
p. 118, 119.

The Articles
of the Queen's
Marriage
with the
Duke of
Anjou are
agreed upon.
Canden.

The Earl of *Morton* being dead, the two Favorites became more and more masters of the King, and the Government of the Kingdom, without regarding the People's murmurs, who could not, without indignation, see themselves at the mercy of two raw and unexperienced young men. The Duke of *Lennox* had some good qualities; but had no knowledge of the affairs of *Scotland*, and besides, was a Catholic, and deemed the Duke of *Guise*'s creature. This gave occasion to fear he had formed Projects destructive of the Religion and Liberty of *Scotland*. The Earl of *Arran* was an Atheist, and one of the most wicked of Men, if *Melvil*'s Testimony is to be entirely credited. He pretended to be the Duke of *Lennox*'s Friend, but laboured to ruin him, by giving him Council, capable of making him forfeit the love and esteem of the Nobles and People. On the other hand, he privately hinted to the Clergy, that the Reformed Religion was in great danger, if timely care was not taken to oppose the Duke of *Lennox*'s pernicious designs. By these secret practices, he so managed, that the Duke became odious to the whole Kingdom.

During these transactions in *Scotland*, the Court of *France* earnestly pressed the Duke of *Anjou*'s Marriage with *Elizabeth*. At last, the Queen having agreed with *Simis* upon the chief Articles, *Henry III.* sent into *England* an honorable Embassy, consisting of *Francis* of *Bourbon* Prince of *Dauphine*, *Arthur* Coffer Marshal of *France*, President *Brissac*, and some other persons of distinction. Their Ambassadors were received with great pomp and magnificence, and the Queen appointed to treat with them the Lord *Burleigh* High-Treasurer, *Edward Clinton* Earl of *Lincoln*, Lord Admiral of *England*, *Thomas Ratcliffe* Earl of *Suffex*, *Francis Russell* Earl of

Bedford, *Robert Dudley* Earl of *Leicester*, *Sir Christopher Hatton*, and *Sir Francis Walsingham*, who was made Secretary of State in the room of *Sir Thomas Smith*, lately deceased. As every thing was almost settled, the following Articles, which were to be digested in form of Treaty, after being approved by the King of *France*, and the Duke his Brother, were drawn by common consent.

1581:

The marriage shall be consummated within six weeks after the ratifying of the Treaty.

The Duke of *Anjou* and his Domesticks who are not *English* shall have the free exercise of their Religion, in some certain place to be appointed within his Court.

The Duke of *Anjou* shall alter nothing in the Religion now received and established in *England*.

After the consummation of the marriage, he shall enjoy the Title of King of *England*, but the administration of affairs shall remain in the hands of the Queen alone.

Whereas the Duke has demanded that he may be crowned King of *England* [presently after the marriage,] and enjoy that honour, in case he shall come to be Guardian of the Children he may have by the Queen, it is agreed, the Queen shall lay the affair before the Parliament, and promote it as far as lies in her power.

Letters Patents, &c. shall run in the name of the King and Queen, as in the time of *Philip* and *Mary*.

The Queen shall assign the Duke by authority of Parliament an honorable pension to be disposed of as he pleases.

She shall procure the Parliament to assign a yearly pension in case he survives her.

The Duke shall make the Queen a Dowry of forty thousand Crowns a year out of the Dukedom of *Berry*, and shall put her in present possession thereof.

As to their Children, the following Articles shall be settled, which shall be ratified in the Parliaments of *England* and *France*, namely,

All the Children, as well Males as Females, shall succeed to their Mother's inheritance, each in his order, according to the Customs of *England*.

If the Crown of *France* happens to fall to the Duke of *Anjou*, or his Heirs, and there be two Males, the eldest shall succeed in the Kingdom of *France*, and the second in that of *England*.

If there be but one Son, he shall enjoy both Crowns, but shall be obliged to reside in *England* eight months in every two years.

If the Duke never comes to the Crown of *France*, his Children shall inherit his Appennage.

If he out-live the Queen, he shall have the Guardianship of the Children; of the Males till they are eighteen, and of the Females till fifteen.

If the Duke die before the time of Guardianship be expired, it shall be left to the disposal of the Parliament.

After these Articles relating to the Children, and serving to settle the Succession, it was further agreed:

The Duke shall prefer no Foreigner to any Post or Office in *England*.

He shall not carry the Queen out of the Kingdom, without her own, and the express consent of the Peers of the Realm.

If she die without Issue, he shall pretend no claim to *England*.

He shall not convey the Crown-Jewels out of the Kingdom.

He shall leave all the places in the hands of the *English*, and shall not remove from thence any warlike Stores.

There shall be a particular Treaty of League between *France* and *England*, with the proper Ratifications.

By a separate Article signed apart by itself, it was agreed, "The Queen shall not be bound to consummate the Marriage, before the Duke of *Anjou* shall thoroughly satisfy one another in certain points, and shall certify "the King of *France* thereof within six weeks." It is not known upon what account it was necessary to take this precaution.

Ever since the last year, the States of the Low-Countries had begun to treat with the Duke of *Anjou*, concerning their offer of the Sovereignty of the confederate Provinces, and this Negotiation was so far advanced, that the Conditions were now agreed. As soon as the Prince of *Orange* was almost sure of the success of this affair, he so ordered it, that the States declared the King of *Spain* to have forfeited the Sovereignty of the *Netherlands*, and the Duke was expected every hour to take possession of his new Dignity, and oppose the Duke of *Parma*, who was besieging *Cambray*. The Duke arrived indeed in *August*,

The Duke of
Anjou is
made Sovereign
of the
confederate
Provinces.
Philip II.
is degraded
from the
Sovereignty.
Grevius.
Strada.

(1) There were seventeen Companies sent thither. Melvil, p. 117.

1581. with an Army of twenty thousand Men, and constrained the Prince of Parma to raise the Siege, and retire to Valenciennes. He made his Entry into Cambray the 18th of August, and was declared Prince thereof, having first taken the Oath.

Elizabeth's *Hardship* *in about her* *Marriage.* *Carden's* *Discr's* *Amis.*
In the mean time, Elizabeth shewed, she had altered her mind with regard to her Marriage, or had never seriously resolved to consummate it. She only wanted a pretence to break it off, or at least to defer it, till time should produce a more favourable opportunity. To this end, she sent into France, James Sommers, Clerk of the Council, to require, that pursuant to the last Marriage-Article, a League Offensive and Defensive should be instantly concluded between France and England. Henry III. answered, that in the Articles there was no mention of an offensive, but he was ready to sign a defensive. League. Sommers replied, the League spoken of in the Articles must be denied offensive, since there was already a League defensive concluded in 1572, which not having been violated, wanted no renewal. Upon this, Elizabeth sent Secretary Walsingham to Paris, to improve this difficulty, and add some others. Walsingham therefore told the King, when the Queen his Mistress first resolved to marry, it was only to satisfy her People, who desired a certain Succession by her Children, to which end, she had preferred the Duke of Anjou before all other Princes, on account of his personal qualities, and Royal descent: Nevertheless, she could not think of consummating the Marriage, till she perceived whether it was pleasing to her People, for fear she should be accused of considering of it too late: That she heard with grief, the minds of the best Men were averse to the Marriage, and for that reason she thought it necessary to delay it, though she had still the same esteem for the Duke of Anjou: That besides, since the conclusion of the Articles, things had happened which required her to think more attentively of her engagement: That the Duke having accepted the Sovereignty of the Netherlands, had incurred the displeasure of the King his Brother, and this new Dignity could not but engage England in a war with Spain, since it was not possible for the Duke to be in war, without the Queen his Spouse being so too: That he believed therefore the present juncture very unreasonable to consummate the Marriage; and that it was proper to defer it till the Duke should be disengaged from his war, and the League offensive and defensive between France and England, concluded according to agreement. Henry plainly perceiving this was only an evasion, briefly answered, he was ready to renew the League defensive, and would treat of a League offensive, as soon as the Marriage was consummated.

The Duke of *Anjou ar-* *ries in* *England.* *Carden's* *Conden.*

He is well *received.* *Novemb.* *1581.* *The Queen* *greats him* *as King.* *Carden's*

She receives *all on a sud-* *den.* *Carden.*

These things passed whilst the Duke of Anjou was in the Netherlands. After he had raised the Siege of Cambray, and taken Courtray in Cambrisis, the States pressed him to join his Forces with their Army, to improve so fair an opportunity: But the approach of Winter furnished him with an excuse to fend back his Troops into France, that he might go and solicit his affairs in England himself. He arrived there in November, and was received by the Queen with go great respect and civility, that he thought himself almost free of success. One day, as the anniversary of her Coronation was celebrating, the Queen being in conversation with him, pulled off her Ring from her finger, and put it on the Duke's, which made all present imagine, she had just then given him a promise (1).

Mean while, this Marriage was exclaimed against publicly in the Court and City. Walsingham, [Leicester], Hatton, and others of the Queen's Confidants, murmured at it more than the rest. Her Maids of Honour that were most intimate with her, never ceased to represent to her, all the mischiefs which might from thence befall her, as well as the whole Kingdom, and drove by persuasions mixed with tears, to divert her from this resolution. I know not whether I am mistaken, in suspecting all this to be a mere Farce, acted by the Queen's private orders, to give her a pretence to go from her word. Ministers, Courtiers, Favorites, are seldom seen to oppose so openly and publicly, the Will of their Sovereign, if they are

not certain of approbation. Be this as it will, the Queen having spent the whole night without taking any rest, amidst the sighs and tears of her Ladies, went to the Duke's room (2), and talked with him in private. When she withdrew, the Duke was seen to throw the Ring from him, and presently to take it up again, complaining bitterly of the levity of Women, and the inconstancy of the English.

Elizabeth's *Conduct* *in every thing relating to this* *Marriage* *was* *so* *singular,* *that* *there* *is* *no* *guessing* *her* *thoughts.* *If* *the* *business* *was* *only* *a* *bare* *Negotiation,* *prolonged* *and* *broke* *off* *upon* *the* *point* *of* *conclusion,* *there* *would* *be* *no* *cause* *of* *wonder.* *Nothing* *was* *more* *agreeable* *to* *this* *Queen's* *Character,* *and,* *I* *will* *venture* *to* *say,* *to* *her* *Interest.* *But* *the* *signing* *and* *sealing* *of* *the* *Marriage-Articles* *raises* *a* *difficulty* *not* *easy* *to* *be* *removed.* *It* *is* *scarce* *probable,* *that* *this* *wife* *Politician* *should* *think* *of* *smiling* *to* *such* *a* *degree,* *a* *Brother* *of* *the* *King* *of* *France,* *and* *who* *might* *himself* *one* *day* *be* *King,* *since* *Henry* *had* *no* *children.* *This* *is* *so* *much* *the* *hinder* *to* *be* *believed,* *as* *there* *was* *then* *no* *visible* *necessity* *to* *carry* *her* *Diffimulation* *so* *far.* *For* *my* *part,* *I* *see* *no* *proper* *way* *to* *explain* *this* *extraordinary* *Conduct,* *than* *by* *saying,* *that* *in* *the* *beginning* *of* *the* *Negotiation,* *her* *design* *was* *only* *to* *amuse* *the* *Duke* *of* *Anjou* (3), *that* *afterwards* *she* *suffered* *herself* *to* *be* *won,* *and* *signed* *the* *Articles* *with* *sincerity,* *in* *a* *resolution* *to* *perform* *them;* *but* *that* *after* *signing,* *she* *repented,* *and* *chose* *rather* *to* *affront* *the* *Prince,* *than* *keep* *her* *word.* *Then* *it* *was* *that* *she* *carried* *her* *diffimulation* *to* *the* *greatest* *height,* *in* *expressing* *an* *extraordinary* *value* *for* *the* *Duke,* *and* *labouring* *with* *all* *that* *she* *could* *to* *put* *him* *out* *of* *conceit* *with* *the* *Marriage.* *There* *are* *two* *Facts* *very* *difficult* *to* *be* *reconciled,* *but* *upon* *my* *supposition.* *The* *first* *is,* *during* *the* *Duke's* *Conden.* *stay* *at* *Court,* *he* *caused* *a* *Man's* *hand* *to* *be* *cut* *off* *for* *writing* *a* *Satire* *upon* *their* *Marriage* (4). *After* *that,* *he* *published* *a* *Manifesto,* *to* *satisfy* *the* *Publick,* *that* *the* *Duke* *of* *Anjou* *had* *no* *ill* *design* *against* *the* *Protestant* *Religion,* *nor* *had* *demanded* *any* *thing* *in* *favour* *of* *the* *Catholics.* *The* *second* *fact,* *very* *opposite* *to* *the* *first,* *is,* *that* *he* *took* *the* *opportunity* *whilst* *the* *Duke* *was* *with* *her,* *to* *put* *to* *death* *Edmund* *Campion* *a* *Jesuit,* *with* *three* *other* *Priests* (5), *convicted* *of* *endeavouring* *to* *raise* *Com-motions* *in* *the* *Kingdom,* *and* *ultimately* *maintaining,* *that* *the* *Queen* *was* *lawfully* *deposed.* *It* *is* *easy* *to* *perceive,* *if* *her* *esteem* *and* *affection* *for* *the* *Duke* *of* *Anjou* *had* *been* *so* *great* *as* *the* *pretended,* *he* *would* *at* *least* *have* *deferred* *these* *Men's* *punishment* *till* *after* *his* *departure.* *But* *doubtless* *he* *intended* *to* *let* *him* *see,* *he* *would* *not* *find* *in* *his* *Marriage* *those* *comforts* *he* *thought* *to* *have* *reason* *to* *expect.* *Be* *this* *as* *it* *will,* *which* *ever* *way* *her* *Pro-ceedings* *are* *explained,* *there* *is* *no* *justifying,* *in* *my* *opi-nion,* *either* *her* *signing* *the* *Articles,* *or* *afterwards* *break-ing* *her* *word.*

Whatever the Queen's intention might be in this negotiation, it is certain it was extremely prejudicial to the Catholics in England, who entertaining great hopes from this marriage, were too hasty to discover them. When it was known in the world that the Articles were signed, England was suddenly over-run with Jesuits, Jesuits, and other Catholics, who hoped to be secure there under the Duke of Anjou's protection. Among these, some were so imprudent as to vent openly the most extravagant doctrines concerning the Pope's power, a crime then unpardonable, because it tended to deprive the Queen of her Royalty, and raise a Rebellion. It is no wonder therefore, that the furious zeal and imprudence of some of the Catholics drew upon the whole body, severities to which the Queen would not have been easily led, if they had been contented to live in quiet, and exercise their religion in private, without attacking the Government. What did them still more injury was, that some of them owned they were come into England with power to absolve every man in particular from his oath of allegiance, from which Pius V's Bull had absolved the whole nation in general.

This year, Don Antonio Prior of Crato, who pretended to be King of Portugal, and had been crowned at Lisbon, being expelled thence by the Arms of the King of France,

(1) Among whom Alphonso Gormez of Auvergne dispatched Letters away into the Netherlands to signify as much. And Answer testified her joy by bonfires and great Orders. Carden, p. 486.

(2) Carden says, she sent for him, p. 486.

(3) Strada, and some other Historians say, that Queen Elizabeth set this Treaty of marriage on foot, only to break off the design of a Match between the Duke of Anjou, and a Daughter of the King of Spain, which had been some time in agitation: And this is very probable, considering how afraid Queen Elizabeth was of an union between the Crowns of France and Spain. See. v. l. 4.

(4) John Strada of Lovaine's-son published a Book against the Marriage, entitled, The Discovery of a paping Galle, wherein England is shew'd to be invaded by another French Marriage, of the Lord John and the Banns, by leaving her for the Son and Paraphrase thereof: upon which he, and William Page who dispersed the Copies, were taken up and committed to his right bonds. Which was done accordingly, (by virtue of an Act of Philip and Mary against seditious writings) by driving a Carters through the street with a mallet, upon a scaffold in Walsingham. I remember, (say Carden's) being present, that Justice, after his right hand was cut off, pulled off his Hat with his left, and said with a loud voice, God save the Queen. But the Multitude stood silent, either out of horror of the Punishment, or pity to the Man, or their hatred of the Match. Carden, p. 487. The Queen, upon occasion of this Book, published a long Proclamation, dated September 27, which the Reader may see in Strada's Ann. Tom. II. p. 562. &c.

(5) Ralph Norton, Luke Kirby, and Alexander Brian. They were indicted upon the Treason Act 25 Edward III. Before these, there had been no more than five Jesuits put to death in this Kingdom. Carden, p. 487.

1581.
and two and
England.
Camden.
1582.
Lewes
against the
Catholics.

of Spain, withdrew into France. After which, he came to Elizabeth, who took care of him, and put him in hopes of a greater relief.

The Parliament meeting the beginning of the year 1582, whilst the Duke of Anjou was still in England (1), passed very severe Laws against the Catholics, wherein all those are declared guilty of High-Treason, "who shall endeavour to dissuade the Subjects from their allegiance to the Queen, and from the Religion established in the Kingdom, or shall reconcile them to the Church of Rome, or as also those who shall be thus reconciled. Those also are fined in two hundred Marks, and imprisonment for a year, who shall say Mass, and they who shall be knowingly present at Mass, are fined in a hundred Marks, with imprisonment also for a year. Moreover they who absented themselves from their Parishes Churches on the days appointed for Divine Service, are fined in twenty pounds a month." It must be observed, that hitherto only one Shilling to the use of the poor, had been exacted for absence on Sundays and Holidays. This shews, that, before, the Laws against the Catholics were not very severe, neither were they, it is certain, executed with rigour. But the indiscreet zeal of those who would not be satisfied with this advantage, was the occasion that all the Catholics were deprived of it.

The Duke of
Anjou leaves
Elizabeth.
Camden.
Stow.
Hollingsh.

The Duke of Anjou, and those who had attended him into England, could plainly perceive, under what constraint they should live, if the marriage was consummated. In all appearance, the proceedings of the Queen and Parliament against the Catholics, did not a little contribute to comfort him, and perhaps put him out of conceit with a Country so opposite to France. Nay, it is very likely, all this was done before his eyes with that view. He departed in February, having received from the Queen many tokens of esteem and affection, the most substantial whereof was a good sum of money (2) to assist him in maintaining the war in the Netherlands. The Queen having accompanied him to Canterbury, ordered several English Lords (3) to wait upon him as far as Antwerp, where presently after he received the Ducal Crown of Brabant. By all these Marks of esteem and friendship, and by all her civilities, the Queen had a mind to repair in some measure, the mortifications she made him undergo during his stay in England. It is extremely probable, this stay was not to his advantage, and served only to discover the meanness of his Genius and other qualities.

Ant. Pub.
XV. p. 79.
His conduct
at Duke of
Brabant.
Camden.
Du Maurier.

Elizabeth's
state of ac-
quiescing.

Elizabeth was too wise not to perceive that her conduct in the negotiation of her marriage could not but disoblige the King of France. So, the plainly saw, that though there had been no other reason but this alone, she could not much rely on his friendship. On the other hand, she was not ignorant how angry the King of Spain was, for that whole bodies of English Troops served in the Army of the States of the Low Countries, under the command of Narvis. Though these men were called Volunteers, that is, owned by none, and who served at their own charge, it was easy to judge, that they were not there in such numbers, without the tacit or express consent of their Queen. Besides, it was hardly possible for Elizabeth to conceal the supplies of money she had given Prince Casimir, and the Duke of Anjou, for the maintenance of their Armies. Philip II. was the most potent Prince in Europe, and the conquest of Portugal had lately rendered him still more formidable, particularly to the English. He was supported by the Pope, and had but too much influence in the King of France's Council. But Elizabeth had no friend on whom she could depend. The Duke of Guise was now labouring to take from her the King of Scotland. The Irish wanted only a favorable opportunity to revolt, and the English Catholics were incessantly excited to rebellion by the Pope's emissaries. To these may be added a great number of Protestants, the Queen of Scots Adherents, who only waited an occasion to shew their affection for her. Elizabeth's Ministers could not, without dread, think of all these things. They were in continual apprehension that some terrible storm was going to fall upon England. To this fear were owing, first the League defensive with France, and then the project of the Queen's marriage with the Duke of Anjou, the Ministers judging it almost impossible for her to support herself without some powerful Alliance.

Mean while, whether Elizabeth thought herself able to prevent, or repel, the danger, she took but few precautions, relying wholly on the affection of her people. This was her best, or rather, her only refuge. And therefore to endeavour to corrupt, and cause them to lose the love and esteem they had for her, was wounding her in a very sensible part. To this must be ascribed her tender expressions whenever she spoke to her people. It must however be confessed, that she won her people's love, not only by words and other external demonstrations, but chiefly by very substantial deeds. Let a man peruse the whole History of England, and he will find no Reign, wherein justice was administered so impartially, or the Subjects enjoyed their privileges more peaceably, or were freer from Wars abroad and at home, or from extraordinary Taxes and Impositions; in a word, wherein the Kingdom was more flourishing. The Queen spent no unnecessary money, and her Treasury being regularly managed, the people had no occasion to complain, since whatever they gave was employed for their own good.

1582.
She relies on
her People's
affection.

And even it
by good
nature.

But it was not only at home that the Queen laboured to make her people happy, her care reached also abroad. This year she sent an Ambassador (4) to Frederic II. King of Denmark, under colour of carrying him the Order of the Garter. But the chief motive of this Embassy was to induce that Prince to desist from certain Customs paid by the English Merchant-Ships in passing the Sound, in which however it was not possible to succeed. Frederic graciously received the Collar of the Order, but refused to take the usual Oath, because he had denied the same thing before, when admitted into the Order of St. Michael by the French King.

She sends
Order of the
Garter to
Frederic II.
King of Denmark.
Camden.

Tho' Henry III. had no reason to be pleased with Elizabeth, he gave her notice however, that the Duke of Guise was plotting something in favour of the Queen of Scots, and was to embark in Normandy some Troops designed either for England or Scotland, tho' he pretended to send them into Flanders. For this reason she recalled Sir Walter Mildmay, who had been sent to treat with the Queen of Scots, or at least to pretend to do so.

Henry III.
marries
Elizabeth
of the Duke
of Guise's
daughter.
Camden.

As there was no likelihood the Duke of Guise would invade England directly, but, on the contrary, everything looked as if he intended to execute some project in Scotland, the Queen turned her thoughts wholly to the affairs of that Kingdom. They were then in a violent convulsion. Some persons of great distinction, among whom were the Earls of Mar, Lindsay, Gowrie, full of indignation to see the realm governed by a young Prince of fifteen years, and two rash unexperienced Ministers, who had nothing less in view than the Kingdom's welfare, conspired together to seize the King's Person and remove his two Favorites. To that end, taking their opportunity whilst they were both absent from Court, and the King intent upon hunting near Athol, they sent and invited him by the Earl of Gowrie to pass a few days at his house at Huntington, and when he came there, secured his person (5). This was called the Ruthven-Conspiracy, because Ruthven was the name of the Earl of Gowrie's Family (6). For the same reason the Conspirators were called the Lords of Ruthven. The Earl of Arran, one of the King's Favorites, drew together some people, and attempted to free his Master, but was repulsed and forced to retreat to Ruthven Castle, where the Earl of Gowrie received him and saved his life, but kept him prisoner. The Duke of Lennox hearing what had passed, speedily retired to Dunbarton, of which he was Governor, and the King was carried to Sterling, free in appearance, but Prisoner in reality.

She sends
the affairs of
Scotland.
Camden.

The Ruthven
Conspiracy in
Scotland.
p. 120, 121.
Camden.
Speckwood.

Upon this news, Elizabeth, who probably was not ignorant of the Conspirators design, ordered Henry Carey to go immediately, and offer her service to the King of Scotland. But James terrified by those who had him in their power, answered, that every thing was done with his consent, and he was very well pleased with the Lords who were about him. Melvil affirms however, that the King found means to tell Carey in private the contrary to what he had said in publick. The King of France sent likewise La Motte Feulain into Scotland (7) to try to support the Favorites, knowing those who had seized the King were all friends to England. La Motte had also orders to inform the King, that the Queen his Mother, who had hitherto refused to own him for King, agreed to make him partner in the royalty.

James
seizes the
Conspiracy.
Melvil.
Camden.

Queen Mary
agrees to
share the
Royalty
with her Son.
Camden.

(1) There was no Session of Parliament this year. The Act here mentioned, was made in the Session held in the year 1580, and of which notice has been taken above. See p. 114. Note (3). and Drexel, p. 266, dec. Rapin has been misled in this particular by Camden, p. 417.

(2) A hundred thousand Crowns of Gold Seal, each Crown worth six Shillings Sterling, or fifty Solis Penna Money. See Rymer's Fœd. Tom. XV. p. 793.

(3) He was attended by the Earl of Leicester, Christ and Thomas Howard's the Lords Hunsdon, Willoughby, Windsor, Audley, and Sigfield's son Philip Story, Sir Francis Baffet, Sir George Bouchier, &c. Camden, p. 488. Stow, p. 690.

(4) Progress Bertie, whom she, as being young in conferring Honours, had, with much ado, made Baron Willoughby of Eryth, though his Mother Catherine was the only Daughter and Heir of William Lord Willoughby of Eryth. She married first Charles Brandon Duke of Suffolk, by whom she had no issue; and secondly, Richard Burt, or Bertie, Bay Father of this Progress. See Dugdale's Baron. Vol. II. p. 57, 468. Strype's Ann. Tom. II. p. 670.

(5) And published a Proclamation, of which the Reader may see an account in Strype's Ann. Tom. III. p. 79.

(6) William Ruthven had been very lately created Earl of Gowrie. Camden, p. 428.

(7) He went along with Devlin, Queen Elizabeth's Ambassador. Camden, p. 491.

1582.

Shortly after, Queen Mary writ to Elizabeth, to try to engage her in the deliverance of the King her Son. But she took a very improper way to obtain this favour, since her Letter is full of reproaches for the barbarous usage she met with (1).

His Calendar
is reformed.

This year, Pope Gregory XIII. published his Bull for reforming the Calendar, and ordered ten days of this very year to be cut off at once. As England, and the rest of the Protestant States refused to comply with this ordinance, because it flowed from the Papal Authority, there began from that time to be a difference of ten days in the Dates, the one reckoning it the first day of the month, when it was the tenth with the others. This difference still subsists in some places, and particularly in England, [and Sweden,] where the old way of reckoning is still used, with the addition however of the new (2).

Elizabeth
makes an if
for desire
to release
the Queen
of Scots.
Camden.

Camden pretends, that Elizabeth was very much moved by Mary's Letter, and that compassion for the afflicted Queen made her advise with her Council upon what terms she could be released. We shall see presently, that this proceeding was far from demonstrating a desire to set her at liberty. It is much more likely, she sought only to amuse her, and by putting her in hopes of deliverance, had no other view than to put a stop to the continual Plots which were contriving in her favour, and free herself from the solicitations she was perpetually troubled with. However this be, some time after the receipt of her Letter, she sent to her Robert Beal (3), one of the Clerks of the Council, with certain articles founded upon Mary's offer of allocating her Son in the Government. Consequently they supposed a previous agreement betwixt them; but never had there been a more improper juncture to negotiate this agreement, since King James was captive in the hands of Queen Elizabeth's Adherents. Here are the Articles, with some remarks, which will serve to shew Elizabeth's aim in feigning a desire to release her Prisoner.

Camden
provides
Scotland
Seymour.

I. The Queen of Scots and the King her Son should promise to accept nothing prejudicial to England.

It is easy to perceive, that this Article is expressed in such general Terms as required a large explanation.

II. She should disclaim as unjust whatever was done by Francis II. her first Husband, and ratify the Treaty of Edinburgh.

The former part of this Article was very general, and liable to abundance of cavils. As to the latter part, it might be observed, that Mary could not ratify the Treaty of Edinburgh but with the restriction she had offered. So, in proposing to her the ratifying of that Treaty simply and absolutely, a snare was laid for her, or else she was put under a necessity of rejecting this Article.

III. She should discover and condemn all the Conspiracies against Queen Elizabeth that were come to her knowledge.

This was accusing her of being concerned in these Conspiracies, and making her own it, which was very hard measure for Mary. She could have done no more, had she been fully convinced of Elizabeth's sincerity, which is not very likely.

IV. She should contribute nothing against the Government of England, Ecclesiastical or Civil.

Mary was a Catholic, and the Laws of England excluded the Catholics from all Posts. So if she agreed to this article without farther explanation, it might have been inferred, that she excluded herself from succeeding Elizabeth.

V. She should claim no right to the Crown of England during Queen Elizabeth's life, and after Elizabeth's death should refer her Title to the Judgment of the Parliament.

This was also laying a snare for Mary, in making her own that her Title was dubious, though she did maintain, and had always maintained, that it was incontestable.

VI. She should swear to these Articles, to the end there might be no room for the objection taken from her not being at liberty.

VII. The King her Son should ratify them by Oath and Writing.

To enable the King of Scotland to ratify these Articles, it was necessary first that he should agree in an authentic

manner that he was King only as officiated by the Queen his Mother, which was not then in his power, since he was in the hands of the Lords of Ruthven, who by no means acknowledged Mary's authority.

VIII. For the performance of this Article, the Queen of Scots should give hostages to the Queen of England. This Article was also liable to many difficulties, concerning the number and quality of the hostages.

It is therefore evident, Elizabeth proposed these Articles to Mary, only to amuse her and the world, at a time when it was not possible even to enter into the Treaty upon this subject; besides their being almost all insinuating and liable to discussions, which the Court of England might have prolonged as they pleased. Camden says, the Scots of the English party were utterly against this agreement, affirming it was owing to the intrigues of the French Court. It is true, if the conditions proposed had been advantageous to Mary, 'tis not unlikely, Elizabeth would have let the Scots to oppose the conclusion of the Treaty. But there was no occasion for this, since she had taken sufficient care to hinder Mary from accepting them.

I must now proceed to relate what passed in Scotland Affairs of this year. If a Man is confined to what Camden says, his idea of things will be very imperfect. This is one of those passages wherein that Historian has thought fit to be very short, for fear of injuring King James's reputation, for whose sake he wrote the *Annals* of Queen Elizabeth. But by good fortune, we have Melvil's Memoirs, which give us a fuller information.

The Duke of Lennox feeling the King in the hands of the Lords of Ruthven, and the little probability of forming a Party strong enough to free him, withdrew into France, where he died soon after.

Mean while, the Lords of Ruthven, whose sole aim had been to remove from the King his two Favorites, finding that one was in prison, and the other in France, thought proper to convene the States, where the King was present. He declared, whatever they had done was with his consent, and to his satisfaction. He writ the same thing to the General Assembly of the Kirk, whereupon the States and the Kirk approved by authentick Acts all that was passed. This done, the King was no longer watched, but left entirely at liberty.

Shortly after, the King assembled the Nobility in the City of St. Andrews, before whom he declared, that though he had been detained against his Will, he owned however it was done for his service: That he did not intend to call any person to an account, but would speedily publish an act of Oblivion. To shew that he forgot all that was past, he visited the Earl of Gaur, who calling himself at his feet, begged pardon, which he very readily obtained.

All being thus quiet, the King appointed twelve Counsellors to assist him to govern the State. But shortly after, his affection for the Earl of Arran reviving, he wished to see him; and as all his Counsellors were unanimously against it, he protested he would send him away again within four and twenty hours; but was not as good as his word, for he kept him for ever. In a short space, the Favorite had such an influence over him, that he would not suffer any but him to meddle in the publick affairs. Whereupon the Council of twelve being no longer consulted, broke up of themselves. As soon as the Earl of Arran saw himself fully restored, he suggested to the King, that he had made a false step, in not punishing the influence of the Lords of Ruthven, and persuaded him at length to alter his resolution (4). So, instead of an act of Oblivion, he issued out a Proclamation, commanding the Complices of the Ruthven Conspiracy, to come and beg pardon for their crime. Every one plainly saw the difference between this Proclamation, and the promised act of Oblivion. The King being free, had declared, that they who had detained him, intended him no ill, and for that reason he had promised them a pardon. But by the Proclamation, he considered them as guilty, and obliged them to submit to his mercy, at a time when he suffered himself to be governed by one of those very Favorites against whom they had conspired. This was sufficient to induce

(1) This year, about the end of September, died the learned Gregory Baskonan. Spelman, p. 325.—This year also, one Peter Moris, a Dutchman, invented an Engine, and Pipes, for conveying the Thames Water for the use of the City of London. Struv, p. 696.

(2) Three hundred and sixty-five days six hours, exceeding a year by about eleven minutes, a day is gained in about a hundred and thirty two years, by which means, from the year 321, wherein the Council of Nice was held, to the year 1582, ten whole days were gained. Whereupon, to set matters right, again, Pope Gregory ordered the 5th of October 1582, to be called the 15th, and to prevent the like error again, he decreed, that three days should be taken out of every four hundred years; (which comes to almost the same as taking out one day every hundred and thirty two years) and this was done by making every hundredth year common, which, according to the Julian account, is always Leap-year, but every four hundredth year to continue Leap-year. Though this be the truest and most exact way of reckoning, yet such is the perverseness of the English and Swedish, that they still keep to the old way, and hence comes what we call Old and New Styles, which differ now by seven days, and are thus written 7th of July, 1733.

(3) To treat with her, together with George Talbot Earl of Shrewsbury, in whose custody Mary was. Camden, p. 491.

(4) Arran intimated to the King, that it would be a reasonable business to be acquainted with so many contrary opinions. He desired him to recreate himself by hunting and hawking, and he would attend the Council, and report to his Majesty all their opinions and conclusions. This he did two or three times, but at length, he grew weary of no Man's advice but his own, and made the King believe, it was all their opinion, that it was his interest to follow a violent course. Melvil, p. 139.

1583. these Lords to retire, came to their own homes, and others into England, to wait for another opportunity to ruin their enemy (1).

Elizabeth's Letter to the King of Scotland. Melvil. p. 139, 140.
Elizabeth being informed of the King of Scotland's proceedings, and the danger of the Earl of Arran's entirely ruining the English party, writ to the King, representing the consequences, and mixed in her Letter some reproaches for breach of promise. She told him moreover, the intended to send Secretary *Walsingham* to talk with him from her. James returned a stout answer, and vindicated himself for not performing his promise, since it was extorted from him when a Captive. This excuse might have served, with respect to what he said to the States; but it was insufficient, since he repeated the same thing to the Nobility when at full liberty. However, he promised the Queen to proceed no farther till *Walsingham's* arrival. In the mean time, the Favorite made the Earl of *Gurly* undergo so many mortifications, that he forced him at length to quit the Court. *Walsingham* being arrived, imparted to the King, in two private Audiences, the Queen's advice concerning the management of his affairs. But as this advice tended to the Earl of Arran's ruin, the Ambassador brought back no very satisfactory answer (2).

The Duke of Anjou's escape out of the Low Countries in disguised Clothes. Strada. Strada.
The beginning of the year, the Duke of Anjou being too much confined by the terms laid upon him by the States, attempted to seize, on the same day, *Antwerp*, and seven or eight other Towns of the Netherlands. But missing his aim, he was forced to retire to *Dunkirk*, and from thence into France. Mean while, the affairs of the States were in a melancholy situation. The Prince of Parma made great progress this year, and very likely would succeed at length, in obliging all the United Provinces to return to the obedience of the King of Spain.

Affairs of France. Thuanus.
Henry III. behaved in France after to strange a manner, that he daily incurred the contempt of his subjects. In public he affected an over strained devotion, whilst in private he plunged himself into the most criminal pleasures. Philip II. taking advantage of Henry's indolence with regard to his most important affairs, strove by all sorts of ways to raise him troubles, which should hinder him from undertaking the defence of the Netherlands, who showed a strong Inclination to put themselves under the Dominion of France. He tried first to perwade the King of Navarre to take Arms, promising to aid and protect the Huguenots. This was failing, he applied to the Duke of Guise, who accepted the Succours offered by Philip, to revenge the mortifications he daily received from the King's minions (3).

1584. *Affairs of Scotland.* Melvil. p. 150.
Whether Queen Elizabeth's advice to the King of Scotland had a good effect upon him, or Melvil's Remonstrances, as he hints himself in his *Memoirs*, made some impression on his mind, he seemed resolved to put a stop to the prosecution of the Lords of *Rutbven*. To that purpose, he assembled the Nobility at *Edinburgh*, to end this affair with the advice of the great Men, as he had at first projected, by publishing an Act of Oblivion. But the Earl of Arran, a bold and daring Man, defeated this project in spite of the King himself. When the great Men were come to *Edinburgh*, he went and talked with every one apart, intimating, that the King's intention was only to get his Conduct approved, with regard to the Lords of *Rutbven*, after which he would pardon them, when they had acknowledged, they owed that favour to his Clemency. The great Men seeing the point was only to save the King's honour, and thinking the Fugitives would receive no prejudice, promised the Favorite to do as the King desired. So, when the King asked their advice in this affair, they answered, it was their opinion he acted with great Clemency, in opening the Fugitives a way to obtain their pardon. This done, the Earl of Arran told him, if, after this declaration, he published an act of Oblivion, without the Fugitives owning themselves guilty, he would dishonour the Nobility, by neglecting their advice, and extremely injure his own Dignity. Thus the Fugitives obtained no advantage, though the Assembly was convened purely for their sake.

Melvil. p. 154.
The Declaration of the Nobility drove the Lords of *Rutbven* to despair. They were required to ask pardon for a thing which the King had approved, as done for his service. Nay, they could not be sure of their pardon, since, as the King had once departed from his word, they could not trust him any more. The Earl of Arran having obtained his desire, grew more proud and insolent, and so persecuted all his enemies, that he forced them at

length to forth a new Conspiracy against him (4). Tho' the Earl of *Gurly* had saved his Life, and procured him the King's pardon, he never ceased to molest him, till he had forced him to ask leave to go out of the Kingdom. He was now at *Dundee*, in order to retire into England, when he heard that the Earls of *Mur*, *Angus*, and *Glamis*, who were fled into Ireland, had some enterprise in hand against the Favorite. This news made him fly in Scotland, and at last, he entered into the Conspiracy himself, without stirring however from *Dundee*. The Conspirators had so well laid their measures, that arriving unexpectedly in Scotland, they immediately took *Stirling*.

Mean while, the Court having before received some confused intelligence of this conspiracy, and knowing the Earl of *Gurly* was concerned, ordered him to be arrested, which was done accordingly, just as the Conspirators were come masters of *Stirling*. This arrest quite disheartened them. As he was a near relation of the King, they fancied, he had designedly suffered himself to be taken, and believing they were betrayed, abandoned their enterprise and fled out of the Kingdom. It cost the Earl his life, who being brought to *Edinburgh* was there beheaded (5). Thus the Earl of Arran still kept his post in spite of his enemies. He was extremely odious to the whole Kingdom, because he was a wicked, atheistical man, and of an insatiable avarice. There was also another thing which very much troubled the Scots. And that was, the Queen for some time had held private intelligence with the King's Mother, which bred a fear, that he would engage in designs destructive of the State and Religion. He had privately accepted of the affection she had offered him, and it was seen that none but the Queen's known friends had access to him. Nay, it was whispered, he intended to turn Catholic, and began to listen to the Proposals of the French Court, or rather of the Duke of Guise.

All these things were but too apt to give Elizabeth great uneasiness. She was afraid, the King of Scotland would be perwaded to take a French Wife, and such a marriage produce ill effects for England. To try therefore to prevent the mischief which might happen from that quarter, she sent *Davison* into Scotland, under colour of excusing Melvil, her protection of the Scotch fugitives, though the King had demanded them by virtue of the Treaty of Alliance concluded between the two Kingdoms. But *Davison's* chief business was to endeavour to win the Earl of Arran to the Queen's interest. This method was better and speedier than to support the Male contents of Scotland, who were always to be supplied with money, without being certain of the success of their undertakings. Besides, the Queen ran the hazard of entirely losing King James. That Prince had sense, but as he was young, inexperienced, and too much governed by his Favorites, it was to be feared he would be drawn into projects detrimental to both Kingdoms, for the sake of others. *Davison* succeeded entirely in his negotiation with respect to the Earl of Arran, and by means that are easy to be guessed, prevailed with him to be guided by the Queen. Before his return to England, it was agreed between the two Courts, that the Earl of *Hunsford* for England, and the Earl of Arran for Scotland, should meet upon the borders, and make a regulation proper to preserve a good understanding between the two Kingdoms. Under this pretence, these two Lords conferred together, and before they parted, made a private Treaty, whereby the Earl of Arran engaged to keep the King unmarried for three years. Elizabeth pretended, she designed to give him a Princess of the Blood-Royal of England, who was not yet marriageable. This was at least the pretence with which the Treaty was coloured.

Whilst these things were in agitation, the master of Elizabeth Gray a young Scotch Lord, insinuated himself so far into King James's favour, that the Earl of Arran growing jealous, found means to remove him, by causing him to be sent Ambassador to Elizabeth. Gray was no longer in England, but the Queen won him by her carresses and bounties. From that time this Ambassador began to be strongly attached to Queen Mary's interest, and by that means drew secrets from her, which Elizabeth knew how to improve. The Earl of Arran having some intelligence of this intrigue, informed the King of it, in order to ruin his Rival; but as in all likelihood, he could bring no proof of what he advanced, Gray being returned to Scotland, was very well received by the King, and spared no pains in his turn to ruin the Favorite.

Whilst these things passed in Scotland, Picts were form-

(1) Camden from this whole affair to the King's advantage, by selling over in silence all the particulars related by Melvil. *Rapin*.

(2) The Earl of Arran put all the affairs that could be intrusted upon him. See Melvil, p. 143.

(3) James of this year, died Thomas Russell Earl of Sussex, Lord Chamberlain; and was buried at Newbold, in Essex. — Also May 6, died Edmund Gerbold, Archbishop of Canterbury, and was succeeded by Dr. John Whitgift. Strada, p. 697. Gravel was the first who brought him to England. Camden, p. 490.

(4) He made all the Nobility — a great advantage to him, and every Man to depend upon him, daily intrusting and seeking out new Faults against several Persons, to get the good of her E. James, Lord, Berwick, &c. Melvil, p. 155.

(5) Because the Earl of Arran was much obliged to have his Lands, and therefore to effect his design, he engaged to divide them with several others, upon condition they would assist him in taking the Earl of Gurly. Melvil, p. 156.

1584. ing in England in favour of the captive Queen. But some intercepted Letters to Queen Mary from Francis Throckmorton (1) beginning to discover the conspiracy, Throckmorton was arrested. Immediately Thomas Lord Paget and Charles Arundel fled into France, and gave out that the Catholics were so cruelly persecuted in England, that it was not possible for them to stay there without danger of their lives: That the Court had Spies every where, not only to watch the Catholics, but also to lay snares for them: That forged Letters from the Queen of Scots were left in their Houses, to force them either to bring them to the Secretary of State, or render themselves guilty by concealing them. There is no doubt, the Queen had spies to watch the motions of the Catholics, having but too much reason to suspect their fidelity (2). Nay, it is very possible that among these spies there were some, who to improve their services, laid snares for the Catholics. Those who take upon them such an office, of what Religion soever they be, are not usually the most honest men. But the behaviour of the Catholics had made these precautions necessary, the knowledge of what passed among them being of the utmost consequence to the Queen. Several Books, as well printed as in Manuscript, were handed about, wherein the Queen was slandered to the highest degree. She was taxed with putting to death many Catholics without cause, having first racked them, to compel them to confess crimes of which they were innocent. Her Maids of Honour were exhorted to serve her in the same manner as Judith did Holofernes, and render themselves, by such an action worthy of the applause of the Church throughout all future ages (3). These Books, with what had been discovered after Throckmorton's arrest, made it thought some plot was ready to break out.

Shew.
Hollingsh.

The Queen
blames the
Judges Sa-
voury.
Camden.

They clear
themselves.
Hollingsh.
p. 1357.

The Spanish
Ambassador
is differed
to be in the
Plot.
Camden.
Hollingsh.
p. 1371. Act.

Mean while the Queen, willing to shew it was not for their Religion that some Catholics had been punished, sent for the Judges of the Realm, and sharply reproved them, for having been too severe in the tortures they had made these men suffer. Probably, this was done to afford them an opportunity to clear themselves from this charge, by an apology which was made publick. They affirmed, "That no person had been made to suffer for his Religion, but only for dangerous practices against the Queen and State; that indeed Campian the Jesuit had been put to the rack, but with so little violence, that he was presently able to walk and subscribe his confession: That Brian, one of his complices, obstinately refusing to speak or write the person's name who penned the Papers found about him, was indeed denied food, till he asked it in writing." However, the Queen, willing to take from her enemies all occasion of slandering her in foreign parts, forbid the putting of any person whatever to the rack, and was satisfied with transporting out of England seventy Priests who were in prison, and of whom some were under sentence of death. Among these were certain Jesuits (4), who afterwards proved very ungrateful for this favour. Perhaps indeed the act, upon this occasion, not so much from a motive of clemency, as to separate two things which were always endeavoured to be confounded, namely, Religion and the crimes against the State, under pretence that most of the Conspirators were Catholics.

Before Throckmorton was apprehended, he sent a cabinet full of Papers to Mendoza the Spanish Ambassador, of which the Court had notice (5). He denied all at his first examination: but at the second, confessed, "that going some few years since to the Spaw, he conferred several times with Jemy and Sir Francis Ingelfield, two English fugitives, how England might be invaded (6): That after his return, Morgan, another fugitive in France, told him, the Catholic Princes had formed a design to free the Queen of Scots, and to employ the Duke of Guise for that purpose: That nothing was wanting, but to know what succours might be depended upon from the English Catholics: That in order to take their measures the better, Charles Paget, under the counterfeit name of Mope, was sent into the County of Suffolk, where the Duke of Guise intended to land: That he (Throckmorton) imparted the project to the Spanish Ambassador, who had been already informed of it, and showed him the Ports where it would be most proper to land: That he moreover acquainted the same Ambassador, with the names of the great Men to whom he might freely open his mind, because, as he was a publick person, he would not be so narrowly watched.

"Finally, that he conferred with him how to raise Soldiers privately in England, to have them ready when the foreign Troops should arrive."

Upon these depositions, the Spanish Ambassador was desired to come to the Council, where he was told what Throckmorton had witnessed against him. As he did not think himself, doublets, innocent enough to clear himself from these accusations, he chose by way of recrimination to charge the Queen, with detaining the Spanish money she had seized, and with assisting the Duke of Anjou. Then, he spoke against the Ministers, saying, That by their ill counsels they incessantly laboured to sow discord between the Queen and the King of Spain. A few days after, the Queen commanded him to depart the Kingdom, which he readily obeyed, thinking himself very happy in coming off at so easy a rate. However, when he came into France, he loudly complained, as it in England the Law of Nations had been violated in his person. Mean while, the Queen dispatched Wade (7) to Spain, to inform the King of what had passed, and to tell him she was ready to receive another Ambassador from him. But Philip would not give Wade audience, who refused also in his turn to impart the contents of his Embassy to the French Minister.

When Throckmorton was brought upon his trial, he denied what he had confessed at his examination, affirming, he had invented it on purpose to avoid the rack. But after his condemnation, upon the evidence of his own letters to the Queen of Scots and the Papers found in his Chests, he owned all, and even made a more circumstantial declaration than at first. And yet when he came to the Gallows, he denied again whatever he had confessed.

Elizabeth, as she could not doubt, her enemies were perpetually contriving to deprive her of the Crown, and let it on the head of the Queen of Scots, lived in a constant uneasiness, and under the apprehension that some one of their plots would at last succeed. So, to discover more fully the designs of her enemies, she seemed willing to resume the negotiation begun with the Queen of Scots. To that end she sent Wade, at his return from Spain, to tell her, she was ready to renew the Treaty which had been interrupted, and would dispatch to her very soon Sir Walter Mildmay for that purpose. But wital, she let her know she insisted upon two conditions, namely, that she should prevail with the King her Son, to grant the Pardon promised to the Lords of Rathbun, and put a stop to the Plots of the Bishop of Glocester her Ambassador in France.

At this time happened the surprize of Sirling, the imprisonment of the Earl of Gurray, and the flight of the Conspirators into England. Whereupon Elizabeth sent Bal to desire the Queen of Scots, to intercede with the King her Son for the Fugitives, and inform her of the Duke of Guise's designs, as she had promised Wade. Mary answered, she had promised nothing, but on condition she should be released: That she would readily intercede for the Scotch Fugitives, provided any advantage would accrue from thence to herself or the King her Son, and in case they would confess their fault. She did not deny, she had desired the Duke of Guise to use his endeavours to free her; but said, she knew nothing of his designs, nor, if he did, would she discover them, unless she was assured of her deliverance. She besought Elizabeth to use her with more humanity, and desired the Treaty might be concluded with her, before the Scots were treated with. Lastly, she added, that as the King of France had owned and received her Ambassador jointly with her Son's, as Princes allied, Elizabeth would be pleased to cause this alliance to be published in Scotland.

Elizabeth took care not to serve her in what she desired, her aim being only to draw from her a solicitation in behalf of the Scotch Fugitives, and an information concerning the Duke of Guise's designs, upon the uncertain hope of an agreement which she flattered her with. But finding she could get nothing out of her, she relinquished the negotiation as needless. However, perceiving by Mary's answer, that the King of Scotland had accepted the Affection, she was afraid some dangerous Plot was contriving in Scotland. It was this chiefly that made her resolve to gain the Earl of Arran at any rate, wherein she succeeded as I said before.

Shortly after, Elizabeth also discovered that her enemies did not cease their secret practices. Creichton a Scotch Jesuit, going by sea into Scotland, and his Ship being at-

(1) Eldest Son of John Throckmorton, chief Justice of Gloster, who had lately been put out of the Commission. Camden, p. 497.

(2) These Persons were particularly suspected, Henry Percy Earl of Northumberland, and his Son; Philip Howard Earl of Arundel, and his Brother Wm. Howard, with the Earl of Arundel's Wife; and Henry Howard, their Uncle, the Duke of Norfolk's Brother. Camden, p. 497.

(3) The Author of these Books was never discovered, but the suspicion lay upon Gregory Martin an Oxford Man, very learned in the Greek and Latin Tongues. Center a Bookseller was executed, who presumed them to be printed. Camden, p. 497. Strype, p. 498.

(4) Gelfer Haywood, James Beveler, John Barr, and Edward Rishon, were the chief. Camden, p. 497.

(5) The rest of Throckmorton's Letters being searched, three were found in them two Catalogues; one, of the Ports in England, that were convenient to land French ships; and the other of the Gentlemen all over England, that professed the Romish Religion. Camden, p. 498.

(6) And to that end, he had drawn their two Catalogues. Ibid.

(7) He was Clerk of the Council. Camden calls him Wadour, or Wade, but others Sir William Wade, which last was his true name.

tacked

1584. tacked by Pirates, tore some papers he had about him, and threw them into the sea. But by a very extraordinary accident, the wind hindered the torn papers from falling into the water, and blew them back into the Ship, where somebody took the pains to gather them up. These papers being delivered to *Wade*, he passed them together upon another paper with great labour and patience, and by that means a Plot was discovered, framed by the Pope, the King of Spain, and the Duke of *Guise*, to invade England. Whereupon, by the Earl of *Leicester's* means, a general association of Men of all degrees and conditions was formed in England, who bound themselves by oath to prosecute to the death those that should attempt any thing against the Queen.

A general
Association
in favour
of the Queen.
Camden.

Mary sent
Proposals to
Elizabeth.
Camden.

The Queen of Scots easily perceived that the plots of her friends were discovered, since the association was a clear evidence that *Elizabeth* thought herself in danger. As she was afraid she could not avoid the efforts of this Association, in case it came to be known that she was concerned in these Plots, she used fresh endeavours to free herself from captivity. To that purpose the first *Nave* her Secretary to *Elizabeth* with these proposals:

That if she might be released, she offered to enter into a cloister amity with the Queen of England: To renounce the title of *Queen of England*, and never lay claim to the Crown of that Kingdom so long as *Elizabeth* was alive: To sign the Association: To make a league defensive with England, (so far as might stand with the Alliance between France and Scotland) provided that nothing was done in England to her disadvantage, before she herself or the King her Son was heard in the Parliament: To stay in England till hostages were given: To make no change in the Religion established in Scotland, provided she might have the free exercise of her own: To bury in oblivion all injuries done to her in Scotland, on condition that whatever had been enacted to her disgrace should be repealed: To recommend to her Son such Counsellors as were inclined to preserve a good understanding with England: To procure a pardon for the Fugitives, provided they would own themselves guilty: To treat of no match for the King her Son without *Elizabeth's* knowledge. She required on her part, that the Treaty should be made with her and the King her Son jointly, and promised to have it ratified by the Duke of *Guise*. Moreover, she desired matters might be speedily concluded, for fear some accident should obstruct the Treaty. Lastly, she prayed *Elizabeth* to give her some token of her Esteem, by granting her a little more liberty.

Remarks
upon
this Subject.

Had *Mary* made these offers at any other time, perhaps *Elizabeth* would have regarded them. But in the present juncture, they only served to increase her suspicions, since it was evident they were an effect of the fear infill'd into the Prisoner, by the association and the discovery of the plots. *Camden* pretends, contrary to all appearance, that *Elizabeth* being satisfied with these Proposals, was going to set *Mary* at liberty, had the not been hindered by the clamours of the Scots. Hence he takes occasion to make a long invective against the Presbyterians and their Preachers, and to accuse them of insolence, contempt of the King's person, and rebellion against the Laws. Here also he speaks of the suppression of *Buchanan's* writings, which was foreign to the purpose. In a word, he would have Presbytery to be considered as the sole cause of the obstacles to *Mary's* deliverance, in spite of *Elizabeth's* good intentions towards her. This is no wonder, for it was the modish stile in England in the reign of *James I.* to whom court was made by inveighing against the Puritans. I own however, it is not wholly improbable, that on this occasion, *Elizabeth* even set the Scots upon forming the obstacles mentioned here by *Camden*. But it is very unlikely, that at a time when the law her enemies in league against her, to place *Mary*, though a prisoner, on the Throne of England, she should really intend to release her, and so enable her the better to execute her designs. To take *Elizabeth's* dissimulation for her real intention, was an artifice of *Camden*, thereby to insinuate, she thought *Mary* innocent of the plots which were continually framing. But he contradicts himself, by saying a little after, that *Mary* losing all hopes of agreement, hearkened at length to dangerous Councils, and writ to the Pope, and the King of Spain, soliciting them to hasten what they had in hand with all speed, lest what would happen to her. It is therefore evident, there was now some project on foot, which she knew, and had hearkened to dangerous Councils before the time mentioned by *Camden*. But *Elizabeth*, better informed than *Mary* imagined, knowing what measures

Mary is per-
sued Drury's
Cediff.
Camden.
p. 501.

were taken to carry her away, took her out of the hands of the Earl of *Shrewsbury*, and committed her to the custody of Sir *Drury Drury*, a watchful Man, if ever there was one (1). *Camden* says, the Earl of *Leicester* desiring at once to free *Elizabeth* from the uneasiness, the Queen of Scots created her, bribed certain murderers to assassinate the prisoner; but as none durst give him an order for that purpose to approach her, *Drury's* watchfulness hindered them from getting access to her. If this denotes the Earl of *Leicester's* villany, and perhaps, in *Camden's* intention, that of *Elizabeth* herself, it shows too how dangerous a person the Queen of Scots was deemed, since it was thought, *Elizabeth's* life could not be safe, but by her death. It is not likely therefore, that *Elizabeth* should then think of releasing her. The same Author says, that to alienate Queen *Elizabeth's* affection entirely from the Queen of Scots, it was whispered in her ears, that a resolution was taken to deprive her of the Crown, and set it on *Mary's* head: That a Council had been held, wherein Cardinal *Allen* for the English Ecclesiastics, *Inghfield* for the Laity, and the Bishop of *Ros* for the Queen of Scots, all three empowered by the Pope, and the King of Spain, had agreed, that *Elizabeth* should be assassinated, King *James* deposed, and *Mary* given in marriage to some English Catholic Nobleman: That this Nobleman should be elected King of England, and the Crown settled upon his Heirs. He adds, *Walsingham* diligently inquired who this English Nobleman might be, and that the suspicion fell upon *Henry Howard* the late Duke of *Norfolk's* Brother (2).

Effect of
the Lower
Courtiers
George
Morton
D. Martineau.

During this year, the affairs of the United Provinces daily grew worse, the Prince of Parma from time to time conquering Towns upon them. At last, to reduce them, as it were, to the last extremity, God permitted the Prince of Orange to be assassinated by one *Balthazar Gerrard*, a Burgundian. Philip his eldest Son being then in the hands of the King of Spain, and educated in the Catholic Religion, the States conferred the Government of Holland and Zealand upon his second Son *Alphonse*, about eighteen years old. Mean while, the Prince of Parma improving the conformation of the States, had Siege to Antwerp. In this distress, the States, finding it was not possible to support themselves with their own Forces, debated, whether they should put themselves under the protection of France or England, and at length resolved for France. But *Henry III.* was then involved in troubles, which suffered him not to accept their offer. So, finding no encouragement from that quarter, they were forced to apply to the Queen of England. We shall see next year the success of this Negotiation.

The troubles with which France had been so long disturbed, and which seemed to be a little appeased, were renewed by the death of the Duke of *Anjou* in June. As the King had no Children, and was thought incapable of having any, the Duke of *Guise* projected to seize the Throne, as descended from *Charles the Great*. This at least is what several have accused him of, not without great probability. But as *Henry of Bourbon* King of *Navarre*, was become first Prince of the Blood, since the death of the Duke of *Anjou*, a pretence was to be found to exclude him from the Throne, otherwise it would not be possible for the Duke of *Guise* to execute his project. It was not difficult to find a pretence, since the King of *Navarre* professed the Reformed Religion. So the Duke of *Guise* hiding his ambition under the veil of Religion, pretended to have no other view but to maintain the Catholic Religion, which would be in great danger, if a *Huguenot* ascended the Throne. The King, who knew his design, did his utmost to persuade the King of *Navarre* to change his Religion, and the Duke perceiving endeavours were used to break his measures, renewed the League kept at Paris, and then in the Provinces. By this means he could have an Army ready on the first occasion. The people were so blind and stupid, as to imagine, he only aimed at the preservation of the Catholic Religion. Mean while, the Duke having notice, that the King would cause him to be arrested, withdrew to his Government of *Champagne*, where on the last day of December, he signed a private League with the King of Spain, who, on pretence of Religion, fought only to foment the troubles in France. But as the Duke would not have it appear, that he aspired to the Crown, the Treaty ran, that the Cardinal of *Bourbon* should be raised to the Throne, after the death of *Henry III.* and to that end, the King of Spain should find fifty thousand Crowns a month. Thus, by means of the Duke of *Guise*, Philip II. kindled in France a flame which long consumed that King-

(1) Sir *Amos Pender* was also joined in the Commission with him, to take care of *Mary*. She was then in *Torbury Castle*. Camden, p. 501.

(2) This year, in April, *Walter Raleigh* Esq. went to discover the Country adjoining to *Florida* in the West-Indies, and returned in August, bringing two of the Natives along with him. *Hutcheson*, p. 156.—Within the compass of this year also, *Charles Nevill*, the last Earl of *Westmoreland* of this House, ended his life in a miserable Exile. From this Family sprung (besides Sir *Erskine of Whithorn*) two Earls of *Salisbury* and *Warwick*, an Earl of *Essex*, a Marquis *Montrose*, a Duke of *Borlase*, a Baron *Peters of Olfrey*, *Barnes Latimer*, *Barnes Abercromby*, one Queen, five Bishops, one Archbishop, one Cardinal, one Archbishop of *Turkey*, and a great number of inferior Gentlemen. Camden, p. 501.

1584. dom, and hindered the French from thinking of the acquisition of the Netherlands (1).

In the beginning of the year 1585, Elizabeth discovered a Conspiracy, of which William Parry was the Author. He was a Gentleman of Wales, Member of the House of Commons, and had signalized his zeal for the Catholic Religion in opposing alone a Bill preferred in the lower House against the Jesuits. He spoke upon that occasion with so much passion and vehemence, that he was committed to custody (2), but [his submission being made] he was in a few days readmitted into the House. Hardly was he at liberty, when Edmund Nevil, who claimed the Inheritance of the Earl of Westmerland lately deceased in the Low-Countries (3), accused him of conspiring against the Queen; whereupon he was sent to the Tower. He owned, "he had a design to kill the Queen, and was persuaded to it by Morgan an English Catholic Refugee in France; that he held Intelligence with Jesuits, the Pope's Nuncios and Cardinals (4); that the better to deceive the Queen, and procure free access to her person, he returned from France into England, and discovered the whole Conspiracy to her; that afterwards, repenting of his wicked intention, he laid away his dagger every time he waited on her, lest he should be tempted to commit the murder; but at length, Cardinal Allen's Book, wherein he maintained it to be not only lawful, but honorable to kill Princes excommunicated, falling into his hands, he read it, and felt himself strongly encouraged to pursue his first design; that Nevil his accuser coming to dine with him, proposed to attempt something for the deliverance of the Queen of Scots, to which he answered, he had a greater design in his thoughts; that a few days after, Nevil coming to see him, they resolved to kill the Queen, as he rode abroad to take the air, and swore upon the Bible to keep the secret; but that in the mean while, Nevil hearing the news of the Earl of Westmerland's death, accused him, in hopes of procuring the Earl's Inheritance, to which he laid claim." Upon this confession, he was condemned and executed.

This Conspiracy occasioned the Parliament to take extraordinary care of the Queen's and the Kingdom's welfare. The General Association was admitted, approved, and confirmed by unanimous consent (5). It was also enacted, that twenty-four [or more] Commissioners chosen and appointed by the House should make inquisition, concerning those who should endeavour to raise a Rebellion in the Kingdom, or attempt the Queen's life, or claim any Right to the Crown of England. That the person for whom, or by whom any attempt should be made, should be utterly incapable of succeeding to the Crown, deprived for ever of all Right and Title to it, and prosecuted to death, if declared guilty by the four and twenty Commissioners.

It was impossible not to see, that the Queen of Scots was directly aimed at, for whose sake all these plots were contriving. Wherefore, very probably, from this time her death began to be determined; the two Queens being no longer able to subsist together. The Council of England at least was of this opinion. Mary doubted not that the Law was enacted against her. Perhaps she would have prevented the fatal effects of it, could she have resolved to renounce all correspondence in the Kingdom, and in foreign Countries. But she had not the prudence to take this wise course, or perhaps, to avoid the snares laid for her, nor was quick-sighted enough to perceive, the only served for a blind to her pretended friends, to execute other projects.

The Parliament was not contented with this severe Statute for the Queen's preservation. It was farther enacted, That all Popish Priests should depart the Realm within forty days: That those who should afterwards return, should be guilty of High-Treason; That to receive or harbour them should be Felony." It was declared also, "That those who were educated in foreign Seminaries, if they returned not into England within six months [after notice,] and made not their submission on [within two days after their return] before a Bishop, or two Justices of Peace, should be guilty of High-Treason. That if any Person submitting himself, should within ten years approach the Court, or come

"within ten miles thereof, his submission should be void, "That those who should directly or indirectly, convey any money to students, or others in such Seminaries, should incur the penalty of a *Præmunire*, loss of Goods, and perpetual exile. That if any of the Peers of the Realm should offend against this Act, they should be brought to their trial by their Peers. That if any person should know any Popish Priest or Jesuit, lurking in the Kingdom, and should not discover him within four days, he should be fined and imprisoned at the Queen's pleasure. That if any Man should be suspected to be a Priest or Jesuit, and refuse to submit himself to examination, he should be imprisoned till he did submit. That they who should lend their Children to Popish Colleges or Seminaries, should be fined in one hundred Pounds Sterling. That if those who were sent thither, did not return within a year, they should be incapable to succeed as Heirs to any estate. That if the Wardens of the Ports should suffer any besides Merchants to cross the Seas, without the Queen's license, signed by six Privy-Councillors, they should be turned out of their places. That the Masters of Ships who received any Passengers without such license, should forfeit their Ships and Goods, suffer a year's imprisonment, and be incapable of exercising Navigation for the future."

This is the severest Act against the Catholics in the Reign of Queen Elizabeth. But they could blame only themselves, or rather the indolent zeal of some amongst them, who never ceased plotting against the Queen, and endeavoring to set the Queen of Scots on the throne of England. Even this Statute was not capable of stopping them, till at last they carried their zeal to such a height, that the destruction of one of the Queens became necessary for the preservation of the other (6).

Philip Earl of Arundel, eldest Son of the Duke of Northumberland, had, through the Queen's grace and favor, been reformed in blood (7) and to his Father's estate three years before. But afterwards he embraced the Catholic Religion, and being twice cited before the Council to answer to certain accusations entered against him, was confined to his own House. Six months after he was released, and came to the House of Lords, but withdrew the very first day, not to be obliged to be present at the Sermon. As he was extremely addicted to his Religion, he refused to leave the Kingdom to enjoy the free exercise of it, and before his departure writ a Letter to the Queen, which was not to be delivered till after he was gone. The Letter was full of complaints, that his innocence was oppressed. He said, "that to avoid the misfortune befallen his Grandfather, and Father, and to serve God with freedom, according to his conscience, he had resolved to quit the Kingdom, but not his Allegiance to his Sovereign." But being betrayed by his own Servants, he was apprehended, as he was going to embark, and sent to the Tower.

Henry Percy Earl of Northumberland, brother to him that was beheaded, was in the same Tower, having been charged with being concerned in *Throckmorton's* Conspiracy, and with holding correspondence with the Lord Paget and the Duke of Guise. June 21st this year he was found dead in his bed, shot with three bullets under his left pap. As he was alone in his room, which was bolted on the inside, it was easy to see he had killed himself.

The calm Elizabeth had enjoyed for some years, began to be turned into Storms which threatened her from all quarters. This change must be ascribed to three principal causes. The first was the Duke of Guise's power, which was almost equal to that of the French King himself. Philip II.'s flourishing condition may be reckoned a second, who, after acquiring the Kingdom of Portugal, was upon the point of reducing to his obedience the revolted Provinces of the Netherlands. The third was the hopes Queen Elizabeth's Enemies flattered themselves with, of gaining the King of Scotland, and making use of him to invade England. I mention not the Court of Rome, or the English Catholics, who always continued in the same disposition, for there was nothing new in that respect. The Queen of Scots was ever the stumbling-block. It was the that gave birth to all the contrivances. Her deliverance from captivity was desired, in order to set on her head the

(1) Henry, King of France, having the last year been chosen into the Order of the Garter, Queen Elizabeth sent this year, in January, Henry Earl of Dorset to France, to invest the King with the Robes and Badges of the Order. Camden, p. 321. Stow, p. 700.

(2) He said, that the Bill favored of Treason, was full of blood, danger, despair, and terror to the English Subjects of this Realm, and full of calumnies, &c. D'nevi, p. 340.

(3) Rapin, by mistake, calls him Henry. He claimed the inheritance of the Nevils Earls of Westmerland, and the Title of Lord Latimer as next Heir Male. Camden, p. 501.

(4) During his stay abroad, he held a correspondence with the Lord Eschby, pretending to be mighty anxious for Queen Elizabeth. See next Art. Tom. 3. p. 79, &c. 158.

(5) This was done in the 4th Session of the Parliament, which met by proclamation November 25, 1584, and was prorogued again March 29, 1585. In this Session the Lords and Commons granted the Queen two Pensions and a Subsidy, and the Clergy a Subsidy of six Shillings in the Pound, to be paid in three years. See Stowe.

(6) Besides the two Acts already mentioned, it was also enacted in this Session, That no Person shall be returned to serve upon Juries, but what has an Estate of Freehold Lands, Tenements, or Hereditaments, to the clear value of four Pounds at the least.

(7) As his Brother Thomas was in the Parliament now then sitting, he was created Duke of Northumberland, &c. p. 341, 342.

1585. Crown of England and Scotland, and restore by her means the Catholic Religion in both Kingdoms. Such was the scheme of Elizabeth's enemies. She could not be ignorant of it, since they had pursued it from the beginning of her Reign; as, on her part, she had made it her whole business to break their measures. But some advantages, she had hitherto enjoyed, began to fail her. These were first, the jealousy between the Crowns of France and Spain which had refrained both from attacking her openly. Secondly, the French Huguenots had been sufficiently strong to support themselves, and disable the Court from attempting any thing against England. Thirdly, whilst the affairs of the Confederates in the Netherlands were prosperous, they had employed the Spanish Forces, that it was not possible for Philip II. to think seriously of foreign affairs. But at the time I am speaking of, the scene was entirely altered. France was in such a way, as Elizabeth could no longer build her safety upon the jealousy between the French and Spanish Crowns, that foundation being grown too weak. The Duke of Guise, her mortal enemy, was more powerful in France than the King himself, and besides, was supported by the King of Spain. Very probably the Huguenots would be entirely oppressed, and the Low-Countries soon brought under the Spanish yoke, after which, there was no doubt, England would be invaded. Elizabeth therefore was to think besides of preventing the impending danger, or resolve to sustain alone the efforts of her enemies. Prudence required, that she should in the first place try to avoid the assaults which were preparing against her, without neglecting however the means of withstanding them, if she should be forced to it. The scheme she laid was this, as will plainly appear in the sequel. First, she resolved to make Alliances, if possible, with the two Northern Crowns and the German Protestants, though it were only to raise the jealousy of her enemies. Secondly, to send a strong aid to the Confederates of the Low-Countries, to keep the King of Spain employed there. Thirdly, to assist the French Huguenots, to prevent their being too easily oppressed, knowing the Duke of Guise would be unable to attempt any thing against her, so long as the civil Wars held him employed in France. Lastly, she thought there was no better way to break her enemies measures, than to endeavour, if possible, to have the King of Scotland in her power, or, if that failed, to raise troubles in Scotland, which should hinder that young Prince from framing projects detrimental to England. It is also very likely, that at this time the death of the Queen of Scots was determined, since her Life was the foundation of all the Plots against Elizabeth both at home and abroad. At least, if this resolution was not absolutely taken, very probably, Elizabeth and her Council were determined not to spare Mary, when the necessity of affairs required her to be sacrificed to the public safety. I own this is only a conjecture, but it is built upon the situation of Elizabeth's affairs at that time.

She sends an Ambassador into Germany. Camden. To execute the first part of her scheme, she sent Sir Thomas Bodley into Germany and Denmark, to endeavour to persuade the Protestant Princes to make a League defensive with England (1). He had orders, among other things, to acquaint the King of Denmark, that the Duke of Lorraine, when he courted Elizabeth, pretended a right to the Crown of Denmark, as Grandson to Christiern II. by his Daughter. I do not know the success of Bodley's negotiations; but as Elizabeth was extremely frugal of her money, it is likely, she used not the properest means to gain the German Princes to her interest. I shall speak presently of the second and third Articles of Elizabeth's scheme, relating to France and the Netherlands. As to the fourth concerning Scotland, we find it explained in Melvil's Memoirs, if we may however give entire credit to this Author, who seems extremely prejudiced against Elizabeth.

She tries to break off the Project of the King of Scotland's Marriage. Melvil. P. 158, 161. The King of Scotland being determined to marry, cast his eyes on the King of Denmark's eldest Daughter, who, having some notice of it, resolved to send an Embassy into Scotland, under colour of proposing an Alliance between the two Kingdoms, and wish to give King James an opportunity to propose his Marriage. Melvil pretends, Elizabeth having intelligence of the project, resolved to use her endeavours to render it abortive (2). Not that this Marriage was unsuitable for the King of Scotland, but it was

require for Elizabeth that he should not marry, unless he would take an English Wife of her chusing, or rather, she wished to have him in her power before he was married. She writ to him therefore, that, to preserve with him always a good understanding, she intended to send an Ambassador, who should reside at his Court, not to trouble his Majesty with business, but entertain him with merry discourse, and bear him company in his recreations: That she had chosen for that purpose Edward Wotton, a man of wit and a great Traveller, imagining he would be very proper to divert him agreeably, and hoped he would take great delight in his conversation. Melvil, who was ordered to receive this Ambassador, remembered to have seen him formerly at Paris, at his Uncle Dr. Wotton's, the English Ambassador, and that, young as he was, he had insinuated that able Minister, the old Constable Montmorency (3). He warned the King of it, who regarded it not. On the contrary, he made this Ambassador partner of all his pleasures, and one of his greatest Favorites.

The Danish Ambassadors being arrived in Scotland, Wotton and some of the King's Ministers for ordered it, that they received so many mortifications, that they were going to return in very great discontent (4). But Melvil, informing them of the state of Affairs, persuaded them to have patience, and indeed, the King being undeceived of some notions insinuated into him against the King of Denmark, sent them back better satisfied. Shortly after he dispatched Peter Young (5) his Almoner to the same Prince, to thank him for his Embassy, and to acquaint him that he would very soon send Ambassadors to him. The real motive of Young's voyage was to see the King of Denmark's two Daughters, and inform the King his master of their qualifications.

In the mean while, the Earl of Arran's credit sensibly decreased, by the address of the master of Gray his Rival, who knew better how to manage the King. Moreover, Wotton helped with all his power to ruin the Favorite; for, besides that Elizabeth had no farther need of him since she had won Gray, he was a man on whom she could not much rely. An accident also on the borders did the Earl of Arran great injury. Thomas Carr the Laird of Fernhurst, who had married his Niece, holding a conference with Sir Francis Ruffel (6), the Earl of Bedford's Son, upon affairs relating to both Kingdoms, an Englishman being taken pilfering, raised a quarrel between the two Guards (7), wherein Ruffel was slain. The English Ambassador made great noise about this affair, pretending the Earl of Arran had stirred up this quarrel by his Nephew, to breed a rupture between the two Kingdoms. Upon his complaints, the Earl of Arran was confined to his own house, and Fernhurst sent to prison, where he died quickly after.

Elizabeth having notice of this fact, demanded a solemn reparation. James did not refuse it: but pretended he could do nothing before he had proofs. This was not easy, by reason of the custom mentioned elsewhere, which allowed not the evidence of the English against the Scots, or of the Scots against the English, concerning what passed on the borders. This difficulty causing the affair to be prolonged, and the Earl of Arran having his liberty, Elizabeth took occasion to permit the Scotch fugitives, who had fled into England, to return home. Wotton being informed of the Queen's design, laboured to corrupt several Scotch Courtiers (8), and gain them to Elizabeth's interest. If Melvil is to be credited, the King's greatest confidants were of this number. Wherefore Wotton, finding himself so well supported, formed the project to surpise the King in Sterling Park and carry him into England. But being disappointed, he resolved to force the Guard of the Castle, and had now prepared every thing necessary to execute his design, when the King having some intelligence of it, broke his measures, by a sudden departure from Sterling. Then Wotton perceiving he was discovered, privately retired without taking leave. This was the Man sent by Elizabeth to King James, to entertain and divert him.

But all the danger was not over. James was surrounded with persons who corresponded with the fugitives, and hindered him from providing for his safety. The fugitive Lords were now entered Scotland, where they had drawn together three thousand Men, and were marching directly to Sterling, where the King was returned, without any

(1) He was sent to the King of Denmark, the Elector-Palatine, the Duke of Saxony, Wirtemberg, Brunswick, and Lüneburg, the Marquis of Brandenburg, and the Landgrave of Hesse. Camden, p. 504.

(2) The Earl of Arran had promised her, that he would not let the King marry within the space of three years. Melvil, p. 166.

(3) See towards the end of Queen Mary's Reign, where mention is made of this issue, p. 46.

(4) They were several times upon the point of returning to their Country. Wotton was so successful, that he frequently visited them, seemed easy they were to be won, offered to lend them Money, &c. See Melvil, p. 162, 163.

(5) Repre calls him Patrick. See Melvil, p. 167.

(6) And Sir John Forster, Wardens of the middle Marches. Camden, p. 505. The Earl of Bedford, Sir Francis's Father, died the next day. Stow, p. 709.

(7) The Scots were about three thousand in number, and the English not above three hundred. Camden, p. 505.

(8) Namely, the Earl of Burwick, the Lord Home, Maxwell lately created Earl of Moray, Patrick Gray, Gleneden, Justice-Clerk, and Maitland, Lord Secretary. Ibid.

1585.

They found
the King's
Pajers.and are
refused.Treaty about
the King's
Marriage.
Melvill.
p. 174.Camden.
Hillingb.
p. 1412, 1413.
Stowe.
p. 757, &c.The Queen's
Treaty with
the States.
Ald. Pub.
XV. p. 789.
&c.
Camden.
Stowe.
p. 755.The Earl of
Leicester is
made General
of the Eng-
lish. Ald. Pub.
XV. p. 789.
The Queen's
Manifesto.
Stowe.
Camden.
Hillingb.
Till. p. 824.Sir John
is first sent
America
against the
Spaniards.
Camden.
Hillingb.
p. 1401.

precaution taken at Court to stop their proceedings. This negligence, caused by the Traitors about the King's person, afforded the Male-contents an opportunity to come to the Gates of *Straling*, where the King was so surprised, that he was forced to put himself into their hands: but the Earl of *Arden* had time to escape. The Male-contents having the King in their power, treated him with such respect and submission, that they persuaded him at length they were not his enemies, as he had been made to believe. He owned, he had been misled by *Arran's* pernicious Counsels, and confessed that the exiles should be restored to their Estates. By this revolution, *Elizabeth* had the satisfaction to see the King of *Scotland* guided by Counsellors from whom she had nothing to fear, whereas before, she was under continual apprehensions with respect to the affairs of that Kingdom. Shortly after, Colonel *Stewart* going to *Copenhagen*, began there a Treaty about the King's Marriage with one of the Princesses of *Denmark*.

In the mean time, the affairs of the United Provinces were in so dangerous a situation, that the States could no longer hope to withstand the King of *Spain*, unless they were strongly assisted. *Henry III.* having refused the Sovereignty offered him by the States, they applied to *Elizabeth*, who also refused it, for fear of engaging in a very troublesome affair. She perceived, the War, she should be obliged to wage with *Spain*, for the preservation of this Sovereignty, would draw her into extraordinary charges, which she should not be at liberty to lessen as she pleased. She chose rather, in pursuance of her Scheme, to give the States a powerful aid, and the King of *Spain* a diversion, because this aid might be increased or lessened, according to the situation of her affairs. She made therefore a Treaty with them, promising to find them five thousand Foot (1), and a thousand Horse, under the Command of an English General. It was agreed, she should pay these Troops during the war, on condition of being repaid at the end of the war, namely, in the first year of the peace, the expenses advanced in the first year of the war, and the rest in four years: That for security of payment, *Fishing* and *Rammekins* in *Zealand*, and the *Briel* in *Holland*, should be delivered into her hands: That the Governors, she should place there (2), should exercise no Authority over the Inhabitants: That the money being repaid, these places should be restored, not to the King of *Spain*, but to the States: That the English General, and two others, whom she should name, should have a place in the Council of State, and no Peace or Truce be made, without a mutual consent: That if the Queen should send a Fleet to Sea, the States should be obliged to join it with an equal number of Ships, under the Command of the English Admiral: Lastly, That the Ports should be open and free to both Nations (3).

This Treaty being concluded, the Queen appointed for General of her auxiliary Forces, the Earl of *Leicester*, for whom she had ever a great affection; but he came not into *Flanders* till about the end of the year. Some time after, she published a Manifesto, wherein she alledges as a reason for her aiding the confederate Provinces, that the Alliance between the Kings of *England*, and the Princes of the *Netherlands*, was not so much between their persons, as between their respective States. Whence she inferred, that, without breach of this Alliance, she might assist the Inhabitants of the *Low-Countries*, oppressed by the *Spaniards*.

Mean while, as she judged this reason would not be satisfactory to the King of *Spain*, and that he would, doubtless, consider this extraordinary aid given his rebellious Subjects, as a declaration of war, she resolved to prevent him. To that purpose, she equipped a Fleet of one and twenty sail, whereon were embarked, two thousand three hundred Soldiers, besides Mariners, to carry war into *America*, where the *Spaniards* little expected any such thing. The Fleet was commanded by the Earl of *Carleton*, who had under him the famous Sir *Francis Drake* (4). The English immediately took *St. Jago*, one of the Isles of *Cape Verde*. After that, they failed to *St. Domingo*, or *Hispaniola*, and became masters of the Capital. Having spent there all *January*, of the year 1586, they went and took *Carthagena*. Then they burnt the Towns of *St. Antonio*, and *St. Helena* in *Florida*. A violent

Storm dispersing the Fleet, as they were going upon new Expeditions, they joined not again till they came into *England* (5), where they brought a booty valued at sixty thousand pounds Sterling; but in this Expedition seven hundred Men perished.

At the same time, *John Davis*, an Englishman, went (6) *Davis's* in search of a shorter passage, through the North of *America*, to the *East-Indies*. The Ice preventing his passing, he long roved on the northern Seas, and accidentally discovered a Strait, under the polar Circle, which still bears his name, but was not what he sought (7).

Before I leave the year 1585, it will be necessary to relate what passed in *France*. After the Duke of *Guise* had concluded his Treaty with the King of *Spain*, he tried all ways to corrupt the French, and gain them to his party. His aim was to seize the Crown, either before or after *Henry III's* death. He could not expect, that the King, who hated him mortally, would countenance his design; and on the other hand, he had no manner of colour to aspire to the Crown, except his pretended descent from the House of *Lorraine*, head of that House, would have been before him. To assert therefore his extraordinary Title, the people's affection, and a religious zeal, were to supply all defects, otherwise there was not the least appearance, that, in cold blood, the French should set on the Throne, after the King's death, a foreign Prince, in prejudice of the King of *Navarre*, who was descended from *St. Louis*. To accomplish his project, the Duke of *Guise* began, by means of his Emuliers, to disparage the King, as a favourer of *Heretics*, and to rouse the zeal of the Catholics against the *Huguenots*, and particularly against the King of *Navarre*, and the Prince of *Condé*, who professed the Reformed Religion, after a public abjuration. Mean while, as the Duke of *Guise* did not think proper to discover his designs, he published a Manifesto in the Cardinal de *Bourbon's* name, wherein he pretended to demonstrate, that the Crown belonged to the Cardinal after the King's death. Not that he desired to place him on the Throne; but it was sufficient, first, to set aside the King of *Navarre*. That done, under colour of hindering the Throne from being filled with a *Heretic*, he possessed himself of several places, pretending however, it was for the King's service, and the good of the Realm.

The life led by the King for some time, caused him to forfeit the esteem of most of his Subjects. The Duke of *Guise's* intrigues, who represented him as a favourer of *Heretics*, because he supported the House of *Bourbon's* title, helped also to alienate the people from him. In short, the Court of *Rome*, the Clergy, the *Friars*, were for the Duke of *Guise*, and served him to the utmost of their power. So, the King, being unable to resist, was forced to forsake the King of *Navarre*, publish an Edict against the *Huguenots*, and join with the Duke in their usurpation. Nay, he had the vexation to be obliged to give him the Command of the Army.

The King of *Navarre*, and the *Huguenots*, finding themselves thus attacked, assembled all their Forces in their absence. But these Forces were so inconsiderable, in comparison of their Enemies, that there was no likelihood of withstanding them long. The Prince of *Condé*, attempting to relieve the Castle of *Angers*, which was besieged, was suddenly surrounded by enemies, and forced to flee away from his army, and fly into *England*. *Elizabeth* received him very civilly, and as she knew the enemies of the *Huguenots* were also hers, promised to assist him (8). It was not without reason that she concerned herself with the affairs of the *Huguenots*, since the League was not limited to their destruction, but aimed at the ruin of the Protestant Religion throughout *Europe*, and especially in *England*. Of this had been seen a very sensible proof this same year. *Gregory XIII.* dying in *April*, *Sirius*, his Successor, thundered immediately the Censures of the Church against the King of *Navarre*, and the Prince of *Condé*, calling them not only *Heretics* and *Relapaces*, but also a bastard Progeny. Hence it was easy to see, how much the Pope countenanced the Duke of *Guise's* designs, and the Queen of *England* might infer, how great reason she had to fear, if this Duke should one

(1) Of which Sir *Joh. Norri* was appointed General. *Spad.* p. 816.

(2) Sir *Philip Sidney* was appointed Governor of *Fishing*, and Sir *Thomas Cecil* of the *Briel*. *Rymes's* *Ford.* Tom. XV. p. 801, 802.

(3) The King of *Sweden*, when he heard of this Treaty, said, *Queen Elizabeth* has now taken the *Diamond* from her head, and advanced it upon the *Amulet* of *Geneva*. *Ware.* Camden, p. 508.

(4) Sir *Francis Drake* was Admiral of the Fleet, and *Christopher Carleton* General of the Land Forces. Camden, p. 709.

(5) Keeping on their Course along a desolate Coast, they lighted upon some Englishmen, who had planted themselves in *Virginia*, formed in favour of the *Princess* *Queen Elizabeth* and when Sir *Palmer Raleigh* had, in *April* this year, carried over thither for a Colony. See *H. Hist.* p. 1401. — *Ralph Lane*, one of them, came home with *Drake*, and was the first that brought Tobacco into *England*. Camden, p. 509. Tobacco was so named from the Island *Tabago*, one of the *Caribbee* Islands, where it plentifully grows.

(6) He sailed with two Ships, set forth at the Church of *William Sanderson*, a Goldsmith, and other *Lenders*. Camden, p. 810.

(7) This year also, *Liverie* was granted to several Merchants of *London* to trade to *Batavia*. Camden, p. 810. — In *January* this year, *Sir Edward Fynes* Lord *Glover*, Earl of *Lincoln*, and Lord High Admiral, was buried at *Windsor*. He was succeeded by *Charles* Lord *Almon* at *Windsor*. Camden, p. 750, 759.

(8) He came before, in 1580, to solicit for *Security*, but could not obtain any. See *Spad.* *Ann.* Tom. II. p. 619.

1585. day become King of France, being supported by the Pope, and the Spaniard. Upon this account it was, he supplied the Prince of Condé with fifty thousand Crowns, to assist him in maintaining the war, and lent him ten Ships, with which he raised the blockade of Rochelle.

1586. The Earl of Leicester being arrived in Holland the beginning of the year 1586, was received as a Guardian Angel (1). The States, under colour of expressing their gratitude to Elizabeth, declared him (2) Governor, and Captain-General of Holland, Zealand, and the United Provinces, and invested him with almost an absolute power (3). Very probably, their aim was to engage the Queen farther than he intended. She had refused the offered Sovereignty, and it was designed to give it her in some measure, whether she would or no, by investing her General with almost a Sovereign Authority. But Elizabeth was too wise to be ensnared by this artifice. She sharply complained to the States of this sort of deceit, and gave withal the Earl of Leicester a severe reprimand, for accepting the honour, without having first consulted her. She told him, he had acted directly contrary to her intention, since he had publicly declared in her Manifesto, that she was very ready to relieve her distressed neighbours, but never meant to assume any power over them (4). The States excused themselves, by saying, the necessity of their affairs had obliged them to confer such an Authority on the Earl of Leicester, that he might be the better able to heal their divisions, which put them in continual danger of perishing: That they could not revoke the Authority granted to her General, without great inconveniences, and had not however diverted themselves of the supreme power. The Earl of Leicester appealed the Queen by his submissions. In fine, she consented the Patent should submit; but intimated the States, they vainly hoped to induce her to accept of the Sovereignty of their Country, and that her intention was to keep within the bounds she had prescribed to herself, that is, not to be obliged to assist them any farther than her affairs would permit.

The Earl of Leicester, a Man of great pride and ambition, was no sooner clothed with this exorbitant power, than he began secretly to form projects, destructive of the Liberties of the Country he was come to defend. At least, this is what all the Dutch Historians tax him with. They pretend, his design was to render himself Sovereign or perpetual Dictator of the Provinces, with whose Government he had been entrusted. He made use of such means, as bred an universal discontent against him. In short, after a Campaign, wherein he performed no great exploits, he returned to England, to take proper measures to facilitate the execution of his projects, and probably, to persuade the Queen to support him (5).

Whilst France and the Netherlands were in commotion, Elizabeth wisely provided for her own and her People's Security. This she did not only by assisting the Huguenots and the confederate Provinces, but also by preventing the dangers which might come from Scotland, in case the King of Spain and Duke of Guise should be ever able to invade her (6). The present juncture was very favorable. The King of Scotland had about him only men well-affected to the Reformed Religion, and the interest of England. This opportunity therefore was not to be neglected, of strictly uniting the two Kingdoms; this union being of the utmost consequence to Elizabeth. Accordingly she dispatched Randolph to King James, to represent to him, that the enemies of the Protestant Religion openly joining together for its destruction, it was the interest of the Protestant States to unite also for their common defence. That England and Scotland were the bulwarks of the true Religion, and the union of their Forces the only possible means to preserve it. That therefore, she thought it their common interest to join in a league for the defence of their Religion, against all who should attempt to destroy it, at least in England and Scotland. The better to persuade the King to do what the Queen desired, Randolph told him, that as his Revenues were extremely diminished, by reason of the Troubles which had so long afflicted his Kingdom, the Queen was willing to grant him a Pension

to assist him in supporting his Dignity (7). James readily consented to what was proposed to him, but on condition, nothing should be done in England in prejudice to his right to the Crown of that Kingdom, and this article, with that of the Pension, he inserted in the Treaty. Randolph answered, he did not believe that would be possible. As to the Pension, he said, if it was put into the Treaty, the Queen would seem to be tributary to Scotland, to which she would never agree. As to the article of the Succession, the Queen could not settle it by a publick Treaty, without the concurrence of the Parliament, and the discussion of such an affair might retard the Treaty too long, and perhaps give birth to great difficulties, because of the Queen his Mother's Religion: but he did not question, Elizabeth would be very willing to satisfy him in those two points, by means of two secret articles. James being contented with this expedient, Defurcal the French Ambassador did all that lay in his power to dissuade him from this League. He told him, that Elizabeth's aim was only to secure herself from the attacks of those who were combined for the deliverance of Queen Mary. That it was a strange thing he should think of uniting with a Queen, who kept his Mother in prison, against those who were labouring to free her from captivity. He added, the King his Master could not but consider this league as an express breach of the ancient Alliance between France and Scotland. James answered, that the Queen his Mother's misfortunes proceeded wholly from her own Friends, who, under colour of serving her, only aimed at executing their own Projects. That, as to the alliance between France and Scotland, he did not see wherein he should violate it, since France pretended not to break it, when, without signifying it to him, she made a league defensive with England.

James having relied upon what the Queen desired, the Plenipotentiaries of the two Kingdoms met at Bercot, and signed a Treaty of Alliance and stricter Amity between the two Crowns (8).

The motive of the Treaty was, that whereas the Princes, who called themselves Catholics, were entered into leagues for extirpating the Protestant Religion, not only in their own Dominions, but also in foreign Countries, it was necessary, the Protestants should unite for its defence. That therefore the Queen of England and King of Scotland did agree upon the following articles.

I. By this Treaty, they should be obliged to defend the Evangelical Religion against all those who shall attack it in either Kingdom.

II. This league shall be offensive and defensive against those who shall hinder the free exercise of the said Religion in either of the two Kingdoms, all other Treaties and Alliances to the contrary notwithstanding.

III. If one of the two Parties be invaded, the other shall not directly or indirectly assist the invader, notwithstanding any Alliance or Treaty formerly entered into.

IV. If England be invaded in any parts remote from Scotland, the King of Scotland shall find the Queen of England two thousand Horse and five thousand Foot, at the Queen's charges, from the day of their entering England; and in the like case, the Queen shall find the King of Scotland six thousand Foot, and three thousand Horse.

V. If England be invaded in any place within sixty miles of Scotland, the King of Scotland shall draw together all his forces, and join the same with the Queen's, in order to pursue the invaders for the space of thirty days together, or if necessity require, for so long time as the Vassals of Scotland are bound to furnish the King with Troops for the defence of the Kingdom.

VI. If Ireland be invaded, the King of Scotland shall hinder the inhabitants of the County of Argyle from entering in a hostile manner into that Kingdom.

VII. The King and Queen shall mutually deliver all Rebels, who shall have attempted any thing against either of the two Kingdoms, or at least, they shall compel them to retire from their Dominions.

VIII. Within six months, Commissioners shall be sent to compound and adjust all differences, which have happened on the borders between the two Nations.

(1) He set out from England, December 3, with fifty Sail, and a splendid Retinue, being accompanied by the Earls of Essex, Oxford, and Northumberland; the Lords Audley, Walsingham, Arundell, Burroughs, and Norris; Sir William Russell, Sir Thomas Shering, Sir Arthur Wallis, Sir George Clifford, Sir Philip, Robert, and Henry Sidney, Sir William Palgrave, and other Knights, with a select Troop of five hundred Gentlemen. Camden, p. 510. Struv, p. 710, 711.

(2) On February 6. See Struv, p. 712.

(3) He was attended with a noble Guard, and saluted by all Men with the Title of Your Excellency, upon which he began to take upon him as if he were a perfect King. Camden, p. 511.

(4) She also added these words, "We little thought, that one whom we had raised out of the dust, and promoted with such singular favour above all others, would with so great contempt have despised and broken our Commands, in a matter of so great consequence." Camden, p. 511.

(5) In an engagement near Alphen, the learned and ingenious Sir Philip Sidney received a wound in the Thigh, of which he died, October 17, and was buried in St. Paul's Cathedral. Camden, p. 512. Struv, p. 717, 719.

(6) The Jesuits began about this time, to forge a new and pretended Title to the Succession of the Kingdom of England for the Spaniards; and to that end, sent into England one of their Society, to draw Noblemen and Gentlemen to the Spaniard's Party. Camden, p. 513.

(7) The intended Pension was to be 5000*l*. Sterling a year. Struv's Ann. Tom. III. p. 302.

(8) This League was signed July 5. The English Plenipotentiaries were, Edward, Earl of Rutland, William, Lord Evers, Vice-President of the Council of the North, and Thomas Randolph, Esq. And the Scottish were, Francis, Earl of Balmain, Robert, Lord of Blyth, and Sir James Hume. Struv's Ann. Tom. XV. p. 303.

1586. IX. Neither of the two Princes shall make any Treaty, to the prejudice of the Articles of this present League, without the consent of the other.

X. This Treaty shall be ratified on both sides by Letters-Patents.

XI. This present Treaty shall in no way derogate from former Treaties between the two Kingdoms, or from those before made by the two Crowns with any Princes or States, what relates to Religion excepted. As to the Article concerning Religion, it is agreed, this Alliance and League offensive and defensive shall remain firm and inviolate.

XII. The Treaties shall be confirmed by the States of Scotland, as soon as the King shall attain to the age of twenty-five years; and in like manner, the Queen shall cause it to be approved by the Parliaments of England and Ireland.

Remains to
Camden's
Annals.

Shortly after the conclusion of this League, a conspiracy was discovered in England, which cost the Queen of Scots her life. As this is one of the most important events of Queen Elizabeth's Reign, it will be necessary to relate all the particulars. But it is a sad thing, these particulars must be taken from the Annals of Elizabeth, written by Camden, a very suspicious Author with respect to the Queen of Scots. In all the former Reigns, there is no remarkable event but what is traced, and in some measure cleared in the Collection of the Publick Acts. But as to this, all the Acts relating to Queen Mary are utterly destroyed (1). On the other hand, James I. Son of Mary, succeeding Elizabeth, there was not an Englishman who dared to write in his Reign the truth of what passed in the former, whilst the memory of it was yet fresh. Camden was the only person that undertook to publish the Annals of Queen Elizabeth's Reign, not so much to make known, as to disguise, the events, as far as they concerned Queen Mary, and to give an air of innocence to whatever sullied her reputation when alive. This evidently appears in his account of King Henry Stewart's murder, which has given occasion to presume, he has been no faithful in what he says of Mary's trial and death. He affirms however, he has followed the Memoirs of Edward Barker (2) principal Register to the Queen, of Thomas Wheeler Publick-Notary, Cryer of the Court of Canterbury, and other persons of credit whom he does not name. I don't know whether the Memoirs he speaks of were ever published, or are still extant. Be this as it will, from Camden's Annals the following account is taken, for want of a more impartial Historian.

Conspiracy
against the
Queen.
Camden.
Hollingsh.

[William] Gifford Doctor of Divinity in the Seminary at Rheims, Gilbert Gifford (3) and Hodgkins, English Priests, had infiltrated into one John Savage their Countryman, that it would be a meritorious act to kill Elizabeth, and had caused him to vow it during the Easter-Holidays this year 1586 (4). At the same time, Ballard an English Priest of that Seminary, who had been in England, notwithstanding the prohibition, returned into France, where he had several conferences with Mendoza and the Lord Paget, how to invade England (5). As the chief end of the conspiracy was to restore the Catholic Religion in England, the point was not only to make away Elizabeth, but forces also were to be ready to deliver Mary, and set her on the Throne of England. These two projects could not be separated. Ballard was accompanied by one Maud, whom he thought a friend, but who was however Secretary Walsingham's Spy.

Camden.
Hollingsh.

About his funeral, Ballard was sent back into England by the Conspirators, to gain proper persons to facilitate the execution of the project. They told him, he would meet at London with a young Gentleman called Anthony Babington (6), whom he might trust. This Babington, who was a zealous Catholic, having been lately in France, was gained there by the Bishop of Glouc, Mary's Ambassador, and by Morgan an English fugitive. He was so

prepossessed in favour of the Queen of Scots, that he was thought qualified for any enterprise, and for that reason had been recommended to Mary without his knowledge. So, upon his return to England, the writ to him, and from that time he was employed to convey to her the letters which came from France, till she was committed to the custody of Sir Amias Pauslet, and Sir Esau Drury. Then Babington, fearing the watchfulness of these new Keepers, would have nothing more to do with the Letters, either to or from her.

Ballard, when he came to England, saw Babington, and imparted to him the design to invade England, free the Queen of Scots, and set her on the Throne. Babington answered, he very much doubted the possibility of executing this project so long as Elizabeth lived. Whereupon Ballard acquainted him also with Savage's vow, to which Babington replied, it was too hazardous to commit the execution of such a design to a single person; that there should be six at least, and Savage, not to break his vow, might be one of the number (7). Then they conferred together how a foreign Army might be brought into the Kingdom, otherwise they judged, the death of Elizabeth would signify nothing.

A few days after, Babington received, by an unknown hand, a Letter (in cypher) from the Queen of Scots, blaming him for his silence, and desiring him to send her the Packet of Letters come from Morgan, and delivered by the French Ambassador's Secretary. Babington returned an answer, and after excusing his silence by reason of his fear of Pauslet's and Drury's great watchfulness, imparted to her the plot he had laid with Ballard. In a second Letter from Mary, of the 27th of July, the highly commended his zeal for the Catholic Religion, but advises him to attempt nothing till he was free of foreign assistance. Besides this, she prescribed several things for executing the project, as to send privately for the Earl of Wylmerland, and the Lord Paget (8). She chalked out the way for her deliverance (9), and charged him to promise in her name, a good reward to the six persons.

Mary's
Letter to
Babington.
Camden.

Mean while, Babington had gained some other persons (10), among whom was Pelly, Walsingham's Spy, who by his means was daily informed of what passed among the Conspirators. He learnt from him, that the six who had engaged to assassinate the Queen, were, Savage, Tilney, Charnock, Abington, Tickbourn, and Barnard, and that they were all six drawn in one Picture, with Babington in the middle, and a certain Motto obscurely signifying their design (11). Nay, he found means to show this Picture to the Queen, who knew only Barnard (12). She retained however the idea of their faces so well, that walking abroad a little after, and seeing Barnard, she looked steadfastly on him, and then turning to the Captain of the Guard, said, *Am not I fairly guarded, that have not a Man in my Company that wears a Sword?*

From where
he took
the Queen.
Camden.

Babington was so impatient to see the foreign Succours ready to depart for England, that he gave Ballard money, who had undertaken to go into France and hasten them. But as it was not easy to procure Pass-ports, Babington found means to be introduced to Secretary Walsingham (13), who, knowing what he was, received him very civilly, and expressed a great value for him. Encouraged by this kind reception, he desired a Pass-port for himself, and another for Ballard, under a counterfeit name, and affirmed, that by means of his friends at Paris, he should discover many secrets concerning the Queen of Scots. Walsingham commended his zeal, and promised him a good reward, if he did the Queen any considerable service. He put him likewise in hopes of the Pass-port he desired.

Pelly was not the only person from whom Walsingham learnt the secrets of the Conspiracy. Gilbert Gifford, who had been employed to corrupt Savage, being sent into England, to confirm the villain in his resolution, served at the same time to convey Letters to the Queen of Scots, and send back her answers. To make trial of his Fidelity,

Gifford dis-
covers all to
Walsingham.
Camden.

(1) Mr. Rapin, in his account of Rymon's Fals. supposes, that King James I. ordered the Archives to be cleared of every Act relating to the Queen his Mother, on purpose to deprive Posterity as far as possible of the knowledge of her affairs. *Atte Reg. Vol. IV. p. 2.*

(2) Rapin, by mistake, calls him Stephen Barker.

(3) Rapin has mistaken the Christian Names, which are rectified from Camden and Hollingsh.

(4) At the same time they wrote a sort of Pastoral Letter to the English Roman Catholics, not to disturb the Government, or attempt any thing against their Queen; but to have recourse to Tears, Fasting, Watchings and Fittings, the only justifiable weapons of Christians against Persecution. They also got a Report spread, that George Gifford, one of the Queen's Godchildren Pensioners, had sworn her Majesty's death, and had received a sum of Money from the Duke of Guise for this purpose. All this was done to amuse the Queen and Council. Camden, p. 515.—Thuesen says, that the day passed upon for the Queen's Assassination, was August 24. l. 86.

(5) This was judged to be a very proper time, whilst the best English Troops were employed in the Netherlands, and the Spaniard, the Duke of Guise, and the Prince of Parma, ready to invade England. Camden, p. 515.

(6) Of Dutch in Driffield. *Ibid.*

(7) Rapin says, Babington offered to be one of the six; which is a mistake, for Babington tells Queen Mary in his Letter to her, that whilst these six Persons were to commit the tragical execution (as he called it) he himself, with an hundred more, was at the same time to set her at liberty. *Ibid.*

(8) And to gain privately the Earls of Northumberland and Arundel, and the latter's Brothers to her Party. Also, that the Assassination amongst them should be entered into, upon promise that they stood in fear of the Puritans. There were likewise Commotions to be raised in Ireland. *Ibid.*

(9) Either by overrunning a Cart in the Gate, setting the Stables on fire, or carrying her away, as the rid abroad for diversion in the Fields, betwixt Chertsey and Stifford. Camden, p. 516.

(10) Edward Windsor, Thomas Salisbury of Dorsetshire, Charles Tilney, one of the Gentlemen Pensioners, Chidie Tickbourn, Edward Abington, Robert Gage of Surrey, John Travers, and John Charnock of Lancashire, John Jones, Barnard an Irishman, and Henry Don. *Ibid.*

(11) The Motto was, *Quem fecit alio persequatur?*

(12) Camden says, he had often come to her about the Earl of Ailders's business. Camden, p. 516.

(13) By Pelly. Camden.

1586. *amined, and Sentence or Judgment thereupon given, according to the tenour and effect of the said Act. To you, and the greater part of you, we do give full and absolute Power, Faculty, and Authority, according to the tenour of the said Act, to examine all and singular matters compassed and imagined, tending to the hurt of our Royal Person, as well by the aforesaid Mary, as by any other Person or Persons whatsoever, with the privacy of the same Mary, and all circumstances of the same and all other Offences aforesaid, in the Act aforesaid, as aforesaid, mentioned, and all circumstances of the same, and of every of them; and thereupon, according to the tenour of the Act aforesaid, to give Sentence or Judgment, as upon good proof of the matter shall appear to you. And therefore we do command you, that you at certain Days and Places, which you, or the greater part of you, shall thereunto fore-appoint, diligently proceed upon the Premises in form aforesaid, &c. (1).*

Remark on the Judges.

It must be observed, that among the Commissioners were the Lord Treasurer Burleigh, and Secretary Walsingham, both Elizabeth's most trusty Ministers, known Enemies of the Queen of Scots, and probably, authors and promoters of the resolution to bring her to a trial. As it was hard to believe, that Elizabeth had taken such a resolution without imparting it to her Ministers and Council, and without her Council's approbation, it should seem the ought not to have appointed her Ministers and Privy-Councillors for Mary's Judges. But on the other hand, as she was willing to be sure of the success of the trial, she had a mind doubtless, that Persons of so great weight as Ministers and Privy-Councillors, should be ready to turn the scale, in case of opposition from the other Judges.

The Commission is made to Mary.

Thirty-six of the Commissioners meeting the 11th (2) of October at Fotheringhay-Castle in the County of Northampton, where the Queen of Scots was then in custody, sent her Queen Elizabeth's Letter (3), which when she had read, she answered, "she was sorry the Queen her Sister was misinformed of her. That she had ever thought, the Affliction, and the subsequent Act of Parliament, aimed wholly at her, and that she should bear the blame of whatever was contrived in foreign Countries. That it was very strange, the Queen of England should consider her as a subject, and command her to submit to a trial. That she was a sovereign Queen, and would do nothing prejudicial to Royal Majesty, to herself, or the King her Son. That besides, the Laws and Statutes of England were unknown to her, and who were her Peers she could not tell. That she was destitute of Counsellors, and all her Papers were taken from her. That she had stirred up no Man against Elizabeth, nor committed any crime. That she was not to be charged but upon her own words or writings, and she was sure nothing criminal could be produced against her, except the recommending her cause to foreign Princes, which she did not pretend to deny."

She refuses to answer.

On the morrow, the Commissioners sent her (4) a copy of her answer, and after it was read to her, she said, "it was rightly taken, but she had forgot one very material thing, namely, that it was said in Elizabeth's Letters (5), she was subject to the Laws of England, because she had long lived under their Protection, but all the world knew, she came into England to crave the assistance of the Queen her Sister, and had been ever since detained in prison; and therefore had not enjoyed the protection of the Laws, nay, had not been able to understand what manner of Laws they were."

Hutton perceives that she would not be in a place. Camden.

"To be short, she disputed two whole days the authority of the Judges, and would not own, that in any case Elizabeth had other jurisdiction over her, than what was usurped by force. Nay, she persisted in it, after she was threatened to be sentenced for non-appearance, as an absent person. But at last, Hutton, one of the Commissioners, made a speech to her which shook her resolution. He told her, "that indeed she was accused, but not condemned: "That if she were innocent, the injured her reputation extremely in avoiding a Trial: That the Queen would

"be very glad nothing could be proved against her, as he as heard her say himself when he took his leave of her (6)."

Had Mary been provided with Council, she would doubtless have been told that Hutton's speech tended only to inflame her, and engage her to answer that she might be condemned by a peremptory Sentence. If she had persisted in her refusal, Elizabeth would have been perhaps greatly embarrassed. Though she was resolved to put her to death, she wished however that the publick was convinced of the justice of the thing, in order to avoid part of the blame of so rigorous a proceeding. But a sentence given upon non-appearance would not have produced this effect, since it could not be denied, that the refusing to plead was founded upon very good reasons. Mary stood out however till the 14th of October, when sending for some of the Commissioners, she told them, Hutton's arguments had convinced her of the necessity to make her innocence appear. Adding, she consented therefore to answer before them, provided her protection were admitted; to which the Commissioners agreed, without approving however the reasons on which it was grounded.

Presently after, the Judges met in the Hall of the Castle, to the number of Thirty-six, and the Queen came to the same place (?). When they were seated, the Chancellor turning to Mary, said, "She was accused of conspiring the destruction of the Queen, the realm of England, and the Protestant Religion, and they were commissioned to examine the truth of the Accusation, and to hear her answer." The Chancellor having done speaking, the Queen rose up and said, "That she came into England to crave the aid which had been promised her: "That she was a Queen, and no subject of Elizabeth, and if she appeared before them, it was only to secure her honour and reputation." The Chancellor would not own that any aid had been promised her. As to the Protection, he answered, "it was in vain, since the Law upon which the accusation was grounded, allowed of no distinction in the persons of the transgressors, and therefore it was not to be admitted." The Court ordered however that the Protection should be recorded, with the Chancellor's answer.

This done, the Attorney-General read to her aloud [the Commission with] the Act of Parliament (8), and after an account of *Babington's* plot, concluded, that Mary had broken the Act, because she knew of the conspiracy, and even showed the ways and means to effect it. She answered, "she knew not *Babington*, or ever received any Letters from him, or wrote any to him. She never plotted the Queen's destruction, and to prove any such things, Letters under her own hand ought to be produced, which was impossible. She knew not *Babington*, nor ever heard of him, and in a word, being a Prisoner, she could not hinder the Plots of others." Whereupon the Copies of *Babington's* Letters to her were read, containing all the circumstances of the conspiracy (9). It should seem, since her Papers were seized, *Babington's* original Letters might have been produced. But as probably she had burnt them, only the Copies could be used, which *Walsingham* took when he had the Originals in his hands. To this Mary answered, "Babington might possibly write these Letters, and therefore the point was not to know whether he writ them or not, but whether she received them." To prove this, there was read *Babington's* confession, before his execution, wherein he said, he had sent several Letters to the Queen of Scots, and received several from her. After that, were read the copies of certain Letters in cypher from Mary to *Babington*, which he had received, where mention was made of the Earls of *Arundel* and *Northumberland*. Then the Queen with tears in her eyes, said aloud, *Alas! what has the noble House of the Howards endured for my sake!* She added, that *Babington* might write what he pleased: That as for her own Letters in cypher, which were produced, she knew nothing of them, and it was very easy for her enemies to get her cyphers, and write forged Letters in

1586.

Continued from Mary's Trial. Camden.

(1) Very great care was taken in drawing up this Commission, as the Reader may see in *Sirype's Ann.* Tom. 3. p. 362, &c.

(2) *Rapin*, by mistake, says the 9th. See *Camden*.

(3) *Rapin* says, by mistake, the Commission was sent to her. The Letters were sent next day to Mary, by Sir Walter Biddney, Fowler, and Edward Barker Pooley's Nephew, who were deputed by the Commissioners. *Camden*, p. 350.

(4) By Sir Thomas Pooley, and Barker. *Ibid.*

(5) To this the Queen replied, That she refused not to answer in full Parliament, provided the might be declared the next in Succession 3 years, before the Queen and her Council, as is her Protection was admitted, and she was acknowledged the next of kin to the Queen; but to the judgment of her secretaries she would never submit. *Camden*, p. 351.

(6) At the upper end of the room was placed a Chair of State for the Queen of England, under a Canopy of State. Over against it, below, at some distance, near the beam that ran across the room, stood a Chair for the Queen of Scots. By the Walls on both sides were placed Benches, on which sat the Commissioners. *Camden*, p. 352.—*Thuanus* observes, that some of these Commissioners were Papists, — *Inter quos fuerunt nonnulli Majorum religionis addictissimi*—*Ibid.*

(7) He read the Commission to her in which the Act was specified. Whereupon she boldly and resolutely offered her Protection against the said Act, as made directly & purposely against her. But upon the Lord Treasurer's saying, every Person in the Kingdom was bound by the Laws, though never so lately made; and that the Commissioners were resolved to proceed according to that Law, what Protestations *Leves* he interposed, she answered at length, *That she was ready to hear and answer touching any false allegations committed against the House of England*. *Camden*, p. 352.

(8) What the said to be, was, That there had passed Letters betwixt her and many Men, yet it could not thence be inferred, that she was privy to all their wicked designs. *Ibid.*

1386.

"her name: That in short, the Letters were not her hand-writing; and besides, it was not likely, that to execute the design he was charged with, he should employ the Earl of *Arundel*, who was Prisoner in the *Tower*, or the Earl of *Northumberland*, who was very young, and to her entirely unknown."

There were also read *Savage's* and *Ballard's* Confessions, which ran, That *Babington* communicated to them several Letters, which he had received from the Queen of *Scots*. 'Tis thus answered, with a protestation, that *Babington* never received any from her.

Before I proceed, I shall here make two or three short remarks. First, it is surprising that *Babington*, *Savage*, and *Ballard* should be executed before the Queen of *Scots* Trial, since their testimony was used against her. In the next place, hitherto the whole evidence consisted only in *Babington's* Confession, that he had received Letters from the Queen of *Scots*: but as she was dead, it could not be proved that these were the same Letters that were read, which too were only copies of Letters decyphered. My third remark is, that though *Mary* protested, she never received any Letters from *Babington*, nor writ any to him, *Gauden* must have been satisfied of the contrary, since in his account of the Conspiracy, he speaks of a correspondence by Letters between *Mary* and *Babington* as a thing certain. This is farther confirmed by a little Book, entitled, *The History of the Martyrdom of the Queen of Scots*, printed at *Paris* in 1589, where the Author, though a great friend of *Queen Mary*, does not deny that she held a correspondence with *Babington* (1).

After this were produced several Letters in cypher from the Queen of *Scots*, wherein the approved of the Conspiracy. These were probably the Letters, *Walsingham* intercepted by *Gifford's* means, or those he artfully drew out of the hands of the *French* Ambassador. The Queen answered, she writ not those Letters, and probably they were forged by her alphabet of cyphers in *France*, and accused *Walsingham* of doing it, who so cleared himself, as she seemed satisfied with his answer (2). But to prove that she writ them, the Confessions of *Nane* and *Curle*, her Secretaries were produced, who owned they writ them by her order.

This is all that passed in the first Session, the 14th of *October*. In the afternoon were read the copies of the Letters received by *Mary*, concerning the Conference at *Paris* between *Ballard*, *Paget*, and *Mendoza*, for invading *England*, and it was proved by the testimony of *Curle* her Secretary, that she had received them. She answered, This did not prove her intention to kill the Queen. It is proper to observe here, she was accused of three things; of conspiring the Queen's death; of procuring *England* to be invaded; and of contriving the destruction of the Protestant Religion. She considered the first, as the principal, to which she was very ready to answer, well knowing she could not, without great injustice, be condemned for the other two. In answer to the proof taken from the testimony of her Secretaries, she said, "She believed *Curle* the *Scot* to be an honest Man (3), but had not the same opinion of *Nane* the *Frenchman*, who might possibly be corrupted: besides, he abused *Curle's* easiness in such a manner, that he made him write what he pleased. "In a word, her Secretaries might infer in her Letters things which she never dictated; and therefore, she ought to be convicted only by her own hand-writing, and not by that of her Secretaries, who would assuredly clear her if they were present."

It cannot be denied that this proceeding was very irregular; first, because three men had been put to death, on whose evidence it was pretended to convict the Queen: Secondly, as her Secretaries, who were alive, were never brought face to face, tho' their testimony was used. This was the more strange, as by an Act of Parliament passed in the 17th year of this very Reign, it was expressly ordained, that the witnesses should be confronted with the parties accused.

Upon this account, doubtless, it was, that the Lord Treasurer *Barleib*, perceiving the embarrassment occasioned by the Queen's answer, grounded on the Laws of

England, thought proper to proceed to other matters. He charged her therefore with having intentions to send the King her Son into *Spain*, and resign to *Philip II.* her Right to the Kingdom of *England*. It is easy to perceive, the first of these accusations was very foreign to the purpose, since the affairs of *Scotland* were not in dispute. Accordingly she made no answer to it. As to the second, she only said, "That by her birth she was presumptive Heir to *Queen Elizabeth*, and it was lawful to convey her Right to whom she pleased; but that all this amounted not to any proof of her having conspired to the project of killing the Queen."

It being objected to her, that she had sent her alphabet of cyphers to some *Roman* Catholics, as *Curle* had testified, she denied it not, and briefly answered, "It was not unlawful to hold correspondence, and negotiate her concerns with Men of her Religion." But these objections served only to divert them from the main point, since none of these things were contained in the accusation. At last, she was again urged with the testimonies of her Secretaries, to which she made the same answer as before, protesting she knew neither *Babington* nor *Ballard*. *Ballard*, said the Lord Treasurer, you know *Morgan* very well; who sent *Parry* over to kill the Queen, and have offered him a pension. To this she answered, "She was ignorant of what *Morgan* had done, but knew that he had lost all for her sake, and she might as well give him a pension, as *Elizabeth* give one to *Patrick Gray*, and the King himself."

Then they proceeded to the other two Articles of the Impeachment, concerning the Invasion of the Kingdom, and the destruction of the Protestant Religion; and to prove that *Mary* was concerned in these plots, the Letters were read which she writ to *Mendoza*, *Inglesfield*, and the Lord *Paget*. She answered, "That these things did not prove, she had any hand in the Conspiracy against the Queen's life: 'Tis that she had nothing to say to the rest, and had often declared to the Queen herself, she would try all things to procure her own liberty." In this manner passed the second Session.

The next day, the Court being met, *Mary* repeated her Protestation against the authority of her Judges, and required it to be recorded, and a copy delivered to her. She complained, "That all her offers for an accommodation were rejected (4), and herself most unworthily dealt with, whilst all her Letters were publicly read, in which were many things no way relating to the Impeachment." To this the Lord Treasurer replied, "That he was going to answer her in a double capacity, as Commissioner, and as Privy-Counsellor. As Commissioner, he told her, her Protestation was recorded, and a copy thereof should be delivered her. As to their authority, it was grounded on the power conferred on them by Letters Patents under the Queen's own hand, and the Great Seal. That for the perusing her Letters, which she complained of, it was necessary to read them whole and entire, because they contained things, which by their circumstances were so interwoven, that there was no separating them." Here she interrupted him, and said, "Though the circumstances were proved, it would signify nothing, if the principal fact was not: That her Integrity depended not upon the credit of her Secretaries, since they might very possibly be corrupted: That these Letters having no superscription, might be directed to others, and many things inserted without her knowledge; but if she had her papers, she could the more easily vindicate herself." The Lord Treasurer answered, "Nothing should be objected but what passed since the 19th of *June* last, concerning which her memory could furnish her, with what she thought requisite for her defence: That her papers would be of no service to her, since *Babington*, and her Secretaries, without putting to the rack, had owned these Letters came from her: That it was left to the Commissioners to judge, whether more credit were to be given to her bare negation, than to their affirmation." He added, as a Privy-Counsellor, "that it was true, she had made several essays to procure her liberty, and if they proved fruitless, it was owing to herself and the *Scots*: That

John's Col.
T. II. p. 581.
235.

Remark on
the Pre-
ceding.

(1) *Thomas* also affirms, that *Babington* and *Ballard* confessed, and their intercepted Letters confirmed the same, that *Mary* was informed of the Conspiracy, and the design of detaching *Queen Elizabeth* was undertaken for her sake, and upon her account. — *Qui* scilicet interrogati, ac post custodiam inter in commissi, sicut ex epistolis interceptis patet, inveniunt, in convenientiam, ut *Mariam* scilicet non ignorem, atque ejus crucis computationem solentem ad Elizabetham remedium intendam dicere, l. 46. And the Continuator of *Hillinghead's* says, that the Confederates owned, the *Scots* Queen to be the principal conspirator, director, and mover of their Treason, p. 1128.

(2) Upon her charging *Walsingham* with forging the Letters, he rose up, and protesting that his Heart was free from all malice, said, I call God to witness, that, as a private Person, I have done nothing whereby an honest Man; neither in my public Condition and Quality have I done any thing unworthy of my Place. I testify that, out of my great care for the safety of the Queen and Realm, I have diligently endeavored to search and sift out all Plots and Treasons against the same. If *Walsingham* had offered me his assistance, I should not have refused it, yet, I should have required him for his pains and service. If I could suspect any thing with him, why did he not discover it to save his life? With this answer (the Lord) she was satisfied; and granted him rest to be angry that she had spoken so freely what he had heard reported, and that he would give no more credit to those that slandered her, than she did to such as accused him. *Seymour*, (the Lord) were Men of little credit, and desired he would not in the least believe, that ever she had consented to *Queen Elizabeth's* destruction. *Contin.* p. 524.

(3) But no competent witness. *Id.*

(4) Even though this promised to deliver her Son, and the Duke of *Gulst's* Sons in hostage. *Contin.* p. 524.

1586. "the Lords of Scotland had refused to give the King in "hollage, and when the last Treaty was holden concern- "ing her release, *Morgan* her Vassal, sent *Parry* into "England to kill the Queen." *Mary* easily perceived the "venom of these words, whereby, under colour of justifying "the Council, the Lord Treasurer would have insinuated to "the other Commissioners, that she was concerned in *Parry* "s plot. Wherefore, upon hearing him say this, *Ah!* " (said she) *you are my adversary.* *Yes,* (said he) *I am* "adversary to all *Queen Elizabeth's* enemies.

Now were read again her Letters to *Charles* *Page*, wherein he told him, there was no other way for the King of Spain to reduce the rebellious *Netherlanders*, but by setting a Catholic on the Throne of England. There was read likewise, the copy of Cardinal *Allen's* Letter to her, wherein he called her his *most dread Sovereign Lady*, and told her, the business was recommended to the Prince of Parma's care. She answered, still adhering to the first Article of the Impeachment, "That *Babington*, and her "Secretaries, had accused her to save themselves: That "she had never heard of the six murderers, and all the "rest was of no service to prove the principal crime she "was accused of: That she held *Allen* for a reverend "Prelate, and acknowledge the Pope for the true Head of "the Church; neither could she hinder Foreigners from "giving her what Titles they pleased: That as for her "Secretaries, she was willing to add to what she had al- "ready said of them, that they deserved no credit, for as "they had sworn secrecy to her, they could be deemed "no other than perjured persons, when they gave in their "evidence against her: That *Naue* had often writ other- "wise than the dictated, and *Curle*, whatever *Naue* bid "him: That they had positively confessed several falsehoods "to save their lives, imagining, that her Royalty would "screen her from punishment: That she had never "heard of any such Man as *Ballard*, but of one *Hallard*, "who had offered her his service, which however she "refused, because she knew him to be one of *Walsingham's* "Spies." It must be confessed, *Mary* was afforded great advantage, in not confronting the witnesses, though it be a necessary formality in criminal Trials.

Lastly, were read some particular passages out of *Mary's* Letters to *Mendoza*, wherein mention was made of her design to convey to the *Spaniard*, her Right to the Crown of England. To this she answered, "That she being "close prisoner, and in a declining condition, it seemed "good to her friends, that the Succession to the Crown of "England should be settled upon the King of Spain, or "some English Catholic; and that a Book was sent her "to justify the *Spaniard's* Title, which she would not "read; but desiring to recover her liberty by any "other means, she had resolved not to refuse foreign as- "sistance." When she had done speaking, the Lord Treasurer asked her if she had any more to say in her defence (1). To which she answered, "That she re- "quired to be heard in full Parliament, or before the "Queen and Council (2)." Then the Court adjourned till the 25th of October to the Star-Chamber at West- minster.

Remarks on Camden's Account. This is *Camden's* account of the Queen of Scots Trial at *Peterborough*. As there are no better *Memoirs*, we are forced as it were to suppose what he says to be true. There is however but too much cause to suspect, he has curtailed or altered in several places, what he pretends to take from the *Register's* *Memoirs*. For instance, it may easily be remarked in this Narrative, that whatever is objected to the Queen of Scots, is indeterminate and general, without descending to particulars. Of all the Letters that were read for her conviction, he cites not one extract; so that she seems to have been accused of holding a correspondence by Letters with *Babington*, and other of *Elizabeth's* enemies, rather than of engaging in a settled plot to kill the Queen, though this was the principal point. In a word, this Historian's partiality for the Queen of Scots on other occasions, gives reason to think, he did not forget himself in this capital Article, but used all his Art to render doubtful the fact she was accused of. However, as this is only a conjecture, I do not pretend to insist upon it (3). I shall content my self, in order to clear this affair, with making some observations on this famous Trial.

Remarks on the Trial. It is hardly to be questioned, that *Mary's* death was determined, when *Elizabeth*, and her Council, resolved to have her tried by Commissioners. But it must not be imagined, their intention was to punish her for attempting the Life of *Elizabeth*. If that had been all, they would

never have proceeded to extremities, but would, doubtless, have been satisfied with putting it out of her power to contrive any such plots for the future, which would have been easy, by confining her more closely. But it was not so easy to hinder the Pope, the King of Spain, the House of Guise, the English Catholics, the Irish, the Scotch Male-contents, from considering her as a Princess to whom of Right belonged the two Crowns of England and Scotland, and from using their continual endeavours to restore her to the Throne of Scotland, and place her on that of England, even in *Elizabeth's* Life-time. Though she had been so closely confined, that she could not herself have been concerned in these plots, it would not have prevented her friends from acting in her favour. Nothing therefore but her death could break their measures, and put an end to the plots which were daily framing on her account. So, it might with truth be said, that as *Elizabeth's* death was *Mary's* life, so *Mary's* death alone could preserve *Elizabeth*, and with her, Liberty, and the Protestant Religion in England. But as it was not likely, *Mary*, who was the younger, should depart first out of this world by a natural death, recourse was to be had to violence, that the Queen, and the Realm, might be freed from their imminent danger. The share, *Mary* had in *Babington's* Conspiracy, and which, probably, was greater than what *Camden* intimates, was not therefore the cause of her condemnation, but the pretence used to be rid of a Queen, on whose life *Elizabeth's* adversaries built all their hopes. It was therefore *Mary's* own friends that occasioned her misfortune, by serving her too zealously, or rather, by making her their Instrument to execute their grand projects against the Protestant Religion. The Pope flattered himself with restoring, by her means, the Catholic Religion in England; and the English Catholics looked upon her, as the only person that could free them from the intolerable yoke of a Protestant Government. *Philip* II. saw no other way to subdue the *Netherlanders*. In short, the House of Guise, whose ambitious projects are well known, thought to find in her, an infallible means to crush the Huguenots of France, who supported the title of the lawful Heir to the Crown of that Kingdom. *Mary* herself gave too much countenance to all these plots. She was so imprudent, as, being a prisoner, incessantly to confound two things, which could well be distinguished and separated; I mean, her Liberty, and her title to the Crown of England. She thereby gave *Elizabeth* occasion to confound them too, and to ruin her, in order to preserve her own Life and Crown.

These were the real motives of *Mary's* condemnation. If we consider them politically, they may be said to be good and necessary; but it happens very frequently that Policy is repugnant to Justice and Equity. Upon this condemnation it is that *Elizabeth's* enemies have triumphed, and indeed, it is a very fit subject for Rhetorick. But if it is considered who they were that exclaimed the loudest against *Elizabeth*, they will be found to be the very persons, who would have murdered her to let *Mary* on the throne of England. Had they succeeded in their design, would their Deed have been more just, or more agreeable to the precepts of the Christian Religion? Doubtless, it would, were the thing to be tried by the principles of the adversaries to *Elizabeth* and her Religion. But if it were allowed by the laws of Religion, Justice and Equity, to take away the life of *Elizabeth*, in order to set *Mary* on the throne, and restore the Catholic Religion in England, was it less allowable for the English to put *Mary* to death, in order to preserve their Queen and Religion from the destruction they were continually threatened with? Let us say rather, these maxims are equally blameable and repugnant to the Rules of the Gospel, to whatever Party they are applied.

Having seen the real motives of Queen *Mary's* condemnation, there is no great cause to wonder at the irregularities to be observed in her Trial. The point was not so much to punish her for her part in the Plot, as to satisfy the publick she was concerned in it, that her condemnation might be thought the less strange, or rather absolutely necessary for the safety of England. The Queen and Council believed to have sufficient evidence, that *Mary* was acquainted with the Conspiracy, had consented to it, and promoted the execution to the utmost of her power. This sufficed for their design. They knew the people would easily excuse some irregularities, in an affair where their own preservation was concerned.

Since therefore *Mary's* condemnation can be considered only as the effect of *Elizabeth's* Policy, it is in vain that

(1) Before *Babington* asked her this, the Solicitor put the Commissioners in mind, what would become of them, their Honours, Estates and Possessions, if the Kingdom were allotted to the *Spaniard*. But the Lord Treasurer threw, the Kingdom of England could not be conveyed at all, but was to ascend by right of succession, according to the Laws; and then asked the Queen if she had any more to say. *Camden*, p. 535.

(2) Upon which she rose up, and had some Conference with the Lord Treasurer, *Haiton*, *Walsingham*, and the Earl of *Warwick*, apart by themselves. *Camden*, p. 535.

(3) This conjecture is however grounded upon the difference between *Camden's* account, and that of *Stow*, Lib. 86. Tom. 3. p. 156 and 162. *Reps.*

1586. the following *Queries* are put concerning her Trial.

1. What authority had *Elizabeth* over her? 2. Whether *Mary* could be considered as subject to the Laws of *England*, under colour that she had lived there eighteen years, being a prisoner? 3. Whether it could be said, she had enjoyed during that time the protection of the Laws, and be thence inferred, that she ought to be liable to them? 4. Whether, even upon such a supposition, she had enjoyed in her Trial the benefit of the Laws of *England*? 5. Whether she were tried by her Peers according to the constant and immutable privilege of the *English*? 6. Who could be her Peers? 7. Whether *Elizabeth's* commission was according to law? 8. Whether the formalities requisite in a Trial of this nature were observed? 9. Whether she can be said to have been legally convicted, by the testimony of persons that were dead, and whom it lay in *Elizabeth's* breast to keep alive and bring face to face? 10. Whether the evidence of her Secretaries, who were still alive, could be deemed valid, without being confronted, contrary to express Acts of Parliament? 11. Whether a captive Queen's consent to the invasion of a Kingdom, where she is unjustly detained, is a crime worthy of death? 12. Whether the Letters in cypher, writ by her Secretaries, were a sufficient proof that the whole contents were dictated by her? 13. Lastly, supposing she had given a full and entire consent to the Plot, whether the manner of her being detained in *England*, her long confinement, the loss of her Kingdom procured partly by *Elizabeth's* secret practices, did not merit, that her crime should be reckoned of a different nature from that of a Subject who conspires against his Sovereign? I do not think it possible to vindicate *Elizabeth* upon each of these *Queries*. We must therefore keep to the necessity she was under, of destroying *Mary* to save herself, and justify her by the natural law of Self-Preservation, the only one which can be pleaded in her favour (1).

The Commissioners being assembled (2) in the Star-Chamber at *Wigmore* the 25th of *October*, sent for *Nase* and *Curle*, who confirmed upon oath their former evidence, after which sentence was pronounced. It ran in general, that *Mary* had broken the Statute passed the last year. This is all that was divulged. It is not known whether the Commissioners expressly condemned the Queen of *Scots* to die, or whether, after their judgment of the fact, they left it to the Laws and the Queen to decide what punishment the crime deserved. What follows is all that was published afterwards by the Queen's order. That since the first Day of June, in the 27th year of the Reign of Queen *Elizabeth*, divers matters have been compassed and imagined within this Realm of *England*, by Anthony *Babington* and others, with the privy of the said *Mary*, tending to the hurt, death and destruction of our said Lady the Queen. And also, that since the foresaid day, the said *Mary* pretending a Title to the Crown of this Realm, has compassed and imagined, within this Realm, divers matters tending to the destruction of the Royal Person of our Sovereign Lady the Queen, contrary to the tenor of the Statute in the Commission aforesaid specified.

It is easy to perceive by this very extract, that the Sentence must have been longer and fuller, as may be judged by the Terms of the said *Mary*, which shew that she was mentioned before. But the Queen thought not proper to publish more of it. The author of the Book entitled, *The History of the Martyrdom of Mary Stuart*, says, so great care was taken to conceal this Sentence, that he could never possibly recover a Copy of it, notwithstanding all his Pains. Without doubt (continues he) there were mysteries in it which were not to be divulged.

The same day, the Sentence was pronounced, the Judges declared, it did nothing derogate from the King of *Scotland*, that is, his Title to the Crown of *England* did still remain intire. But was it their business to give such a determination concerning the Succession, when they were not empowered by their Commission? It is visible, they acted by the Queen's direction, who was willing by this means to pacify the King of *Scotland*. Otherwise, the Judges would not have taken upon them to make such a Declaration which was beyond their power.

The Parliament meeting four days after (3), on the 29th of *October*, approved and confirmed the Sentence given against the Queen of *Scots*. But whether this was without a perfect knowledge, or upon a diligent inquiry, it is hard to know, though afterwards *Elizabeth* pretended it was not till after a long and serious Examination (4). Be this as it will, the Parliament having confirmed the Sentence, presented a Petition to the Queen, beseeching her to order it to be put in execution. The Petition contained reasons taken, not from the heinousness of the crime, but the danger to which *Elizabeth* and the Realm would be exposed, if the Queen of *Scots* were suffered to live (5). The Queen returned to this Petition an answer, the intent whereof was to shew the Parliament, she was extremely troubled and irresolute. She had a mind to infaminate, she was inclined to mercy, but that her affection for her People extremely embarrassed her. It was easy to conclude from this Speech she desired to be pressed, that she might not seem to act from a motive of Revenge. Here follows the answer, which perfectly discovers *Elizabeth's* Character.

SO many and so great are the bottomless graces and immeasurable benefits bestowed upon me by the Almighty, that I must not only most humbly acknowledge them as benefits, but admire them as miracles, being in no sort able to express them. And though there liveth not any, that may more justly acknowledge himself bound to God than I, whose life he hath miraculously preserved from so many dangers; yet am I not more deeply bound to give him thanks for any one thing, than for this which I will now tell you, and which I account as a miracle, namely, That as I came to the Crown with the most hearty Good-will of all my Subjects, so now after a twenty eight years Reign, I perceive in them the same, if not greater Goodwill towards me; which if once I lose, well might I breathe, but never think I lived. And now though my life hath been dangerously shut at, yet I protest there is nothing hath more grieved me, than that one not differing from me in sex, of like rank and degree, of the same flock, and most nearly allied unto me in blood, hath fallen into so great a crime. And so far have I been from bearing her any ill-will, that upon the discovery of certain treasonable practices against me, I wrote unto her secretly, that if she would confess them by a private Letter unto myself, they should be wrapped up in silence. Neither did I write thus in mind to intrap her, for I knew then as much as she could confess. And even yet though the matter be come thus far, if she would truly repent, and no man would undertake her cause against me, and if my life alone depended hereupon, and not the safety and welfare of my whole people, I would (I protest unfeignedly) most willingly pardon her. Nay, if *England* might by my death obtain a more flourishing Estate, and a better Prince, I would most gladly lay down my life. For, for your sakes it is, and for my People's, that I desire to live. As for me, I see no such great cause why I should either be fond to live, or fear to die. I have had good experience of this World; and I know what it is to be a Subject, and what to be a Sovereign. Good neighbours I have had, and I have met with bad; and in trust I have found treason. I have bestowed benefits upon ill-defervers; and where I have done well, have been ill requited. While I call to mind these things past, behold things present, and expect things to come, I hold them happiest that go hence soonest. Nevertheless, against such mischiefs as these I put on a better courage than is common to my Sex; so as whatsoever befall me, death shall not take me unprepared.

And as touching these treasons, I will not so prejudicate myself or the Laws of my Kingdom, as not but to think that he, having been the contriver of the same treasons, was bound and liable to the ancient Laws, though the late Act had never been made. So far was it from being made to intrap her, that it was rather intended to forewarn and terrify her from attempting any thing against it. But seeing it was now in force of a Law, I thought good to proceed against her according to the same. But you Lawyers are so curious in scan-

(1) This is indeed the best, and the only excuse that can be alleged in vindication of Queen *Elizabeth*. Accordingly, Dr. *Hurd* observes, "That when every day produced some new Conspiracy against the life of Queen *Elizabeth*, and that in most of them the Queen of *Scots* was concerned, either as a Party, or the contriver; Queen *Elizabeth* was put under a fatal necessity, of either taking off the Queen of *Scots*, or exposing her own Person to the frequent attempts of her enemies." *Memoirs*, p. 130. Dr. *Maurice* also expressly says, That Queen *Mary* was the cause of her own ruin, by her restless temper, and her repeated designs against Queen *Elizabeth's* life. *Preface to his Memoirs*. For Queen *Mary's* Friends would never suffer her to be quiet, but were continually plotting and contriving, bribing and convincing, how to murder Queen *Elizabeth*, and set up the Queen of *Scots* in her stead, to reduce their beloved Possessy here in *England*. *Elizabeth's Character of Queen Elizabeth*, p. 129.

(2) The Barons of *Shrewsbury* and *Warwick* were absent, being then sick. *Candor*, p. 125.

(3) The last Parliament was dissolved September 15: this year; so that the present Parliament was called upon the discovery of the Plot, and, in order to take the business of the Queen of *Scots* into consideration. See *Drum*, p. 374, 375, 377.

(4) In the Journal of the House of Lords it is said, That the Committees of both Houses, "upon hearing the Sentence, and divers of the special Evidence and Proof, whereupon the Sentence was grounded, openly read unto them, after long deliberation and consultation had betwixt them, both publicly and privately, they all with one assent allowed the same Sentence to be just, true, and reasonable." *Drum*, p. 379.

(5) See the Petition in *Drum's Journal*, p. 380; and in the Appendix to *Elizabeth's Reign*, p. (467.) of the second Volume of the *Complete History*.

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"ning the nice points of the Law, and following of Precedents and Form, rather than expounding the Laws themselves, that by exact observing of your form, she must have been indicted in *Staffordshire*, and have holden up her hand at the bar, and have been tried by a Jury of twelve Men. A proper course, forsooth, of Tryal against a Princess! To avoid therefore such absurdities, I thought it better to refer the examination of ye weighty cause to a good number of the noblest Personages of the Land, and the Judges of the Realm: and all little enough. For we Princes are set as it were upon Stages in the sight and view of all the World; the least spot is soon pied in our garments, a blemish quickly noted in our doings. It behoveth us therefore to be careful that our Proceedings be just and honourable. But I must tell you one thing, that by this last Act of Parliament, you have brought me to a narrow straight, that I must give order for her death, which is a Princess most nearly allied unto me in blood, and whose practices against me have stricken me into so great grief, that I have been glad to abate my self from this Parliament (1), lest I should increase my sorrow, by hearing it spoken of; and not out of fear of any danger, as some think. But yet I will now tell you a secret, (though it is well known that I have the property to keep counsel;) it is not long since these eyes of mine saw and read an Oath, wherein some bound themselves to kill me within a month. Hereby I see your danger in me, which I will be very careful to avoid.

"Your Affection for my safety I have not forgotten, which I never so much as thought of, till a great number of hands, with many obligations, were shewed me. Which as I do acknowledge as a strong argument of your true hearts, and great zeal to my safety, so shall my bond be stronger tied to a great care for your good. But so far as much as this matter now in hand is very rare, and of greatest consequence, I hope you do not look for any present resolution; for my manner is, in matters of less moment than this, to deliberate long upon that which is once to be resolved. In the mean time, I beseech Almighty God to illuminate my mind, that I may foresee that which may serve for the good of his Church, the prosperity of the Commonwealth, and your safety. And that delay may not breed danger, we will signify our resolution with all convenience. And whatever the best Subjects may expect at the hands of the best Princess, that expect from me to be performed to the full."

Remark on
the Queen's
Speech.

It is not very difficult to perceive in this Speech, notwithstanding her affected obscurity, the double view *Elizabeth* propounded to herself. One was to make the publick believe, she could not, without extreme concern, resolve to put the Queen of Scots to death: The other, to insinuate to the Parliament, that there was a necessity of dispatching *Queen Mary*, or resolving to lose the best of Queens, who was very ready to lay down her life for the good of her Subjects. She dwelt chiefly upon her Tenderness for her People, that they might fear to be deprived of so gracious a Queen, and earnestly require the death of her adversary. But left the Parliament's affection for her should not be sufficiently strong, she took care to hint several times, that their own safety depended on her preservation. She said, if her welfare only were at stake, she would readily pardon, since she was not fond of life; but that it was solely the danger of the State, which made her uneasy. Was not this very plainly saying, the death of the Queen of Scots was necessary for the safety of the Realm? She would have it believed, she was inclined to favour *Mary*, but alleged no reason for her. On the contrary, she made use of the Arguments of Sex and Kindred to aggravate her crime, and clearly set forth the reasons which might determine her to consent to her death. She magnified the care she had taken, not to suffer her dignity to be debased, by trying her like a common person. This was all the favour she shewed her. But what favour was it to give her Judges, among whom were her greatest enemies, Persons who had before voted against her in the Council, and had been for bringing her to a trial? *Hutton*, one of the Judges drew her into a snare, by persuading her to answer for herself, and the Lord Treasurer acted in some measure the part of an Accuser. On the other hand, we see in several of *Walsingham's* Letters sent from France when he was Ambassador, that it was his opinion, *Elizabeth* could never be safe so long as the Queen of Scots was alive. Was it not a great favour to give her such Judges? In short, with what intent did *Elizabeth* tell the Parlia-

ment, she knew for certain some had bound themselves by an oath to kill her within a month? Was it not to incite the two Houses to prevent this misfortune by the speedy execution of the sentence given against *Mary*? All this shews, that her aim was to engage the Parliament to press her upon that head, that the might in some measure be justified to the World, by ascribing the execution of the Sentence to the influence of the Parliament. But the Sequel will shew more plainly shew it.

On the 12th day after, the Queen sent the Lord Chancellor to the Upper-House, and *Packer* (2) to the Lower, to desire them to find some expedient, whereby the Queen of Scots life might be saved, and her own safety provided for. The two Houses, after a serious debate answered her, that her safety could not possibly be secured so long as the Queen of Scots lived. That there were but four ways to be devised to that end, which were all insufficient. The first was, that the Queen of Scots should seriously repent: but such a Repentance was not to be expected, since she would not so much as acknowledge her fault. The second, that the should be kept with a closer guard, and bound to her good demeanour by bond and oath. The third, that she should give Hostages. But these two ways were insufficient, since if the Queen's life were once taken away, all these precautions would vanish. The fourth, that she should depart the Kingdom. This was the most dangerous: for if, whilst a Prisoner, she stirred up so many in her favour, what would she do if she were at liberty? In a word, the two Houses in their answer repented to the Queen, that if it were injurious to deny execution of the Law to the meanest of her Subjects, how much more to the whole body of the People, unanimously and with one voice suing for the same. They who have the least knowledge what influence the Court-Party usually have upon the two Houses, will very easily judge, that the Parliament would never have expressed themselves in this manner, if they had not known it to be grateful to the Queen. But to discover more fully *Elizabeth's* character, it will be necessary to infer her answer, which will evidently shew, not her perplexity and uncertainty, as she pretended, but her extreme dissimulation, on this Article.

"FULL grievous is the way, whose going on, and
"End, yield nothing but cumber for the hire of a
"labourious journey. I have this day been in greater con-
"flict with my self, than ever in all my life, whether I
"should speak, or hold my peace. If I speak, and not
"complain, I shall dissemble; and if I should be silent,
"your labour taken were all in vain. If I should com-
"plain, it might seem strange and rare. Yet I confess,
"that my most hearty desire was, that some other
"means might have been devised to work your security,
"and my safety, than this which is now propounded.
"So I cannot but complain, though not of you, yet unto
"you, that I perceive by your petitions, that my safety
"dependeth wholly upon the death of another. If there
"be any that think, I have prolonged the time, of pur-
"pose to make a counterfeit shew of Clemency, they do
"me the most undeserved wrong, as he knoweth which
"is the searcher of the most secret thoughts of the heart.
"Or if there be any that be persuaded, that the Com-
"missioners durst not pronounce other Sentence, as fear-
"ing thereby to displease me, or to seem to fail of their
"care for my safety, they do but heap upon me most
"injurious conceits. For either those whom I have put
"in trust have failed of their duties; or else they signi-
"fied unto the Commissioners in my name, that my
"Will and Pleasure was, that every one should deal freely,
"according to his Conscience; and what they would not
"openly declare, that they should reveal unto me in pri-
"vate. It was of my most favorable mind towards her,
"that I desired some other means might be found out to
"prevent this mischief. But since now it is resolved,
"that my surety is most desperate without her death, I
"have a most inward feeling of sorrow, that I, which
"have in my time pardoned so many Rebels, winked at
"so many Treasons, or neglected them with silence,
"must now seem to shew cruelty upon to great a
"Princess.

"I have, since I came to the Crown of this Realm,
"seen many defamatory Books and Pamphlets against me,
"accusing me to be a Tyrant. Well ture the writers
"hearts; I believe their meaning was to tell me news.
"And news indeed it was to me, to be branded with the
"note of Tyranny. I would it were as great news to
"hear of their Impiety. But what is it which they will

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Elizabeth
desires the
two Houses
to find out
some Expedient
to save her
and
secure her
own safety
as long as
the Queen of
Scots lived.
There were
but four
ways to be
devised to
that end,
which were
all insuffi-
cient.
The first
was, that
the Queen
of Scots
should
seriously
repent:
but such
a Repen-
tance was
not to be
expected,
since she
would not
so much
as acknow-
ledge her
fault.
The second,
that she
should be
kept with
a closer
guard, and
bound to
her good
demeanour
by bond
and oath.
The third,
that she
should give
Hostages.
But these
two ways
were insuffi-
cient, since
if the Queen's
life were
once taken
away, all
these precau-
tions would
vanish.
The fourth,
that she
should depart
the Kingdom.
This was
the most
dangerous:
for if, whilst
a Prisoner,
she stirred
up so many
in her favour,
what would
she do if
she were
at liberty?
In a word,
the two
Houses in
their answer
repented to
the Queen,
that if it
were injur-
ious to
deny execu-
tion of the
Law to the
meanest
of her Sub-
jects, how
much more
to the whole
body of the
People,
unanimously
and with
one voice
suing for
the same.
They who
have the
least know-
ledge what
influence
the Court-
Party usu-
ally have
upon the
two Houses,
will very
easily judge,
that the
Parliament
would never
have ex-
pressed
themsel-
ves in this
manner, if
they had
not known
it to be
grateful to
the Queen.
But to dis-
cover more
fully Eliza-
beth's
character,
it will be
necessary
to infer
her answer,
which will
evidently
shew, not
her perplex-
ity and un-
certainty,
as she pre-
tended, but
her extreme
dissimula-
tion, on
this Arti-
cle.

The Queen's
Speech to the
two Houses,
1586.
State-Try-

Dugan's
Ambass.

(1) The Queen came not to the Parliament the first day of the Session, but granted a Commission to *John Archbishop of Canterbury*, *William Lord Earl of Arundel*, and *Henry Earl of Derby* to supply her place. See *Dugan*, p. 375; 377.

(2) Speaker of the House of Commons. *Candler*, p. 537. — It was not he that was sent with that Message, but *Sir Christopher Hutton*; and so it was not the 12th, as *Candler* affirms, but the 20th day after. See *Dugan*, p. 402.

1386. "not write now, when they shall hear that I have given consent, that the Executioner's hands should be imbrued in the blood of my nearest Kinwoman? But so far am I from cruelty, that, to save mine own life, I would not offer her violence; neither have I been so careful how to preserve mine own life, as how to preserve both: which that it is now impossible, I grieve exceedingly. I am not so void of Judgment, as not to see mine own perils before mine eyes; nor so mad to sharpen a sword to cut mine own throat; nor so careless, as not to provide for the safety of mine own life. But this I consider with myself, that many a Man would put his own life in danger, to save a Princess's life: I do not say so will I. Yet have I many times thought upon it.

"But seeing so many have both written and spoken against me, give me leave, I pray you, to say somewhat in my own defence, that ye may see what manner of Woman I am, for whose safety you have passed such careful thoughts. Wherein as I do with most thankful heart consider your vigilant care; so am I sure I shall never requite it, had I as many lives as you all.

"When first I took the Sceptre, I was not unmindful of God the giver, and therefore began my Reign with his Service, and the Religion I have been both born in, bred in, and I trust shall die in. And though I was not ignorant how many perils I should be set withal at home for altering Religion, and how many great Princes abroad of a contrary profession, would attempt all hostility against me: yet was I no whit dismayed, knowing that God, whom only I respected, would defend both me and my cause. Hence it is, that so many Treacheries and Conspiracies have been attempted against me, that I rather marvel that I am, than muse that I should now be alive at this day, were it not that God's holy hand hath protected me, beyond all expectation. Then, to the end I might make the better progress in the art of swaying the Sceptre, I entered into long and serious cogitations, what things were worthy and fitting for Kings to do; and I found it most necessary that they should be abundantly furnished with those special Virtues, Justice, Temperance, Prudence, and Magnanimity. As for the two latter, I will not boast myself, my Sex doth not permit it. But for the two former, I dare say, (and that without ostentation) I never made a difference of persons, where Right was one. I never preferred for favour, whom I thought not fit for worth: I never bent my ear to credit a tale that was first told: nor was so rash to corrupt my Judgment with prejudice, before I heard the cause. I will not say but many reports might haply be brought me into much favour of the one side or the other: For we Princes cannot hear all ourselves. Yet this I dare say boldly, my Judgment ever went with the truth; according to my understanding. And as full well *Alibiades* wished his friend, not to give any answer till he had run over the Letters of the Alphabet; so have I not used rash and sudden resolutions in any thing.

"And therefore as touching your Councils and Consultations, I acknowledge them to be so careful, provident, and profitable, for the preservation of my life, and to proceed from minds so sincere, and to me most devoted, that I shall endeavour myself, all I can, to give you cause to think your pains not ill bestowed, and strive to make myself worthy of such Subject.

"And now for your Petition, I pray you for this present to content yourselves with an answer without answer. Your Judgment I condemn not, neither do I mistake your reasons; but pray to accept my thankfulness, excuse my doubtfulness, and take in good part my answer, answer-less. If I should say, I would not do what you request, I might say perhaps more than I think; and if I should say I would do it, I might plunge myself into peril, whom you labour to preserve; which in your wisdoms and discretions, ye would not that I should, if ye consider the circumstances of place, time, and the manners and conditions of Men."

This Speech, which was of the same nature and spirit with the former, was not an answer to the Petition of

the two Houses, as the Queen herself owned, but only an intimation to the *English*, how imprudent it would be to hazard the Life of so good a Queen, in order to save *Mary's*. She seemed in a great perplexity, and yet gave to understand, she was fully determined. And indeed, since she preferred the good of her Subjects before all other things, and *Mary's* death was necessary to them, what could be the occasion of her doubts? In comparing the reasons which inclined her to mercy, with those which concerned her own safety, there was need of no great penetration, to see to which side she would turn, however irresolute she seemed. So, in this, as in the former Speech, her sole aim was to make the publick believe, she yielded with reluctance to the Solicitations of the Parliament, though she took care not to object any strong reasons to these Solicitations. But her actions were still plainer indications than her Speeches, of what passed in her thoughts.

Immediately after this answer without answer, the Parliament was prorogued (1), for fear, doubtless, her feigned perplexities should be taken literally, and some expedient found to save the Queen of *Scots*. After what had been done, *Elizabeth* had no farther occasion for the Parliament, and in causing the Sentence to be executed, could say, she only yielded to the pressing instances of the two Houses. It will perhaps be thought strange, that I am thus pre-emptory in a thing so hard to be known, as *Elizabeth's* inmost thoughts. But in my opinion, very evident proofs may be drawn both from her actions and words, that throughout this whole affair, she acted with great dissimulation.

A few days after the prorogation of the Parliament, the Lord *Buckhurst* and *Beale* were sent to the Queen of *Scots*. They had orders to tell her, that her Judges had condemned her to die, that the Parliament had confirmed the Sentence, and desired the execution thereof, believing, if she remained alive, the Religion established in *England* could not subsist. She received the news with great resolution, and even seemed to triumph, that Religion was the cause of her death (2). Then she said, with some emotion, *It is no wonder if the English, who have often put their own Sovereigns to death, should treat in the same manner, a Princess sprung from the blood of their Kings*.

L'Abbesse the French Ambassador, who was entirely devoted to the House of *Guise*, stopped, for some days, the publication of the Sentence by his solicitations. But at last, it was proclaimed all over *London* (3) by the Queen's express order, who forgot not to declare to the People that her consent was extorted by the pressing intreaties of the Parliament. In the proclamation the Queen said, that being informed of the Queen of *Scots* devices, the Lords of the Council, with many others, earnestly besought her to bring her to justice, and try her in the most honorable manner. That upon these instances she granted a Commission to forty two Lords, thirty six of whom met at *Fotheringhay*, and after a very strict examination, gave Sentence to this effect: That *Mary had broken the Statute made the last year*: That the Parliament having examined the Sentence, and the proofs on which it was founded, required the execution thereof, notwithstanding her frequent instances, that some other expedient might be found: That therefore, moved with her own and the Nation's welfare, she had ordered the Sentence to be notified to her good Subjects.

Mary, when she received the news of this publication, plainly saw there was no mercy to be expected. She writ a long Letter to *Elizabeth*, desiring certain Favours concerning her death, burial, and servants (4). But it is uncertain, whether this Letter was ever delivered. The King of *Scotland* writ also to Queen *Elizabeth*, and sent *Patrick Gray* and *Robert Melvil* to implore her mercy for the Queen his mother; but it was to no purpose. Nay, it is said, *Gray*, who had been many years attached to *Elizabeth's* interest, after having publicly solicited her to favour *Mary*, advised her in private to make her away, saying, *A dead Woman bites not*.

Henry III. sent also the President de *Bellevue* into *England* to intreat *Elizabeth* in behalf of the condemned Queen. The Ambassador discharged his commission like a Man who seemed very desirous to succeed. He presented a long Memorial, which was published, containing the strongest Reasons, he could devise, to persuade *Elizabeth* to spare the unfortunate Queen; and to which Memorial the Queen re-

(1) Or rather adjourned to February 15, when it met again, and was at last dissolved March 25, after granting the Queen one Subsidy, and two F. Eleventh, and Tenth. The Clergy granted also a Subsidy of six Shillings in the Pound, and three Shillings in the Pound for the support of the Wars in the Netherlands.

(2) She desired to have a Catholic Priest allowed her, to do her last Confession, and administer to her the Sacraments. The Lord *Buckhurst* and *Beale* re-

(3) On December 6, and then throughout the Kingdom. *Stow*, p. 741. *Canden*, p. 528.

(4) She desired her body might be buried in Catholic Ground, particularly in *France* near her Mother: That she might not be put to death in private without Queen *Elizabeth's* knowledge, but in the sight of her Servants, who might give a true Testimony of her Faith: That her Servants might possibly depart whither they pleased, and enjoy those Legacies which she had bequeathed them by her Will and Testament. *Canden*, p. 529. *Spartanus*, p. 354.

In this her Will, Queen *Mary* provided, that, if the Prince her Son, did not renounce the false and heretical persuasion which he had drunk in, the Inheritance of the Crown of *England* should never descend to him, but devolve to Philip King of *Spain*. *Burnet*, Tom. III. p. 327. *John* endeavoured to convert this account. *Pictor* to Vol. II. of Queen *Mary's* Life.

1586. turned an answer in the margin of each article. The substance of the answers was, "That things were come to that point, that one or other of the two Queens must perish, and Elizabeth flattered herself that the King of France had her interest no less at heart than Mary's." But if *du Maurier* is to be credited, in his preface to his Father's Memoirs, the Ambassador acted the counterfeit, and imposed upon the world and Mary's Friends. He affirms to have heard his Father say, that *Bellicere*, tho' he feigned to have Instructions to the contrary, had private Orders to solicit the death of the Queen of Scots (1). This is not unlikely, considering the situation of the affairs of France at that time, and the King's just Apprehensions of the Duke of Guise's ambitious Designs (2).

Whilst all the World was in expectation of the effects of this extraordinary sentence, the Court discovered, that *D'Aubespine* the French Ambassador, had bribed two assassins (3) to murder the Queen. One of the Villains respecting and informing the Ministers of the Plot, the Ambassador was desired to come to the Lord Treasurer's House where the Council was assembled, and the two wretches were brought face to face. If *Camden* is to be credited, he made but an ill defence, contenting himself with pleading the privilege of Ambassadors, who were accountable only to their own masters. The Lord Treasurer, without allowing or disputing this privilege, gravely reproved him, and advised him to beware for the future how he provoked a Queen, who was too much injured already, and had it in her power to be revenged. It must be observed, the French Translator of *Camden's* Annals, thought fit to pass over in silence this whole Conspiracy.

It was no proper season to inquire any farther into the circumstances of this Plot, which probably was entirely owing to the Ambassador's furious zeal for the House of Lorraine. Nay, who knows whether it were not a snare laid for him, to make him instrumental, contrary to his intention, in hastening the Queen of Scots execution? When this affair became publick, it was every where said, there was no safety for the Queen so long as Mary was alive. 'Tis was precisely what the Court wished, that the people being fatished of the necessity of executing the sentence, might be less attentive to the irregularities. *Camden* says, Elizabeth was still in suspense and distracted in her thoughts, not being able to resolve to put to death a Queen her near Relation, over whom she had no jurisdiction. He adds, means were found however to determine her, by spreading a report that England was going to be invaded: That the Spanish Fleet was already arrived at *Milford-Haven*: That the Duke of Guise was landed in *Suffolk* with an army: That the Queen of Scots was escaped out of prison, and was raising Troops in the North: That several Plots were on foot to kill the Queen, and set the City of London on fire: Yea, that the Queen was dead. By these artifices, according to that Historian, Elizabeth was prevailed with to sign a Warrant for Mary's execution. For my part, who verily believe Mary's death was resolved, even before her trial, I rather think all these reports were spread by the emissaries of the Court, to terrify the people, and to let them see how necessary Mary's death was. 'Tis there is not the least probability, that the Queen and her Ministers should suffer themselves to be deceived by such reports, the falsehood whereof it was so easy for them to discover. But *Camden's* aim is to insinuate, that Elizabeth was convinced of Mary's innocence, and therefore distracted in her thoughts.

We are now come to the last act of the Tragedy, for it may well be called with respect to the Queen of Scots, though with regard to Elizabeth it was a real Comedy, or at least a continued scene of dissimulation, acted so artfully, that it can hardly be conceived how it could be carried farther. Before Elizabeth ordered the Commission to try Mary to be drawn, several Lords, as I said, cast themselves at her feet, and begged her to take pity of them, and their posterity, and to provide, by Mary's death, for the security of the Church and State. Afterwards, when sentence was given, she waited till she was twice solicited by the Parliament, with the sharp reproach that she denied

her people justice. To carry on the farce, some formalities were likewise to be acted after the publication of the sentence, before the Warrant was signed for execution. All this was done: but there was still something more. Elizabeth undertook to make the publick believe, the execution was done against her will, and without her knowledge, and the method she used to accomplish it was this.

Davidson, without his knowing it, was her instrument to act this sort of Comedy. A little before the Queen of Scots Trial, he was made Secretary of State, and very likely, was put into that office on purpose to be insinuated, and made accountable for Mary's death. All the forementioned rumours being spread, and the Queen seeming to be terrified, delivered to *Davidson* a Writing signed with her own hand, and sealed with her Signet, commanding him to draw a Warrant under the Great Seal for the Queen of Scots execution, but enjoined him withal to keep the Warrant by him (4), and acquaint no man therewith (5). The Lord Chancellor however must have been informed of it, unless he had taken the Great Seal from him and given it to *Davidson*, of which there have been insinuations. Be this as it will, the next day he ordered *Davidson* by *Killegrew* not to draw the Warrant (6). Whereupon *Davidson* came to the Queen, and told her, it was drawn and under Seal already; at which she was angry, and blamed him for making such haste. The Warrant was dated the 11th of February, and directed to the Earls of *Strasburgh*, *Dorset*, *Kent*, *Cumberland*, [and *Pembroke*] to see the Queen of Scots executed in their presence. Mean while, though the Queen seemed displeased with the Secretary for making too much haste, she left the Warrant in his hands, without telling him what he was to do with it. This puzzled him extremely, since by her contrary proceedings with respect to the Warrant, she had not disclosed to him her intention. In this uncertainty, he chose to impart the transaction to a Privy-Counsellor, who was of opinion that the rest of the Counsellors should be informed, that nothing might be done rashly, and *Davidson* fell into the snare. Whereupon the Council being met, it was unanimously resolved to execute the Warrant, though nothing was easier than to advertise the Queen of their Embarrassment. To that end, the Warrant was given to *Basil*, who took care to acquaint the four Lords, to whom it was addressed, and departed for *Fotheringhay* with two executioners. Certainly, it is very hard to believe, that a score of Privy-Counsellors (among whom were the Queen's Ministers, and her intimate Confidants) would have undertaken to order the Warrant to be executed, unknown to her (7), had they not been persuaded it was agreeable to her will. Especially as *Davidson* had communicated the secret to them, only because of his uncertainty concerning the Queen's intention (8).

After *Basil's* departure, the Queen told *Davidson*, she had changed her mind. This ought to have astonished the Council, who had ordered execution by their own authority, and yet no care was taken to recall *Basil*, though there were seven days space between his departure, and Mary's execution. But what is still more strange, is, that during these seven days, though the Queen had declared that her mind was altered, not one of her Counsellors or Ministers thought of informing her of what was transacting. This is a clear evidence, that it was very well known, she did not desire to be informed.

However this be, the four Lords, appointed to see execution done, being come to *Fotheringhay*, admonished the Queen of Scots to prepare for her death (9), and on the morrow, being the 8th of February, they saw her beheaded. I shall not relate here all the circumstances of this Tragedy. It suffices to say in a word, that she died with great resolution, and in an inviolable attachment to her Religion. The Earl of *Kent* telling her, That her Life would be the death of the Protestant Religion in England, she rejoiced, and said, she was condemned as guilty of plotting against the Queen of England's life, and yet the Earl of *Kent* had just told her, she was to die for her Religion, wherein she gloried. If *Camden* is to be credited, she protested, she knew nothing of *Babington's*

(1) Nay, this was not so secret, but that after the death of the Duke of Guise, Henry III. was accused by the Leaguers of having caused the Queen of Scots to be put to death.

(2) This year, Thomas Cavendish sailing from Plymouth, on the 21st of July, with three Ships, and a hundred and twenty-five Men, began his Voyage round the World; entering in at the Narrows of Magellan, and returning by the Cape of Good Hope. This Voyage he performed in about two years and two months, arriving at Plymouth, September 9. 1585.—May 21, Philip Howard Earl of Arundel was condemned in a fine of 10,000*l.* and to remain Prisoner at the Queen's pleasure. This year, *Lodovico* in London, was rebaptized by the Citizens, and the Church amounted to above 1500*l.* *Idem*, p. 723, 724.

(3) He bribed only one *Edward Staggard*, who abhorring the Fact, recommended one *Mary* as a fit Person; but *Staggard* delivered the matter to the Council. *Camden*, p. 523.

(4) And only have it in readiness, in case any danger happened to break out in that time of Jubilee and Fear. *Camden*, p. 524. *Melvil* says, that it was not to be delivered, without her Majesty's express command; nevertheless, *Davidson* being desired by the Council, delivered it to them, p. 525.

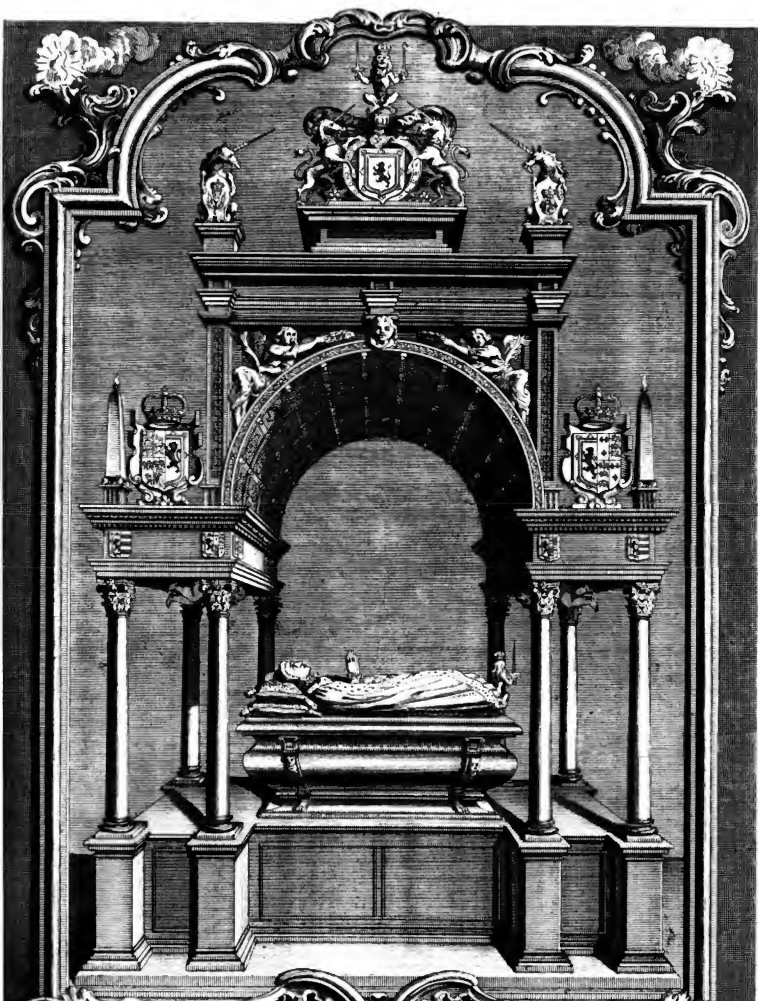
(5) This *Davidson* absolutely denied in his Examination. See *Steepe's* Ann. Tom. III. p. 375.

(6) *Rapin* says, the Queen sent *Davidson* word to hasten the Warrant. But it is a mistake, for *Camden* says the Queen changed her mind, and sent to him not to draw it. *Camden*, p. 524.

(7) And yet *Thomas* thinks so. L. 86.

(8) *Camden* says, *Davidson* persuaded the Council that the Queen had commanded it should be executed, p. 524.

(9) Upon which she said them, I do not think the Queen any better would have consented to my death, who am not subject to your Law and Jurisdiction, yet seeing her pleasure in my death shall be to me most welcome. *Camden*, p. 525.

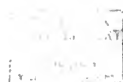


The Monument of Mary Queen of Scots, as it appears in the Year 1740.
 Mary Queen of Scots, who was beheaded at the Block, on the 8th of August, 1587, is here represented in a reclining posture, as if she were dead. The effigy is supported by a large, ornate, and highly decorated pedestal. The monument is flanked by two side altars, each with a candelabrum and a coat of arms. Above the niche is a decorative pediment with a coat of arms and a central figure. The entire monument is framed by an ornate, scrolled border.



Part of the Epitaph, as it appears in the North Side of the Monument.
 Mary Queen of Scots, who was beheaded at the Block, on the 8th of August, 1587, is here represented in a reclining posture, as if she were dead. The effigy is supported by a large, ornate, and highly decorated pedestal. The monument is flanked by two side altars, each with a candelabrum and a coat of arms. Above the niche is a decorative pediment with a coat of arms and a central figure. The entire monument is framed by an ornate, scrolled border.

The MONUMENT of MARY QUEEN of SCOTS in WESTMINSTER ABBEY.



1587.

Elizabeth
expresses
great grief
at it.
Camden.Spit. ferd.
p. 157.

practices, and that her Secretaries were suborned to witness against her (1).

The news of *Mary's* execution being brought to *Elizabeth*, she appeared extremely displeased. Sighs, tears, lamentation, and mourning, were the signs she gave of her grief, which seemed immoderate. She drove the Privy-Counsellors from her presence (2), and commanded them to be examined in the *Star-Chamber*, and *Davidson* to be tried for his disobedience. A few days after, she sent the following Letter to the King of *Scotland* by *Robert Carey*.

My dear BROTHER,

I Would you knew, though not felt, the extreme labour that overbusheth my mind, for that miserable accident which falls contrary to my meaning hath befallen. I have sent this kinsman of mine (3), whom ere now it hath pleased you to favour, to instruct you truly of that, which is too heavy for my pen to tell you. I beseech you, that as God, and many more know, how innocent I am in this case, so you will believe me, that if I had done it, I would have abode by it; I am not so base minded, that the fear of any living creature, should make me afraid to do what I just; or done, to deny the same: I am not so degenerate, nor carry so vile a mind. But as not to disguise, fits most a King, so will I never disguise my actions, but cause them show as I mean them. This assure your self from me, that as I knew it was desired, if I had meant it, I would never over another's shoulders, and to impute to myself, that which I did not so much as think of: I will not. The circumstances you will be pleased to hear of this bearer: And for my part, think you have not in the world a more loving kinswoman, and more dear friend, nor any that will watch more carefully to preserve you and your state. And if any would otherwise persuade you, think they bear more good will to others, than to you. Thus in haste, I leave to trouble you, beseeching God to send you a long Reign.

Davidson is
tried.
State-Trials.
Vol. VII.
Camden.
His confession
and reply.

Whilst *Carey* was upon the road, *Davidson* was cited into the *Star-Chamber*, to answer to the accusation of contempt and disobedience entered against him. The accusation ran, "That he had contemned the Queen's orders, broke his oath of allegiance, and neglected his duty."

"That the Queen never intending, (for reasons best known to herself) that the Queen of *Scots*, though condemned, should have been put to death, had however, for preventing of dangers, commanded a Warrant for her execution to be drawn, and committed it to his trust and secrecy: But that he forgetting his duty, had acquainted the Council therewith, and put the Warrant in execution unknown to the Queen."

Davidson answered, "That he was extremely sorry to find himself accused of contempt to the Queen, who had loaded him with favours: That he chose rather to confess himself guilty of the Crimes he was charged with, than contest with her Majesty, since he could not vindicate himself without failing in the respect and duty he owed her. He protested however, he had offended wholly out of ignorance, being persuaded he had done nothing contrary to the Queen's will and pleasure. He affirmed, that when the Queen blamed him for making such haste to get the Warrant ready, she gave some intimation, but no express command, that he should keep it by him, neither did he believe himself guilty of breach of trust, by communicating it only to the Council. As to his being accused of not recalling the Warrant, after the had told him she had changed her mind, he protested, it was the opinion of the whole

"Council, that it should be presently executed, left the Queen or State should receive any hurt by too long a delay."

After he had done speaking, the Queen's Council pressed him with his own confession, and with what the Lord *Treasurer* had testified, That, doubting whether the Queen had absolutely consented to have execution done, *Davidson* affirmed, it was her intention. Then *Davidson*, with tears in his eyes, prayed the Queen's Council not to urge him any farther, but remember that he would not contest with the Queen, to whose conscience, and his Judges censure, he entirely submitted himself. After that were made several Speeches, some tending to aggravate his offence, and others, to shew he had only acted imprudently (4). In short, he was condemned to be fined in ten thousand pounds, and imprisoned during the Queen's pleasure. The Lord *Lumley*, in his Speech on this occasion, was not satisfied with blaming *Davidson*; but, accusing chiefly the whole Council, said, "Never was there such a contempt against a Prince heard or read of, that 'Privy-Counsellors, in the Queen's Palace, and when they had free access to her, should attempt such a thing without her advice or knowledge; protesting, that if his own Son were guilty of the like fault, he would be the first to condemn him.' But it was not the Queen's intention to punish the Counsellors, who, probably, had acted only by her private orders. And therefore to screen them from these and the like reproaches, the Lord *Privy-Seal* told the Assembly, that though the Queen, being justly offended with her Council, had left them to a strict examination; yet now being sensible, they had transgressed out of an excess of zeal for her and the State, she forgave them. Thus *Davidson* was the only sacrifice, tho' the Council was still more guilty than he, supposing he had acted contrary to the Queen's intention. *Davidson* remained long in prison, without obtaining any other favour, than some presents of Money from the Queen, to relieve his wants.

Camden, whose aim was not to vindicate *Elizabeth* in any thing relating to the Queen of *Scots*, has inserted in his *Annals*, an Apology, which *Davidson*, being in prison, sent himself to Secretary *Walsingham*, and leaves his Readers to give their Judgment of it, without making himself any remark. The Apology was worded in the following manner.

"The Queen, after the departure of the French and Scotch Ambassadors, of her own accord, commanded me to deliver her the Warrant for executing the Sentence against the Queen of *Scots*: When I had delivered it, she readily signed it with her own hand: When she had so done, she commanded it to be sealed with the Great-Seal of England; and in a jesting manner said, 'Go tell all this to *Walsingham*, who is now sick; though I fear he will die for sorrow when he hears it. She added also the reasons of her desiring it so long; namely, 'left he might seem to have been violently or maliciously drawn thereto, whereas in the mean time she was not ignorant how necessary it was. Moreover she blamed *Poulet* and *Drury*, that they had not eased her of this care, and wished that *Walsingham* would feel their pulses touching this matter."

"The next day after the Warrant was under the Great-Seal, she commanded me by *Killegrew*, that it should be done, and when I had informed her that it was done already, she found fault with such great haste, telling me that in the judgment of some wise men, another course might be taken: I answered, that the course which was just, was always best and safest. But fearing lest she would lay the fault upon me, (as

(1) When the Earl had told her to prepare for death, she desired that she might have a Conference with her Almshouse, *Conville*, and *Abraham Michel* the Master of her Household. But they would not allow her *Conville* to come near her, but recommended her to the Bishop or Dean of *Peterborough*, whom she refused, the Earl of *Kint*, one of his sons and the Reformed Religion, said to her the words above repeated. After they were gone, she desired to be left alone, that she might have the more time to dispose of her Concerns. She sipped temperately, as she used to do. Towards the end of *Sept* she desired to be attended by all her Servants, who pledged her in order upon their Knees, begging pardon for their neglect of Duty, as she also did of them. After *Sept* she desired her Will, and wrote down the names of those to whom she required her Goods and Jewels. At her wonted time she went to bed, slept some hours, and then awaking, spent the rest of the night in Prayer. The first day being come, she dressed herself as she was wont to do upon festival days, and calling her Sisters, whom together, commanded her Will to be read, and then retired into her Oratory, where she laid out *Thomas Adrians* the Sheriff, whom she thought she must now come forth. She appeared with a composed Countenance and cheerful Look; her head was covered with a Veil hanging down to the ground, her Books hanging at her Girdle, with a Crozier in her hand. In the Porch she was received by the Earl, and other Noblemen, where speaking a short Speech to *Adrian*, who beseeched his hand Ray, that he was to carry into *Scotland* the wooden image of the unhappy fate of his Lady and Mistress, she bade him retire well; and turning to the Earl, desired that her Servants might stand by her at her death. Then the Earl of *Kint* and *Shrewsbury*, and *Thomas Adrians*, Esq. Sheriff of *Northamptonshire*, going before her, she came to the Scaffold, at the upper end of the Hall, on which was placed a Chair, a Cushion, and a Black covered with Black Cloth. As soon as she was laid down, *Boal* read the Warrant, to which the Queen listened with a serene, or rather merry Countenance; which done, Dr. *Plesier* Dean of *Peterborough* began a long Speech to her, concerning her life past, present, and to come. She interrupted him, saying that she would not trouble himself, who was resident in the Catholic Religion. Then they stipulated the Dean to pray. After which, the Executioner having asked her forgiveness, her Women took off her upper Garments, and covering her face with a Handkerchief, she laid down her head on the Block, which was covered from her Body at two strokes. She was buried in a royal manner, in the Cathedral of *Peterborough*, on August 10, where the Lay tell her her King *James's* accession to the Crown of *Scotland*, her husband's Corps removed in 1611, into the South Wall King Henry VIII's Chapel at *Windsor*, where a new lease, and a stately Monument erected by her Memory, of which the Reader may see a Print in *Sawford*, p. 553. Camden, p. 539. Michel, p. 152. *Margery de Maris*, p. 301, *McC. Hist. de Maris*, p. 611, *Rev. Edit. York*.

(2) And particularly the Lord *Burleigh*; who, upon his disgrace, writ several very satirical Letters to the Queen, which the Reader may see in *Sawford's* *Ann. Tom. III.* p. 271, 272. He chiefly played upon her, and offered to resign his Place. If there was any precipitation used in this affair, of the death of the Queen of *Scots*, the Lord *Burleigh*, Secretary *Walsingham*, and a few others, may reasonably be suspected the Authors of it, in order to secure themselves; for they had acted so openly against Mary, that had she ever mounted the Throne of England, they must have been utterly undone.

(3) He was kin to her by his Father's Mother. *Rapin*.

(4) The Commissioners being in great number, made each a Speech, wherein they owned, that Sentence was justly pronounced against the Queen of *Scots*, but that *Davidson* deserved to be punished, for acting without the Queen's advice and consent. *Camden*, p. 537.

1587. "she had laid the putting of the Duke of Norfolk to death upon the Lord Burleigh, I acquainted *Ham* with the whole matter, protesting that I would not plunge myself any deeper in so great a business. He presently imparted it to the Lord Burleigh, and the Lord Burleigh to the rest of the Council; who all consented to have the execution hastened, and every one of them vied to bear an equal share in the blame, and sent *Boal* away with the Warrant and Letters. The third day after, when by a dream which the told of the Queen of Scots death, I perceived that she wavered in her resolution, I asked her whether she had changed her mind? She answered, No; but another Course (said she) might have been devised: and withal she asked me, whether I had received any answer from *Poulet*? Whose Letter when I had shewed her, wherein he flatly refused to undertake that which flood not with honour and justice; she waxing angry, accused him and others (who had bound themselves by the affeciation) of perjury and breach of their vow, as those that had promised great matters for their Prince's safety, but would perform nothing. Yet there are (said she) who will do it for my sake. But I shewed her how dishonourable and unjust a thing this would be; and withal into how great danger she would bring *Poulet* and *Drury* by it. For if she approved the fact, she would draw upon herself both danger and dishonour, not without censure of Injustice; and if she disallowed it, she would utterly undo men of great desert, and their whole posterity. And afterwards she gave me a light check the same day that the Queen of Scots was executed, because she was not yet put to death."

If this Apology be true, one cannot desire a more convincing proof of *Elizabeth's* Disimulation. The point was, not *Mary's* death, for that was fully determined, but the manner. It appears in this Writing, that *Elizabeth* would have been glad, the Queen of Scots two Keepers had dispatched her, that the night have been able to clear herself, which she would not have failed to do, by putting them both to death. There remains but one scruple, which is, that we have this from *Canden* only, whose testimony cannot be reckoned very certain (1).

The King of Scotland having received the news of the Queen his Mother's tragical end, expressed a very lively resentment at the same. His first thoughts prompted him to revenge. The States of Scotland, then assembled, promised him their assistance, and there were not wanting folk about him, who persuaded him to join with the Pope, France and Spain, to revenge so great an affront. Others advised him not to break with England, for fear of hazarding upon the uncertain chance of War, his undoubted Title to the Crown of that Kingdom; especially as the English only wanted perhaps a pretence, to hinder a Scotch Prince from ascending the throne of England, which therefore he ought to take care not to furnish them with. Some were of opinion, he should declare openly for neither of the two Religions, but keep himself always ready to improve the Events, time should produce. Carry arriving shortly after, the King refused him audience, and it was not without great difficulty, that he was persuaded to receive *Elizabeth's* Letter. We find however in *Melvil's* Memoirs, that some Lords of the Court of Scotland had writ to England, that whenever Queen *Mary* should be put to death, the King her Son would not highly resent it; and accordingly, *Melvil* affirms, he quickly forgot it. When *Elizabeth* heard that King *James's* grief began to abate, the caused some of those whom the most trusted (2), to represent to him, "That in the present situation of Scotland, there was no room to expect that a War with England could be successful: If he pretended to rely on

foreign aid, his Mother's sad experience might teach him how uncertain that was. The King of France would be so far from countenancing him, that it was his interest to hinder the two Kingdoms of Great-Britain from being united under the same dominion. Nay, he would oppose to the utmost of his power, the success of his Arms, for fear he should afterwards assist the Duke of Guise, who aspired to the Crown. The King of Spain in pretending to aid him, would only serve himself, on account of his groundless claim to the Crown of England, as descended from the House of Lancaster. Even the Queen his Mother had made a Will, the night before her death, whereby she excluded him from the succession, in case he persevered in the Protestant Religion, and nominated Philip II. for her heir, which Will was sent into Spain. He was therefore to expect no assistance from Philip, but rather to consider him as an enemy. In a word, if he made war upon Elizabeth, and the Parliament passed an Act against him, he ran the hazard of being excluded for ever from a noble succession, which he could not fail to enjoy, provided he would but remain in peace." To all these Arguments it was also added, "That Elizabeth had an affection for him, and besides, would think herself bound in honour and duty to repair the Mother's wrongs, by leaving her Crown to the Son, in case he gave her no occasion to do otherwise." These representations had their effect. *James* law it to be his interest to keep fair with Elizabeth, and that, added to the Sentence given against *Darwin*, which was sent him, so thrified his resentment, that he shewed no farther marks of it (3).

Mean while, *Elizabeth* hearing the Spaniards was making great preparations to invade England (4), sent *Drake* with a good fleet (5) upon the coast of Spain, to endeavour to burn all the Spanish Ships he should meet. This Admiral's first expedition was to the Port of Cadix, where he burnt above a hundred Vessels laden with Victuals and ammunition, and a large *Galeon* of the Marquis of Santa Cruz, with another of *Ragusa*, full of rich merchandize. Then returning to Cape St. Vincent, he did great damage to the inhabitants along the coast; after which he came to the mouth of the *Tagus*, where he in vain provoked the Marquis of Santa Cruz, by plundering and burning the Ships he found there. From thence he failed to the Azores, and meeting in the way with a rich *Carack* called the *St. Philip*, returning from the East-Indies, easily took her (6). The Provisions and Stores which the Spaniards lost at Cadix, the taking of the *Galeons* and *Caracks*, and the rest of the damages they sustained, obliged Philip to defer till the next year the Expedition, he had projected against Spain, *Cavendish* was doing the same in America, having entered the South-Sea by the Straits of Magellan. He plundered without opposition the Coasts of Chili and Peru, and did the Spaniards great damage in those parts.

I left, about the end of the last year, the Earl of Leicester returning into England, after having set on foot his project to become Sovereign of the United Provinces, by cherishing confusion and discord. Before his departure, the States began to perceive his designs, and the orders he left when he went away, and which the Officers, his creatures, punctually executed, fully confirmed their suspicions. For this reason they sent Ambassadors to Elizabeth to complain of him: but his credit, and the Queen of Scots affair, which then held the Court employed, hindered the Ambassadors from being so speedily dispatched as they desired. It even happened in this interval, that *Stanley* and *York*, who held of the Earl of Leicester the Governments of *Deventer*, and a Fort near *Zurphm*, delivered these two places to the Duke of Parma. So, the States no longer trusting that General, gave the command of their Army

The King of Scotland
James at first
a great deal
of resentment.
See l. 1.
Canden.
p. 127.
Spaldwood.

p. 173.

p. 173.

References
see note
on this
Canden
p. 173.
Strype's
Ann. T. III.
p. 373, See.

(1) This matter is also undeniably confirmed by two Letters, inserted by *Machault*, in his Life of Queen *Mary*, (if they are genuine.) In the first, written on February 1, 1567, by *Walsingham* and *Darwin*, to Sir *James Perce*, it is said— "My Majesty hath wrote in you, both a lack of that care and zeal for her service, that she looketh for at your hands. In that you have not in all this time, (of your own, without any other provocation) found out some way to shorten the life of the Scots Queen, considering the great peril she is hourly subject to, so long as the said Queen shall live.—She taketh it most unkindly, that when professing that you do, should in a kind of sort, for lack of the discharge of your Duties, cast the burden upon her, knowing, as you do, her indisposition to shed blood.—Sir *James Perce*, in his answer, dated February 2, hath this reply,—"My answer.—I shall deliver unto you with great grief and bitterness of mind, in that I am so unhappy, as being to be the unhappy day, in which I am required by direction from my most gracious Sovereign, to do an Act, which God and the Law forbid.—God forbid I should make to foul a shipwreck of my Conscience, or leave to great a blot in my poor Posterity, and shed blood without Law or Warrant." p. 270.—173. *Canden* also observes, that "our Queen may be found in many of her Letters, intimating so much [as the making her away] to such as kept her, who were to wit, as not to understand what was meant." *Machault* l. 4.

(2) Some of her Friends in Scotland, and the Lord *Harlow* Governor of Berwick. *Canden*, p. 173.

(3) He assigns himself three Reasons for not reviving his Mother's death. 1. His tender youth, not trained up in arms. 2. His excessive Conspit (or Poverty) from hand to hand, from meagre to meagre, to greedy and greedy. 3. The Favour in his Kingdom. See *Strype's Ann.* Tom. III. p. 382. (4) Their preparations were so extraordinary great, that Sir *Francis Drake* says, in a Letter, the Spaniards had Provision of Bread and Wine, sufficient to maintain every thousand Men a whole year. See *Strype's Ann.* Tom. III. p. 451.—That their great preparations were aimed at England, was discovered by *Walsingham* in the following remarkable manner: He had intelligence from Madrid, that Philip had told his Council, he had dispatched an Express to Rome, with a Letter writ with his own hand to the Pope, acquainting him with the true design of his preparations, and offering him his service in case which for some reason he would not yet disclose to them, till the return of the Courier. The secret being thus lodged with the Pope, *Walsingham*, in the name of a *Frontier Priest* visited at Rome as his Spy, got a Copy of the original Letter, which was stolen out of the Pope's Cabinet by a Gentleman of the Bed Chamber, who took the Keys out of the Pope's Pocket while he slept. *Walsingham* l. 1, p. 4.

(5) With forty Gallies. *Strype's Ann.* Tom. III. p. 391.

(6) The English fully misadvised by the Merchants, upon the rich value of the Indian Merchandises, and the manner of trading into the eastern World, that they afterwards got up a lawful Trade and Traffick, establishing a Company of English Merchants. *Canden*, p. 540.

(7) There was another remarkable thing which retarded this Expedition, and was the contrivance of the great Statesman *Walsingham*; namely, he got all the Spanish Bills, that were to supply the King with Money to carry on his preparations, procured at Geneva. *Walsingham's* Mem. p. 30.

1587. to Count Maurice of Nassau, the late Prince of Orange's second Son. They did likewise some other things which plainly shewed that, having discovered the Earl of Leicester's designs, they would not suffer him to put them in practice. In the mean while, the Duke of Parma besieging Sluys, the Earl returned from England to raise the Siege, but had not the good fortune to succeed (1). At last, finding he was every where mistrusted, he resolved to execute by force the Project he had formed. To that end, he would have made himself master of several places at once, in the heart of the Country, to keep the rest in awe. But his design to surprize Leyden being discovered in season, all correspondence between him and the States entirely ceased. Whereupon the Queen was obliged to recall him, and fend in his room [Peregrine Barty] Lord Willoughby [of Eresby] but with no other authority than the command of the English Forces. Then the States appointed Count Maurice their Captain General.

Mean time the King of Spain, ever intent upon the project of invading England, continued to make extraordinary preparations. This project was formed ever since the Queen of Scots had been persuaded to convey to him her Right in England, as being the only means to restore there the Catholic Religion. According to the received maxim in the Church of Rome, that a Heretic is unworthy and incapable of enjoying a Crown, Philip II. thought he might justly claim that of England, as being the next Catholic Prince descended from the House of Lancaster. But that the Reader may the better know the ground of his Pretensions, it will be proper to cast an eye upon his Genealogy, which shews him sprung from the two Daughters of John of Gaunt, Duke of Lancaster, fourth Son of Edward III. Upon this descent therefore, and the Queen of Scots Conveyance and Will, he had projected the Conquest of England. Elizabeth, not being ignorant of it, took all possible care to be in a posture of defence, and both coloured their preparations with divers pretences. To amuse Elizabeth, Philip sent and proffered her mediation for a Peace between him and the revolted Provinces of the Netherlands. Elizabeth perfectly knew Philip's aim, and to amuse him in her turn, accepted the mediation, in hopes, the negotiation would give her more time to be prepared. She proposed therefore to the States a Peace with Spain, intimating, they could not refuse to enter into Treaty, without incurring the blame of continuing the War out of obstinacy. She promised them moreover to have their interest as much at heart as her own. But the States absolutely refused to treat, knowing, by frequent experience, that such negotiations were ever fatal to them. Nevertheless, the sent Plenipotentiaries (2) into Flanders, imagining the States would be forced, as the hint-
ed, to agree to her decisions with Spain. Three months passed before the place of Congress could be settled. Elizabeth required as Preliminaries, a general pardon for the Confederates; that the Towns of the Netherlands should enjoy all their ancient privileges, and the old Alliance between England and Spain be renewed; that some good fund should be assigned her for the payment of what was due from the States, and the forces on both sides be disbanded. As to Religion, the Spaniards demanded, that it should be entirely as the King pleased, since he did not hinder Elizabeth from settling it in her Dominions according to her pleasure. Elizabeth did not insist much upon this article, whether she believed every Sovereign to have a right to impose a Religion upon his People, or, to amuse the Spaniard, feigned to relax that the might not obstruct a negotiation, the continuance whereof could not but be advantageous to her. Be this as it will, she went so far, as to be satisfied that the exercise of the Reformed Religion should be tolerated two years only in the United Provinces. As for the Places in her possession, she refused not to restore them, provided they were reimbursed. Upon

these mutual demands, the Spaniards took care to delay the conclusion of the Preliminaries, imagining that the hopes of a speedy Peace would prevent Elizabeth's preparations against their attacks. They refused to come to any agreement with respect to Religion; and as for Elizabeth's charges in supporting the Confederates, they pretended they were to be balanced by the expences the had put their King to. At length, the preparations which were making against England in all the Spanish Ports, became so publick, that this feigned negotiation broke off without any success, after lasting till March the next year.

I have already mentioned Philip's pretensions to England and Ireland. Ferdinand the Catholic his Great-Grandfather had not so plausible a claim to the Kingdom of Naples and Navarre which he seized, and which still are part of the Spanish Monarchy. But besides these pretensions, Philip made use of another thing, very proper to impose upon the world, namely, a great zeal for the Restoration of the Catholic Religion in the three Kingdoms of Great-Britain. By that he had persuaded Pope Sixtus V. to come into the project, the execution whereof would be as well glorious as advantageous to both, but of which Philip was to bear the whole charge. As for Sixtus, he had nothing to contribute, but what the Popes were wont to supply on such occasions, namely, Vows, Prayers, and Anathemas. To countenance therefore the King of Spain's undertaking, the Pope thundered against Elizabeth a Bull, absolving her Subjects from their oath of allegiance, and giving her Kingdoms to the first that should force them (3). This was the King of Spain, who was now ready to embrace the Pope's offer.

He had prepared in Portugal, at Naples, and in Sicily, a Fleet, called the *Invincible Armada*. It consisted of one hundred and fifty great Ships, in which were embarked nineteen thousand Men, and two thousand six hundred and thirty Pieces of Cannon (4). It was to be commanded by the Marquis De Santa Cruz, but that Admiral dying whilst the Fleet was equipping, the Duke of Medina-Celi was appointed in his room. On the other hand, the Duke of Parma had caused an Army of thirty thousand Men (5) to advance towards the Coasts of the Low-Countries, and prepared a great number of Vessels to transport them, in order to join the Spanish Fleet, and land in England (6). The project was to station the Fleet at the mouth of the Thames, to assist the Troops who were to march directly to London. Elizabeth, who wanted not good Spies, having timely notice of these great preparations, provided for the defence of her Kingdom with great care and diligence. She fitted out a considerable Fleet, which however was inferior to that of Spain, both in the number and largeness of the Ships, and gave the command to Charles Lord Howard of Effingham [High-Admiral of England, and] very expert in Sea-Affairs. He had for Vice-Admirals, Drake, Hawkins, and Fortley, three of the best Sea-Officers then in the World (7). On the other hand, Henry Seymour (second Son of the late Duke of Somerset, lay upon the Coast of Flanders, with forty sail English and Dutch, to hinder the Prince of Parma from joining the Spanish Fleet. Moreover, Elizabeth had in England an Army of forty thousand Men, whereof three thousand, under the command of the Earl of Leicester, were posted near the Thames mouth. The rest were near the Queen's person, ready to march where it should be deemed necessary (8). Besides this, there was in each County a body of Militia well armed, under Leaders who had orders to join one another as occasion should require. It is certain, there are no Trained-bands in the World more proper for a bold action than those of England. So in case the Spaniards had landed, they would have met with their match. The Sea-Ports were fortified (9) as much as the time would permit, and Signals were every where appoint-

(1) This place was defended a while by Sir Roger Williams, Sir Francis Force, and Captain Nicolas Bagnolville. Camden, p. 527.

(2) Thomas Sachell Lord Buckburgh, Sir John Norris, and Bartholomew Clerk. Idem, p. 550.

(3) The Bulls of Pius V. and Gregory XIII. were renewed by Cardinal Aldus, last for that purpose into the Low-Countries. A Credo was also published against Queen Elizabeth. Camden, p. 543.

(4) The Spaniards, the more to advance his Glory, and justify his Expedition, published an account of this Fleet in Spanish, Latin, French, and Dutch. The Spanish Book came into the hands of the Lord Treasurer Burleigh, in three books whereof Strype has Notes added by that Lord soon after the defeat. From this Book he has inserted a brief account of the Spanish Armada, in his Appendix of Original Papers, Ann. 1611. N. 31. The sum whereof is this, That there were in all 130 Ships of 17, 168 Tons, 29,225 Soldiers, and 8,450 Mariners, with 130 great Brass Pieces of all sorts, before to Carver's for the service of the Army, and 10 Selves with six Ours a-piece. Strype's Ann. Tom. III. p. 519, 520. Spald. p. 851. — Queen Elizabeth's Fleet consisted of not much above a hundred sail. See Strype, p. 749.

(5) One hundred and three Companies of Foot, and four thousand Horse, among which were seven hundred English fugitives, commanded by Stanley; the Earl of Wiltshire was also with them. Camden, p. 543.

(6) Moreover, the Duke of Guise brought twelve thousand Men down to the Coast of Normandy, which was to join the Spanish Armada as they went by, and land in the West of England; but he want of Money, or some other reason, their design proved abortive. Strype, p. 746.

(7) These were ordered to lie at the Channel's mouth, and about the western parts of England. Camden, p. 543.

(8) For the Land-service there were disposed along the southern Coast twenty thousand Men. Besides which, two Armies were raised of choice well disciplined Men, the one under the command of the Earl of Leicester, consisting of a thousand Horse, and thirty-two thousand Foot, which remained at Tilbury, (where the Queen was pleased to come and review them) and made a very kind Speech to them, which see in Caliste, p. 171; the other was under the leading of the Lord Howard, consisting of thirty four thousand Foot, and two thousand Horse, to guard the Queen's Person. Upon this Emergency the City of London lent the Queen great sums of Money. And being desired to furnish five thousand Men, and fifteen Ships, they granted ten thousand Men, and thirty Ships. No words, say Strype, can express the great forwardness of the People, in their own lives and duty towards their Sovereign, at this juncture. See Strype, p. 744, 750. Camden, p. 541, 542. Strype's Ann. Tom. III. p. 521.

(9) Particularly Melton-brown, Falmouth, Plymouth, Portland, the Isle of Wight, Portsmouth, the Downs, and about the Thames mouth, Harwich, Yarmouth, Hull, &c. Camden, p. 542.

1587. ed to show the Places where the Troops were to march. In short, it was resolved, that if the Spaniards made a descent, the Country about them should be laid waste, that they might have nothing to subsist upon but what they brought from the Fleet (1). This was the course taken by Francis I. in Provence against Charles V, with success that answered his expectations. These measures being taken, the enemy was expected with uncommon alacrity, though it should seem that on such an occasion every one should have been in the utmost consternation (2).

1588. *See Chap. IV. Elizabeth.*
 Mean while, Elizabeth was not without uneasiness. Her hour, she had ever dreaded was at length come. Her Crown lay at stake, and she was to defend it, without the assistance of any Ally. This she had always endeavoured to prevent, from the beginning of her reign, by all the artifices her policy could suggest, by fomenting the troubles of Scotland, by making an Alliance with France, by feigning to marry the Duke of Anjou, by assailing the Huguenots of France, and the Male-contents of the Netherlands, and finally, by beheading the Queen of Scots. She had succeeded hitherto, and though surrounded with enemies, had found means to employ them at home, and prevent them from directly invading England. But the time was now come that her Right must be exposed to the chance of war. Though she was generally beloved by her Subjects, she was not ignorant, that there were many disaffected persons in the Kingdom, and especially among the Catholics. Nav, she had reason to fear, they corresponded with the King of Spain, and favoured his Invasion. On the other hand, she was not easy with respect to Ireland, because of the Religion of the Irish, and the Correspondents the Pope and Philip II. had there. But she was under a still greater concern on account of Scotland. She had just put King James's Mother to death by the hand of the Executioner, and if that Prince should be transported with the desire of revenge, he could never have a fairer opportunity, since it was in his power to favour the descent of the Spaniards, in one extremity of the Kingdom, by making a diversion in the other. In a word, if she could not hinder the Spaniards from landing in England, she must necessarily resolve to hazard a Battle, the Country not being proper to prolong the war. All this was more than sufficient to inspire her with a just dread, which however she very carefully concealed. If ever she discovered ability, it was on this important occasion. Far from shewing the least faint-heartedness, she encouraged her people by her looks, her resolution, her affability, which made them think she was troubled only for their sakes; and on her own account, regardless of the danger. Mean while, she looked to every thing with a wonderful prudence, and a presence of mind, rarely to be found in the greatest Men, and which gained her the admiration and praises of all the world. Some advised her to put to death, or send beyond Sea, the leading Catholics. But she thought, it would be discovering too much fear, besides that it would have been great injustice to punish Men upon bare suspicions. She contented herself with causing them to be arrested, and put into custody, telling them however, it was only by way of precaution, which, instead of injuring, would screen them from the violence of their enemies.

Camden.
 As for Ireland, she sent orders to Sir William Fitz-Williams, who was then Lord Deputy; distinctly pointing out to him what precautions he should use to hinder the Irish from rising. But above all things, she took care to caress the King of Scotland, and put him in hopes of an ample acknowledgment, if on this occasion he inviolably adhered to the Protestant Religion, and the interest of Great-Britain. She represented to him, that, in respect to England, he was to consider the King of Spain as a dangerous Competitor, and that the loss of one of the Realms of Great-Britain, would not fail of being attended with the loss of the other. But her uneasiness with regard to Scotland was not long-lived, since she had quickly the satisfaction to hear, that James knowing perfectly his own Interest, had no correspondence with the King of Spain, but even stood upon his guard for fear of being invaded himself.

Explication of the Spanish Fleet. Camden.
 The Duke of Medina-Celi sailed out of the Tagus with the Invincible Armada, the 3d of June (3), and steered his course towards the North. Within a few days, a

1588.
 storm arising, so dispersed the Ships, that they could not re-join till they came to the Groyne. This accident occasioned a report over Europe, that the Spanish Fleet was entirely destroyed. Walsingham himself, Secretary of State, thought his Intelligence to certain, that he writ to the Lord-Admiral Howard, to send home four of the largest Ships, there being no farther danger this year. But the Admiral answered, he could not think of parting with the four Ships, though he should be obliged to keep them at his own charge, till he had more certain advice. The better to know the truth, the Wind turning to the North, he sailed with all his Fleet towards Spain, with design to complete the destruction of the enemy's Armada, which was represented to him as disabled. But when he approached Spain, he heard the Fleet had not suffered so much damage as was reported. At the same time, the Wind changing to the South, he failed back to his Station at the mouth of the Channel, for fear with the same Wind the enemies Fleet should advance towards England.

But it was the 12th of July before the Spaniards departed from the Groyne, and two days after, the Duke of Medina-Celi sent a Vaisant to notify the time to the Duke of Parma, that he might be ready to join him. The 19th, the Spanish Fleet entered the Channel, and the 20th, appeared in sight of the English, who let it pass in order to follow it before the Wind. Camden has inserted in his Annals, a Journal of what passed in the Channel till the Spaniards retired to the North. I don't think it very necessary to copy this Journal, which besides is something obscure, and gives but an imperfect Idea of the bravery and conduct of the English. It will suffice to say, that whilst the Spaniards were in the Channel, the English kept close to them, and even took some of their Ships. Of this number were a Galeon, commanded by Don Pedro de Valdivia, which was sent to Dartmouth, and a Ship of Bislay, in which was the King's Treasure; but the Spaniards had taken out the money, because the Ship had been fired.

The 23d of July, the Wind being in the North, the Duke of Medina-Celi stood towards the English Fleet. There was that day a sharp engagement, wherein the Spaniards, though much superior in number of Ships, obtained no advantage. The unwieldiness of their Ships, and the agility of the English, made it easy for these last to stand off or on, as they saw fit, and so to balance the superiority of their enemies. The trial the Spaniards made on this occasion of the English valour and skill in Sea-engagements, began, doubtless, to give them quite another notion of their enterprize, than they had hitherto conceived.

Mean while, the Duke of Medina-Celi sent daily Messengers to press the Duke of Parma to put to Sea with his Army. But that was not practicable, by reason of the English and Dutch Ships, posted advantageously to hinder the junction. It was necessary for the Spaniards to approach the Coast of Flanders, to compel them to retire (4). But the 27th in the evening, they were no farther than off Calais, where they came to an Anchor, being still followed by the English, who lay within shot. Here the English Fleet was joined by a good number of Ships, not only of the Queen's, but of divers private persons, who had fitted out several at their own expense (5). And now the Fleet consisted of one hundred and forty Ships of war, small indeed in comparison of the Spanish, but however, with the advantage of moving more easily, and retiring into the Ports of England in case of necessity. The Duke of Parma, who was to sail from Dunkirk and Newport, was still earnestly solicited by the Duke of Medina-Celi to put to Sea, and make a descent in England, as it had been resolved. But, besides that the Ships which expected him, were not yet withdrawn, notwithstanding the neighbourhood of the Spanish Armada, many of his Mariners had deserted, and his Fleet was ill-provided with victuals. In short, he could not, or would not embark.

Whilst the Spaniards lay before Calais, the English Admiral set sail (in the night) eight Fire-ships among their Fleet (6). This light struck them with such a terror, that instantly cutting their Cables, they put to Sea to avoid the impending danger. In this confusion, the Admiral-Galeas, commanded by Hugo de Moncada, having lost her Rudder, floated up and down till the next day, when

(1) Arthur Lord Grey, Sir Francis Kneller, Sir John Norris, Sir Richard Bingham, and Sir Roger Williams, excellent Soldiers, were made choice of to consult about the best way of managing the War at Land. Camden, p. 543, 548.

(2) April 12, this year, died Sir Thomas Bromley Lord High-Chancellor, and was succeeded by Sir Christopher Hatton, the Queen's Vice-Chancellor. Strype, p. 741. This year also died, ninety years old, John Standish, relict of Edward Somers, Duke of Somerset, and Protector of England. And Sir Ralph Sadler, Chancellor of the Duchy of Lancaster. Camden, p. 541. And likewise, on April 13, John Fox the Martyrologist. Strype's Ann. Tom. III. Appen. p. 209.

(3) May 29, says Camden, p. 549.

(4) On the 15th, the Lord Admiral knighted the Lord Thomas Howard, the Lord Sigfield, Roger Tausend, John Hawkins, and Martin Frobisher, for their good service; and a resolution was taken not to attack the enemy any more, till they were come into the Streights of Calais. Camden, p. 547.

(5) Amongst others, the Earls of Oxford, Northumberland, Cumberland, Thomas and Robert Gell, Henry Brooke, Charles Eliot, Walter Raleigh, William Hutton, Robert Curry, Andrew Walsingham, Thomas Gerard, Arthur Gorges, Sir Thomas Fawcett, and others of good Quality. Camden, p. 547. Strype, p. 747.

(6) Under the Conduct of Young and Pringle. Camden, p. 547.

1588. she was taken by the *English* after a sharp engagement, wherein *Alencada* was slain. Though the *Spanish* Admiral had ordered every Ship to return to her station as soon as the danger was passed, and made a signal for that purpose, there were but few that endeavoured to obey. So, the Fleet remained dispersed, some of the Ships being driven to the North, and others upon the shallows of *Flanders*, where they were in great danger. They had not only to guard against the sands, but also against the *English*, who fo played upon them with their Cannon, that several *Spanish* Ships were that day disabled, and the Gallies, called [*St. Philip*, and] *St. Matthew*, fell into the hands of the *Zelanders*. At last, a North-West Wind driving the Fleet upon the Coast of *Zeland*, where they were very like to be lost, the *English* gave over the chase, for fear of being exposed to the same danger. Happily for the *Spaniards*, the Wind turned to the South-West very seasonably, and freed them from their distress. But now, perceiving the impossibility of executing their project, they resolved to return home, by sailing round *Scotland* and *Ireland*, and the rather, as some of their Ships had already feared that course. The *English* Admiral seeing them stand to the Northward, left part of his Fleet to have an eye upon the coast of *Flanders*, and gave them chase, though at a little distance, till they were past *Edinburgh-Frith*. The course they feared gave some suspicion, that they were lure of a retreat in the Ports of *Scotland*. Whereupon the *English* Ambassador at King *James*'s Court, made him large offers, and even some promises, which he had not power to make, and which were never performed (1).

Mean while, the *Spanish* Fleet continuing their course, sustained some farther damage by contrary Winds, which caused several of their Ships to be lost on the Coast of *Scotland* and *Ireland*. Seven hundred Soldiers and Mariners, who had escaped to land in the King of *Scotland*'s Dominions, were sent to the Duke of *Parma* with *Elizabeth*'s consent. But those who were shipwrecked in *Ireland*, and cast ashore, were all put to the sword, or perished by the hands of the executioner; the Lord-Deputy, by whose orders it was done, fearing they would join with the Rebels. At least this was his pretence to excuse this barbarity (2).

Philip II. received the news of the ill success of his Fleet, with an heroic patience. He had spent three years in preparing this *Armada*, with incredible expence, and, when he heard of the defeat, so contrary to his expectation, thanked God it was no greater (3).

Upon the retreat of this so formidable a Fleet, *England* was filled with an universal joy. *Elizabeth* ordered a publick Thanksgiving for this deliverance, to be made in all the Churches of the Kingdom, and went herself to *St. Paul's* (4) in great solemnity to perform the same duty. After that, the conferred on the Lord-Admiral a yearly Revenue, in recompence of his great service to his Country, and bestowed pensions on the wounded. For the rest, their rewards consisted more in words than in deeds.

Sir *Robert Sidney*, who had been sent into *Scotland* before the arrival of the *Spanish* Fleet, at the time, the Queen was afraid King *James* would think of being revenged, returned home when the danger was over. He reported, that the King of *Scotland* had testified his sincere attachment to the Interest of *England*, and the Protestant Religion, and had told him, *That he looked for no other favour from the Spaniards, than what Polyphemus promised Ulysses, namely, that he should be devoured the last*.

On the 4th of September (5), died the Earl of *Leicester*,

a Man little deserving his greatness, if most of the Historians are to be credited. His death drew tears from the Queen, who nevertheless ordered his Goods to be sold at a publick sale, for payment of the Sums she had lent him (6).

After the *Spanish* Fleet had left the Coast of *Flanders*, the Duke of *Parma* seeing the enterprize blasted, fledged *Bergen-op-Joon*, where was an *English* Governor with a Garrison all of the same Nation. This Siege acquired the Governor great reputation, who by a gallant defence, obliged the Duke at length to raise the Siege (7).

The same year, so memorable for *England*, was no less so for *France*. The Duke of *Guise*, grown more powerful than the King, came to *Paris* in *May*, and by the favour of the people, whose Idol he was, obliged the King to depart, having first sent the furious populace chaining the streets, and preparing to attack his person in the *Louvre*. This is what was called, *The Barricades of Paris* (8). This insolent action was followed by an agreement, which the King was forced to make with the heads of the League, whereby he put several places into their hands. But in *December* following, *Henry* perceiving himself ruined, if he did not make away with the Duke of *Guise*, and his Brother the Cardinal, caused them both to be assassinated at *Blais*, where the States of the Kingdom were assembled. Thus he freed himself from a present danger, but it was only to fall into another, for this action made the League, and the City of *Paris* openly declare against him.

As for *Scotland*, all was quiet there during the whole year 1588. So long as the King had about him Ministers and Counsellors attached to the interest of *England*, he generally led an easy and peaceable life. So, the only thing that troubled him this year was his marriage, which he could not accomplish, though he passionately wished it himself. *Melvil* insinuates, that Chancellor *Maitland*, who then managed that Prince's affairs, was bribed by *Elizabeth*: That she gave pensions to most of the Counsellors of *Scotland*, and that her aim was to hinder the King from marrying. He had sent Ambassadors (9) to *Copenhagen*, to treat of his marriage with the eldest Daughter of *Fredrick* II, but by the artifice of his Ministers, the Ambassadors power was so limited, that it was impossible for them to conclude. On the other hand, whilst this marriage was negotiating, one *Dubartus* (10), a French Poet, Servant of the King of *Norway*, came to *Edinburgh*, under colour of paying his respects to the King, who had expressed some esteem for his Works, and proposed, as of himself, the King's marriage with *Catherine* his master's Sister. He said to many fine things of this Lady, that the King, by the advice of his Council, sent the Lord *Tungland*, *Melvil*'s Brother, into *France* to see her, on pretence of negotiating some affair with the King, or his Brother. The King of *Denmark* hearing of it, and seeing moreover the limited power of the Scotch Ambassadors, believed he was mocked, and gave his Daughter to the Duke of *Branfwich*. *Melvil* ascribes, not without great likelihood, this whole intrigue to *Elizabeth*, and affirms, it was she that informed the King of *Denmark* of the Lord *Tungland*'s being sent to the Court of *Norway*.

Shortly after, in the beginning of the year 1589, was discovered in *Scotland* a Conspiracy against the King, contrived by the Earls of *Huntly* and *Bathwen*, [Son of *John* Prior of *Goldingham*,] natural Son of *James* V (11). Their design was to seize the King's person, and compel him to restore the Catholic Religion in *Scotland* (12). It is said, they were excited by emissaries from *Spain* (13). The

Strye's An.
T. III.
P. 528.

Philip heard
his Misfor-
tune patient-
ly. Camden.

The Queen
rejoiced God
rewards.
Nov. 24.
Camden.
Stow.
Speed.

King James
remains firm
on the inter-
est of Eng-
land. Adv. Pub.
XVI. p. 18.
Camden.

Death of the
Earl of Lei-
cester. Camden.
Stow.

(1) *Albion*, the Queen's Ambassador in *Scotland*, made King *James* the following Offer; namely, the Title of a Duke in *England*, a yearly pension of 5000*l*. a Guard to be maintained at the Queen's charge, and some other matters, whether (1591 Camden) of his own head, or by command of others, I cannot tell. Camden, p. 548.

(2) Of the *Spanish Armada* were taken and destroyed in *July* and *August* fifteen great Ships, and 4791 Men, in the fight between the *English* and *Spanish* Navies the *Charles* and on the Coast of *Ireland* in *September*, seventeen Ships, and 5594 Men. In all thirty two Ships, and 10185 Men. See *Strye's* *Apology*. Num. 53. Upon the disappearance of this mighty Fleet, the following writing was found up to *Papst* at *Rome*: *Temporis miles armatus Indulgencia largientur qui de pignoratibus pignoris sue, Apis vasis indecentem, ad St. Iohann de cliffe, Hispanice, Rex aderit in volumine solatus: an ad Iudicia deprece et votis in ore predicat, an in aliquo mare faciat.* *Strye's* Ann. Tom. 2. p. 128.

(3) This is Camden's account. But according to *ancient Copies*, a fugitive Gentleman in those times, when the News was brought to *Philip* being at *Malta*, "He feared (after *Malta* was over) that he would waste and consume his Crown even to the value of a Candlestick, (pointing at one that stood upon the Altar) but either he would utterly ruin her Majesty and *England*, or else himself and all Spain become tributary to her." *Strye*, ibid. p. 125.

(4) The Duke of *Salado* returned to Spain about the end of *September* with only sixty sail, out of his hundred and thirty, and those too very much battered. *Stow*, p. 749.

(5) Where eleven *Common* and *Strangers* taken from the enemy were hang up. Camden, p. 549. *Stow*, p. 750.

(6) *Rapin*, by mistake, says the 14th of *December*.

(7) *Robert Dudley*, fifth Son of *John* Duke of *Northumberland*, died the 4th of *September* at *Canbury* in *Oxfordshire*, in his way to *Kendalmore*, from whence he was carried to *Warwick*, and there interred. The Titles and Places he enjoyed were these: Knight of the Order of the Garter, and *Sir* *Michael* Privy-Counsellor; Master of the Horse; Steward of the Queen's Household; Constable of *Windsor* Castle; Chancellor of the University of *Oxford*; Justice in Eyre at all the Benchs South of the *Trent*; Lieutenant and Captain General of the *English* Forces in the *Netherlands*. *Dugdale's* *Baron*. Vol. 2. p. 122. Camden, p. 549.

(8) The Lord *William* Montgomery of the *English*, (who had made *Sir William Drury* Governor, though the King, by her Letters, had given the Place to *Alencas*) to reward military valour, knighted *Sir Francis Perre*, who now began to grow famous, *Sir Thomas Kettle*, and *Sir John Falsy*, for their courageous behaviour. Camden, p. 550.

(9) What occasioned this action, was, that the States were blocked up with *Barricades*, i. e. *Highlands*, &c. See *Thaunus*, l. 90.

(10) The Bishop of *St. Andrew's*, and the Lady of *Sigis* and *Barrabara*. *Actius*, l. 126.

(11) At this time it thus went in *Robert's* Ministry, it was not thought proper to alter it. But there is room to suspect it should be *De Perce*, a famous Poet, who was invited first to Scotland by the King of *Norway*, though one cannot be sure it was this very Year. *Thaunus*, Tom. 6. p. 100. *Rapin* mentions, that King *James* had this *Dubartus* in great esteem, for his rare Poetic set out in the French Tongue; which puts it out of all doubt that it was *Dubartus*. *Actius*, l. 126.

(12) And with the Earl of *Arrol* and *Cromwell*. Camden, p. 551.

(13) And then James *England*, in revenge for the death of the Queen of Scots. *Ibid*.

(14) Namely, *Robert Bruce* a Priest, and *Charles*, and *Alfred*, *John*. *Ibid*.

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1589. King prevented the execution of the plot by his diligence. He pursued the Earl of *Hunsley*, who had taken arms, till at last he constrained him to yield at discretion. As for *Eastwell*, he withdrew to his own House, where he meditated new projects, which I shall speak of hereafter. I return to the Affairs of England.

Trial of the Earl of Arundel.
Philip Howard Earl of *Arundel*, eldest Son of the late Duke of *Northfolk*, who had been three years prisoner in the *Tower*, was at last brought to his Trial before his Peers, being accused of conspiring against the Queen and State. *Camden* shows, he was convicted at most, of being disaffected to the Government, and too much attached to the Catholic Religion (1). He was however condemned to die; but the Queen gave him his life (2).

The Queen gives his Life.
Powerful State of Elizabeth.
Elizabeth enjoyed now a tranquillity, to which he had been a stranger ever since the beginning of her reign. The Queen of *Scotland* was no longer in the world; and the King her Son, in expectation of one day succeeding *Elizabeth*, stifled his resentment, or rather had entirely forgot the tragical death of his Mother. The King of *Spain* was disabled to make a fresh attempt upon England, since the unfortunate success of his invincible Armada. The Affairs of the United Provinces began to be restored, by the valour and prudent conduct of Count *Maurice*, and those of *France* were in such a situation, that England had nothing to fear from that quarter. The Duke of *Guise*, *Elizabeth's* great enemy, was dead, his Son in prison, and the Duke of *Mayenne* wholly bent upon revenging the death of his Brothers. As for *Sixtus V.*, though very capable of forming great projects, he could not execute them without the aid of some Catholic Potentate; and the King of *Spain*, on whom alone he could depend, was wholly engrossed with the thoughts of improving the troubles of *France*. As for the English Catholics, there was no likelihood of their stirring, at a time when they could not expect any foreign assistance.

She sends a Fleet against Spain.
Camden.
Spain.
In this prosperous state, *Elizabeth* having nothing to fear either at home or abroad, had a mind to show the Spaniards, the English could attack as well as defend. But as she was extremely frugal, and an undertaking against *Spain* could not but be very expensive, she so ordered it, that *Drake* and *Norris* took upon them to be at the charge, in hopes of making themselves amends by the booty they should meet with. So, the only found them Ships of war (3), with leave to raise Soldiers and Sailors for the expedition. *Drake* had already tried the Spaniards in *America*, and the Channel, and was convinced they were more formidable in common opinion, than in reality. Wherefore, joining with *Norris*, and some other private persons, they equipped a Fleet, and embarked eleven thousand Soldiers, and (fifteen hundred) Mariners. The *Hollanders* having also added some Ships, the Fleet consisted of four-score fail (4) of all sorts. *Drake* commanded at Sea, and *Norris* was General of the Land-forces. They took with them *Don Antonio*, who styled himself King of *Portugal*, and hoped, by the assistance of the English, to be put in possession of that Kingdom, where he pretended to have many friends.

Tri Expedition.
Camden.
Spain.
They sail'd from *Plimouth* the 18th of April, and soon after arrived at the *Groyne*, where landing their troops, they assaulted the Lower-Town and carried it by Storm. Then, they besieged the Upper-Town. But *Norris* having advice that the *Comde di Andrada* was approaching with a body of troops to relieve the place, suddenly raised the siege to march against him, but the Spanish *Comde* thinking proper to retire, he pursued him, and overtaking him flew three thousand of his men. This done, he burnt several villages, and without returning to the siege, re-embarked his Troops. The principal design of the English was to exert themselves chiefly against *Portugal*.

May 6.
Spain.
May 16.
Whilst they were sailing towards the coasts of that Kingdom, they met the Earl of *Essex*, who joined the fleet with some ships he had armed at his own charge, and unknown to the Queen. Some days after, they arrived at *Peniche*, a little town of *Portugal*, and taking it, restored it to *Don Antonio*. From hence *Norris* marched by land to *Lisbon*, *Drake* promising to follow with the fleet up the *Tagus*. The army marched fifty miles without any opposition, and encamping before *Lisbon* took the suburbs of *St. Catherine*. But as *Drake* performed not his promise, and the army wanted Cannon and Ammunition, it was resolved in a Council of War, to retire. This resolution was taken, because there was no appearance that the *Portuguese* were inclined to revolt, as *Don Antonio* had expected, and also because there was no news of the suc-

cours, he had boasted of, from the King of *Morocco*. The army marching towards the mouth of the *Tagus* met *Drake*, who had taken the town of *Cascaes*, and excused himself upon the impossibility of performing his promise. Some days after, the Castle of *Cascaes* surrendering, the English seized sixty vessels laden with corn (5) belonging to the *Hans-Teutons*. Then they went and took *Viper*, which was abandoned by the inhabitants, and firing the town returned to England. This expedition did some damage to the King of *Spain*, but was of no benefit to *Elizabeth*, and the booty was not sufficient to pay for equipping the fleet (6). Besides this, above six thousand men perished by sickness. The only advantage reaped by the English was, that they were more convinced of the weakness of the Spaniards in their own country.

The *Hans-Teutons* made great noise on account of the seizure of their Ships in the *Tagus*, and sent Ambassadors to the Queen with their complaints. They were told in the first place, that in the patent granted them by *Edward III.* it was expressly provided, they should not import any commodities into the dominions of the professed and open Enemies of England. Secondly, that a neutrality was so to be ordered, that in afflicting one of the parties, the other should not be damaged; and that it was a thing well known, that warlike provisions carried to one of the contending parties, were contraband Goods, and liable to seizure. In the third place, they could not justly complain of the taking their vessels, since the Queen had warned them not to import any provisions to *Spain* and *Portugal*, unless they would hazard their being seized by the English.

This affair was of little moment: but what passed in *France* this year was much more considerable. The stop *Henry III.* had taken, in causing the Duke of *Guise* to be stabbed, served only to throw him into greater trouble. His swearing again to the League in the presence of the States before he dismissed them, signified nothing. The Leaguers, as they could no longer trust to his promises and oaths, almost entirely alienated the whole Kingdom from him. Hence he saw himself forced to call the King of *Navarre* and the *Huguenots* to his assistance, and join with them against the League. It is a thing very remarkable, that this Prince, who had sworn to extirpate the *Huguenots*, and solemnly declared he would never keep promise with them, scarce found any other subjects but the *Huguenots* in whom he could confide. The forces brought him by the King of *Navarre*, and ten thousand *Swissers*, two thousand *Land-squiers*, with some *Horse*, which came in season, enabled him to besiege or block up *Paris* with an army of thirty-eight thousand Men. But just as he saw himself upon the point of compelling the *Parisians* to return to their duty, *James Clement* a *Jacobin Monk*, stabbed him in the belly with a dagger, of which he died in two days. Before he expired, he nominated for his successor the King *Henry IV.* of *Navarre*, head of the house of *Bourbon*, who assumed the name of *Henry IV.*

The League refused to acknowledge the new King. Nay, he saw himself deserted by several great men of the late King's party, and in order to retain some of the Catholic nobility, he was obliged to promise them, that he would within such a time be instructed in the principles of the *Remish* Religion; that is, would turn Catholic: for that was the meaning given to these words. Mean while he had neither men nor money, the *Swissers* and *Germans* who had served *Henry III.* threatening to leave him, unless he would pay them their arrears, which he was not able to do. In this extremity he had recourse to *Elizabeth*, who generously promised him both men and money. In expectation of these succours, he stood firm against the Duke of *Mayenne*, who had forced him into *Normandy*, and even attacked him at *Arques*, but without success. *Henry* thought himself in such danger, that he would have taken the advice given him by some, to fly into England, if the *Marshall de Biran* had not stopped him. At last, the English supplies arrived, consisting of four thousand men, under the command of *Peregrine Lord Willoughby* (?), and of twenty-two thousand pounds Sterling in gold. With this reinforcement he was able to approach *Paris*, and take one of the suburbs of that City. But the Duke of *Mayenne* having entered with his army, he was forced to retire. Mean while, the Duke of *Mayenne* had caused the old Cardinal de *Bourbon* to be proclaimed King, and himself had assumed the title of Lieutenant-

(1) He was accused of having held private and secret conference and communication of several Treasons, with *John* and other Popish Priests; and of having had much said for the happy success of the Spanish Armada. See *State-Treaty*, Vol. 1.

(2) *Henry Earl of Derby* was made Lord High Steward of England for this purpose. *Camden*, p. 551.

(3) Six Ships of War, and about 60 vessels in Money. *Spain*, p. 722.

(4) One hundred and forty fail, says *Spain*. He makes the number of the Soldiers to have been fourteen thousand, and of the Sailors four thousand. *Ibid.*

(5) And all manner of naval Stores, to equip a new Fleet against England. *Camden*, p. 554.

(6) The English brought home a hundred and fifty pieces of great Ordnance, and a very rich Booty, says *Camden*, p. 555.

(7) He was accompanied by Sir *Thomas Wylford*, Sir *John Burroughs*, Sir *Thomas Drury*, and Sir *Thomas Baskerville*. *Camden*, p. 556.

1589. General of the Crown of France. Henry leaving the Country about Paris, returned into Normandy, where he reduced some Places to his obedience, after which he sent home the English Forces.

The King of Scotland's Marriage.
Melvil.
P. 177.

Camden.

P. 179.

*1630—
1632.*

*Ant. lxx.
XVI. p. 27.*

*1690.
Eneuch.
lxxix. a
Phædrus de
fensæ agniti
Spain.
Camden.*

Though the King of Denmark had given his eldest daughter to the Duke of Brunswick, the King of Scotland persisted in his design to marry into his family, and demanded his second daughter. *Frederic* granted his request, but on condition he should cause her to be demanded by a solemn Embassy before the first day of May. But he died in this interval, leaving his successor under age. This did not hinder *James* from thinking seriously of his marriage with the Princess *Ann*, the new King's sister. But when he moved in Council the sending of an Embassy to Copenhagen, he was told, he would hazard a rupture with the Queen of England, if he married without consulting her. The authors of this advice knew, Elizabeth would raise obstacles to the marriage. And indeed, in her answer to the King, she tried to make him sensible of sundry inconveniences if he espoused the Princess of Denmark; and to divert him from it, proposed to him *Catherine*, the King of Navarre's sister, who was not yet come to the Crown of France, promising to serve him to the utmost of her power. Elizabeth's answer being laid before the Council, there was not a Privy-Counsellor but what declared against the Danish match. *James* was so vexed to be thus contradicted, that by means of a trusty servant he caused the inhabitants of Edinburgh to rise in arms, and threaten to tear the Chancellor and Privy-Counsellors in pieces, if the King's marriage with the Princess of Denmark was not concluded. These threats terrifying the Council, Ambassadors were instantly appointed to negotiate the marriage. But without care was taken to insert in their instructions a clause, which put them to a stand in the very beginning of their Negotiation, and obliged them to send home the Lord *Diagonal* to demand fuller Powers, or leave to return. This Lord arriving at Court when the Chancellor was absent, the King himself drew the power required by his Ambassadors, whereupon the marriage was soon concluded. Presently after the new Queen was delivered to the Ambassadors to be conducted into Scotland; but a storm arising whilst she was at sea, drove her upon the coast of Norway, where she was forced to land. The wind continued so long contrary, that *James*, impatient to see his Bride, could not stay till it changed. So, imbarcking in a small vessel, he went to his Queen, and passed the whole winter in Norway and Denmark, from whence he returned not to Scotland till May the next year, bringing his Queen with him (1).

The tranquility enjoyed by Elizabeth was liable to be disturbed only from Spain. France was not in condition to create her any uneasiness, and the King of Scotland thought only of living peacefully, in expectation of the noble Succession that was to come to him. Philip II. was therefore the sole enemy Elizabeth had to fear. But to secure herself from all surprise, she took the most just, though expensive, precautions. She had always a good Fleet ready to put to Sea at the first notice (2). The fortified Towns and Sea-Ports were likewise in good condition (3), and this cost her as much as if she had been in actual War with Spain. But she supplied all by her good Economy, expending no money but what was absolutely necessary. This displeased her hungry Courtiers, who would have been very glad she had been a little more liberal. But though she knew herself taxed with avarice, she thought not proper to alter her conduct. She thereby avoided being troublesome to the Parliament, and when she wanted an extraordinary aid, was sure to find a ready compliance in the House of Commons, without any murmurs among the People. This advantage outweighed the satisfaction of being called liberal by her Courtiers. Besides, she was persuaded that what was termed avarice in her, was only good Economy. The truth is, with the usual Revenues of the Crown, she found means to supply the expenses of her Household, maintain a Fleet, pay the public debts, and assist her Neighbours in their distress, which none of her Predecessors had ever done. On the contrary, most of them, by their mistaken bounties, had ruined their Sub-

jects for the pleasure of enriching a small number of Courtiers. Besides, Elizabeth had a particular reason to spare the Purves of her Subjects, in order to gain their affection, the strongest support of her Throne. Wherefore, one of the chief objects of her care was a due management of her Treasury, with intent to be always able to withstand the attacks of her enemies both at home and abroad. Her inspection in the year 1590 into the Customs, notwithstanding the endeavours that were used to divert her from it, occasioned her raising them from fourteen thousand Pounds a year (at which sum they were farmed by Sir Thomas Smith) to forty two thousand, and at last to fifty thousand. But her great Economy hindered her not from parting with her money when it was necessary. Though, in the two foregoing years she had lent about two hundred thousand Crowns to the King of France, she supplied him with sixty thousand more, because the plainly law of what consequence the ruin of that Prince might be to England. Moreover, the Garrisons of the *Briel* and *Fishing*, besides the three thousand Men maintained by her in the Low-Countries, cost her yearly above four hundred thousand Florins (4), because she was forced to advance the money till the States should be able to repay her. In fine, she paid also considerable Pensions to several Persons of the Court of Scotland, whose business it was to acquaint her with all that passed there, and to keep the King well-affected to England, as he had been for some time.

Whilst Elizabeth enjoyed some tranquillity, France was troubled with the Wars between the King and the League. In March the King gained the Battle of Jüry against the Duke of Mayenne, after which he invested Paris, and even took the Suburbs. That great City was now reduced to extremity, when the Duke of Parma arrived from the Netherlands, and forced the King to raise the Blockade. That done, he returned without the King's being able to oblige him to fight.

On the other hand, in the Duke of Parma's absence, and of the Count Maurice, who had already taken Breda by surprise, made some farther progress, which helped to put the affairs of the United Provinces in a better situation than before.

This same year the Duke of Mercœur, of the House of The Duke of Lerain, became master of Brétagne by the assistance of the Spaniards, who took Hennebont and Blazet. This affair disturbed Elizabeth, who did not care to have the Spaniards so near her, especially as Philip II. might claim Brétagne for his Daughter the Infanta Isabella, whose Mother was Daughter of Henry II.

Sir Francis Walsingham Secretary of State, who had long served the Queen with great zeal and ability, died this year, so poor, that he was buried privately to save charges (5). Thomas Randolph, whom I have frequently mentioned, and who had been employed in several Embassies, particularly in Scotland, soon followed Walsingham.

The Civil Wars of France were then the most material affair of Europe. It could no longer be doubted, that Philip II. was thinking either to dismember that Kingdom, or procure it for his Daughter Isabella, Grand-daughter to Henry II, notwithstanding the Salic Law. *Sisius V.* favoured the project to the utmost of his power, under colour of hindering a Heretic from being acknowledged King of France. If this design was not executed, it must be wholly ascribed to the Duke of Mayenne's Jealousy, who did not intend to labour for others. Mean while, Henry IV. was extremely embarrassed. The forces of the Huguenots alone were not sufficient to enable him to surmount all obstacles, since he had no left to do than to conquer the whole Kingdom of France, and the Catholic Nobles in his Army served him with reluctance. Nay, they had required him, in return for their service, to be instructed, and in such manner, that this instruction should produce in him a change of Religion. In this pressing necessity, he could not be without foreign Succours, and these Succours could be had only from Germany or England. It was visibly the interest of Elizabeth and the Protestant Princes to support Henry, not to see the King of Spain's power increased by the acquisition of France. But however it was not easy to persuade them, that they ought to employ all their forces to maintain a war, of

(1) This year, on February 4, a new Parliament met at Westminster, which was dissolved March 20. The Temporality granted the Queen two Subsidies, of 2 s. 8 d. in the Pound, and four Fifteenths, and a Tenth brieder, says Stow, p. 751. The Clergy gave two Subsidies of 6 s. in the Pound, to be paid yearly by two Shillings in the Pound. See *Stuart*. In this Parliament it was enacted, 1. That no Person, except the Party grieved, shall be received to petition or sue upon any penal Statute. 2. That no Person, or body politic or corporate, which hath custom or privilege, in the nomination and choice of any Fellow, Scholar, or any Person in any Church, College, School, Hospital, or other society, shall take any reward, directly or indirectly for his Votes Not for promotion or election to any Benefice or Dignity. 3. That no Person shall build, maintain, or uphold any Cottage, which he lays to in four Acres at ground at least. The penalty for building one is 10 s. and for upholding it 40 s. a month. See *Stuart*, p. 419, 420.— This year died *Francis*, Countess of Sayre, and sister to Sir Henry Sidney; Founder of Sidney-Sussex College in Cambridge. About the same time also, died Sir Walter Mildmay, Chancellor and Under-Treasurer of the Exchequer, and founder of Emanuel College in the fourth University. Camden, p. 557.

(2) Towards the repairs of which, she appointed a yearly sum of 8500 l. Sterling. Camden, p. 558.

(3) She put 12,000 Florins every two months, i. e. 250,000 yearly; besides 360,000 more to three thousand Horse and Foot, which served in the Netherlands. Camden, p. 558.

(4) He died April 6, and was buried by night in St Paul's Church. Camden, p. 560. He spent his whole time and estate in the service of his Queen and Country, and had the best intelligence from all parts that any Minister ever had. He left only one Daughter, who was married, 18, to Sir Philip Sidney, 2dly, to Robert Earl of Effingham, and 3dly, to Richard, Duke of Gloucester in Ireland. This year also, on February 21, died Anthony Dudley Earl of Warwick, without issue; and George Talbot the seventh Earl of Shrewsbury in also in June. Camden, p. 560, 561.

which

1591. which Henry was to reap all the benefit. They were very ready to supply him with Troops, but not to pay them. It was his business to find money. Elizabeth plainly perceived, of what consequence it was to her to preserve France; but expected that the succours she gave the King, should be employed in driving the Spaniards out of the maritime Provinces of *Bretagne*, *Normandy*, and *Picardy*, for that was what most nearly concerned her. It was the King's interest, on the contrary, to expel his enemies from the center of the Kingdom, before he thought of attacking them on the borders, and the more, as he thereby put Elizabeth under a continual necessity of assisting him. However, to receive aid from England, he was to promise what Elizabeth required. They agreed therefore upon a Treaty, whereby Elizabeth engaged to send three thousand men into *Bretagne* and *Picardy*, to hinder the Spaniards from settling in those Provinces, on condition the should be repaid within a year (1) all her charges in raising and keeping the Troops. Henry consented to every thing, not to delay the negotiation, though he was fully convinced of the impossibility to perform his promise by the time appointed. Presently after, the three thousand English passed, part into *Bretagne* under the conduct of Norris, and part into *Picardy* under the command of Sir Roger Williams.

Elizabeth engages and sends a second Army into France.

Elizabeth sends a second Army into France.

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Elizabeth sends a second Army into France.

army before *Rouen*, to carry on the Siege, hoping to take the City before the Duke of Parma's arrival. Shortly after, he sent Du Plessis Mornay to Elizabeth, to try to obtain the desired supply.

Du Plessis, accompanied with the Ambassador in ordinary, being admitted to audience, and telling the Queen his business, the plainly answered, she would not be the French King's dupe; neither would she for the future concern herself any more with his affairs, nor was he to expect any other assistance from her than her prayers: That he had demanded a speedy aid for the Siege of *Rouen*, which she had accordingly sent him; but instead of executing their Treaty, he had lost his time before *Noyon*, and suffered the English Troops to decay, whilst he was making war in *Champagne*: That he had given the Duke of Parma four months to prepare, and then, a speedy supply was desired of her, which would not have been wanted, had things been done in time. To this she added great threats against the Earl of Essex, saying, he would have it thought that he ruled in England, but nothing was more false, and she would make him the most pitiful fellow in the Kingdom; that, instead of sending fresh Troops into France, she was determined to recall those that were there. Then pretending to be indignant, she desired the Ambassadors to be contented with this short audience, hardly giving Du Plessis time to return any answer to her complaints. But he had taken care before hand, and prepared a memorial which he would have presented her, but she bid him give it the Lord-Treasurer. In short, Du Plessis returned, without obtaining any thing, and the Earl of Essex was forced to go back to England, where he found means to appease the Queen. Mean while, the Duke of Parma having entered France, and being joined by the Duke of Mayenne, and the young Duke of Guise, who had escaped out of prison, raised the Siege of *Rouen*. Henry easily perceived by Elizabeth's conduct, she would not suffer herself to be amused by his artifices, and for fear of losing so necessary an assistance, laboured so effectually to be reconciled with her, that at last she sent him two thousand fresh Men; but it was not till after the raising of the Siege.

Whilst these things were transacting, the late Duke of Norfolk's Son, was gone with six Men of war to the Azores, to wait for the Spanish Fleet-Fleet, homeward bound from America. Having stayed six months in the Isle of Flores, he was himself almost surprized by Alphonso Bassano, who was sent to convoy home the Fleet, with fifty three Ships of war. He had the good fortune to escape the danger, by a timely retreat, but one of his Ships that was not speedy enough, was taken by the Spaniards, after a sharp engagement (4). The English made themselves ample amends for this loss, by several prizes, and particularly by taking a Ship richly laden, bound for the West-Indies, in which, 'tis said, they found two and twenty thousand Indulgences for the Spaniards of America (5).

This year the Queen published two Proclamations, the first of which prohibited the carrying of any warlike Stores or Provisions into the King of Spain's Dominions. The second, published in October, expressly forbid the harbouring any person who should come from the English Seminaries, at *Rome*, or *Rhims*, or from a third, lately founded by the King of Spain at *Salamanca* (6).

The war which was continued in France, made Elizabeth both ever uneasy, because the Spaniards had got footing in *Bretagne*, from whence they might readily make some attempt upon England. Henry perfectly knowing her extreme desire to dislodge them from that post, demanded a farther aid to carry the war into that Province. Tho' Elizabeth had experienced, that the could not much rely on his word, because it was not always in his power to make war where he pleased, she concluded with him however a new Treaty to this effect: That the should furnish him with four thousand men, some pieces of ordnance, and a certain quantity of ammunition: That he should aid to the English Troops four thousand Foot, and a thousand Horse, and that army be employed to recover *Bretagne*: That he should within a year repay all her charges: That he should not make peace with the Leaguers till they promised to assist him in driving the Spaniards out of the Kingdom: That England should be expressly included in it;

(1) Provided the Enemy were dispossessed by that time. Camden, p. 561.

(2) Sir Thomas Legation, and Sir Henry Killigrew were appointed as Ambassadors to him. Camden, p. 561.

(3) Desiring which, his Brother Walter was slain. Stow, p. 762.

(4) Sir Richard Grenville, in the Vice-Admiral called the *Revenge*, out of a rash piece of bravery, would not let his Men fall, and he was put up between the Island and the Spanish Fleet, ultimately attempted to break through. But was taken, after a hot fight of fifteen hours. Grenville himself was slain. Camden, p. 561.

(5) About this time, George Rivas, an able Seaman, and James Lancaster, made a Voyage to the East-Indies, and had the good fortune to double the Cape of Good Hope. Ibid.

(6) In the year 1592, March 26, the Queen granted a Commission to thirty four Persons, to search and find out all Seditious Persons, as well English as strangers, that had, since the 31st of the Queen, come, or should thereafter repair into the Kingdom from beyond Seas; and also those that wilfully abstained from relating to Church, or deposed and contemned the Laws made in that behalf; and finally, all those that were guilty of contumacy, clipping, or carrying the Coin out of the Kingdom. *Rym's Fed.* Tom. 16, p. 201, 202. *Recueil.* 200, 1001, and 200 1002. *Notes.* Last Chapter of *Paul's*, and was followed by Sir John Pemberton, who was made city Lord-Keeper. *Stow.* p. 764, 765. — The 31 of the June month, Sir O. Ryge Lord of Bury O Ryke in Ireland, was executed at Tyburn for Treason. *Stow.* p. 764.

1598.

Henry de-
clared Eliza-
beth, sole
refuge at
England.
Canden.A.C. Pub.
XVI.
p. 159, 165.
Canden.Affairs of
Scotland.
Canden.
p. 159, 166.
A.C. Pub.
XVI. p. 100,
108, 109,
113.
Canden.Sir Walter
Raleigh's
Expeditio.
Canden.The Thames
dried up.
Sept. 6.
Bacon.1593.
Statute
against the
Non-con-
formity.
Stat. c. 1.
D'wren,
p. 465.
Townshend,
p. 31.

the peace he should make with Spain. Elizabeth sincerely perceived her engagement, and sent four thousand men into *Bretagne*, under the Command of *Norris* (1). But *Henry*, instead of joining his Troops with the English, and carrying the war into *Bretagne*, ordered them to leave in *Normandy*, whether he was most prejudiced in those parts, or had made the Treaty only to amuse the Queen. However this be, Elizabeth resented it extremely to be again deceived. She often wrote to the King, complaining of his proceedings, but to no purpose. In her anger, she was going to recall all her Troops; but hearing the Duke of *Parma* was preparing to make a third expedition into *France*, sacrificed her resentment to the Good of that Kingdom, which was in some measure her own. Indeed the Duke of *Parma* was upon the point of re-entering *France*; but death, which seized him at the same time, freed *Henry* as well as Elizabeth from their uneasiness.

Scotland was then disturbed by *Bothwell*, who made this year a fresh attempt to become master of the King's person. As his design was discovered before it could be executed, he was forced to fly into England. Elizabeth informed of it, writ to the King, that she would cause those who had harboured the Fugitive to be severely punished. And yet, when *James* sent and required her to deliver him up, pursuant to their Treaty, she evaded his demand, being well pleased to keep that Prince always in a fort of uneasiness which should oblige him to regard her.

The Riches brought by the Spanish Fleets from the *East and West-Indies*, were a continual allurements to the English, who attempted almost every year to take them. Sir *Walter Raleigh*, with that design, departing this year with fifteen gallies, met near the *Azores* a seven-decked Carrack, one hundred and sixty five foot long, most richly laden, which he took without much difficulty. This prize made him some amends for his charges, in fitting out his Fleet. But the contrary Winds hindered him from executing a more important enterprise projected against *America* (2).

There was a sort of prodigy this Summer at London: the *Thames* was so dried up, and the Channel so shallow, that a Man might ride over it near London Bridge (3).

The Parliament meeting in February 1593 (4), passed an Act which troubled not only the Catholics, but even Protestants who differed in certain points from the Church of England, and were called *Puritans*. By this Act, those who neglected to be present at Divine Service, established by Law, were liable to certain penalties (5), and so, not only was it no longer permitted to be a Roman Catholic with impunity, but even a Protestant without conforming to the Church of England. Thus in some measure were renewed the days of *Henry VIII.* when it was unlawful to swerve ever so little from the religion of the Sovereign; with this difference, that under Elizabeth the penalty was not Death, as in the Reign of her Father. Nevertheless there was in this last Act something more hard than in those of *Henry VIII.* That Prince, absolute as he was, contented himself with punishing such as, by some over-act, opposed the established Religion; but by this new Statute, the subjects were obliged openly to profess the religion of the Church of England. Elizabeth, exasperated against the Catholics, who had made frequent attempts upon her Crown and even her life, would have been very glad to have cleared the Kingdom of them. On the other hand, she could not endure the Puritans, looking upon them as obstinate people, who for very frivolous Causes bred a Schism in the Protestant Church. Whilst she was in danger from the Queen of *Scots*, *France*, and *Spain*; in a word, whilst her affairs remained in a sort of uncertainty,

she left the Puritans unmolested, for fear of uniting them in the same interest with the Catholics. But no sooner was the firmly established, but she hearkened to the suggestions of the Clergy, who represented the Puritans as seditious persons, who rebelled against the Laws, and by their disobedience shook the foundations of the Government. This is not the only time, nor is England the only State, where disobedience in point of Religion has been confounded with Rebellion against the Sovereign. There is scarce a Christian State, where the prevailing Sect will suffer the least division, or the least swerving from the established opinions, nor, even in private. Shall I venture to say it? "Is the Clergy chiefly who support this strange principle of Non-Tolerance, so little agreeable to Christian Charity. The severity which from this time began to be exercised in England upon the Non-Conformists (6), produced terrible effects in the following Reigns, and occasioned troubles and factions which remain to this day, and of which perhaps there will be no end these many years."

The same Parliament taking into consideration the Queen's great expences, both in defending the Kingdom against the Spanish Invasion, and in assisting the French King, and the United-Provinces, granted her an extraordinary aid of Money. But it was inserted in the Act, that so large and unusual a supply, granted to a most excellent Queen, who made so good use of the publick money, should not be drawn into a precedent (7). The Queen coming to the House to give the Royal Assent to this Act, made a fine Speech, wherein she forgot not to extol her love and care of her subjects, and her attachment to the Protestant-Religion. She spoke in lofty terms of the bravery of the English, and shewed how formidable they were to all the Nations of Europe (8). No person was ever more master of the art of gaining the affection of her people, by expressing an uncommon value and tenderness for them.

Amidst all the occasions the Queen had to congratulate herself upon her good fortune, she still felt some uneasiness with respect to the transactions of Scotland. King *James* began to be ruled by suspicious persons, and the Queen received advice, that the Spaniards assisted by the Catholics, were contriving some dangerous plot (9), and were countenanced by the Earls of *Huntly*, *Angus*, and *Errol*. She heard farther, that the King acted not with the vigour necessary to prevent their designs, and thereby gave cause to suspect, he was himself something inclined to innovations. She did not entirely rely on that Prince. Besides his suffering himself to be always guided by those whom he entrusted with the administration of his affairs, she was afraid, he had been inspired with the desire to revenge the Queen his Mother's death, and that his protestations of being ever attached to her Interest, were only intended to amuse her. For this reason, she sent the Lord *Borough* to give him advice, and desire him to inform her of what he knew concerning the plots of the Spaniards and Catholics. She wished moreover, he would show himself a little more severe to those who endeavoured to raise troubles in Scotland, and would admit to his Council only persons of known loyalty. *James* answered, he would do what the Queen desired, as far as his own Interest, and the Laws of the land would allow. But whilst, he told the Ambassador, that his Revenues being extremely diminished, he expected the Queen to furnish him with means to punish those who should dare to disturb the publick Peace. He also required, she should deliver up *Bothwell*, who had twice attempted his life, and even sent *Robert Melvil* to Elizabeth, to demand him expressly. But she refused to surrender him, and only banished him

(1) Who had been called home to inform the Queen of the State of affairs in *Bretagne*. Canden. p. 566.

(2) This Prize was valued at 150,000*l.* Sterling. Raleigh's design was to make himself master of *Panama*, or else to intercept the Spanish Fleet. Canden. p. 569.

(3) It was occasioned by a very strong westerly wind, which blew vehemently for two days together. There had been a very great drought the summer before. *Stowe*, p. 765. Canden. p. 570.—Osb. *last Anthony Brown Viscount Mansfield*. Canden. ibid.

(4) It met Feb. 19. and was dissolved April 10. *D'wren*, p. 458, &c. *Townshend*, p. 51, &c. Whilst it was sitting, viz. Feb. 14. *Peter Wren*, *Esq.* and *Sir Henry Bromley*, prepared a Petition for annulling the Succession of the Crown; for which *Wren* was sent to the Tower, and *Bromley* to the Fleet. *D'wren*, p. 470.

(5) In the Preamble it is said, That this Act was made, for the preventing and avoiding such great inconveniences and perils, as might happen and grow by the wicked and dangerous practices of seditious Sectaries, and dissolvent Persons. The Act ran, That if any Person above the age of sixteen years, shall refuse to come to some Church, or to hear to do the same for the space of a month,—shall be committed to Prison, there to remain without Bail or Mainprize, till they shall conform,—and make such open submission and declaration of their Conformity, as by this Act is appointed. The Offenders against this Statute, who refused to make the submission, were to abjure the Realm, and not to return without her Majesty's Licence, under the Penalty of suffering as Felons, without benefit of the Clergy. This Bill met with great opposition in the House of Commons, as the Reader may see in *D'wren*, p. 474, &c. where the Speeches on both sides are inserted. There was an Act made also against Popish Recusants, by which they were confined within five miles of their respective dwellings, on forfeiture of all their Goods and Chattels, together with Lands, during Life. By another Act, all the Abbeys were confirmed to the Crown and Grantees.

(6) These severities were probably occasioned by the disturbances caused by *Hatch*, and some other Enthusiasts. However this be, the same *Hatch*, on July 13. 1591, and also *Henry Barrow*, *David Smalley*, and two more, were executed April 6. 1593, for writing and publishing seditious Books; as was the next year *John Perry*, for writing a Book called, *Martin-Mar-Prairie*. See *Stowe*, p. 764.—*Stowe*, p. 764.—*Stowe*, p. 764.

(7) The Lany granted three Subsidies, of 2*l.* 3*sh.* 4*d.* in the Pound of Goods, and 4*l.* of Lands; together with six Fifteenths and Tenths, amounting in all to 280,000*l.* And the Clergy advanced two whole Subsidies, of 4*l.* in the Pound, to be paid in two years. This Subsidy-Bill passed with great difficulty the Lower House, being debated on Feb. 16. March 3, 6, 7, 9, 10, 12, 16, and 19. See the Debates in *D'wren*, p. 471, 472, &c. 483. Let it be observed here, that a Fifteenth and a Tenth was a certain Tax on every City, Borough and Town, not upon every Man in particular, but a general Sum, in proportion to the fifthpart part of the wealth of the respective Places. Subsidy was imposed on every single Person, as they are assisted by *Fals*, according to the value of their Goods and Lands.

(8) She made this Speech the last day of the Session, April 10. 1593.

(9) This Plot was, to raise a Subscription for a huge fund of Money in *Scotland*; and then an Army of thirty thousand Spaniards was to land in that Kingdom, about the end of the year 1594, which was to be joined by *Bothwell*, and a body of Troops; And all this was to march into England, to revenge the Queen of *Scots* death. See *Rymers* *Fals*, Tom. XVI. p. 150.—1594.

1593. out of England, as she was bound by the Treaty of League, made with the King.

Affairs of Scotland.
Mithel.
A.D. Pub.
XVI. p. 156
Candian.

Bathuill not being able to stay longer in England, returned into Scotland, and withdrew to his own House. Shortly after, his party so increased, by accidents, which it is needless to mention, that he had the boldness to come into the King's presence, under colour of begging his pardon. *Tamrie* was surprized to see him, but was more so, when he perceived, that his whole Court, except some of his Ministers, were *Bathuill's* friends. He was therefore forced as it were to grant him a pardon, on condition that he should depart the Kingdom, and not return unless recalled. *Bathuill* accepted the condition, and concealed himself on the borders of England. But at his departure, he left so strong a party in the Court, that the King was at last obliged to dismiss the Chancellor, the Lord-Treasurer, and others whom he most trusted. *Bathuill* was ready to improve this change, but the King broke his measures, by declaring to the States, he was compelled to pardon him, and by desiring their aid to free him from his yoke. The States declaring for the King, he recalled his Ministers, and *Bathuill's* friends were driven from the Court.

The People of Scotland for the King of England in the Catholic.
Specified.
p. 399.

In this Assembly of the States, an ordinance was made for supporting the Protestant Religion, as established in Scotland. But as the King and his Council were suspected of favouring the plots of the Catholics, this ordinance was not deemed strong enough by the people, who thought that in such a juncture, the States should have taken more vigorous resolutions. However this be, the King's obliquity in keeping in the Ministry, and about his person, Men who seemed to have no zeal for the Protestant Religion, gave occasion to suspect, some dangerous plot was contriving for its destruction.

Henry continued to adhere to Elizabeth.
Candian.

What passed in France made *Elizabeth* no less uneasy than the King of Scotland's Inconstancy. General *Norris* was still in *Bretagne* with the English forces. He had been promised a place in that Province for a retreat, and that the Duke d'*Almont* and *Espinay*, should join him; but he was long left there, without being thought of. At last, *Espinay* being arrived, they made together some little conquests, too inconsiderable to quit *Elizabeth* for the maintenance of her Troops, which cost her weekly three thousand (two hundred) pounds Sterling (1). Thus, instead of employing the English to drive the Spaniards out of *Bretagne*, *Henry* used them only to keep his Enemies in awe, and hinder them from making greater progress, whilst he was waiting elsewhere. *Elizabeth* seeing herself thus deceived, would have recalled her Troops, but was persuaded by the Marshal d'*Almont*, not only to leave them, but even to send fresh supplies, upon the hopes he gave her, that the King would very soon make a powerful effort to reduce that Province.

He changed his Religion.
A.D. Pub.
XVI. p. 156
157.
Candian.

The Queen's vexation at *Henry's* proceedings was nothing in comparison of her concern, when she heard he was going to change his Religion. At the first news, she dispatched *Thomas Wilsit* to dissuade him, if possible, from that design; but at his arrival, *Wilsit* found the thing already done. However *Henry* thought proper to inform him of the reasons of his change, that he might acquaint the Queen his Ministers with the same. All he said on this occasion tended to this (2), that he had changed his Religion against his will, and after as long a delay as possible; but being at last convinced, he should never be fixed in his Throne, whilst a Protestant, he had determined to embrace the Catholic Religion. That is, in other words, having put his Conscience in the balance with his Crown, he had given it for the latter. After so express a declaration of the insincerity of his Conversion, it is no wonder, *Elizabeth* should lose much of her esteem for him, and the Pope and Leaguers not consider him as a true Catholic, or rather it is strange they should be satisfied with an outward appearance. *Morlant* the French Ambassador at London, having told *Elizabeth* the substance of the King's discourse to *Wilsit*, she writ the King the following Lines.

Elizabeth's Letter to Henry IV.
Candian.

IT is hardly possible to express the extreme grief and dissatisfaction which that seized me upon *Morlant's* Representation of things. Good God! What a miserable World do we live in? Could I ever have thought, Sir, that any secular consideration could have prevailed with you to discard a just sense of God and his fear? Or can you ever reasonably expect that Providence will grant this change of yours a happy issue? Or could you entertain a Jealousy that the gracious

Bring, who had so long supported and professed you, would fail and abandon you at last? It is, believe me, a dangerous experiment, to do evil that good may come. But I hope you may be yet recovered to a better inclination, even the Spirit of a sound mind. In the mean time I shall not cease to recommend your case to God in my daily Prayers, and earnestly to beseech him that Elau's hands may not pollute the blessings and birth-right of Jacob. The Promise you made of a sacred and friendly Alliance, I conceive my self to have desired, and even earned at a vast expence: But I had not mattered that, had you still kept your self the Son of the same Father. From henceforth I cannot look on my self as your Sister, in respect to our common Father, for I must and shall always pay a much greater regard to nature than choice in that Relation: As I may appeal to God, whom I beseech to recover you into the path of a safer and sounder Judgment.

Your Sister after the old-fashioned way. As for the new I have nothing to do with it.

ELIZABETH.

This was not the only affair *Wilsit* was charged to mention to the King of France. He had orders to complain from the Queen, that the late Treaty was not executed, and d'*Almont's* delay had been very expensive to the Queen. *Henry* threw all the blame on the Marshal, and positively promised to march himself into *Bretagne*, when the Truce for that Province was expired. He added, that in the mean time, he would advise with his Council concerning the place of retreat for the English Troops. But these were only empty words. The King's intention was not to employ his forces against *Bretagne*, before he had reduced the rest of France, but only to use the English Troops by way of diversion to the Duke of *Mercur*, for fear, when he had made himself absolute master of *Bretagne*, he should afflict the Duke of *Mayenne*. Still less did he intend to give a place of retreat to the English in that Province, lest he should find it very difficult to dislodge them. These things troubled the Queen exceedingly, and certainly, had the aided *Henry* only from a motive of friendship and generosity, as she would have made him believe, she would never have suffered such infringements of the Treaties. But it was manifestly her interest to oppose the Spaniard's designs, who had a mind to become master of France, under pretence of maintaining the Catholic Religion. *Henry* perfectly knew *Elizabeth's* policy, and therefore gave her only good words, well knowing she was concerned to assist him. At length the King of Spain, preparing to exert his utmost in support of the League, which was declining, since the King's turning Catholic, *Elizabeth* readily made a League offensive and defensive with *Henry*, whatever reason she had to complain of him. This League was concluded and signed at *Melan* in *October*, and among other Articles it was agreed, that a Peace should not be made without a mutual consent.

Henry gives the Queen an explanation of his conduct.

About this time, it was discovered in England, that one *Hysput* had been sent by some English fugitives, to persuade *Ferdinand* Earl of *Derby* to assume the title of King, as Great-Grandson of *Mary* Daughter of *Henry VI.* (3). When this was proposed to the Earl, *Hysput* added, he might rely on the assistance of *Philip II.* but if he refused to do what he proposed, or did not keep the thing secret, he might be assured, he should not live long. The Earl of *Derby* fearing to be informed, informed against *Hysput*, who was taken and hanged. But he died himself within four months, by a strange poison which made him vomit himself to death (4). His Gentleman of the horse was suspected of the deed, because he rid away the first day of his Lord's illness. The English fugitives imagined there were great numbers of Malecontents in England, that some great Man's declaring against the Queen would be sufficient to raise a general rebellion. This is not the only time, that, in the like junctures, fugitives have flattered themselves with such vain hopes (5).

Henry is loved.
Candian.

The Duke of *Parma's* death had not entirely hindered the expedition designed by the Spaniards against France. Their Army had entered *Picardy* and taken *Noyon*, and was returned into *Flanders*. After *Parma's* death, the Count de *Fuentes* and *D. Diego d'Alvarra* were at the head of the Council, expecting a new Governor. While the administration of affairs rested in their hands, they incessantly

Death of the Earl of Derby.
Stow.

The Army composed of the Count de Fuentes, and D. Diego d'Alvarra.

(1) It appears by a Paper in *Rymer's Fœd. Tom. XVI. p. 195.* that the King of France was then indebted to her 52,783*l.*

(2) The King's whole discourse to *Wilsit* is to be seen in *Candian's Annals. Regis.*

(3) *Henry Stanley* Earl of *Derby*, Father of this *Ferdinand*, died just before. *Candian. p. 154.*

(4) He died, April 16, in the very flower of his youth. There was found in his Chamber an Image of Wax, with hairs thrust through the body of it, of the time colour with his own, which was thought to be placed there on purpose to avoid the Suspicion of his being poisoned. He was assassinated by his Brother *William*, who had afterwards a famous Trial with *Ferdinand's* three Daughters, for the dominion of the Isle of *Alava*. *Candian. tom. xvi. p. 157.*

(5) This was Queen *Elizabeth* ordered a Garrison to be kept in the Isle of *Silley*, and a Fort to be built in the Island of *St. M. I.* She also fortified the Isle of *Jersey* and *Guernsey.* *Candian. p. 574.*—There died in the Plague this year, in London, 16,075 Persons. *Stow. p. 700.*

1593. fantly endeavoured to excite troubles in Scotland, by as-
furing the Catholics of a powerful assistance from the King
of Spain. Their project was to send a Spanish Army into
Scotland, to assassinate or poison Queen Elizabeth, and then
invade England with their Army from Scotland, which the
general confederation upon her death would render less
difficult. To execute the design upon Elizabeth, they had
cast their eyes on *Rodrigo Lopez*, a Jew, and two Portu-
guese. *Lopez* the Queen's Physician, had promised to poi-
son her for fifty thousand Crowns. This Plot being dis-
covered, the three Accomplices confessed, they had been
corrupted by the Count de Fuentes, and Don Diego d'Ibarra,
to undertake to execrable a design. *Lopez* how-
ever pleaded in his excuse, that his intention was only to
draw money from the King of Spain, and that he had
even presented to the Queen a rich Jewel received from
that Prince. But as he had given no intimation of the
Plot, his excuse was not allowed. At the Gallows he af-
firmed, That he loved the Queen as well as Jesus Christ.
This was a plain indication that he was not unjustly con-
demned.

and executed.
Cromwell.

Other Persons
engaged to kill
the Queen.
Cromwell.

His complaint
of it to the
Archbishop, but
has no reality.
Cromwell.

Henry IV.
makes him-
self master
of Paris.
Thomson.
Merrill.
Cromwell.

War in
Brittany.
Cromwell.

Elizabeth's
uneasiness
with respect
to Scotland.

She finds an
Ambassador
to that King.
A.C. Pub.
XVI. p. 225.
— 240.
Spotswood.

His answer.
A.C. Pub.
XVI. p. 232.
— 235.

A second
more fierce
than the first.
H. p. 235.

heat, replied, he was not at the Queen's command, nor
did it belong to her to prescribe in what manner he should
govern his Kingdom. After that, he demanded *Batwell*,
who was retired into England.

But Elizabeth was very far from giving him this satis-
faction. On the contrary, it was probably from her that
Batwell was enabled to enter Scotland at the head of four
hundred men, with whom he surprised the town of *Leith*,
He afterwards published a Manifesto, importing, "that
persons dangerous to the Church and State, having by
some artifice procured admission into the Council, gave
occasion by their conduct, to believe, they were forming
designs against the Evangelical Religion: That for some
time the *Remiss* Priests had been seen running from
village to village, and celebrating the Mass in the most
public manner: That they endeavoured to animate the
People against the English, in order to kindle a war be-
tween the two Nations, which could not but prove fatal
to Scotland: that to give a check to these dangerous
conspiracies, he had, with the concurrence of divers
Lords and Gentlemen, taken arms to drive these per-
nicious Counsellors out of the Kingdom, or bring them
to an account for their actions: that the thing was the
more urgent, as the Spaniards were going to invade the
Kingdom; and therefore he exhorted the Scots to join
with him, to prevent greater mischiefs, and induce the
King to favour so just a design." He writ in the same
manner to the general Synod of the Kirk assembled at
Dunbar, and to the English Ambassadors. When the
coherence between *Batwell's* Manifesto, and the Lord
Zuch's representation to the King is considered, Elizabeth
must be suspected of being concerned in this undertaking.

Mean time the King having assembled some Forces, *Cromwell*
prepared to oppose *Batwell's* design, who declined not
however to meet him. But the Rebel, having some disad-
vantage in the first engagement, and finding himself not
supported, was seized with fear, and retired to the Borders.
Whereupon Elizabeth forbid any to harbour or conceal him.
This was very agreeable to the Scotch King, who was
afraid the would think of supporting him. The *Batwell's*
undertaking miscarried, it however produced a very good
effect. James perceiving the danger he might incur by a
breach with Elizabeth, resolved at last to alter his conduct,
left his vain projects should cause him in the end to forfeit
the English Crown. He therefore assembled the States,
and prevailed to have the Catholic Lords, who had ap-
peared too zealous for the Spaniards, to be banished the
Kingdom. They made some efforts to resist, but were
at last obliged to obey. Then the States enacted new laws
against the Catholics, and even formed an association like
that in England some years before. One *Graham Frintry*,
a zealous adherent of Spain, endeavouring to excite new
troubles, was punished with death (3).

The King of Scotland's change, and the vigour he ex-
erted on this occasion, destroyed the hopes entertained by
the Catholics, of engaging him in their interest. They
therefore formed new projects to place the Crown of Eng-
land on the head of some person devoted to their Religion,
or at least, not very zealous for the Protestant. The
English Catholics cast their eyes on the Earl of *Essex*,
who, they had observed, approved not the Laws made
against them (4). But the English fugitives in the Low-
Countries were for the Infanta *Isabella*, daughter of Philip II.
They even published a *Catechism*, to shew, that the
King of Scotland being a Heretic, the Crown was devolved to
the King of Spain, whence they inferred, he had power
to dispose of it in favour of his daughter. Nor was this
a bare project founded on the passion of the English Catho-
licks. It is certain, Philip, though he wanted not em-
ployment, since the King of France had declared war
against him, intended to make extraordinary efforts to pro-
cure his daughter the Crown offered her by the English
Fugitives. The fame of his preparations was now flown
over Europe, and produced mischievous effects in Ireland,
where [Hugh O'Neal] Earl of *Tir-er* had rebelled, in ex-
pectation of the assistance promised by the Spaniard. This
obliged Elizabeth to prepare for the defence of her do-
minions, and to send a strong re-inforcement to *Norris* now
in Ireland.

Henry IV, had, as I said, declared war against Spain, *Cromwell*
though unadvisedly, if it could have been avoided, con-
sidering the miserable situation of France. But Philip II,
by his continual and powerful support of the League, had
sufficiently declared war against Henry, though he pretend-

(1) Namely, *Hugh Owen*, *Thomas Throckmorth*, *Hill* the Jesuit, *Gifford* and *Wrenthorpe*, &c. *Cromwell*, p. 577.

(2) He was wounded in the Hip at the Siege of *Ordon*, and died just after his return, with the Fleet, to *Plymouth*. In the same Siege, *Sir Anthony Wing-*
field, and *Bruder*, *Jackson*, and *Barber*, all brave Officers, were slain. *Cromwell*, p. 578.

(3) This year died *William Allen*, Cardinal, and founder of the English Roman Catholic Seminaries, at *Douay*, *Rheims*, *Rome*, and in Spain. He was
educated at *Oxford* College in 1554, and was Prebendary of the University of *Queen Mary's* Regency, and Canon of *York*. But upon *Queen Elizabeth's* accession,
he retired beyond Sea. This year also died *Gregory Fynes*, the last Lord Dacre of that Shire. *Cromwell*, p. 580. *Brent Walker*, Gentleman, set up
this year, an Engine at *Broken-wharf*, for conveying the *Thames* Water through the several parts of the City of *London*; and by Pipes of Lead into each House
above, p. 749.

(4) *Cromwell's* words are: He could never induce the maxim of murdering People for the sake of their Religion.

1595. ed to make war not upon, but for France. However this be, Henry was indifferently obliged to maintain a war against Spain, and therefore believed, it would be better to attack Philip directly, than to stand upon the defensive. But as France was drained both of men and money, it was not easy for him to support the war alone, and come off with honour. He had therefore recourse to Elizabeth, as to his last refuge in his pressing necessities. And, perhaps he was encouraged to break openly with Spain, by the hopes of a powerful alliance from England. To that end, he writ to the Queen, that the recalling of Norris, and his Forces, had broke all his measures, and he rather expected she would send greater succours, since he had declared war against Spain. Elizabeth answered, "That she commended his resolution to attack the King of Spain's Dominions: That this was a good expedient to prevent an Invasion, as she had experienced: That as to the recalling of her Troops out of Bretagne, he could not justly complain of it, since they had not only remained there longer than their Treaty required, but even, notwithstanding the manifest breach of that Treaty, and the violation of his promise: That he had positively engaged to surrender to the English, the Town of Morlaix when taken, for a place of retreat: But that this very place, conquered at the expence of English blood, had been denied to the just expectation of the English, by a fraudulent capitulation of the Marshal d'Amont, to have none but Catholics admitted into it: That he ought not to be surprized, if she was unwilling to be his dupe any longer, since the could rely on neither on his promises nor his treaties: That besides, she wanted her Forces in Ireland, where there was danger of a general revolt." It is certain, Henry's behaviour to Elizabeth was no encouragement to her to grant him any great assistance. And therefore, it was only her fear of the Spaniards taking advantage of the weakness of France, which still kept her attached to Henry's Interest, for whom she had no longer her former esteem and regard. It may also be said, that since his accession to the Throne of France, he had done nothing tending to preserve Elizabeth's friendship.

Henry IV demands forces from England.

She answers him with complacency, and says he respects

The Queen and King of the Scots have by united Cambray.

A.D. Pub. XVI p. 237.

York and Williams executed. Cambray.

Henry IV. is a great friend. Mercen. Cambray.

He demands aid of Elizabeth. Cambray.

be ready, to defend Calais, Dieppe, and Boulogne. Indeed the sole motive of her Treaty with Henry, was to prevent the Spaniards from becoming masters of those maritime places; but she had never pretended to defend the inland Towns of that Province, for which she was little concerned. This was not what the King wanted, having no desire to put the English into these places. He pretended, that without any distinction, the Queen should send him a body of Troops, to assist him in driving the Spaniards out of all Picardy. At the same time, the Deputies of the Province of Bretagne arrived at London, to demand supplies of the Queen, without specifying either the number or service, and without offering a place of retreat; but this demand of Troops was rejected by the Queen.

The Spaniards, after the taking of Doullens, besieged Cambray, and became masters of that important place. Henry seeing himself thus pressed, sent Lamenie, Secretary of State, to Elizabeth, to demand of her a speedy and powerful aid. He expected, by entering into a League with Elizabeth, to engage her to make war with Spain in the Kingdom of France, so that it should seem, she was obliged to send him forces and money, whenever he had occasion, though the Treaty contained nothing like it. But Elizabeth had no such intention, being unwilling to send her forces into France, when her own Dominions were in danger, or so to make war with Spain, that all the profit should be Henry's, and the loss hers (1). Therefore she told the Ambassador, she could not comply with his master's demand. Lamenie, vexed with the ill success of his Negotiation, spoke for her very haughtily, and charged her with being the cause of the loss of Cambray, by her having not sent the desired supplies into Picardy. He added, that she seemed to rejoice at the misfortunes of France, but the might soon repent, and by her conduct, be forced to make a disadvantageous Peace with Spain (2). These menaces, and the haughtiness wherewith they were spoken by Lamenie, entirely offended Elizabeth. Nevertheless, as Henry's affairs were in a very ill situation, she thought it not proper to deprive him of all hopes of her future assistance. She answered Lamenie however suitable to her dignity, but less sharply than she would have done at another juncture. Afterwards, when he demanded a second audience, her answer was, that she would acquaint the King of France, by her Ambassador (3), with her reasons for keeping her Troops and Money.

Elizabeth's refusal offended Henry's Council, in which the Leaguers had now too great an influence. Several advised him to make a separate Peace with Spain, since he could hope for no assistance from Elizabeth. They seemed to talk as if she had been obliged to send Forces to Henry, whenever they were demanded, and had violated her engagements. This was, doubtless, what was intended by the League: the French had reckoned to manage her as they pleased, but being disappointed, were very angry with her. Besides, Henry's Council being mostly composed of the declared enemies of the Protestant Religion, and of whom some had been the most zealous Leaguers, considered Elizabeth not as a friend, whom they were hereafter to regard, but as a temporary friend, from whom they were to draw all possible advantages. It was not without reason, that Elizabeth mistrusted the King of France, who, to obtain his absolution from the Pope, had submitted to Terms unbecoming a King, and tending to the ruin of the Protestants (4), thereby shewing, he no longer considered them as his friends. It was not therefore proper for her to assist powerfully, a friend, who was only so in name. Wherefore she left him to manage his affairs as he pleased, without giving herself any concern. Besides, she could expect from him only a bare diversion to the arms of Spain, which, probably, would last no longer than required by the Interest of France. Henry's conduct gave her no room to expect any thing farther, since he had left the Spaniards unmolested in Bretagne, though her greatest danger was from thence. And indeed, in July this year, the Spaniards, who were settled in Bretagne, made a descent in Cornwall, and burnt some villages (5). Though this Expedition was inconsiderable, it however justly obliged Elizabeth to be upon her guard, and demonstrated the necessity of dislodging the common enemy from that Province. But the interest of England was not the motive of Henry's actions.

It was not of Elizabeth only that the King of France complained after the loss of Cambray. He accused also the States of the United Provinces of violating their Alliance with him, in suffering a Town of that importance to be

(1) The Expedition to Breague had cost the Nation 47,248 Crowns of silver, and above 2,000,540, more were spent upon the Factions under the Earl of Essex, besides the Money lost. Cambray, p. 482.

(2) According to Cambray, Lamenie said, she would by her conduct oblige the King of France to make Peace with Spain, p. 582.

(3) See Henry's Embassy.

(4) See the Terms at length in Cambray, p. 583.

(5) They came only with four Gallies and burnt St. Paul's Church, which stood alone in the Fields, besides Muck-Hill, Nislen, and Professor, these three being Towns, without taking or killing one Man. These were the only Spaniards that ever set foot in England as Invaders. Cambray, p. 233.

1596.
who join
him, being
and troops.

Elizabeth
demands of
them a per-
son of her
age.
Canden.

The differ-
ences ac-
commodated
for a time.
Canden.

Complaints
of the House
of Commons.
Canden.

Sir Walter
Raleigh goes
upon a dis-
tinct voyage
into America.
Canden.
Ad. Pub.
XVI p. 277.

Affairs of
Ireland.
Canden.

1596.
Success of
the Spanish
arms in
France.
Mansel.
Canden.
Stow.
Thuanes.

Henry de-
mands assist-
ance of Eli-
zabeth.
Canden.

taken, and threatened to make a separate peace. The States, seeing the advantage of a war between France and Spain, appealed the King with a round sum of money, two Regiments, and a considerable quantity of Corn.

This proceeding of the States caused Elizabeth to tell them (1), since they had money enough to lend the King of France, they were, doubtless, able to pay their debts, and therefore the demanded to be reimbursed of what she had advanced for them. Adding, that unless speedy satisfaction was given her, by a discharge of part of the debt, and an assurance of the remainder within such a time, she would take proper measures to do herself Justice. The States being thus pressed, had recourse to prayers and submissions to appease her. They represented, that the state of their affairs did not permit them to satisfy her. But as excuses signified little, they urged their Treaty with her, by which they were not obliged to repay her, till the end of the war. She replied, that when she assisted them, they were reduced to a deplorable state, and she showed her bounty and generosity, in not requiring a reimbursement till after the peace, because it was not likely, they should be able to pay her before. But since they were rich enough to lend the King of France money, it was evidently in their power to reimburse her. That therefore the Article of the Treaty on which they insisted, ought naturally to be thus interpreted, *That they should not be in a condition to repay her, before the conclusion of the war.* There were great and even warm contents upon this subject. But at last the affair was adjusted for a time, on these conditions: That the States should promise for the future, to pay the English Forces in their service (2), and join the Queen's Fleet, with a certain number of Ships, in case she should be attacked by the Spaniards.

Elizabeth had also a contest to maintain with the House of Commons, who complained to the Diet of the Empire, that their Corn was seized by the English in Portugal, and their privileges infringed, formerly granted them by Edward III. As this affair was more warmly pushed some years after, I shall have occasion to speak of it elsewhere.

This year, Sir Walter Raleigh, at his own charge, a second expedition into America, from which he reaped no great advantage. The Queen likewise fitted out twenty six Ships to carry the war into that Country, under the command of Sir Francis Drake, and Sir John Hawkins (3). But as the Spaniards had taken great precautions, the English Admirals performed nothing memorable. Nay, they both died in this expedition.

Norris, as I said, was dispatched into Ireland to command the forces against the Rebels, at the head of which was the Earl of Tir-er. The Jealousy which arose between that General and the Lord Russell Lieutenant of Ireland, was the reason, the English made no greater progress in that Kingdom. The Earl of Tir-er even obtained a Truce, upon giving hopes he would lay down his Arms, and submit to the Queen. But this was only a feint to gain time till the arrival of the Succours promised him from Spain. The War was continued for some years; but my design is not to relate the Irish affairs, which would require a separate History. Besides, the manner in which Historians deliver them is so confused, and the Irish names as well of Persons as Places are so barbarous and hard to remember, that it is difficult to form a clear idea of this War (4).

Whatever resolution had been made by Elizabeth to concern herself no more with the affairs of France, she was however forced to take other measures, by reason of the great success of the Spanish arms in that Kingdom. Cardinal Albert of Austria, who had succeeded his Brother Ernst in the Government of the Low-Countries, arrived there the beginning of the year 1596. He immediately made great preparations as if he intended to relieve La Fere, which had been for some time blockaded by the French King, and at last besieged in form. But suddenly, after throwing Succours into the Town, the Archduke marched to Calais and invested it. This place had been formerly of great repute, but whether from the change in the method of besieging Towns, or from being neglected since it was recovered by France, it was now of little note.

Henry alarmed at this Siege, dispatched Sancy into Eng-

land to demand Succours. The Marshal de Baulion quickly followed him, and so pressed the Queen, that she ordered eight thousand Men to be ready under the command of the Earl of Essex. But she required, in case the Siege was raised by the English, to have the Town delivered to them, since it was in effect lost to France. The Marshal and Sancy evaded this demand, by saying, they had no instructions upon that subject, knowing, at the worst, the King had rather see the Place in the hands of the Spaniards than restored to the English. So, under pretence that the relief of Calais was too pressing to allow time to discuss that proposal, they so managed, that the Queen gave orders for the embarkation of the Troops. But at the same time, news came that the Place was taken, after a resistance but of twelve days. Then, the Archduke also took Advantage with the same ease. This was the sixth place taken from France by the Spaniards, within a year. The Succours designed for Calais not having been ready in time, the new levied Troops were dismissed; but the Queen lent money to Henry on the security of his two Ambassadors.

Mean time, the Queen having advice that the King of Spain was preparing to invade England and Ireland, resolved to prevent him. For this purpose, she fitted out a Fleet of one hundred and fifty Sail, with two and twenty Dutch Ships, and seven thousand Soldiers. Charles Howard commanded as Admiral, and the Earl of Essex was appointed General of the Land forces (5).

The Fleet sailed from Plymouth the beginning of June, and kept at a distance from the Coasts of France and Spain, for fear of alarming the Spaniards, the Commanders intending to surprize Cadix. It was with great joy that they learned from the master of an Irish vessel returning from that Port, that every thing there was in the greatest security: That the Garrison was full of Ships of War, Galeons, Gallies, and Merchant-men freighted for the India. This news filling them with hopes, they arrived the 20th of June on the West side of the life of Cadix, and at their approach, the Spanish Ships retired to the Puntales. The next day, the English attacked them with great resolution (6), but met with so warm a reception, that the fight lasted from break of day till noon. At last, the Spaniards despairing to make a longer defence, resolved to sink their Ships, and escape to land. Their Admiral Ship called the St. Philip was burnt to ashes, with two others near her, the Spaniards themselves setting it on fire to prevent its falling into the hands of the English. The St. Matthew and St. Andrew were taken, and most of the others ran ashore.

During the engagement at Sea, the Earl of Essex with eight hundred Men landed at the Puntales, and marched directly to Cadix. Three or four hundred paces from the City, he met with five hundred Spaniards, who, when they saw him, retired into the Town, and were so closely pursued, that the English had like to have entered with them. The confederation was so great in the Town, that before any measures could be taken for its defence, the English had time to force the Gate (7) and throw themselves into the Town. Though they found some resistance in the Streets, yet in half an hour they made themselves masters of the Market-place. Then the Garrison and Inhabitants retired into the Castle and Town-house, but the fame or the following day, were obliged to surrender. By the capitulation, they were to have their lives on payment of seventy thousand Ducats, for which four principal Citizens were given in Hostage (8). The Town being thus in the power of the English, the Earl of Essex turned out all the Inhabitants, and then ordered to be carried on board a great quantity of Silver, Ammunition, and other valuable things, besides what the Soldiers had plundered.

On the other hand, Admiral Howard sent Sir Walter Raleigh to burn the Merchant-Ships at Port-Real. The Admiral was offered two millions of Ducats for their ransom, but rejected the offer, saying, he came to burn and not to ransom the Ships. Mean time, the Duke of Medina found means to unload some of these Ships and fire others to deprive the English of their riches. Besides the Merchant-men, the King of Spain lost two Galeons, taken by the English, with above a hundred brass Guns (9), thirteen men of war, eleven Ships freighted for the India, and thirteen others,

(1) By Sir Thomas Baskley her Envoy to the States. Canden. p. 585.

(2) The Charges of which were computed at 250,000 l. yearly. Besides that, they promised to pay 20,000 l. Sterling for some years: And upon the conclusion of a Peace, a yearly sum of 100,000 l. for 100 years. Canden. p. 586.

(3) Sir Thomas Baskley was appointed General of the Land forces. Rymer's Fœd. Tom. 16. p. 277. He, and Captain Trenchard, had a warm engagement, near Cadix, with the Spanish Fleet that was come to intercept them; but the English Fleet got clear of them. Canden. p. 585.

(4) This year, on November 19, died, in his confinement in the Tower, Philip Howard Earl of Arundel. Dugdale's Baron. Vol. 11. p. 277. — This year also died Sir Roger Williams, and Sir Thomas Morgan, two brave Officers. Canden. p. 585.

(5) The Fleet was divided into four Squadrons, whereof the first was commanded by the Lord Admiral Howard, the second by the Earl of Essex, the third by the Lord Thomas Howard, and the fourth by Sir Walter Raleigh. The Officers of the Army (of which the Lord Admiral and the Earl of Essex were Joint Generals) were, Sir Francis Vere Lord Marshal, Sir John Wilmot's Camp master General, Sir Thomas Clifford Master General, Sir George Carew Master of the Ordnance. The Colonels were, Robert Earl of Suffolk, Sir Christopher Blount, Sir Thomas Gerard, Sir Richard Wentworth, Sir Edward Worsley, Captain of the Voluntary Army, and Sir Thomas Howard, Sir Walter Raleigh, Sir Thomas Baskley, Sir Francis Vere, Sir George Carew, Sir Robert Clegg, &c. Canden. p. 591.

(6) It was done by Sir Francis Vere. Idem. p. 593.

(7) The Spaniards were to pay 200,000 Ducats (or, according to Stow, 600,000) and to give forty Horses. No English of 1000, except Sir John Hopton, was killed. Idem.

(8) Twelve hundred persons of Quality, Gentry, &c. were either taken or sunk in the Sea, by the English.

(9) No 57. VOL. II.

1596. without reckoning the stores prepared for the intended expedition against England. The *English* estimated his loss at twenty millions of Ducats.

The Earl of *Essex* proposed in a Council of War to keep *Cádiz*, and even offered to stay there, provided he might have [four hundred Men and] three months provisions; but his advice was not followed, every one being impatient to return with his plunder to England. So the Fleet set sail, after burning the Town with some adjacent Villages. While the Fleet was sailing for England, a North Wind arising, the Earl of *Essex* proposed to steer for the *Azores*, and wait for the *Indian* Caracks; but he was not heard, every one fearing to lose what he had gained.

The Queen received these brave Men with great marks of esteem, and exprest her acknowledgment of the service they had done her. But the Earl of *Essex* met with a mortification on his arrival at Court, for, having before his departure, recommended *Sir Thomas Dudley* to be Secretary of State, the Queen, without regarding his recommendation, had conferred that office on *Sir Robert Cecil* the Lord Treasurer's Son, who was not his friend. Some days after, he had also the vexation to see *Francis Vere* made Governor of the *Briel* (1), though he had strongly solicited for another. This convinced him that his credit was declining, and his uneasiness at it engaged him in extravagant projects which cost him his life.

The King of Spain having been for some time unable to pursue his designs against England, Elizabeth renewed her applications to the States of the United Provinces, for payment of her arrears. The States, to be excused, alleged the same reasons as before, which were no better received. The Queen said, it was unjust her payment should depend on a peace, which the States might defer as long as they pleased. That besides, the Treaty he had made with them, contained in express terms, that the war should continue no longer than the saw convenient. But the States pretended, this article was inserted in the Treaty only in honour to her. This contest held, till the report of new preparations in Spain for an invasion of England, caused the Queen to cease by degrees her solicitations. The truth is, the States delayed to pay her, not so much out of inability, as to keep her always attached to their interest. On the other hand, the Queen did not make these pressing instances from want of money, but because she would not have her payment depend on the success of the affairs of her debtors. They were then able to pay, but she knew not what alterations time might produce.

When the Marquis de *Bouillon* was sent into England to demand aid, he had made form proposal of a stricter alliance between France and England. But the French King had neglected this affair, because he saw Elizabeth upon her guard, and unwilling to furnish him with either men or money, but upon good grounds. Mean while, the designs and preparations of the Spaniards becoming publick, Henry believed, Elizabeth would be more tractable, and he might treat with her upon better terms. In this belief he dispatched the Marquis de *Bouillon* and *Sancy* into England, to negotiate with the Queen a league offensive and defensive. The treaty was soon concluded, for the Queen was afraid, the ill situation of the King's affairs would force him to a separate peace with Spain. The principal articles of this league were, that the Queen should furnish 4000 men for the defence of *Picardy* and *Normandy*: that the King of France, in case the Queen was invaded, should find the like number for the defence of England, not to serve above fifty miles from the Sea. That neither of the two Crowns should make peace without the consent of the other. By a secret article it was agreed, that Elizabeth should this year furnish no more than two thousand men (2). Very probably, Elizabeth concluded this league with France, with the sole view of keeping Henry engaged in the Spanish war, by means of the supplies he was to lend him. But it is unlikely, she expected the same assistance in case of need, because Henry could not himself be without the English auxiliaries. On the other hand, Henry knowing, that Elizabeth had consented to this Treaty from the sole motive of interest, scrupled not to act on the same motive; that is, to use the Queen's assistance, till he could with honour disengage himself from a war, he had so unseasonably declared against Spain. There are few leagues but what have the like foundation. Wherefore

they are commonly seen to cease, when the interest of one of the parties begins to change. The States of the United Provinces entered into this league, with some additional articles which concerned them in particular. But Elizabeth's jealousy of their attachment to France, retarded some time the conclusion of their Treaty. She pretended, they ought not to come into it as foreigners, but as associated Towns which had put themselves under her protection. But the King of France prevailed with her to desist from this pretension.

Philip II. was intraged to be prevented by Elizabeth, and to be unable to defend his own dominions, he who had, his whole life, been so greedy of those of others. So, resolving neither to desist from his projects, nor suffer Elizabeth to enjoy the satisfaction of her happy success, he determined to make another effort, not only to be revenged of Elizabeth, but also to conquer England. Though he had received great damage from the English, yet as it was only in one of the places where he had made his preparations, he still believed himself in condition to pursue his designs. He therefore assembled all the Ships he had left, freighted many foreign ones, and, by this means, had a formidable fleet, when Elizabeth thought him entirely unable to act against her. This fleet sailed from *Lisbon* to take up the Land-forces at *Ferrola*, and then steered directly for England. But a violent storm arising in the middle of the voyage, several of the ships were lost, and the rest so dispersed, that the fleet was rendered unserviceable for this year. Thus Elizabeth had the pleasure to hear it was unable to hurt her, before the knew of its failing. But not to be exposed again to the like danger, she took care to fortify the places where the Spaniards could most easily have landed (3), if heaven had not blasted their projects (4).

In the beginning of the year 1597, during a most severe winter, Prince Maurice gained a battle, against the Spaniards, at *Turnhout*. But on the other side, in *March*, *Hernando Tellez Portocarrero* Governor of *Durand*, found means to surprize *Amiens*. This accident disturbed the secret negotiations of Peace, which by the mediation of the Pope were on foot, between Henry and Philip. The Treaty was now well advanced without Elizabeth's knowing thing any of it, notwithstanding Henry's late Treaty with her, of which the principal article was, that no peace should be made without a mutual consent.

Philip II. relying on a separate peace with France, had Philip formed resolved to make an effort against Ireland, where he had correspondents, and even prepared a fleet to execute his design. The notice the Queen received of it, made her resolve to prevent him, as she had often done with success. For this purpose, she equipped a fleet of six-fixe vessels, with six thousand Land forces, and gave the command to the Earl of *Essex* (5). The Earl's project was to sail to the *Groyne*, and destroy the armament preparing there, then to wait at the *Azores* for the Spanish fleet returning from the Indies. But contrary winds, storms, and a quarrel betwixt the Earl of *Essex* and *Sir Walter Raleigh* broke these measures, and the fleet returned to England, without any memorable action. It is needless therefore to be more particular, concerning an expedition from which Elizabeth received but little advantage. I shall only say, that whilst the English were returning, a Spanish fleet from *Ferrola* was steering the same course, in order to make a descent in *Cornwall*. But a tempest from the North so dispersed the two fleets, that they could not even get sight of each other.

The Earl of *Essex* being returned to Court about the end of *October*, met with a fresh cause of discontent. The Queen had created Admiral *Haward*, Earl of *Nottingham*, and inserted in his Patent, that it was for his services to his Country in 1588, against the fleet of Spain, and afterwards, in taking the town of *Cádiz* jointly with the Earl of *Essex*. This Patent offended the Earl, who thought himself affronted by the Queen, in her ascribing any share of the taking of *Cádiz* to the Admiral. Besides, by this creation the new Earl of *Nottingham* was to take place of him by an act of Henry VIII, which gave the precedence to the Lord High-Steward, the Lord Chancellor, the Lord Treasurer, the Lord President, the Lord Privy-Seal; the Lord Chamberlain, the Lord High-Confable, the Earl Marшал, the Lord High-Admiral, (and the Lord Steward, who are called the great Officers of the Crown) before all

(1) Upon the Lord *Stafford's* voluntary resignation. Camden, p. 594.

(2) Gilbert *Tellis* Earl of *Aberbury*, was sent Ambassador to France, to see the King swear to this Treaty; and also to present Sir *Anthony Murrey* to be the Queen's Ambassador, in the room of Sir *Henry Unton* deceased; and to invest Henry with the Order of the Garter. Camden, p. 595. See an account of his magnificent reception, in *Stowe*, p. 777.

(3) She recalled the following Castles to be fortified, *Sandwich*, *Portland*, *Wool*, *Swansea*, *Calicut*, *St. Andrew's*, and *St. Mawds*. Camden, p. 596.

(4) This year, *Thomas Arundel* of *Wardour* returned to England, after having done the Emperor signal service against the Turks, and here, as a reward for it, created *Count of the Holy Empire*; the Queen was highly pleased at *Arundel's* accepting this Title, as the Reader may see in Camden, p. 595, *Arundel* and *Byron's* *Life*. *Tom. Arundel*, p. 384, 389, 391.—Within the Course of this year also Henry *Gerry* Lord *Beaufort*; Sir *Francis Knollys*; Sir *John Puckering* Lord Keeper of the Great Seal, who was succeeded by Sir *Thomas Egerton* Master of the Rolls. *Stowe*, p. 771. Camden, p. 596.

(5) The Fleet was divided into three squadrons. The first commanded by the Earl of *Essex*; the second by the Lord *Thomas Howard*; and the third by the *Walter Raleigh*. *Charles Broun* Lord *Murray* commanded the Land forces under the Earl of *Essex*; Sir *Francis Vere* was Master of Camp, Sir *George Calver* Lieutenant of the Ordnance, and Sir *Charles Percy* Baron of *Rich* Colonel. Camden, p. 597. *Stowe*, p. 773.

1597. the Poets of equal degree (1). But the Queen to allay her resentment, created him Earl-Marshal of England, which preserved to him the precedence of the Lord High-Admiral.

The *Hans-Towns*, as I said, had made great complaints to the Diet of the Empire, concerning the corn taken from them in *Portugal*, and their privileges lost in England. *Elizabeth* sent an Ambassador to the Diet, to answer these accusations. He represented, that the *Hans-Towns* by the abuse of their privileges, had caused them to be annulled by an Act of Parliament in the reign of *Edward VI.* That afterwards *Mary* had for a time suspended the execution of that Act; but at last, even in her reign, those privileges had been entirely abolished, for which he alleged several reasons mentioned in *Edward's* reign. That as to the seizure of their Ships in *Portugal*, they were freighted with provisions for the *Spaniards*, and by the law of nations the *English* could seize provisions which were carrying to their enemies, and even confiscate the Ships which however were restored to the owners. This affair seemed suppressed, and it had not been mentioned for two years, when suddenly the Emperor, at the solicitation of the *Hans-Towns*, prohibited the Commerce of the *English* Merchants, called the Adventurers, with the Empire. This obliged the Queen to prohibit the Commerce of the *Hans-Towns* in England.

Mean time, the King of *France* was greatly embarrassed, since the *Spaniards* were become masters of *Amiens*, from whence they could make incursions to the gates of *Paris*. He resolved therefore, at any rate, to recover this place, and burned the Siege about the end of *May*. At the same time, he summoned Queen *Elizabeth* to send him four thousand Men, according to their Treaty. The Queen answered, she was ready to send the Forces, provided he would pay them, because her expenses in equipping a Fleet, and maintaining an army in *Ireland*, rendered her unable. Troops without money did not suit with *Henry*, whose Exchequer was exhausted. Wherefore to induce *Elizabeth* to comply with his demand, he ordered her to be told, that offers of Peace had been made him, with the restitution of all his places, except *Calais*, and *Ardes*, if he would abandon *Amiens*. He meant to insinuate, that it was solely on her account, he had refused a separate Peace, though in truth, the seizure of *Amiens* was the real cause of the discontinuance of the Treaty, which he would not have begun, without her participation, if he had retained the least regard for her. However this be, the Queen, yet ignorant of the secret, told him, by her Ambassador, she could never believe, that so great a Prince would violate a solemn Treaty so lately made, and confirmed with reciprocal oaths. She prayed him to look into the Treaty, where he would find this Article in express terms: *The Queen of England shall send this year, four thousand Foot to serve the King for the space of six months: They shall likewise serve him as long in the following years, if the Queen of England's affairs will conveniently permit, in which point the King of France is to take her Honour and Conscience for security.* That therefore it was manifest, the Treaty was not violated by her, as she offered to send Forces, provided he would promise to pay them. All this ended at last, in what, probably, *Henry* proposed, which was, that *Elizabeth* instead of Forces, should supply him with money. For security, *Henry* offered her *Calais*, provided she would recover it within such a time with her own forces. This was engaging her to make a diversion more advantageous to *France*, than the four thousand Men he demanded. It was even uncertain, whether the Town could be taken within the limited time, which probably, would have been very short. But *Elizabeth* was not to be thus insured, especially as she knew, the King of *France* had rather see *Calais* in the hands of the *Spaniards*, than of the *English*. But the retaking of *Amiens*, which surrendered in September, finished this dispute.

The surrender of *Amiens* renewed the Negotiations between *France* and *Spain*, which had been interrupted. *Henry's* conduct on this occasion did not correspond with the services he had received from *Elizabeth* in his most pressing necessities. He deferred to acquaint her, that a

Peace was absolutely necessary for him, till he had privately settled the principal Articles. He thought, probably, as *Elizabeth* had only consulted her own Interest in their League, he might likewise consider only his own advantage. Such a principle allows the breach of any Alliance without scruple. He could not however so secretly transact this affair, but *Elizabeth* had notice of his proceedings and designs. For this reason she called a Parliament (2) to demand an aid in such a juncture, intimating, that going to be abandoned by her Ally, though he still pretended not to treat without her. The Parliament perceiving the danger of an immediate Invasion, voted an extraordinary supply, on condition, it should not be drawn into a precedent (3).

Elizabeth knew *Henry* was treating with *Spain*, but was ignorant the Peace was now almost concluded, and the more, as he had desired her to send Ambassadors to settle the points on which they were to treat. She sent therefore, [Thomas] *Wilks*, [Sir Robert] *Cecil*, and [John] *Herbert*, [master of Requests.] The first died presently after his arrival at *Paris*. The two others waited on the King at *Angers*, to know upon what terms the Negotiations stood with *Spain*. *Henry* gave a general answer, declaring, he wanted a peace, and that the welfare of his people, which he preferred to all other considerations, absolutely required it. *Cecil* answered, the Queen his mistress desired it no less, but wanted to know upon what conditions it was proposed by the King of *Spain*, and whether the States of the United Provinces were to be included. *Henry* replied, the King of *Spain* offered to restore all the places taken in *France*, *Calais* not excepted; that this offer could not be rejected, without exposing his Kingdom to utter ruin. Adding, he would soon cause the King of *Spain* to grant honorable conditions to the Queen, and the United Provinces.

This was sufficient to show the Ambassadors, that the peace between *France* and *Spain* was already concluded, and no care taken of *Henry's* Allies. *Elizabeth*, having some intelligence of it, ordered her Ambassadors to complain to the King; and the Ambassadors of the States received also the same orders from their masters. But *Henry* not to hear himself reproached, which must have been very mortifying to him, appointed Commissioners to treat with the Ambassadors, instead of granting the audience they demanded. These Commissioners and the Ambassadors being met, *Oldenbarnevelt*, one of the States Ambassadors, spoke boldly of the insincerity wherewith the King had treated his masters. He adjured the King, though absent, to declare in his conscience, if he thought it becoming a Prince, to separate from his Allies without any provocation. Then, to confound the French Commissioners, he read aloud the Treaty of League, concluding with these words: *That some Kings preferred their private Interests to their Allies; but that this often proved fatal to them; for when Princes have parted with their faith and honour, it is in vain to think of supporting themselves by mere power (4).* The Chancellor, who was one of the Commissioners, answered the Ambassadors, that what he said deserved great regard, and should be reported to the King, protesting however, that *France* could not subsist without peace.

Cecil spoke next, and said, That being impowered only to treat of a general Peace, since the States of the United Provinces were not to be included in the King's Treaty with *Spain*, he could proceed no farther. Then, after a justification of *Elizabeth's* conduct, and a bold censure of the French King's, he demanded time to inform the Queen of what passed. But his demand being eluded, he prayed the Commissioners to remind the King of the oath, he had taken before God and Man. He concluded with saying, that the Queen expected to be repaid, the sums lent the King in his pressing necessities. But whatever the Ambassadors alleged signified nothing, since the Peace between *France* and *Spain* was concluded, and nothing was wanting, but the formality of having it publicly signed by Plenipotentiaries, who were to meet at *Jervin*.

Elizabeth was extremely provoked with the French King's proceedings, and the more, as she saw no other cause which could oblige him to negotiate a Peace without

(1) The Chancellor, Treasurer, President of the Council, Privy Seal, being Barons, sit above Dukes in Parliament. The rest of the great Officers sit after the Peers, above all of their degree only. See *State of Henry VIII.* c. 10.

(2) This Parliament met at Westminster October 24, 1597, and was dissolved Feb. 9, 1598. *Dreux*, p. 322. — The Acts made in this Parliament were these: 1. An Act for the punishment of Rogues, Vagabonds, and sturdy Beggars. By this Statute, all the follow-ers are to be assigned Rovers and Vagabonds. Pele that go about begging, as poor Scholars; or on pretence of alms by fire or purbeck; Collectors for Gosh; or persons delivered out of Gaol, and begging for their Fees; such as use any idle Cries, or unswearing Curses; Fortune-tellers; Gypsies; Pedlars; Bear-wards; common Bawlers, and Mischief; Jugglers; Tricksters; Pedlars; and petty Chapmen; Persons not seeking for reasonable wages, when they are able, and the like. Their punishment is to be whipped, and sent from *Paris* to *Paris*, by the Officer in each, the next straight way to the *Paris* where they were born, or last went for the space of a whole year. 2. An Act for settling of Hospitals, Houses of Correction, and Work-houses for the Poor. 3. One for the increase of Mariners, and maintenance of the Navigation. 4. An Act against lewd and wandering Persons, pretending to be Soldiers or Mariners, and travelling without Testimonials from Justices of Peace.

(3) The Livery granted three Subsidies of 3 s. 8 d. in the Pound of Goods, and 4 s. of Lands, with six Fifteenths and Tenthings. The Clergy gave three Subsidies to be paid on fix federal essays. Their federal Subsidies were granted without any condition or difficulty. See *Dreux*, p. 326.

(4) Then he proposed, that if the King of *France* would lay aside the thoughts of Peace, and desire *Calais*, the States would advance pay for seven thousand men to shift in it, and furnish twenty five Men of War; & that the same time lay Siege to some other place, to divide the Enemy's Forces. See *Dreux*, p. 323.

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giving her notice, than compliance to the Pope and the King of Spain. It is certain, *Henry* might have disingaged himself, with some appearance of good faith, if he had but pretended an unwillingness to treat without his Allies, and afterwards, upon the difficulties which should arise, had urged the necessity he was under of making a Peace. But concluding it without their knowledge, he clearly discovered, that he preferred the King of Spain's Interest before that of his ancient Allies. This was indeed his Character. He was so impatient to see himself in peaceable possession of the Crown of France, that to compass his ends, he never scrupled to sacrifice his old friends, who were unable to hurt him, to his most mortal enemies, who might still create him disturbance. He had no person about him who dared to censure such a conduct; but in *Elizabeth* he found one of an equal rank, who used him with less ceremony. She sent him a Letter, in which, after other severe expressions, she told him, *That if in temporal concerns, there was such a thing as a Sin against the Holy Ghost, it was, doubtless, Ingratitude: That if he had obtained advantageous Terms from Spain, he ought to thank England for it; and that solemn oaths, and mutual compacts, were never intended for snares, unless by the worst of Men.* *Henry* was stung with these reproaches, but as they admitted of no reply, chose to take no notice of them. He excused himself upon the urgent necessity which forced him to make Peace, and endeavoured to persuade *Elizabeth*, that whereas he had hitherto been only a Burden to her, he would for the future, give her marks of his acknowledgments, in procuring her a safe and honorable Peace, and in never forsaking her Interests. But this was only words, which were not much regarded by the Queen.

During these transactions, some Articles of little moment which had remained undecided, were finished at *Veruins*. *Mazarin* owns, the Peace might have been concluded and signed in less than three Weeks, if *Henry* had not affected to persuade the publick, he would not abandon his Allies. But all this tended only, to obtain for the Ambassadors of England and of the States, an admission to the Conferences without any Declaration of what he would do in their favour. But *Philip*, who knew how far he should be solicited, remained inflexible, and would never grant a power to his Plenipotentiaries to treat either with England or the States. At last, after *Henry* had made all the necessary excuses to clear himself to the publick, he gave orders to his Plenipotentiaries to sign the Treaty, promising however his Allies, that he would not ratify it till forty days after, as if that time had been sufficient to make their Peace with the *Spaniards*, who even refused to treat with them. Mean while, he exhorted them, whether seriously or jestingly, to embrace the opportunity he was procuring them. This Peace was signed at *Veruins* the 2d of May, and ratified by *Henry* the 15th of June.

It was now incumbent upon the Queen and the States to take proper measures to sustain the War against all the forces of Spain, and in order to this, *Elizabeth* sent *Francis Vere* to the States to know their resolution. Mean while, it was debated in Council, whether it was proper to make peace, or continue the War. The Council being divided upon this question, several reasons were alleged on both sides. But the Queen, who knew perfectly her interest, readily declared for War. She perceived, that in making a separate Peace, as it would have been very easy, she should oblige the States to put themselves again under the *Spanish* Yoke. In that case, she foresaw, she should stand single without any Ally, and exposed to the insults of *Philip*, who would never want pretences to quarrel with her, and resume his former projects against England. Nay, it was to be feared, the King of France incited by the Pope and a Catholic Council, where the antient Leaguers had great influence, would suffer himself to be engaged in a Plot to dethrone her. She was also apprehensive, the King of Scots, in order to ascend sooner the Throne of England, would be tempted by promises to abandon the interest of the Protestant Religion. In a word, by forsaking the States, she exposed herself to the danger of seeing the storm falling upon her own head, which she had all her life been labouring to turn upon her Neighbours. On the contrary, in supporting them she employed the *Spaniards*, and hindered him from making any considerable attempts upon England. Moreover, if by a vigorous War he could oblige *Philip* to a Peace without any danger to the liberty of the States, she would thereby secure friends, who might be very serviceable on occasion.

These were the reasons which determined the Queen to continue the War. But she was very careful to conceal her intentions from the States, and rather showed a great

inclination to Peace, pretending she was unable to carry on so burdensome a War. She intimated to them, that her interest was not concerned, and that *Philip's* efforts against England, plainly showed, she was in no danger from him. The States, not being able to dissemble like her, because their all was at stake, she brought them to acknowledge, that if the War was continued, it was solely for the preservation of their liberty, and therefore it was necessary to treat anew upon that foundation. In short, the so artfully managed, that they came to a new agreement with her, entirely to her advantage. The States chose rather to submit to her terms than be forced to make a Peace, by which, in that juncture, they must have lost their liberty, their Religion, and the fruits of thirty years labour. The Articles of this new Treaty were (1):

That the States should give security to *Elizabeth* for five hundred thousand Pounds Sterling, to which all her claims were limited.

That the half of this Sum should be discharged by yearly payments of thirty thousand Pounds Sterling, as long as the War should continue; and if, at the end of the War, any thing remained of this half, the annual payments should be but twenty thousand Pounds.

That as to the other half, and the restitution of the Places which were in the Queen's hands, there should be an amicable agreement, when the Peace was concluded.

That for the Garrisons of *Flushing*, the *Brill*, and other Forts, the Queen should furnish eleven hundred and fifty Men, to be paid by the States, at the rate of one hundred and seventy Pounds Sterling a Month, besides utensils and other usual necessities for Soldiers in Garrison.

That for the future the Queen should be discharged of her engagement to furnish the States with Auxiliaries, and that the *English*, who now served, or should hereafter serve in the *Low-Countries*, should be paid by the States, take an oath to them, and obey the orders of their Generals.

That by this means, the Authority of the *English* Deputy, stipulated in the former Treaty, would be abolished, the Queen nevertheless reserving a power to put one Person into the Council of State.

That if, during the War, the common enemy, or his adherents should set out a Fleet to invade England, or the Isles belonging to it, namely, those of *Wight*, *Solers*, *Guernsey*, and *Jersey*, the States should be obliged to assist her Majesty with a Fleet of thirty or forty Ships of War; and, in case of an invasion, with five thousand Foot and five hundred Horse: That if her Majesty should equip a Fleet of fifty or sixty Ships, to act offensively, either in Spain, Portugal, or the *West-Indies*, the States should join her with the same number of Ships. And if any *English* forces, as ten thousand Foot and two thousand Horse at the least, were sent over to *Flanders* or *Brabant*, the States should furnish out half the same number of Men.

It is easy to observe from this Treaty, how well the Queen knew to improve the present circumstances of the States, and their fear of being forced to make a disadvantageous Peace with Spain, though for reasons before mentioned, it was her interest to continue the War. Besides, when this Treaty was negotiating, the Earl of *Tirconnell* was very formidable in Ireland. In fine, the King of Scotland almost openly demanded to be declared the Queen's presumptive Heir. He dispersed written or printed Books, in which he pretended to prove that no person whatever could deprive him of his right. A Letter was even shown to *Elizabeth* subscribed with his own hand, and addressed to the Pope (2). Camden says, he had been surprised into this Letter, but that Author is too partial in every thing concerning King *James*, to deserve entire credit. Shortly after, one *Edmond Squire* was apprehended in London, for having undertaken to kill the Queen by poisoning the pommel of her Saddle. All this shows, she had no less reason to fear for herself than for the States; and that it was her interest to support them, and procure them a Peace which should secure their liberty.

The death of *Philip* of Spain, which happened in September this year, something allayed *Elizabeth's* uneasiness. That Prince was seventy two years old, and had reigned forty two, in continual troubles to enlarge the bounds of his Monarchy. He cast his ambitious views upon France, England, and Portugal, and of all these grand projects, the last only succeeded. But he lost seven Provinces in the *Netherlands*, which were well worth the Kingdom he acquired. He died a dreadful death, being devoured by lice swarming from Ulcers with which he had been some time afflicted: But he bore his calamity with admirable constancy. Some time before his death, he had aligned the So-

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A note:
Henry be-
cause Eliza-
beth and the
States
August 16,
Act. Public.
The XVI p. 140
Camden.

He is to be
from a Letter
full of re-
proaches.
Camden.

He signs the
Peace without
his Allies.
May 10.
Thuanus.

Elizabeth's
reasons for
continuing
the War.
Grosius.
Camden.

The Earl of
Tirconnell
in Ireland.

The King
of Scotland
demanded
to be declared
the Queen's
presumptive
Heir.

He was
surprised
into this
Letter.

Camden
says, he
had been
surprised
into this
Letter.

Camden
says, he
had been
surprised
into this
Letter.

(1) It does not appear from whence *Rapin* has taken this Treaty. His Abstract of it is extremely faulty, which is here rectified from the Original in *Rapin's* *France*, Tom. 16 p. 340, &c.

(2) This Letter is extant in *Wicquell's* *Memoirs*, Tom. 1. p. 1.

1598. vercignty of the *Leds-Countries* in dower to the *Infanta Isabella* his Daughter, when he married her to Archduke *Albert*. But the conditions annexed to this grant shew he had no intention to dismember those Provinces from the *Spanish* Monarchy. Besides the reservation of Homage, and a power to keep Garrisons in the Citadels of *Antwerp* and *Cambrey*, he had stipulated the reversion of these Provinces to the Crown of *Spain*, in default of Heirs descending from the Princess his Daughter, and it is even pretended he had rendered her incapable of ever having any. He was succeeded by his Son *Philip III*.

This year a troublesome affair happened at the *English* Court. The Queen consulting the Earl of *Essex* and the Admiral (1), concerning a fit person to be sent into *Ireland*, discovered an inclination for Sir *William Knolles*; but the Earl of *Essex*, though his Nephew, strenuously opposed it, contending for Sir *George Carew*, in order to remove him from Court, as being jealous of him. He supported his opinion with great haughtiness and obliquity, and perceiving the Queen immovable, turned his back upon her with such an air of contempt, that provoked at his insolence she gave him a box on the ear (2). He immediately laid his hand on his sword, and being prevented from drawing it by the Admiral, swore, *That he neither could nor would put up so great an indignity; nor would he have taken it from Henry VIII. himself were he alive*, and instantly retired from Court. The Lord Privy-Seal representing to him, in a Letter, the folly of his menaces, and advising him to ask the Queen's pardon, he sent a long and passionate answer, wherein he spoke very disrespectfully of the Queen (3). But at last being brought to himself, by the advice of his friends, he was re-admitted to favour. Few believed this reconciliation sincere, and the Earl's friends were in great fear for him.

William Cecil, Baron *Burleigh*, Lord Treasurer, and for many years prime Minister and Confident of the Queen, died this year in extreme old age (4). The Lord *Buckhurst* succeeded him in his office of Treasurer.

The affairs of *Ireland* were in so ill a situation, that a speedy remedy was to be applied, or the Kingdom exposed to the hazard of being entirely lost. Since the advantages gained by the Earl of *Tir-er* over the *English*, the whole Province of *Munster* had revolted. The Natives in every other part of the Isle were in the same disposition, flattering themselves that with the assistance of the Pope and the *Spaniards* (5), the Earl of *Tir-er* would free them entirely from the *English* yoke. The Queen, informed of the state of affairs, believed, no time was to be lost to reduce the *Irish* to their duty, and ordered her Council to consider in her presence, how to execute her resolution. The Earl of *Essex* spoke long upon this subject, blaming the conduct of the former Lord Deputies, who, he said, amused themselves with trifles, instead of acting directly against the Earl of *Tir-er*, without giving him any respite: That by Truces granted him from time to time he had restored his affairs; and withal, the Queen had been put to needless expence, since her Troops were as well paid in a Truce as during the War. This opinion was grateful to the Queen, who loved not to be lavish of her money without occasion. When a Deputy came to be named, most of the Council were for the Lord *Mansfield*. This was opposed by the Earl of *Essex*, because that Lord had never commanded in chief, and was too much addicted to Books; whereas the affairs of *Ireland* required an active and a warlike General. He added, that to put a speedy end to the War in *Ireland*, the management of it ought to be given to a General of reputation, and who was acceptable to the People.

In a word, he so plainly pointed out himself, that he was chosen to the employ. His friends thought to oblige him, and his enemies hoped that this post, and his absence from the Court, would afford them means to ruin him.

What this Lord's designs were, is not known, but for some time he had made himself popular, and gained far upon the people by his affable behaviour, that he was almost adored (6). He only wanted to gain the affection

of the Soldiery, and probably this was his aim in desiring to command in *Ireland*. But as he had enemies, intent upon his ruin, it was on this employment they founded their hopes of success. On the other hand, his friends in serving him too zealously did him a diskindness. They affected to publish his descent from the Royal House of *Scotland*, and from that of *England* by his Great-Grand-mother, who numbered amongst her Ancestors *Edmund de Langley* Duke of *York*, and *Thomas of Woodstock*, both Sons of *Edward III*. Hence it was intended to insinuate, that after the Queen's death it would be better to place him on the throne than a foreign Prince. A book was also dedicated to him, in which the Author overthrew the Titles of all the Pretenders to the Crown, except the *Spanish Infanta*'s (7). His enemies, perceiving he was forming some dangerous conspiracy, took care not to divert him from it. On the contrary, they every where, and on all occasions, extolled his valour, his prudence, and his attachment to the Protestant Interest, in order to engage him in measures which would more clearly discover his designs. He had a lively wit, and many amiable qualities, but was too much intoxicated with his own merit, and regarded the rest of the nobility as very much his inferiors. He was made Lord Deputy with a very extensive commission, to continue or end the war as he pleased; and even to pardon the Earl of *Tir-er*, and the other rebels, which was an authority never before granted to any of his predecessors. But it was inserted in his Commission, that laying aside all other affairs he should apply himself wholly to pursue and ruin the Earl of *Tir-er*, chief of the Rebels. He could not complain of this clause, because it was only what was proposed by himself in the Council.

About the end of *March* the Earl of *Essex* sailed for *Ireland* with an army of 20000 Foot, and 1300 Horse (8). The *English* had never before seen so formidable an army at that island. The Queen had made this great effort pursuant to the Earl's advice, in order to put a speedy end to the Rebellion, and terminate the war in one Campaign. On his arrival, he affected, whether of himself, or by the advice of his pretended friends, to act directly contrary to his Instructions. He immediately gave the command of the Horse to his intimate friend the Earl of *Bouthampton*, contrary to the Queen's express orders, who was offended with that Lord for marrying without her permission (9). Then, instead of marching against *Tir-er*, he turned his arms against some Rebels in *Munster*, whom he drove indeed into the woods and mountains, but with the loss of many of his men (10). This expedition, of little importance, detained him in those parts till the end of *July*. Mean time, the Queen informed of his proceedings, writ to him in an angry style, and reproached him with acting contrary to orders founded upon his own advice, commanding him withal to march into *Ulster* against *Tir-er* himself. He excused himself, by saying, that the Council of *Ireland*, which knew best the affairs of that Kingdom, had advised him first to clear *Munster*, and promised positively to march the first opportunity against the chief Rebel. But shortly after, he writ to the Court, that he was obliged to return to *Dublin* (11), to chastise some *Irish* who infested the Country, and indeed he suppressed them. But after this second expedition, his army was so diminished, that he writ for a reinforcement, without which, he said, he could not perform any great exploits in *Ulster*. He began however to march thither, but his vanguard consisting of 1500 men, under the command of Sir *Ceniers Clifford*, fell into an ambush and was entirely defeated.

Though it was astonishing, that with so fine an army he had done nothing considerable, but on the contrary was forced to demand a reinforcement, the Queen immediately sent him some fresh Troops. But soon after, he let the Court know, that all he could do this Campaign was to post himself on the frontiers of *Ulster* with thirteen hundred Foot and three hundred Horse. On his arrival in that province, the Earl of *Tir-er* desired a parley, which he refused.

The next day, when the armies were near one another, *Tir-er* sent *Flagan*, an officer, to tell him he was

(1) There was none present then, but the Earl of *Essex*, the Admiral, Sir *Robert Cecil*, and *Walsdale*, Keeper of the Privy Seal. Camden, p. 608.

(2) And bid him go and be hanged. *Ibid*.
(3) *Rapin* says here by mistake, that the Lord Privy Seal talked with him instead of sending a Letter; but the Reader may see *Essex*'s answer at length, in Camden, p. 609. Vol. II. Compl. Hist.

(4) This great Man was born at *Born* in *Worcestershire*, in 1521, and died this year on August 4. and was buried in the Church of St. *Martin* in *Stonford*. Camden, p. 609. *Dugdale's Baron*. Vol. II. p. 408. He used often to tell the Queen, that the Treasury was not her own Money, but committed to her care for the safety of her People; and therefore it was not to be spent in useless ways, or in satisfying the avarice and knavery of her Ministers, but for the benefit and welfare of the State; and that the best thing which could possibly be done by any Person, was to do that which tended to the good of his Country. *Bacon's Character of Rapin*. p. 96.

(5) King *James* sent Queen *Elizabeth* notice, that he was informed, there were twelve thousand men preparing in *Spain*, to land in *Ireland* by the beginning of April this year. *Eymer's Faith*. Tom. XVI. p. 336.

(6) Sir *Robert Naunton* says, that there were in that young Lord, together with a most goodly Person, a kind of urbanity or innate courtesy, which both won the Queen, and too much took upon the People;—but then he was noted for too bold an insupport of both of time and favour, p. 64, 65. See *Declination of his Treason*, p. 6, 6cc.

(7) This was the Book writ by *Parsons*, under the feigned name of *Edmund of the Swaffham*.

(8) This was afterwards made up two thousand. Camden, p. 614.

(9) He had married *Elizabeth Perce*, Daughter of *John Perce* Esq; and of the Earl of *Essex*'s Aunt, without the Queen's permission, which Men of quality used to ask in such cases. Camden, p. 618.

(10) A Party of *English*, under the command of *Henry Harrington*, were shamefully defeated. *Ibid*.

(11) To signify none such, as those the Queen's Council, who were up in arms. *Ibid*.

1599. ready to submit to the Queen, and desired him to grant him a conference on the banks of a small River (1), where they might confer, each remaining on his own side. The Earl of Essex consented, and they talked together about an hour, without any witness. Two hours after, *Tir-son* demanded a second conference, in pretence of some of the chief Officers of the two armies (2). The Earl of Essex granted his request, and in this second conference it was agreed, that Commissioners should be appointed to treat of a Peace the next day. This negotiation ended in a treaty of Truce which was speedily concluded. The Truce was to continue [from six weeks to six weeks] till May the next year, with this condition, that either party should be at liberty to break it upon giving fourteen days notice.

Mean time, the Queen having received the Earl of Essex's last letter, was extremely provoked. She could not forbear saying, she suspected him of ill designs. She was advised to recall him immediately: but she feared to incense him too much, whilst he had the sword in his hand. Nevertheless, she writ to him very sharply, and reproached him with his contempt of her orders. This letter made such impression on the Earl, that he instantly resolved to return into England with the flower of his army, and be revenged of his enemies, flattering himself with a general insurrection in his favour. But the Earl of Southampton dissuaded him from so dangerous a resolution. The Queen, informed of this project, contemned a report, that a fleet was preparing in Spain to invade England, and under that pretence raised six thousand men. Sometime after, she augmented her army, and gave the command to the Lord Admiral, who was no friend to the Earl of Essex. But this terror being dispelled by advices from Ireland, she disbanded the greatest part of her forces.

The news of what passed in England convincing the Earl of Essex that he was suspected by the Queen, he took a sudden resolution to go and justify himself, without demanding the Queen's leave. He was accompanied by the Earl of Southampton and several officers, who on their arrival in England disposed of themselves differently ways. He referred only six men to attend him, and posted with all diligence in order to be with the Queen before she had notice of his arrival, but he found, notwithstanding his care, he had been prevented. The Queen was then at *Nonfuch*, ten miles from London. She received him without any emotion, and with some marks of favour, but after some reproaches for his irregular conduct, she commanded him to his apartment till farther orders. After that, being asked why he made a Truce with the Earl of *Tir-son*, which might at any time be broken at a fortnight's warning, since he was empowered to conclude a Peace; he answered, that the Earl of *Tir-son* was so unreasonable in his demands, that they could not be granted (3); but it was his opinion, that a Truce might bring him to more equitable Terms. This answer did not satisfy the Queen, who was moreover provoked at his leaving his Government without her permission; besides that the persons who attended him into England, were very apt to cause her to suspect him. Wherefore she committed him to custody at the Lord Keeper's, to prevent his running into new excesses.

In Camden's Annals, there is an Apology writ by the Earl himself, in which it appears, that he very lamely answered the accusation of having neglected to attack the Earl of *Tir-son*, and employed his army in expeditions of little consequence. He contented himself with saying, that he had put the Irish affairs in such a situation, that, during his nine months Government, the English had sustained no damage. But he was not entrusted with an army of twenty thousand Men, to stand upon the defensive. As for his return without leave, he mentioned it not. Concerning the persons who attended him, he said only, that not above six came to Court with him, but of the rest who accompanied him from Ireland, he did not speak. The Commission given to the Earl of Southampton, contrary to the Queen's express orders, he also passed over in silence. The rest consisted wholly in exclamations upon the injustice of suspecting him, and in magnifying his Father's merits, his Brother's, killed in the Queen's service, and his own. At the same time his friends and relations loudly complained of the rigour with which he was treated, representing it as excessive. Some even plotted to rescue him by force, but he would not consent to it.

Mean while, the Earl of *Tir-son*, hearing the Earl of Essex was arrested, broke the Truce, and did great mischief to the English Inhabitants in Ireland. He flattered

himself with a great and speedy assistance from Spain (4), and the Pope, who had made him a present of a pretended *Phœnix* Plume. In this expectation, he formed no less project, than to drive the English entirely out of Ireland.

In the mean time, the Earl of Essex's friends were inciting the people to an Insurrection in his favour, representing him, as the most accomplished Lord England ever saw, since the foundation of the Monarchy. At the same time, they inveighed against the Ministry, not without malicious reflections on the Queen's conduct, as if she took no care of the Irish affairs. This extremely injured the Earl, and increased the Queen's suspicions of him. As she had provoked him, she easily believed he was meditating revenge. Wherefore, in the beginning of October, she assembled the Council in the Star-Chamber, where the Earl's conduct was examined, and unanimously condemned by all the Privy-Councillors. Nothing more however was done against him, the Queen only desiring to satisfy the people, that it was not out of caprice that he was under confinement. He remained therefore at the Lord-Keeper's house, where he gave himself up to devotion, spending his time in Prayer, and writing Letters to his friends in favour of a truce, that he was thought to have renounced all worldly vanities (5).

In the close of the year, the Archduke *Andrew*, Governor of the *Low-Countries* in his Brother *Albert's* absence, who was gone into Spain, to marry the Infanta, proposed a Peace to Elizabeth. She answered, she would freely consent to it, if the States of the *United Provinces* were included. This condition put a stop to the negotiation at once. The Queen suspected, the proposal was made only to amuse her, till a Fleet, then preparing in Spain, should be ready to invade England. But, this pretended Fleet, which gave her some uneasiness, ended at last in a few Gallies, put to Sea by *Frederic Spinola*, a *Genoese*, in the King of Spain's service, and carried by him into the harbour of *Sloay*.

The Earl of *Tir-son* improved the disorder created by the Earl of Essex in the Irish affairs. He reduced the Province of *Ulster* to his obedience, and hoped to be soon master of the whole Kingdom. For his encouragement, Pope *Clement VIII.* sent him a Bull, by which he granted to him and his adherents, the same Indulgences, as to those who fought against the *Turks*, for the recovery of the *Holy-Land*. But [*Charles Blount*] Lord *Montjoy*, appointed Lieutenant of Ireland, in the room of the Earl of Essex, found means to stop the progress of the Rebels, and gave a check to their influence.

At the same time, Archduke *Albert*, called also the Cardinal Infant, being returned from Spain, made new proposals of Peace to Elizabeth. *Henry IV.* supported them with all his Interest, and succeeded so far, that the Queen sent Plenipotentiaries to *Beaugrenet*, where the Peace was to be negotiated. But after the Ambassadors of the two contending Crowns had been four months in that place, they parted, without ever assembling, by reason of a dispute of precedence between England and Spain. After great contests on this subject, Queen Elizabeth had at last consented to an equality, but the Spaniards would not quit his pretensions. If the Plenipotentiaries had met, another obstacle would have occurred, which would never have been surmounted. This was, that the Spaniards were for a separate Peace or Truce with England, to which Elizabeth, doubtless, would not have consented. Besides, the King of Spain pretended, that Elizabeth should surrender the places mortgaged to her by the *States*. The Spanish Ambassadors having founded the English on these two Articles, and finding they should never obtain their desires, used the pretence of Precedency to break off the negotiation.

The second day of July, Prince Maurice gained the famous Battle of *Nieuport* over the Archduke. The English, to the number of fifteen hundred, under the conduct of Sir *Francis Vere*, distinguished themselves gloriously; but there remained eight hundred dead upon the spot.

Elizabeth being now sixty seven years old, it was with extreme vexation, that the Catholics saw the English Crown ready to fall on the head of a Protestant Prince. *Clement VIII.*, being desirous to prevent it to the utmost of his power, sent two Briefs into England, one addressed to the *Romish* Clergy, and one to the people. In these Briefs, they were torrid to acknowledge, after Elizabeth's death, any Prince who would not swear, not only to tolerate their Religion, but even to support it with all his

(1) At *Balla Clinch*, near *Leath*. Camden, p. 615.

(2) The English Officers that attended the Earl of Essex, were, the Earl of Southampton, Sir *George Burchard*, Sir *William St. Leger*, Sir *Henry Darnley*, Sir *Edward Wingfield*, and Sir *William Constable*. Ibid.

(3) The Earl told, that these demands were, a general Amnesty; the restoring of the *Irish* to their Estates then possessed by the English; and the free exercise of the *Romish* Religion all over Ireland. Camden, p. 616.

(4) From whence he had lately received some supplies of Ammunition, Money, and Provisions. Camden, p. 616.

(5) The year died the learned *Richard Mober*, Master of the Temple, and Author of the *Eclogical Eclog.* Camden.

1600.

power. These Briefs were privately conveyed into the Nation, and communicated but to few, all dreading the penalties enacted by law.

A Conspiracy against the King & his Council.
August 5. Camden.
Spencer.
Barrett's Hist.

But at the same time, some found a more ready and effectual way to prevent the King of Scots ascending the Throne of England. The Rathbours, Sons to Earl George, betrayed in 1584, conspired against him, and inviting him to their house [at Perth] on some pretence, designed to murder him, but he escaped by a sort of miracle (1). The two Rathbours were killed, and their complices condemned to die. Afterwards, by an Act of Parliament, all who bore the name of Rathbours were obliged to quit it, that the very name of the Family might be abolished.

The Earl of Essex's Story continued.
Camden.
Coburn.
p. 235, &c.
Spicer.

The Earl of Essex was still under arrest at the Lord Privy Seal's, where he closely applied himself to devotion. He writ from time to time such submissive Letters to the Queen, that he seemed to have lost that extreme haughtiness so prejudicial to him. At last, the Queen, content with having humbled him, permitted him to retire to his own house, under the free custody of Sir Richard Berkley, who was to watch him. Probably, he had been soon restored to favor, the Queen clearly discovering her Sentiments in that respect (2); but his friends and domesticks ruined him. They had made such strong cabals among the people, that nothing was talked of but the Earl of Essex's innocence. Whereas the Queen pretended to have treated him with great lenity and moderation, it was given out, that he was unjustly persecuted, and even his life attempted on false suggestions. Elizabeth, who was very nice in such a point, and consider'd the people's prejudices against her as a great misfortune, resolved to shew, the Earl had more reason to praise her moderation, than complain of her rigour. To this purpose, she ordered him to be brought before the Privy-Council, to which she had added four Earls, two Barons, and four Judges. But she told these Commissioners, it was not her intention to condemn him to any infamous punishment, as guilty of treason or treachery; but only to convince him of having failed in his Allegiance, and lighted her orders and instructions, through excess of vanity. The Queen's design was to shew the prejudiced people, that the Earl of Essex deserved a severer punishment than a few months imprisonment.

Is brought to an Examination before the Privy-Council.
Camden.
Spicer.
Treatise of E. of Essex.

When he appeared before his Judges, he was first accused of contemning the Queen's orders, in making the Earl of Southampton General of the Horse. Secondly, of making Knights, contrary to the express words of his Patent. Thirdly, of neglecting to pursue the Earl of Tyrone, though that was the principal end of his Commission. Fourthly, of secretly conferring with that Rebel. Fifthly, of granting a Truce very prejudicial to the Queen's affairs. Sixthly, of abandoning his Government, without vouchsafing to ask the Queen's permission. Some inferences were likewise drawn from his disrespectful expressions in his Apology, and from certain dangerous principles contained in a Book dedicated to him, concerning the deposing of Richard II.

Articles of his Accusation.

He is declared guilty.

After hearing the Articles of his Accusation, he kneeled down, and thanked God for all his mercies, and his Sovereign, for not ordering him a hearing in the Star-Chamber. He declared, he would neither excuse his faults, either in whole or in part, nor contend with the Queen: He acknowledged his guilt, but protested upon his honour, that his heart had been always free from the least thought of Rebellion. However, in continuing to speak, he began to urge some excuses in his own behalf. But the Lord-Keeper interrupted him, by reminding him, that he had taken a good method, but was now swerving from it: That in extenuating his faults, he likewise extenuated the Queen's clemency; and that in fine, a manifest disobedience was but an ill proof of a good intention. The Lord-Keeper, in preventing him from enlarging on his justification, did him a good office. The Queen's intention was not to have him rigorously tried, but only to shew, he had been treated more gently than he deserved. His confession led him to the same end, whereas his justification would have obliged his Judges to a more severe examination. So, whether he understood his own interest of himself, or was warned what to do, he held his peace. After this, the Commissioners consulting together, were of opinion, that he ought to be removed from the Council-Board, suspended from his offices of Earl-Marshal, and Master of the Ordnance, and committed to prison during the Queen's plea-

He is ordered to certain Penalties.

sure. His office of Master of the Horse was untouched at 1600, the Queen's express command, who was unwilling to give occasion to believe, he had entirely withdrawn her confidence from him. She even ordered, the Sentence should not be recorded. The Earl received this chastisement with so much humility (3), that the Queen, pleased with his deportment, removed Berkley from him, and left him at full liberty. But she advised him to be his own keeper, and forbid him the Court.

For some years the Queen had honoured the Earl of Essex with a particular esteem and affection. She had given him marks of it on sundry occasions; and particularly by the Posts, Offices, and Commands he had enjoyed. This distinction had so filled him with pride, that he falsely ascribed to his merit these extraordinary favours, which were the pure effect of the Queen's inclination. For this cause, he had not always that regard for her she had reason to expect from him, imagining she could not be without his assistance. In a word, he was a very bad Courtier. It is not strange, that so imprudent a conduct altered the Queen's affection, and yet, it appeared in all her proceedings, that it was not entirely extinguished. Her design was only to humble that proud spirit, which seemed to vie with her, wherein she believed to have now been successful. It seemed, he was at last sensible, that humility was the only way to restore him entirely to favor, and had resolved to pursue that method as the surest. Immediately after his sentence, while he was preparing to retire into the Country, he told the Queen, by the Lord Howard, "That he kissed the Rod and the Queen's Hand, which had only corrected, and not ruined him, but should enjoy "no peace, till he saw again those eyes which had once "shined so propitiously on him: That he had resolved to "atone for his error, and like *Nabuchadnezzar*, to dwell "with the beasts of the field, eat grass as an ox, and be "wet with the dew of heaven, till it should please his "Queen to restore him to his Senses." This submission was very agreeable to the Queen, and yet she answered, she would not be amused with vain words, but as he had so long abused her patience, she would take some time to try his humility. This was a plain intimation, that with a little patience he would appease her entirely, and it was in some measure directing him how to form his conduct. But

He kisses the Rod and the Queen's Hand.

he was so imprudent as not to improve this advantage, and to follow the interested counsels of his domesticks (4), who advised him to petition the Queen for the continuation of the Farm of the sweet Wines (5), which had been very profitable to him. The Queen, to prove his humility, refused his petition, knowing it to be in her power to repair the loss, whenever he pleased. But instead of receiving this denial with the humility and resignation he had professed since his disgrace, he discovered passion and resentment, which made the Queen think, he was not yet sufficiently humbled. Whereupon *Coff*, his Secretary and Confident, suggested to him, that the Queen not only intended to humble, but to beggar him, and render him contemptible to all the World. *Coff* was seconded by other incendiaries, who at last inspired him with the design to restore himself to favor by force, and destroy all his enemies about the Queen's person. After this resolution, his House was open to all the Male-contents. The Earl of Southampton, who had withdrawn into the *Netherlands*, returned to *England*; and the Earl of Essex, leaving the country, came to reside in his house at *London*. When he arrived, *Merrick* his Steward kept open House, for all who thought they had cause to complain of the Queen or her Ministers, and a great number of suspicious Persons resorted to his house. In short, his whole conduct shewed, he was meditating some dangerous design. His enemies improving these proceedings, found means to insufe suspicions into the Queen, and to have Spies placed upon him, who informed the Court of what passed in his House (6).

Secrets told to her by her Council.
Treatise of E. of Essex.

From longer and longer.

It is pretended, his enemies, who had projected his ruin, knowing his pride and haughtiness, caused his friends at Court to write to him, not to discover so much impatience in his disgrace, but to throw himself entirely upon the Queen's mercy, as the readiest way to his favour. These advices drew from him answers agreeable to the intentions of his enemies, which being told to the Queen, completed his ruin. They were filled with expressions denoting his anger and impatience, and even intimating his designs. He said, that a storm was fallen upon him when he was

1600.
Secrets told to her by her Council.

which he said in 1600.

(1) King, through the assistance of Sir Thomas Arden and John Ramfild, p. 453. Some imagine, this Conspiracy was a contrivance of the Clergy, to get rid of the Earl of Gray, who was then held in great esteem. But *Barnes* thinks it was a real Conspiracy, and the rather, as the Earl of Gray, upon the King's death, stood next to the Succession of the Crown, as being descended from Margaret, Daughters of King Henry VII. See *Barnes's Hist.* of his own Time, p. 18.

(2) She proceeded, that all she did or designed against him, was for his Reformation, not his Ruin. Camden, p. 676.

(3) He protested, "That he had made an utter divorce with the world, and he desired her Majesty's favour, not for any worldly preferment, but for a pure "passive for a Nunc dimittis; and that the tears of his heart had quenched in him all humours of ambition." *Treatise of the Earl of Essex*, by Francis Bacon, Edg. 1601.

(4) Particularly of *Merrick* his Steward, and *Coff* his Secretary. Camden, p. 628.

(5) So all were called, except *French* and *Romish*. Camden.

(6) This year, Queen Elizabeth created the *East-India Company*, and endowed it with large Privileges. *James Langhorne*, who in 1594, had taken *Firenza* in *Brabant*, was the first that was sent by the Company to the *East-Indies*, with three Ships. Camden, p. 720.

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1601. pected a harvest: That the Queen had reduced him to a private life, which was disagreeable to him: That he was incapable of so vile a submission as was expected from him: That he had been unjustly imprisoned: That Sovereigns had not an unlimited power, nor were infallible: That he had been wounded in every pore of his body: That his enemies triumphed, but should never have the satisfaction to see him cringe to them. To these expressions, which were no signs of repentance, care was taken to add reports capable to make him forget the Queen's favour for ever. She was told, he had said, *She was grown an old Woman, and his life creaked and distorted in her mind than in her body.* Camden seems to intimate, that he designedly passes over in silence things still more offensive to the Queen.

His defence upon the Queen's Person.

Written to the King of Scotland, since a design was laid to deprive him of the Scottish Crown.

Extracts from the Queen's Person.

His plea from the Queen's Person.

It first for the Council.

Extracts from the Queen's Person.

Probably, the Earl of Essex thought all further caution needless, his project being now formed, though he had laid his measures very ill. Those who speak most favorably of it, say, his project was to seize the Queen's person, and drive his enemies from Court, as was practised in Scotland with regard to King James. But he seems to have had greater designs, since he courted the King of Scotland's assistance, perhaps, to place him on the Throne before the Queen's death. It was known, he had writ to that Prince that a plot was formed to deprive him of the Succession, and give the Crown to the Infanta of Spain: That for this purpose, the Projectors, who governed at Court, had filled the most considerable Persons with the Infanta's Adherents: That Secretary Cecil Son of the late Treasurer, was at the head of this party, and had engaged in it the Lord Treasurer Buckhurst with the Earl of Nottingham the Lord Admiral: That, the better to execute his project, he had committed the Government of the maritime places to his creatures (1), where the Spaniards might most conveniently land: That the Queen was so impaired in her understanding, that she was incapable to act of herself, and was entirely guided by her Ministers: That he was therefore necessarily obliged to proceed openly to defeat this conspiracy: and to this end, was speedily to dispatch ambassadors to England, to demand a public declaration of his Title to the Succession, and the removal of his enemies, creatures and pensioners of Spain, from the Court and Council. At the same time he justified him with proofs to be used by the Ambassadors, to shew the truth of the plot. Lastly, he intimated that his Ambassadors should be sufficiently supported. Camden, who writ in the Reign of James I, has not thought proper to tell us, how these propositions were received by that Prince: but it may be judged, they were not disapproved, since Ambassadors were presently sent into England, who however came too late. This Historian adds, the Earl of Essex gained to his party some Presbyterian Ministers, and even some Papists, by commiserating their afflicted condition, under the Queen's tyrannical Government, and by inspiring them with hopes of being eased. Then he hired the swordsmen about London, and placed them near his house. After that, he established a Council composed of the Earl of Southampton, Sir Charles Davers, Sir Ferdinando Gorges, Governor of Plymouth Fort, Sir John Davis, a great Mathematician, [and Surveyor of the Ordnance.] John Lilient, a man of great sense and judgment, and equally qualified for the Cabinet and Camp.

This junta meeting in Drury house, the Earl of Essex gave them a list of certain Noblemen whom he believed at his devotion, containing one hundred and twenty Earls, Barons, Knights, and Gentlemen, and desired them to consult, whether it was most proper, to seize the Palace or the Tower, or both at once. The result of their deliberation was, That the Queen's person and Palace should first be seized, and when she was in their power, the Earl should dismiss certain persons from her presence, and turn them out of their places; but that nothing should be done, till the arrival of the Scotch Ambassadors (2).

Mean time, the great report of suspected Persons to Essex's house (3), some words unwarily dropped by the conspirators, and the reports of the spies, confirming the Court's suspicions, the Council met at the Treasurer's house, and sent one of the Secretaries (4) to the Earl of Essex, to require his attendance. But at the same time a note was delivered him, advising him to take care of himself. Whereupon he told the Secretary he was indispo-

and could not stir from his house. Immediately after, he consulted whether he should pursue his first project of seizing the Palace, or attempt to raise the City of London, or make his escape, since his plot was undoubtedly discovered. The first of these projects was deemed impracticable, because the guards had been doubled. The second occasioned long debates on the uncertainty of the execution, because the disposition of the Londoners was not sufficiently known. In the mean time one of the conspirators entered, affirming he came from the City, and that the Inhabitants were ready to defend the Earl against all his enemies. He added, that Thomas Smith, the Sheriff, who commanded a thousand of the trained bands, had promised to join him. Probably, the person who made this false report had been induced to it by some of the principal conspirators, who finding the Earl begin to relent, was willing to engage him so far, that it should not be possible for him to recede. This was sufficient to make the Earl resolve to raise an insurrection in the City, being persuaded the people were inclined to his cause. It was therefore agreed, that the next day the Earl, attended by five (5) hundred men should repair to the City, and assembling the Aldermen and people, require their assistance. That if the Citizens were well disposed, they should be employed to gain access to the Queen, or in case of disappointment, the conspirators should retire to some other part of the Kingdom.

Pursuant to this resolution, the Earls of Rutland and Southampton went next morning to Essex's house, with three hundred Gentlemen (6), and immediately the Gates were shut, and no person suffered to come in or out. But Sir Ferdinando Gorges, one of the most zealous of his party, was permitted on some pretence to go out (7). It was probably he who discovered the plot to the Court; for soon after the Queen sent to the Mayor of London, to order the trained-bands to be ready to march upon the first notice. At the same time she sent the Lord Keeper, the Earl of Worcester, and Sir William Kneller (8), to the Earl's house, who were let in through a wicket, without any of their Attendants, except the Purse-bearer. In the Courtyard they saw the Earls of Essex, Rutland, and Southampton, surrounded with a crowd of armed men, and the Lord-Keeper advancing towards them, told the Earl of Essex, he was sent by the Queen to know the reason of so great a concourse. Then the Earl raising his voice, told him, "he certainly knew that it was designed to murder him" in his bed (9): That his hand-writing was counterfeited, in order to have a pretence to destroy him: That "he had alienated his friends for the security of his life, since his enemies could not be satisfied without having "his blood." The Lord-Keeper answering, the Queen would do him justice, provided he would discover his grievances, was interrupted by a voice, crying out, *My Lord, you are betrayed, thy design only to ruin you, use life time, let us be gone.* Upon this, the Earl made a sign to those sent by the Queen to follow him (10), and while they were crossing the Court, they heard a confused noise, saying, *Kill them, away with that Great Seal, secure them in prison.* When they were in the house, the Earl told them, "if they would have a little patience, he would go" and advise with the Lord-Mayor and Sheriff, and return immediately. Upon these words, he left them, and, ordering the door to be shut, for a guard upon them.

Immediately after, he began to march with his company, and entering the City, cried out, *For the Queen's sake! A Plot is laid for my Life!* Then he went to the Sheriff's house, which was at a distance (11), and during his march was not joined by one Citizen, though numbers by curiosity crowded to see him pass. In vain did he cry, *Away, my Friends, as you can do me no good, not a man stirred in my favor.* The Sheriff, who saw him approaching, withdrew himself by a back door, to the Lord Mayor's. The Sheriff's light convinced the Earl he had been deceived, when he was told, he might depend on his assistance. While he was at the Sheriff's, uncertain what to do, he was informed that a herald (12) had proclaimed him a Traitor, in one of the Wards of the City, and that the Earl of Cumberland had done the same in another. Upon this, he left the Sheriff's house, and crying in the Streets, that England was going to be delivered to

1602.

Refused to receive his Deeds.

Treaty of Southampton.

The Queen's house.

His plea from the Queen's Person.

It first for the Council.

(1) That in the western parts of England, Raleigh was Governor of the Isle of Jersey; in the eastern, the Lord Cobham was Warden of the Cinque-Ports; the Lord Burleigh was President of the North; and Sir George Carey, President at Norwich in the South of Ireland. Camden, p. 629.

(2) Sir Christopher Blount was with a Detachment, to punish himself of the Palace; Sir Davis was to seize the Hall; Davers the Guard Chamber and Presence-Chamber; and Essex was to rush out of the Ministry and Court and show himself at the Queen's feet. Camden, p. 630.

(3) Under pretence of having Scimitars. Ibid.

(4) Sir John Burleigh. Ibid.

(5) Three hundred Gentlemen. Camden, p. 630. and Treasures of Essex.

(6) And among the rest the Lord Sandys, Henry Parker Lord Montagu, &c. Treasures of Essex.

(7) He went to Sir Walter Raleigh, who sent for him, and waited in a Boat for his coming. Camden says, Gorges was suspected of having at that time discovered the whole matter to Raleigh. Camden, p. 631.

(8) And Sir John Popham, Lord Chief Justice of England. Camden, p. 631.

(9) He persuaded the Lord Cobham, and Sir Walter Raleigh, had traced such a design. See Henry's Hist. Tom. I. p. 300.

(10) This he did not: He went abruptly from them into the House, and they followed him, thinking he would have private Conference with them. See Camden, p. 631. and Treasures of Essex.

(11) Near Fenchurch. Camden, ibid.

(12) And Thomas Lord Burleigh. Camden, ibid.

1601. the Infanta of Spain, conjured the inhabitants to take arms for the prevention of so great a misfortune. But seeing no man prepare to support him, and hearing withal, that the Lord Admiral was marching against him with a strong party, he resolved to return to his own house. But coming to *Ludgate* he found [Sir John] Leveson posted there with a company of Soldiers to oppose his Passage. He instantly sent *Gorges* to desire leave to go through; but being denied, was obliged to return to *St. Paul's*. Here *Gorges* represented to him, that it would be proper to discharge the three Councilors, and having the Earl's leave, he freed them immediately, and accompanied them himself to *White-Hall*. Probably, *Gorges* had betrayed him from the very beginning.

Mean time, the Earl perfiting in his resolution of returning home, found the street chained, and guarded by Soldiers (1). As he saw no other way to pass than by attacking the guard, he ordered *Blunt* to fall on, and seconded him sword in hand, with great resolution. But he was repulsed and shot through the Hat (2), and *Blunt* was taken prisoner. By this resistance, he was forced to go to *Queen-bathe*, and taking boat with a few followers, the rest being dispersed, retired to his house on the *Thames* side (3). When he came there, his first care was to burn some Papers, and then, fortify his house in the best manner he could, still expecting to be relieved by the *Londoners*. Shortly after, the Lord Admiral invested the house, both from the street and the gardens which reached to the river (4). Then, he summoned those within to surrender, to which they answered, they would die sword in hand. This was the opinion of the Lord *Sands*, who pressed the Earl of *Essex* to fight his way out, repenting, it was more honourable to die by the Sword, than the Ax. And indeed the besieged seemed to be all fixed to that resolution. But the Earl of *Essex* suddenly changed his mind, and offered to surrender on these three conditions: That they should all be civilly treated; tried according to the Laws; and that *Aulton* the Minister should be sent to him to comfort him in prison. The Lord Admiral answered, that he engaged for the first; that the Queen would doubtless perform the second; and as to the third, he promised his interest to obtain it. *Aulton* was a Presbyterian Minister.

This done, the Earls of *Essex*, *Rutland*, *Southampton*, the Lords *Sands*, *Cromwell*, *Montague*, with *Davers* and *Bramley*, were put into boats and conducted to the *Tower*. The rest were committed to other prisons. The next day the Queen by Proclamation thanked the *Londoners* for their fidelity, warning them withal to have a watchful eye on whatever passed in the City, the Conspiracy being, as she said, more dangerous than was imagined.

The thirteenth of February, *Thomas Lee*, the Earl of *Essex's* creature, and intimate friend of the Earl of *Tircon*, was hanged for saying to a certain Officer, that it would be a glorious action for six brave fellows to force the Queen to release *Essex* and the other prisoners. Two days after, the Queen published a proclamation, ordering all vagabonds to leave the City on pain of death. The Court had received information, that a great number of such persons lay hid in the City, to rescue the Earl of *Essex*, when an opportunity offered.

At last, some of the Prisoners having discovered the most secret resolutions of the Conspirators, the Earls of *Essex* and *Southampton* were tried the 10th of February (5). They were accused of the crimes I have mentioned, and their sole defence was, that they had done nothing but for their own preservation; however, they could not prove their lives had been in danger. The Earl of *Essex* expressed a disregard of his life, but the Earl of *Southampton* implored the Queen's mercy, and desired the Peers to intercede for him. They were both condemned to die as Traitors.

The Earl of *Essex* after his sentence seriously reflected on his past conduct, and appeared very penitent. *Aulton* greatly contributed by his exhortations and remonstrances, to put him into this disposition. But because this Presbyterian Minister advised him to declare whatever he knew, and probably, by that means, the King of Scotland was known to be concerned in the Conspiracy, *Camden* speaks of it in such a manner as shews, he approved not this conduct. By the impressions (says he) left upon him by his minister, *Essex* could think of nothing but damnation, unless he discovered the whole scene, and confessed who were his accomplices. An author who talks in this manner, is easily perceived to be secretly interested in the deposition of the criminal. However this be, the Earl of *Essex* desiring to speak with some of the Privy-Councilors, the Lord Keeper, the Lord Treasurer, the Lord Admiral, and Se-

cretary *Cecil* went to him. He immediately asked the Lord Keeper's pardon for detaining him at his house, and *Cecil's* for accusing him of asserting the Infanta's Title to the Crown of England, and was sincerely reconciled to both. Then, he declared, that the Queen could not be safe whilst he lived, and desired he might suffer privately in the *Tower*. He owned, that some of his friends and domesticks were wicked Persons, and publick pests, and desired to speak with *Blunt* and *Coff*, who were immediately sent for. When he saw them, he exhorted both to ask pardon of God and the Queen, and told *Coff* that this disloyalty was owing to his advice. He declared that Sir *Henry Nevill*, Ambassador to France, was privy to the Conspiracy. This probably occasioned the recalling of that Ambassador as he was going to Paris, and his being ordered into the custody of the Lord Admiral. The Earl of *Essex* said also, that *Montjoy* Lord Deputy of Ireland, and several others in Scotland, France, and the Low-Countries were accessory to the design. But the Lord *Montjoy's* behaviour in Ireland, had so recommended him to the Queen, that she took no notice of the Earl's deposition against him. In short, the penitent Criminal made a full discharge of his conscience, and concealed nothing of what he knew.

Essex, (says *Camden*) thought a verbal confession too little, and therefore being moved by the dismal scene presented to his conscience, by the person whom he chose to guide it, he delivered the same in writing under his own hand, which his enemies forcing to King James some time after, brought the Earl and his friends into great distemper with that Prince. If King James had not been concerned in this affair, there is no visible reason why *Essex's* declarations should have made him forfeit his esteem. But according to the Earl's project, the Ambassadors of Scotland were now on their way to London, and King James ever after spoke of this Lord as of one who was his Martyr.

The 25th of February was appointed for the Earl of *Essex's* execution. That day the Queen appeared something irresolute. She even sent an order to the Lieutenant of the *Tower* to countermand her execution: but presently after, ordered him to proceed. This irresolution, pretended or real, has afforded plenty of matter for Plays and Romances, in which *Elizabeth* is represented as struggling with love and anger, not knowing which of the passions she should obey. She was now however in her 68th year, an age wherein the motions of love could not be very violent. But without dwelling on these trifles, it suffices to say, that the Earl of *Essex* died like a good Christian, with all the signs of a serious repentance. His head was not separated from his body till the third stroke, but the first deprived him of all sense of pain. The Marshal de *Biron* *Camden* being told in what manner he died, ridiculed it, and said, such a death was more becoming a Priest than a Soldier.

Thus ended the life and projects of the Earl of *Essex*, projects which were never yet thoroughly known. Tho' they seem to have tended only to dethrone *Elizabeth*, and set the Crown on the head of the King of Scotland, however it is not unlikely that he only used that Prince's title as a pretence to ruin *Elizabeth*, and that his confidence in the People's Affection inspired him with greater designs. It is certain, the Queen had given occasion to think she had more than a common esteem for this Lord. When he was yet but one and twenty years old, she forgave him what he had lent his Father, for his Expedition into Ireland; and he was the only person to whom she was ever so liberal. The Earl of *Leicester* dying shortly after, she ordered his goods to be exposed to sale, for payment of the sums she had lent him. Before the Earl of *Essex* had done her any great service, she made him Knight of the Garter, and gave him a place in her Privy-Council. She continued afterwards to distinguish him from all other Courtiers, not only by the Posts, Offices, and Commands she honoured him with, but chiefly by particular marks of her favour, which were visible to all, and made him to be considered as a favourite. These favours produced their usual effect, that is, rendered him proud and vain. He could not bear that any person should be promoted but by his means, and was a sworn enemy to all who were trusted by the Queen. Nay, he grew to excessively proud, that he pretended to lord it over the Queen herself, and force her to follow his advice in every thing. This procured him that unfortunate Box on the Ear, which, doubtless, inspired him with thoughts of a signal revenge. For, from that time, he began to meditate projects which proved his ruin, and might have been attended with that of the Queen herself; so careful ought Sovereigns to be, not to affront persons of Honour. His Family was originally

(1) This was done by the care of the Bishop of London. *Camden*, p. 631.

(2) By *Thomas Kier*, where *Drezenet* Court, and *Essex* Street, &c. now stand.

(3) The house was situated on the Strand side, by the Earls of *Cambridge*, and *Lincoln*, the Lord *Thomas Howard*, *Grey*, *Barkley*, and *Cromwell*, Sir *Robert Walley*, Sir *Thomas Gerard*, &c. And on the River side, by the Lord Admiral, the Lords of *Essex*, and *Cobham*, Sir *John Stresham*, Sir *Robert Sidney*, Sir *John Grey*, &c. *Trevelyan* of *Essex*.

(4) The Lord *Decker* was made High-Sheriff upon this occasion. See the names of the rest of the Peers, (twenty five in number) in *Camden*, p. 631 and *Trevelyan* of the Earl of *Essex*; as also in *State-Treaties*.

(5) Rape by mistake says in the Thigh.

1601. from *Essex* in *Normandy*, and from hence borrowed its firmness. It was noble and antient, as may be inferred from his Alliances with the best Families in *England*, some of which were derived from the Royal Family. *Walter* his Father was however the first of his house honoured with the title of Earl (1).

Some authors of his ancestors resided in *Camden*.
Treasures of
E. of Essex.
State-Tr. 16.
Stow.

The Earl being dead, his principal complices were brought to their trials (2). In *Blunt's* examination, *Essex's* written confession was read to him. *Blunt*, seeing it signed with the Earl's own hand, was so confounded, that he could only say, with his eyes lifted up, *Lord, thou knowest from what designs I endeavoured to divert him*. After that, *Lee's* Confession, who had been executed, was read, in which he said, *Blunt* had permitted him to send to the Earl of *Tirconnell*, who told the Messenger, "that if *Essex* "would be guided by him, he would make him the greatest Man in *England*." *Lee* had likewise deplored, that the two Earls and *Blunt* were in the same Plot, and formed the same Projects. *Blunt* made a weak defence, as well as *Dennis*, *Davis*, *Cuff* the Earl's Secretary, and *Merrick* his Steward, and they all received sentence of death. *Blunt* laid upon the Scaffold, that for three years he had observed the Earl was discontented, and fired with ambition. That when they were in *Ireland*, the Earl told him his design of taking with him the flower of the Army: of seizing *Milford-haven* in *Wales*: of raising Men in those parts, and marching directly to *London*. That he had dissuaded him from an undertaking, so dangerous and difficult; but had indeed advised him to take a select company of Men and seize the Queen's person, and in her name, to act afterwards as he saw convenient: But, added *Blunt*, though it is true, that in all our debates we never thought of embroiling our hands in the Queen's blood, yet had we succeeded, I cannot say but her life might have been in danger. He declared, that he died a Roman Catholic, but such a one, as solely relied on the merits of Christ's death and sufferings.

The Queen and Council believed it prudent to end the executions with these few persons, by reason of the number and quality of the Complices. The Earl of *Southampton* was kept in prison, and the rest were fined, though very few paid their fines. *Henry Nevill* was only condemned to imprisonment at the Queen's pleasure, though it was proved against him that he knew of the Conspiracy, and made no discovery (3).

The Earl of *Mar*, and the Lord of *Kinsley*, the Scotch Ambassadors, arrived too late, when the Earl of *Essex* was in custody. It is well known with what view the Earl of *Essex* had desired them, but we are ignorant of the instructions given them by the King of *Scotland* concerning the Plot. It seems, however, it may be inferred from *Essex's* Proposals, and the arrival of these Ambassadors at the very time the Conspiracy was discovered, that King *James* was not against it. Be this as it will, these Ambassadors confined themselves, to congratulate the Queen upon the discovery of so dangerous a Plot; to demand the punishment of one *Valentine Thomas*, who in 1598, had accused their matter of ill designs against the Queen, for which he was now in prison; to complain that two English fugitives had been drawn out of *Scotland* by stratagem, who had fled thither for protection; And lastly, to demand the assignment of some lands in *England* for the King their Master (4). *Elizabeth*, without taking notice of what she knew, answered, She received very kindly the King's congratulation, and wished that no such thing might ever happen in his Kingdom: That she had not put *Valentine* to death, to whose how little she credited his deposition: That the two fugitives had been artfully recovered by the Warden of the March, who was to blame for suffering them to escape, and that she was astonished, the King of *Scotland* should demand them, since to protect the seditious subjects of another Prince, was teaching his own to rebel: That as to the assignment of the Lands, she had given a sufficient answer before: However, she would make a yearly augmentation of two thousand Pounds, provided he would sincerely maintain their mutual friendship, without suffering himself to be influenced by Men, who sought their own private advantage in the public calamities.

This demands, Art. Pub. XVI.

The Queen's answer.

The Queen's answer.

The Queen's answer.

The Queen's answer.

The Queen's answer.

The Queen's answer.

The Siege of *Oxford*, begun in July this year, furnished

ed ample matter for the affairs of the Netherlands. Sir *Francis Vere*, the first Governor during the Siege, and the English Troops which served under him, signalized themselves, and were a great honour to their nation (5).

Henry IV. came to *Calais* in August, as it were to see more nearly what passed at the Siege, which made the Archduke uneasy. But this journey was not so much to observe the Siege, as to confer more easily with *Elizabeth* on his project against the House of *Austria*. *Mazarin* pretends, *Elizabeth* first conceived this design, and earnestly desired to confer in person with *Henry*, in a Vessel between *Dover* and *Calais*. But I can hardly believe, that at her age, and having no children, she would form a design of this nature, the execution whereof required much time and expence. I still less believe, that she would have exposed herself to the dangers of the Sea, to confer with *Henry*, whom for some time she had neither valued nor trusted. It is more likely, this Prince meditating then the design which he would have afterwards executed, was desirous to engage *Elizabeth* in it. The English Historians only say, that the Queen hearing of the King's arrival at *Calais*, sent Sir *Thomas Edmonds* to pay him her compliments, and that in return, *Henry* sent the Marquis de *Biron*, and the Count d' *Auvergne*, with Duke d' *Amont*, who were received very graciously. *Mazarin* adds, that the Queen showed these French Lords the Earl of *Essex's* skull in her closet. But *Camden* has confuted this story in his *Annals*, by affirming, the head was buried with the body. He says only, that the Queen speaking to the Marquis de *Biron*, concerning the Earl of *Essex*, told him, that it was her advice to the King of *France*, never to spare the heads of those who attempted to disturb his tranquillity.

The Parliament meeting in October (6), great complaints were made in the Lower-House, concerning divers Monopolies authorized by the Queen's Letters-*Patents*, which gave private persons the sole privilege of selling certain commodities, exclusively of all others. The Queen being informed, that the Commons considered these Monopolies as so many branches of the People's privileges, annulled most of these Grants, and left the rest to be tried by the Law. This proceeding, even before she had been addressed, was so pleasing to the Commons, that one hundred and forty of their Members were appointed to wait upon her with their thanks. She did not omit this opportunity to testify to the House her great affection for her People. When she had received the compliment of the Members, she returned an answer in the following Speech:

GENTLEMEN,

I Owe you hearty thanks and commendations for your singular good-will towards me, not only in your hearts and thoughts, but which you have openly expressed and declared, whereby you have recalled me from an error proceeding from my ignorance, not my will. These things had undesirably turned to my disgrace, (to whom nothing is more dear than the safety and love of my People) had not my bargains and base leaches as these been made known and discovered to me by you. I had rather my heart or hand should perish, than that either my heart or hand should allow such privileges to Monopolists, as may be prejudicial to my People. The splendor of royal Majesty hath not so blinded mine eye, that licentious Power should prevail with me more than justice. The glory of the name of a King may deceive Princes that know not how to rule, as gilded pills may deceive a sick Patient. But I am none of these Princes: For I know that the Commonwealth is to be governed for the good and advantage of those that are committed to me, not of my self to whom it is intrusted; and that an account is one day to be given before another Judgment-Seat. I think my self most happy, that by God's assistance I have hitherto so prosperously governed the Commonwealth in all respects; and that I have such Subjects, as for their good I would willingly leave both Kingdom and Life also. I beseech you, that whatever misdoings and miscarriages others are guilty of by their false suggestions, may not be imputed to me: Let the testimony of a clear conscience entirely in all respects excuse me. You are not ignorant, that Princes Servants are oftentimes too much set upon their own private advantage, that the truth is frequently concealed from

Other
History.
Grout.
Camden.

(1) He was born in the 14th year of his age. *Essex*, and some others, affirm, that he was cut off by the intrigues of Sir *Robert Cecil*, that he might have no Competitor in the management of State Affairs. See 23, 24. The Earl of *Essex* owed his Estate and Rank to his Marriage with *Cecily* Daughter of *William Blount*, whose Grandmother was Sister to *Edward IV.* and her Great Grandmother, Daughter to *Thomas of Woodstock*, by one of the Daughters of *Hugh Desp'ers* Earl of *Hereford* and *Essex*. Hence his Great-Grandmother *Walter* was made Viscount *Hereford* by *Edward IV.* and his Father Earl of *Essex* by *Elizabeth*. He left one Son and two Daughters, by his Wife *Francis*, Daughter of Sir *Francis Walsingham*. *Camden*, p. 637.

(2) Sir Christopher *Blunt*, Sir Charles *Dennis*, Sir John *Davis*, Sir *Giles Merrick*, and *Henry Cuff*, were tried on March 6, before the Lord High Admiral, the Lord High Treasurer, Secretary *Herbert*, Lord Chief Justice *Popham*, Sir John *Forsker* Chancellor of the Exchequer, and seven of the Judges. *Blunt* and *Cuff* were executed at *Tyburn*, March 13, and Sir Christopher *Blunt*, and Sir Charles *Dennis*, beheaded on *Tower-Hill*, March 13.

(3) See *Walsingham's Memoirs*, it appears, that Sir *Henry Nevill* was with *Essex* as a Spy from Secretary *Cecil*. *Tom. I.*

(4) These Ambassadors also was to elect King *James* of the Improbabilities thrown upon him, for dealing with the Pope, and King of Spain, and for suffering his Subjects to carry Trade to the *East-Indies*. *Walsingham's Memoirs*, *Tom. I.* p. 334.

(5) See an account of the English doing at this Siege, in *Camden*, p. 642. *Camden*, p. 642. *John Corvay* of *Armsy* Esq. having one of his Arms cut off in a Siege, and carried at a great distance from him, went and took it up without any notice, as if he had lost no arm, but brought it into the Town. *Lord*.

(6) It met October 27, and was dissolved December 16. *Dennis*, p. 397.

Princes,

1601. *Princes, and they cannot themselves look narrowly into all things, upon whose shoulders lieth continually the heavy weight of the greatest and most important affairs.*

Elizabeth had the good fortune to be believed when she spoke in this manner, because in reality, the *English*, in her Reign, were the happiest people under the Sun. They saw no designs upon their liberties, nor any infringement of their privileges encouraged. Justice was administered impartially, and the Revenues of the Crown, and the Subsidies granted by Parliament for the publick occasions, were not idly consumed. They had therefore reason to think the Queen truly loved them, since she caused them to enjoy so great happiness (1). Some Successors of this illustrious Queen have talked in the same manner to their Parliaments, nay, it is in great measure become customary; but they have not all gained the same credit, because it is not words but deeds that persuade. This affair did not end in mutual compliments. The Commons willing to shew their gratitude to the Queen, granted her the largest Subsidy they had ever given her since the beginning of her Reign (2). Happy are the Kings of *England*, who by a free and sincere conduct wisely preserve such a correspondence between them and their Parliaments (3)!

The war in *Ireland* was carried on this year successfully than in the two former. The Rebels received however an aid from *Spain*, under the command of *Don Juan d'Autia*, who landed at *Kinsale*, and became master of the Town. He instantly published a Manifesto, declaring that *Elizabeth* being lawfully depoled by the Pope, her Subjects were absolved from their oath of allegiance, and he was come to deliver *Ireland* from the Yaw of the Devil (4). But instead of making the progress he expected, he found himself besieged in *Kinsale* by the Lord Deputy. Shortly after, the Earl of *Tir-oen* approaching the *English* to raise the siege, was utterly routed, after which the *Spanish* General was forced to capitulate. He was permitted to retire with his forces into *Spain*, having first surrendered the Castles he had taken. This capitulation was signed the 2d of *January* 1602. During the rest of the winter, the Lord-Deputy had such success against the Rebels, that the Earl of *Tir-oen's* affairs were reduced to a very ill state.

Mean while the Queen, to divert the *Spaniards* from making fresh attempts upon *Ireland*, armed eight large ships, with some others of lesser burthen, under the command of Sir *Richard Leveson* and Sir *William Monson*. These two Commanders being separated, *Leveson* met with thirty eight *Spanish* vessels coming from the *West-Indies*, and attacked them, but without success. *Monson* joining him some time after, they went together and assaulted a large Carack of sixteen hundred tons, richly laden from the *East-Indies*, and which lay under the Castle of *Lisabon* in *Portugal*, where she was guarded by eleven gallees commanded by *Spinsla*. Notwithstanding the difficulty of the undertaking, they attacked the Carack, and after dispersing the gallees, took that rich ship, valued at a million of Crowns, and brought her to *England*, with the loss only of twelve men.

In September following, *Spinsla*, with six gallees he had saved, sailing for *Flanders*, met in the Channel some *English* and *Dutch* ships (5), with whom he had a sharp engagement. Two of his gallees were sunk, one taken, and with the other three he retired into *Ships*.

This same year, there was a great contest in *England* between the *Jesuits* and the secular Priests. These last accused the *Jesuits* of being the sole cause of the severe Laws enacted against the Catholics, because they had been concerned in all the conspiracies, and had even suborned assassins to murder the Queen. In the midst of this quarrel, the Queen had intelligence, that the *Jesuits* and such of the secular Priests as espoused their principles and party, were contriving something against the Government. Whereupon the banished them the Realm by Proclamation, for-

bidding them ever to return to *England*, on pain of death. The other secular Priests, who joined not with the *Jesuits*, were also liable to the same penalty, unless they would take the oath of allegiance.

It was likewise in the course of this year, that King *Henry IV.* ordered the *Marshall de Biran's* head to be struck off, for conspiring with some others to dismember the *French* Monarchy. The *Marshall* had been his right-hand, whilst his affairs were in an ill state. But since the Peace with *Spain*, he thought, the best way to procure quiet was to gain by favours the *French* Lords, who had most opposed him. This could not be done without neglecting his old friends, and from thence sprung the plot whereof the *Marshall de Biran* was head. His Complexion, as the Count d'*Avouergne*, and some others, easily obtained their pardon. But the *Marshall de Buillon* who was also of the number, thought it safest to withdraw into *Germany*, from whence he writ to *Elizabeth*, desiring her to intercede for him. The King of *France* writ to her also, acquainting her with the conspiracy, and asking her advice concerning the *Marshall de Buillon*. The Queen answered, she could not advise him, till she certainly knew, whether the *Marshall* were guilty. She warned him also to take care that it was not a *Spanish* artifice to cause him to entertain suspicions of his best Subjects. But *Henry*, not considering the *Marshall* as such, told the *English* Ambassador, that the Queen his Mistress had a better opinion of him than he deserved, since it was certain he was concerned in the Earl of *Essex's* plot, and had not even disowned it.

The Earl of *Tir-oen's* affairs in *Ireland* daily declined. The Lord Deputy having closely pursued him, without giving him any respite, even to the places where he thought himself most safe (6), compelled him at length to cast himself upon the Queen's mercy: but would not receive his submission without an express order from the Court. The order coming at last, the Earl of *Tir-oen* yielded himself to the Lord Deputy (7), who refused to carry him into *England* and present him to the Queen.

About the end of *January* 1603, *Elizabeth* began to feel the first attacks of a distemper, which carried her at length to her grave. Her being obliged to have the Ring she wore on her finger filed off, was looked upon as an ill omen, because she was wont to say, with that Ring she had been married to her people. As she was now very old, it was easily believed she would not recover. Accordingly, some time before her death, she had the mortification to see herself forsaken by most of her Courtiers, who strove with emulation to court the favour of the King of *Scotland* her presumptive successor. This threw her into a melancholy, of which it was not possible to conceal the cause, especially as it was openly talked of sending for King *James* before she expired. In the beginning of *March* she was seized with a heaviness in all her limbs, which rendered her motionless, and even caused her to speak with great difficulty. This was attended with great frowardness, so that she could not bear any one near her but the Archbishop of *Canterbury*, who comforted her, and joined with her in prayer. In short, when it was perceived she was near her last hour, the Council sent the Lord Admiral, the Lord Privy-Seal, and the Secretary, to pray her to name her successor. She faintly answered, *That she had always said, her Throne was the Throne of Kings, and she would have no mean person to succeed her.* The Secretary representing to her, that these words were very obscure, and the Council desired she would declare her pleasure more plainly, *I will*, (said she) *that a King succeed me: and who should that be but my nearest kinsman, the King of Scots?* Then being admonished by the Archbishop to fix her thoughts upon God, *That I do*, (said she) *neither doth my mind wander from him at all.* When she could no longer pray with her tongue, she lifted up her hands and eyes to heaven, and giving some other signs of her confidence in the mercy of God, she expired on the 24th

Continuation
of the Irish
War.
Camden.
Stephens's
Hist. Brit.
Successors from
Spain to the
Earl of
Tir-oen.
Sept. 23.
See above.
Tir-oen's
defiance.

The Spaniards
return home.

1602.
First attempt
upon the
March.
Camden.

A rich Span-
ish Carack
taken.

Callin taken
by the En-
glish.

Rejoiced in
Spain the
Triumph and
Justice
English.
Camden.

Proclamation
against the
Jesuits.
Act. Pub.
XV. p. 473.
65.

1602.

Conspiracy
of Henry IV.
Thomson.
Camden.

Buillon de-
sires the
Queen to in-
tercede for
him.
Camden.

Tir-oen
surrenders to the
Deputy.
Camden.
Stephens's
Hist. Brit.

1603.
Tir-oen
dies.
Camden.

Her Courtiers
forsake her.
Camden.
Weywood.

She seems
melancholy.
Camden.
Spots.

She names
for her Suc-
cessor the
King of
Scots.
Camden.
She dies.
Camden.

(1) Sir Robert Newton partly advises the cause of this mutual Love between the Queen and her Parliaments, to the choice of Parliament-men. For, says he, I find not that they were at any time given to any violent or perturbation dispute, Elections being made of grave and discrete persons, not factious and ambitious of time; such as came not to the House with a malevolent Spirit of Contention, but with a preparation to consult on the publick good, p. 14.

(2) The Lady granted her four entire Subsidies, and eight Fifteenths and Tenths. And the Clergy gave four Subsidies of four Shillings in the pound. See Statute c. 17. ff. The Reader may observe, that when in 1594, there were granted to the Queen three Subsidies, and six Fifteenths and Tenths, it was especially provided, *That it might be lawful to draw out a Parliament for future times.* And yet in the very next Parliament, the same Subsidies were granted again; and increased in this. From whence it is plain, as Sir Simonds D'Ewes justly observes, p. 74. "That whatever is once granted by the subject, may 'till be raised, but seldom taken."—The Acts made in this Parliament, were, 1. An Act for the relief of the poor; 2. appointing the choosing of Overseers, and the manner of raising Money for the relief of the poor. 3. That every Parish in *England*, shall pay a weekly sum for the relief of sick, hurt, and maimed Soldiers and Mariners. 4. An Act to redress the misemployment of Lands, Goods, &c. given to charitable uses. 5. That persons cutting and carrying away Oaks growing, rubbing Orchards, breaking or cutting up Hedges, Pales, &c. digging or pulling up Faint-Trees, cutting or spoiling Wood, or Underwood, not being Felony by Law; shall be obliged to make satisfaction, or be whipped.

(3) The year died Henry Austin, Earl of Pomfret, Husband of the renowned Mary, Countess of Pomfret, Sister of Sir Philip Sidney.—This year also died Peregrine Basset Lord Widdow of Braye. Camden, p. 643.

(4) Which are his very words. Camden, p. 645.

(5) Sir Robert Marill waited for him with two or three Men of War. Camden, p. 645.

(6) Ninety, in Offer. The Lord Deputy was chiefly indebted for his good success against Tir-oen, to the Brevity and Comeliness of Sir Henry Darcywy, and Sir Arthur Chichester, Knights; the latter of whom succeeded him afterwards in his Office of Lord Deputy. Camden, p. 645.

(7) He came to the Lord Deputy at Milliford, with a down cast look, and in a Habit mean and carleful. The Lord Deputy received him sitting in a Chair of State, and attended by several Officers; Tir-oen fell on his knees, as soon as he came to the threshold, and continued some time in that posture; then, upon a sign made to him to come near, he made a few stammer approaches, and fell again upon his knees. Idem, p. 645.

1603. of *Morbis*, old style, in the seventieth year of her age, and the forty-fourth of her Reign (1).

Elizabeth's Character.

To display in few words the Elogy of this illustrious Queen, it seems to be sufficient to observe, that her name is still of Blessed Memory with the *English*, now when Flattery cannot be supposed to have any share in the veneration they pay her. But *Elizabeth* banished from *England* the Catholic Religion, and restored the Reformation. This alone was the cause that two Parties have been formed on her account, who mutually tax each other with flattery or animosity. The Protestants, considering that this Queen was the sole bulwark of their Religion, which probably without her would have been destroyed in *England*, *Scotland*, *Ireland*, and perhaps in *France* and the *Low-Countries*, cannot forbear giving her great commendations, and feel themselves inclined to excuse her failings. For the same reason, the *Roman Catholics* look upon her with another eye; nay, some have not scrupled to paint her in the blackest colours, and give her the most odious epithets. This makes it impossible to give her a character that shall please all the world. I shall content myself therefore with making some Reflections which will assist those who seek only Truth, to pass an impartial judgment on this famous Queen, free from party-passion and prejudice.

Her Ability.

Elizabeth had great sense, and a judgment naturally sound and solid. This appeared in her whole conduct, from the beginning to the end of her Reign. Nothing shews her capacity more, than her address in surmounting the difficulties and troubles created by her enemies, especially when it is considered what these enemies were, the most powerful, the most artful, the most subtle, and the least scrupulous in *Europe* (2). The bare naming of them is a sufficient demonstration. The Court of *Rome* under several Popes, *Philip II.* King of *Spain*, the Duke of *Alva*, *Henry II.* and *Charles IX.* Kings of *France*, *Catherine de Medici*, the Duke of *Guise*, the Cardinal of *Lorraine*, *Mary Queen of Scots*, all the *Remish* Clergy, and particularly the *Jesuits*. Had her forces been proportionable to those of her enemies united together, there would be nothing very extraordinary. Strength often supplies the want of capacity. But in what manner did she withstand so potent, so formidable Enemies? It was by two or three Maxims which she made the rule of her conduct, and from which she never swerved: *To make herself beloved by her people: To be frugal of her treasure: To cherish dissimulation amongst her neighbours.* If things are rightly considered, she had no other way to secure herself. It cannot therefore be denied, that this is a clear evidence of her ability. But as her ability was never questioned, it is not this I am chiefly to describe. On the contrary, her enemies have taken occasion from thence to defame her, by representing as vices

Her Diffimulation.

disguised, what her friends extol as so many virtues. They pretend, that her ability consisted wholly in an overstrained diffimulation, and a profound hypocrisy. In a word, they say she was a perfect Comedian. For my part, I don't pretend to deny that she made great use of diffimulation, as well to the Courts of *France* and *Spain* as to the Queen of *Scotland* and the *Seas*. This would be denying a manifest truth. The Court of *Rome* was the only Court she never dissembled with. I am also persuaded, that being so much concerned to gain the love and esteem of her subjects, she affected to speak frequently, and with exaggeration, of her tenderness for them, and desired to have it believed, that she did thro' an excessive love to her people, things wherein her own interest was mostly concern'd. But the question is to know, whether in her circumstances her diffimulation was blameable. What injury was it to her subjects to endeavour to persuade them, she loved them tenderly, since she actually and really did whatever was necessary to convince them? As to foreigners, it must be carefully observed, that her diffimulation and artifices tended not to invade their possessions, but to preserve her own. Her enemies frequently attempted to deprive her both of Crown and Life, and she saved both by her policy and diffimulation. Where is the harm of such a conduct? Can the diffimulation and artifices which aim only at self-preservation, be, without extreme prejudice, confounded with the diffimulation and artifices that tend to surpise the innocent, and invade the property of others; can these, I say, be considered upon the same foot? For my part I am so far from thinking that this sort of diffimula-

tion is any blemish to *Elizabeth's* reputation, that I rather believe it ought to be reckoned among her commendable qualities.

Avarice is another failing imputed to her by her own friends. I will not deny that she was too parsimonious, and upon some occasions stuck too close to her maxim, not to be at any expence but what was absolutely necessary. However in general I maintain, that her circumstances required her, if not to be covetous, at least not to part with her money, but with the greatest caution, both to preserve her People's affection, and enable her to withstand her enemies. After all, whom did the wrong by her extreme frugality? A dozen of hungry Courtiers, who would have been very glad she had laid her treasure, like the King her Father in the beginning of his Reign. As for the rest of her Subjects, instead of having cause to complain of this pretended avarice, they had reason to be pleased with it, since it consisted not in robbing them of their property by illegal methods, as *Henry VII.* her Grandfather had done, but in husbanding her revenues and consequently their own (3).

She is also accused of not being so chaste as she affected to appear. Nay, some pretend, there are now in *England* the descendants of a Daughter she had by the Earl of *Leicester*. But as hitherto no proof of this accusation has been produced, it may be safely reckon'd among the calumnies with which her reputation has been attack'd, as well during her life as after her death.

Slanders upon her Avarice.

It is not so easy to justify her concerning the death of the Queen of *Scots*. Here it must freely be owned that she sacrificed equity, justice, and perhaps her own conscience, to her safety. If *Mary* was guilty of her Husband's murder, as there is reason to believe, it belonged not to *Elizabeth* to punish her. And indeed it was not for that she took away her life, but she used that pretence to detain her in prison, under the deceitful excuse of making her innocence appear. On this occasion her diffimulation was blame-worthy. This first injustice engaged her afterwards, to use numberless arts and devices to have a pretence to render *Mary's* imprisonment perpetual. Hence arose at last the necessity of putting her to death on the scaffold. In short, this excess of violence gave birth to more artifices and acts of diffimulation to justify herself, and cast the blame on the innocent. This, doubtless, is *Elizabeth's* great blemish, which manifestly proves to what height she carried the fear of losing a tottering Crown. This continual fear and uneasiness, is what characterises her reign, because it was the spring of almost all her actions. All that can be said for *Elizabeth*, is, that the Queen of *Scots* and her friends had brought things to such a point, that one of the two Queens was to perish, and it was natural that the weakest should fall. But this does not excuse *Elizabeth's* injustice to *Mary*, in detaining her in prison, which had no other foundation than *Elizabeth's* fear concerning her Crown.

Concerning Elizabeth's Religion.

I come now to *Elizabeth's* religion. I don't believe her being a true Protestant was ever question'd. But as it was her interest to be so, some have taken occasion to doubt whether the zeal she express'd for her religion, was the effect of her persuasion or policy. What may have occasioned this doubt, is, that it clearly appears in her History, that in assisting the Protestants of *France* and the *Netherlands*, as well as those of *Scotland*, she had only temporal views, namely, her own safety and defence against impending invasions. But it cannot thence be inferred, she was not a good Protestant, or had no religion at all, since 'tis not impossible that her religion should agree with her temporal interest. All that can be said, is, that she happened sometimes to prefer her temporal, before her religious concerns.

She is warmly accused of persecuting the Catholics, and putting several to death. 'Tis true, there were some that suffered death in her reign. But one may venture to affirm, that none were punished but for conspiring against the Queen or State, or for attempting to destroy the Protestant Religion in *England*, and restore the *Remish* by violent methods. The Catholics, who lived peaceably, were tolerated, tho' with some restraint as to the exercise of their religion, but with none as to their consciences. If this may be called persecution, what name shall be given to the sufferings of the Protestants in the reign of *Mary* (4)?

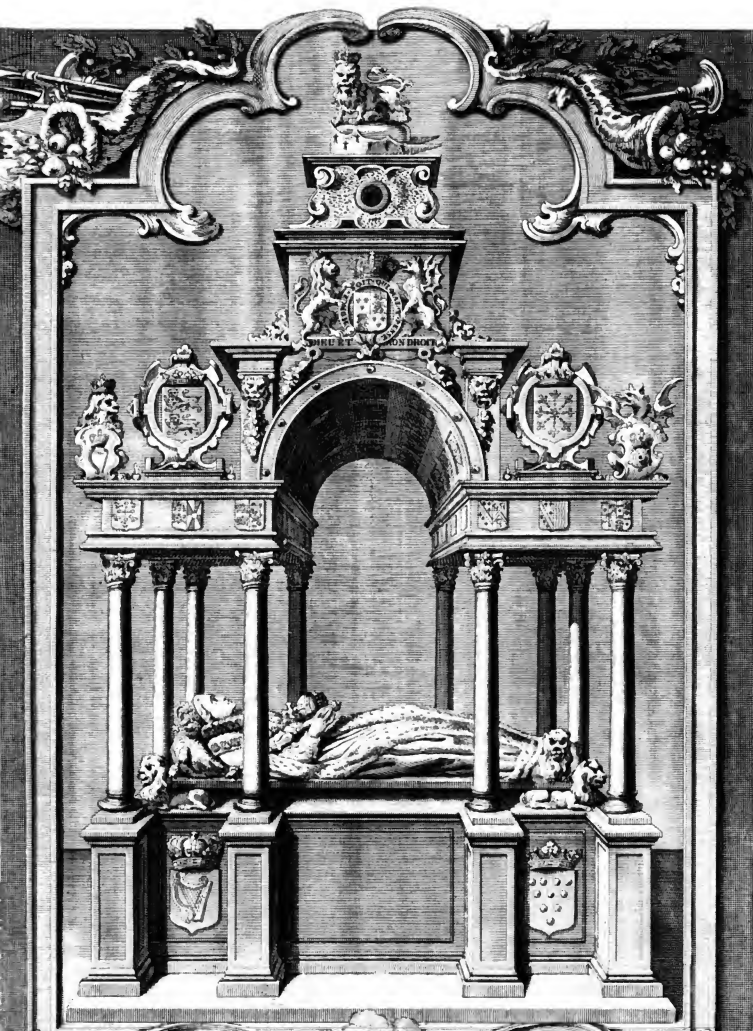
Concerning her persecution of the Catholics.

(1) She lived sixty nine years, six months, and seven days; and reigned forty four years, four months, and eight days; and lies buried at *Westminster* in *Henry VII's* Chapel. Her Successor King *James* erected a stately Monument to her Memory, which the Reader may see in *Sandford*, p. 519: her Epitaphs are also in *Sandford*, p. 521.

(2) Pope *Gregory XV.* used to speak of Queen *Elizabeth*, and the King of *Norway*, as the only Princes that understood what it was to govern; and profanely wished, he might enjoy her but one night, saying, they would bogot a new *Alexander the Great* between them. *Baron's Ref. Tom. II. p. 417.*

(3) She was not so covetous, but that four Subsidies having been granted her in one of her Parliaments, and finding that three would do her business, she by Proclamation discharged the fourth, and in such of the other three as was not levied. *Bacon's Char. of Eliza. p. 138.*

(4) The *Remish* Priests themselves throw in their writings. That in the eleven last years of Queen *Elizabeth's* reign, not one Papist was persecuted for Religion; in ten years after the publication of Pope *Pius V's* Bull, not above twelve Priests had been put to death, and most of them for Treason, till the year 1580, when the earlmarck and a third Irish first set foot in *England*; and yet, in the ten next years after that, not above fifty Priests were executed, and fifty five banish'd. See *Gentius*, p. 649.



These Monumental Inscriptions

to engrave on the Monument at the Head of the

Monumental Inscriptions over the Monument at the Head of the

MEMORIE AETERNÆ

Elizabethæ Angliæ Franciæ et Hiberniæ

Reginæ R. Henrici VIII. Filii R. Hen. VII. Nept. R.

Ed. VI. Prosep. Mariae Parenti. Religioni

et honorum Artium Altricis plurimarum

Linguarum perita. præclaris cum Animi

tum Corporis donis Regniq. iustitias

supra ætatem. Franciæ

incomparabili.

Jacobus Magnus Britannici Franciæ et

Hiberniæ Rex. Virtutum et Regniq. per

Hæres. bene Merenti per

posuit

the Monument at the Head

Regni Conservatoris per Mariae Sorore.

et Cuius hæc obdormit in spe Resurrex-

erunt Elizabethæ I. bonis.

On the Monument at the Head of the

MEMORIE SACRÆ

Religionis ad primævam Sinceritatem restaurata

Pace laudata. Monetæ ad justum Valorem reducta

Rebellione domestica vincula. Gallia multis

interitinis principibus sublevata. Belgio sustentata.

Hispaniæ classe prolapsa. Hibernia pulsa

Hispanis. et Rebellibus ad devotionem cunctis

pacata. redditibus utriusq. Academiæ Lege

Auxonaria plurimum adauxit tota deniq. Angli-

æ dicitur. prudentissimæ. Annis XII. Administrata.

Elizabethæ Regina Victricis. Triumphatrix. Potius

Suavisissima. Fecitissima. placida Morie Sepositoria.

Soluta. mortales Belgicus dum Christo iulenti

resurgant immortales. in hac Ecclesia celeberrima

ab ipsa conservata. et denuo laudata deposuit

On the Monument at the Head of the

Quædam Maria (Regina XVI.)

Anno Salutis

M. DC. II.

The MONUMENT of QUEEN ELIZABETH in WESTMINSTER ABBEY.



1603.

The Presbyterians think also, they have reason to complain of the Statute enacted in this Reign, which deprived them of Liberty of Conscience, though they were Protestants. I shall not take upon me to determine, whether they had cause to complain of this rigour. I shall only say, that, in my opinion, they had too much Obstinacy, and their adversaries too little Charity.

To sum up in two words what may serve to form Eli-

zabeth's Character, I shall add, that she was a good and illustrious Queen, with many virtues and noble qualities, and few faults. But what she ought to be esteemed for above all things, is, that she caused the English to enjoy a felicity unknown to their Ancestors, under most of the Kings her predecessors. This, doubtless, is the Test, by which we are to judge of those whom God has set over us.

1601.

Elizabeth's
1578 Engraving.

By the Indenture of the 24. of Elizabeth, a pound weight of Gold, of the old Standard, of 23 Carats 3 Grains and a half fine, was coined into 36 pounds in 120 1/2 mounds, into 24 Sovereigns, at thirty Shillings a piece, or 45 Rials, at fifteen Shillings, or 75 Angels, at ten Shillings a piece, or 144 Half-Angels, at five Shillings a piece. And a pound weight of Crown Gold of 22 Carats fine, and a Carat alloy, was coined into 33 pounds by tale; namely, 33 Sovereigns at twenty Shillings a piece, or 66 Half-Sovereigns at ten Shillings a piece, or 132 Crowns at five Shillings a piece, or 264 Half-Crowns. And a pound weight of the old sterling silver, worth 21 Ounces 2 penny weight fine, and 15 penny weight alloy, was coined into 3 pounds by tale, of Half-Shillings, Groats, Quarter Shillings, Half-Groats, Three Half-penny-pieces, Pence, and Farthings.—In the 19th of her Reign, a pound of Gold, of the old Standard, was coined into 72 Angels, at ten Shillings a piece, 144 Half-Angels, at five Shillings a piece, or 288 Quarter-Angels, amounting in tale to 36 pounds; and a pound of old sterling silver, into Half-shillings, Threepence, Three half-penny, or Three Farthing-pieces, to make three pounds by tale.—And in the 31, into fifty Shillings, or into three pounds by tale.—In the 36th, a pound Troy of the Spanish Gold, was coined into 45 Nobles, at fifteen Shillings a piece, or 24 double Nobles, at thirty Shillings a piece, making 36 pounds.—In the 37th year of this Reign, a pound weight of Gold of 22 Carats fine, and 2 Carats alloy, was coined into 33 Sovereigns, at twenty Shillings a piece, or 66 Half-Sovereigns, or 132 Crowns, or 264 Half-Crowns, making 33 pounds by tale.—In the 43d the pound weight of old Standard Gold, was coined into 72 Angels, at ten Shillings a piece, or 144 Half-Angels, or 288 Quarter-Angels, making 36 pounds; 10 Shillings in tale, and the pound weight of Gold of 22 Carats fine, and 2 Carats alloy, into 33 Sovereigns and a half, at twenty Shillings a piece, or 67 Half-Sovereigns, or 134 Crowns, or 268 Half-Crowns, making 33 pounds, two Shillings in tale; and the pound weight of old Standard Silver, into three pounds, two Shillings by tale; was into Crowns, Half-Crowns, Shillings, Six-pences, Two-pences, Pence, and Half-pence.



The Corruptions which the last year of Henry VIII. had brought into the English Money, were not quite rooted out till Queen Elizabeth's Reign; but her first business was to mark all the half Pieces, either with a Greyhound, Portcullis, Lion, Harp, Rose, or Fleur-de-lis. Her Gold Coins, as appears from the foregoing Indentures, were, Sovereigns, Half-Sovereigns, or Rials, Nobles, double Nobles, Angels, Half-Angels. Pieces of an Angel and a half, and three Angels, Crowns, and Half-Crowns. The Sovereigns bear, on one side, the Queen's Figure, in Armour and Ruff, Hair dishevelled, crowned with the Imperial Crown of England, (consisting of the double Arch, as hath been since; all, except Henry VI. having born it before her, with the single Arch.) ELIZABETH. D. G. ANG. FRA. ET. HIB. REGINA. Reverse, the Arms crowned between E. R. A Word pack the Mark, SCVTVS. FIDEL. PROTEGET. EAM. (Fig. 1.) The Half-Sovereign has her Head, as upon the Shilling. The Angel has her Titles as before; Reverse, the ship and Arms, with E. and R. and DNI. FACTVM. EST. BTVD. ET. EST. MIRAB. The double Noble, or Ryal-Rial, which is a noble Medal, has on one side, the Queen in her Robes and Crown, Scepter, and Ball, upon her Throne, at her Feet a Pomegranate, ELIZABETH. D. G. ANG. FRA. ET. HIB. REGINA. Reverse, a large Rose filling the Arms, with the Arms in the Center A. DNO. FACTV. EST. BTVD. ET. MIRAB. IN. OCVL. NRIS.—Queen Elizabeth's Silver Money are Crowns, Half-Crowns, Shillings, Six-pences, Groats, Three pences, Two-pences, Pennies, Penny Half-pennies, Half-pence, and Farthings, all of Silver; for there was no Brass or Copper-Money coined in England before James I. This Silver-Money, from the Crown to the Three-pence, is the same, viz. ELIZABETH. D. G. ANG. FRA. ET. HIB. REGINA. Reverse, the Arms and POSVI. &c. On the Crown and Half-Crown, she appears with the Ball and scepter, (Fig. 2.) which latter never appeared upon the Monies from the Reign of Henry III. The Shillings are of several kinds, some with a Cross ecrois, another with a Dove, or Drake upon it, which last is said to be in memory of Sir Francis Drake's Voyage round the World; a third very fair, with a Star the Mint mark, (Fig. 3.) The Portcullis-Shilling and Groats-Piece, both which are very rare, instead of the Queen's head, have the Arms crowned between E. R. and ELIZABETH. D. G. ANG. FRA. ET. HIB. REGINA. Reverse, a Portcullis crown'd, and POSVI. &c. an Anulet the Mint-mark. The Six-pence are of different Mints, at the shillings; some with a Rose behind the Queen's Head, another mark'd with the Belgick Lion upon the Queen's Breast. Of Groats there are the Drake, Star, or Mill, and Cross-crois, Mint marks, &c. Of the Three-pence, some have a Cross, others a Sword for the Mint mark, others the Star, Cinque-fol, or Phoenix, all having the Rose behind the Head, and Motto to the larger Pieces. The Four-pence has two Don behind the Head, E. D. G. ROSA. SINE. SPINA. Reverse, the Arms, and CIVITAS LONDON. The Three Half-penny Piece (coined by this Queen only) has the Rose without the Queen's head, CIVITAS EBORACI. The Pennies have the same Inscription about the Queen's head; Reverse, the Arms, and CIVITAS LONDON. Of this there are with the Drake, Cross-crois, Cross ecrois, Tun, Figure II. and Annulet. They are from six Grains and a half, to ten and a half. The Farthings have all the Rose on each side, and weigh from three to five Grains.—Before these, Elizabeth coined also Irish Money, namely, Shillings called Harpers, from the Arms of that Kingdom, viz. three Harps crossed on the Reverse, (Fig. 5.)



THE HISTORY of ENGLAND.

BOOK XVIII.

The Reign of JAMES I; Containing the Space of two and twenty Years, and three Days.

24. JAMES I.

1603.
The Council
proclaim
James I.
March 24.
Wilkes.
Stow.



ELIZABETH had no sooner breathed her last, but the Council met to consult about the measures that were to be taken in the present juncture. The Queen, who had delayed to name her Successor till the end of her days, at last declared, the King of Scotland was to ascend the Throne of England after her, and

it was not doubted but her Will agreed with this declaration. So, the Council deemed it necessary, before all things, to be assured of it, by perusing the Will, which was immediately opened, and found to confirm what the Queen had declared by word of mouth. The King of Scotland had therefore in his person a threefold Right, which rendered his Title indisputable. The first was what is called in England, a Parliamentary Right, which derived its validity from the Act of Parliament, securing the Crown to Henry VII. and his Heirs. The second was Hereditary Right, for this Prince was the nearest relation, and natural Heir to Elizabeth. These two Rights were farther strengthened by the Queen's Will, which made the third. So, the Council readily judged, he ought to be acknowledged for King of England. This resolution being imparted to the Lord-Mayor of London, the new King was proclaimed by the name of James I, six hours after the Queen's death.

Ad. Pub.
XVI. p. 494

Stow.
Spenserwood.

James re-
ceives the
News of his
Accession to
the Crown
of England.
Stow.
Welsh.

Though the Council had been careful to send the King the first news of his accession to the Crown of England, Sir Robert Carey, the Lord Hunsdon's youngest Son, found means to be before them (1). James, who impatiently expected the news, received it however without altering his countenance, the Queen's illness having been long e-

nough to afford him time to be composed, when the news should arrive. Nevertheless, he could not forbear lifting up his eyes to heaven, probably to thank God for the favour he had long expected, not without great anxiety. Elizabeth would never positively declare, she intended to name him for her Successor. She contented herself with keeping him in hopes, but in such a manner, that she seemed to reserve the power of depriving him of the Succession, if his conduct displeased her. James's correspondence with the Earl of Essex, which, though connived at, was not unknown to the Court of England, might give him some apprehensions. Besides, Elizabeth never loved him; whether because he was Son to her mortal enemy, or had shown too much impatience to possess the Crown of England; or in fine, by reason of his inclination to the Catholics. All these reasons made this Prince very uneasy, in the expectation of a Crown which his birth intitled him to, but which, however, he might have lost, had Elizabeth been pleased to take measures to deprive him of it. The news of the Queen's death could not then but be agreeable to him, since, by his correspondence with one of the chief Ministers, he was assured she had done nothing to his prejudice.

1603.
Du Chesne
Hist. d'An-
glet.

Presently after Carey's arrival, came Sir Charles Percy, and Thomas Somerset, who, by order of the Council of England, notified to him the Queen's death, and the Council's diligence in proclaiming him (2). These were quickly followed by Sir Thomas Lake, who was sent by the Council to inform him of the state and condition of the Realm (3).

Stow.

Whilst the news of his accession to the Crown was carrying to the King, the English were reflecting on the alterations which the Queen's death was likely to produce.

Reflections
on the En-
glish.

(1) The Lord Hunsdon's Father married Anne Boleyn's Sister. Sir Robert's Brother, George Lord Hunsdon, was Lord Chamberlain of the Queen's Household, and Percy Chamberlain; and his Brother Sir John was Governor of Berwick. *Dugdale's Baron.* Vol. II. p. 387. 388.

(2) The Council's Letter to him begins with these pompous words, Right high, right excellent and mighty Prince, and our dread Sovereign Lord, &c. See *Spenserwood*, p. 475.

(3) Several other Persons of distinction came to pay their respects to him, and among the rest John Peyton, (Son of Sir John Peyton Lieutenant of the Tower of London) whom he knighted, being the first on whom he conferred that honour. *Stow*, p. 511.



W. J. Pinsoner p.

An Original Painting in the Palace of Hampton Court.

J. W. Simpson.

THE
LIBRARY
OF THE
MUSEUM
OF
COMPARATIVE ZOOLOGY
AT
HARVARD UNIVERSITY
CAMBRIDGE, MASS.

1603. The People in general lamented the loss of their Queen. They had been happy under her, and were not sure their happiness would continue in the new Reign. A King of Scotland on the Throne of England, was to most no pleasing object. Besides, since James was of age, he had given no very advantageous idea of himself. His unsteadiness, his weakness for his Favorites, his inclination to the Catholics, of which, on several occasions, he had given visible marks, were not qualities apt to prepossess the English in his favour. It was hoped, however, he would tread in the steps of the illustrious Queen, his immediate predecessor, because it was thought he could not follow a better course, and what is desired is easily believed. As for the deceased Queen's Ministers and Courtiers, the good and welfare of the Realm was what least affected them. Every one was wholly intent upon gaining the favour of the Successor. Towards the end of the late Reign, there were two factions at Court, the one confisting of Effix's friends, and the other of his enemies. The first was entirely humbled by the death of their Head; and the other had so far the ascendant, that they absolutely ruled in the Council. Sir Robert Cecil, Secretary of State, and second Son of the late Lord Treasurer Burleigh, was at the head of this Party. But this polittick Courtier, foreseeing, that after the Queen's death his Party could not fail of sinking, since King James considered the Earl of Effix as his martyr, had taken timely measures for his support. Before the Queen's decease, he had devoted himself to the King of Scotland, and held a private correspondence with him, to inform him of what passed at Court. By this means, he had secured that Prince's favour, though it was not without danger of losing the Queen's, had the known his secret practices (1). He was the only Man of his Party that had gained the new King's favour, which he so artfully cultivated, that in the end he became his Prime Minister.

Sir Robert Cecil was devoted to King James before Elizabeth's death. Weldon.

Weldon, p. 662.

The Report and Fears of the English were regard to Religion. Specul.

There was also another thing which engaged the attention of the English, namely, the affair of Religion. The King's Conduct in Scotland gave occasion for sundry reflections, which kept People in uncertainty, none knowing positively what was to be hoped or feared. James was born of Roman Catholic Parents, but being taken from his Mother in his infancy, had been educated in the Protestant Religion, and always professed it. On the other hand, the Religion he had been brought up in, though Protestant, differed a little from the Religion established in England, if not in Doctrine, at least in Discipline, and some other points of external worship, which were considered by the two Churches as very important. In a word, it was the Presbyterian or Puritanical Religion. In fine, this Prince had shown on numberless occasions, that he was far from being an enemy to the Romish Religion. All this formed a certain contrapt, which bred an universal suspense. The Catholics hoped to meet, under his Government, with gentler treatment, and more indulgence than under Elizabeth, nay, they carried their expectations much farther. The Presbyterians flattered themselves, that James, who had been educated in their Religion, would promote the reforming of the Church of England upon the plan of that of Scotland, and hoped shortly to see the downfall of the Ecclesiastical Hierarchy. Finally, the Church of England Men thought to have reason to expect, that the new King would conform to their Religion, since it was established by Law. But after all, the hopes of the three Parties could not but be mixed with fears, since the King had not yet declared. Such were the sentiments of the English, concerning their new King, whom as yet they knew only by report.

James sets out for England. Specul. p. 819, 820. Weldon.

As soon as James was informed by the persons sent from the Council of England that he was proclaimed, he dispatched Aston to acquaint the Privy Counsellors, that he was preparing for his journey, and accordingly he left Scotland the 5th of April, eleven days after Elizabeth's death. The principal Scotch Lords, by whom he was attended into England, were the Duke of Lennox, the Earl of Mar, the Lord Hume, and the Lord Kinlos, with several others of less distinction, but who afterwards were pro-

moted to English Honours and Dignities. He spent above a month in his journey from Edinburgh to London (2), where he arrived the 7th of May. He had no sooner entered England, but the People strove to demonstrate their respect by magnificent entertainments in all the Towns he passed through. Such were their acclamations, their wishes for his prosperity, their praises and joy for his arrival, that an honest plain Scotchman could not forbear saying, *This People will spoil a good King*. Mean while, the multitudes which flocked from all parts to see their new Sovereign, grew at last so troublesome to him, that he was forced to set bounds to their curiosity by a Proclamation. This was very surprizing to the People, who did not understand that a little inconvenience should hinder the King from receiving the respects of his new Subjects. But perhaps this was owing to the King's fear, that among the crowd some assassin might lurk, and attempt upon his life. It may be too, he had a mind to accustom his Subjects not to be too familiar with their Sovereign. Be this as it will, it did not hinder the people from paying him every where the respect due to him, and expressing great satisfaction to see him pass, in order to be seated on the Throne.

At York, most of the English Lords came and paid him their homage. Among these was Secretary Cecil, who was now considered as out of favour, because he had been Effix's sworn enemy. But great was the surprize, when the King received him with extraordinary marks of esteem. This gave occasion to suspect, he had taken care beforehand to gain his favour, and the King's behaviour to him afterwards confirmed the suspicion. Some accuse this Lord of inspiring the King with the design of setting himself above the laws, and not suffering the Parliament to share the supreme authority with him. At James's Dr- least, it is certain, James's chief care, after his accession, was to maintain the prerogative Royal in its utmost extent, nay, to carry it higher than any of his predecessors. He must, at the time I am now speaking of, have conceived a larger notion than had been hitherto formed, of the power of an English King, since when he came to Newark he ordered a Cut-purse to be hanged by his sole warrant, and without trial. It cannot be denied that this was beyond the lawful power of a King of England, and directly contrary to the privileges of the English Nation. Probably, care was taken to warn him of the ill effects such illegal acts might produce among the people, since he refrained from them ever after.

On the 3d of May he came to *Thorbald's*, Secretary Cecil's House (3), where he stayed some days. Here the Council came to pay their respects to him, and here passed what was most remarkable in his journey till his arrival at London. When he was about to leave Scotland, he sent Carry to tell the Privy-Counsellors, that his intention was to continue every man in his post. However, at his coming to *Thorbald's*, he increases their number with several others, most of whom were Scots, his design being, as he more plainly showed afterwards, to make but one Kingdom of England and Scotland. The new Scotch Counsellors were the Duke of Lennox, the Earl of Mar, the Lord Hume (4), and Sir James Elphinstone [his Secretary.] He nominated also two English Noblemen, the Lords *Zauch*, and *Burleigh*, Secretary Cecil's eldest brother. I find likewise that at the same time or presently after, he admitted into his Council the Earls of Northumberland and Cumberland (5), the Lords *Thomas* and *Henry Howard*, the one son, the other brother to the late Duke of Norfolk, of whom the first was a suspected, the last a known Papist, but upon the King's arrival he had embraced the Protestant Religion. The King's gratitude to the *Howard*-Family, who, for the sake of the Queen his Mother, were in disgrace in the late Reign, did not stop there. The Lord *Thomas* was made Earl of *Suffolk*, and then Lord Treasurer, and the Lord *Henry* was created some years after Earl of Northampton. Moreover, Philip Earl of Arundel, the late Duke of Norfolk's eldest son, having lost his title by his condemnation, though Elizabeth gave him his title, the King created his Son *Thomas*, Earl of Arundel and Surrey (6). Thus the King's regard for the Duke of Norfolk's

1603.

1603. Cecil was devoted to King James before Elizabeth's death. Weldon.

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Others.

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(1) The person that managed Cecil's correspondence at the Court of Scotland, was Bruce, a younger Brother of a noble Family in Scotland, who carried the matter with such address and secrecy, that all the great men in England, without knowing of one another's doing it, and without the Queen's suspicating any thing, signed in writing in engagement to assist and stand by the King of Scots right of Succession. Bruce's Hist. p. 8. Cecil was very like to have been discovered a little before the Queen's death. Being in the Coach with her as she was taking the air, on Elizabeth's death, a Post from Scotland came by. Whereupon the Queen stopped her Coach to receive the Packet. Cecil dressing some of his secret conveyances might be discovered, and having a ready wit, hastily calls for a Knife to cut it open. But just as he was going to do so, he pretended it had a very ugly smell, and ought to be aired before her Majesty saw it. Which the Queen, mistrusting nothing, and having all sorts of all things, ordered to be done. Wilson, p. 662. Compl. Hist.

(2) At *Widdrington*, in *Northamptonshire*, he was more hospitably received and entertained by Sir Oliver Cromwell, than he had been all the way before, says Stru, p. 523.

(3) The King bought this House afterwards: it belongs now to the Duke of Portland. Rapin. The King gave in exchange for it *Hayfield House*, the Seat of the present Earls of Salisbury. See above, p. 51. Note (1).

(4) And Sir George Home, afterwards Earl of Dunbar, and the Lord Kinlos, Stru. p. 523.

(5) Henry Percy, and George Clifford. Rapin says, by mistake, it was the Earl of Northumberland.

(6) To avoid confusion, it will be proper to mention the account of the numerous Howard Family, from page 831. Vol. I. — Thomas Howard, the 3d Duke of Norfolk, married, 1. Ann, Daughter of King Edward IV, by whom he had Thomas, who died young. 2. Elizabeth, Daughter of Edward Stafford Duke of Buckingham, by whom he had Henry Earl of Surrey, beheaded 15. Henry VIII, and Thomas, created Viscount Howard of Effingham, 1. Elizabeth, married Francis, Daughter of John 4th Earl of Oxford, and by her had Thomas the 4th Duke of Norfolk, (referred 1. Mary, 2nd

1605. *Nesfield's* family, plainly showed what he thought of *Elizabeth's* treatment of that Duke and his House. 'Twas not in this alone that he expell'd his resentment against the late Queen. Upon all occasions he affected to show, it was only out of policy that he had whilst she lived, concealed his aversion for her. The most notable mark he gave of it, was, that he neither went into mourning himself nor would admit any person to his presence in a mourning-Habit.

From the King's arrival in England to his departure from *Thames*, he made about two hundred Knights, and some days after his coming to London, he made many more. As *Elizabeth* had been sparing in the distribution of Honours, with which Sovereigns are wont to reward the merit and services of their Subjects, her successor on the contrary, bestowed them with a liberal, or rather profuse, hand. Never had the like number of Knights, Barons, and Earls been made in any former Reign. This occasion'd a critical Libel, entituled, *A help for weak memories to retain the names of the Nobility* (1). The truth is, *James* made but many Knights and Peers, particularly in the first years of his Reign, that such a help was very necessary. Indeed it is pretended, the current of honour was so stopped in *Elizabeth's* Reign, that scarce a County had Knights enough to make a jury (2).

Besides the three *Howards*, *Thomas Sackville*, Lord *Rochford*, and High-Treasurer, was made Earl of *Dorset*, Sir *Robert Cecil* was at first created Baron of *Essexford*, then Viscount *Cranborne*, and afterwards Earl of *Salisbury*; and Philip Herbert, the Earl of *Pembroke's* brother, was made Earl of *Montgomery*. I confine my self to these, because their names most frequently occur in the beginning of this Reign (3). I must also add, that the Earl of *Southampton* who had been condemned to dye, and the Earl of *Essex's* son, were restored to their estates and honours before the King reached London. But the Lords *Grey*, *Cobham*, *Carew* (4), and Sir *Walter Raleigh* who had been enemies to the Earl of *Essex*, were very coldly received by the King. These four Courtiers of *Elizabeth* had not a little contributed to the Earl of *Essex's* death, as well as secretary *Cecil*; but this last, as I observed, had wisely gained the King's favour. Nothing could more plainly show that the King considered the Earl of *Essex* as his Martyr, as he himself call'd him, than his gracious reception of the Earl of *Southampton* when that Lord came to wait on him. This was publicly owning that he approved of these two Lords Conspiracy, the intent of which was to set him on the throne before the Queen's death. This gained him no credit with the disinterested. But from that very time he began to listen to the flatteries of his Courtiers, who extolled all his actions to the skies, and that continued but too much throughout his whole Reign.

King *James*, with good natural parts, had a great share of Learning. He was able to form the Plan of a good Government, the general Maxims whereof he perfectly knew. But his aversion to wax, his weakness for his Favorites, certain prejudices he had imbibed, wherein all that approached him helped to confirm him, ever hindered him from putting his Theory in practice. He was perfwaded, that the authority of Sovereigns over their Subjects was unlimited, and that all Monarchical Government ought to be absolute, not considering that these maxims could not be applied to the Government of England, without destroying the constitution. Moreover he was strongly prepossessed in favour of his own merit and capacity. As soon as his Courtiers discovered his genius and character, they failed not to attack him in the most sensible part. That is, they took all occasions to applaud his wisdom, learning, parts, and to talk in the highest strain of the Regal power. As this pleased him infinitely, so it was the best way to gain his favour. Hence arose several expressions little known in the former Reigns, but which were common in this. The King was call'd the *Solomon of the age*, and fill'd his Sacred Majesty, and these flattering Titles, which he greedily received, confirm'd him more in his prejudices. He laid one amongst the rest which greatly influenced his

whole administration. And that was, he very believed he was come to the Crown of England solely by Hereditary Right, and could not bear, it should be thought he was obliged to Queen *Elizabeth*, or that his title proceeded from any Act of Parliament. If this had been only a speculative notion, it would not have much disturbed the English. But he drew from this principle terrible consequences, tending to no less than arbitrary power, and to the subversion of the English constitution. From his being King by Hereditary Right he inferred, that his will ought to be the sole rule of the Government, and considered as undeniable truths, all the wild assertions of certain Writers concerning the Regal power. This pretended Hereditary Right, with its consequences, were the fountain of the divisions which began in this Reign, between the King and Parliament, and which continued during the three following Reigns. This also gave birth to the Tory and Whig factions, who worry one another to this very day. It is requisite therefore, for the Reader's information, to observe, before we proceed, that this Hereditary Right by which *James I.* pretended to reign, was not so indisputable as he then did, and as many still do, imagine it.

In the first place, no law can be produced on which may be founded the Hereditary Succession of the Crown of England. Secondly, there are many Precedents in the English History which show that the Parliament assumed a power to dispose of the Crown, and settle the Succession without any regard to the next Heir. In the third place, more Kings, since the Conquest, have mounted the Throne by virtue of Acts of Parliament, or some other means, than by Hereditary Right. The four first especially, namely, *William the Conqueror*, *William Rufus*, *Henry I.*, and *Stephen*, most certainly came not to the Crown by this right. When was it then that the Crown became Hereditary? It is their business who maintain this opinion, to point out the time. In the fourth place, of all the Kings from *William the Conqueror* to *James I.* there was not one who had less right to the Crown than *Henry VII.* before he was confirmed by the Parliament (5). It was therefore from the Parliament's Confirmation, rather than from *Henry the Seventh's* Hereditary Right that *James I.* could derive his own Title. Lastly, if some instances may be produced of Kings succeeding from Father to Son, and if from thence it be inferred, it was by Hereditary Right, it will also be easy to show that this Right vanishes when traced to the Source. For example, if it be supposed that *Elizabeth*, *Mary*, *Edward VI.*, and *Henry VIII.* came to the Crown by Hereditary Right, though there would be much to be said concerning the two Queens, the fountain of this Right springs from *Henry VII.* who was Heir neither of the House of *York*, nor the House of *Lancaster*. *Henry VI.* and *Henry V.* succeeded from Father to Son, to *Henry IV.* who was not the next Heir of *Richard II.* *Edward III.* could not succeed *Edward II.* his Father, who was yet alive, by Hereditary Right. *Edward II.*, *Edward I.*, and *Henry III.* form the longest Hereditary Succession from Father to Son that occurs in the English History; but they derived their Right from *John Lackland*, who certainly was not *Richard I.*'s next Heir. I pass over in silence the former Kings, because the thing is too evident to need any further explication. Thus of twenty three Kings from the Conquest to *James I.* above one half at least did not ascend the Throne by Hereditary Right. As for those who succeeded from Father to Son, and may be supposed to have reigned by Hereditary Right, they could support their Right of Succession only by Acts of Parliament, adjudging the Crown to some one of their Ancestors, contrary to Hereditary Right. How then can the Hereditary Succession of the Crown of England be indisputably established? It follows from what has been said, that nothing is more uncertain than the Right by which the Kings of England reigned from the Conquest, to the time of *James I.* since it is not possible to lay down any undoubted principle upon this head. It is much easier to combat all the different opinions concerning the Succession,

and belov'd for attempting to marry the Queen of Scots) and *Henry* made Earl of *Northampton*, 1. *James I.* — The last mentioned *Thomas* had two wives, 1. *Mary*, Daughter and Coheir of *Henry Earl of Arundel*, who was Mother of Philip Earl of *Arundel*, 2. *Margaret*, Daughter of *Thomas Lord Audley*, and Mother of *Thomas*, created Earl of *Suffolk*, 1. *James I.* and of *William* made Lord *Howard of Newburgh*, 1. *James I.* — The first, Lord Philip Earl of *Arundel*, had a Son named *Thomas*, who was restored, 1. *James I.* This *Thomas* was Father, 1st. of *Henry*, 2. of *William*, created Viscount *Stafford* in 1640. — The last *Thomas* was Father of *Thomas*, the 5th Duke of *Norfolk*, 15. *Charles II.* and of *Henry* created Earl of *Northwich* in 1633. — The aforementioned *Thomas Earl of Suffolk* had seven sons; 1. *Thophilus*, who succeeded him; 2. *Thomas* created Earl of *Arundel* in 1633; 3. *Edward*, made Lord *Howard of Effingham* in 1633. — The aforesaid *William Lord Howard of Newburgh* had a Son, who was Father of *Philip*, and he of *William*, who was a Father of *Charles* created Earl of *Castle*, in 1663. *Dugdale's Baron*, Vol. II.

(1) I was only a boy of Fifteen pulled up in St. Paul's. *Wotton*, p. 665.

(2) Reported by him to be made 1790, to serve in Parliament.

(3) *Robert Grey* — he himself Sir Robert Sidney Baron of *Penbury*, Sir *William Knollys* Baron of *Grey*, and Sir *Edward Warren* Baron of *Murby*. And afterwards, while *Parliament* was sitting for his Commission, which was performed the 20th of July, in the best of a Play, he created Sir *Thomas Egerton* — L. in Chancery; Baron at *Edinboro*, Sir *William Russell* Baron of *Thornbury*, Sir *Henry Grey* Baron of *Grady*, Sir *John Fane* Baron of *Winton*, Sir *John Mordaunt* Baron of *Favers*, Sir *Henry Danvers* Baron of *Darby*, Sir *Thomas Gerard* Baron of *Gerard Bromley*, Sir *Robert Sayer* Baron of *Winton*, &c. &c. &c. *Wotton*, p. 644.

(4) There was no birth lost as the Lord *Carew*, Sir *George Carew*, (who had served in Ireland three years, and wrote an account of the men who fell in war) happened there in that time; he was now in favour, and one of those who were sent to touch the Queen; he was made Baron of *Cirencester*, 1. *James I.* Earl of *Essex*, 1. *Charles I.* *Dugdale's Baron*, Vol. II. p. 413.

(5) See the Reigns of *Richard III.* and *Henry VII.* *Rapin*.

1603. than to establish any one by solid and undeniable reasons. I shall add here in confirmation of what I have said, that the Kings who were reckoned the wisest and most able, took care to have their Titles confirmed by the Parliament, when they believed them liable to any objections. So James I. in resolving to establish this pretended Hereditary Right, was the first cause of the Troubles which afflicted England, and which are not yet ceased.

This Prince's choice of the Ministers who were to manage the public Affairs, greatly conduces to cherish his high conceit of his personal qualities, and of the Regal Authority. The first was Sir Robert Cecil, afterwards Earl of Salisbury. This Lord, who had been Elizabeth's sworn enemy, knowing how much the King was concerned in that Earl's disgrace, found no better way to keep in his favour than by flattering him continually, and making his court to him, by talking of kingly Government according to his notions. He was accused at least of inspiring him with sentiments very disadvantageous to the People and Parliament. He was in other respects a man of a great genius, consummate prudence, vast capacity, and perfectly acquainted with the state and interest of the nation. The Earls of Suffolk and Northampton, the one Lord-Chamberlain, the other Lord-Keeper, were much inferior to the Earl of Salisbury in parts and ability. But 'tis pretended they were Papists in their hearts, and as the Catholic Religion could be reformed in England but by an arbitrary power, they earnestly laboured to indulge the King in his notions concerning the regal Authority. To these three Lords the King chiefly committed the management of his affairs. All the rest of the Courtiers followed the same method, and emulously strove to gain the King's favour, by a blind submission to his Will.

Shortly after the King's arrival at London, he sent a numerous train of Lords and Ladies (1) into Scotland to attend the Queen and his Children, who were ready to come to him. He had three Children, namely, Henry nine years old, Elizabeth, and Charles (2). This last, being indisposed, was left in Scotland till September the next year.

Whilst the Queen was on her journey, the King remembered, he had complained to Elizabeth of Valentine Thomas, who had flattered her, and was now in prison. It is not known wherein this flatterer consisted, but whatever it was, about a month after the King's arrival, Thomas was ordered to be brought upon his trial, and received sentence of death for conspiring against Elizabeth, and some of her Council (3).

About the same time, and before the Queen's arrival, the Marquis of Rofsby came from the King of France, to congratulate the King upon his accession to the Crown of England. He had express orders from the King his Master to appear in mourning with all his train, at his first audience: But he was told, he would dishonour the King, who would doubtless look upon this affliction as a reproach for not going himself into mourning for the Queen. The Marquis lays in his Memoirs, that the King being at table, boasted publicly, that for several years before Elizabeth's death, it was he properly that governed England, and that no resolution was taken in the Council but by his direction. He would perhaps have been nearer the truth, had he said, Elizabeth governed Scotland and himself too, without his perceiving it. The French King's design was not only to congratulate the King. His chief aim in sending the Marquis of Rofsby his Favorite, was to

hinder James from being gained by the Spaniards, and to renew his defensive alliance with Elizabeth, in which the Ambassador succeeded to his wish.

Count Arceberg, Ambassador from the Archduke Albert and the Infanta Isabella, Sovereigns of the Low-Countries, was come to London some time before; but was sick, and feigned to be so, all the while the Marquis of Rofsby held his audience in England. 'Twas not till after the Marquis's departure, that he desired the King to send one of his Privy-Council to hear the occasion of his embassy. Cecil, whom the King chose, was strangely surprized to hear nothing from him but compliments. Probably, this Ambassador was sent into England, only to observe what passed there, and to found the new King's intention concerning a Peace between England and Spain. James had now shewn by his proceedings, that he was inclined to Peace, since, without any sollicitation, he had revoked the Letters of Mark granted by Elizabeth, to several private Persons (4). Some time after, Taxis came also to London from the King of Spain, and having congratulated the King upon his accession to the Crown, desired Commissioners might be appointed to treat with him of a Peace. This negotiation, which was then only begun, ended at length in a Treaty of Peace, concluded the next year (5).

The Plague, which began to break out in December, increasing at London during the hot weather, the King retired for some time to Wilton, the Earl of Pembroke's Seat, near Salisbury.

Whilst the Court was at Wilton, a Conspiracy, or rather the project of a Conspiracy was discovered, the Authors whereof were (Thomas) Lord Grey [of Wilton, Henry Brooke Lord Cobham, Sir Walter Raleigh, George Broke, two Priests, Walsin and Clark, and some others] (6). The design was to place on the Throne Arabella Stuart, the King's Cousin-German. To this end, the Lord Cobham was to treat with the Archduke at Bruffels, and try to obtain fix hundred thousand Crowns, of which Raleigh was to have seventy thousand. Cobham was also to carry Arabella's Letters to the Archduke, the King of Spain, the Duke of Savoy, wherein he should promise to marry the person they should name, and to grant a full Toleration to the Catholics. It was further agreed, that the Lord Grey (7) should ask the King's leave to raise two thousand Men for the service of Holland, and with these Troops should seize his Person. But this was only a project, unexecuted in every point, except that some of the Conspirators had conferred with Count Arceberg. It is thought, the Count occasioned this Plot to destroy Raleigh, who, of all England, was the Man most dreaded by the Spaniards, and that afterwards he himself informed the King of it (8). However this be, the Conspirators being apprehended, were tried at Winchester in November following, and condemned to die. Raleigh was found guilty upon the written evidence of one single witness, namely, the Lord Cobham, even without being confronted, contrary to the express Law of the Land (9). Only George Broke however, the Lord Cobham's Brother, and the two Priests were executed, the King having ordered the rest to be sent back to prison, but without giving them a Pardon. The Lord Grey died soon after, and the Lord Cobham obtained his liberty at last (10). But Sir Walter Raleigh remained twelve years in the Tower, where he wrote a History of the World, much esteemed in England. I shall have farther occasion to speak of him in the course of this Reign.

Not long after the discovery of this Plot, the King and

(1) The Earls of Suffolk and Lincoln; the Lords Crewe and Norris; Sir George Carew; the Countess of Warrister and Killare; Lady Ann Herbert; Daughter of the Earl of Pembroke; the Lady George and Lady Rich, Wives of the Lords George and Rich; the Lady Walsingham. See, p. 163.

(2) Henry was born February 19. 1594. Elizabeth, August 19. 1596. and Charles, November 29. 1600. See, p. 160.

(3) About this time Charles Lord Mousie returned out of Ireland, and brought with him Hugh O Neel Earl of Tyrone, or rather Tyrone, i. e. (the Lord of Eglantine) being the Name of an Irish County. The Lord Mousie was honorably received, Town of his Majesty's Privy-Council, and afterwards made Earl of Drogheda. Tyrone himself, who had been the chief of so much Blood-shed, was pardoned, and Prisoners made, that he should be treated by all Men with Respect and Honor. See, p. 162. Wilton, p. 664.

(4) This Revocation was made the 23d of June. See, p. 162.

(5) For the more solemn reception of Ambassadors, was at this time instituted a new Office, by the Name of Master of the Ceremonies, with a Salary of 1000 l. a year, of whom the first was Sir Lewis Lewkenor. See, p. 164. Rymer's Fed. Tom. XVI. p. 637.

(6) As Sir Edward Piers, (who was acquitted by his Jury) Bartholomew Greenhalgh, Anthony Copley; and Sir Griffith Markham, who was condemned and executed with Cobham, Grey, and Raleigh, just as they were going to lose their Heads. See, p. 163. Rapin, by mistake, reckons also Carew. See note above.

(7) Not Cobham, as Rapin says. See, p. 163.

(8) The best account that can be given of this obscure affair, is this: Sir John Fenwick, Sir Walter Raleigh, the Lord Cobham, and some others, desired that King James might be tied to some Articles at his accession to the Crown, on account of the known Feud between the two Nations; but by the artful management of the Lord Treasurer Burleigh, and the raising Pretensions of the Earl of Northumberland, who threatened to bring the King in by the force, all Articles and Conditions to bind him were dropped. However, for this Proposal, Raleigh and the rest were favoured upon by the King, and at the King's coming to London, furnished them with all his secret Councils for the ruin of the Earl of Essex. Salisbury in this had a double benefit; first, in visiting Expressions, and keep suspicious Company. But, "what their Treason was, as no Man could then tell, so it is with a double Comment, that policy will never understand the Text, or remember any such Treason. It is true, some left their lives, yet the world was never satisfied of the justice. — It was then believed an errand trick of State, to overthrow one, and disoblige others, knowing their strong abilities might otherwise live to overthrow Earl Earl of Salisbury, for they were intimate in all his secret Councils for the ruin of the Earl of Essex. Salisbury in this had a double benefit; first, in visiting himself of such as he feared would be thorns in his side; secondly, in endearing himself to the King, by shewing his diligence, and fidelity for his safety." Ofen, Sect. 5. Wilton, p. 663. See, p. 163.

(9) Some affirm, the Lord Cobham was persuaded to sign a blank, whereon this evidence was afterwards set down. See, p. 163. See, p. 163, dec. But

(10) But lived many years in military, being deprived of his Estate: which, as Ofen well observes, is a punishment contrary to the Law of God and Nature, who faith, the Person offending shall only die, and no punishment descend to the innocent Children. He died desirous for want of apparel, and when laid out had buried, had not one, furnished his Land in Court, relieved him with forty, in whose House he died, which was to mean, that he was forced to creep up a Ladder into a little back to his Chamber. A hard fate for a Man who was perished before his arraignment of 70000 l. a year, and 30000 l. in Money. In his person ended that noble Family, which had flourished for many ages. Sir Griffith Markham was also released, and retired beyond Sea, where he lived in a mean Condition. Wilton, p. 170. Ofen, Sect. 6.

1603. Queen were crowned at *Westminster* with the usual solemnity, on the 25th of *July*, St. *James's* day (1). Immediately after the Coronation, the King issued out a Proclamation, expressly forbidding all Persons, who had any business at Court, to repair thither till winter, by reason of the Plague which raged then exceedingly, and swept away above thirty thousand (2) in *London* only. Proclamations were much more frequent in this Reign than in the former ones. In the eight or nine first months, there was no less than twelve.

Proclamations very frequent. *Stow.*

The Catholics prize a Petition to the King. *Coke.*

I just mentioned the hopes of the Papists and Puritans to experience some happy change in this new Reign. The Papists could not believe, that a Prince, who had never expressed any hatred of them, should suddenly alter his mind, and chuse to tread in the steps of *Elizabeth*. The Puritans imagined, that *James* having been educated in their Religion, and professed it all his life, till his arrival in *England*, would be propitious to them. They expected he would at least reform good part of the faults they found in the Church of *England*. Both were deceived, but the last much more than the first. Of the Catholics, *James* hated only the Jesuits, and such as were too servilely attached to the Court of *Rome*, and the prerogatives of the Pope. But on the other hand, he saw it would not be in his power to grant a full Toleration to the other Catholics, though he should be inclined to it. For this reason, he believed it advisable not to discover too openly his thoughts of them. Thus the Catholics, who had expected at least a full Toleration of their Religion, were very much surprized, when, upon presenting a Petition to the King on this occasion, they received for answer, that he thought himself obliged to support what he found established in the Kingdom.

His Answer.

The Petition of the Puritans. Fuller, Spald. Neal.

The King's Answer.

Burton. Coke.

He appoints a Conference between the Episcopalians and Puritans. 1604. Conference at Hampton-Court. Barlow. Fuller. Spaldwood. Wilson. Coke, p. 7.

The Puritans believing to have more reason to hope than the Catholics, presented also their Petition (3), not only for a Toleration, but moreover to pray the King that sundry Articles of the Church of *England*, with which they could not comply, might be reformed. The Bishops failed not strenuously to oppose this Petition, and to intreat the King to leave Religion as he found it at his accession to the Crown, without any innovation. This was what the King fully intended. When he first came into the Kingdom, he not only went over to the Church of *England*, but even meant to force the Puritans to conform, and to be revenged on them for what the Presbyterian Synods had made him suffer in *Scotland*. Besides the Government of the Church by Presbyters too much resembled a Common-wealth, to be agreeable to a Prince so strongly prepossessed in favour of Monarchy. The Government of the Church of *England* was much more conformable to his principles (4). Mean while, not to appear at first too partial, and to make believe, he would not be determined without hearing the arguments of both sides, he appointed a conference between the two Parties, wherein he would be Moderator himself. In the mean time, he published a Proclamation, commanding both sides to be quiet, till matters were regulated as he should judge proper.

The conference between some Bishops and Presbyterian Ministers was held at *Hampton-Court*, the 14th, 15th and 18th of *January* 1604 (5). The King let the Ministers see immediately what they were to expect. He declared, "That following the example of all Christian Princes, who usually began their Reigns with the establishment of the Church, he had now, at his entering upon the Throne, assembled them for settling an uniform order in the same, for plaining unity, removing dissensions, and reforming abuses, which were naturally incident to all polittick bodies. And that he might not be misapprehended, and his designs in assembling them misconstrued, he farther declared, that his meaning was not to make any innovation of the Government established in the Church, which he knew was approved of God, but to hear and examine the Complaints that were made, and remove the occasion of them; therefore he desired the Petitioners to begin, and to shew what were their grievances." Doctor *Royald* being the Spokesman, reduced what he had to say to two heads, the first whereof related to the Doctrine, and the second to the Discipline of the Church. As to the Doctrine, he said, the Articles of the Church of *England* were in some places obscure, and in others, defective. Then he mentioned the Articles

he spoke of, and desired the King they might be so explained as to leave no ambiguity, and that what was defective might be supplied. Whereupon a dispute was begun, wherein the King always replied, answering the Ministers arguments himself, one while with reasons, another while with authority and threats. The Ministers seeing the King become their adversary, which they did not expect, chose to be silent, and seemed to be satisfied. Then the King upbraided their presumption, saying, they ought not to have importuned him for such trifles. Indeed, this was not their great grievance. The Government, and external worship of the Church, was what troubled them most. The points they insisted upon, were, 1. That sufficient care was not taken to plant good and learned Pastors in the Churches, to the great prejudice of the People. 2. That subscription was required to the *Common-Prayer-Book*, wherein they saw several things which their Conscience would not suffer them to receive. 3. That the Clergy were liable to the Censures of Lay-Men, by means of the High-Commission (6). 4. They objected against the Cross in Baptism, the Ring in Marriage, the Surplice, with some other things which they looked upon as superstitions. There were warm disputes upon all these points, wherein the King took care to reply to the Ministers himself, without giving the Bishops time to speak. The King's conduct was so agreeable to the Bishops and their friends, that the Lord Chancellor (*Egerton*) unwilling to miss so fair an opportunity to flatter the King, said aloud, *He had often heard that the Piety and Majesty were united, but never saw it verified till now.* *Whitgift*, Archbishop of *Canterbury*, carried his flattery still farther, and said, *he verily believed the King spoke by the Spirit of God.* After this, the King dismissed the Assembly, and ordered the Bishops and Ministers to meet again in three days at the same place.

The King's Answer to the Petition of the Bishops. Burton. Coke.

On the 18th of *January*, the day appointed by the King, the Bishops were called first into his presence, and delivered to him an explanation of the Liturgy. Then the King questioned them about Excommunication, the High-Commission, the oath *ex officio*, the subscription to the *Common-Prayer-Book*, and approving their answers, ordered the Ministers to be called in, and the writing presented by the Bishops to be read before them. The Ministers believing it was in vain to make any reply, kept silence. Nay, it is pretended that some of them declared, their doubts were sufficiently cleared. However, the King supposing they had nothing to object, and had reason to be satisfied with the condescension that was shewn them, exhorted the Bishops to treat with lenity such as were of a contrary opinion, and commanded the Ministers to preserve the unity of the Church, and beware of obliquity and disobedience. "Obedience and humility," added he, "are the marks of good and honest men, such I believe you to be; but it seareth me, that many of your sort are humorous, and too busy in the perverting of others." The exceptions taken against the *Common-Book*, as I perceive, are matters of mere weakness, and they who are discreet will be gained with time and by gentle persuasions; or if they be indelicate, better it is to remove them, than to have the Church troubled with their contentions. For the Bishops, I will answer, "That it is not their purpose presently and out of hand, to enforce obedience, but by fatherly admonitions and conferences, to induce such as are diseased. But if any be of an opposite and turbulent spirit, I will have them enforced to a conformity." Neither tell me, that the wearing of a Surplice, or using the Cross in Baptism, will diminish the credit of Ministers that have formerly disallowed the same; for that is just the *Scottish* argument, when any thing was concluded, that forced not with their humour, the only reason why they could not obey was, *That it stood not with their credit to yield, having been so long of a contrary opinion.* I will none of that, but that a time be limited by the Bishops of every Diocese to such, and they that will not yield, whatsoever they are, let them be removed; for we must not prefer the credit of a few private men to the general Peace of the Church."

The King's Answer to the Petition of the Ministers. Burton. Spaldwood. p. 479.

In this manner passed the pretended conference, whose sole end was to make the publick believe, the Ministers

(1) See the names of the Knights of the Bath made on this occasion in *Stow*, p. 327.

(2) Thirty thousand five hundred and seventy-five, in one year. *Stow*, p. 325.

(3) This Petition was said to be signed by a thousand Persons, and was therefore called the *Millenary Petition*; though it was signed but by eight hundred out of twenty-five Counties. See *Neal*, *Tom. II.* p. 5.

(4) *Wilson* says, that the King thought, if Church Power were in the hands of Mary, it would not be so easy to be misused, as when in the hands of One, who had dependence upon him, and with whom he might better grapple. And therefore the King would often say, *No Bishop, no King*, p. 665.

Coke, p. 32.

(5) The Bishops were, *Canterbury*, *London*, *Winchester*, *Durham*, *St. David's*, *Worcester*, *Gloucester*, *Carlisle*, and *Peterborough*; with eight Deans, *Dr. Frail*, and *Dr. King*. The Petitioners were, *Dr. Royald*, *Dr. Sparsh*, *Mr. Knyghts*, and *Mr. Cradock*. See *Barlow's* account of this Conference, and *Neal*, *Tom. II.* p. 5, &c. *Dr. Wilson* says, that this Conference was but a blind to introduce Episcopacy in *Scotland*, all the Scotch Noblemen then at Court being designed to be present, and others, both Noblemen and Ministers, being called up from *Scotland* by the King's Letter, to assist at its *Notes* in *Wilson*, p. 665. *Gregg*, &c.

(6) The High-Commission-Court was instituted and founded upon the Statute 1 *Edw. Cap. I.* and consisted of a certain number of Commissioners, who exercised the King's Ecclesiastical Supremacy. This Court, for divers reasons, was totally abolished by the Statute made 16, 17 *Car. I.* Cap. 10.

1604. were convinced and fully instructed; that therefore it was out of pure obsequy that they still separated from the Church. Hence it was natural to infer, that to conquer their obsequy, it was requisite to use some severity. And this was what the King plainly intimated, when he said, "he would answer for the Bishops, that it was not their design immediately to enforce obedience," and when he afterwards added more clearly, "that after such a time they should be dealt with in another manner." But this conference wrought not the conviction of the Puritans, and all the fruit the King reaped by it, was, to shew them how much they were mistaken in depending upon his protection.

Whitgift
dies.
Willm.
p. 661.
Banerett
Banerett dies.

He performs
the Puritan
Noah.
Olivier.

The 7th July
are banished.
Act. p. 30.
XVI. p. 373
Shew.
The King's
regard for
the Catholics.
Burnet.

Whitgift was a mild and peaceable man, who would have been very glad to reclaim the Puritans by gentle methods, agreeable to the Gospel, but he died quickly after, on the 29th of February. He was succeeded by Richard Bancroft, a Prelate of a very different character, who, instead of dealing gently with the Puritans, never ceased incensing the King against them, and doing them all the mischief he could. Herein he was but too closely imitated by the rest of the Bishops, who found a double advantage in destroying the Puritans. In the first place they made their Court to the King, who hated them mortally. Secondly, they preserved the Hierarchy, which the Puritans were desirous to overthrow. The persecution, which these suffered whilst Bancroft was at the head of the Clergy, induced many families to withdraw out of the Kingdom, to enjoy elsewhere liberty of conscience, denied them at home (1). Bancroft was also accused of having been one of the most zealous to infill into the King the Maxims of arbitrary power.

The 22^d of February the King published a proclamation, commanding all Jesuits and other Priests having orders from any foreign power, to depart the Kingdom (2). This proclamation was so worded, that the King was extremely careful to shew, he did not banish the Jesuits in hatred to the Catholic Religion in general, but only on account of their attachment to the doctrine of the Pope's unlimited power over crowned Heads. This is what the King very diligently observed throughout his whole Reign. He constantly affected to consider the *Remedy* Religion, so far only as it might be contrary to civil Government, that is to say, with respect to the Pope's unlimited Power. As for the other Doctrines, he was very willing to allow the Catholics to believe what they pleased, provided they renounced the belief of the Pope's superiority over Kings. He was persuaded this equity would procure him a peaceable Reign: but he had too much reason afterwards to be convinced, that he was taking wrong measures, and yet would never alter his conduct. Most of the Catholics were not satisfied with so limited a Toleration, and the zealous Protestants represented the King as a Papist. "It is certain, he gave occasion to think he was inclined to the Catholic Religion, by his constant care to shew, he was displeased only with the Pope's absolute Power, and valued not the other Doctrines, which distinguished the two Religions. This obliged him to take, in favour of the moderate Catholics, some steps which rendered him *ver*, suspicious to many Protestants (3), whilst others considered his zeal against the Presbyterians as an undeniable evidence of his attachment to the Protestant Religion.

The Proclamation against the Jesuits was soon followed by another, enjoining the Puritans to conform to the worship of the established Church (4). There was not then here the same care to justify the King's conduct with respect to this sort of persecution. The King intimated in the first, that he would have regard to the tender consciences of such Catholics as could not comply with the received Doctrines of the Church of England. But in this, there was not the least indulgence for the tender consciences of the Puritans. These were all a set of obstinate people who deferred to have no favour shewn them!

As the Parliament was to meet the 19th of March, the

King thought it necessary to gain the affection of his subjects, by suppressing some abuses introduced about the end of the late Reign, tending to the oppression of the people. This he did by several Proclamations against certain Monopolies; against Protections frequently hindering the course of justice; against *Salt-Petre* men, who dug up people's houses, unless they were well feed; against the King's Purveyors, who seized any man's horses and cart, under colour of employing them for the King, and then extorted them for money. Among these Proclamations, there was one not so acceptable to the people, namely, that against *Hunting*, on very severe penalties to the offender. This Reign was a Reign of Proclamations. The King and his ministers would have been glad to have had them regarded as Laws; but neither the Judges nor people were yet accustomed to it.

Proclamation
against
Monopolies.
Willm.
p. 662.
Widdow.

Shortly after, another appeared, appointing the 5th of August to be kept as a Holy-day. It was ordered, that every year on that day public thanks should be returned to God in all the Churches, for the King's miraculous deliverance in the year 1600, from the Conspiracy of the *Gowries*, who made an attempt upon his Life (5). This new Holy-day was not universally liked. Besides that the occasion of it happened to the King before his accession to the Crown of England, there were people as well in *Scotland* as *England*, who had the malice to affirm it was only a fiction to cover a real conspiracy of the King against the two *Ruthven* or *Gowries*, who were killed on this occasion. I don't relate this with intent to blench King James's reputation, or to question the deliverance for which he was pleased to thank God, but only to shew that from the beginning of his Reign in *England*, there were some who had no great opinion of him (6).

Another to
make the 5th
of August a
Holy-day.
Willm.
p. 662.

As the time of the Parliament's meeting approached, the King and Queen made their entry into *London* four days before, not having been able to do it sooner by reason of the Plague. The King had need that day of all his patience, nothing being more disagreeable to him than the Solemnities which drew a crowd of People about him (7). Herein he differed from Queen Elizabeth, who took a pleasure in seeing her people press to behold her, and in hearing their acclamations.

The King
and Queen
make their
entry into
London 4
days before
the Parliament
met.
Willm.
p. 662.

James the First's notion of the English Constitution was, as I observed, very different from what had been hitherto current. If any of his Predecessors had been of his opinion, they had, at least, taken care to conceal it, or to shew it but on extraordinary occasions. For his part, he did not think fit to follow their example, since he omitted no opportunity to discover his thoughts. He was persuaded, the privileges of the Nation and Parliament were so many Usurpations, or at best, but revocable concessions of the Crown, and gave frequent occasion to believe, he had formed a design to free both himself and successors from the restraint which the Laws, Customs, and Privileges of the English Nation had laid on his Predecessors. However this be, from one end of his Reign to the other, he embraced all opportunities to improve his Prerogative-Royal, to which he set no Bounds but his Will. The first public step which discovered his sentiments, was the calling of his first Parliament, of which I am now going to speak. Both in the Writs and the Proclamation, he takes upon him to describe what sort of Representatives should be elected, not by way of exhortation, as the former Kings had done, but by way of command, and as conditions without which they should not be admitted into the House. This was directly striking at the Commons, whose privilege of deciding the validity of Elections had never been questioned.

James's
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current.
Willm.
p. 662.

Wee natifie by this Proffentes, that all Returnes and Certificates of Knights, Citizens and Burgesses, ought and are to be brought to the Chaucery, and there to be filed of Record; and if any shall be founde to be made contrary to this Proclamation, the same is to be rejected as unlawful and insufficient, and the Cite or Borough to be fined for the

1604. p. 353.

(1) Most of them went over to Holland. See *Noah*, Tom. II. p. 47. There were but forty nine Ministers all over England turned out for Non-compliance.

(2) By the 19th of March. Those that were in prison were to be delivered off at some convenient Port. *Rymor*, p. 573. In this Proclamation the King acknowledges himself personally much beholden to the Bishop of Rome for his kind Offices and private temporal Carriage towards him in many things, and says, he is ready to requite the same towards him as a secular Prince.

(3) Bishop Bancroft observed, that from the year 1606, to his dying day, he continued always writing and talking against Popery, but acting for it. *Histoy of his own Time*, p. 12.

(4) That is, to the Common-Prayer Book, which was now reprinted with Explanations. See *Rymor's* *Fad*. Tom. XVI. p. 567, 574, 575. The chief Explanations now added were, the whole Rubrick before private Baptism; all the latter part of the Catechism, from the Lord's Prayer to the end; Prayers in the daily Service and Litany for the rest of the Royal Family; Thanksgivings for Rain, fair Weather, Plenty, Peace and Victory, deliverance from the Plague, &c. *Rymor*, ibid. p. 566, &c.

(5) This was not only a yearly Feast for this deliverance, (whether real or imaginary), but also a weekly commemoration, by a *Sermon every Tuesday*. *Widdow* says, that the wish of the Scottish Nation gave little credit to that story, p. 8. And Dr. Widdow, that being in itself improbable a thing, and attended with so many inconsistent circumstances, it was disavowed at the time it was said to have been attempted, p. 19.

(6) *Erskine* and *Remij*, two of his deliverances, were rewarded with wealth and honour. The first was made Earl of *Killy*, and chief Gentleman of the Bed-Chamber to the King; and the second, bearing the title of Earl of *Hildesheim*, got one of the prime Offices of the Kingdom, Doughton to the Earl of *Suffolk*. *Widdow*, p. 667.

(7) The Suburbs and City were one continued Scene of Prigatery. There were seven triumphal Gates or Arches erected in the streets through which he was to pass from the Tower to White-hall. It seems, he endured this day's banquet poorly, being sure he should never have such another. But afterwards (says *Widdow*) in his private apartments, the crowds of People made him so impatient, that he often dispersed them with flowers, not to fire more. His private Recreations at home, and his hunting Excursions abroad, both with the least disturbance, were his delights. *Straw*, p. 536, dec. *Widdow*, p. 667.

1604. *same; and if it be founde that they have committed any grosse or wilful default and contempt in their Election, Returne or Certificate, that then their Liberties, according to the Lawe, are to be seized into our hands as forfeited; and if any Person take upon him the place of a Knight, Citizen or Burgess, not being duly elected returned and sworn according to the Lawes and Statutes in that behalf provided, and according to the purport, effect, and true meaning of this our Proclamation, then every Person, for offending, to be fined and imprisoned for the same.*

Thus the King assumed a Power not only to enjoin Penalties on such as should offend against the Statutes concerning Elections, but also to enjoin them by a bare Proclamation, the authority whereof he rendered equal to that of the Laws. We shall see presently this was not done without design.

At the opening of the Parliament, the King being seated on his throne, sent for the Commons as usual: But as the crowd was great, it happened that several of the Members could not enter. Sir *Herbert Croft*, one of the Representatives, striving to get in, was rudely thrust back by one of the King's Guards, who knowing him to be what he
Coke, p. 57. was, said to him in a jeer, *Goodman Burgesse, you come not here.* This affair made some noise afterwards; but the House thought proper to take no notice of it. The Commons being entered, the King made a speech to both Houses, which, though very long, deserves to be inserted at length, that from some certain Passages may be discovered the Genius, Character and Designs of this Prince.

The King's Speech to the Parliament.
Stow.
p. 817.
Wales.

"I did no sooner please God to lighten his hand, and relent the violence of his devouring Angel, against the poor people of this City, but as soon did I resolve to call this Parliament, and that for three chief and principal Reasons. The first whereof is, (and which of itself, although there were no more, is not only a sufficient, but a most full and necessary ground and reason for convening of this Assembly;) this first Reason, I say, is, that you, who are here presently assembled to represent the body of this whole Kingdom, and of all sorts of people within the same, may with your own ears hear, and that I cut of mine own mouth may deliver unto you, the assurance of my due thankfulness for your so joyful and general applause, to the declaring and receiving of me in this Seat, (which God by my birth-right and lawful descent, had in the fulness of time provided for me;) and that, immediately after it pleased God to call your late Sovereign, of famous Memory, full of dayes, but fuller of immortal Trophies of Honour, out of this transitory Life. Not that I am able to express by words, or utter by eloquence, the vive image of mine inward thankfulness, but only that out of mine own Mouth you may rest assured to expect that measure of thankfulness at my hands, which is according to the infiniteness of your Deserts, and to my inclination and ability for requital of the same. Shall I ever? Nay, can I ever be able, or rather so unable in memory, as to forget your unexpected readiness and alacrity, your ever memorable resolution, and your most wonderful conjunction and harmony of your hearts, in declaring and embracing me as your undoubted and lawful King and Governour? Or shall it ever be blotted out of my mind, how at my first entry into this Kingdom, the people of all sorts rid and ran; nay, rather flew to meet me? Their eyes flaming nothing but sparkles of affection; their mouths and tongues uttering nothing but sounds of Joy; their hands, feet, and all the rest of their members in their gestures, discovering a passionate longing, and earnestness to meet and embrace their new Sovereign. *Quid ergo retribuam?* Shall I allow in myself that which I could never bear with in another? No, I must plainly and freely confess here, in all your audiences, that I did ever naturally so far mistake a tongue too smooth, and diligent in paying their Creditors with *lip-payment* and verbal thanks, as I ever suspected that sort of People meant not to pay their debtors in more substantial sort of Coin. And therefore for expressing my thankfulness, I must resort unto the other two reasons of my convening of this Parliament, by them in Action to utter my thankfulness: Both the said reasons having but one ground, which is the deeds, whereby all the days of my life I am by God's grace to express my said thankfulness towards you, but divided in this, that in the first of these two mine Actions of thanks are so inseparably conjoined with my person, as they are in a manner become individually annexed to the same. In the other reason, mine actions are such, as I may either do them, or leave them undone, although by God's grace I hope never to be weary of the doing of them. As to the first, it is the blessings which God hath in my person bestowed upon you all, wherein I protest, I

do more glory in the same for your weale, than for any particular respect of mine own reputation, or advantage therein.

"The first then of these blessings, which God hath jointly with my person sent unto you, is, outward peace: that is, peace abroad with all foreign Neighbours: For I thank God, I may justly say, that never since I was a King, I either received wrong of any other Christian Prince or State, or did wrong to any. I have ever, I praise God, yet kept peace and amity with all, which hath been so far tied to my person, as at my coming here, you are witnesses, I found the State embarked in a great and tedious War; and only by mine arrival here, and by the peace in my person, is now amity kept, where war was before, which is no small blessing to a Christian Commonwealth: For by peace abroad with their Neighbours, the Towns flourish, the Merchants become rich, the Trade doth increase, and the People of all sorts in the land enjoy free liberty to exercise themselves in their several Vocations, without peril or disturbance. Not that I think this outward Peace so inseparably tied to my person, as I dare assuredly promise to myself, and to you, the certain continuance thereof: But thus far I can very well assure you, and in the word of a King promise unto you, That I shall never give the first occasion of the breach thereof; neither shall I ever be moved for any particular or private passion of mind, to interrupt your publick peace, except I be forced therunto, either for reparation of the honour of the Kingdom, or else by necessity for the weale and preservation of the same: In which case, a secure and honourable war, must be preferred to an unsecure and dishonourable peace. Yet do I hope, by my experience of the by-past blessings of peace, which God hath so long, ever since my birth, bestowed upon me, that he will not be weary to continue the same, nor repent him of his grace towards me; transferring that sentence of King *David's*, upon his by-past victories of war, to mine of peace; That that God who preferred me from the devouring jaws of the Bear, and of the Lyon, and delivered them into my hands, shall also now grant me victory over that uncrumpled Philistine. But although outward peace be a great blessing, yet it is as far inferior to peace within, as civil wars are more cruel and unnatural than wars abroad. And therefore the second great blessing that God hath within my person sent unto you, is peace within, and that in a double sort: first, by my descent lineally out of the loins of *Henry the Seventh*, is re-united and confirmed in me the union of the two princely Roses of the two houses of *Lancaster* and *York*, whereof that King of happy memory was the first uniter, as he was also the first ground-layer of the other peace, (the lamentable and miserable events, by the civil and bloody dissention betwixt these two houses, was so great, and so late, as it need not be renewed unto your memories) which as it was first settled and united in him, so is it now re-united and confirmed in me; being justly and lineally descended, not only of that happy conjunction, but of both the branches thereof in any times before. But the union of these two princely houses is nothing comparable to the union of these two ancient and famous kingdoms, which is the other inward peace annexed to my person.

"And here I must crave your patiences for a little space, to give me leave to discourse more particularly of the benefits that do arise of that union which is made in my blood, being a matter that most properly belongeth to me to speak of, as the head wherein that great body is united. And first, if we were to look no higher than to natural and physical reasons, we may easily be persuaded of the great benefits that by that union do redound to the whole island: for if twenty thousand men be a strong army, is not the double thereof, forty thousand, a double the stronger army? If a Baron enricheth himself with double as many lands as he had before, is he not double the greater? Nature teacheth us, that mountains are made of moles; and that at the first, kingdoms being divided, and every particular town, or little country, as tyrants or usurpers could obtain the possession, a signiory part: Many of these little kingdoms are now, in process of time, by the ordinance of God, joined into great monarchies, whereby they are become powerful within themselves, to defend themselves from all outward invasions, and their head and governour thereby enabled to redeem them from foreign assaults, and punish private transgressions within. Do we not yet remember that this kingdom was divided into seven little kingdoms, besides *Wales*? And is it not now the stronger by their union? And hath not the union of *Wales* to *England* added a greater strength thereto? Which, though it was a great principality, was nothing comparable in greatness and power, to the ancient and famous kingdom of *Scotland*.

"But

1604. "But what should we stick upon any natural appearance, when it is manifest that God by his almighty providence hath pre-ordained it so to be? Hath not God first united these two kingdoms, both in language, religion, and similitude of manners? Yea, hath he not made us all in one island, compassed with one sea, and of itself by nature to indivisible, as almost those that were borderers themselves on the late borders, cannot distinguish, nor know, or discern their own limits: these two countries being separated neither by sea, nor great river, mountain, nor other strength of nature, but only by little small brooks, or demolished little walls, so as rather they were divided in apprehension than in effect; and now in the end and fulness of time united, the right and title of both in my person, alike lineally descended of both the crowns, whereby it is now become like a little world within itself, being intrenched and fortified round about with a natural, and yet admirable strong pond or ditch, whereby all the former fears of this nation are now quite cut off: The other part of the island being ever before now, not only the place of landing to all strangers that were to make invasion here, but likewise moved by the enemies of this State, by untimely incursions to make enforced diversion from their conquests, for defending themselves at home, and keeping sure their back door, as then it was called, was the greatest hindrance and let that ever my predecessors of this nation got, in disturbing them from many famous and glorious conquests abroad: *What God hath conjoined then, let no man separate.* I am the husband, and all the whole island is my lawful wife; I am the head, and it is my body; I am the shepherd, and it is my flock. I hope therefore no man will be so unreasonable as to think, that I, that am a Christian King, under the gospel, should be a polygamist and husband to two wives; that I being the head, should have a divided and monstrous body; or that being the shepherd to so fair a flock, (whose fold hath no wall to hedge it but the four Seas) should have my flock parted in two. But as I am assured that no honest subject, of whatsoever degree, within my whole dominions, is less glad of this joyful union than I am; so may the frivolous objection of any that would be hinderers of this work (which God hath in my person already established) be easily answered; which can be none, except such as are either blinded with ignorance, or else transported with malice, being unable to live in a well-governed Common-wealth, and only desiring to fish in troubled waters: for if they would stand upon their reputation and privileges of any of the kingdoms; I pray you, were not both the kingdoms monarchies from the beginning? And consequently, could ever the body be counted without the head, which was ever unseparably joined therunto? So that as the honour and privileges of any of the kingdoms could not be divided from their Sovereign; so are they now confounded and joined in my person, who am equal and alike kindly head to you both. When this kingdom of England was divided into so many little kingdoms, as I told you before, one of them behaved to eat up another, till they were all united in one. And yet can *Wiltshire or Devonshire*, which were of the *West-Saxons*, although their kingdom was of longest duration, and did by conquest overcome divers of the rest of the little kingdoms, make claim to priority of place or honour before *Suffex, Essex*, or other Shires, which were conquered by them? And have we not the like experience in the kingdom of France, being composed of divers Duchies, and one after another conquered by the sword? For even as little brooks lose their names by their running and falling into great rivers, and the very name and memory of the great rivers swallowed up in the Ocean; so by the conjunction of divers little kingdoms in one, all these private differences and questions swallowed up. And, since the success was happy of the *Saxon* kingdoms, being conquered by the great *Bellona*, how much greater reason have we to expect a happy issue of this greater union, which is only fattened and bound up by the wedding-ring of *Astræa*? And as God hath made *Scotland* (the one half of this Isle) to enjoy my birth, and the first and most imperfect half of my life; and you here to enjoy the perfect and last half thereof; so cannot I think that any would be so injurious to me, nor, not in their thoughts, and wishes, as to cut asunder the one half of me from the other. But in this matter I have far enough insisted, resting assured, that in your hearts and minds you all applaud this my discourse.

"Now although these blessings, before rehearsed, of inward and outward peace be great: Yet seeing that in all good things, a great part of their goodness and estimation is lost, if they have not appearance of perpetuity or long continuance; so hath it pleased Almighty God to accompany my person also with that favour,

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"having healthful and hopeful issue of my body, wherof some are here present, for continuance and propagation of that undoubted right which is in my person; under whom I doubt not but it will please God to prosper and continue for many years this union, and all other blessings of inward and outward peace, which I have brought with me.

"But neither peace outward, nor peace inward, nor any other blessing that can follow thereupon, nor appearance of the perpetuity thereof, by propagation in the posterity, is but a weak pillar, and a rotten reed to lean unto, if God do not strengthen, and by the staff of his blessing make them durable; for in vain doth the watchman watch the city, if the Lord be not the principal defence thereof; in vain doth the builder build the house, if God give not the success; and in vain, as *Paul* saith, doth *Paul* plant, and *Apella* water, if God give not the increase: for all worldly blessings are but like swift-passing shadows, fading flowers, or chaff blown before the wind, if by the protection of true religion, and works according therunto, God be not moved to maintain and settle the thrones of Princes. And although that since mine entry into this kingdom, I have both by meeting with divers of the Ecclesiastical State, and likewise by divers Proclamations, clearly declared my mind in points of religion, yet do I not think it amiss in this so solemn an audience, I should now take occasion to discover somewhat of the secrets of my heart in that matter. For I shall never, with God's grace, be ashamed to make publick profession thereof at all occasions, lest God should be ashamed to profess and allow me, before men and angels; especially, lest that at this time men might presume further upon the misknowledge of my meaning, to trouble this parliament of ours than were convenient.

"At my first coming, although I found but one religion, and that which by my self is professed, publicly allowed, and by the law maintained; yet found I another sort of religion, besides a private Sect, lurking within the bowels of this nation. The first is the true religion, which by me is professed, and by the law is established: the second is, the falsely called Catholics, but truly Papists: the third, which I call a Sect, rather than a Religion, is the Puritans and Novelists, who do not so far differ from us in points of religion, as in their confused form of policy and purity, being ever discontented with the present government, and impatient to suffer any superiority, which makes their self unable to be suffered, in any well-governed common-wealth. But as for my course towards them, I remit it to my Proclamations made upon that subject.

"And now for the Papists, I must put a difference betwixt my own private profession of mine own salvation, and my politic government of the realm, for the weal and quietness thereof. As for mine own profession, you have me your head now amongst you, of the same religion that the body is of: As I am no stranger to you in blood, no more am I a stranger to you in faith, or in the matters concerning the house of God. And although this my profession be according to mine education, wherein, I thank God, I sucked the milk of God's truth, with the milk of my nurse; yet do I here protest unto you, that I would never, for such a conceit of constancy, or other prejudicate opinion, have so firmly kept my first profession, if I had not found it agreeable to all reason, and to the rule of my conscience. But I was never violent, nor unreasonable in my profession: I acknowledge the Roman Church to be our mother church, although disfigured with some infirmities and corruptions, as the Jews were, when they crucified Christ. And as I am none enemy to the life of a sick man, because I would have his body purged of ill humours; no more am I enemy to their Church, because I would have them reform their errors, not wishing the down-throwing of the temple, but that it might be purged, and cleansed from corruption; otherwise how can they with us to enter, if their house be not first clean? But as I would be loth to dispense in the least point of mine own conscience, for any worldly respect, than the bloodiest Precidian of them all; so would I be as sorry to strain the politic government of the bodies and minds of all my subjects to my private opinions: Nay, my mind was ever so free from persecution, or thralling of my subjects in matters of conscience, as I hope those of that profession within this kingdom, have a proof since my coming, that I was so far from increasing their burthens with *Rebanoam*, as I have so much, as either time, occasion, or law could permit, lightened them. And even now at this time, have I been careful to revise and consider deeply upon the laws made against them, *That some overture might be proposed to the present Parliament, for clearing these laws by reason, (which is the soul of the laws,) in case they have been in times past further, or more rigorously extended by judges,*

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"*than the meaning of the law was, or might tend to the hurt*
 "as well of the innocent, as of guilty persons. And as to the
 "persons of my subjects which are of that profession, I
 "must divide them into two ranks, Clericks and Laicks;
 "for the part of the Laicks, certainly I ever thought them
 "far more executable than the other sort, because that sort
 "of religion contained such an ignorant, doubtful, and im-
 "plicit kind of faith in the Laicks, grounded upon their
 "church, as except they do generally believe whatsoever
 "their teachers please to affirm, they cannot be thought
 "guilty of these particular points of heresies and corrupti-
 "ons, which their teachers do so wilfully profess. And
 "again, I must sub-divide the same Laicks into two ranks,
 "that is, either quiet and well-minded men, peaceable
 "subjects, who either being old, have retained their first
 "drunken in liquor, upon a certain shamefacedness to be
 "thought curious, or changeable; or being young men,
 "through evil education, have never been nursed or brought
 "up but upon such venom, instead of wholesome nutriment:
 "And that sort of people, I would be sorry to punish their
 "bodies for the error of their minds, the reformation
 "whereof must only come of God, and the true Spirit.
 "But the other rank of Laicks, who either through curi-
 "osity, affectation of novelties, or discontentment in their
 "private humours, have changed their coats, only to be
 "famous stirrers of sedition, and perturbors of the Com-
 "mon-wealth; Their backwardness in their religion giv-
 "eth a ground to me, (their magistrate) to take the better
 "heed to their proceedings, and to correct their obstinacy.
 "But for the part of the Clericks, I must directly say
 "and affirm, that as long as they maintain one special
 "point of their Doctrine, and another point of their Prac-
 "tice, they are no way sufferable to remain in this King-
 "dom. Their point of Doctrine is, that arrogant and
 "ambitious supremacy of their head the Pope, whereby
 "he not only claims to be spiritual head of all Christians,
 "but also to have an imperial civil power over all Kings
 "and Emperors, dethroning and de crowning Princes with
 "his foot as pleaseth him, and dispensing and disposing of
 "all kingdoms and empires at his appetite. The other
 "point which they observe in continual practice is, the
 "assassinations and murders of Kings; thinking it no sin,
 "but rather a matter of salvation, to do all actions of re-
 "bellion and hostility against their natural Sovereign Lord,
 "if he be once cursed, his subjects discharged of their fide-
 "lity, and his kingdom given a prey, by that three-
 "crowned monarch, or rather monster, their head. And
 "in this point I have no occasion to speak further here,
 "saying, *That I could wish from my heart, that it would*
 "*please God to make me one of the members of such a general*
 "*Christian union in religion, as laying wilfulness aside on*
 "*both bands, we might meet in the midst, which is the centre*
 "*and perfection of all things. For if they would leave, and*
 "*be absolved of such new and gross corruptions of theirs, as*
 "*themselves cannot maintain, nor deem to be worthy of re-*
 "*formation, I would for my own part be content to meet them in*
 "*the mid-way, so that all novelties might be renounced on ei-*
 "*ther sides.* For as my Faith is the true, ancient, catho-
 "lick and apostolick Faith, grounded upon the scriptures
 "and express word of God; so will I ever yield all reverence
 "to antiquity, in the points of ecclesiastical policy:
 "And by that means shall I ever, with God's grace, keep
 "myself from either being an heretick in faith, or schis-
 "matick in matters of policy.
 "But of one thing would I have the Papists of this
 "Land to be admonished, that they presume not so much
 "upon my lenity, (because I would be loth to be thought
 "a persecutor) as thereupon to think it lawful for them
 "daily to encrease their number and strength in this
 "Kingdom; whereby, if not in my time, at least in the
 "time of my posterity, they might be in hope to erect
 "their Religion again. No, let them assure themselves,
 "that as I am a friend to their persons, if they be good
 "subjects; so I am a vowed enemy, and do denounce
 "mortal war to their errors. And that as I would be
 "sorry to be driven by their ill behaviour, from the pro-
 "tection and conservation of their bodies and lives; so
 "will I never cease, as far as I can, to tread down their
 "errors and wrong opinions. For I could not permit the
 "increase and growing of their Religion, without first be-
 "traying of my self and mine own conscience: Secondly,
 "this whole life, as well the part I am come from, as
 "the part I remain in; in betraying their Liberties, and
 "reducing them to the former slavish yoke, which both
 "had casten off before I came amongst them; and thirdly,
 "the liberty of the Crown in my posterity, which I should
 "leave again under a new slavery, having found it left
 "free to me by my predecessors. And therefore would I
 "with all my good subjects that are deceived with that
 "corruption, first, if they find any beginning of insinua-
 "tion in themselves of knowledge, and love to the truth,
 "to foster the same by all lawful means, and to beware of

"quenching the spirit that worketh within them. And
 "if they can find as yet no motion tending that way, to
 "be studious to read and confer with learned Men, and
 "to use all such means as may further their reformation;
 "assuring themselves, that as long as they are disconform-
 "able in Religion from us, they cannot be but half my
 "subjects, be able to do but half service, and I to want
 "the best half of them, which is their Souls.
 "And here I take occasion to speak to you my Lords
 "the Bishops; for as you my Lord of *Durham* said very
 "learnedly to day in your Sermon, *Corruption without In-*
 "*frustration is but a tyranny:* So ought you, and all the
 "Clergy under you, to be more careful, vigilant, and di-
 "ligent, than you have been to win Souls to God, as
 "well by your exemplary life as doctrine. And since
 "you see how careful they are, sparing neither labour,
 "pains, nor extrem peril of their persons, to pervert,
 "(the Devil is so busy a Bishop,) ye should be the more
 "careful and wakeful in your charges. Follow the rule
 "prescribed to you by *St. Paul, Be ye careful to inherit*
 "*and infrustrate, in season, and out of season:* And where
 "you have been any way sluggish before, now waken
 "yourselves up again with a new diligence in this point,
 "remitting the success to God, who calling them either
 "at the second, third, tenth, or twelfth hour, as they are
 "alike welcome to him, to shall they be to me his Lieu-
 "tenant here.
 "The third reason of my convening you at this time,
 "which containeth such actions of my thankfulness to-
 "wards you, as I may either do, or leave undone, yet
 "shall, with God's grace, ever press to perform all the
 "days of my life. It consists in these two points, in
 "making of laws at certain times, which is only at such
 "times as this, in Parliament; or in the careful execution
 "thereof at all other times. As for the making of them,
 "I will thus far faithfully promise unto you, that I will
 "ever prefer the weal of the body, and of the whole
 "Commonwealth, in making of good Laws and Con-
 "stitutions, to any particular or private ends of mine,
 "thinking ever the wealth and weal of the Common-
 "wealth to be my greatest weal, and worldly felicity:
 "A point wherein a lawful King doth directly differ
 "from a tyrant. But at this time I am only thus far
 "to forewarn you in that point, that you beware to seek
 "the making of too many Laws, for two especial rea-
 "sons: First, because in *corruptissima Republica plurime*
 "*leges:* And the execution of good Laws is far more
 "profitable in a Common-wealth, than to burden Men's
 "memories with the making of too many of them. And
 "next, because the making of too many Laws in one
 "Parliament will bring in confusion, for lack of leisure
 "wisely to deliberate before you conclude: For the Bi-
 "shop said well to day, that to deliberation would a large
 "time be given; but to execution a greater promptness
 "was required. As for the execution of good Laws, it
 "hath been very wisely and honourably foreseen, and or-
 "dered by my Predecessors in this Kingdom, in planting
 "such a number of Judges, and all sorts of Magistrates,
 "in convenient places, for the execution of the same.
 "And therefore must I now turn me to you that are
 "Judges, and Magistrates under me, as mine eyes and
 "ears in this case: I can say none otherwise to you,
 "than as *Erasmus* the good King of *Julia* said to his
 "Judges, *Remember that the Thrones you sit on are God's,*
 "and neither yours nor mine. And that as you must be
 "answerable to me, to must both you and I be answer-
 "able to God, for the due execution of our Offices.
 "That place is no place for you to utter your Affec-
 "tions in; you must not there have your foes, nor love
 "your friend; fear the offence of the greater Party, or
 "pity the misery of the meaner; ye must be blind, and
 "not see distinctions of persons; handless, not receive
 "bribes; but keep that just temper and mid-course in all
 "your proceedings, that like a just balance, ye may nei-
 "ther sway to the right nor left-hand. Three principal
 "qualities are required in you, Knowledge, Courage, and
 "Sincerity; that you may discern with Knowledge, exe-
 "cute with Courage, and do both in upright Sincerity.
 "And as for my part, I do vow and protest here in the
 "presence of God, and of this honourable audience, I
 "never shall be weary, nor omit no occasion wherein I
 "may shew my carefulness of the execution of good Laws.
 "And as I wish you that are Judges, not to be weary in
 "your Office, in doing of it, so shall I never be weary,
 "with God's grace, to take account of you, which is
 "properly my calling.
 "And thus having told you the three causes of my con-
 "vening of this Parliament, all three tending only to
 "utter my thankfulness, but in divers forms; the first
 "by word, the other two by action; I do confess, that
 "when I have done, and performed all that in this speech
 "I have promised, *Instituta servavi sum. Fuitque, because*
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"the meaning of the word *Inutilis* in that place of Scripture, is understood, that in doing all that service which we can to God, it is but our due, and we do nothing to God, but that which we are bound to do: and in like manner, when I have done all that I can for you, I do nothing but that, which I am bound to do, and am accountable to God upon the contrary. For I do acknowledge that the special and greatest point of difference that is betwixt a righteous King, and a usurping Tyrant, is in this; that whereas the proud and ambitious Tyrant doth think his Kingdom and People are only ordained for satisfaction of his desires and unreasonable appetites; the righteous and just King doth by the contrary acknowledge himself to be ordained for the procuring of the wealth and prosperity of his People, and that his greatest and principal worldly felicity must consist in their prosperity. If you be rich, I cannot be poor; if you be happy, I cannot but be fortunate; and I protest that your welfare shall ever be my greatest care and contentment. And that I am a servant is most true; that as I am head and governor of all the people in my dominions, who are my natural vassals and subjects, considering them in numbers and distinct ranks; so if we will take the whole people as one body and mass, then as the head is ordained for the body, and not the body for the head, so must a righteous King know himself to be ordained for his people, and not his people for him: for although King and people be *relata*, yet can he be no King if he want people and subjects: But there be many people in the world that lack a head; wherefore I will never be ashamed to confess it my principal honour, to be the great servant of the Common-Wealth; and ever think the prosperity thereof to be my greatest felicity, as I have already said.

"But as it was the whole body of this Kingdom, (with an uniform assent and harmony) as I told you in the beginning of my Speech, which did so far oblige me, in goodwill and thankfulness of requital by their alacrity and readiness in declaring and receiving me to that place which God had provided for me, and not any particular persons, (for then it had not been the body) so is my thankfulness due to the whole State. For even as in matters of faults, *Quod a multis peccatur impune peccatur*; even so in the matters of virtuous and good deeds, what is done by the willing consent and harmony of the whole body, no particular person can justly claim thanks, as proper to him for the same: And therefore I must here make a little apology for my self, in that I could not satisfy the particular humours of every person that looked for some advancement or reward at my hand, since my entry into this Kingdom. Three kinds of things were craved of me, advancement to honour, preferment to place of credit about my person, and reward in matters of Land or Profit. If I had bestowed honour upon all, no man could have been advanced to honour; for the degrees of honour do consist in preferring some above their fellows: If every man had the like access to my Privy or Bed-chamber, then no man could have it, because it cannot contain all: And if I had bestowed lands and rewards upon every man, the fountain of my liberality would have been so exhausted and dried, as I would lack means to be liberal to any man: And yet was I not so sparing, but I may without vaunting affirm, that I have enlarged my favour in all the three degrees, towards as many, and more than ever King of England did, in so short a space. No, I rather crave your pardon, that I have been so bountiful: For, if the means of the Crown be wasted, I behaved then to have recourse to you my subjects, and be burdensome to you; which I would be loath to be of any King alive. For as it is true, that as I have already said, it was a whole body which did deserve so well at my hand, and not every particular person of the people: yet were there some who by reason of their office, credit with the people, or otherwise, took occasion both before, and at the same time of my coming amongst you, to give proof of their love and affection towards me. Not that I am any way in doubt, that if other of my subjects, had been in their places, and had had the like occasion, but they would have uttered the like good effects, (so general and so great were the love and affection of you all towards me:) But yet this having been performed by some special persons, I could not without unthankfulness but requite them accordingly. And therefore had I just occasion to advance some in honour, some to places of service about me, and by rewarding to enable some who had deserved well of me, and were not otherwise able to maintain the ranks I thought them capable of, and others who although they had not particularly deserved before, yet I found them capable and worthy of place of preferment and credit, and not able to sustain those places for

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"which I thought them fit, without my help. Two especial causes moved me to be so open-handed, whereas the one was reasonable and honourable, but the other (I will not be ashamed to confess unto you) proceeded of mine own infirmity. That which was just and honourable, was, that being so far beholden to the body of the whole State, I thought I could not refuse to let run some small brooks out of the fountain of my thankfulness to the whole, for refreshing of particular persons that were members of that multitude. The other, which proceeded out of mine own infirmity, was, the multitude and importunity of suitors. But although reason come by infusion in a manner, yet experience growth with time and labour: And therefore do I not doubt, but experience in time coming will both teach the particular subjects of this Kingdom, not to be so importunate and undiscern in craving; and me not to be so easily and lightly moved in granting, that which may be harmful to my estate, and consequently to the whole Kingdom.

"And thus having at length declared unto you my mind, in all the points for the which I called this Parliament, my conclusion shall only now be, to excuse my self, in case you have not found such eloquence in my Speech, as peradventure you might have looked for at my hands. I might, if I list, alledge the great weight of my affairs, and my continual business and distraction, that I could never have leisure to think upon what I was to speak, before I came to the place where I was to speak: And I might also alledge, that my first sight of this so famous and honourable an assembly, might likewise breed some impediment: But leaving these excuses, I will plainly and freely in my manner, tell you the true cause of it; which is, that it becometh a King, in my opinion, to use no other eloquence than plainness and sincerity. By plainness I mean, that his Speeches should be so clear, and void of all ambiguity, that they may not be thrown, nor rent asunder in contrary senses, like the old Oracles of the Pagan Gods: And by sincerity I understand, that uprightness and honesty which ought to be in a King's whole Speeches and Actions; that, as far as a King is in honour erected above any of his subjects, so far should he strive in sincerity to be above them all, and that his tongue should be ever the true messenger of his heart. And this sort of eloquence may you ever assuredly look for at my hands."

The speech was not received with the applauses expected by the King. Besides the excessive length, several things were remarked which gave occasion for censure. In the first place, no body could tell what to make of his *allusion of thanks inseparably conjoined in his person*, and containing two blessings, the first whereof was confined to these two points: 1. That having never had war with any of his neighbours, he inferred from thence that he brought peace with him every where. But it was no great wonder, he had not been hitherto in war with his neighbours, since Scotland has properly no neighbours but the English. 2. That without being solicited he had revoked the Letters of Mark against Spain. The other blessing of his *allusion of thanks* consisted in the union in his person of the titles of the two Houses of Lancaster and York. Hence he would have insinuated, that by his accession to the throne of England, he freed the English from the dread of seeing a renewal of the civil wars occasioned by the titles of the two Houses. But this pretended dread was only a chimaera of his own forming. Since Henry VIII, who much more justly united in his person the rights of the two contending Houses, the dread of a civil war had so disappeared, that it was entirely forgot. As for his efforts to show the great advantages which would accrue to England from the union of the two kingdoms, they were entirely vain, as will hereafter appear. Besides, his inferences from the arbitrary comparisons, of a head with a divided body, a husband with two wives, a shepherd with two flocks, seemed so little solid, that they were turned to ridicule. When he said about religion was displeasing to all. The Catholics were not satisfied with his distinctions. The Puritans were extremely offended, that he should positively say of them, "They were ever discontented with the present government, and impatient of any superiority, which made their self insufferable in a well-governed Commonwealth." The Protestants in general remarked in his speech too great confession for the Papists, and a contradiction in what he said about them. On the one hand, he affirmed, he was of the Church of England, and his faith grounded upon the Holy Scriptures. On the other hand, he was ready to lay aside all prejudice, and meet the Catholics half way. He declared himself a mortal enemy to their errors, but took care to intimate, that he confessed, as I may say, their errors to the doctrine of the Pope's exorbitant power. Upon the other

1604. fort of actions of thanks, confisting in the making and executing of laws, 'twas said, that a King of England might extol his condescension concerning some particular law, made to his own detriment, and the nation's benefit: But no King before him ever pretended to lay an obligation upon his people, for giving his assent to such laws as were for his own and the kingdom's good. It was also observed, that he admonished the Parliament not to enact too many laws, as if he feared to be obliged to carry his pretended thankfulness too far. That as for the few good laws he was willing to admit, all the effects of his thankfulness consisted in giving the judges a very common and trivial charge. Finally, it was remarked, that this thankfulness upon which his whole speech turned, was as imaginary as the cause which produced it. In thanking the people of England for receiving and embracing him as their undoubted and lawful King and governor, he did not mean to declare that the people had made him so, but only that being undoubted King by his birth-right, they had received and owned him as such. This was lessening the obligation, and consequently the thankfulness too. Wherefore it was thought by many, that the King's aim, in this long harangue, was not so much to express his thankfulness to the English, as to intimate to them, that all he was obliged to them for, was, their not opposing his undoubted right: that his chief intention was, to obtain of the Parliament the union of the two kingdoms; to prevent any new laws against the Papists, and to have the execution of those already in force left to him. What was only conjectured at first, became certain afterwards, as the King's intentions were discovered. In this very Parliament therefore, a suspicion and jealousy of the King began to be entertain'd by the people. 'Twas also put the House of Commons upon their guard, and made them carefully weigh the King's words and actions, who notwithstanding the maxims laid down in the conclusion of his speech, was a great master in the art of chusing ambiguous expressions. This must always be remembered, in order to understand the events of this reign.

The first thing the Parliament did, was to prepare an act for acknowledging the King's title to the crown of England. *Jerm* had not required it. On the contrary, in all appearance, by repeating several times in his speech, that he was undoubted King by birth-right, he designed to intimate, he did not want the Parliament's confirmation. But if this was his intent, the two Houses did not, or seemed not to understand it, whether they resolv'd to preserve a privilege hitherto enjoyed, or feared such an omission might occasion troubles and rebellions. The King on his part thought it not prudent to refuse the act.

After the Parliament had considered of some other affairs, they appointed commissioners to examine the King's proposal concerning the union of the two kingdoms. But the King had already obstructed it, by lavishing honours and riches upon his Scotch courtiers. This convinced the English, they could not but lose by a union, whose end, as they believed, was to render the Scots partakers of the riches of England, whereas the English had nothing to expect in Scotland. (1.) Hence the King's speech was censured, where he spoke of Scotland as the one half of the island, though the English were persuaded, there was a great inequality between England and Scotland. The eager pursuit of the Scots after places, pensions, and rich matches, raised the jealousy of the English, and rendered them very averse to the union projected by the King. With these dispositions the commissioners met to examine the advantages and inconveniences, in order to make their report to the two Houses (2).

Whilst this affair was in hand, most people could not forbear showing discontent with regard to religion. The Catholics expected greater favours from a Prince, whom they imagined in their interest. His distinctions between the Clericks and Laicks, between those who ascribed to the Pope an unlimited power, and such as received not that doctrine, made them fear, the advantages they had promised themselves in this new Reign would be very inconsiderable. The Prebyterians were enraged to see the King so openly prefer the Papists before them. All the Protestants in general heard with grief, the advances made by the King to the Papists. Especially, the offer of meeting them half way, and the affectation of condemning only a single Tenet, gave occasion to fear, he had indeed the sentiments he was suspected of in Scotland. What means, said they, his offer to the Papists of meeting them half way, upon their renouncing the doctrines repugnant to the regal authority? Where is this half way to be? Does it relate to the Hierarchy? But if the Pope's authority is not received, there will be no difference between the English and Catholic Church.

Does he reckon the Catholics will have come half way, when they have renounced the Pope's excommunic power? If so, you must, in order to go the other half, yield them the rest of the Articles, which were the cause of our separation. In a word, it was not known how far this offer was to extend, or where to stop, so obscure and doubtful was this expression, though he had declared, he would use no other eloquence than Plainness and Sincerity. Most of the Bishops, and the zealous Church of England-men, were alone pleased, because the King seemed bent not to suffer the Puritans, who were no less odious to them than the bigotted Papists. It is certain, their zeal for the Church of England was carried a little too far, and the King, by declaring himself so plainly a sworn enemy to the Puritans, bred a mutual enmity between the two Parties, which was but too much cherished, and which, at another time, proved fatal to the established Church. The Puritans were so offended at this uncharitableness for them, and the great condescension for the Papists, that they did not scruple to charge the King, the Bishops, and the zealous Episcopallian, with being to many popish agents. Amidst these divisions, the King's courtiers had but too many opportunities to foment the animosity of the two Parties, and carry it to the utmost height, knowing they could not better execute their designs, than when the Kingdom was involved in troubles. It is pretended, at this time many Jesuits, with their Superiors permission, were received, some as Presbyterian Ministers, others as Church of England Priests, and that under these disguises, they so stretched the principles of the two Parties, whether in their writings or in their sermons, that the breach was rendered irreparable.

At the same time, those who approached the King's person, both English and Scots, thought only of making their Court, in order to obtain his Good-graces and Favours. The jealousy between the two Nations helped to strain the flattery used by the whole Court to the King. Every one strove to keep in his esteem by whatever was most grateful to him, and nothing was more so, than to be excused for his Learning and Parts, and to hear the royal authority talked of according to his principles. It was some time, before the people had a clear knowledge of this Prince's Genius and Character: but when he was once well known, the esteem at first entertained of him, very sensibly diminished, to which the King himself greatly contributed by his strange conduct, as will hereafter appear.

The principal affair for which the King had summoned the Parliament was, the union of the two Kingdoms, though he pretended, his sole motive was to express his thankfulness to the English. He had so good an opinion of his Eloquence, that he did not question the success of this affair, and the nomination of the Commissioners for that purpose confirmed his belief. So, whether through impatience, or to engage the Parliament the sooner to unite the two Kingdoms, he ordered himself to be proclaimed King of Great-Britain, without paying for the Parliament's determination. From thenceforward he would hear no more of the distinction of the two Kingdoms. *St. As* he p. 605, drew's Cross was quartered with *St. George's* in the Flags, and by Proclamation the Scotch Coins were made current in England. This showed, the King did not doubt, the affair of the Union would succeed to his wish. But he did not yet know the Genius and Character of the English. Such as had no share in his Bounties, loudly murmured to see his Scotch Attendants grown so rich in a very short space, that the English could not imitate their magnificence without ruining their Estates (3). Several Paquels were daily made upon this occasion, not much to the advantage of the Scots, nor consequently to the design of the Union of the two Kingdoms.

There was also another thing which did not render the people favorable to the King. This was an occasion of discontent given to the House of Commons, and which it will be necessary to mention, in order to show this Prince's Idea of the English Constitution, and the just cause he gave the Commons to fear, he designed to invade their Privileges. Immediately after the opening of the Parliament, the Commons examining, according to custom, the contested Elections, there was a debate in the House about the return of Sir Francis Godwin, and Sir John Fortescue, for Knight of the Shire for the County of Bucks, and upon a full hearing, Sir Francis was declared duly elected. Three days after, the Lords sent a message to the Commons, that there might be a conference about Godwin's election. The Commons surprized at so extraordinary a message, answered, They did not think themselves obliged to give an account of their proceedings, and therefore could

(1) It was said, That if the Scots had already impoverished the Kingdom, they would by the Union bankrupt it. *Wilton*, p. 48.

(2) There were in all forty three Commissioners, Lords and Commons, who were empowered to meet and treat with certain select Commissioners to be appointed by the Parliament of Scotland. *Wilton*, p. 673, *See* *Springwood*, p. 480, *See*.

(3) The English repined, as *Wilton* says, to see the Scots advanced from their Bounties to costly Bounties, wearing instead of Waincoat, Velvet and Satin, p. 673.

1604. not grant the conference required. The Lords replied, the King having been acquainted with what had passed in *Goodwin's* case, thought himself engaged in honour to have the affair debated again, and had ordered them to confer with the Commons upon it. Whereupon, the Commons, by their Speaker, gave their reasons to the King, why they could not admit of this innovation. But all they could obtain was, that instead of a conference with the Lords, the King commanded them to confer with the Judges. This pleased them no more than the other. They set down their reasons in writing, and delivered them at the Council Chamber, to desire their Lordships to intercede for them to the King, not to violate their Privileges. The answer was, the King absolutely commanded them to have a conference with the Judges. The Commons were extremely surprized at so absolute an order. Mean while, fearing to be accused of too easily engaging in a quarrel with the King, they thought it more proper to yield, than stand out, fully bent however to adhere to what had been determined in the case of the contested Election. Certainly the King had engaged in a very nice affair, and probably, would not have come off with honour, had he not been disengaged by *Goodwin's* moderation. Sir Francis chusing to forfeit his right rather than occasion a quarrel between the King and the Commons, desired the House to order the County of *Bucks* to elect another Knight in his stead. The King and Commons equally accepted of this expedient, which prevented them from coming to extremities; but the King found from hence, that no great account was made of the Proclamation upon calling the Parliament, whereby he meant to be matter of the Elections.

The Commons perceived by this affair, that the King's intention was to found them, and that hereafter such incidents might frequently be revived. For which reason, on the 16th of June, addressing the King concerning certain Grievances, they took occasion to represent their Privileges, of which they supposed him not yet fully informed. This address so displeased the King, that on the 7th of July, he prorogued the Parliament to the 7th of February, to have time to think of means to humble the Commons (1).

It is certain, most of those who approached the King, laboured to inspire him with the design of rendering himself absolute, or rather to confirm him in this resolution, by which they perfectly made their Court. Besides, arbitrary power is as advantageous to Ministers and Courtiers, as it is prejudicial to the rest of the nation. Several Authors accuse the Bishops of having been of the number of the flatterers. Perhaps matters have been a little aggravated. However, many things give occasion to believe, that the Clergy of the Church of England were inclined to ascribe to the King, more power than his Predecessors had hitherto enjoyed. At least, it is certain that from the reign of James I. to this present time, many of the Clergy have endeavoured to persuade the people, that they ought to acknowledge in the Sovereign an unlimited authority (2), and have extended Passive Obedience in England as far as in the most arbitrary Monarchies.

Bancroft Archbishop of *Canterbury*, a most zealous adherer to the Prerogative-Royal, was one of the first who attempted to go beyond the usual bounds, by causing things to depend on the King's will, which were undeniably within the Parliament's jurisdiction. He exhibited to the King and Council twenty-five grievances of the Clergy (3), which were desired to be reformed in granting Prohibitions, that the King's Courts might not have cognizance of what concerned these Articles. It is said, his intention was to shew others the way to apply directly to the King, without regarding the Parliament or Convocation. But the King was told, in case he granted the Archbishop's request, he would be engaged in inextricable difficulties, because the redressing of Grievances had ever belonged to the Parliament. Whereupon, the King consulted the Judges,

who answered unanimously, he ought to refrain from deciding any thing concerning the Archbishop's request.

The conclusion of the Peace with Spain soon followed the prorogation of the Parliament. *Taxis* having informed the King of Spain how the Court of England followed the Confable of *Castile* was sent into the *Low-Countries*, with orders to pass into England and conclude the Peace. But the Confable being detained by some affairs in the Netherlands, conveyed his power to *Taxis* and *Richardet*. These two Deputies being come to London (4), agreed upon a Treaty, which was not however signed till the 18th of August, after the arrival of the Confable of *Castile*. Some say, this Ambassador purchased the Peace with large sums of money, distributed among the King's Ministers. But this can only be said by conjecture, those who are entrusted with such sort of intrigues, not being used to discover them (5). However this be, the Treaty with the King of Spain was double, there being one relating entirely to Commerce.

"By the IVth Article of the first Treaty it was agreed, *That neither the Kings of England nor Spain, should directly or indirectly, give aid to the Enemies or Rebels of either part, of what nature or condition soever they were.*"

"By the Vth, *They renounced all former Leagues, Confederacies, Capitulations, and Intelligence contrary to that Treaty.*"

"In the VIIth, King James excuses the delivery of the cautionary Towns to the King of Spain; and promises to enter into a Treaty with the States, wherein he will assign a competent time to them, to accept and receive Terms for a Pacification with the Archduke; which if they refused, he would from thenceforth think himself freed from the former conventions with them."

These, doubtless, are the Articles which have given occasion to say, the Spaniards bought the Peace. It does not however appear, that after this Treaty James withdrew his Troops from the Service of the States, as he should have done by virtue of the IVth Article, nor that he fixed a time for the States to make a Peace, pursuant to the VIIth. On the contrary, it will be seen, that he delivered to them the cautionary Towns for a much less sum than was agreed on with Elizabeth. Moreover, *Andrew du Chêne*, in his History of England, speaking of this Treaty, relates only four Articles, whereof the fourth is directly contrary to the forementioned fourth Article. According to that Historian the Article ran:

That as to the States of Holland and Zealand, things should remain as they were, as well with respect to the cautionary Towns, as to the other Articles of the Treaties between Elizabeth and the said States, without the King of England's being obliged to recall his Troops from the Low-Countries; or to forbid his Subjects to serve the said States. Moreover, that the Commerce, Trade, and Navigation between the English and the said States, should continue upon the same foot as in Elizabeth's time.

This contrariety makes me think, that James, to please the Spaniards and the Archduke, was persuaded to agree, that the fourth Article should be inserted in the Treaty in the manner first mentioned, in order to induce the States to hasten a Peace, and that this same Article, as related by *Du Chêne*, was a restriction of the first, or a secret Article, which was alone to take place. This is so common a thing in Treaties, that this Conjecture cannot be considered as groundless, especially as it is confirmed by the event.

The Peace with Spain being concluded, the King was persuaded to grant a Monopoly of the Trade with Spain and Italy to a Company of Merchants, and to forbid all his Subjects, except such as were authorized by this Com-

Treaty of Peace with Spain. Du Chêne Hist. Angl. XVI. p. 579. Stour. p. 245. See.

Weldon. Olfen.

Coke. p. 591

Coke. p. 579

Du Chêne

A Company of Merchants for the Trade with Spain and Italy. Coke. p. 594

(1) This Parliament granted the King Tonnage and Poundage. The Tonnage was, 3 s. on every Tun of Wine, imported; and on a Tun of sweet Wine, 6 s. and for every Arm of River, 1 s. The Poundage was, 2 s. on every twenty Shillings worth of Goods and Merchandise imported and exported, excepting Woolen Manufactures; and Tin and Pewter also excepted, which were to pay 2 s. A Denizen was to pay, for every Sack of Wool, 3 s. 4 d. for every two hundred and forty Woolsteds, 3 s. 4 d. and for every Latt of Hides and Backs, 3 s. 4 d. But a Stranger was to pay for every Sack of Wool, 3 s. 6 d. 3 d. for every two hundred and forty Woolsteds the same; and for every Latt of Hides and Backs, 3 s. 12 d. 4. See Statute. c. 53. There were several Statutes made in this Parliament, the chief of which are: 1. An Act for the due execution of the Laws against Jesuits, Seminary-Priests, and Recusants. 2. A continuance of the Statute 31 Eliz. concerning the punishment of Rogues, Vagabonds, &c. 3. By this Statute, People that go about the Country to sell Glasse, are to be adjudged as Rogues and Vagabonds. 4. An Act to restrain the unlicensed haunting and strolling in Inns, Alehouses, &c. 4. A new Act against Conjurators, Witchcraft, and dealing with evil Spirits. 5. One for the relief of Creditors against Bankrupts. 6. And another against Brokers, &c. See Statute. 1 James I.

(2) They are pretty now well beaten out of that false notion.

(3) They were called *Arrested Cases*. See them in Sir E. Coke's 2d Institute.

(4) The English Commissioners were, Thomas Sackville Earl of Dorset, Charles Howard Earl of Nottingham, Charles Howard Earl of Drenthire, Henry Howard Earl of Northampton, and Robert Loes Cecil Baron of Epsford. Rymer's Fed. Tom. XVI. p. 580, &c. 386.

(5) *Weldon*, p. 26, 27, says, there was not one Counter of more but what talked of Spain's bounty either in Gold or Jewels, and among them not any but to large a proportion as the Countess of Castile, who shared in her Lord's interest, being then a power Man, and in that interest which he had, in being *Minister* to that little great Secretary, (little in Body but great in Policy) the sole manager of State-affairs. So it may be said, the was a double flatterer. And in truth, *André-End*, that famous great Structure, had its foundation of Spanish Gold. He says, all *Christendom* has since felt and seen the lamentable effect of this disadvantageous Peace.—A Peace, says *Operra*, more destructive to England than a War. He also observes, that the Earl of Northampton was by the Spanish Gifts enabled to build a noble House in the Strand; and there were many others in the Kingdom, that had their foundations, if not their walls and roofs, glorified with the same manner. See 4. s.

pany, to traffick in those Countries. But in the next Session of the Parliament, the Commons taking into consideration how destructive to trade such a Monopoly was, represented so plainly to the King the ill-consequences thereof, that the Company's Patent was revoked, and the trade with Spain and Italy declared free as before.

The King
lives very
quietly.
He is loved
of his
Ministers.

During the rest of the year 1604, nothing remarkable passed in England. The King led a peaceable life amidst the flatteries of his Court, and very lavishly bestowed his favours on his Minions. But this liberality bred a great discontent in those who had no share in it, and thought themselves however no less worthy than the others. Queen Elizabeth took a very different method, but James did not think fit to be her imitator. Never were Honours bestowed with less discretion and more profusion than in this Reign. Accordingly, they were no longer considered as the reward of merit, but only of adulation (1).

The taking
of Ostend.
Treason.
Stuart.
Winwood's
Memoirs.
T. II. p. 19.

The Town of Ostend besieged now three years by the Spaniards, was at last forced to capitulate the 10th of September. By the taking of this place the Conquerors gained only heaps of ruins, which had cost them immense sums, and the loss of numberless Officers and Soldiers (2). Before James concluded the Peace with Spain, he seemed willing to concern himself in the preservation of Ostend: but when the Peace was made, he thought only of strengthening his new friendship with the King of Spain and the Archduke, by sending them Ambassadors.

1605.
The Lord
Admiral's
Embassy to
Spain.
Winwood's
Memoirs.
T. II. p. 19.

The King made choice of his High-Admiral the Earl of Nottingham for Ambassador extraordinary to Spain. The Earl departed in March 1605, with a very numerous retinue, consisting, according to some, of no less than six hundred and fifty persons (3).

At the same time, the Earl of Herford was sent in Embassy to Brussels. Whilst he was at Sea, a Dutch Man of War failed by, and refusing to strike, the English Captain [Sir William Monson] prepared to compel him, but the Ambassador would not give him leave. This was the first indignity of that nature received by England from the Dutch, whose Sovereignty was not yet so much as acknowledged by any potentate in Europe. If James had demanded reparation, doubtless, he might easily have obtained it, considering the then circumstances of the United-Provinces. But very likely, he did not think it worth his while to make a noise about an affair of so little importance. The English however murmured at it, and many took occasion to compare the King's indolence with Elizabeth's spirit, who, doubtless, would not have been so easy under such an affront. James gave himself no trouble about it, believing, that to avoid all occasion of rupture with his Neighbours was a more effectual way to procure his own and the Nation's welfare, than to engage in a war for such a trifle.

Jealousy
between the
English and
Scots.
Winwood's
Memoirs.

The jealousy the English began to conceive of the Hollanders, was nothing in comparison of that caused by the King's prodigal favours to the Scots (4). Most historians accuse the Catholics of cherishing this jealousy between the two Nations, to make an advantage of their divisions. But without being forced to recur to so remote a cause, the old enmity between the two Kingdoms, and the King's inclination for the Scots, were in my opinion much more natural causes of it. The King was no stranger to this jealousy, and used some endeavours to allay it. He ordered this year in England, Thomas Douglas, a Scotchman, to be hanged, for counterfeiting the King's Privy-Seal to several Princes of Germany. This man falling into the hands of the Elector Palatine, who discovered the fraud, was sent into England, where he met with his death.

Douglas, a
Scot, counter-
feits the
Privy-Seal,
and is
hanged.
Winwood's
Memoirs.

Hitherto the King was undisturbed and surrounded with plenty: whereas he had spent in Scotland, the first years of his life in troubles and want. Since his accession to the throne of England, he had not been obliged to ask money of his Parliament, because when he came to the Crown, he found the deceased Queen had not yet touched the Subsidy granted her by the Parliament, amounting to three hundred thousand pounds Sterling, which he had entirely

received. This, with his usual Revenues, enabled him to be liberal to his Favorites of both nations, who quickly grew very rich. On the other hand, he took a pleasure in raising to honours and dignities several persons, who would not have aspired to them in Elizabeth's reign. In short, he saw himself incessantly flattered by his Courtiers, who omitted no opportunities to shew how much they admired his wisdom and all his other virtues. This was a necessary method, to acquire his favour. To say all in a word, he led a very soft and peaceable life, in the midst of plenty and pleasures, to which some pretend he was a little too much addicted (5). But this Prince has had the misfortune to have for Historians such as loved him not, as on the other side, he has had the good fortune to have some who have endeavoured to praise all his actions. So, there is danger of being greatly mistaken, if an idea of his character is formed upon the commendations or invectives of his Historians. It is better to keep solely to the examination of his actions themselves.

Whilst every thing seemed to procure King James a quiet and peaceable Reign, the devil, envying the happiness of the English, inspired some of his Agents with one of the most horrible Plots that ever was heard of. I mean the Gunpowder-Treason-Plot, which has made so much noise in the world, and of which I shall relate the particulars, without any aggravation.

Whatever might be the ground of the hopes entertained by the Catholics, when they saw King James ascend the throne of England, it is certain they expected great things from him, and at least a full Toleration, with liberty of publicly exercising their Religion. Upon this Toleration they built their hopes of restoring by degrees their Religion in England. But the King's Speech to the Parliament discovered two things. The first, that this Toleration, which till then had been hardly doubted, was not yet ready to come. The second, that though they should obtain it of the King, it would not be so far as acknowledged the Pope's authority in its utmost extent. These were the men however, that were most active and eager to re-establish their Religion in the Kingdom. They desired a bare liberty of Conscience for the moderate Catholics, to which the King seemed to confine his favours. They believed it to be the King's intention to divide the Catholics, and make two Sects, whereof one, renouncing the doctrine of the Pope's Supremacy, should be tolerated in the Kingdom, and the other expelled. This division appeared to them so destructive to the Catholic Religion, that they imagined, the King by this artful and politic conduct, intended to reconcile to the Church of England, such as should imprudently reject the papal authority, as it happened in the Reign of Henry VIII.

To prevent the execution of this pretended design, which might be very prejudicial to the Church of Rome, some of these Zealots consulted together, and formed a horrible Plot, which was afterwards approved by the rest. The chief of these wretches was Robert Catesby, a Gentleman of Northamptonshire, descended from the Catesbys mentioned in the Reign of Edward V. This man having gained Thomas Percy the Earl of Northumberland's Cousin, John Grant, Ambrose Roskwood, John and Christopher Wright, Francis Tresham, Guy Fawkes, Sir Everard Digby, Robert and Thomas Winter (6), Thomas Bates, and Robert Keyes, chose five of them to consult how to restore the Romish Religion in England. Percy one of the most zealous, proposed killing the King, and offered to perform it. To this Catesby replied, "though the King was dead, their cause would not be advanced, since he would leave Sons, who perhaps would not be more favorable to the Catholics. Nay, supposing the King and his Children were removed, there would remain so many of the Nobles and Gentry, that probably it would be very difficult to accomplish their design." He added, "he had thought of a way to destroy in an instant, almost all the principal enemies of the Catholic Religion, and to throw the Kingdom into such a confusion, that not a man would be able to take proper measures to oppose

(1) This year, in September, the King borrowed several sums of Money, by Privy-Seal, from the wealthiest Citizens in London. And in October, the Customs of Merchandises, both inward and outward, were raised, and let out to farm. Henry's Contract, of Scots, p. 256. — The King, who was a great enemy to Taxes, as appears by his writings against it, ordered by a Proclamation, dated October 7, that besides the Custom of Two-pence in the Pound it used to pay, there should be an additional duty of 6 s. 8 d. on every Pound imported into the Realm. See Rymer's Fœd. Tom. XVI. p. 601.

(2) Above one hundred and twenty thousand Men, are said to be slain on both sides. The Town was taken by the Marquis of Spinola, to which he was made Duke of Santa Severina. See Francis's Peace General, and his Brother Henry's last words, great volume in the octavo of this Piece. State, p. 230. Henry's Contract.

(3) The Spaniards were astonished at the magnificence of the Embassy, and the handsome Gentlemen; for it seems the Jesuits revealed our Nation to be so rich, and like Devils, as a punishment for calling off the Pope; and they refused Sir Francis Drake generally half a Man half a Dragon. See city is it, says Winwood, for those Jugglers, when they have once bound up the Conscience, to tie up the Understanding also. Winwood, p. 415. Winwood, p. 672.

(4) This jealousy occasioned many Injustices; the Streets of London were dark night and day with bloody quarrels and private Duels were every where fought between the English and Scots. Winwood, p. 674. — The Scots complaining at first to the King, that they were so poor, they underwent the loss of Legality Scots; the King replied to them, content yourselves, I will shortly make the English as beggarly as you, and to end that Contrivance. Winwood, p. 675.

(5) Mr. Chamberlain, in a Letter to Mr. Winwood, tells him, that the King "finds much felicity in a hunting life, that he hath written to his Councils, and desires them to take the charge and burden of Affairs, and foresees that he is not interrupted nor troubled with too much business." Winwood's Memoirs, Tom. II. p. 46.

(6) This Thomas Winter seems to have been the first contriver of the Plot, about Easter 1604; but Catesby invented the manner of putting it in execution. See Francis's Contract.

1605. "the execution of their designs." This way was to blow up the Parliament House (1), whilst the King should be speaking his speech from the throne to the Lords and Commons. Then he shewed them in what manner the project might be executed, and was applauded by all. However, as so detestable a Plot could not but breed ideas frightful and naturally shocking to conscience, some moved to have the lawfulness of the project examined by their Divines. It is said, that *Henry Garnet*, *Ofwald Tefmond*, and *John Gerrard* being consulted, approved of the Plot as just and lawful, since it was against excommunicated Hereticks. I cannot warrant this, because I never saw their trials. But thus much is certain, they suffered death for not discovering the Conspiracy of which they were informed; and the King in an apology published sometime after, affirmed, that *Garnet* was legally convicted, and had confessed his crime (2).

Be this as it will, the thing being determined, they took an oath of Secrecy, administered as it is said by *Father Garnet* (3). Then *Percy* being one of the Gentlemen-Pensioners, was appointed to hire a house, adjoining to the Upper-House of Parliament. This passed in November or December 1604, and the King was to make his speech to the Parliament on the 7th of February. *Percy* having hired the house, the Conspirators began with no small labour to dig in the cellar through the wall of partition, which was very thick (4). But as the Parliament was prorogued to the 3d of October, they had as much time as was necessary to finish their work. In the beginning of February 1605, they had almost digged through the wall, when on a sudden they heard a noise on the other side. This threw them into a great fright, being apprehensive of a discovery, but their courage reviving, *Guy Fawkes*, who passed for *Percy's* footman, was sent to see what had occasioned their fear. Presently after he returned and said, the place from whence the noise came, was a large Cellar under the Upper-House of Parliament, full of Sea-Coals, which were now under sale, and the Cellar offered to be let. As nothing could be more favorable to their design, *Percy* immediately hired the Cellar, and bought the remainder of the Coals. Then he sent for thirty six barrels of Powder from *Holland*, and lodging them at *Lambeth*, caused them to be conveyed in the night into the Cellar, and covered with coals and faggots (5).

The Plot being thus in a fair way, it was considered what was to be done, when the King, Prince *Henry* his eldest Son, the Lords and Commons, should be buried in the ruins of the Parliament-House. The Duke of *York* the King's second son, being yet very young was not to be present at the Parliament, and the Princess *Elizabeth* his sister was educated at a house belonging to the Lord *Harrington* in *Warwickshire*. It was resolved therefore, that *Percy* who had free admittance into the King's Palace, should undertake to kill the Duke of *York* (6), and that others, under colour of a hunting-match should meet on the same day, near the Lord *Harrington's* house, and secure the Princess *Elizabeth*. As all this could not be effected without money, *Trygdon* offered two thousand pounds Sterling, *Digby* fifteen hundred, and *Percy* promised to supply four thousand. Some moved for foreign aid beforehand: but the motion was rejected. It was resolved only to demand assistance of *France*, *Spain*, and the Archduke, when the Plot should be executed. Then, after some consultation, they agreed to save the Princess *Elizabeth*, and proclaim her Queen. To this end, they drew up a Proclamation, taking care to insert nothing concerning Religion, for fear of alarming the people, till they were sufficiently strong to execute all their designs. Finally, they resolved to spread a report after the blow should be given, that the Puritans were the authors of it.

The Parliament being farther prorogued to the 5th of November, the Conspirators expected the day with the utmost impatience, not one being touched with remorse of the Crime they were going to commit. But God abhorring so detestable a Plot, inspired one of the Conspirators with a desire to save [*William Parker*] Lord *Montague*, Son of the Lord *Merley*. This Lord going home about seven in the evening, a letter was given him by his servant who received it from an unknown person, with a charge to deliver it into his master's own hand. The letter was without name [or date,] (7) and expressed in these words:

My Lord,

O W T of the Love I bear to some of your friends, I have a care of your preservation. Therefore I would advise you, as you tender your Life, to devise some excuse to just off your attendance at the Parliament. For God and Man have concurred to punish the wickedness of this time. And think not flight of this Advertisment, but retire yourself into your Country, where you may expect the event in safety. For though there be no appearance of any stirre, yet I say, they shall receive a terrible blow this Parliament, and yet they shall not see who hurt them. This Council is not to be contemned, because yt may do you good, and can do you no harm; for the danger it putt so fone as you burne this Letter. And I hope God will give you the Grace to make good use of yt: To wolshe Holy Protection I commend you.

This Letter was delivered to the Lord *Montague* ten days before the meeting of the Parliament. Tho' it was unintelligible to him, nay, though he imagined it only an artifice to frighten him, he carried it that very evening to the Earl of *Salisbury*, principal Secretary of State. The Earl shewed it to some Privy Counsellors, who understood the meaning of it no more than he (8). However they resolved to do nothing till the King's return, who was then at *Reynolds*.

The King returning to *London* the last day of October, the Earl of *Salisbury* read the Letter to him, [on the morrow,] and concluded that it was written by some fool or madman. To convince the King he repeated this Sentence, *The danger is putt so fone as you burne this Letter*. For, said he, if the danger be past'd when the Letter is burnt, what signifies this warning? But the King ordering the Letter to be read again, explained the words otherwise, and said, *so fone as you burne this Letter*, was to be interpreted, in as short a Space as you shall take to burn the Letter. Then comparing this Sentence with the foregoing, *That they should receive a terrible Blow this Parliament, and yet should not see who hurt them*, he concluded that some sudden Blow was preparing by means of Gun-powder (9). This interpretation being deemed very plausible, it was resolved, that all the rooms and cellars adjoining to the Parliament House should be searched, to see whether there was any powder concealed. This search was however deferred till the day before the meeting of the Parliament, in a belief, that the nearer the execution was, the more signs would be found. The Earl of *Suffolk* Lord Chamberlain, went himself to search, without noise or hurry (10). When he came to the cellar where the powder was, and saw the coals and faggots with which it was covered, he asked [*Whyneard*] the Keeper of the Wardrobe, who attended him, to what use he had put the cellar? *Whyneard* answer'd, Mr. *Percy* had hired it, and very probably the coals and wood were the Gentleman's fuel for winter. At the same time the Lord Chamberlain perceiving a man standing in a corner, asked who he was, and being told he was Mr. *Percy's* servant, did not seem to take any farther notice (11). This affected negligence made the Conspirators think

(1) That place they made choice of, because the Catholick Religion having been suppressed there, they thought it fittest, that Justice and Punishment should be executed there. *Winter's Confess.*

(2) This is confirmed by *Garnet's* answer to some English Lords, who asked him, whether he approved that the Church of *Rome* should one day declare him a Martyr. *Hayward's* account. See *Calaneo's* Letter to *Prince Maurice*, the Jesuit, *Calaneo*, *Esq.* Edit. of 1709, p. 214.

(3) *Croft*, *Percy*, *Wright*, *Fawkes*, and *Winter* met behind St. Clement's Church in *London*, and upon a Primer gave each other the Oath of Secrecy, and afterwards went into the next room, where they heard Mass, and received the Sacrament upon the same. *Id.* In their Indictment it is said, "that they received the Eucharist by the hands of *Garnet*, *Tefmond*," &c. but not the Oath. See *State-Trials*.

(4) It was about three yards thick. They that worked in this Mine, were, *Percy*, *Croft*, *Thomas* and *Robert Winter*, *Jane* and *Christopher Wright*, and *Fawkes*. They began to work December 11, and about *Goodwin* had worked the Wall half through. They all feyned lay in the House, and had shot and powder, being resolved to die rather than yield or be taken. They had provided themselves with baked Meats, to have the full occasion for feasting on; and they went in the night, and were never seen. *Fawkes's* and *Winter's* Confess.

(5) They put in at first but twenty Barrels, but fearing they might be damp, they added fifteen more. There were a thousand Blisses, and five hundred Faggots to cover them. *Winter's* Confess. In their Indictment it is said, they put in thirty Barrels and four Hogheads of Gun-powder, and laid on them great Iron Bars and Stones. *State-Trials*.

(6) He, and another Gentleman, were to enter into the Duke's Chamber without suspicion; and having about a dozen others at several doors to expect his coming, and two or three on look-out at the Court gate to receive him, he was to carry the Duke safe away, as soon as the Parliament House was blown up. *Winter's* Confess.

(7) And in an unknown, and somewhat unlikable hand. *Discourse of the Treason*.

(8) However, he observed it corresponded with some Informations he had received from abroad, That the Papists, both at home and abroad, were making preparations for some combination amongst them against the Parliament time, for enabling them to deliver a Petition to the King for toleration of Religion; which should be delivered in such order, and so well backed, as the King should be led to refuse their requests. *Discourse of the Treason*.

(9) *Croft*, in a Letter of his to Sir *Charles Cornwallis*, speaks as if it was he and the Lord Chamberlain that first made this discovery. See *Merwood*, Tom. II. p. 174.

(10) It is the Lord Chamberlain's business to see that all places are in a readiness where the King is to come in person.

(11) The Lord *Montague*, curious to know the event, was with the Lord Chamberlain, and hearing *Percy's* name, immediately guessed the Letter came from him, there being great friendship between them. *Discourse of the Treason*.

there

1605

Under a
found a
under the
House of
Lords.
Discourse of
the Treason.

there would be no farther search, since nothing was found in the cellar to create any suspicion, and they prepared to execute their Plot the next day.

The Earl of *Stafford* having made his report to the Council, it was thought if there was any powder concealed, it was in the large cellar under the saggots and coals. But as the Parliament was to meet on the morrow, it was resolved not to search under the wood till midnight, in hopes to find in or about the cellar some persons from whom information might be had. Pursuant to this resolution, Sir *Thomas Knevett*, Gentleman of the Privy-Chamber, and Justice of Peace for *Westminster*, going to the cellar about midnight, found at the door a man in a cloak and boots, whom he immediately apprehended (1). This was *Guy Fawkes* who passed for *Percy's* Servant (2). Then causing the wood and coals to be removed, they found underneath, thirty fix barrels of Powder. After this discovery, *Fawkes* being searched, there was found upon him a dark lantern, a tinder-box, and three matches (3). The villain, instead of being dismayed, boldly told them, if he had been taken within the cellar, he would have blown up himself and them together. The King being acquainted with the discovery (4), ordered the Prisoner to be examined concerning the circumstances of the Plot. He confessed the design was to blow up the King and Parliament, and expressed great sorrow that it was not done, saying, it was the devil and not God that was the discoverer. He obstinately refused all that day to name any of his Complices; but on the morrow being shewed the rack confessed all he knew.

Discourse of
the Treason.

The opening of the Parliament, which was to be the same day, being deferred, and the news of the Conspiracy beginning to spread in *London*, *Cately*, *Percy*, *Winter*, and the two *Wrights*, fled by several ways to their Companions, who were to secure the Princess *Elizabeth*. These last were ready to execute their design the moment they should hear of the success of the Mine at *Westminster*. As they did not question it would succeed to their wish, and believed they had nothing more to manage, they had the night before broke open a stable, and carried away twelve horses (5). This action had alarmed [Sir *Richard Verney*] Sheriff of the County, who had drawn the people together to seize the robbers. Presently after came the Conspirators that fled from *London*, and told their Companions, the plot had miscarried. Whereupon they resolved to keep together, to endeavour to make the Catholics rise, and put themselves at their head. But all their efforts ended only in raising about a hundred Horse (6).

Some are
taken, others
killed,
hid.

Mean while, the Sheriffs of the neighbouring Counties (7) having sent notice to one another, called the people to arms, and pursued the Conspirators from place to place, till at length the villains were forced to take harbour at *Hilbreath* (8), where the Sheriff fummoned them to surrender. They answered, he had not a sufficient force to compel them, and prepared to defend themselves, or fight their way through. But in opening a barrel of powder to charge their muskets, it took fire and blew up part of the house (9). This accident constrained them to open the gate, and try to escape. Some were killed immediately by the people who surrounded them. *Cately*, *Percy*, and *Winter* flinging back to back, fought desperately, till the two first were killed with one shot, and the other taken alive, after receiving several wounds. *Digby*, *Ruswood*, *Grant*, and *Bates*, yielded, or were taken in trying to escape. *Tregham*, who laid at *London* with *Robert Winter*, Brother of *Thomas Winter*, and *Littleton*, was discovered and apprehended with his two Companions. All the prisoners were sent to the Tower, and strictly examined. *Thomas Winter* confessed himself guilty, and writ his Confession with his own hand. *Digby* extenuated his crime, because having expected the King would grant a free Toleration to the Catholics, and not seeing any likelihood of their obtaining it, he was driven by despair to engage in the plot. *Tregham* said at first, that Father *Garnet* the Jesuit was privy to the Conspiracy, but afterwards denied it, by his wife's instigation, as it is pretended, affirming, he had not seen him for sixteen years. But *Garnet*, who was apprehended after *Tregham's* death, confessed, he had frequently conferred with him within six months. The Earl of *Northumberland* was sent to the Tower, on suspicion of being concerned in the plot. This suspicion was grounded upon his being Captain

William,
p. 675
Houses.

State-Trials.

Hid.

Novem. 27.
Houses
Obtains.

of the Band of Gentlemen Pensioners, and admitting into it his Cousin *Percy*, without admitting to him the oath of Supremacy, though he knew his Religion. This affair being afterwards brought into the Star-Chamber, the Earl was fined in thirty thousand pounds Sterling, deprived of all his posts, and imprisoned during the King's pleasure.

The Session of the Parliament began not till the 9th of November, though it was fixed to the 5th. The King made a long Speech, representing the heinousness and consequences of this horrible plot, and magnifying the mercy of God in the miraculous discovery. But withal, he took great care to clear the Catholic Religion, and to observe, that this abominable plot, was to be ascribed to such only as were truly Papists, and imbued with the detestable principles mentioned in his first Speech to the Parliament. He affirmed, there were not many of these, and it would be extremely injurious to accuse the Catholics in general of following such extravagant maxims.

1605.

June 15.
Obtains.

The King's
Speech in the
Parliament
to expose the
Catholics.
St. James's
Works.

"For, added he, although it cannot be denied, that it was only the blind superstition of their errors in Religion, that led them to this desperate device; yet doth it not follow, that all professing the *Romish* Religion were guilty of the same: For as it is true, that no other Sect of *Heretiques*, not excepting *Turks*, *Jews*, nor *Pagans*, no, not even those of *Calicut*, who adore the Devil, did ever maintain by the grounds of their Religion, that it was lawful, or rather meritorious, (as the *Romish* Catholics call it) to murder Princes or People for quarrel of Religion; yet it is true on the other side, that many honest Men, blinded, peradventure, with some opinions of Popery, as if they be not found in the questions of the Real Presence, or in the number of their Sacraments, and some such school question; yet do either not know, or at least not believe, all the true grounds of Popery, which is indeed the mystery of Iniquity. And therefore do we justly confess, that many Papists, especially our Forefathers, laying their only trust upon Christ and his Merits, at their last breath, may be, and oftentimes are saved; detesting in that point, and thinking the cruelty of Puritans worthy of fire, that will admit no salvation to any Papist."

And then concluding that part of his discourse, he declared, "As upon the one part many honest Men seduced with some errors of Popery, may yet remain good and faithful Subjects; so upon the other part none of those that truly know and believe the whole grounds of Popery, can ever prove either good Christians, or faithful Subjects."

This Speech was much applauded by the Courtiers, who admired its wisdom, justice, and equity, and remarked the King's greatness of Soul, who at the very time he had so much reason to complain of the Catholics, took care to justify their Religion, and hinder the innocent from being confounded with the guilty. But the rest of the People were not of the same opinion. They considered with grief and affliction, the tender regard the King expressed for the Catholics in general, under pretence of a distinction, which was thought imaginary, or at least very useless, by reason of the difficulty of discerning those who held the maxims condemned by the King, from those who were willing to renounce them. They observed also the difference, the King put between the *Romish* Religion and that of the Puritans. The first hindered not its Professors from being faithful Subjects, but the last was not to be tolerated in any well-governed Commonwealth, as he expressed himself in his former Speech. Here, to turn the hatred of the good Protestants upon the Puritans, he is not content with detesting an opinion indifferent in itself, and which had no relation to the State, but even thinks it worthy of fire, either temporal or spiritual, for he does not say which, whilst he calls the doctrine of Transubstantiation a mere school-question. It was also said, that if upon this same opinion, he had been pleased to distinguish the Puritans who did not, from such as did, damn all the Catholics, this distinction would have been as well-grounded as that between the Catholics and Papists. In short, it was observed, that he affected to ascribe to the Puritans alone this opinion worthy of fire, which he might much more justly have imputed to the *Roman* Catholics, as all the World knew. It cannot be denied, that throughout the whole course of his Reign, this Prince

Reflections of
the Pope
up on the
King's
Speech.

(1) In case nothing should be found, *Whynesard* was to pretend he missed some of the King's Staff or Hangings, which were in his keeping, and that the search was for them. *Discourse of the Treason.*

(2) Under the name of *J. de Tolosa.*

(3) All this was but about twelve hours before the hellish Project was to be put in execution.

(4) About four o' Clock in the Morning. *Discourse of the Treason.*

(5) There were but seven in eight. The Stable belonged to one *Branch*, a Rider of great Horses. *Ibid.*

(6) They were arrested to fourscore. See *Discourse of the Treason.*

(7) Particularly Sir *Richard Verney*, Sheriff of *Worcestershire.* *Ibid.*

(8) A House belonging to *Sir John Littleton* in *Staffordshire.* *Worcester's Mem.* Tom. II. p. 173.

(9) As they were meeting the fire in their Chamber, a spark of fire happened to fall upon two pounds of Powder which was drying a Riddle from the Chimmney, and it blowing up, it missed the faces of some of the principal Rebels, and the hands and faces of others, that they opened the Gate. A great bag of Powder was blown up without taking fire. See *King James's Works*, p. 244.

1605. shewed an extreme tenderness for the Roman Catholics. This will fill more plainly appear in the sequel, since what I have hitherto related may be deemed doubtful marks of his sentiments, and capable of admitting a favorable construction.

The Parliament of 1605.
As soon as he had ended his Speech, the King prorogued the Parliament to the 11th of January: So that it evidently appeared he had caused them to meet for one single day, on purpose to shew his thoughts of the conspiracy, and the manner he would have it examined in, that is, with respect to such only as were concerned in it.

The Lords Merchant and Sturton.
The Lords Merchant and Sturton, suspected of being privy to the Plot, were fined, the first ten thousand Marks, the other six thousand, though there was no other proof against them, but their not coming to the Parliament. They were sentenced by the Star-Chamber, which was then the terror of the Great Men, and which for the least offence, condemned the Parties accused in exorbitant Fines to the King's life (1).

1606. The discovery of the Powder-Plot was universally ascribed to the King's penetration, who alone discovered the meaning of the Letter to the Lord Montagu (?). Nay, some of his flatterers did not scruple to say, he could never have found out the Mystry, without the immediate assistance of the Holy Ghost (3).

The King of Spain's and the Archduke's Ambassadors.
The King of Spain's and the Archduke's Ambassadors testified their joy for this deliverance, by bonfires before their doors, and fountains of wine to the mob. This was not perhaps a very proper way to remove the suspicions of the English, who were apt to believe the Spaniards were concerned in this horrible Plot (4). It was remembered that when the Constable of Castile was in England, he said publicly, in case the King refused to tolerate the Catholics, there would be found Persons capable of any attempt. Nay, after the Plot was discovered, the Archduke refused to deliver some of the Complices who had escaped into the Netherlands (5), and sent the chief of them to Spain, where he was very well received. It is certain however, these Ambassadors were not accused by the depositions of the Criminals. Nay, the King publicly declared, he was sure no foreign Prince was privy to the Plot. Indeed, all the Princes, as well Catholic as Protestant, expressed their abhorrence of so damnable a design, and congratulated him upon his deliverance.

The Parliament meeting the twenty first of January.
The King appointed Commissioners to try the Conspirators. He had till now delayed to give the people the satisfaction to see these Villains punished. But perceiving if he did not do it of himself, the Parliament would not fail to petition him, he resolved to give them over to justice. There were but eight executed the 31st of January (6), though the number of the guilty was much greater. Some time after, Oldcorn, a Jesuit, saying openly, that the ill success of the Conspiracy did not render it the less just, was sent to prison, condemned and executed. Henry Garnet [Provincial of the English Jesuits] having also being arrested, was sentenced to die as a Traitor, upon the depositions of those that were already executed. Some say, he only confessed, he had heard of a conspiracy to restore the Catholic Religion in England, but was ignorant of the circumstances. Others pretend, the Plot was revealed to him only in Confession, and he was not obliged to reveal it. The King, as I said, publicly declared afterwards Garnet was legally convicted (7). The Jesuits have been pleased to honour these men with the title of Martyrs, as if they had suffered only in hatred to their Religion. But King James's humour and character will not permit it to be thought, that he put men to death only because they were Catholics.

Whilst the Parliament was considering the Powder-Plot, it was suddenly rumoured that the King was stabbed at

1606. Owing with a [poisoned] Knife. This rumour instantly threw the People into the utmost consternation, imagining it was the effect of some fresh Conspiracy. But the alarm was soon over. Two hours after came certain advice that the King was alive, and he even returned to London that very day, and published a Proclamation to quiet the People. The Spanish Ambassador distinguished his affection for the King, by presenting Sir Lewis Lewkenor with a gold chain (8), for bringing him the news of his safety.

Mean while, the Parliament seriously applied themselves to prevent the designs of the Popish Recusants, that in such as refused to acknowledge the King's independent authority. For the more easy discovery of such Persons the two Houses agreed to draw up an oath, which all Subjects without exception, should be obliged to take. This oath was called the Oath of Allegiance, that is, of submission and obedience to the King, as Sovereign independent of any other power upon earth. It differed from the Oath of Supremacy, as it concerned only the King's Temporal Sovereignty, and his Independence of the Pope, whereas the other, enacted in the Reign of Henry VIII, obliged the Subjects to acknowledge the King for supreme Head of the Church of England. So, every Catholic could safely take this new Oath, unless he was one of those who thought, that to be a true Catholic, it was necessary to believe, the Pope had power to depose Kings, and give away their Dominions. Nay, the King was extremely careful not to have any clause inserted in the Oath that might give just offence to the Catholics. The Commons having put in the rough draught of the Oath, *That the Pope has not power to excommunicate the King:* He said these words might offend his good Catholic Subjects, and it sufficed to alert, the Pope's excommunication could not authorize Subjects to rise against their Sovereign. Here follows the Oath which has been, and still is spoken of by many, without well knowing what it is.

I A. B. do truly and sincerely acknowledge, profess, testify and declare in my conscience before God and the World, That our Sovereign Lord King James, is lawful King of this Realm, and of all other his Majesty's Dominions and Countries: And that the Pope neither of himself, nor by any authority of the Church or See of Rome, or by any other means with any other, hath any power or authority to depose the King, or to dispose of any of his Majesty's Kingdoms, or Dominions, or to authorize any foreign Prince to invade or annoy him or his Countries, or to discharge any of his Subjects of their Allegiance and Obedience to his Majesty, or to give licence or leave to any of them to bear arms, raise tumults, or to offer any violence or hurt to his Majesty's royal Person, State, or Government, or to any of his Majesty's Subjects within his Majesty's Dominions. Alfo I do swear from my heart, that notwithstanding any Declaration or Sentence of Excommunication, or Deposition made or granted, or to be made or granted by the Pope, or his Successors, or by any Authority derived, or pretended to be derived from him or his See, against the said King, his Heirs or Successors, or any abjuration of the said Subjects from their obedience; I will bear Faith and true Allegiance to his Majesty, his Heirs and Successors, and him and them will defend to the uttermost of my power, against all Conspiracies and Attempts whatsoever, which shall be made against his or their Persons, their Crown and Dignity, by reason or colour of any such Sentence, or Declaration, or otherwise, and will do this my endeavour to disclose and make known to his Majesty, his Heirs and Successors, all Treasons and traitorous Conspiracies, which I shall know or hear of, to be against him or any of them. And I do further swear, That I do from my heart abjure and abjure as impious and heretical this damnable Doctrine and Position, That Princes which be excommunicated or deprived by the Pope, may be deposed and murdered by

(1) January 6. this year, Prince Charles was created Duke of York. What Parton was made Knight of the Bath on that occasion, see in Wood's Mem. Tom. II. p. 43; and Henry's Convent. of Stow, p. 876.—About this time began Coches to come in common use. Hovers, p. 167.

(2) The King gave the Lord Montagu, the first difference of the Treason, two hundred Pounds a year in Fort-Item Rents, and five hundred Pounds a year

(3) After all, it is said, that the Letter to the Lord Montagu was an article of Confession, and that the first Intimation of the Powder-Treason came from the King of France, who received it from the Jesuits of his Faction, to the end he might share in our Ruins. The reason why the most Christian King did advertise our Court of the Plot was, first, because he found that nothing was to be feared from one of King James's Complacencies. Another (a weak one, tho' strongly felt by the Muslin) was, the favour received from hence during the League. But the most probable was, the advantage the King of Spain was likely to make of it, by reason he had an Army then ready in Flanders to land in the hope of it, to block a Cloud must needs have caused over the Nation, the Kingdom of England being, in the Pope's own Judgment, too great an addition to that of Spain. Hovers, p. 437, 438. Wood, p. 19.—Mr. Wood tells the Earl of Salisbury, in a Letter to him, that he was informed "the Papists did not so much lean after the life of the King, as the life of the Earl of Salisbury." See Wood's Mem. Tom. II. p. 164.

(4) The King of Spain sent an Agent on purpose to congratulate King James's great Preservation. A flattery so palpable, as the Pope could not refrain laughing in the face of Cardinal d'Ofat, when he first told him of it. It being notorious, that when King James came to the Crown of England, none sought his destruction more cordially than the Spaniards; till a constant tract of experience had fully acquainted him with his Temper, and the impossibility of persuading him to form any League with France or other Christian Prince against him. Hovers, p. 438.

(5) Particularly Hugh Owen. See Statute, 3 Jac. c. 1.

(6) Sir Edward Digby, Robert Winter, John Crane, and Thomas Bates, were executed at the West-end of St. Paul's Church, January 31. and the next day, Thomas Winter, Ambrose Rowland, Robert Keyes, and Guy Fawkes, suffered the punishment of Treason, in the Old Palace-yard at Westminster. Statute, 3 Jac. c. 1.

(7) Garnet owned upon his Trial, that Canby told him of the Plot only in general terms, and Telford, Jack Jesuit Confessor, protested he had dissuaded it, and prayed against it, and made no question but God heard his Prayer. He had, it seems, by the cunning of his Keeper, divers Conferences with Hall, his Brother Priory in the Tower, which were overheard by Spies set on purpose. Being charged with this, he professed upon his Soul and Salvation, there had no such Conference past. But being confronted with Hall, he was driven to confess. And being asked how he could take this last Perjury? He answered, so long as he thought they had no proof, he was not bound to confess himself, but when he saw they had proof, and no longer in it. And then fell into a large defence of Equivocations. See Wood's Mem. Vol. II. p. 206.—He was executed at the Guild-hall in London, March 25, and hanged at the West-end of St. Paul's, May 1. Statute, 3 Jac. c. 1.

(8) Of Sir Lewis Lewkenor. Wood's Mem. Vol. II. p. 205.

1606. *their Subjects or any other whatsoever. And I do believe, and in conscience am resolved, that neither the Pope, nor any Person whatsoever, hath power to absolve me of this Oath, or any part thereof; which I acknowledge by good and full authority to be lawfully ministred unto me, and do renounce all Pardons and Dispensations to the contrary. And all those things I do plainly and sincerely acknowledge and swear, according to those explicit Words by me spoken, and according to the plain and common sense and understanding of the same Words, without any equivocation, or mental evasion, or secret reservation whatsoever. And I do make this recognition and acknowledgement heartily, willingly, and truly, upon the true Faith of a Christian.*

So help me God.

Remark on
this Oath.
K. James's
Wicks.
p. 250.

It is easy to see, this Oath contained nothing repugnant to the essential Articles of the *Romanist* Faith, and concerned only the unlimited power, which by force is ascribed, and by other denied, to the Pope. Accordingly, most of the *English* Catholics, with the Arch-Bishop *Blackwell* their Superior, made no scruple to comply with it. Nay, when *Urban VIII.* sent them a Brief, dated *October 31. 1606* (1), forbidding them to take this Oath, they thought the Brief was forged by their enemies, to draw them into a Non-compliance. But the Pope spoke more fully the next year, and by a second Brief plainly told them, if they took the Oath, they forfeited all hopes of salvation. At the same time, Cardinal *Bellarmino* under the feigned name of *Tartus*, wrote a Book against this Oath, and a Letter to the Arch-Bishop *Blackwell*, to admonish him to repent, as if in taking the Oath he had committed the most heinous offence. This occasioned King *Jame's* Apology for himself, published some time after, [with a Preamble] addressed to all Christian Princes, wherein he cleared himself from the false imputation of being a persecutor of the Catholics. He began the Apology with justifying Queen *Elizabeth's* conduct to the *Romanists*, and then added these words:

The King's
Apology with
respect to the
Catholics.
Apolog.
p. 252.

But now being sacrificed (if I may so say) the manes of late Predecessor, I may meet with St. Paul's justly vended mine own favour, from my immortal Calumnies spread against me, in testifying the truth of my behaviour toward the Papists, whereby they truly affirm, that whatsoever was but just and merciful government of the Papists in her time, my government over those since hath so exceeded her's in severity and democracy, as not only the Papists themselves grew to that height of Pride, in confidence of my mildness, as they did directly expect and assuredly promise themselves Liberty of Conscience, and Equality with other of my Subjects in all things; but even a number of the best and faithfulest of my said Subjects were cast in great fear and amazement of my course and proceeding, ever prophesying and justly suspecting that future time to come of it, which I will justify clearly in the Powder Treason. How many did I honour with Knighthood, of true and open Recusants? How indifferently did I give audience and access to both sides, bestowing equally all favours and honours on both Professions? How free and criminal access had all ranks and degrees of Papists in my court and company? And above all, how frankly and freely did I free Recusants of their ordinary Payments? Besides, it is evident, what strict order was given out of my own mouth to the Judges to spare the execution of all Priests, (notwithstanding their Conviction) inimitable thereto a gracious Proclamation, whereby all Priests that were at liberty, and not taken, might go out of the Country by such a day: my general Pardon having been extended to all convicted Priests in Prison; whereupon they were set at liberty as good subjects: And all Priests that were taken after, sent over and set at liberty there. But time and paper will fail me to make enumeration of all the benefits and favours that I bestowed in general and particular upon Papists: In recounting whereof, every scrape of my Pen would serve but for a blot of the Pope's ingratitude and injustice, in meeting me with so bad a measure for the same.

Remark on
this Spots:

All the King said in this part of his Apology was very true. But it is surprizing, that since he thought proper to

make a long Apology to clear himself to foreign Princes, 1606, from the asperion of being an enemy to the Papists, he should never think of excusing to his own subjects his too great condescension to these same Papists, and his extreme care to hinder the execution of the Laws enacted against them. There is another very extraordinary particular in this apology. The King evidently shows, that Cardinal Bellarmine's confounds in his Book the oath of Allegiance with that of Supremacy, whereby it was manifest, he did not understand the point in dispute (2). But I have said enough of this subject. I shall only add, to conclude what relates to the Powder-Plot, that the Parliament appointed the fifth of November to be a publick Thanksgiving-day for so great a deliverance, which day has been constantly solemnized to this present time.

The common danger which threatened the whole Kingdom, flitted for a time the disputes between the King and Commons, which arose in the first Session of the Parliament. The Commons were so far from intending to revive them, that, on the contrary, to gain the King's good-will, they granted him one of the largest Subsidies that had ever been given to his Predecessors in the most urgent occasions of the State, though he was then in profound Peace, and wanted money only to enrich his Favorites. This aid consisted of three whole Subsidies and six Fifteens, [and Tenth.] besides four Subsidies of four Shillings in the Pound granted at the same time by the Clergy (3). But the affair of the Union of the two Kingdoms was deferred to the next Session. So the King having no farther occasion for the Parliament, prorogued it from the 27th of May to the 18th of November (4).

The confusion caused by the Powder-Plot in the Court and the whole Kingdom, was at length turned into a pleasant tranquillity. The King and People were equally pleased with being delivered from so great a danger; and the King had the more reason to be so; as he had brought the Parliament to be of his moderate sentiments with respect to the *Roman Catholics*, of whom ten only had been left to the rigour of the Law. Their yoke was not aggravated, unless the obligation of bearing Allegiance to the King, or departing the Realm, was to be deemed an aggravation. On the other hand, the King was able to gratify his Favorites, by means of the money granted by Parliament, and the whole Court rejoiced, every one exulting to partake of the King's bounties.

This money came very seasonably to the King, to give James on a splendid reception to his Brother-in-law the King of Denmark, who arrived shortly after, on purpose to visit the Queen his Sister, and the King (5). No coat was spared on this occasion, to demonstrate the King's and Queen's affections for this Prince, and to shew him the riches of the Kingdom they had acquired. During his stay in England, there was one continued, tho' various, Scene of diversions, as Plays, Sightings, Entertainments (6), Balls, Masquerades, Hunting, in a word, every thing that was thought proper to divert him.

Some time after, the Prince of *Vaudemont*, the Duke of *Lorraine*'s third son, made the King another such visit, attended by seven Earls, ten Barons, forty Gentlemen, and six-score domesticks. He stayed a fortnight with the King, by whom he was, with his whole train, royally entertained. These two visits consumed good part of the money lately granted by Parliament (7).

The Session of the Parliament, which began the 18th of November, was chiefly employed in the affair of the Union, which the King strongly solicited. Sir Francis Bacon, the King's Solicitor, was ordered to move and support it with the best arguments he could devise. But though he was learned and eloquent, he met in the House of Commons with persons able to withstand him, and to alledge as strong reasons against, as he did for, the Union. The chief objections were, the inequality between the State and Riches of the two Kingdoms, the difference of the Laws and Customs, and Scotland's perpetual Alliance with France. But the most prevailing argument, though it was not publicly insisted upon, was the jealousy of the *English*, which baffled all Bacon's Rhetoric (8).

The King hearing the affair was not like to succeed in 1607.

(2) It is dated the 10th of the Kalma of *Orde* 1605. *Apology*, p. 252.

(2) *Bellarmino*, in his answer to King James's *Apology*, took the opportunity of discovering, that his Majesty had formerly writ a Letter to Pope Clement VII. and thereupon rebuked him with Inconsistency. See above, p. 108, and *Sequel*, p. 109.

[illegible]

1607.

the Parliament, sent for both Houses to *Whitehall*, and endeavoured in a long Speech to shew the necessity of the Union, and the common advantage it would procure. He answered the objections alleged in the two Houses, speaking one while with great mildness, another while with a menacing tone, turning himself every way to attain his ends. He said, it was not reasonable, the *English* and *Scots* should consider one another as enemies, whilst Subjects of the same King, and consequently it was necessary all hostile Laws should cease, meaning the Laws made from time to time upon the frequent Invasions of the *Scots* on the borders of *England*. He added, it was no less reasonable, there should be between the two Nations community of Commerce, since he was no Stranger, but descended from the ancient Kings of *England*, and could not be natural Liege-Lord to both, whilst they were strangers to one another. Finally, it was against nature, for people who lived under the same dominion, to be no more united than *Frenchmen* and *Spaniards*.

He speaks of his Proclamation in answer of the Parliament.

He then proceeded to a nice point, as he had himself determined a thing which properly belonged to the cognizance of the Parliament. He said, he was informed by the Judges, there was a difference between the *Anti-nati*, and *Post-nati* of each Kingdom, that is, between such as were born before, and such as were born after, his accession to the Crown of *England*. That therefore he had published a Proclamation, declaring all those to be naturalized in both Kingdoms who were born since his accession. That indeed, he confessed the Judges might err; but admonished both Houses, to beware to disgrace, either his Proclamations or the Judges, for so they might disgrace both their King and the Laws, who have Power, when the Parliament is done, to try both their Lands and Lives.

In answering the objection taken from the perpetual Alliance between *France* and *Scotland*, he affirmed, the Alliance was not between the two Nations, but only between their Kings. I do not know whether this was really fact.

He concluded his Speech with saying, "What is now desired hath oft before been fought, and not obtained; to refuse it now then were double Iniquity. And for their security in such reasonable points of restriction, which he shall agree to, they need not doubt his Inclination: For, added he, I will not say any thing which I will not promise, nor promise any thing which I will not swear, what I swear, I will sign, and what I sign, I shall with God's grace ever perform."

The Union is rejected. Wilson. Boreas. 4 June. c. 2.

The earnestness which the King expressed for the Union of the two Kingdoms, was not capable of prevailing with the Parliament, so inconvenient was it thought. All he could obtain, was the repealing of the hostile Laws. So the Union was rejected, without any mention however of the Proclamation concerning the *Post-nati*. But by not approving it, the Parliament did in effect reject it, since a Proclamation in *England* is not considered as a Law. Nevertheless, two years after, the King caused the same thing to be determined by the Judges of the Realm, though this determination was of no more force than the Proclamation (1).

The ill success of this affair extremely troubled the King. In his first Speech to the Parliament, he called such as were against the Union of the two Kingdoms, blind, ignorant, restless, and dissatisfied, and affirmed, no honest Subject whatever was less glad of this Union than himself. But he now found the Lords and Commons against it, and this cast a sort of ridicule upon his too hasty judgment. From thenceforward he always appeared very averse to Parliaments; as on the other hand, the people began to dislike him. They could not for without grief, so many Proclamations, which seemed to suppose the King's will to be the sole rule of the Government. The King's needless expences were another cause of complaint, because they were compared with Queen Elizabeth's frugality and good management. It was considered, the three hundred thousand pounds received by the King at his coming, with what was lately granted by the Parliament and Clergy, served only to enrich his Favorites and Ministers. All this began to form a cloud, which perhaps would have been

followed by a storm, had not the King, on the fourth of July, prorogued the Parliament to the 16th of November, and afterwards to the 9th of February (2).

Before the Parliament was prorogued, there were some commotions in *Northamptonshire* (3), where the Country people rose in arms, under the conduct of one [John Rymold] who styled himself Captain *Pouch* (4), but these troubles were short-lived. The Sheriff of the County found means to disperse the Rebels, without the assistance of any regular Troops.

Information of a new commotion in Northamptonshire. May. Howes.

The Earl of *Tirconnell*, the famous Irish Rebel, pardoned by Queen Elizabeth, was brought to London the beginning of this reign, by the Lord *Mentjot*, and presented to the King, who received him very graciously. Shortly after, he returned to his native Country, where he could not live in peace. He not only attempted once more to raise a Rebellion in *Ireland*, but also applied to foreign Princes for assistance. His secret practices not succeeding to his expectation, he was afraid of being apprehended, and chose to leave *Ireland*, taking with him the Earl of *Tirconnell*, whom he had drawn into his plots (5). When he was come to a place of safety, he gave out, that the outrages committed in *Ireland* upon the Catholics had constrained him to forsake his Estate and Country. But the King briskly repelled this aspersions by a sort of Apology published on this occasion, not induring that the world should think him a persecutor of the Catholics.

The Earl of Tirconnell was sent from Ireland on pretence of Religion. Sept. Howes.

In the beginning of this year, the Archduke and the Infanta his spouse, sent into *Holland* Father *Nry*, Provincial of the order of *St. Francis*, to propose a peace with the States of the *United-Provinces*. *Nry* lying concealed for a time at *Rijswijk*, was at last admitted to audience by Prince *Maurice*, who told him plainly, there was no hopes of a peace, unless the *United-Provinces* were owned for a free and independent State. This declaration obliged the Father to return to *Brussels*, from whence he came home time after, with a Writing signed by the Archduke and the Infanta, with which the States were satisfied, provided it was ratified by the King of *Spain*, which ratification *Nry* undertook to procure. Henry IV. hearing what was transacting at the Hague, dispatched President *Jeanin* to offer his mediation to the States, which was accepted. But as they feared to create jealousy in King *James*, if France alone was concerned in the affair, they wrote to him for his advice and assistance, and shortly after, sent an Ambassador to inform him more particularly of the situation of their affairs. Mean while, the King of *Spain's* ratification being come, the States found it full of equivocal and captious expressions, which gave them occasion to require explanations. This prolonged the Negotiation, the success whereof shall be related hereafter (6).

The King's Apology. Nov. 15. Du Clusier. Act. Pub. XVI. p. 664. Negotiation for a Peace with the Low Countries. 1607. Act. Pub. XVI. p. 665. Negotiation for a Peace with the Low Countries. 1607. L. 138.

April 11, 1608, [George Gervais] a seminary Priest of 1608. Rheims, was hanged at *Tyburn*, and the 23d of June, *Thomas Garnet* a Jesuit had the same fate. *Garnet* was offered a pardon, provided he would take the oath of Allegiance, which he resolutely refused.

A Priest and Jesuit executed. Howes.

Thomas Sackville, Earl of *Dorset*, and Lord-Treasurer, dying suddenly as he was sitting at the Council-Table, *Robert Cecil*, Earl of *Salisbury*, succeeded him in his post. He was a Lord of a great genius, and though crooked before and behind, nature supplied that defect with noble endowments of mind.

Death of the Lord Treasurer. Wilson. Howes. Salisbury succeeds him.

The chief concern of the Ministers was to see that the King did not want money. He had occasion for great sums, being extremely liberal, or rather prodigal (?), and it may well be thought, that in procuring money for the King, the Ministers did not forget themselves. But this is so customary a thing with Favorites and Ministers, that it would be wrong to upbraid them with it in particular. As to foreign affairs, they were little regarded throughout this whole Reign.

The King spends above three millions of Money. Coke. Wilson. O'Brien.

One of the properest means devised to procure the King money, was the monopoly of the sale of Cloths, at the solicitation of a certain Merchant, who, in all appearance, dearly purchased his Patent. At this time, the *English* were not skilled in the art of dressing and dying *English* Woollen Manufactures. They sent them into *Holland* white, and the *Hollanders*, after they had dyed them, sent

Mercery of Cloth. Coke, p. 69.

(1) The King obtained a Judgment in *Westminster Hall*, in a case called *Calvin's Case*, that the *Post-nati* in *Scotland*, under the King's assumption to the Crown of *England*, were free to purchase and inherit therein, *Rep. Coke*, p. 61. This Case (says *Wilson*) was reported by Lord Chief Justice *Coke*, who was first met for any Stamp-Royal, and adjudged by him, the Lord Chancellor *Ellenborough*, and most of the Judges of the Kingdom, in the *Exchequer Chamber*, though many strong and valid Arguments were brought against it: such power is in the breast of Kings! And such lost still are Judges made; that they can model their Precedents into as many shapes as they please! *Wilson*, p. 68a.

(2) In this session it was enacted, That every Person which is excommunic, shall forfeit for every offence five Shillings, to be paid to the Church-wardens of the Parish.—In the beginning of this year 1607, was begun a new *English* Translation of the Bible, which was published in 1611, and is the same as is now in common use. See an account of it, and of the Translations, in *Puller*, *Cent.* 17. p. 44.

(3) And in *Warringtonshire*, *Leicestershire*, &c. The cause of their disturbance was, the inclosing of Commons and other Lands; and so all the mischief they did, was to break down Hedges, fill up Ditches, and lay upon all Inclosures. Howes, p. 590.

(4) So called from a great Pouch he wore at his Girdle.

(5) With him went away his Wife, his two younger Sons and his Nephew; as also the Earl of *Tirconnell's* Son, and Brother, and the Lord *Dungannon*. Howes, p. 591.

(6) July 4, Sir *Thomas Ker* was summoned to the House of Peers by the title of Baron of *Erjor*, and November 16, Sir *George Clifford*, by the title of Baron of *Clifford* of *Leighton Bromfild*. Howes, p. 590, 591.—This year the Banqueting House at *White Hall* began to be rebuilt. *Ibid.*

(7) *Observe* says, that the Nation was afflicted with Imposts, Monopolies, Aids, Privy-Sales, Concoctions, pre-terminated Customs, &c. besides *Faints* upon penal Statutes, &c. which were spent upon the *Suits*. *Ibid.* 17.

1608. them back, and fold them in *England*. The Merchant I just mentioned, intimating to the King and Ministry, that a great profit would accrue to *England*, if the Cloths were dressed at home, obtained a Patent to dress and dye them, exclusive of all others. Then the King published a Proclamation, forbidding all persons to send any white Cloths abroad. Whereupon the *Hollanders* prohibited the importation of dyed Cloths from *England*. So the Merchant who obtained the Patent, not being able to sell his dyed Cloths any where but in *England*, was forced to dress and dye only a small quantity. This raised such clamours amongst the Cloth-weavers, that the King was obliged to permit the exportation of a certain quantity of white Cloths. At length, the Court by degrees connived at the offenders, and the Woollen-trade continued upon the same foot as before (1).

The same year, the King ingroffed to himself the selling of *Allum*, which had been lately found out in *England*, and prohibited the importation of foreign *Allum*, by Proclamation (2).

Whether the King intended to be revenged of the *Hollanders* for breaking his measures with respect to the Woollen Manufactures, or only to draw money from them, a Proclamation was published, prohibiting all foreign Nations to fish on the Coasts of *Great-Britain*. This occasioned the next year a Treaty, whereby the *Hollanders* engaged to pay an annual sum for leave to fish. The King would have afterwards broke the Treaty, and taken from them the licence he had granted them; but they maintained their privilege against his consent, by guarding their Fishing-Boats with men of war. *James* being a pacific Prince, did not think this a sufficient motive to quarrel with them.

Archbishop Bancroft never ceased to plague the Puritans, to oblige them to conform to the Church of *England*. For this reason, great numbers of these people resolved to go and settle in *Virginia*, discovered in the late Reign by Sir *Walter Raleigh*. Accordingly, some departed for that Country; but the Archbishop seeing many more ready to take the same Voyage, obtained a Proclamation, enjoining them not to go without the King's express licence. The Court was apprehensive this sect would become in the end too numerous and powerful in *America*. This very year the Archbishop made a fresh attempt concerning the twenty-one Articles formerly mentioned: but the opposition of the Judges was so strong, that the King, however desirous he was to please the Prelate, durst not proceed.

The Treaty at the *Hague* concerning a Peace between the Archduke and the States, was an important affair, in which it seemed, the King should have had a great share, and yet he appeared not to be much concerned. However, he made two Treaties with the States, the first whereof was concerning the payment of what was due to him. The other contained an alliance, which was not to take place till after they had concluded a peace with *Spain* (3). Then he sent Sir *Robert Spencer* to the *Hague*, to assist at the negotiations of Peace, jointly with Sir *Ralph Winwood*, his Ambassador in ordinary. Numberless difficulties occurred in this affair, the chief whereof was, that the King of *Spain* refused to speak plainly with respect to the liberty of the States. He had ratified the Archduke's declaration, but it was on condition the Peace should be made, and the States would treat only upon the foot of Free States. Besides, in the King of *Spain's* ratification were certain ambiguous expressions, which the States were not pleased with. They knew also, that whilst they were negotiating at the *Hague*, the *Spanish* Court was endeavouring to gain the King of *England*, and for that purpose, had sent to him *Don Fernando de Gironne*, a Lord of great distinction, as Ambassador extraordinary. This made the States extremely uneasy, and the more, as *James* affected on all occasions to intimate, that he looked upon them as Re-

bels. He applied to their case the general maxims of Sovereignty, and firmly believed, what he would have had universally thought, that Subjects ought not to withdraw their allegiance from their Prince upon any account whatsoever. Hence may be judged what effect his mediation could have. Accordingly his Ambassadors made a very little figure throughout the whole negotiation. *James* managed every thing, the *English* Ambassadors acting but faintly, and shewing little or no desire that the Treaty should succeed.

What endeavours soever *James* might use, it was not possible for him to cause the Parties to consent to a Peace. And therefore he proposed at last a twelve or fifteen years Truce, during which both Parties should remain in possession of what they held without prejudice to their rights. But the States rejected it, unless their Liberty was plainly established. Whereupon the Ambassadors of *Spain* and the Archduke withdrew, as seeing no likelihood of Peace or Truce. However, *James* continued his instances to persuade the States to accept of the ratification as it was, and consent to some other Articles, on which there had been great debates. At length, by his many representations he obtained of the *United Provinces*, Zealand excepted, which stood out till the next year, what he desired to accomplish for the conclusion of the Truce.

King *James* did not gain much credit by this Negotiation. Besides his leaving every thing to the King of *France*, he acted not with sincerity, if we may believe President *Jeanin*, who in a Letter to the King his Master on this occasion, speaking of King *James*, says, *He pretends a willingness to procure a Peace, and yet obstructs it, by publicly saying, he cannot forbear condemning the States for rebelling against the King of Spain their Sovereign*. Indeed, *Richard* did not scruple to own in a Letter to *James*, that the King of *Spain's* firmness was entirely owing to the King of *England's* promise, that the liberty of the States should not be mentioned in the Treaty of Truce (4). *Henry IV.* had no great opinion of *James*, as appears from his writing to *James*, that he knew what that — was capable of, but however it did not break his rest (5).

The Province of *Zealand*, resolving to follow the sentiment of the other Provinces, the Conferences were renewed at *Antwerp*, where a twelve years Truce was signed, April the 9th, 1609. By this Truce, the States obtained that the King of *Spain* and Archduke owned them as free and independent, and even avoided renouncing the Navigation and Trade to the *Indies*, which had been a principal obstacle to the negotiation.

James discovered no satisfaction at the advantages obtained by the States, because he considered it as a precedent very dangerous and prejudicial to the sovereign authority of Kings, with which he was ever extremely prepossessed. This evidently appeared at present, by his licensing two Books, which maintained the most extravagant maxims of arbitrary Power. The first writ by *Casul Doctor* of Civil Law (6), laid down these three Principles: —

1. That the King was not bound by the Laws, or his Coronation-Oath.
2. That the King was not obliged to call a Parliament to make Laws, but might do it alone by his absolute Power.
3. That it was a great favour to admit the consent of the Subjects in giving Subsidies.

The other Book was composed by Dr. *Blackwood* a Clergyman, who laid down this principle, that the *English* were all Slaves by reason of the Norman Conquest.

The Parliament which met the next year, took this affair to heart, and would have severely punished the authors of these Books; but the King interposed, and frustrated the Parliament's design, by publishing a Proclama-

(1) *Albion* *Coke*, with some Irish Clauses, having promised *Richard*, *Norhampton*, and the Lord Treasurer, great sums of Money, they presented him a Patent for dressing and dying of Cloths, and got the King to give into his hands the Charter of the Merchant Adventurers, for transporting of white undyed Cloths. But by reason of the *Hollanders* Prohibition, and *Coke*'s dying, and dressing Cloths wick and dower than they were in *Ireland*, infinite numbers of poor People lay idle, and were reduc'd to a starving condition. So the matter fell to the Grounds. *Coke*, p. 70.

(2) At this time Sir *John Brudenell* joining with the Lord *Shaftesbury* of the North, Sir *Thomas Chaloner*, Sir *David Forrester*, and others who had Lands in the North brought the making of *Allum* to prohibition in *England*, which with great clamour was then fetched from foreign parts, particularly from *Italy*; and the King took the whole traffick thereof to himself. *Howe*, p. 88.

(3) These two Treaties bear date June 16. The sum due from the States to King *James*, are in the former Treaty computed at eight hundred and eighty thousand, four hundred and eight Pounds Sterling. See *Rymor's Fed. Tom. XVI.* p. 674.

(4) The Earl of *Suffrey*, in a Letter to Sir *Robert Winwood*, of the 28th of December 1608, clears the King from this Imputation. And in another Letter of the 1st of January 1608-9, to Sir *Charles Cornwallis* then Ambassador in *Spain*, he tells him, "That *Richard* had reported he was the Author of this." Correspondent, in his Majesty is so much persuaded of your Faith and Discretion, that you will not intermeddle in any thing beyond the Scope of your "Duties." In another Letter of the 27th of January 1608-9, to the same Sir *Charles*, the Earl says, "Richard does not directly clear you, and cast the Imputation upon the Spanish Ambassador, who should have given such hopes by Letters, as having received them from the mouth of us that are of his Majesty's Council. But the Ambassador being challenged, did profess to the contrary, with all the Vows that may be. So as we see it was a device set on foot at *Brussels*, to colour the delays from *Spain*, and to save themselves from being discover'd in their Proceedings." See the Collection of State Papers in the Reign of *James I.* p. 469, 472, 474. where it seems to be plain that it was all a business of *Richard's* to serve his master's turn.

(5) This year *James* was a Clergyman, (as *Rapin* by mistake says) but Doctor and Professor of Civil Law in Cambridge, and Vice General to Archbishop *Bancroft*. He published a Book called the *Interpreter*, containing the signification of such words and terms as are mentioned in the Law-writers and Statutes. It was printed at Cambridge first in Quarto, in the year 1607. It hath been enlarged and reprinted in Folio; but in all the later Editions, the Authors and Editors have been corrected or omitted.

1608.

Tellings of
James.
Lectures de
James.

1609.
Truce of
twelve years
in the Low-
Countries.
Holland.

James dis-
covers more
and more his
Principles
concerning
the Royal
Power.
Books upon
that Subject.
Coke, p. 69.

His design
to dissolve
the Parlia-
ment upon the
Author of
this Book.
Ibid.
Howe,
p. 89.

tion.

1609. tion, to forbid the reading of these Books, and to order the Copies to be delivered to the Magistrates. But such Proclamations are usually ill-obeyed, especially when it is not the King's interest to see them strictly executed (1).

1610. The King's Proceedings increased the discontent of most of the English. The Proclamations which were every day published, and whereof several were upon Subjects not used to be decided by the former Kings without the concurrence of the Parliament, and the indiscreet Speeches of the Courtiers, who rally'd the People's Privileges, bred suspicions and jealousies, which the King was not sufficiently careful to stifle in their birth. On the other hand, his condescension for the Roman Catholics, whose cause he espoused on all occasions, their access and credit at Court, even to their being admitted to the most important Offices, and into the Ministry itself, created fears in the People, and caused them to suspect some Plot was formed against the Protestant Religion. The Ministers knowing these dispositions, were justly apprehensive of meeting great difficulties in the Parliament, which was to sit the 9th of February. The King intended to procure money, of which he was in great want, tho' he had no war upon his hands, nor any affair which seem'd to require an extraordinary aid. It was therefore necessary at least to give the Parliament good words, and try to palliate his immense expences, since his accession to the Crown. But James believing it to be derogatory to the dignity of a Sovereign, to make an Apology himself to his Subjects, ordered the Earls of Suffolk and Salisbury to do it for him.

The Earl of Salisbury, who was the spokesman, declared to both Houses, "that they were met, first, to supply his Majesty's wants; secondly, to redress the People's grievances." Then he told them, "that the King, willing to show them a singular mark of his favour, had resolv'd to create his eldest Son Prince Henry, Prince of Wales, during the session of the Parliament, though he was free to do it at any other time, as by many Precedents was evident." Having thus endeavour'd to gain the King the Good-will of both Houses, by its strong an argument of his Majesty's regard for them, he demonstrat'd, "it was not without just reasons that the King demand'd money, since what he had received had been laid out in very necessary expences. First, as for the three hundred and fifty thousand pounds due in the late Queen's time, he no sooner received the money with one hand, but he paid it away with the other, in redeeming the Crown-Lands, which had mortgaged to the City of London (2). Secondly, he was forc'd to keep on foot for some time, an Army of nineteen thousand men in Ireland, not deeming it proper to make Peace with Spain without the sword in his hand. 3. He was oblig'd to bury Queen Elizabeth, whose obsequies were very expensive (3). 4. His own journey from Edinburgh to London could not be performed without money; for it would not have been decent for a King to come the first time to his Kingdom like a private person, and without a numerous train. 5. Neither was it fit that his Royal Consort, with his Children, the Kingdom's future hopes, should be expos'd to robbers, without a guard and retinue, and consequently their journey must have been very chargeable. 6. The King of Denmark's visit was so honorable to his Majesty, that he could not dispense with giving him a suitable and magnificent reception. 7. The Ambassadors who came from all parts to congratulate him upon his accession to the Crown of England, could not be sent back without presents, for the honour of the English Nation, besides the charge to entertain them during their stay (4). 8. The King was oblig'd to send Ambassadors to the Princes by whom he was congratulated, and to return their civilities (5).

These were the causes, according to the Orator, of the King's wants, and not, as some affect'd to give out, his indiscreet bounty to his Servants. "But, added he, how could a bounty be worthy of a King be blamed? If he did not give to his Servants, they would be miserable in a Country abounding with riches. As for the Scots, it must be remembered, that tho' they were not born in the Kingdom, his Majesty was born among them; and not to have them taste of the

1610. blessing he had attained, were to have him change his Virtue with his Fortune. Upon all these accounts, his Majesty desires the Commons to supply, his wants, which mark of esteem could not be denied to a King, who is not only the wisest of Kings, but the very image of an Angel, that has brought good tidings to the English, and secured them in the enjoyment of perfect happiness; to a King, who by his vast knowledge and noble endowments, deserves the Title of Defender of the Faith; to a King who has shut the back-door by which England was liable to invasions, and who only feels that every man may live happy under his own Olive. That none will wonder or startle at the King's desiring a Supply, but such as study to serve their own turns, and believe nothing but what they find written in the Stories of their own Ignorance. Among whom are to be reckon'd those, who hearing of an order to bind up the printed Proclamations in a book, that the better notice may be taken of the things contained in them, have spread a report, that the King intended [this Parliament] to make Proclamations equal to the Laws, which never entered into his thoughts. That so far is he from governing by will and pleasure, that he is ready to hearken to any motion from the two Houses, provided they keep a just proportion, and observe what is due to a great and gracious King."

This Speech produced not the effect hop'd by the King and his Ministers. Some of the Commons loudly complain'd of the King's prodigality, and excessive bounty to the Scots (6). They said, the whole wealth of England would not serve to satisfy their avidity, that since the King's accession Gold and Silver were as common in Edinburgh as stones in the streets, and that all the riches of England flow'd thither, where they were swallow'd up in a gulph, and never return'd. Others said, it was visible, the King was gradually undermining the Nation's Privileges by continual encroachments. That he design'd to establish the Civil Law, in the room of the Common Law, and had dropp'd some expressions to that purpose at his own table. Finally, he had approv'd of a Book lately written, the design whereof was to render the Common Law contemptible.

But what made most noise in the Lower-House was the High-Commission, which exercis'd in the Kingdom a kind of Inquisition for matters of Religion and State. For the better understanding this cause of complaint, it must be remembered, that when Henry VIII. was declar'd supreme head of the Church of England, he appointed Cromwell for his Vicegerent in religious affairs, with power to exercise the Supremacy in his name. After the tragical end of this first and only Vicegerent, this office was executed by Commissioners. And this is what was call'd the High-Commission, which continued during the Lives of Henry VIII. and Edward VI. and ceasing in Mary's Reign, was revived by Elizabeth. In her Reign the High-Commission exercis'd its authority with great moderation. But the case was otherwise under James I. This Prince as I have frequently observ'd, mortally hated the Puritans, and after his Proclamation for Uniformity, it was the High-Commission's business to see his injunctions executed. It may easily be guess'd that the Commissioners who were all nam'd by the King, were not favorable to the Puritans. Accordingly, they very rigorously exercis'd their power. Had they stopp'd there, this severity upon a set of obnoxious People, as they were reckon'd, and whose number was small in comparison of the Episcopians, would not have excited the complaints of the Lower House. But they went much farther. I have observ'd, that because the Puritans were against the Hierarchy, the King infer'd they were also against Monarchy, and there were but too many who labour'd to confirm him in this notion. For this reason, all who were not very submissive to the King's orders, or great assertors of the privileges of the People, were affectually call'd Puritans (7). Under this pretence the High-Commission proceed'd against them, and wanted not means to molest them. Thus to be really a Protestant and Member of the Church of England, the communicating in that Church, and complying with the external worship were not sufficient, the King's authority was also to be acknowledged as extensive as his flatterers were pleas'd to make it. They who ventur'd to censure

(1) The fifteen years Letters Patents granted by Queen Elizabeth to the East-India Company expiring about this time, King James granted them, in May this year, an enlargement of their Privileges, and a Charter whereby he incorporat'd them for ever. Brown, p. 893, 894.

(2) July 2, 1607, King James repaid the City of London 50000*l.* that had been borrow'd by Queen Elizabeth in Feb. p. 1598. Brown, p. 890.

(3) His funeral charges were 17,458*l.* And the expence of the King and his Train on his journey from Scotland to London, amounted to 107,28*l.*

(4) When the Marquis of Rothen the French Ambassador landed at Dover, the King sent him word, he could not but bear the Charges of the Ambassadors, by reason of their number. See *Mém. de Suéy. Rep.*

(5) The charge of the foreign Ambassadors that came to England was, 31,400*l.* And of the English Ambassadors sent into foreign parts, 20,790*l.* State of the Revenue, p. 12.

(6) His Majesty's out of the Exchequer, paid mostly to Scots, amounted to above 40000*l.* yearly. See *State of the Revenue*.

(7) Under that general term, says Osborn, were comprehended not only those strict Puritans, as did oppose the Discipline and Ceremonies of the Church; but such as out of mere honesty refin'd the vices of the Times, were brand'd by this Title, § 16.

1610. his conduct, and question his unlimited power; were deemed infected with Puritanism, and to reason upon Puritanical principles. So, there were then two sorts of Puritans, Church-Puritans, and State-Puritans. But the High-Commission affected to confound them one with another, in order to exercise authority upon both. This was the occasion of the complaints in the House of Commons.

The King being informed of what was talked in the Parliament, sent for both Houses to *Whitehall*, and endeavored to show, he was unjustly complained of. But withal, he intimated by some expressions which plainly discovered his sentiments, that if he did not rule with an absolute sway, it was not for want of power, but entirely owing to his equity.

The King's Speech to both Houses. Wilton. p. 68a.

He told them, " Though the King's heart be in the hands of the Lord, yet he will set it before the eyes of the People; assuring them, That he never meant to govern by any law, but the law of the land; tho' it be disputed among them, as if he had an intention to alter the Law, and govern by the absolute power of a King. He knew, he said, the power of Kings, rendering it to the power divine: For as God can create and destroy, make and unmake at his pleasure, so Kings can give life and death, judge all, and be judged of none. They can exalt low things, and abase high things, making the Subjects like Men at Chess, a Pawn to take a Bishop (1). And when he had raised the King's power to the height, with, *Ye are Gods*, he brings them down again with, *They shall die like Men*: And that all Kings, who are not tyrants or perjured, will bound themselves within the limits of their Laws; and they that persuade them the contrary, are vipers and pests both against them and the Common-wealth. Yet as it is blasphemy to dispute what God may do, so it is sedition in Subjects to dispute what a King may do in the height of his power. And as he will not have his Subjects' discourse of what he may, so he will do nothing but what shall be consonant to Law and Reason. Then he strives to mitigate the sharpness of the words dropped from him at his Table, to the disparagement of the Common Law, on which he bestows very high Encomiums; but recalling himself, he points out some corruptions in it (2).

After which, he addresses himself to the House of Commons, and not only thanks them for the bonfire they made of certain Papers, which were presented as grievances from some discontented murmuring Spirits; instructing them how to receive grievances hereafter: In which he would have them careful to avoid three things.

" The first, That they meddle not with the main points of Government, that is his Craft. To meddle with that were to lessen him, who hath been thirty years at the Trade in Scotland, and served an Apprenticeship of seven years here [in England.]

" Secondly, He would not have such ancient Rights as he hath received from his Predecessors accounted grievances; that were to judge him unworthy to enjoy what they left him.

" And Lastly, That they should be careful not to present that for a grievance, which is established by a Law; for it is very undutiful in Subjects to press their King wherein they are sure to be denied. Complaints may be made unto them of the High-Commissioners, let the abuse appear then, and spare not; there may be errors among them; but to take away the Commission, is to derogate from him; and it is now in his thoughts to rectify it in a good proportion.

" Then he shews the emergent cause of his great expences, since his coming to the Crown, which makes him desire a supply from them. And if they refuse to grant it him, his reputation will suffer at home and abroad; for the world will think it want of love in them, or merit in him, that both lessened their hearts, and tied up their hands towards him."

The Commons make their remonstrance.

There was need of no great penetration to perceive in the King's Speech, the maxims on which he pretended to have a right to govern the English Nation, and his idea of Monarchy in all Countries without distinction. He

spoke so plainly, that it would have been difficult not to understand him. If it was Sedition in Subjects to dispute about the extent of the regal power; it necessarily followed, the King might do any thing; and if he ruled not like a tyrant, it was not for want of power, but entirely owing to his justice and clemency. In short, if the whole Speech be examined, there is scarce a word but what tends either plainly, or ambiguously, to establish in the King an absolute and despotick power. The English had not been used to hear their Kings speak in this manner. Henry VIII. the most arbitrary of all, managed the Parliament, in order to procure Acts in favour of the Sovereign, but never pretended to establish his authority upon such principles. So, the Commons evidently perceiving what the King had in his thoughts; resolved strenuously to oppose his designs. But it was not yet a proper season to begin. Such great bodies require time to form and execute their projects. They feigned therefore to take no notice of the maxims the King would have established, and granted a Subsidy, though a much smaller than he expected (3). This done, the Parliament having till July 23, was prorogued to the 16th of October (4).

Before the end of the Session, the King created his eldest Son Henry, Prince of Wales (5), and settled his Household, so that the young Prince kept his Court at St. James's, whilst the Queen kept hers at Somerset House, to which she gave the name of Denmark House; but it was called so only during her life, and among her own people. Thus the King had three Courts to maintain, which was very expensive.

All the Historians affirm, the Prince of Wales was of a very different Character from that of the King his Father. Though he was but sixteen years old, there appeared in him principles of equity, justice, moderation, magnanimity, which so gained him the love and esteem of the English, that the King could not forbear being jealous. His Court was well regulated, no extravagancies or indecencies were seen there, except perhaps the too frequent Masquerades, which were then much in vogue, because the Queen was passionately fond of them. As for the King, 'tis said, he did not spend much of his time in State-affairs, but entirely trusted to his Ministers. It may be, this is a little aggravated, though it is not very unlikely, that a Prince who was in peace with all the world, and a great lover of Books, and Hunting, should leave common affairs to his Ministers.

Whilst James lived in profound tranquillity, the eyes of all Europe were fixed upon Henry IV's grand project to humble the House of Austria. This House daily grew so formidable, that it might very justly raise the jealousy of the other States. What had lately happened on account of the Succession of John-William Duke of Cleves, was a clear evidence how attentive the House of Austria was to aggrandize itself on all sides. The Duke of Cleves dying the 25th of March 1609, his four Sisters, and their Heirs, claimed his Inheritance, containing the Duchies of Cleves, and Juliers, and the Earldoms of *la Marck*, *Berg*, *Ravensberg*, and *Ravennstein*. The chief Competitors were, *William*, Son to the Duke of Neuburg, *John Duke of Brunswick*, both of the *Palatin* family, *John Sigismund*, Elector of Brandenburg, *Christian II.* Elector of Saxony, and *Charles of Austria*, Marquis of Burgau. Whilst these Princes contended about the Succession, the Emperor *Rudolph II.* pretended it was to be committed to his trust, till the affair was decided. To that purpose, he sent his orders to *Lepold of Austria*, Bishop of *Strasburg*, who entering the Duchy of *Juliers* at the head of an Army, took the capital City, and left a Garrison in it. This proceeding convincing the Elector of Brandenburg, and the Duke of Neuburg, that whilst they were contending about the Duke of Cleves's Succession, they both ran the risk of losing it, they joined in a league, and taking possession of the rest of the deceased Duke's dominions, implored the assistance of France and Holland to support them. Henry IV. who had now made great preparations against the House of Austria, promised to assist them in person. At the same time, he ordered the Troops he had in Holland, to be ready to join him in the Duchy of Cleves, and desired the States to fend thither also Prince Maurice, with part of their own forces. But whilst he was preparing for this Expedition, he was murdered by

1610.

Henry created Prince of Wales. June 4. Ad. Pub. XVI. p. 681. Wilton. p. 684, 685. Howes.

Character of the Prince of Wales. Ibid. Welwood. p. 19, 20. O'Brien. p. 37, 38.

Welwood.

War about the Succession of the Duke of Cleves. Grolius. Wilton.

Henry IV. is Rashed. May p. Caudet's Analu

(1) But the King left out the power of a Pawn to take a Queen, or check a King. Wilton.

(2) He without that three things especially were returned in the Common Law: 1. That it were written in the vulgar Tongue, and made plain to the People's understanding. 2. That it might have a settled Text in all cases, and the exposition of it were fixed by Acts of Parliament. 3. That the divers contrary Reports and Precedents, and the several Statutes and Acts of Parliament that crossed one another, might be reviewed and reformed. See Wilton, p. 68a.

(3) They granted him one Subsidy, which brought into the Exchequer 69444 *l.* and a Fifthpart and Tenth, which amounted to 38500 *l.* See *Truth brought to Light*, p. 10, 20. The Clergy granted also a Subsidy. See *Statut. 7. Jacob. c. 25.*

(4) The Acts made in this Session were these: 1. That all such as are to be naturalized, or refused in blood, shall first receive the Sacrament, and take the Oaths of Allegiance and Supremacy. 2. An Act for the due execution of divers Laws and Statutes against Rogues, Vagabonds, and other idle and idle Persons; whereby it is provided, That there shall be a House of Correction erected in every County, to set such Persons to work. 3. An Act to avoid the double payment of duties. See *Statut. 7. Jac.*

(5) He was knighted before, in 1609. Upon which occasion the King forgot not to require the AM, usually paid the Kings of England, upon making their eldest Son a Knight. This Act was twenty Shillings out of every Knight's Fee; and the same out of every twenty pounds worth of Lands immediately holden of the King in Socage: And amounted in all to 17,800 *l.* See *Rymor. Fœd. Tom. 26. p. 678, 80. Declat. of the Brevets*, p. 10.

1610. *Revaillac* [a Frier] in his own Coach, in the midst of Paris (1).

The murderer's confession (2), discovered, that this regicide was committed in consequence of that Doctrine of the *Remish Church*, which was so disagreeable to King James, and the Jesuits were universally believed to be concerned in it. Wherefore James finding how much it behoved him to remove from his person, men who held so detestable a Doctrine, issued out a fresh Proclamation, commanding all Jesuits, [and Priests,] to depart the Kingdom, and all Recusants, not to come within ten miles of the Court. Then he caused all his Subjects to take the oath of Allegiance, which the Parliament, then sitting, had first taken.

The Court of Spain was generally suspected of contriving the King of France's murder, because, that Prince was known to be making great preparations against the House of Austria, and that House was not seen to prepare to oppose his designs. Mean while, whether James did not believe it, or thought it advisable to gain the friendship of a House so formidable to the Protestants, he sent to Sir Charles Carmichael (3) his Ambassador to negotiate a Marriage between the Prince of Wales and the King of Spain's eldest Daughter (4).

Richard Bancroft Archbishop of Canterbury, a grand adversary of the Puritans died about this time. He had procured the King's Patent to found a College at *Chelsea*, for the maintenance of a certain number of able Controversialists, who were to combat with their Sermons and Writings, the adversaries of the Church of England, as well Puritans as Papists, but his death put an end to the project (5). George Abbot, who succeeded him, was of a very different character. He was even suspected and accused of being a Puritan, because he would not, like his Predecessor, persecute that Sect, nor blindly follow the maxims of the Court with respect to Government.

The Parliament meeting the 16th of October, the Commons were in a humour which pleased not the King. And therefore he determined to dissolve the Parliament by Proclamation the 31st of December, having first provoked it (6). The Ministers finding by the motions made in the Lower-House, that a resolution was taken to use the most effectual methods to redress the grievances, thought it against the King's and their own interest, to suffer the Commons to execute this project. The pretences for dissolving the Parliament set forth in the Proclamation, were,

That the King had proposed many things far differing and surpassing the Graces and Favour of former times, both in nature and value, in expectation of a good conclusion of some twelvemonth, which had been then in deliberation, not only for the supply of the necessities of his Majesty's Estate, but for the ease and freedom of his Subjects: But these being, the two last Sessions, little taken notice of; and that the members, by reason of the length of the Parliament, were debarr'd from the hospitality they kept in the Country, and that divers Shires, Cities, and Boroughs, had been burdened with expense of maintaining their Members; for these reasons he dissolved them. This Parliament, being the first of this Reign, had sat seven years. From its dissolution to the year 1614, it was the Ministry's business to devise ways and means to supply the King's wants.

On the 18th of September Prince Maurice became master of *Juliers*, with the aid brought by the Marshal *de la Chatre* from France, and the English Forces that were in the Service of the States, under the command of Sir Edward Cecil, the Earl of Salisbury's Brother (7).

The King being freed from the incumbrance of the Parliament, and resolving never to call another, the Courtiers greatly applauded his design. An absolute Government was much more for their advantage, than a Government bounded by the Laws, where the King in some measure depends on the People. The whole Court was overjoyed at the King's shaking off the troublesome yoke of the Parliaments. The three Courts were a continued scene of mirth and diversions, and especially the Queen's where scarce any thing else was regarded. She had her

Favorite, as the King had his, that is, persons whose avidity was to be satisfied (8). The King however had not yet a Favorite, according to the usual sense of the word, though, whilst he reigned in Scotland, he had plainly showed he could hardly be without one. Perhaps, the ill offices, the English and Scots did one another, had, till now, prevented the King from fixing. Besides, this Prince's taste was very different from that of most others. Neither virtue, nor merit, nor eminent qualities, had any charms for him. He was to be captivated only by something external and dazzling, as youth, gracefulness of person, fine cloths and the like. Never was Prince so much taken with such sort of outward accomplishments. I speak upon the testimony of the Lord *Clarendon* (9), and several others, and upon the characters of this Prince's favorites as well in England as Scotland, in whom no other merit was ever acknowledged. He this as it will, among the English and Scots who approached the King, there was not yet found any one possessed of the qualities requisite to become his favorite. He wanted an inexperienced Youth, whom he might mould as he pleased. The English and Scots accounting it a sort of miracle that he could live so long without abandoning himself to some person, strove with emulation to give him a Favorite, without his perceiving it, by causing all the Youths of their Nation, whom they thought most capable of gaining his heart, to appear in his sight. But hitherto neither had been able to compass their ends. It was not till 1611 that the Scots found means at last to gain the advantage of their Rivals, by giving the King a Favorite of their Nation.

Robert Carr, a young Scotch Gentleman, about twenty years of age, just come from learning his exercises in France, going to Court to wait on the Lord Hay, his Countryman, to whom he was recommended, that Lord had no sooner cast his eyes on him, but he imagined him a fit person to fix the King's affection. With this view, he refused to show him at Court, and surprize the King, by presenting to him, as by chance, this new object. One day at a tilting, he chose Carr to present his Shield and Device to the King, according to custom. The King being on horseback, and Carr advancing to perform his office, his horse by some accident happened to start, throw him down and break his Leg. The King forry for this misfortune, asked who the young man was, and hearing his name was Carr, remembered he had a Page of that name in Scotland, which proved to be the same. This made him still more concerned for his fall, and was the cause of his ordering him to be lodged in the Palace, and all possible care to be taken of him. The tilting was no sooner over, but he visited Carr in his room. Next day he came again. In short, as long as Carr kept his bed, not a day passed but the King spent an hour or two with him. He found in this young Scot no great depth of learning, or experience, yet such a calm outside, as made him think there might be a fit harbour for his most retired thoughts. Wherefore he resolved to fix his inclination upon this object, hoping to render him, by his instructions, as great a man as any of his Ministers. As soon as Carr was recovered, the King made him a Knight, and Gentleman of the Bed-Chamber, and took the pains himself to teach him Latin. In a word, Carr became a perfect Favorite. All Suits, all Petitions were addressed to him, and no favours granted but by his means. Happily for him [George Home] Earl of Dunbar, a Scotchman, who was very much esteemed by the King, died about this time. So Carr enjoyed the King's favour without a rival, and was raised to the office of Lord Treasurer of Scotland, vacant by the death of Dunbar.

The King's new inclination hindered him not from interposing in the disputes caused in Holland by the diversity of opinion upon certain religious points, between the *Gomarists* and the *Arminians* or Remonstrants. These disputes are so well known, that it would be lost time to explain them. It will suffice to relate the occasion of the King's interposing without being applied to, and even with an extraordinary zeal, for the preservation of Orthodoxy in this Church, though foreign and Presbyterian.

(1) Soon after this, viz. August 19, King James renewed the League between the Kingdoms of England and France; and received from Louis XIII. forty thousand French Soldiers, due to the Crown of England. See *Rymer's Fœd. Tom. 16. p. 694—706.*

(2) At his execution he boldly testified he did it, because the King did not take arms against the Huguenots, and that his making war against the Pope, was the same as to make war against God. *See the Pope was God, and God was the Pope. Cave.*

(3) Rapin, by mistake, says, the King sent the Lord Carmichael.

(4) It appears from a Letter of the Earl of Salisbury, that the first overtures of this Match came from the Court of Spain. See *Wrenwood's Mem. Tom. 3. p. 191, &c.*

(5) There is a formal Act of Parliament in being for the establishment of this College. *Wijze, p. 65.* Dr. *Walsdon* thinks, Archbishop Bancroft was the Author, though he might be an encourager of this Foundation. *Notes on Wijze, p. 65.* The Founder was Dr. *Scutcliffe* Dean of *Exeter*. This College was to consist of a Prebend and twenty Fellows, to be chosen by the Archbishop of Canterbury, the Bishop of London, and the Vice-Chancellor of the two Universities. *Scutcliffe* refused it with good cause, and gave it to Henry. His death, which happened about the time, rather than *Bancroft's*, as *Rapin* says, put an end to the Project. Those of the Farms wherewith it was endowed, were afterwards adjudged by a Devise to Henry to Mr. *Heley*, as Hele granted to Dr. *Scutcliffe*. The site of this College coming in process of time into the King's hands, it was founded a new for old and disabled Soldiers, as it now stands. See *Fulcr. B. X. p. 51. See Stone's Survey, Vol. 1.*

(6) It was prorogued to February 9, and not dissolved till that day, as appears by the *Journals of Parliament.*

(7) There were four thousand English at this Siege. *Wijze, p. 65.* *Rymer's Fœd. Tom. 16. p. 684.*

(8) Her chief Favorite was the older Brother, the Earl of Pembroke, and the King's younger, Philip Herbert, Earl of Montgomery. *Wijze, p. 685.*

(9) Of all wits *Monsieur*, he was the most delighted with hard one Persons and true Cloaths. *Clarendon, Vol. 2. p. 9.*

1611.
St. William,
De Maurier

Franciscus Gomarus and *Jacobus Arminius*, both Divinity-Professors in the University of *Leyden*, had four years since discovered a difference in opinion, concerning absolute Predestination, Inamissibility of Grace, and some other Theological points. They began their disputes at the end of the last Century; but the war at that time not permitting people to attend to their controversy, it was confined to their Schools till the Year 1608. *Gomarus* followed the opinion of the first Reformers, and *Arminius* took a contrary course. At last, the States of *Holland* perceiving a Schism was forming in their Church, endeavoured to prevent it by means of a conference, which served only to inflame it. The disputes continued; each strengthened his party; and the States, being then employed in the important affair of the Truce, could not attend to this, and prevent its consequences. *Arminius* dying in 1608, his disciples and followers continued the dispute. At length they presented to the States a Petition, containing the Articles of their Faith; and as, instead of the Term Petitioners, they used that of Remonstrants, they were so called, and gloried in the name. The *Gomarists* presented likewise their Petition, styling themselves *Contra-Remonstrants*. For some time the two parties were known by no other names. But afterwards, that of *Contra-Remonstrants* was scarce heard of, whilst *Arminius's* followers are still called *Remonstrants* or *Arminians*.

Arminius's Professorship was filled with *Conradus Vorstius*, Divinity-Professor at *Steinfert*, in the County of *Bethem*. This divine had published a Treatise concerning God, which had so exerted the *Gomarists* against him, that he was obliged to clear himself in a printed Apology from their imputations. But notwithstanding, before he came to *Leyden*, he was represented as a real Socinian. In 1611, he was attacked by some Divines, who offered to show damnable Errors both in his Treatise concerning God and in his Apology. The two Books being sent into *England*, the King read them, and presently after sent to Sir *Ralph Winwood*, his Ambassador at the *Hague*, a list of the errors he had remarked, ordering him whither to declare to the States, that he was resolved to publish in print, how much he detested such abominable errors, and the allowers and tolerators of them. This was directly falling upon the States, who had acquitted *Vorstius*. The Ambassador presented therefore on this occasion a Memorial, to which the States returned a modest answer, tho' they had reason to complain of the haughtiness, the King treated them with. Before the King received the answer, he had ordered some of *Vorstius's* Books to be publicly burnt at *London*, *Oxford*, and *Cambridge*. Notwithstanding all this, *Vorstius* was received at *Leyden*, and the King wrote against (1) him to the States with so much vehemence, that, in his opinion, burning was too good for him. Nay he threatened, that in case they continued to tolerate this Professor, he would cause the Churches of *England* and *Scotland* to withdraw from the Communion of that of *Holland*, and exhort all other reformed Churches to follow the example. *Winwood* when he delivered this Letter, made a Speech to the States, wherein he perfectly seconded his master's intentions.

Though the States of *Holland* thought it very strange to be thus checked, they believed however it was proper to show a regard to the King of *England*, though without complying with what he required. To this end, they answered the Ambassador, that they had provisionally ordered, that *Vorstius* should forbear the functions of his office till the next Assembly upon this affair, and in the mean time remain at *Leyden* only as an Inhabitant. *Winwood* took this answer for a denial, and complained in very haughty terms, of their little respect for the King his master. Not long after, the King published a Declaration against *Vorstius*, wherein he uses the States of *Holland* very roughly. Then the States, who were unwilling to quarrel with him, ordered *Vorstius* to remove from *Leyden* to *Gouda*, where he had another settlement provided for him.

It is difficult to guess the true cause of the King's great zeal on this occasion. It seems, on the contrary, that he ought not, upon many accounts, to have interposed in a Theological dispute, about which the States had not asked his advice, and which concerned a Church, over which he could not challenge the least jurisdiction. How could he, who in his Speech to both Houses of Parliament, cal-

led the questions about Transubstantiation, and the number of the Sacraments, mere School-questions, how could he, I say, account the questions concerning Grace in *Holland*, to be of so much greater moment? Moreover, he who thought the Papists might be tolerated in *England*, provided they behaved like good Subjects, could not bear that *Vorstius* should be tolerated in *Holland*, or even so much as suffered to live (2). These are contradictions which I can only venture to explain by three conjectures. First, as he pretended to be very learned in Divinity, he imagined, that having declared for one of the opinions, he was bound in honour to support it. Secondly, looking upon himself still as Protector of the States, he had a mind to exert his authority on this occasion, and oblige them to do as he required. Thirdly, he was willing to favour Prince *Maurice*, who had declared for the *Gomarists*, against the *Arminians*, who had Pensionary *Barnveldt* at their head. I return to the affairs of *England* (3).

The King's fondness for his new Favorite continually and swiftly encreased. The favours the King loaded him with, seemed to exceed all bounds. Having made him Knight, Gentleman of the Bed-Chamber, Lord-Treasurer of *Scotland*, he created him the 25th of March 1612, Baron of *Bransfeth*, and Viscount *Rochester*. A month after, he made him Privy-Counsellor, and then Knight of the Garter. Every thing at Court passed through his hands, and whoever desired any favour of the King, was first to make the Viscount *Rochester* his friend. So many favours heaped on this Favorite, convinced the Ministers and Courtiers, it would be in vain to endeavour to ruin him; and even to attempt it, would be very dangerous. So every one resolved to pay his adorations to the person the King was pleased to honour. The Earl of *Salisbury* however, was not pleased, to be surpassed by this newcomer, and continually obliged to use all his art to find money, in order to see it showered on a man whose services were yet so inconsiderable. All the Historians agree, the King was liberal beyond measure, in his presents to his young Favorite, as if he had been possessed of an inexhaustible fountain of Treasure, though he was ever in want. One day, as the story goes, the King having given him an order under his own hand, to receive twenty thousand pounds at the Exchequer, the Lord Treasurer *Salisbury*, surprized at the immensity of the present, considering how little money there was then in the Treasury, successfully used a Stratagem, to demonstrate to the King, the excess of his bounty. He ordered the money, [all in silver,] to be laid on four tables in a room of his house, and inviting the King to an entertainment, caused him to pass through the room as by accident. The King failed not, as the Lord Treasurer intended, to ask, for what all that money was designed; to which *Salisbury* carelessly answered, It was for the Viscount *Rochester*, according to his Majesty's command. Whether the King understood his meaning, or had not considered the greatness of the present, he said, it was too much for one man, and bid the Treasurer give him but five thousand pounds (4).

It is agreed by all the Historians, that *Carr* behaved at first very wisely, as Favorite. He was neither greedy nor insolent; he did every one what service he could, and especially the *English*, whose friendship he preferred before that of his Countrymen. He had but one Scotch Servant, and one friend of that Nation, a Cousin-german. This conduct rendered him agreeable to the *English*. The Prince of *Wales* alone, affected sometimes to mortify him, because they were both enamoured of the Countess of *Essex*, who gave the preference to the Favorite. This was sufficient to gain him the Prince's enmity, who nevertheless, would not be revenged of him. He chose rather to turn into contempt, his love for the Lady, who, as we shall see presently, was not worthy of such a lover. Except this Amour, which proved his ruin, the Favorite carried himself very prudently, being guided by the Counsels of Sir *Thomas Overbury*, a man of parts and great wisdom, who took care to keep him clear of those rocks, on which Favorites seldom fail to run.

But though the Viscount *Rochester*, carefully avoided being troublesome, his modesty served only to inflame the King's desire, to render him infinitely rich and powerful. This, added to the many bounties he bestowed on his Courtiers, both *English* and *Scotch*, and to the maintenance of three several Courts, threw him perpetually into straits.

K. James's
Works,
p. 314.

Winwood's
Mem. T. III.
p. 293, &c.
298.

K. James's
Works,
p. 315.

Winwood's
Mem. T. III.
p. 316, 317.

Remarks
on this Subject.

1611.

1612.
Carr is made
Privy-coun-
sellor.
Rochester.
Widom.
Candem's
Annals.
Howes,
Widom.
May 13.

The Treas-
urer's ar-
rival to find
the King's
bounty.
Coke.
Osborn.
Hibbard.
Narat. c. 6.

Protestan-
tism of
the Favorite.

Widom.

Widom.
Hibbard.
Narat. c. 14.

The King
loads him
with fa-
vours.

- (1) The King's second Letter was lost, though not delivered, before *Vorstius* was sent to *Leyden*. K. James's Works, p. 318.
- (2) King James, in his Declaration against *Vorstius*, says, "If the Subjects of *Vorstius's* Heres had not been grounded upon Questions of higher quality than touching the Number and Nature of the Sacraments, the Points of Merit, of Justification, of Purgatory, of the visible Head of the Church, or any such MATTERS, as are in Controversy at this day betwixt the Papists, and Us — in that case we should never have troubled our selves with the business in such fashion, and with that ferocity as hitherto we have done." p. 305, of his Works. As if wrong Notions or Errors concerning the Essence of God, were more pernicious than such corrupt Notions and Principles as are destructive of Morality, and unworthy to God's Moral Character!
- (3) In January this year, the King granted the learned *Juan Calasius* a Prebend in the Cathedral Church of *Canterbury*, and a Pension of 500 l. a year. Rymer's Fed. Tom. 16. p. 709, 710. — This year, on Decemb. 21, died Thomas Sutton, Esq; Founder of the *Charter-house* in *London*. This noble Foundation he endowed with about 4500 l. a year, for the maintenance of a Master, a Prebend, a Free-School, in which are forty Scholars, and a Master and Usher; not able for the maintenance of eighty poor People, who are to be provided with sufficient Cloathing, Meat, Drink, &c. &c. Street's Survey, p. 277.
- (4) *Rapin*, by mistake, makes the whole to be but 5000 l. and the King to reduce it to 2000 l.

His



From a curious Limning by Isaac Oliver in the Collection of R. Meade M.D.

G. Vertue del. et sculp.

1612. remove all melancholy objects from his sight, that might constantly renew his concern, or did not think proper to interrupt the diversions prepared for his Daughter's marriage. Decency obliged him, however, to defer the Nuptials a few weeks, as the Prince's funeral could not be performed till the 27th of *December*.

Presently after, the King held a Chapter of the Order of the Garter at *Windſor*, wherein the Elector *Palatine*, and Prince *Maurice* Stadtholder of *Holland*, were made Knights. They were installed in *February* following, both on the ſame day, the one at *Windſor*, the other at the *Houze*(1).

1613. The beginning of the year 1511, was wholly spent in preparations for the Prince's wedding, which was solemnized the 14th of *February*, the Elector having been installed Knight of the Garter [on the 7th.] Nothing was spared to render the entertainments on these occasions as magnificent as possible. To this end the King demanded Aid-money of his subjects, according to the ancient custom, observed when the Kings married their eldest Daughters. Though it was now a hundred years since this custom had been used, there having been no occasion since the Reign of *Henry VII.* yet few or none durst refuse to give what the King demanded. Great sums were raised by this means, which were all expended in the marriage (2). The Elector and the Princess dined in *England* till April, during which time there was nothing but entertainment, balls, masques, and other diversions. The *City of London* made the new married couple a splendid *feast*; after which, the Lord Mayor (and Aldermen) presented the Bride with a Chain of Oriental Pearl, worthy the greatness and riches of that Metropolis (3).

By the departure of the Ekket and Ekketoth (¹), the Court became a little more quiet, as to public rejoicings, which had held several months without ceasing. But the same time, a private scene was acting, the Plots whereof began to open this year, but were not quite unravelled till two years after. I mean, the affualling of the Earl of Effix's marriage; his Countess's fecond marriage with the Viscount Rechebor; and the violent death of Sir Thomas Ouebury. As these three incidents did not happen all at once, and by accident, but were gradually brought in, by diabolical practices, it will be necessary to relate some things already plotted, and which were deferred, that the thread of the story might not be interrupted.

Robert Cecil, Earl of Salisbury, was, as I observed, a mortal enemy to the late Earl of Essex, and one of the chief instruments of his ruin. This Earl left a Son, who being but nine years old, did not give Cecil much uneasiness, though the King, at his coming to England, reitold him to his estate and honours. Mean while, as this able Minister could not be ignorant of the King's affection for

the Father, he was apprehensive, that, one time or other, he should be made to pay for all his artifices to ruin that Lord. It was chiefly upon this account, that, in order to preceive the King's favour, he judg'd it proper to unite closely with the *Howard Family*, by his Son's marriage with the Earl of *Suffolk's* eldest Daughter (5). After which, perceiving the Earl of *Essex* to grow up, and fearing he might one day prove a thorn in his side, he believed it for his interest to be reconciled to him, and to confirm the reconciliation with the marriage of this young Lord to the Earl of *Suffolk's* second Daughter, younger Sister of his Daughter-in-law. Besides his own advantage by this alliance, he gave the King the pleasure to see his first-union three families, for which he had the greatest affection; namely, those of *Howard, Devereux, and Cecil*. This marriage was accomplished in 1606, the Earl of *Essex* being then in his thirteenth, and *Francis Howard* his bride in her thirteenth year. As the married couple were very young, their relations thought fit the Earl should travel into *France and Germany*, till they were both a little more advanced in years. During his absence, his Countess became a perfect beauty, and eclipsed all the Court-Ladies.

charmed with her, but met not with that return he expected. She daily coined fresh excuses to delay the consummation of the marriage, and showed as much reluctance as he did eagerness. He bore it patiently for some time, being unwilling to use compulsion, for fear of giving his Bride an aversion to him. Shortly after, he fell dangerously ill of the Small-Pox (6), that his life was despaired of: but the strength of his constitution overcame his distemper, though it was long before he was quite recovered.

In this interval it was that *Robert Carr* became the King's favorite. When he gained his master's heart, he made a Conquest almost at the same time of the Countess of *Effex*, who suffered herself to be taken with the charms of this young *Sot*, and entirely gave herself over to this new passion, without daring however to reveal it to the person that caused it. Mean while, the Earl of *Effex* finding himself perfectly recovered, pressed his spouse to consent to the consummation of their marriage: but he found her reluctance the greater, as she was enamoured of another. In short, after trying all sorts of ways to prevail with her, without being able to succeed, he had recourse to the Earl of *Suffolk* his Father-in-law, and entreated him to use his endeavours to vanquish his Daughter's obstinacy. The Earl of *Suffolk*, surprized at what his Son-in-law told him, sharply reprimanded his Daughter, and positively told her, she must resolve to consummate the marriage. Then the Countess, ~~1~~ daring to disobey her Father directly, defied only a little longer delay. She believed, in case she could avoid consummating her marriage with the Earl of *Effex*, it would not be impracticable to procure a divorce, and then marry the Viscount *Rochester*. Indeed, the Viscount knew nothing yet of her passion: but he had too good an opinion of her charms, not to hope an easy conquest, as soon as she should have occasion to discover it. On the other hand, the great credit of *Rochester* and the Earls of *Suffolk* and *Northampton*, did not suffer her to question, that if the Favorite undertook to marry her, he would easily accomplish it. But she wanted some time to by her measures, wherein however she met with great opposition both from her Husband and Father.

In this extremity, not knowing how to proceed, she opened her mind to one Mrs. Turner a Physician's widow, a woman of a dissolute life, and capable of the basest arts. As this woman had no good advice to give her, she persuaded her to apply to one Dr. Forman, who passed for a Conjuror. He had perhaps some secrets of nature, but was not fit to be thought skilled in the Magic-Art, because many women came to consult him, and paid him well for it (7). To this man the Countess of Essex told her secret, and desired two things of him: First, to manage it so, that the Earl of Essex should be incapable to consummate his marriage. Secondly, to make the Viscount Rochester in love with her. Forman very confidently promised both, and gave her certain Powders for her Husband to take, and to be put amongst his linnen, with instructions how the should relate to him. As for Rochester, he himself undertook to perform upon him the necessary operations.

Mean while the Countess could no longer dillybobby her Father's command, & was forced at last to cohabit with her husband. But though they by together, the marriage was not consummated, whether it was owing to *Firearm's* powders, or to some other more effectual means used by the Countess to frustrate her husband's efforts. However this be, the Earl of *Effix* imagined, that his living in *London* and at Court might contribute to his *fortitude*, and therefore resolved to carry his Lady to *Chardley* in *Staffordshire* a country-seat, about a hundred miles from *London*. The Countess could not be excited from going with her Lord : but all the while she was there, that she felt up in a room, and would not so much as suffer the light of the sun to enter, giving herself over to an excessive melancholy, whether out of vexation or policy, the better to deny her husband. After this manner she lived some time with her husband in the Country, who did not understand the meaning of this strange behaviour. In the mean while, she wrote several Letters to Mrs. *Tanner* and

(1) They were both installed on the 7th of February, according to Camacho's A - on December 22, 1817. Felipe A. Camacho was a young boy from Puerto Llanero's Proxy. Prince Maurice, it seems, wore his Garret constantly, like a Crozier of his Chamber happened to break; a Jeweler with one of his clients' business, in order to rob him. After which he would never wear it. *Wojak*, p. 692.—This story involved the Jeweler in the death of the King's son. He was shot by the Regent's Militia, a Justice of Peace for Madrid, at whose charges it was laid, on a piece of ground granted him by the King. He was killed by the firing of the King's Militia.

(3) The Aid of Money came but to 30,000*l.* (*State of the Revenue*, p. 12.) and the Elector's Marriage, *W^e*, with the King almost lost twice that sum, as will be seen hereafter.

(13) He embarked at *Maracaibo*, April 25, and landed at *Flushing* the 29th. The Electer behaved, during his stay in *England*, so modestly and discreetly in all respects, that he gained the general applause and love of all Men. And gave away to the fair value of 120,000 *French Crowns*. *Haver*, p. 3107.

(5) William Cecil, Viscount Cranborne, married Catherine Howard, the Earl of Suffolk's third and youngest daughter, on December 1, 1540. *Cecil's Ann.*

[7] To show the Countess what effects her Art would produce, Mrs. *Tower*, being in love with her *Arthur Mordaunt*, gave him some of the Powder, which wrought so violently with him, that, through a storm of Rain and Thunder, he took fifteen Miles one dark night to his home. *W. n.* p. 68.

Foreman,

1613.
Wilson
p. 137.
Truth
thought to
be his, &c.
p. 137, 138.

Foreman, telling them, *She was afraid Foreman's Powers were not strong enough; her husband was as lusty as ever; it would be very difficult for her to hold out for ever, and if she should chance to yield, she should become the most unfortunate woman in the world: She intreated them to free her from her misery, and they should have what many they desired.* These Letters were found in Foreman's Study, and read in open Court, upon an occasion which I shall mention presently (1).

At last, the Earl of Essex feeling himself in so uneasy a situation, resolved to carry his Lady back to London, and give her full leave to live as she pleased. He began to perceive there was something extraordinary in her carriage, which he chose rather to be ignorant of than endeavour to discover.

Wilson
p. 138.
Narrate
c. 13.

The Countess being returned to Court, and mistress of herself, no longer delayed to let *Rochester* know what she endured for his sake. There was no occasion to use Magick to produce the desired effect. He was young, and she the finest Lady in the Kingdom. So any advances from the Countess, were more than sufficient to kindle a flame in the Favourite's breast. As soon as they began to understand one another, affligations became inoperative. They were at first very private: but in time, the two Lovers used to little caution, that not a Courtier was flung to their amours. The King very probably was informed of it, though nothing delighted him more than to hear of the Love-Intrigues of his Courtiers. The Earl of Essex, who had also notice of it, chose to shut his eyes, and form an object so unworthy of his Love.

The Countess
of Essex's
affairs to
her Marriage
was caused
by
Wilson.

The Countess of Essex having succeeded in her intended conquest, and finding herself sure of her Lover's heart, would not allow his passion time to cool. Every thing seemed to favour the execution of her designs, that is, her divorce from the Earl of Essex, and marriage with the Viscount *Rochester*. Essex saw her no more, and seemed to concern himself very little about her, and *Rochester* was so beloved by the King, that, in all appearance, nothing would be impracticable. So she let her lover know her desires, and without much difficulty brought him to second her projects. But as he was wont to impart his most serious affairs to *Overbury*, he believed he ought not to conceal this from him, and the more, as he expected from him some good advice to accomplish it. But so far was *Overbury* from approving such a project, that he used his utmost endeavours to dissuade him from it. He represented to him the injustice and indignity of the thing, his danger of being ruined by such an action; and lastly, the little value he ought to have for a woman, who, though married, scrupled not to throw herself into the arms of another man: That she had already lost her reputation in the world, and when she should be his wife, all the dishonour would reflect upon him (2). *Rochester*, who did not expect to great opposition from his friend, could not forbear showing some resentment. He had the address however to contain himself so far, as not to give him room to think he would proceed notwithstanding his advice, and continued, as usual, to communicate to him his other affairs. The Countess was in a violent passion when she heard *Overbury's* advice, and from that moment ceased not to excite her Lover to revenge. She was the more incensed against *Overbury*, as she feared, that being acquainted with the design, he would labour to render it abortive. In short, *Rochester* was so complaisant and blind, as to promise her to sacrifice his friend. He might easily have misjudged him; but it would have been too dangerous not to ruin him entirely, after trusting him with the secret. It is pretended, that to strike the more surely, he consulted the Earl of Northampton, Uncle to the Countess of Essex, and by his advice used this artifice to ruin him. He extolled to the King *Overbury's* abilities: but intimated withal, that he took too much upon him, and was grown intolerably intolent; and therefore he should be very glad to have him removed, by some honorable employment, praying his Majesty to find him Ambassador to Russia (3). The King liking the proposal, appoints instantly *Overbury* for the Embassy. *Rochester* having proceeded thus far, acquaints *Overbury* with the King's intention, and pretending he could not live without him, entreats him to refuse the employment, promising to procure him a better

at Court. Headed, that indeed he believed it would not be in his power to hinder the King from being angry at first, who, probably would resent his refusal, but he did not question to appease him in a few days. *Overbury* fell into the snare, and when the King sent for him to acquaint him with the employment designed for him, he most humbly besought his Majesty to make choice of some other person. As soon as he was retired, *Rochester* aggravated his pride and intolence, in daring thus to refuse his Majesty's gracious offer, a thing, it was requisite to chastise him: That he was himself afflicted by it, for he should be infallibly blamed for using his interest for him. In short, by *Rochester's* influences, the King commanded *Overbury* to be sent to the Tower (4). Some days before, the Favorite had caused Sir *Gervase Elvins*, his creature, to be made Lieutenant of the Tower (5). *Overbury* was closely confined in a room, and not suffered to keep one of his servants, or receive any visits from his relations and friends, a rigour not used even towards the greatest offenders. He was now where the Viscount *Rochester* and the Countess of Essex withheld him, in order to dispatch him more easily. However, there were still some difficulties. It could not be done by flogging, because the Lieutenant of the Tower, who is to answer for the prisoners, would not have suffered it, and besides, a murder openly committed in one of the King's prisons, would have made too much noise in the world. It was resolved therefore to make use of poison. To that end Mrs. Turner provided a truly person, one *Wyllen* (6), who had been a servant to her Husband, and Sir *Thomas Mynion* recommended this man to the Lieutenant of the Tower, to wait on the prisoner as footman. But even this was not sufficient. Whatever was brought to *Overbury* to eat being dressed in the Lieutenant's kitchen, it was almost necessary to engage him in the Plot. Some say, the Earl of Northampton spoke to him of it, hinting that every thing was done with the King's privacy. Others affirm, the Lieutenant refusing to be concerned in the crime, and not daring however to discover it, by reason of the Quality of the Parties, took care to seize the victuals sent from time to time by the Viscount *Rochester* to the Prisoner, and threw them into the House of Office (7); and this is most likely, since, otherwise, *Overbury* would have been soon dispatched. He could not however hinder *Wyllen* from giving him a certain Jelly sent by Sir *Thomas Mynion*, which almost killed him. Whereupon the Lieutenant of the Tower was still more careful, that *Overbury* should be seen but by *Wyllen* alone. This was a check upon *Wyllen*, because he perceived none could be accused but himself: wherefore he did not make such haste as *Overbury's* enemies desired. There arose however an inconvenience from this delay, which was that every one was surprized, to see the King use so great rigor upon a friend of the Viscount *Rochester* for so slight an offence, if the refusing to go in Embassy to Russia could be deemed any crime at all. It could not be conceived, and it was vainly endeavoured to discover the cause of the extreme severity with which *Overbury* was treated.

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(1) There was also a Note produced in Court, made by *Foreman*, and written on Parchment, signifying what Ladies loved what Lords in the Court; but the Lord Chief Justice would not suffer it to be read. *First Part of the History*, p. 138.

(2) It seems he spoke very freely of the Countess, calling her *Whore*, and *Witch*, and *Woman*, and her Mother and Brother *Bowls*. See *History*, *Narrate*, c. 22, p. 137.

(3) Some say, into France, others into Flanders. *Rapin*.

(4) Under pretence, that he had vented some railing Satyr against the Court. *Idem*, p. 75.

(5) *Wyllen* gave him this Character, That he was an evil humored, and so wild, that he obtained the surname of wife Sir *Gervase Elvins*; he was also, so religious, that he in the Court did equal him: He was therefore very uncomely, in having that piece thrust upon him, without his consent; but (according to him), he was at first ignorant of the Plot, and endeavouring to prevent it. See p. 74. But others say, he bought the Place, and that *Wyllen* was turned out to make room for him. *History*, *Narrate*, v. 23.

(6) He was presumed such, for this piece of service. *Idem*, p. 75.

(7) *Wyllen*, a large parcel of papers were recovered with his Books, and every bit of Meat he eat; that he might waste by degrees, and his very Salt was not so white as *Mercury*, p. 433. See *History*, *Narrate*, c. 25.

(8) *The Earl of Suffolk*, Arch-bishop of the Church of England, the Earl of Suffolk presented the Petition. Here he begins his account, without any mention of what went before. *Idem*.

1613. Clergymen. The Earl of *Essex* being examined, briefly answered, he had never consummated his Marriage, neither did he think he should ever be able to consummate it: but did not feel the same inability with regard to other women. Though this confession greatly favoured the Countess's cause, the Court deemed it proper to be certain of the truth by another method, and ordered the Countess to be inspected by a Jury of Matrons, assisted by some Midwives. This inspection being made, the Matrons declared she was a Virgin. But it is pretended the Countess, under colour of saving her Modesty, was permitted to appear in a veil before the matrons, and that Mrs. *Fines* a young Gentlewoman of her age and stature, was introduced in her place (1). I omit numberless circumstances of this trial, which are to be found in several Authors, and which it is indecent to relate. It suffices to say in a word, that by the sentence, the Marriage was dissolved, contrary to the opinion of the Archbishop of *Canterbury*, who even published his reasons against it. But the King himself took the pains to answer the Archbishop's arguments, and to maintain the justice of the Sentence, upbraiding the Prelate with founding his opinion on Puritan Principles. *Dr. Bilson* Bishop of *Windsor*, one of the Judges, having spoken very strenuously to prove the nullity of the Marriage, his Son was soon after knighted. But the publick was so malicious as to call him *Sir Nullity Bilson*. This affair made great noise, and brought little honour to the Judges, most of whom could not be ignorant of the Countess's ill-character (2).

If after her Divorce, the Countess had married any other than the Viscount *Rochester*, her conduct might have been easily justified. This was not the first marriage annulled upon the like account. But the sentence was hardly published, when the Viscount openly made his addresses to the Lady, and their Marriage was quickly concluded. The King not only gave his Favorite leave to marry the Countess, but also made him Earl of *Somerset* on the 4th of *November*, that the second Husband might be of equal rank with the first. The Nuptials were solemnized a month after, with such extraordinary rejoicings, that had the King's own Son been married, there could not have been greater. The City of *London* signalized itself on this occasion, by a splendid entertainment which the Lord Mayor and Aldermen gave the new-married Couple, and to which the King, Queen, and whole Court were invited. For some time nothing was talked of but banquets, balls, masquerades, and other diversions, in honour of the new Earl of *Somerset's* nuptials.

These things gave occasion to the disaffected to talk freely of the King. They reported, that in *Scotland* the Earl of *Arran*, formerly the King's favorite, married the Earl of *Arbuthnot's* Daughter, having procured, by the like means, and on the same account, a dissolution of that Lady's marriage with the Earl of *March*. It was thereby insinuated, that the King had taught his favorite the way to attain his Mistress. But these insinuations reached not the King's ear, those about him not being so ill Courtiers as to carry him such reports.

Whilst the Countess of *Essex's* marriage was annulling, the unfortunate *Overbury* was closely confined, without having the comfort of seeing any of his friends (3), as if he had been guilty of the most heinous of crimes. He had been extremely sick with the poison that was given him, without knowing the cause of his illness. But when he heard what was transacting, he no longer doubted concerning the author of his misery. In this lamentable state, he saw no other remedy but to write to the favorite, intreating him to deliver him out of his wretched condition (4). *Rochester* answered, that the King being

still highly incensed, he had not yet been able to speak in his behalf, but hoped to do it within a few days. Nay, it is said, he sent a certain Powder in this Letter, as a sure remedy to cure his distemper. But *Overbury* was so wise as not to take it (5). In short, the two Lovers being impatient to see a man live so long, who might one day be their ruin, caused an imposedon Clyster to be administered by one *Franklin* an Apothecary's Prentice, which ended his miseries with his life. Some say, that *Wilton* and *Franklin* seeing the extraordinary effects of the Clyster, and fearing if they suffered the poison to operate any longer, it would leave marks on the body, which would rise in judgment against them, smothered him with the bedcloaths. When he was dead, he was speedily buried without any ceremony, and a report spread, that dying of the Pox, he was so rotten, he could not be kept any longer. This was the Earl of *Northampton's* account in his letter to the favorite, to acquaint him with *Overbury's* death, admiring withal, the justice of God upon such wicked in-filtrations (6).

The Earl of *Somerset* thought it a great advantage to have dispatched *Overbury*. But on the other hand, he found himself much more embarrassed in the management of affairs, since he was no longer assisted by that faithful Counsellor. As his small experience rendered every thing difficult, he was forced to chuse another friend, and it was the Earl of *Northampton* that supplied *Overbury's* place. But there was a great deal of difference between these two Counsellors. *Overbury's* sole view was to procure his friend honour and glory, and the Earl of *Northampton's* chief aim was to make use of his credit to countenance the Catholics. Ever since his being in favour, he had always protected them to the utmost of his power, as was obvious to all the world. But when he came to rule the favorite, he acted without any reserve. As he was *Warden of the Cinque-Ports*, the Jesuits and *Romish* Priests could easily find there without being examined at their arrival. By this means their number so increased in a very short space, that the people loudly murmured at it, and cast the blame on the Earl of *Northampton*. Wherefore, to silence those who talked too freely, he took out a Writ of *Standalem Magnatum* against some of them. He believed, it was not possible to convict him of a thing founded only upon common report, and that, such evidence not being valid in law, he should silence his enemies by the punishment of some of the most forward to speak against him. But the Archbishop of *Canterbury* broke his measures, by producing a letter under the Earl's own hand to Cardinal *Bellarmino*, wherein he said, That however the situation of the Affairs of England, and the instances of the King compelled him to be a Protestant in speech, nevertheless his heart stood firm with the Catholics, and he would be ever ready to countenance them to the utmost of his power. Upon this letter the parties accused were discharged. Nay the King so reprimanded the Earl, that he retired to his Country-house, where he died soon after (7). He declared in his last Will and Testament, that he had always been a Catholic, and would die in that Religion. Thus several Historians speak of him. But the anonymous Author of the *Annals of James I.* and *Charles I.* who endeavours to vindicate the Prince, their Ministers and Government, in every thing without exception, forgets not to justify also the Earl of *Northampton*. He says among other things, that the charge of being concerned in *Overbury's* murder was only a rumour spread after his death, as if that were a certain proof of his innocence. As to the Earl's Religion, the same Author says, *He died suspected more Catholic than some will think reasonable, though in the form of a Church-Papist* (8).

(1) *Sir Anthony Wotton* declares upon the reputation of a Gentleman, that he had this woman from a Knight, who did marry the Lady into the House of *Essex*, and sold her to his Friends in *Warr*. The Court of King James, p. 115.—The Author of the *Historical Narrative of the first fourteen years of King James*, says, it was one of *Sir Thomas More's* Daughters that was married in the Countess's room, c. 17.

(2) Of the Judges Delegates, *Thomas Bilson* Bishop of *Windsor*, *Lancelot Andrew* Bishop of *Ely*, *Richard Avelin* Bishop of *Conventry* and *Lisfield*, and *John Rochester* Bishop of *Rochester*, with *Julian Carter*, *Thomas Parry*, *David Duns*, *Kingsley*, signed the Decree. *Archbishop of Canterbury*, and *John King* Bishop of *London*, were against it. The Earl of *Northampton*, in a letter of the 6th of 1613, to Sir *Reynold Wroth*, has these words:—"Of the Nullity, I see you have heard as much as I can write, by which you may discern the Power of King's Judges; for of those which are now at it, I know some of them when I was in England were vehemently against it, as the Bishops of *Worcester* and *Canterbury*." *Collection of Papers in the Reign of James I.* Vol. III. p. 475.—The Earl of *Essex* was forced to repay his Cousin's Portion, (which was 5000*l.* *Wilton's Narrative*, c. 27.) to do which he was obliged to sell his House in *Borough* in *Windsorshire*. *Wilton*, p. 695.

(3) One friend accidentally found means to give him a visit, for which the Lieutenant was severely rebuked, and ordered not to let any body come near him. *Wilton*, p. 695.

(4) In one of his Letters he tells the Earl of *Somerset*, "You and I will come to publick Trial before all the Friends I have. They shall know what words have passed between us heretofore.—I have all this vacation wrote the story between you and me, from the first hour to this day, &c." *Three Threats*, probably, hastened *Overbury's* death; and hurried the Earl to be disposed of more quickly than he desired. He says he should tell the story. See *Harwood's Memoirs*. Tom. III. p. 478.

(5) King James's Friends have given *Overbury* a very bad character, probably, to lessen the horror of the Viscount *Rochester's* Crime. *Reynolds*.—This year, the City of *London* sent Colonies into the Province of *Ulster* in *Ireland*, which were planted chiefly about *Londonderry*, and *Carrick*. *Houart*, p. 1604.—*October 25.* Sir *Edward Coke* was made Lord Chief Justice; and the 26th, Sir *Francis Bacon* was made Attorney-General, and *Henry Traverser*, Esq. Solicitor-General. *Houart*, p. 1005.

(6) He died on *Jan. 14.* at the House he had built at *Charing-Cross*, called in his lifetime, *Northampton-Hall*, but leaving it in the Earl of *Stafford*, it was for a time called *Stafford-Hill*, and now *Northampton-Hill*. He was *Warden of the Cinque Ports*, and *Constable of Dover Castle*, *Lord Privy Seal*, and *Counsellor of the University of Cambridge*. His body was carried to be buried at *Droghda*. But it was vulgarly removed (says *Wilton*) that his body might be carried thence, in order to be transported to *Rome*, p. 694.—*Wilton* gives him this Character: Though a great Clerk, yet he was not a wise Man, but the greatest Flatterer in the world, who raised himself by his Flattery.—He was of so venomous and caustic a disposition, that he hated all Men of noble Parts, nor loved any but Flatterers like himself. He used to say, that he would be content to be damned perpetually in Hell, to be revenged of that

(7) *Thomas Howard* Earl of *Suffolk*, Lord Chamberlain, was made Lord Treasurer in the Earl of *Northampton's* room, on *July 10.* and at the same time, Earl of *Somerset*, was made Lord Chamberlain. *Gardner's Memoirs*.

1614.
The Par-
liamt was
dissolved.Willson,
p. 594.Arrival of
James I.

The Court was not so well affected to the Puritans as to the Papists. The Puritans were considered as enemies to the King and to Monarchy, but the Papists as hearty wiflers that the King might meet with no opposition to his will. This was sufficient to induce the Court to countenance the latter, and cause the former to endure continual mortifications. In the spring this year, some Presbyterian Families refused to go and settle in *New-England*, to enjoy there that peace which they could not find at home.

The Author, I just mentioned concerning the Earl of *Northampton*, says, these people were notorious Schismatics of several Sects, known by the general name of Puritans, which term included Good and Bad in their distinct kinds, truly and ingeniously distinguished into the Puritan-Knave, and the Knave-Puritan. As it was not impossible, by the increase of Presbyterian Families, the *English* Plantations might become nurseries for Non-Conformists, the Court gave orders not to let them depart. But afterwards, such as desired to remove beyond sea, being examined, some were allowed to pursue their voyage, and others were detained as furies for those that went away.

The King's
Presbyterian
Willson,
p. 595.

It was now four years since the King had called a Parliament. It was a great comfort to him, to have no disputes with a House of Commons, ever ready to complain of Grievances, and take occasion to examine the conduct of the Sovereign or his Ministers. He liked it much better to command absolutely and without controul. But this was attended with great inconvenience. He was forced continually to invent new methods to raise money, and these methods, grounded upon absolute authority, caused loud murmurs among the people. Neither did these methods bring in sufficient sums for the King's occasions, who loved magnificence, and was always ready to give. Hence sprung his wants, which incessantly increased, his Revenues, as well ordinary as extraordinary, not sufficing for his expenses. He seemed, however, to have an inexhaustible fund, so profuse was he, without considering how he should recover what was unceasingly given. The following instance of his bounty may serve to show his character. Being one day in the Gallery [at *Whitehall*], and none with him but *Sir Henry Rich*, afterwards Earl of *Holland*, and *James Maswel* [one of his Bed-Chambers], some Porters passed by with three thousand pounds, going to the Privy-purse. *Rich* seeing the money, turned to *Maswel*, and whispered him. The King perceiving it, asked what he said? *Maswel* told him, *Rich* should think himself very happy if he had such a sum. Whereupon the King calling to the Porters, ordered them to carry the money to *Rich*'s lodgings, saying, at the same time, *You think now you have a great purchase; but I am more delighted in giving you the money, than you are in receiving it.*

Bib.

Remark on
this Subject.

If the King had been thus lavish out of his abundance or out of his favings, his generosity must have been laudable. But unhappily, in order to be thus profuse to a few private persons, he gained the ill-will of all the rest of the Nation, and was forced to use, to raise money, several extraordinary methods, which were looked upon as so many Grievances, and loudly complained of. Moreover, he was obliged, either not to call a Parliament, or to quarrel with the House of Commons. *James* was however the *Solomon* of the age, the wisest, most prudent, and most just of Kings. These at least are the epithets generally given him, and which are even to be found in several Histories penned since the Restoration of *Charles II.*

Coke,
p. 78.Creation of
Baronets.
Annals of
K. James,
p. 5.
Willson,
p. 695.

The King's excessive liberality reducing him continually to straits, he had at last recourse to a project, formed by the late Earl of *Salisbury*; namely, to create Knights Baronets, a sort of middle Nobility, between Barons and Knights Batchellors. Their number was not to exceed two hundred: but the King, at the first promotion, made only a hundred (1). To purchase this honour, which was to be hereditary, every Baronet was obliged to pay to the King, a thousand pounds. But in order to give some colour to this new institution, every Baronet was obliged by his Patent, to maintain thirty foot Soldiers in *Ireland* for three years, at eight-pence a day each Soldier (2). Afterwards it was hinted to them, that if they would compound with the

King, and pay the whole sum at once, part should be abated, and the King would maintain his troops in *Ireland* himself; and there was not one but who accepted this offer. The Author of the *Annals* before-mentioned, affirms, that the King received only about a hundred thousand pounds of the Baronets, and that the maintenance of the troops in *Ireland* cost him much more. So, according to him, this new Order was instituted merely to ease the subjects.

1614.

Besides this method, the King made use of others to fill his empty coffers, without being obliged to have recourse to the Parliament. I shall only mention them, without pretending to determine whether the King exceeded his Prerogative or not. 1. The King, by his Letters Patents, granted Monopolies to private persons, exclusive of all others, and raised great sums by their sorts of favours. 2. He issued out Commissions for reviving obsolete Laws, for making men who could expend forty pounds a year, to compound for not being knighted. Formerly, an estate of forty pounds a year in land was considerable: and therefore the owners of such an estate were deemed proper to be made Knights, and as such, to serve the King in his wars, or find Soldiers. But in King *James I.*'s time, such a revenue was inconsiderable: there were infinite numbers who had more, but not desiring to be Knights, chose rather to give the King money, than to be obliged to receive an honour, which rendered them very dependent. 3. The King made a certain number of Knights of *New Scotia* (3), each of which paid him such a sum. 4. The dignities of Baron, Viscount, and Earl, had a fixed price set upon them. The King received for making a Baron ten thousand pounds, for a Viscount fifteen thousand, and twenty thousand for an Earl. Thus, whoever had money, might be made a Peer of the Realm. 5. The same honours were rated likewise in *Scotland* and *Ireland*, though at lower prices (4). 6. Those who had defective Titles, were obliged to compound with the King for rectifying them, otherwise they were declared null and void (5). 7. The Star-Chamber condemned in excessive fines, to the King's use, such as were cited thither. I have already related some instances, and shall have occasion to take notice of some others hereafter. 8. To all this, may be added the sums levied by the King upon his subjects, when the Prince his Son was knighted, and his Daughter married.

Other means
to raise
Money.
Coke, p. 66.

He would have had also a good means of raising money, if he had demanded of the *United-Provinces* the sums that were due to him. But if we believe certain Historians, he durst not claim his debt, for fear of engaging in a war in case of refusal. A more probable reason might be given, by saying, the places he held in *Holland* and *Zealand* kept the States in a sort of subjection, if he had not shown, two years after, that this was not the true reason, by receiving his money when offered him by the States.

Coke, p. 71.

In fine, the King's revenue not answering his expenses, *The King* recourse was to be had to a Parliament. The Earl of *Salisbury* had, having with him neither *Overbury* nor the Earl of *Northampton*, was at a loss how to find the King money, and the Lord Treasurer his Father-in-law was no less embarrassed. All extraordinary means seeming to be exhausted, they proposed to the King the calling of a Parliament. To induce him to it, they put him in hopes, that by their interest and management, the majority of the Commons should be at his devotion. The King was very loth to consent: but at length was persuaded, and a Parliament was summoned to meet the 1st of April (6).

The King
refuses to
call a Par-
liament.
Willson,
p. 696.
Coke.

This Parliament consisted not of such members as the King was made to expect. The people, who were discontented, instead of being gained by the Court, chose representatives of a quite different character from what the ministers desired. The very first day, the King demanded an aid of money for the marriage of his Daughter, and told the Commons, after dispatching that affair, he would give them leave to examine the grievances of the Nation. But the Commons thought proper to invent the method prescribed them, and begin with the grievances. Instead therefore of granting the money first, as the King expected, they examined to what uses the Revenues of

The Parli-
ment meets.
Journ. Parl.The King
demands
Money.
Coke, p. 79.The Com-
mons exa-
mine the
Grievances.

(1) The full Barony was created on May the 2d. 1611, by Patent. See *British Compend*. Part. II. p. 532. They were to have their Privileges to them and their Heirs for ever. Place without Barony, and the Duke, and all Barons (1) to be implicated by addition of Barony, and the title Sir, and their Wives Lady; the King shall not create any Knight Baronet, but the full number of two hundred, until some die; but the younger Sons of Viscounts and Barons (by decree of the King and Council upon Controversy) were adjoined to take Place before them; and that their Heirs-Male at one and twenty shall be knighted, and shall have either a Canton in their Coat of Arms, or in a Quarter, as their Edition, the Arms of Ulster, Argent, a Hand Gule; their Place in the King's Armies to be in the grade, near the King's Standard, his device thereto. *Annals of King James*, p. 5. There were made at first but ninety; Of whom *Sir Nicolas Bacon*, at *Redgrave* in *Suffolk*, was the first.

(2) Which comes just to one thousand ninety five pounds, and not two thousand, as *Rapin* says by mistake. And it has been customary for those who have been sworn in into this Order without Barony, to have a Receipt under seal of their Patent for the said Sum of 1000 £, to be appropriated to the same use; and for some of such Under-seals, several Baronets were employed in King *Charles the Second*'s Time to pay 1000 £ Pounds.

(3) This Order of Baronets was first ordered for advancing the Plantation of *New Scotia* in *America*, and for settling a Colony there, to which the aid of these Knights was appointed. It was intended in 1611, but not actually founded till 1625. See *British Compend*, p. 503.

(4) *British Histories* of the same Title, in the presence of an *Irish*, as a *Scottish* Baron, Viscount, or Earl, to have the precedence of an *Irish* and a *Baron* in *English* Honourable like degree, had the precedence on either side the other, yet if either of the other had a higher Title, he should precede an *English* Peer upon a *Scottish* or *Irish* Baron, shall precede an *English* Baron. *Coke*, Vol. I. p. 66.

(5) And also in *Scotland* near the *Highlands*, (1. 2.) for grubbing up the Thickets and Cover for the Deer in Forests. *Coke*, p. 67.

(6) It had not more till April 5. *Journ. Parl.*

1614. The Crown had been put. The result was, that the King had bestowed on the *Scots* excessive grants both in land and money, and that the *Scots* having sold these lands to the *English*, had conveyed the money into *Scotland*, to the great detriment of *England*. If what the King had given to the *English* had been as carefully examined, it would have been found ten-times more, by the confession of the Historians themselves (1): but herein was not seen the same inconvenience.

Then, the House inquired into the causes of the increase of Popish Recusants; since it should rather seem, that the Laws enacted after the Gun-Powder-Plot, should have very much lessened their number. The first cause appeared to be the King's admitting into his Council Popish Lords, publicly known for such. A second was, the negotiations abroad for the marriage of the late Prince Henry and Prince Charles with Popish Princesses.

After this, the Commons took into consideration the Monopolies authorized and licensed by the King's Letters-Patents, to the great prejudice of Trade; and the extraordinary Levies of money, without the consent of the Parliament. Upon all these grievances, it was resolved to represent them in a Petition to his Majesty, and to pray him to redress them, and especially to hinder the future settlement of the *Scots* in *England*.

The carriage of the Commons was so different from that of the Courtiers, who never spoke of the King but with admiration, that his Majesty had not patience to bear it. So, on the 7th of *June* he dissolved the Parliament, after a Session of about two months, wherein not one Statute was enacted. The Parliament was no sooner dissolved, but the King committed to prison several members of the House of Commons, who had spoken the most freely, without admitting them to Bail (2).

The Parliament not answering the King's expectation, and his Exchequer being empty, there was a necessity of recurring to new expedients to fill it. But before we speak of these expedients, it will not be amiss to show one of the chief causes of the King's being reduced to straits. I mean the Electress his daughter's marriage, which had cost him very near a hundred thousand pounds, according to the following account, inserted in his book by the Anonymous author of the *Annals* above-mentioned.

| | | |
|-------------------------------------|--|-------|
| <i>Annals of K. James, p. 9.</i> | For the <i>Palgrave's</i> diet at his standing house | 6000 |
| <i>State of the Revenue, p. 14.</i> | For his diet at his infirmity of the Garter | 4000 |
| | For diet at his marriage | 2000 |
| | For lodging for his Servants | 830 |
| | To the Wardrobe for apparel for the Princess Elizabeth | 6252 |
| | For furnishing her chamber | 3023 |
| | Apparel and necessaries for her to my Lord Har- rington's | 1229 |
| | Jewels and apparels for her Servants | 3914 |
| | To divers merchants for silk, &c. | 995 |
| | The Lords mask at her marriage | 400 |
| | For the naval Fight of fire-works on the Thames at her marriage | 4800 |
| | More fire-works on the Thames at her marriage | 2880 |
| | To Sir <i>Edward Cecil</i> as Treasurer, for her journey from hence to <i>Hildburgh</i> , and for her Purse | 2000 |
| | For settling her jointure, and charges to some of the Gentry to go thither and to take the assurance | 800 |
| | The charges of her Journey | 8000 |
| | For her transport to <i>Flying</i> | 5555 |
| | Paid over to the <i>Palgrave's</i> agent for her portion | 40000 |
| | (3) Total | 93278 |

The King resolving to call no more Parliaments, extraordinary means were to be devised to supply his expenses, his ordinary Revenues being far from sufficient. To that end, certain persons diligently searched into history, to discover what had been done by former Kings in the like cases, or when there was not time to call a Parliament. Among all these methods, the Court chose the way of Benevolence, invented by *Edward IV.* abolished by *Richard III.* and once revived, if I am not mistaken, by the Parliament itself in the Reign of *Henry VIII.*

Nevertheless, the author of the *Annals* pretends, that *James* only followed the constant example of all his Predecessors, and upon these pretended examples, and the custom in *France* and *Spain*, undertakes to vindicate him. But there would be too many things to be said upon this head, if it should be insisted on.

The resolution being taken not only to demand but extort a Benevolence, all the Sheriffs were ordered by the Council, to ask of all private persons within their districts a free gift, in proportion to the King's wants. At the same time, they were expressly commanded to return to the Council the names of such as should refuse to contribute, or not give according to their abilities. This shows the King did not mean, the Benevolence should be entirely voluntary. This method however was not so successful as the King had expected. The more eager the Sheriffs and Court-Party were to excite the people's liberality, the more industrious were others to dissuade them from it, by setting before them the consequences. So, if we may believe the author of the *Annals*, the Benevolence procured the King but 52997*l.* which yet (continues he) madded the ill-minded men (Pillars), so James called them, to the Kingdom's Liberties always plotters to the Kingdom's Miseries, who being ashamed to be out-done in honesty and honour, they justly drew upon themselves a mark of Maliginity. And yet they would be meddling, devising poor Arguments, to pretend it was against the subjects Liberties, though accustomed to receive by examples of all former Sovereigns. Others speak of it very differently, and represent this way of raising money upon the people, as a real extortion and inroad upon the nation's liberties. Thus do King *James's* Historians contradict one another, not in facts but in principles, some deeming illegal, what others maintain to be the undoubted prerogative of the Crown.

The money arising to the King from the Benevolence, tho' no great sum, came however very seasonably for the King of *Denmark's* reception, who made him a second visit, with a train of forty persons only. During the fortnight he stayed in *England* (4), entertainments and diversions never ceased.

Shortly after, the King received with great pomp the *Russian* Ambassador sent by the *Czar*, to desire him to be mediator between him and the King of *Sweden*, on account of their differences.

Hitherto, the Earl of *Somerset* possessed the King's heart so entirely, that the Queen herself grew jealous. Some say, the inwardly grieved for the death of Prince Henry, and suspected him to be the author. Others say only, that his greatness had so blinded the Favorite, that he was wanting in his respect to the Queen (5). However this be, she had conceived a very violent hatred of him, and to ruin him the more easily, she thought proper to gain Sir *Ralph Winwood*, who was Bill Secretary of State (6), but without exercising the office, at least in important affairs, because the Earl of *Somerset* had seized the management of every thing. *Winwood* readily joined with the Queen to ruin this Lord, who left him only the title of Secretary. This was a preparative to the revolution which happened the next year.

Before I end this year, I must not forget to mention the memorable undertaking of Mr. *Hugh Middleton*, citizen and goldsmith of *London*, who having an Act of Parliament for his warrant, found means to bring water from *Hertfordshire*, to the principal parts of the City, for the convenience of the Inhabitants (7).

The King was wont twice a year to take a journey into some part of the Kingdom. These journeys were called Progresses, one whereof was made in winter, the other in summer. In his winter-progress, in the year 1615, he passed through *Cambridge*, where the Scholars entertained him with a Comedy called *Ignoramus*, which ridiculed the Common-Law. Nothing could be more diverting to the King. The Civil-Law, or the Laws made by the supreme authority of the *Roman* Emperors, appeared to him of much greater value than the Common or Statute Law, and he could not forbear now and then to speak of these last with contempt. Wherefore he was so delighted with this Play, that he caused it to be acted twice in his presence, during his short stay at *Cambridge*.

(1) Of this Sir *Anthony Wilson* gives a notable instance. He says, *Salisbury* would make the *Scots* buy Books of *Ven-Forms*, one 2*l.* 6*s.* per *Annum*, some one hundred Marks, and would compound with them for a thousand pounds, which they were willing to embrace, because they were sure to have them paid without any *reprieve* or charge; then would *Salisbury* bid up this Book with such prime Land, as would be worth ten or twenty thousand pounds, which, as Treasurer, he might easily do, and so enriched himself infinitely, and call the easy on the *Scots*, in whose names these Books appeared, and are still upon Record to this day, p. 60.

(2) These were *Crofts*, — *Nevel Lord Albemarle's* Son, *Winmarth*, *Jo. Hickes*, *Canden's* Son. This, (says *Coke*), was the greatest Violation of the Privileges of Parliament, that ever was done by any King of *England* before, p. 79.

(3) Though this ancient form of little moment, it may serve however to show the liberal Temper of the King, and his Opinion that the Parliament was obliged to find him Money for their Expenses. *Rapin*.

(4) He arrived at *London*, *July* 23. and embarked at *Graveland*, *August* 1. *Hume*, p. 1012.

(5) Or else from an apprehension, that the King's Love and Company was alienated from her, by this malicious Conversation and Insinuation. But it was, more probably, from a suspicion of his being concerned in the Prince's death, for he would never see him after so. *Hume*, p. 1017.

(6) He was made so *March* 29, 1614. *Canden's* Son.

(7) He cut a Channel from the two great Springs of *Chadwell* and *Arncliffe*, near *Ware* in *Hertfordshire* in which the Water is conveyed to a large Pond at *Springes*, and from thence in *Elm* Pipes to all places of the City. This new River runs under near eight hundred Bridges. *Hume*, p. 1015.



From an original painted by G. J. Honthend in the Royal apartments at St. James's. G. Verel Del. & Sculp.

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1615.
George
Villiers,
Coke, p. 82.

His Extrac-
tion,
Widdow,
p. 699.
Coke, p. 80.
Widdow.

Annals,
p. 32.

Widdow,
p. 91.

Beginning of
his Fortune.

It is made
Coke here,
in the King's
Widdow.

Adventure
that he had
Villiers.

The King
gives him a
great Mark
of his Favour.

The King is
displeased
with Sir
Morris.
Coke, p. 82.

At this Play it was that the King was struck with a new object, which made the same impression upon his mind as *Robert Carr* did the first time he saw him (1). This was *George Villiers*, a young Gentleman who appeared before him with all the advantages of a good mien, a fine shape, and a handsome and well-made suit of cloaths. Every one perceived he looked upon this young man with pleasure, and from that moment it was thought *Villiers* might supplant the Earl of *Somerfet*. And indeed with this view it was that certain Lords had brought him before the King, and placed him at the Play just opposite to him.

George Villiers was of a good and ancient family in *Leicester-shire*, Son of Sir *George Villiers* (2), [of *Brakeley*] by a second Wife, who bore him three Sons, of whom this *George* was the second (3). After the death of Sir *George*, his Widow married Sir *Thomas Compton*, Brother of the Lord *Compton* (4). As *George Villiers* was but a younger Son of a second bed, his fortune could be but small; nevertheless, his mother took great care of his education. After he had finished his studies, she sent him into *France*, where he made himself perfect master of the *French* tongue, with all the exercises proper for a Gentleman, and especially dancing, wherein he excelled. When he returned from his travels, his mother sent him to Court to make himself known, and endeavour to procure himself friends and a place (5). He no sooner appeared there, but the Earl of *Pembroke*, the Earl of *Bedford*, and some other Lords, enemies to the favorite, and who fought his destruction, fancied this young man might be subservient to their design. They knew the King sufficiently, to hope he would be taken with the outward accomplishments of this newcomer. To this end, they liberally supplied him wherewith to deck himself and attract the King's eyes. Their project succeeded to their expectation. The King being at the Play, looked with admiration on *George Villiers*, and could not help showing some signs of his growing inclination. He took care however to conceal it as much as possible, not to alarm the Earl of *Somerfet*: nevertheless he resolved from that instant to have *Villiers* near his person, imagining he might easily keep both. So, to have time to manage this affair, he privately caused *Villiers* to purchase a Cup-Bearer's place, and to be instructed how to behave.

What care could the King might take to conceal his new inclination, the Courtiers did not fail to discover it. *Somerfet*, as most concerned, was harder to be deceived than the rest. His office of Lord Chamberlain giving him a great authority over the King's Servants, he did not want opportunities to vex and mortify *Villiers*, who bore all with patience; and the King feigned not to perceive it. But at last, an accident happened which suffered not the King to dissemble any longer. It was customary for the Cup-bearer whose turn it was to be in waiting, to have the first place at the Table where the Cup-bearers dined. *Villiers* having begun his month, sat at the upper-end during the whole time of his service, without any opposition. But offering to sit in the same place after his month was expired, the person, whose turn it was to wait, rudely thrust him from thence, which greatly confounded him. Some days after, the same Cup-bearer carrying a glass of wine to the King, let it fall accidentally or designedly on *Villiers*, who gave him a box on the ear. It is a Law of a long standing at Court, that whoever strikes another in the King's Palace, is to lose his right-hand, with many formalities. It is the Lord Chamberlain's business to see crimes of this nature punished, and the Earl of *Somerfet* failed not to do all that lay in his power to have the Law executed to the utmost rigour. But the King granted *Villiers* a pardon, without enjoining any satisfaction to the party offended. This was the first public mark of his affection for *Villiers*.

From thenceforward, the Earl of *Somerfet's* enemies laboured incessantly to ruin him in the King's favour, in which they could not better succeed, than by cherishing the King's new inclination by immoderate commendations of *Villiers*. The truth is, that even before he had seen *Villiers*, the King began to be weary of *Somerfet*, who was not so agreeable as when he was first taken into favour. Since his marriage with the Countess of *Essex*, he was grown very melancholy, of which probably *Overbury's* death was the cause, and become more careless of his per-

son and dress. He had lost that vivacity which rendered him so agreeable to the King, and his temper, now gloomy and fallen, induced him harshly to oppose some wanton tricks which were now and then played in the King's Anti-Chamber, and wherein his Majesty took a singular delight. Nay, he was become so interlined, that he did nothing for any one without money. His enemies did not forget to inform the King, or hint the same to him, knowing how much it might conduce to make him forget his favour, since there was no vice more contrary to the King's humour than avarice. The Queen for her part missed no opportunity to do him ill offices: So that, in all appearance the project of making *Villiers* the King's favourite was formed upon the visible signs of the Earl of *Somerfet's* decline.

The whole Court perceived the alteration in the King since he had *Villiers* about him, and every one strove to thrust the old favorite down the precipice. The best way to that end, was to oblige the King to declare for *Villiers*: but there was a great obstacle to be removed. The King, by a very gross artifice, would have no favorite but of the Queen's recommending, that in case she complained of him afterwards, he might say, he had received him at her hands. This was the King's Turn, who fancied by such a device, to impose upon the Queen and the whole Court. The business therefore was to prevail with the Queen, to recommend *Villiers* to the King. But she was already prejudiced against this young man, and not seeing with the King's eyes, perceived nothing in him worthy of so great an advancement. Perhaps too, she had cast her eyes on some other, to procure him this Preference. *Somerfet's* enemies knowing how the Queen stood affected to *Villiers*, thought the Archbishop of *Canterbury* alone able to persuade her to what they desired. The Archbishop, who neither loved nor valued the Earl of *Somerfet*, readily undertook to speak to the Queen: but his first attempt was in vain. The Queen, who was perfectly acquainted with the King's temper, told the Prelate, that neither he, nor they who let him on, knew what they did; adding, *I know the King better than you all, for if this young man be once brought in, the first persons he will plague, must be you that labour for him; yea, I shall have my part also. The King will teach him to despise and hardly intreat us all, that be may seem to be beholden to none but himself.*

For this time the Archbishop could not prevail with the Queen; but afterwards he so pressed her, that at length she desired the King to receive *Villiers* as a favorite. The King, who only waited for this, sent immediately for *Villiers*, knighted him with the Prince of *Wales's* sword, and ordered him to be sworn Gentleman of the Bed-chamber. *Somerfet*, hearing of it, came immediately, and intreated the King to make *Villiers* only a Groom; but the Archbishop and other Lords besought the Queen to complete the work; and at last *Villiers* was admitted to the Post ordered him by the King (6). As soon as he was out of the King's presence, he waited upon the Archbishop, and acknowledging himself indebted to him for his good fortune, desired his instructions how to behave. The Prelate told him, he had three lessons to give him: First, to pray without ceasing for the King's prosperity, and for his grace to serve his master faithfully. Secondly, to labour continually to preserve a good union between the King, Queen, and Prince. Thirdly, to tell the King nothing but truth. Then he caused him to repeat these three lessons before him, to see if he retained them. The King hearing this, was extremely well pleased with it, and said, these lessons were truly worthy of a Bishop. The Queen's prediction proved but too true with regard to the Archbishop, who was one of the first to whom *Villiers* became ungrateful. Mean while, *Villiers* being come to Court without a great stock of money, the King easily guessed he wanted a supply. Had it been in his power to follow his inclination, this supply would have been very considerable: but he was himself so dilute of money, that a present of a thousand pounds was all he could spare at that time.

After *Villiers* was made Gentleman of the Bed-chamber, several Courtiers adhered to him, in hopes he would soon have the advantage of his rival. Others continued firm to the Earl of *Somerfet*, whether out of gratitude, or for fear

(1) It was not at *Cambridge* that the King first saw *Villiers*, but at *Apothecary in Northamptonshire*. *Dugdale's Baron*, Vol. II. p. 429.

(2) *Rapin* by mistake calls him Sir *Edward*.

(3) The Lord *Clarendon* by mistake says, he was the eldest. Vol. I. p. 9. See *Dugdale's Baron*, Vol. II. p. 428.

(4) *Mary Rosemore*, Daughter to *Anthony Rosemore*, younger Son to *William Rosemore* of *Cole Green* Esq. was married to Sir *George Villiers's* Family, into an Office in the Kitchen; but Sir *George* taking notice of the beautiful and excellent frame of *Mary*, he prevailed with his Lady, to send her out of the Kitchen into her Chamber. My Lady dying soon after, Sir *George* became so enamoured of *Mary*, that he married her, and at his death left her a Jointure of 2000*l.* a year. This account *Rogge Cole* Esq. had from a Lady, whose young Sister was married to the Viscount *Palgrave*, eldest Son of Sir *George Villiers*, by *Mary Rosemore*. After Sir *George's* death, she was married first to Sir *Thomas Rogers*, and afterwards to Sir *Thomas Compton*, Knight of the Bath. *Coke*, p. 80. *Dugdale*, *Widdow*, p. 89, &c.

(5) He was about twenty one years old when he returned to *England*. *Clarendon*, Tom. I. p. 9. At his first coming to *London* he was inclined to court Sir *Roger Aston's* Daughter, but Sir *John Graham* dissuaded him from marrying, and encouraged him to seek Fortune in the Courts. *Dugdale*, *Widdow*, p. 90.

(6) He was sworn into his April 23. and had a yearly Pension of a thousand pounds assigned him, payable out of the Court of Wards. *Widdow's Life of Villiers*.

1615. of ruining their fortune by false conjectures. Two parties therefore were formed at Court, who mutually clashed upon all occasions. If the King had at once dismissed *Somerſet*, all would have been quiet: but he intended to keep both, not so much out of love to *Somerſet*, of whom he was tired, as to avoid the imputation of inconstancy. Thus the King still affecting to show, he loved his old favorite as well as ever, the Courtiers were greatly embarrassed. But *Villiers* daily stole the hearts of the Courtiers and Petitioners from his rival, by his noble and generous way of promoting their Suits.

The Earl of
Somerſet
presents a
Petition
to the King
p. 698.
Hilbert.
Narrat.
c. 35.

Mean while, the Earl of *Somerſet* perceiving, he daily declined in favour, before all things thought of securing himself from the danger to which he might be exposed by *Overbury*'s murder. Though he knew the King had not the same affection for him as formerly, he hoped, however, as it was not entirely extinguished, to obtain what at least would free him from uneasiness. So, flying a favorable opportunity, he calt himself at the King's feet, and represented to him, that having served him some years in a very dangerous post, it was difficult not to fall into some miscarriages, and therefore besought him to grant him a general Pardon, which might secure him from the malice of his enemies. The King very readily complied with his request, and ordered as ample a pardon as possible to be drawn. This was accordingly done; but, whether through the ignorance or malice of the person who drew the Instrument, the King was made to say in it, that he pardoned not only all manner of Treasons, Murders, Felonies and Outrages whatever, already committed, but also those which should be hereafter committed by the Earl of *Somerſet* (1). The King signed this pardon without any scruple, and perhaps without reading it. But the Lord Chancellor *Egerton* refused to put the Seal to it (2), saying, as there had never been an instance of such a Pardon, he should incur a *Præsumptio* if he passed it; and when he told the King the reason of his refusal, he easily satisfied him, he could not answer setting the Seal to the Pardon. Nothing was more easy than to draw another Pardon, without the Clause disliked by the Chancellor: but whether the Queen was against it, as some affirm, or *Somerſet* did not care to discover too plainly the occasion he had for a Pardon, or the King was now informed of the circumstances of *Overbury*'s death, nothing more was said of it. Indeed, it is likely the King had now some knowledge of *Overbury*'s treatment, but perhaps not sufficient to satisfy him of the Earl's guilt. However this be, he began his summer progress before this affair became publick.

The King's diffimulation with respect to his two favorites, held the Court in continual suspense. Many were afraid of adhering to *Villiers*, least his credit was not yet firmly established. Others declared openly against *Somerſet*, in order to make a merit of it with the new favorite. *Winwood* was one of these, and affected, upon all occasions, to oppose the Earl of *Somerſet*, who had it not in his power to be revenged. During the whole progress, there were many disputes and quarrels between the two parties, to the King's great disgust. At length, the fatal blow was given, at the Court's return to *Reynſton*.

Franklin, who administered the poisoned clyster to *Overbury*, made use, to compose it, of one *Rever* an Apothecary's boy, who was afterwards sent into *Flanders*, or perhaps run away from his master. This *Rever* being at *Flyinge*, where some business had brought Sir *William Trumbull* his Majesty's Envoy at *Brussels*, got acquainted with some of his servants, and whether unadvisedly or with design, informed them of what he knew concerning *Overbury*'s death (3). The servants telling their master what they had heard, he examined *Rever* himself, and drawing from him what he desired, found means to detain him at his house. Then, he writ to *Winwood*, desiring him to obtain the King's leave for him to come to *England*, because he had some things to reveal, which he could not trust to paper. Leave being granted, he acquainted *Winwood* with what he had learned (4), and *Winwood* told it the King, who commanded them both to keep it private till further orders.

Some time after, the King being returned to *London*, wanted to reconcile his two favorites, to be freed from the continual importunities occasioned by their contentions, and those of their adherents. He thought he had found a notable expedient, by obliging *Villiers* to make the first advances, and desire the Earl of *Somerſet*'s favour and protection. To that purpose, he ordered Sir *Humphrey Aſky*, *Somerſet*'s creature, but who showed great respect for *Villiers*, to tell the Earl, as of himself, that he was credibly informed, *Villiers* would come and desire his friendship and protection, and advised him to receive him civilly, and that by giving the King this token of his compliance, he would still be very much in favour, though he was not to flatter himself with reigning alone in the King's affection. Sir *Humphrey May* having discharged his Commission, and perceiving the Earl of *Somerſet* unwilling to follow his advice, was at length forced to tell him in plain terms, that what he had said was by the King's orders, and warned him to consider seriously the consequence of a refusal. About half an hour after, *Villiers* came to the Earl's, and used these very words: *Aſky Lord, I desire to be your Servant and Creature, and to take my Court-preference under your Lordship's favour, and your Lordship shall find me as faithful a Servant as ever did serve you.* To this to subornative compliment, the Earl returned this short and quick answer, *I will have none of your service, and you shall have none of my favour. I will, if I can, break your neck, and of that be confident.* These words very much exasperated the King, who from that instant resolved to be rid of the Earl of *Somerſet*.

It is hard to guess whether, supposing the Earl of *Somerſet* had behaved with more condescension to the King, and been reconciled to *Villiers*, *Overbury*'s affair would have been buried in eternal oblivion. This seems at least to be the course the King had resolved to take, if the Earl had been inclined to do what he desired. Be this as it will, the King being come to *Reynſton*, to begin his winter progress, expressed no displeasure against *Somerſet*, but lived with him as he was wont, without the least sign of any alteration in his friendship. But some days after, he sent in the night a messenger to Lord Chief Justice *Coke*, with a letter, ordering him to make a Warrant to apprehend the Earl of *Somerſet* at *Reynſton*, and his Countess at *London*, with *Franklin*, *Wyllen*, *Mrs. Turner*, and Sir *Gervase Elways*, Lieutenant of the Tower. The messenger was sent back to *Reynſton* at four a clock in the morning, with an Officer of justice to execute the Warrant. At his arrival, the Officer found the King with his arms about *Somerſet*'s neck, who was just going to *London*, and affectionately saying to him, *When shall I see thee again Somerſet* (5)? At that very instant the Officer arrested the Earl by Sir *Edward's* Warrant, who exclaimed, that such an affront was never offered to a Peer of the realm in the King's preference. The King feigning ignorance, and asking what was the matter, said jestingly, *Nay, man, there is no remedy, for if Coke sends for me I must go.* Then accompanying him to the steps before the door, he desired him, as he was going down, to return speedily, saying, he could not live without him. As soon as *Somerſet* was in his coach, the King said, in the hearing of some persons, who told it again afterwards, *Now the deal goes with thee, I will never see thy face more.* If this be true, it must be owned, it was a needful and very strange diffimulation: but King *James* took delight in things of this nature.

At his coming to *London*, the Earl of *Somerſet* was sent to the Tower (6), his Countess, and the rest of the accomplices, having been arrested and committed, whilst he was on the road. The same day, Chief Justice *Coke* going to *Reynſton*, the King told him all he had heard from *Trumbull*, and enjoined him, with all possible fecrtness, to search into the affair, without partiality or respect of persons. He concluded with saying, *God's curse be upon you and yours, if you spare any of them: And God's curse be upon me and mine, if I pardon any one of them.*

Coke receiving such strict orders, was very active in the affair. Nay, some pretend, he was too active, and that finding in the Earl of *Somerſet*'s papers, indications of his being concerned in the death of Prince *Henry*, he had not the prudence to conceal them. However this be, most of the parties accused were tried in *October* and *November*, and being found guilty, were condemned and executed (7). Sir *Thomas Newton*, who was also arrested, appeared twice before the Judges, and at the second time *Coke* received a note from the King, which obliged him to send back the prisoner to the Tower, with these words, *Take him away,*

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1615.

Somerſet
arrested,
with this
order of the
Courtiers of
Overbury's
death.
Wyllen,
p. 698.
Coke, p. 87.
the King's
extreme dis-
simulation.
Wyllen,
p. 100.

the King's
justification
to Chief
Justice
Coke, p. 87.
Wyllen,
p. 100.

the justice
accorded.
of and ex-
ecuted.
Truth
brought
to light.
Wyllen,
p. 699.
Howe,
p. 112.

(1) The Pardon was drawn by Sir *Robert Corne*, and this Clause taken out of a Bill granted by the Pope to Cardinal *Wolsey*. *C. 35. Hilbert. Narrat.* c. 35.

(2) *Wyllen* says, that the Queen prevailed with the Chancellor not to let the Pardon pass the Great Seal, till after the King's return to *London*; by which time the affairs of *Overbury* were become quite publick. p. 698.

(3) *Rever* falling sick at *Flyinge* discovered the whole matter. *Wyllen*, p. 698.

(4) *Winwood* himself got the full Information of this horrible Business, from the Countess of *Stratford*, then a Prisoner in the Tower, and whom he frequently used to visit; who had been told of it by Sir *Gervase Elways*. *Wyllen*, p. 95.

(5) The words at length, as related by *Wyllen*, were, "For God's sake when shall I see thee again?" On my Soul, I shall neither see you any more, until "you come again." The Earl told him on Monday, (this being on the Friday,) for God's sake, shall I, shall I? Then telling about his neck; then, for God's sake, give thy Lady this kiss for me: In the same manner at the Stern head, and at the middle, and at the Stern, p. 100, 103.

(6) He was at first, on October 18, committed to the Custody of Dr. *Maurice Dean of Windsor*. *Camden's Ann.*

(7) *Wyllen* was tried and condemned, October 19. *Mrs. Turner*, November 9. Sir *Gervase Elways*, (as *Winwood*), on the 11th. *Franklin*, on the 12th. *November 16. Franklin*, November 21. *Elways* was executed November 25. *Ann. Jacobi*, November 14. *Franklin*, on the beginning of December, all at *Windsor*. And Sir *Gervase Elways* on Tower-hill, November 20. See *Truth brought to light*, p. 100—109. *2d Edit.* 1744, Vol. I. Camden's Ann.

1615. we have other matters against him of a higher nature. It is affirmed, *Coke* said aloud one day, as he was sitting on the Bench, *God knew what became of that fustian babe Prince Henry, but I know fimsibair*, and then stopped short. This gave occasion to think, he had made some discovery concerning the Prince's death (1).

1615. *Simon [Mason]* fervant to *Morden*, who had been employed to carry a poisoned tart to *Overbury*, being likewise brought before the Court, the Judge said to him, *Simon, thou hadst a hand in this poisoning business. No, my good Lord,* (answered *Simon*) *I had but one finger in it, which cist me all my hair and nails.* He had, it seems, out of liquorishness, as he was carrying the tart, tasted with his finger a little of the syrup. This ingenious answer caused him to be acquitted: for it was thought he would not have tasted the syrup, had he known it to be poisoned.

The Trial of the Earl of *Somerfet* and his Countess was deferred to *May* the next year 1616 (2), but not to be obliged to return to this affair, I shall relate here the circumstances of the Trial. If we may believe *Sir Anthony Weldon*, Author of a little Book entitled, *The Court and Character of King James*, which is properly but a Satire, the King had assured the Earl of *Somerfet* he should not be brought to a Trial. For this reason, when *George More*, Lieutenant of the Tower came and told him, he must prepare for his Trial on the morrow, he answered, That positively he would not appear, unless he was carried by force in his bed. The same Author adds, the King being informed of it, sent him word, he could not hinder his appearing before the Judges, but would prevent the passing any sentence upon him (3). By this artifice, says *Weldon*, the Earl was prevailed with to appear in Court, where he pleaded in his defence from eight in the morning, till seven in the evening, when, contrary to his expectation, sentence of death was passed upon him, as guilty of *Overbury*'s murder. The same Author says, the King was terribly uneasy all that day, neither was he at rest till the news came of his condemnation. This Author's aim, in relating these and many other circumstances, was to insinuate, that the King was afraid the Earl of *Somerfet*, to save his life, would reveal some secrets he had a mind to conceal. But these secrets are not explained, and probably are only Chimeras. If the King had feared any thing from the Earl of *Somerfet*, he would never have brought him to a Trial, or commanded the Judge to examine him strictly. Nevertheless, though *Weldon* be fatidical, and there is no depending upon his testimony, some truth however appears in what he relates, since the King's conduct, after the Earl of *Somerfet*'s condemnation, shews there was in this affair some circumstance by which he was embarrassed.

The Countess of *Somerfet* being brought before the Court, pleaded only with a Shower of tears, which raised some compassion in her Judges, but however, hindered her not from being condemned to die as well as her Lord. The King granted them a reprieve, which was often renewed till the year 1621, when they had liberty to go and live at a Country-seat, without however being released from their sentence. At last, in 1624, about four months before the King's death, a Pardon was granted them. After the Earl of *Somerfet* was condemned, the King gave him four thousand Pounds a year in land, which he took in his servants names. This noble present, the pardon granted the Earl, notwithstanding the curse denounced by the King against himself and posterity, if ever he pardoned the guilty, his selfishness during the Trial, the Note sent to the chief Justice whilst he was trying *Sir Thomas Monson*, *Coke*'s imprudent words concerning Prince *Henry*, and his disgrace which soon followed, all these things, I say, have given occasion to King *James*'s enemies to insinuate, he was conscious of some guilt, and they have been pleased to apply the whole to Prince *Henry*'s death. But, besides that all these circumstances could at most only form a bare presumption, who can affirm them to be all precisely true? Amidst the perpetual contraries in the Authors who write of King *James* I. it is hard to know distinctly the truth. Some pass over in silence particulars which are

chiefly insisted upon by others, or absolutely deny facts, which the others advance as incontestable. Some there are whose aim was to give a very ill idea of the manners and qualities of this Prince, whilst others represent him as a very wise, just and religious King. Some penned his Reign while the Civil Wars raged in England, or when the Monarchy was changed into a Commonwealth. These thought to do their Country service, in demonstrating that the project of enslaving England was begun in the Reign of *James* I. and pursued in that of *Charles* I. Others wrote after the Restoration of *Charles* II. when the Civil Wars were filed an unnatural Rebellion, and when the fear of falling under an arbitrary Government was termed chimerical. Hence arises the difficulty of making a choice amidst all the contraries between the Historians. Unhappily the same parties still subtilt with the same prejudices. So there is little hopes of seeing an impartial History of England, from the beginning of King *James* the First's Reign, to our time. Let a Historian turn which way soever he pleases, he will be looked upon as partial, by one or other of the two factions. This is a remark absolutely necessary as well for the fact I have just mentioned, as for the whole Reign of *James* I. and still more for the following.

To finish what relates to the Earl and Countess of *Somerfet*, I shall briefly add, that their Love which had impaged them to commit such abominable deeds, turned at last to hatred. They lived, together many years in one house, as strangers to each other, and at last the Countess died of an uncommon disease (4). The Earl lived long enough (5) to see his Daughter married to the Duke of *Bedford*, who had by her the Lord *Russell*, beheaded in the Reign of *Charles* II.

Arabella Stuart, First-Cousin to the King, died in the Tower the 27th of September 1615, a little before the Trial of the Complexes of *Overbury*'s murder. Many seeing that on occasion of these Trials, Prince *Henry*'s death began to be talked of afresh, imagined this Kinswoman of his Majesty might also be poisoned. This is what some Historians, enemies to King *James*, have advanced, or at least insinuated, without any other foundation than this malicious report, grounded upon the chimerical project in the beginning of the present Reign, of setting *Arabella* on the Throne. She was daughter of *Charles Stuart* younger Brother to *Henry* his Majesty's Father. Consequently, the could have but very remote pretensions to the Crowns of England and Scotland, which *James* enjoyed not by the Title of the *Stewart* Family, of which he was by the Father's side, but by his Mother Queen *Mary*'s right, to whom *Arabella* was only a very distant relation. The King therefore must have carried his suspicions beyond all imagination, to resolve to poison this relation at a time when there was no commotion either in England or Scotland, and when he was actually in prison. The cause of her disgrace was, her privately eloping without the King's consent, *Sir William Seymour*, Grandson of the Earl of *Hereford*, for which the King sent them both to the Tower, from whence some time after, they made their escape with intent to fly into France. *Seymour* had the good fortune to escape, but *Arabella* was taken and shut up in the Tower, where she died (6).

The Earl of *Somerfet*'s affair ending the dispute between the two Favorites, the Court was restored to its former tranquillity, under the management of *Villiers*, who engrossed the King's affection without a Rival (7). The new Favorite behaved in much the same manner as his Predecessor. He suffered himself at first to be guided by such as he thought wiser and more experienced than himself: But in time he thought himself the most able person in the Kingdom. His first care was to diminish by degrees the Earl of *Somerfet*'s creatures, and confer the places on his own relations and friends. Nothing more material was transacted at Court for some years, except the two usual affairs of this Reign, wherein the promotion of the new Favorite made no alteration. I mean the advancement of the Prerogative Royal, and the methods of raising money

(1) He intimated as if *Overbury* had been concerned in Prince *Henry*'s death, and the King in *Overbury*'s; whereupon it was said, that the King went to the Council-Table, and kneeling down, desired God to try a Curse upon him and his Posterity for ever, if he were conscious to *Overbury*, [in revenge for the Prince's] death. *Weldon*, p. 202.

(2) The Countess was tried on May 24. and the Earl, *More*, both in *Windsor-Hall*, the Lord Chancellor being appointed High-Steward on that occasion. See *Camden's Ann.* and *State-Trials*, and *Symes's Fast.* Tom. XVI. p. 251.

(3) *Weldon* says, when *Moss* told the King, how much he was surprised at *Somerfet*'s saying, he would not appear, and that the King durst not bring him to a Trial, The King fell into a passion at *Years*, and says, *Let my Soul, Moss, I will not wait to do; this is a wisp Moss, let me in this place, and this will I do this day for a thousand Marks.* Whereupon *More* shews the King, he would do his utmost to serve his Majesty, and leaving him, went and sold the *Stratagem* above-mentioned. This relation the Author says, he had from *More*'s own Mouth. *Court of King James*, p. 115—117.

(4) The Reader may see an account of it in *Weldon*, p. 83. or in *Compl. Hist.* p. 639. She died in August 2. 1615, in the Lord Viscount *Wallingford*'s house.

(5) He died in July 1642, and was buried in the Parish Church of *St. Paul's Cross Church*, *Dagdale's Baron*, Vol. II. p. 425.

(6) *Sir William Seymour* upon his Marriage was committed to the Tower, but *Arabella* was confined to her House at Highgate. After some time they agreed to meet at a certain place on the *Thames*, in order to fly beyond Sea. He leaving his Man in his Boat to sell his part with his Keeper, got out of the Tower in disguise, and came to the place appointed. She, dressed like a young Gallant, followed him from her House, but happening to fly beyond the dinner-time, he went away, leaving words, if she came, he was gone before to *Dagdale*. She, full of *Tears*, and crying in her flight, was apprehended and sent to the Tower. After her death *St. William* got leave to come home, and married afterwards the Lady *Frances*, Sister to the Earl of *Essex*. *Weldon*, p. 91.

(7) In the beginning of January, he was made Master of the Horse, and July 7, Knight of the Garter. The King bestowed upon him the best part of *Somerfet*'s Estate. *Hume*, p. 1024, 1025. *Cady*, p. 32.

1616. without the Parliament. The first of these two points produced in the year 1616, between the King and the Judges a sharp contest, the occasion whereof was this.

The King desiring to give in *Comendamus* a vacant Church (1), it was disputed in the Court of *Common-Pleas*, not only whether the King might give a *Comendamus* to a Bishop, either before or after his Consecration, but also whether *Comendamus* were to be granted without necessity. The Chief Justice of the *Common-Pleas* finding the case difficult to be decided, desired to have it farther argued by all the Judges, as is usually done in nice points. The King, who was at *Royle*, being informed of it, commanded his Attorney-General [*Flaccus*] to signify by Letters to all the Judges, that they should defer the determination of the affair till his return. Notwithstanding this order, the Judges met and argued the case. After which, they unanimously signed a writing, declaring they could not obey the King's order, because they were sworn to have no regard to the King's orders or letters, in matters concerning private persons (2). The King, exasperated at their proceedings, writ them, that it was not his intent to stop the course of Justice, but however he would not endure, that under colour of determining cases between private persons, they should attack the Prerogative Royal, or That any Person should be allowed to dispute or argue on that head: That the argument drawn from their oath was impertinent, since the oath was enjoined by the Kings his Predecessors, only to prevent the importunities of Sutors [to the Prince], and not to give the Judges authority to determine in points of Prerogative. He concluded with a peremptory command, not to proceed till they had consulted him.

It must be observed, that in this letter, the King supposed two or three Principles, which neither the Judges, nor the generality of the Nation did admit. The first, that no person had a right to argue concerning the extent of his Prerogative, since the Judges of the Realm, being considered as middle Persons between the King and People, were alone to decide, and commonly did decide the questions on this head. The second principle was, that the oath taken by the Judges at their admittance into their office, was enjoined by the Kings his Predecessors, to avoid the solicitations of Sutors, whereas it was the common opinion that the Power ascribed to the Judges to disobey the King's Letters, was given them by the whole Nation represented in Parliament (3). The third principle was, that nothing ought to be decided (4) without consulting him, that is to say, their determination was to be founded upon what he should himself enjoin. People for the most part affirmed, the King would thereby establish a new Prerogative unheard of in England.

The King being returned to London, sent for all the Judges to the Council-Table, and reprimanded them severely. He told them among other things, that since his accession to the Crown of England, he had observed that the Counsellors at the Bar (5), took the liberty to argue the extent of the Prerogative Royal, which on that pretence, was trampled upon, and it was the Judges business to bridle this insolence in their respective Courts. Then speaking of the order he had sent them, he imperiously told them, there was no reason that could excuse their non-compliance (6). The King's manner of expressing himself terrified the Judges, who chose rather to give way than resist him to his face. Coke alone constantly maintained, that the King's order being contrary to Law, they were not to blame for refusing to obey it. Whereupon the King said

with some emotion, whether they had done well or ill, he would not suffer his Prerogative to be contested. In fine, the Judges being withdrawn, the Council unanimously determined the case in favour of the King (7).

This affair made great noise among the People. They who were already prejudiced against the King, said, it was evident he intended to reign with an absolute power: That not only he continued the determinations of the Judges, but would not to much as endure that his Prerogative should be argued, and proceeded to be sole Judge of the extent of his own authority. But others admired his courage in maintaining the Prerogatives of the Crown.

It was not long before Coke felt the effects of the King's wrath. The Chief Justice having brought a complaint in the Star-Chamber against the Lord Chancellor *Ellmery*, concerning an Order issued out of the Court of Chancery, and having lost his Cause (8), wherein he was accused, 1. Of having wrongfully attacked the Lord Chancellor (9). 2. Of having [when Attorney-General] concealed a Statute of twelve thousand pounds due to the King from the late Lord-Chancellor *Hutton*. 3. Of having said in open Court, that his Majesty was labouring to overthrow the Common-Law of England. 4. Of having behaved very insolently to the King, in the case of *Comendamus*. The Lord Treasurer upbraided him likewise before the Council, for suffering his coachman to drive him bare-headed, a Privilege not granted even to the Lord Chancellor himself. As the King was displeased with him, this was sufficient to turn him out of his place, which was given to Sir *Henry Montague*. Coke was extremely well served in the Common Laws of England, of which he wrote a Book highly esteemed, and which is daily cited in the Courts of Justice, and the High-Court of Parliament (10). But as he was one of those who suspected the King of aspiring to arbitrary Power, and thought it his duty to oppose it, he could not be agreeable to the Court.

Prefently after, the Lord Chancellor *Ellmery* being taken so ill, as to despair of being able to continue the functions of his Office, desired the King to confer it on another (11). But the King, without granting his request, sent for the Seal, telling him, he would himself be his Deputy. And indeed, he kept the Great-Seal till *Ellmery's* death, which was not till March the next year. After that, Sir *Francis Bacon*, Attorney-General, was made Lord Keeper, and then Chancellor. He was a man of great abilities, as appears in his works, but a servile flatterer, cringing to those who were in favour, and very haughty to such as he believed he should not want (12). Prince *Charles* the King's only son, was created this year (13) Prince of Wales, with the usual solemnities. The King thought of marrying him, but it was not easy to find a Princess fit for him. There was never a Protestant Princess of royal extraction in Europe, and his Father could not resolve to marry him to any but a King's daughter. Several of his Predecessors had not been so difficult: but for his part, he was extremely nice on this occasion. He would have thought it a disparagement to the Prince his Son to marry the Daughter of any German Prince. He chose rather, contrary to all the rules of good policy, to seek him a wife in a House sworn enemy to the Protestant Religion, than to marry him to one of his own Religion, who was not royally defended. This infatuation, if it may be allowed the expression, is to be considered as the source of the rest of the occurrences of this Reign, and of all the vexations *James* had to endure, as well from

The Council decides in favour of the King. *Annals*, p. 17.

(1) *Rapin* by *mill* he *Guy*, a vacant Bishopric. When a Person or Vicar is made a Bishop, there is a Cession of his Benefice by the Promotion: But if the King gives him Power to resign his Benefice, he is tied to hold it in *Comendamus*.

(2) They told the King this Oath was, That in case any Letters came to them contrary to Law, they are not to obey them, but to proceed to Justice. *Annals*, p. 17.

(3) The Judges themselves in their answer to the King's Order by the Attorney-General, built their Non-compliance upon two Acts of Parliament, 25 Edward III, and 1, Henry VIII. *Annals*, p. 17.

(4) In matters of Prerogative. See the King's Letter, *Annals*, p. 17.

(5) And in the Parliament House. *Annals*, p. 17.

(6) He told them, desiring upon just and necessary Cause, was not delaying of Justice, and therefore his Order was not against Law, or their Oath. But Chief Justice *Coke* answered, that his Majesty's Oath was a duty of Justice. *Annals*, p. 18.

(7) That the King's doing the Judges to stop Proceedings till they had consulted him, was not against the Judges Oath, or the Common-Law. As to *Comendamus*, it was agreed by the Judges, not to draw the King's Power into doubt. *Annals*, p. 18.

(8) Sir *Edward Coke*, having it seems determined a Cause at Common-Law, (in which the Chief Justice for the Plaintiffs was made drunk by the Defendants, and thereby rendered incapable of appearing,) the Plaintiffs thinking themselves injured, brought the Business into Chancery: The Defendants refused to obey the Orders of that Court; whereupon the Lord Chancellor for Contempt committed them to Prison. They petitioned against him in the Star-Chamber, the Lord Chief Justice joining with them, and threatening the Chancellor with a *Purview*. The Chancellor applied to the King, who sent for Sir *Francis Bacon*, Sir *Henry Montague*, &c. to search for Precedents of such a complaint in Chancery, and were moved afterwards to Equity, after Judgment at Common-Law. They returned answers, that it had been the constant Practice ever since Henry the Seventh's time, after Judgment at Common-Law, and many times after Execution, upon which Coke was wroth, and brought upon his knees at the Council-Table. *W. Jon.*, p. 204.

(9) This was the whole Cause. The rest of the Articles were added to it in order to humiliate him. *W. Jon.*, p. 204.

(10) He wrote *Institutes*, or *A Comment on Littleton*, several Volumes of Reports, &c. He is accused of answering too much Passion and Prejudice on the Bench, and of setting the part of a Pleader rather than a Judge. His Pleadings at the Trial of Sir *Robert Knollys*, &c. to his eternal Infamy, that he would at any time talk an innocent Person to death; for there never was seen such a heap of Infolencies, and Larcenies. See *State-Treaty*, Vol. II. p. 205, 206, 207, 208, 209.

(11) He was on November 7, this year created Viscount *Brackley*. As was also in the same day William *Kentwell*, Viscount *Wallingford*, and Sir Philip *Stanhope*, Baron of *Stafford*. *Henry*, p. 1026. *W. Jon.* called the Seal to be taken from *Ellmery*, because he would not give way to his exorbitant desires. p. 185.

(12) *W. Jon.* says, *Waller* sent this Message to *Bacon* when he was made Lord-Keeper: That he knew him to be a Man of excellent Parts, but without a bit and ungrateful Temper, and an ardent Knave, up in his Prosperity to ruin any that had raised him from Poverty; yet knowing how fit an Instrument he was for him, he had obtained him the Seal; but with this Assurance, should he ever require him as he had done four others, he would call him down as much below Scorn, as he had now raised him above any Honour, he could ever have expected. p. 125, 126.

(13) The first of November. Others say, the fourth. *Rapin*.

1616. Foreigners as his own Subjects. It may be farther added, that this made him better known than before, and in a manner not to his advantage. He would have married his eldest Son Prince Henry, to Anne of Austria, who afterwards espoused Lewis XIII. King of France: but having at last discovered, that the Court of Spain carried on the negotiation only to amuse him, he gave over his design. The French King's marriage being solemnized this year 1616, James sent Ambassadors to France and Spain to congratulate the two Kings. The Lord Hay a Scotchman was chosen for the French Embassy (1), and the Lord Rosi for the Spanish. They had both orders to found the two Courts concerning the Prince of Wales's marriage, with the Princess eldest Sister of Lewis XIII. or with the Infanta Maria, Daughter of Philip III. The Lord Hay quickly found, his negotiation would be fruitless, since the Princess of France was already promised to the Prince of Piedmont, Son to the Duke of Savoy.

Franklin's
Annals.
Witho.

He is noted
for the Span-
ish Match.
Annals,
p. 36.
Rushworth,
T. I. p. 1.

Annals,
p. 19.

The Spanish
Match is
treated of
Rushworth,
T. I. p. 4.

James is
accused by
the Court
of Spain.
Rushworth,
T. I.

The King's
Favour
Conduct.

Coke,
p. 85.

Whilst these things were in agitation, and before the Lord Rosi's arrival in Spain, Sir John Digby, his Majesty's Ambassador to Philip III. writ to the King, that the Duke of Lerma had made an overture of a Marriage between the Infanta Maria and the Prince of Wales, and desired private Instructions on that head. He advised him however not to break off the negotiation with France, for fear the Duke of Lerma's offer should be an artifice to render him suspected to the Protestants. James could not but doubt of Digby's suspicion being well grounded, as Sir Dudley Carleton his Ambassador at the Hague had told him, that to weaken the good intelligence between him and the States-General, a report was spread, that the Prince of Wales's marriage with the Infanta of Spain was on foot, and now far advanced. But he took no notice of this intelligence. On the contrary, he sent orders to Sir John Digby to begin the negotiation with Spain. At the same time, (Don Diego de Sarmiento) Count Gendemar, the Spanish Ambassador in England, received a Commission to treat with the King concerning the marriage.

After James had taken this resolution, he could not conceal his extreme desire to accomplish this marriage. Hence he gave occasion to the Spaniards, who had then no design to treat seriously of this affair, to feign that he passionately wished to conclude it to his satisfaction, and to draw from his readiness, considerable advantages for the House of Austria and the Catholic Religion. By means of this same desire it was, that Count Gendemar, a man of great abilities, so insinuated himself into the King's favour, that for many years he caused him to do almost whatever he pleased, by putting him in fear that the marriage would signify, if the Spanish Court was not managed. We may judge of the policy of that Court, by the length of this negotiation, which was made to last seven years. At first, the Spaniards intended only to hinder King James from concerning himself in the war of Cleves, and assisting the Protestant Princes. But afterwards, a more important affair made it his interest more than ever to amuse the King of England, and to keep him at a bay.

Certainly James's conduct, who in some men's opinion pales for the Salomon of his age, was very extraordinary. Under colour of being at Peace with all the world, he meddled not with any foreign affairs. He beheld, without concern, France openly labouring the destruction of the Huguenots, and the House of Austria forming projects to enslave all Europe, and daily increasing in power, to the just dread of the rest of the States, and especially the Protestants. Moreover, he expressed a strong desire to be allied to that House, by a marriage which could not but be prejudicial to the established Religion of England. In short, if his management at home be examined, the capacity, the great wisdom he thought himself blessed with will no where appear. Without any war upon his hands, he had consumed immense sums, and alienated almost all the Crown-Lands, to enrich a dozen of English and Scotch Favorites, who had never done him any considerable service. The Earl of Somerset had, before his disgrace, amassed two hundred thousand pounds in Money, Plate and Jewels, besides nineteen thousand Pounds a year in Land, though he had been but five years in favor (2). The Earl of Salisbury, younger Son to the Lord Burleigh, who had no credit but what he

derived from the Crown, had left his Son as rich as any Peer in the Kingdom. The Earl of Northampton, younger brother of the late Duke of Norfolk, had built a stately Palace in London (3), since called Northumberland-Haus, and left a vast inheritance to his nephew the Earl of Arundel, tho' he had little or nothing from his Family. The Earl of Suffolk, youngest Son of the Duke of Norfolk, had built a country Seat, which cost above two hundred thousand pounds, and he did not, as may be judged, expend his whole substance on this structure (4). The Duke of Lennox, the Earl of Dunbar, the Lord Hay, had remitted great sums into Scotland, and Sir Henry Kier, afterwards Earl of Holland, though a younger Son, had found means to raise an immense Estate. Amidst all these Favorites so rich and powerful, the King was in extreme want, continually giving more than he could afford, and running into needless expences, without ever regulating his Treasury. To all this was added a new Favorite, who being no less greedy than the rest, was also to be enriched, and had a numerous Kindred, whom he did not mean to leave in want (5). Another effect of the King's great wisdom was, to quarrel with his Parliament, in support of a Privilege which he would have carried higher than any of his Predecessors, and thereby put himself under a necessity of using means to raise money, which could not but alienate from him the love of his People. Lastly, let us add his weakness, in suffering himself always to be so governed by his Favorites, that he could not, or would not, see but with their eyes. At the time I am now speaking of, his Cabinet-Council consisted solely of the new Favorite, a young man without experience, through whose hands never any affair of moment had passed, and who, notwithstanding, thought himself the most able man in the Kingdom (6). The Earl of Suffolk was more versed in affairs, though he was never counted a great genius: but he was now upon the decline of his Favour, Villiers being far from supporting the Earl of Somerset's Father-in-Law. Bacon, Lord-Keeper, was well versed in the Laws of the Land, and capable of giving good advice: but he made it his whole study to adapt himself to the King's humour, and make his court to the Favorite.

Coke,
Clarendon,
Widdow.

The only affair which then employed the King and his Ministers, was to find money, and in plenty too, otherwise the King would have led a sad life. But all means seemed to have been exhausted, and a Parliament could not safely be called, the wound of the imprisoned Members being still too fresh to hope it was yet closed. Mean while, the Treaty of the Prince of Wales's marriage with the Infanta, procured the King an unexpected supply. Queen Elizabeth had settled, with the States of the United-Provinces, the arrears they owed her, amounting to eight millions of Florins. This sum was due to James, as Elizabeth's successor. The States would have paid the debt long since, had they not found their account in remaining debtors to England, because they thereby engaged that Kingdom to support them. But after the twelve years Truce was concluded, the face of affairs was altered. The States no longer wanted the King's protection, and besides, he held in their Provinces, places which gave him opportunity to treat them with haughtiness, as he had done in the affair of *Forstius*. It was therefore time for them to recover these places, since they had not the same interest now to leave them in the King's hands, when their dread of Spain was very much lessened by the Truce. But the sum they were to pay was so considerable, that they waited a favorable opportunity to procure them some abatement. This opportunity offering not till the present year 1616, they embraced it more eagerly, as they were under an urgent necessity to withdraw their Towns from the English. The King treating of his Son's marriage with the Infanta, it was to be feared, the restitution of these towns, to which the Spaniards laid claim, would be one of the Articles of the marriage Treaty, especially as a Clause in the Treaty of 1604, between England and Spain, gave them just cause to fear. On the other hand, the present juncture was favorable to them, because the King's coffers were quite empty, and there was no likelihood of his venturing to call a Parliament, by reason of the people's discontent. All the difficulty therefore was to order

He gives up
the Union-
ary Towns
for the third
part of what
he used to have.
Coke,
p. 85.
Rushworth,
T. I. p. 3.

Rushworth,
T. I. p. 3.

(1) This was one of the most magnificent Embassies recorded in History. Among other things, the Lord Hay, at his public Entry into Paris, had his Horse clad with Silver Shoes lightly tacked on; and when he came over against Houses or Balconies, where Persons, of Honour, or of eminency were, his Horse prancing in humble reverence, flung his shoes away, which the surrounding Mob scrambled for; then one of his train, cut at a silver Bag took others, and laid them on, which custom till he came to the next Treaty of Commerce. *Hist. p. 704.*

(2) There hundred thousand pound came to the Crown upon his fall, says *Gibbs*, *Sect. 30.*

(3) And also three Hospitals; one at *Kings in Norfolk*, for twelve poor Women and a Governor; a second at *Chen in Shropshire*, for the same number of Men; the third at *Gloucester in Kent*, for a Governor, and twenty poor Almshouses. *Haver, p. 1012.*

(4) *Adrian IV. in Epig.* the next structure next to *Hampden-Court* (says *Cole*) ever built by any Subject in England, which by modern Estimates cost above 100,000*l.* *C. & D. p. 8.*

(5) The Lord *Clarendon* observes, that *Villiers* exacted almost all of his own numerous Family and Dependents, whose greatest merit was their Alliance to him; which equally offended the ancient Nobility, and the People of all Conditions, who saw the Favors of the Crown every day fading, and withered; whilst the *Densel* and *Revenues* thereof were bestowed to the enriching of a private Family, never heard of before to the Nation, and the expenses of the Court so vast and unlimited, that they had a sad Prospect of that Poverty and Necessity, which afterwards befell the Crown, almost to the ruin of it. *T. I. p. 10.*

(6) *Frederick* is said to tell King James in *Richley*, that he was the wisest Prince in *Chilindren*, as much *Princ*-*Carroll* says at the age of Twenty-two, *rejoins* after the King of Spain could not do till Sixty. *Sir E. Peyrou, p. 42.*

1616. it so, that the offer of restoring the Towns should come from the King himself, because, in that case, the States might pretend inability to pay so large a sum, and that would naturally lead to a negotiation for an abatement of the debt. So, to bring the King to this point, they ceased for a time to pay the Garrisons of the places in possession of the *English*; though, till then, they had punctually executed the Treaty which obliged them to pay them. The Garrisons complained, and the States, without however refusing payment, found several pretences to defer it. This delay contrived the *English* forces, who were without money, to apply to the King, who was not in condition to satisfy them. He complained to the States, who answered with great moderation, insisting upon the ill-state of their affairs, by reason of their vast expence during the war. In a word, this affair did not end, and the *English* Garrisons still remained without pay. At last, *Caron the Dutch Envoy in England*, intimated as of himself, to some one of the Ministers, that he believed, if the King would offer to restore the Towns in his possession, the States would do their utmost to discharge the whole debt, by borrowing money at a high interest. This intimation produced the desired effect. The King having no money, and seeing a near prospect of drawing from the States a large sum, which the Courtiers had already devoured in their thoughts, readily determined to surrender the cautionary Towns. Pursuant to this resolution, he wrote to the States, *That he knew them to be his good friends and confederates, both in point of Religion and Policy (1), therefore he apprehended not the least fear of difference between them: In contemplation whereof, if they would have their Towns again, he would willingly surrender them.* Upon this Letter, they sent Penionary *Barnveldt* to the King, who artfully managed this affair, that they were discharged for two millions seven hundred twenty eight thousand Florins, in lieu of eight millions, which they had promised to pay to *Elizabeth*, besides eighteen years interest. By this agreement, the Cautionary Towns were delivered to the States the 14th of June 1616 (2).

They who were not pleased with the Court, greatly censured this Treaty, which robbed the Crown of England of the advantage of holding the United-Provinces in a sort of subjection (3). It was said, that indeed *Elizabeth* was bound to resign these places, upon payment of the sums she had advanced; but there was no necessity to restore them for much less: That there was the less occasion to hasten this restitution, as the Garrisons were not maintained by the Crown; and if the States neglected to perform their agreement with the Queen, the King should have made them sensible they had not done it with impunity. These things were not for the King's honour, and his proceedings on this occasion could at most but confirm to him the title of *Pacifick* (4), which he affected above all others. But it was much worse, when it was seen in a very short space, that the money paid by the States was vanishing, without a possibility to guess what was become of it. The King had paid none of his debts: the Navy was suffered to decay, for want of money to repair it; and nothing had been sent to his army in *Ireland*, which had not received one penny for several years, and whose wants had served for pretence to treat with the States.

At length it was discovered, that the Lord Treasurer *Suffolk* had converted to his own use good part of the money received from the Cautionary Towns. The favourite mistook not this opportunity to ruin a man, whom he could not consider as his friend, since he was father-in-law to the Earl of *Somerset*. The Lord Treasurer was therefore accused in the *Star-Chamber*, of sundry misdemeanors in the exercise of his office, and especially of having kept for himself great part of the money received of the *Hollanders*. Sir *Edward Coke*, who was restored to his place, and had another (5), was his Accuser. He aggravated his misdemeanors, his extortions, his mismanagement of the King's treasures, his boldness to apply them to his own use, the corruptions of his Courtiers, who took bribes with both hands, the artifices of his Deputy *Bingley* (6), to enslave such as had business with his master. After that, he cited many precedents of Treasurers, who in former Reigns

had been punished for lighter crimes than those of the Earl of *Suffolk*, and shewed the dangerous consequences resulting from the ill administration of the Treasurership, when it was not managed by uncorrupt persons. If the Lord Treasurer had cast himself upon the King's mercy, he would have been easily acquitted. But he strove to justify himself, and not doing it to the satisfaction of the Judges, he was fined thirty thousand pounds, and condemned to imprisonment during the King's pleasure, and *Bingley* was fined two thousand pounds. Till the King should make choice of a Treasurer, that office was executed by Commissioners, the first of whom was Sir *Henry Montague*, the favourite's creature.

The Earl of *Suffolk* was not the only sacrifice to *Villiers's* policy, who by degrees removed *Somerset's* creatures. Sir *John Bennet*, Judge of the Prerogative Court, was turned out, and fined twenty thousand pounds. Sir *Henry Yelverton* the King's Attorney also lost his place, as well as several others whom it is needless to mention. Secretary *Hewson* dying about this time (7), Sir *Robert Naunton* a Protestant, and Sir *George Calvert* a Papist, were made Secretaries.

The tranquillity enjoyed by the King, might have been deemed perfect, if the fear of his Prerogative's being attacked, had not continually disturbed his repose. In vain did he preach and advance his Principles upon all occasions, he had the misfortune to be regarded by none but his Courtiers and immediate Dependents. For this reason he durst not call a Parliament, knowing the Commons did not allow of his maxims. He seems to have thought it pure ignorance in the *English*, and that by a frequent repetition of the Sovereign's Prerogatives, he should at length succeed in convincing them of the truth of his Principles. This he took occasion to do in June this year, in a solemn assembly held in the *Star-Chamber*, on pretence of making known his design to correct certain abuses crept into the Courts of Justice. He made a very long Speech, full of divisions and subdivisions, according to his custom, and took for his Text these words of *Psalms* lxxxi. 1. *Give thy judgments to the King, O God, and thy righteousness to the King's Son* (8).

He begins with saying, "The literal sense of these words runs upon *David* and *Solomon*, godly and wise; the mythical upon God and Christ, just and righteous; and from this imitation all Governments, especially Monarchies, have been established. Kings sit in the throne of God, and thence all judgment is derived, from the King to the Magistrates, not *privative* but *cumulative*. So by the counsel of *Moses* to *Moses*, the Judges were deputed for easier questions, the more profound left to *Moses*; and in this manner all Christian Kings govern, whereby appears the near conjunction between God and the King upward, and the King and the Judges downward; the King to settle the Law of God, and his Judges to interpret the Law of the King."

Then he teaches the Judges their duty in administering justice; and after dwelling upon many common notions, he proceeds to the limits prescribed them: "Incrasech not upon the Prerogative; deal not in difficult questions, before you consult with the King and Council, for fear of offending the King through the sides of a private person." Whereupon he takes occasion to commend some of the Judges for rebuking the popular humour of certain pleaders at the bar, who meddled with such matters. "That which concerns (says he) the mystery of the King's power, is not lawful to be disputed; for that it is to invade into the weakness of Princes, and to take away the mystical reverence that belongs to those who sit in the throne of God (9)."

After having run through, and given his opinion concerning the several Courts of Judicature, he goes on, "It is the duty of Judges to punish such as seek to deprave the King's Courts, and therefore it was an odious and inept Speech in *Westminster-Hall*, to say, that a *Premunure* lay against the Court of Chancery. I mean not that the Chancery should exceed its limits, but the King only is to correct it, and none else; and therefore I was greatly abused in that attempt; and for that reason commanded,

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He is fined 30,000 l.

Annals, p. 22.

Other chancery. 20 at Court.

Wilkes. Camd. Ann.

The King is over full of his Prerogatives.

The King's Speech in the Star-Chamber, Annals, p. 23. R. James's Works, p. 549.

Cobale. Ap. Pub. XVI p. 57. — 587.

R. James's Works, p. 549.

The Lord Treasurer is accused of mismanagement. Wilkes, p. 204. Annals, p. 22. Cobale. Camd. Ann.

(1) Though, as *Coke* observes, the Religion of the Dutch was *Presbytery*, which the King hated, nor did ever imitate their Policy. Vol. I. p. 91. *Coke's* *Discourse*.

(2) Robert Sidney Viscount of *Essex*, and Sir *Henry Vere* of the *Breid*. The Commission directed to them for the delivery of these Places, bears date, May 22. *Rymer's* *Fœd.* Tom. XVI. p. 734. &c. They, and the rest of the *English* Officers in those Towns had 15,000 l. distributed among them in recompence for the loss of their Places. *State of the Revenue*, p. 21.

(3) The Cautionary Towns being *Enghien*, *Ramstein*, and the *Breda*, were situated the keys to the three *Flemish* Rivers, the *Scheldt*, the *Rhin*, and the *Meuse*. *Coke*, p. 89.

(4) *Rex Pacificus*. He took for his Motto, *Deus pacificus*.

(5) The King was so far reconciled to him, as to call him to the Council-Board in September 1617. He had not his Place again. *Wilkes*, p. 705. *Coke's* *disc.*

(6) Sir *John Bingley* was one of the Tellers of the *Exchequer*. Sir *Francis Bacon*, in his Speech upon this occasion, wisely observes, That the Council of 1609. A kept the *Seal*, and Sir *John Bingley*, her Officer, cited what do you lack? *Wilkes*, p. 705.

(7) See the Speech at length in *King James's* *Works*, p. 549.

(8) He begins thus, "The absolute Prerogative of the Crown is so Subject to the Ties of a Law, as it is impossible to be abused. It is absolute in its nature, it is divine, what God can do a good Christian cannot shew himself worthy to resemble Him. As it is Prerogative and a King's duty to do as he sees fit, so it is a King's duty to do as he sees fit, that a King cannot do that is right, but yet in that which is the King's reason will in his laws." *King James's* *Works*, p. 557.

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"that no man hereafter presume to sue a *Pramunire* against that Court."

He speaks afterwards of the *Star-Chamber*, and says, "As a Star is a glorious creature, next in place to the Angels; so this Court is the most glorious of all Courts, consisting of [Privy-Counsellors,] Judges, Peers of the Realm, and Bishops, and consequently the learning of both divine and human Law, the experience and practice of Government, are conjoined together in the proceedings of this Court. He added, I have laboured to gather articles, like an *Index expurgatorius* of novelties crept into the Law; look to *Plowden's Cases*, and if you find it not there, away with it."

Then he addresses himself to the Auditory, and gives them advice with respect to the Law-suits that were carrying on in the several Courts. "He chiefly advises them in their Pleas, not to *presume to meddle with things against the King's Prerogative or Honour*: If they do, the Judges will punish them; and in case the Judges do not, he must punish both them and the Judges. *Plead not*, continues he, upon new puritanical strains, that make all things popular, but keep you within the ancient limits of Pleas."

In speaking of Recufants, that is, those who refused to be of the Church of England, he says, "There are three sorts: The first are they, who enforced by Law, come now and then to Church; these are formal to the Law, but false to God (1). The second sort are they that have their confidence misled, and therefore refuse to come to Church, but otherwise live as peaceable subjects (2). The third sort are practising Recufants, who force their Servants and Tenants to be of their opinion, these are men of pride and presumption (3). He adds, I can love the person of a Papist for born and bred, but an apostate Papist I hate; such deserve severe punishment (4). I confess I am loth to hang a Priest only for his Religion, and saying Mass; but if they refuse the Oath of Allegiance, I leave them to the Law."

He concludes his long Speech with exhorting the Judges to countenance the Clergy against the Papists and Puritans, adding, God and the King will reward their zeal.

Remark on this Speech.

It is easy to observe, as well in this as in the King's other Speeches in publick, and on sundry occasions, three principal designs which he had ever in view. The first was, to establish the Prerogative Royal according to his own principles. The second, to intimate, that the Papists were not to be molested, provided they lived peaceably, and took the oath of Allegiance. The third was, to express his hatred of the Puritans, and to create the same aversion for them in the People. But it would be a great mistake, to ascribe this hatred to their refusing to allow of the Surplice, the Cross in Baptism, kneeling at the Communion. These were not the things that rendered them odious in his sight. He fancied their principles with respect to Church-Government, led them to be enemies to Monarchy. For this reason, all Arguments against the extent of the Royal Prerogative seemed to him to be founded on Puritanical principles.

Villiers is made Earl of Buckingham.

On the 27th of August the King created Sir George Villiers, Baron of Whaddon and Viscount Villiers (5), and on the 1st of January following, he was made Earl of Buckingham.

1617. Account of the Archbishop of Spalato, Willoms, p. 707. Howen, p. 1066.

In the beginning of the year 1617, arrived in England *Marco Antonio de Dominis* (6), Archbishop of Spalato in Dalmatia, who was come to profess the Protestant Religion in the communion of the Church of England. As he was a man advanced in years, and very corpulent, it was readily believed, no other motive but that of Religion and Confidence could have induced him to undertake so long a voyage, and quit his Archbishoprick. He preached and writ against the *Romish* Religion, and at length was preferred to the Masterhip of the *Sey*, and the Deanery of *Windsor*. After some years stay in England he suffered himself to be gained by Count *Gondemar* the Spanish Ambassador, with the hopes of a Cardinal's Cap, if he would go to *Rome*, and publicly abjure the Protestant Religion.

This man, upon the brink of the grave, being seduced by *Gondemar's* promise, went to *Rome*, and abjured the Religion he had embraced in England, after which, instead of being a Cardinal, he was thrown into a dungeon in the Inquisition, where he died, and notwithstanding his abjuration, his Body was publicly burnt (7).

I have several times mentioned the King's aversion to the Puritans, whose Government, which came very near the Republican, was directly contrary to the principles he was labouring to establish. Ever since his coming to England, he had kept the Puritans so low, that it was not in their power to give him any disturbance. But the Church of Scotland was still Presbyterian, to his great mortification. Indeed Episcopacy was not entirely suppressed in that Kingdom; but it was in such a state, that the Bishops had no manner of jurisdiction. The several Presbyteries and the General-Assembly of the Clergy, had engrossed the whole Ecclesiastical authority, and left the Bishops only an empty name without power. There were also many other points wherein the Scottish Church differed from the English, so that Puritanism triumphed in Scotland, at the time it was looked upon in England as a sort of Rebellion. James had therefore resolved to put the Church of Scotland upon the same foot with that of England; but perceiving, that to compel the Scots all at once to a perfect conformity with the English Church, would be too difficult an undertaking, he meant to lead them to it by degrees. Pursuant to this project, he had now sent to the General-Assembly of the Kirk certain Articles, which he desired might be inserted into the Canons of the Church. These Articles were:

The King is resolved to compel the Scots to conform to the Church of England. See the Church of Scotland, p. 159, &c. Annals, p. 32. Willoms, p. 1066.

Spots wood, Annals.

1. For the future, the Holy Communion should be received kneeling.
2. The Eucharist should not be denied to the sick, with three or four persons to communicate with them.
3. *Christmas, Easter, Ascension-Day, and Whit-Sunday*, should be kept as Holy-Days, and the preachers should make choice of Texts suitable to the occasion.
4. Confirmation should be practised after this manner; when the children were eight years old, the Ministers should catechize them, and then the Bishops in their Visitations should bless them with prayer for God's grace, and the gifts of the Holy Ghost (8).

As to this last Article, the King did not desire that Confirmation should be received in Scotland, as practised in the Church of England, because he was not fully convinced of its usefulness. But as the business concerned one of the Episcopal functions, he would that the Bishops should have something at least to do in it.

The King's design being to compass his ends by degrees, he had selected these four Articles as least liable to give offence to the Ministers, in order to leave them without excuse in case they rejected them. The general assembly of the Scottish Church, perceiving the King's aim, declared, if the Churches of England and Scotland differed only in these four Articles, they might be received for peace-ake; but if they were innovations incapable of producing a perfect union, there was no necessity of inferring them among the Canons. The King offended with this refusal, resolved to compel the Scots, not only to receive these four Articles, but also many more which he had not thought fit to meddle with at first, being persuaded he had a right, by virtue of his royal authority, to impose upon his people of Scotland, the Religion which to him seemed the best. To this purpose, he resolved to go in person to Scotland, under colour of visiting his native country, where he had not been these fourteen years.

Before his departure, he ordered a Proclamation to be published in Scotland, wherein he said, he was going to visit his old Kingdom, Not to alter the civil and ecclesiastical State, but to reform certain abuses in the Church and Commonwealth. At the same time, he sent beforehand some Officers of his household, all English, with orders to adorn his Chapel at Edinburgh in the same manner as that at Whitehall; and these men forgot not to carry with them

He takes a journey into Scotland. Spotswood, p. 27. 28.

(1) These were the Presbyterians, of whom several made no scruple to be present at the service of the Church of England. *Rapin*.
 (2) These were the Papists, who were willing to swear Allegiance. *Rapin*.
 (3) These were the zealous and furious Papists. *Rapin*.
 (4) There could be but few of these in the Kingdom. *Rapin*.—*Rapin*, by mistake, says, Papists in general. See King James's Works, p. 667.
 (5) *Rapin*, by mistake, says, that he was created Baron of Brundage, or rather Brundage, which was the title of Robert Carr, Earl of Somerset. George Villiers was created August 27. 1616. Lord Whaddon, the great Lordship of Whaddon in Buckinghamshire, (then in the Crown by the Attainder of the Lord Grey of Wilton) given him at the same time. A little after he was created Viscount Villiers, and on the 5th of January 1617, Earl of Buckingham. Camden's Ann.—*Annals* July 9. Sir John Holt was created Baron of Houghton, and Sir John Roger Lord Trenchard, of Trenchard in Kent. *Hewen*, p. 1065.—*This year* *Allegiance* in London was rebuilt. *Ibid*.
 (6) He came to London, December 16. 1615. *Hewen*, p. 1065.
 (7) He returned to Rome in 1622, and died in 1625. It is said, that it was by his means, and the Measures he had concerted with Father Paul before he left Italy, that Archbishop Abbot got that Father's Manuscript, History of the Council of Trent, transmitted in Parcels into England. *Bevington* speaking of Father Paul says of him, that he is such another as *Antony de Dominis*, who, when he was asked by the Inquisition, which was the best Religion to bring a Man to Heaven, answered, That of the Church of England. *Somerset's Speech*.—*De Dominis* was the first who used the Word *Puritan* to denote the *Anti-romans* of the English Church. *Fulter*, l. 10. p. 99.

(8) There were five Articles in all, the other, which is placed third, was the Sacrament of Baptism not to be deferred longer than the next Sunday, and in case of necessity to be administered in a private House, with publick declaration of the same, the Sunday after, in the Church.

1617. some pictures and even statues of the Apostles (r). As soon as they began to adorn the Chapel, the People of Edinburgh exclaimed at the sight, saying, *Images were begun to be introduced, and the Mass would quickly follow.*

He treats the Scots with harshness. May, Spectator, p. 550. Annals.

The King being come to *Hurwich*, prosecuted the Parliament of *Scotland* (2), to open it himself, as he did indeed with a long Speech, according to custom. To conceal his real design, he proposed several things, among which he did not forget the article concerning Religion, the only point he was seriously labouring. He contented himself at first with requiring, that a certain number of Commissioners should be appointed to examine and settle the affairs of Religion. The Parliament consenting to his demand, the King said not for the Parliament's nominating the Commissioners, but chose them himself, and appointed the Lord Chancellor, the Lord Treasurer, and the Clerk of the Rolls, who were all three his creatures. But as the Parliament scrupled to stand to this nomination, he fell into a violent passion, thinking it very strange they should pretend to name others, after he had made known his pleasure. In short, as they durst not resist him to his face, he obtained whatever he pleased.

He sets an Article published by the King, p. 551. Spectator.

These Commissioners immediately settled an article, after which there was nothing more to be examined. The article was, *That whatsoever his Majesty shall determine in the external Government of the Church, with the advice of the Archbishops, Bishops, and a competent number of the Ministers, should have the strength of a law.* The King himself had dictated this article, *Not (said he) that I am against the advice of the grave and learned Ministers, but to be over-ruled, as in your former general assemblies, I will never agree, the Bishops must rule the Ministers, and the King govern both in matters not repugnant to God's Law.* Thus the King plainly showed, that since his accession to England, he claimed in Scotland a greater authority than before.

Protestation against this Article. Spectator, p. 551.

Mean while, the Ministers in and about Edinburgh, perceiving that by the privation of the Commissioners, their Church was going to be overthrown, since the King was impowered to make what alterations he pleased, met together to consult how to prevent it. They found no other remedy than a Protestation against the article passed by the Commissioners, and when they had drawn it, they committed it to one *Hecet*, to present it to the King. *Hecet* being come into his Majesty's anti chamber, in order to execute his Commission, the Archbishop of *St. Andrews* civilly accosted him, desiring to see the Protestation; which the Minister readily showed him. As soon as he had it in his hands, he would have put it in his pocket, but *Hecet* seized the paper, which could not be done without making some noise. Upon which the King coming out and hearing the occasion of the bustle, spoke so roughly to the Minister, that the poor man, all in a fright, fell on his knees and begged pardon, protesting never more to meddle in the affair (3).

He summons the Ministers, and makes a harsh speech to them. Spectator, p. 551. Annals.

But though the King had obtained what he wanted of the Commissioners, he found however he should never attain his ends without the consent of the Ministers, especially as their Protestation was publicly, and many copies, which continually increased, were already dispersed. He addressed therefore to the Bishops, an order to summon the Ministers to meet on the 10th of July, at *St. Andrews*, where he would come and speak to them in person. The Ministers obeying the summons, the King called them all to witness his great care of the Church of Scotland as well before as since his accession to the Crown, adding, he expected however no thanks for his zeal for the true worship of God, and for maintaining good order in the Church. Then he told them, that before he departed for Scotland, he had sent them four Articles to be inserted in their Canons, which were rejected, and yet he was silent; that having lately desired, it might be declared, that by virtue of his prerogative, he had power to make Ecclesiastical Laws, they mutinied and protested against him: However, he was very willing to pass by all these, with many other, affronts, received at their hands. *But now*, continued he, *the errand for which I have called you, is to know your Reasons, why this same Power ought not to be admitted. I mean not to do any thing against Reason; and on the other part my demands being just and religious, you must not think that I will be refused, or resisted.* He spoke these last words knitting his brows, and looking at them, says the author of the *Annals*, with a majestic and stern eye,

Spectator.

p. 29.

which made them all fall down on their knees. Then continuing his Speech, he said, *It is a power innate, and a special Prerogative which we that are Christian Kings have, to order and dispose of external things in the Policy of the Church, as we by advice of our Bishops shall find most fitting. And, Sirs, for your approving or disapproving, decide not yourselves, I will never regard it, unless you bring me a reason which I cannot answer.*

The Ministers seeing how peremptory the King was, desired leave to confer among themselves. Their request being granted, they returned in a few hours, with a Petition for a General Assembly, that what his Majesty proposed might be received with common consent. *As,* says the King, *but what assurance have I of their consenting?* Whereupon some of them said, they law no reason to the contrary. *But,* says the King, *if the General Assembly be of another mind, and your reason now be none of their own, and the Articles are rejected, my difficulty will be the greater; for when I shall hereafter use my own Authority in establishing them, I shall be suspected a Tyrant, and Persecutor; I were wiser to do so.* Then all cried out, that none durst be so mad. *Yet experience tells,* (says the King) *that it hath been so; therefore unless I be made sure, I will not give way to an Assembly.*

They demand an Assembly. General. Spectator, p. 551. Annals.

He grants it afterwards.

It was, however, easy to perceive, that without an Assembly, the King could not possibly compass his ends. Though he should have extorted the consent of the Ministers then present, it would have been to no purpose, since they were not authorized. And if the King had caused these Articles to be passed by an order flowing from his absolute Power, he should have been first secure of the obedience of his Subjects, or at least of a sufficient power to compel them, both which were equally difficult, not to say impracticable. So the King having considered the thing more maturely, agreed at length, that a General Assembly should be held at *St. Andrews* in November. In this interval, *Symon* the Minister, who drew up and signed the Protestation, was committed to *Edinburgh-Castle*, and *Guthrie*, who carried Letters to other Ministers to encourage them to adhere to it, was banished. After this the King returns to England.

Spectator.

The General Assembly, held at *St. Andrews* in November, resolved to defer the reception of the four Articles, till all the Churches of the Kingdom were informed of this affair; and then separated. The King was extremely incensed, and looking upon this delay as a contempt of his authority, ordered the payment of the Ministers Stipends to be stopped for a year (4). But finding this only exasperated people, and retarded his design, he gave leave at length that another General Assembly should be held at *Perth*, on August the 25th the next year. And thereby fair or foul means, he obtained the Churches consent to the four Articles. But wistful, he fowed in Scotland the seeds of those troubles, which distracted the Kingdom in the following Reign, and deprived the King his Son and successor both of Crown and Life. Thus, his zeal against the Puritans caused him to forsake the principles of equity and moderation, which he thought so reasonable in the case of the Catholics. He would not force the conscience of these, provided they lived like good Subjects; but the Presbyterians were to submit, tho' ever so unwilling, to what he should think proper. What has been said upon this subject, is taken almost word for word out of the *Annals*, the Author whereof cannot be suspected of representing things to the King's disadvantage.

He is incensed and sends the Assembly, p. 551. Spectator.

He grants an Assembly, but orders he should be kept in Prison. p. 551. Spectator.

Before he left Scotland, the King made the Earl of *Buckingham* Privy Counsellor of that Kingdom, as he had been so for some time in England.

Buckingham is made Privy Counsellor of Scotland.

Whilst the King was returning to London, he received a Petition from some Servants, Labourers, Mechanics, and other vulgar persons, complaining, that they were debarred from dancing, playing, Church-ales, in a word, from all recreations on Sundays after divine Service. Whereupon it was suggested to the King, that the Puritans meant to persuade the people, such diversions were contrary to the regard due to the Lord's-day. That these men went upon erroneous principles, namely, that Christians were obliged to keep the day of rest with the same strictness as the Jews, and therefore affected to call Sunday the Sabbath. This was a sufficient inducement to the King to condemn this puritanical scruple, and the rather, as he was not himself very scrupulous in this point. A Book therefore was published in his name, wherein he maintained by several

He is incensed and sends the Assembly, p. 551. Spectator.

He is incensed and sends the Assembly, p. 551. Spectator.

(1) They carried with them the Portraits of the Apostles to be set in the Pews or Stalls. The Bishop of *Galloway*, Dean of the Chapel, observing the offence this caused, writ to the King, entreating him, "for the offence that was taken, to stay the affixing of these Portraits." His Letter was furnished by the Archbishop of *St. Andrews*, the Bishops of *Aberdeen*, and *Brechin*, and several Ministers of *Edinburgh*. To this the King returned an angry answer; rejecting ignorance unto them, that could not distinguish between Pictures intended for Ornament and Decoration, and Images erected for Adoration. *Perth*, p. 550.

(2) From *May*, to *June* 13. Ibid.

(3) *Spectator*, Archbishop of *St. Andrews* says, that this Protestation was tumultuously formed, and that the next Morning, the chief Persons by whom it was subscribed, came and entreated him to stop the pressing thereof, which he denied he might easily do by taking it from *Peter Heriot*, p. 551.

(4) And commanded the Bishop of *St. Andrews* and *Galloway*, to then cause Persons to keep *St. Andrew's-day* next, preaching upon Texts proper for the time. *Annals*, p. 29. *Spectator*, p. 551. *G. C.* The King's Letters against this, are dated at *Newmarket*, December 15, and 16.

1617. arguments, that paffimes on *Sundays*, after evening service, were allowable, and withal, commanded that none should be hindered or discouraged from any lawful recreations. This Book (1) made a great noise, neither was it exclaimed against by the Presbyterians alone (2). Many Churchmen disapproved of it, and particularly the Lord-Mayor of *London*, who, notwithstanding the prohibition, commanded the King's own carriages to be stopped, as they were passing thro' the City on a *Sunday* (3). But the King himself, regardless of these murmurs, and willing to support what he had done, enjoined all Ministers to read his Book publicly in their Churches; and those that refused were severely punished by the High-Commission. Some pretend, this order was a snare to surprize certain Ministers, who though Puritans, scrupled not to be of the Church of *England*, and preach their Doctrines there (4).

These were the most material affairs then in *England*. The King, as I said, never concerning himself in any foreign matters, left the government of the Kingdom to the care of his Ministers. The Earl of *Buckingham* was the head manager. He ruled with an absolute sway both in Church and State, disposing of all places and preferments. If we may believe certain Authors, he bestowed nothing without money or a yearly pension (5). As the King was always in want, the favorite was obliged to find means to maintain, and even enrich his numerous kindred, who flocked to Court to partake of his greatness. Not to return to these matters, I shall say here at once, that the favorite's elder Brother was made Viscount *Purbeck*; his younger Brother, Earl of *Anglesy*; his Mother, though a Papist, was created Countess of *Buckingham*, without her Husband's enjoying the same honour. In a word, all his female relations were married into the richest and most noble families of the Kingdom. The favorite's mother being a Papist, and ruling her Son, who was properly of no Religion, with the same ease as he himself governed the King, it was not very strange, the Papists conceived great hopes, and swarmed in the Kingdom. The King gave himself little trouble about it. Provided a man took the Oath of Allegiance, and was not Puritan, every thing else was indifferent to him. He was almost wholly employed in his diversions, and as he very frequently hunted, his admirers pretended he took those times to consider of the affairs of the Government (6).

I shall close the events of the year 1617, with the sad catastrophe of Sir *Walter Raleigh*. He had been a prisoner-twelve years (7), ever since his condemnation, during which time, he had employed himself in compiling his *History of the World*. At last, he obtained his liberty, though without the King's pardon (8). As his estate was all forfeited, and given to the Earl of *Somerfet*, he was very much embarrassed when he came out of prison. The Court, where he was entirely unknown, was like a strange Country to him. For this reason, he formed the project of seeking his fortune in distant climates. He had formerly traversed the Seas of *America*, and knew all the Coasts, particularly that of *Guiana*. Nay, it is said, he set up marks to direct him again to a certain place, where was a gold Mine, and that *Kymis* his old attendant (9), brought him from thence a piece of Ore, which made him think the Mine very rich. However this be, as he knew not where to lay his head, he found means to acquaint the King, that he knew of a very rich Mine in *America*,

from whence he hoped to bring mountains of Gold, if his Majesty would be pleased to grant him a private Commission. The Mine lying in a Country belonging to the *Spaniards*, it could not be seized without breaking the peace with *Spain*. Nevertheless, the King, tempted no doubt with the golden hopes inspired by *Raleigh*, granted him a Commission; directed to *Our beloved and faithful Walter Raleigh, Knight*, &c. (10). It was said afterwards, the King granted the Commission with this limitation, that he should not injure the Subjects of *Spain*. But how was it possible to bring away Gold from a Mine belonging to the *Spaniards*, without doing them damage?

However, *Raleigh*, by virtue of his Commission, engaged several persons in this project (11). He was supplied with money to fit out twelve sail (12), and departed in August 1617 (13), in search of the Mine. At his arrival upon the Coast of *Guiana*, he found not the marks he had left there, neither could he know again the place he thought to have so well observed. He detached however his Son, and Captain *Kymis*, with five Ships (14), to fail up the river *Orinoco* as high as possible, in order to discover the mountain where the supposed Mine lay. The mountain not appearing, the *English* landed, and putting the *Spaniards* to flight who opposed their descent, pursued them to the Town of *St. Thomas*, which they took and plundered. Sir *Walter Raleigh's* Son was killed in the assault. Then leaving a Garrison in the place, they advanced farther into the Country, without being able to find the so much desired Mine. At last, weary with searching, they returned to Sir *Walter Raleigh*, who finding himself disappointed of his hopes, threatened *Kymis* with the King's indignation, and some days after, *Kymis* was found dead in his Cabin (15). The Sailors, vexed at this success, loudly complained of their being drawn into a chimerical project, and compelled Sir *Walter* to fall back for *England*. When they arrived at *Kingsale* in *Ireland*, he would have persuaded them to go with him into *France*; but instead of listening to his proposal, they carried him against his will to *Plsmouth*, where he was arrested by the King's orders, and conveyed to the Tower of *London*.

During his absence, *Don Diego de Sarmiento*, Count of *Gondomar*, the Spanish Ambassador in *England*, making great complaints about Sir *Walter's* Commission, which was become publick (16), the King found no better way to appease him, than by disowning it, or at least by assuring, that *Raleigh* had express orders not to act against the *Spaniards* (17). *Raleigh* returning without Gold, his cause was so much the worse. Besides, the Ambassador openly insisted upon his being punished, and told the King, there was no other way to continue the Treaty of the Prince of *Wales's* marriage with the Infanta. Wherefore the King determined at length to sacrifice *Raleigh* to the *Spaniards*. But as he could not be tried upon his late expedition, for which he had a Commission in form, it was resolved he should lose his head, by virtue of the sentence passed upon him fourteen years before. In vain did he plead that his Commission, wherein the King filed him faithful Servant, and gave him power of life and death over those who were under his command, was equivalent to a pardon. The Judges told him, *That Treason could not be pardoned but by express words*. So, without being called to an account for his late expedition, it was ordered that the former sentence should be executed (18).

(1) It was called the *Book of Sports*. No Recusant was to have the benefit of this Liberty. *Callier*, Tom. II. p. 712.

(2) There were several Bishops that declared their Opinions against the *Book of Sports*.

(3) The Court was to remove next day to *Thameside*. It put the King into a great rage, *Swearing he thought there had been no more Kings in England but himself*. Looking a little, he let a warrant to the Lord-Mayor, ordering him, that he should with this answer, *What is use, in my Power I did my Duty, but that being taken away, it is my Duty to obey*. The King upon second Thoughts took this well, and thanked him for it. *Wiffen*, p. 700.

(4) Archbishop *Abbot* being at *Crusloe* the day it was ordered to be read in Churches, flatly forbid it to be read there; which King *James* winked at, notwithstanding the daily endeavours that were used to irritate the King against him. *Wharton's Notes on Wiffen*.

(5) Chancellor *Bacon* paid a Pension, Attorney-General *Hamond* paid a Pension, *Donn Bergrave* paid a Pension, *Fulstrey Bishop of Sarum* paid 3000*l*. with many others. There were Fines or Pensions granted; but where Men were rich, there Fines without reservation of Rent; where poor, there Pensions, no Fines. There were Books of Rates, Pensions, and Fines, on all Offices, Bishopsricks, and Densities in *England*. *Widdow*, p. 170.

(6) Much of his most serious affairs (says the Author of the *Assembly*) were shrouded from the vulgar, nay, from the observing Politician, by his publick Pastimes. p. 31.

(7) Prince *Henry* used to say, That no other King but his Father would keep such a Bird as Sir *Walter Raleigh* in a Cage, i. e. the Tower. *Callier*, p. 66.

(8) He was released in 1615. Some say, that after the publication of his History, he petitioned the King, who gave leave to Learning induced him now at last to grant Sir *Walter* his Liberty. *Annals*, p. 31.

(9) Captain *Kymis*, Master of Arts of *Banet College, Oxford*, had been his Companion in the *Guiana* Voyage, in the year 1595. *Rapin* by mistake calls him his Footman.

(10) *Dilecto & fideli*. *Callier*, p. 94.—There is in *Rapin's Fable*, a Commission for him, directed only to Sir *Walter Raleigh, Knight*, without any other addition of *beloved, or faithful*. In that Commission he hath Authority and leave to go into the South parts of *America*, or elsewhere, within *America*, possessed and inhabited by heathen and savage People, to the end to discover and find out some Commodities and Merchandises in those Countries

“ that be necessary and profitable for the Subjects of this Kingdoms and Dominions, whereof the Inhabitants there make little or no use or estimation; “ whereupon, allow me to give Propagation of the Christian Faith, and Reformed Religion, &c.” But not a word of the *Spaniards*. In this Commission, Sir *Walter* is said to stand in the Peril of the Law. See Tom. XVI. p. 798.

(11) As Sir *John Povey*, Sir *Warble St. Leger*, Sir *John Ford*, Captain *Parker*, Captain *North*, Captain *Clodding* of *Devonshire*, Major *Pige*, Captain *Thornhill*. *Wiffen*, p. 712.

(12) Two of his Ships departed before he reached *Guiana*. Ibid.

(13) And five Companies of Foot, commanded by his son, and the Captains in the Note above. Sir *Walter* himself was sick, and so weak, as to be carried in a Chair. *Wiffen*, p. 712.

(14) He first thought himself, that not doing his Business, he thrust a Knife into his Body, up to the hilt, and expired. *Wiffen*, p. 712.

(15) Sir *Walter* gave King *James* a Plan of his Design, together with the number of his Men, burden of his Ships, the Country and River he was to enter, &c. which the King promised to keep secret; but it was sent by *Gondomar* to *Spain*, and thence to the *Indies*, before *Raleigh* went out of the *Bay*; and that very original Paper was found in the Spanish Governor's Closet at *St. Thomas's*. *State-Trials*, Vol. I. p. 219. *Wharton*, p. 712.

(16) So it is said in the Warrant for apprehending Sir *Walter*, “ we do, says the King, by express limitation and caution restrain and forbid them, from “ attempting any Act of Hostility, wrong, or violence whatsoever upon any of the Territories, States, or Subjects of any forreign Princes with whom “ we are in Amity, and more specially of those of our dear Brother the Kings of *Spain*, in respect of his Dominions and Interests in that Continent, &c.” *Jayne's Fable*, Tom. XVII. p. 98.

(17) He was not believed till October 29. 1618. *Rapin*.—It was done in the Old Palace-yard at *Westminster*. *Wiffen*, p. 714.

Thus

1617

Obsequies.
Barnet.
p. 16.
Rothw. v. 1. p. 9.

Thus died Sir *Walter Raleigh*, in the seventy seventh year of his age. He was a man that deserved a better fortune, and had a large share of merit. He had also some faults, which are lessened or aggravated, in order to render his execution more or less odious, according as the Historians are for or against *King James*. Most certain it is, he fell a sacrifice to the mortal hatred conceived by the *Spaniards* against him in *Queen Elizabeth's* time, and to the King's unhappy desire to accomplish the Prince his Son's marriage with the Infanta of *Spain* (1).

1618.

The People
complain of
the King and
the Admini-
stration.

Since *James* was on the Throne, the *English* had lived in peace with all their neighbours, without being disturbed by any war. The King and his Ministers pretended, this was the chief point of Government, and that nothing more plainly discovered the capacity of those that ruled, than to cause the subjects to live in peace. Mean while, the people were not satisfied. Many affirmed, this maxim was false when carried too far, and that war often happens to be no less necessary than peace, for the welfare of a Nation. It was disliked, that the King should let the *Hollanders* fish upon the *English* Coast, without asking leave of [him, or] the Governor of *Scarborough*, as was customary, before they had recovered their Cautionary Towns. It was thought no less strange, that they should be suffered to come upon the Coast with a Fleet to support their Fishermen, as if they meant to bully the King, and shew they would fish on his Coast in spite of him; and it was openly said, to preserve peace by bearing such affronts, was no great sign of ability. It was also complained, that the King deserted the cause of the Protestant Religion, at a time when *France*, the Emperor, King of *Spain*, and Pope, were using their utmost endeavours to destroy it, and had but too much hopes of succeeding, since the Defender of the faith remained unconcerned. The King's extreme jealousy with respect to his Prerogative, was another and great occasion of discontent. It did not appear wherein this Prerogative had been infringed: but it was thought very manifest, he intended to stretch it farther than any of his predecessors. It was considered, he had imprisoned several Members of Parliament, solely for insisting in the House upon the people's Grievances: had granted divers Monopolies; and raised money upon the subject without consent of Parliament: That his Speeches to the Houses, to the Judges, and in the *Stai-Chamber*, tended only to exalt the regal authority, and make it, as it were, equal to God's; from whence it was inferred, that he designed to destroy the Constitution. People could not behold, without indignation, a young man of twenty five impudently governing the whole Kingdom; disposing of all preferments in favour of his relations and friends; invested with the office of Lord High-Admiral, though he had never been at Sea, except from *Dover* to *Calais*; and lastly, honoured with the title of Marquis of *Buckingham*, without having ever done the State any service during the two years he had been at Court. These two dignities were lately bestowed on the favorite; the first, by the Earl of *Nottingham's* resignation, who had amassed great sums, and got a pension for the residue of his life. But there were still farther complaints. It was said, the Court gave a very ill example to the whole Kingdom: Nothing was heard there but blasphemy and oaths, and the King himself was not free from this vice: that one of the Secretaries of State was a Papist, as well as the favorite's mother: that though it was not known what religion her Son was of, his debaucheries were publick, and gave universal offence: the number of Papists daily increased: the Prince's marriage with a Papist, daughter to the mortal enemy of the Protestant Religion, shewed how little the King regarded the concerns of Religion: that if any one repented to the King or the Ministers, the inconveniences arising from such a marriage, he was silenced, by being told, it was an attempt upon the Prerogative Royal; and that every man, who, without a call, pried into the secrets of the Government, was guilty of rebellion.

Coke, p. 95.
Address to
the Freemen,
1795.

The People
complain all
of the Fav-
our.
Wolton.
Coke, p. 97.
Ad. Pub.
XVII. p. 124.
January 1.
1618.

The King is
not satisfied
with the
People.

But on the other hand, the King was no less offended with this boldness in censuring his conduct, as if a King was to be guided by the caprice of his Subjects. What most troubled him was, that the Puritans were not the only persons who dared to complain of the Government, but that even the greatest friends to the Ecclesiastical Hierarchy could not bear an arbitrary power in the State. The Parliament itself had plainly shewed him, how far they were from submitting to any Laws but those which had been hitherto in use.

Thus the King and People were equally dissatisfied. It

is true, the King seemed to have a great advantage, as, there not being a Parliament, no man had right openly to arraign his conduct: but then, money did not flow into the *Exchequer* so plentifully as under the Kings his Predecessors, who knew how to manage the Parliament. He chose however to be without any, or to procure it by such means as incensed the People's discontent, rather than run the hazard of seeing the Parliament question his Prerogative, of which he was strangely jealous. He comforted himself however with the hopes of speedily concluding his Son's marriage, by which he was to receive a dowry of two millions. It is certain the Court of *Spain* had offered that sum: but I have not been able to discover what sort of money was meant. I imagine the *Spaniard* left that undetermined, to have an opportunity of prolonging the negotiation as much as he pleased, and of breaking it off at last when he thought proper.

When the King of *Spain's* proceedings with respect to the marriage are considered, it must be thought, that he did not intend to conclude it, either at the time the negotiation was begun, or long after (2). At first, his sole aim was to amuse *King James*, and hinder him from interposing in the affair of *Cleves*. The Emperor had a mind either to keep that Duchy for himself, or to give it to some Prince of his Family, under colour of holding it in sequestration till the dispute was decided. But the States of the *United-Provinces* avoiding this snare, seized part of the Country in question, protesting to restore it to the person to whom it should be adjudged. Besides, they openly protected the Elector of *Brandenburg*, who was one of the chief claimants, and a Protestant; as on the contrary, the House of *Austria* favoured the Duke of *Neuburg*, who was turned Catholic. On this pretence, *Prince Maurice* on the one side, and *Spinola* on the other, endeavoured to become masters of the Country, and so a kind of religious war ensued, wherein *England's* not interposing was of great consequence to the House of *Austria*. For this it was, that *James* was allured by the *Spaniard* with the hopes of the marriage and dowry of two millions.

Pretences were not wanting to prolong the negotiation. The union of a Catholic Prince with a Protestant Prince, required that care should be taken to secure to the Infanta the liberty of professing her Religion, in a manner becoming the Princess of *Spain*. This was the only Article insisted upon at first, the two Courts being of opinion, that before this was settled, it was in vain to bring the rest upon the carpet. As it was the *Spaniard's* interest to lengthen the negotiation, so it was necessary to satisfy *King James* of his sincerity, to keep him still at a bay. To that purpose, after a two years debate, fearing at last that *James* would be discouraged, he agreed with *Digby* and *Cottington* the *English* Ambassadors upon five Articles, the first whereof facilitated the continuance or even the entire interruption of the Treaty, when it should be no longer his interest to dissemble. The Articles were these:

1. That the Pope's dispensation be first obtained by the mere Act of the King of *Spain*.
2. That the Children of this marriage be not constrained in matter of Religion, nor their Title prejudiced in case they prove Catholics.
3. That the Infanta's family, being strangers, may be Catholics, and shall have a decent place appointed for all Divine Service, according to the use of the Church of *Rome*; and the Ecclesiasticks and Religious persons may wear their proper Habits.
4. That the marriage shall be celebrated in *Spain* by a Procurator, according to the instructions of the Council of *Trent*; and after the Infanta's arrival in *England*, such a solemnization shall be used, as may make the marriage valid, according to the Laws of this Kingdom.
5. That she shall have a competent number of Chaplains, and a Constable, being strangers, one whereof shall have power to govern the family in religious matters.

These Articles being transmitted to *England*, the King in allowing and signing them, thus expressed himself: "Seeing this marriage is to be with a Lady of a different Religion from us, it becometh us to be tender, as on the one part, to give them all satisfaction convenient, so on the other, to admit nothing that may blemish our conscience, or detract from the Religion here established." I confess I do not see how this maxim agreed with the second Article. For the first, he supposed as previous, the Pope's dispensation, which was expected several

(1) *Widdow* observes, That he was executed without any precedent, without any just cause, and even against *King James's* will; who in many things was overruled by his common councillors. But the *Spanish* Faction, and *Spanish* Gold between his ears, as they had done the *Kingdom* before; and it was one of *Godwin's* greatest Mischiefs to pervert his Majesty's head; yet, had not the Earl of *Bristol*, who was possessed of *Shrewsbury* Castle, formerly Sir *Walter's*, courted, the King would never have consented, p. 88, 89. This year, on May 7, and the learned *Jacques Auguste Thouart*, said otherwise *La Princesse de Devon*. *Condon's* Acc.

(2) *Condon* says, that the *Spaniard's* aim in this Negotiation was to disjoin and separate *England* from the *United-Provinces*, that he might the more easily reduce them to Obedience. *Annals*.

1618. years, and at last came clogged with additions and limitations, which I shall have occasion to speak of hereafter. Hitherto the *Spaniard* in prolonging the negotiation had only the Succession of *Cleves* in view. But this year the affairs of *Germany* and *Bohemia* began to give occasion to fear, a religious war would be kindled in those Countries. This was a fresh reason for the *Spaniard's* amusing King *James*, lest he should side with the Protestants, and send them a powerful aid. For the better understanding of the sequel, it will be absolutely necessary to know in what situation the affairs of *Germany* and *Bohemia* then were.

As for *Germany*, it suffices to lay in two words, that for some time there had been great jealousies and mutual suspensions between the Catholics and Protestants. These last complained, That they could not have justice either from the Emperor or the imperial Chamber. The Catholics complained in their turn, That the Protestants were continually endeavouring to extend their privileges beyond what the Laws of the Empire allowed: That after pretending to be satisfied with a bare Toleration, they had aspired to an equality, and not content with that, had plotted to banish the Catholic Religion out of all *Germany*. On this pretence it was that the Catholics had entered into a confederacy, which occasioned the like among the Protestants. The Protestants being assembled at *Heilbrun*, the Emperor *Matthias* wrote to exhort them to dissolve their League. But they thought not proper to submit to his exhortations, by reason their League was only defensive and the Catholics did not offer to break their confederacy. This was a motive for the *Spaniard* to amuse King *James*, and hinder him from uniting with the Protestants of *Germany*. But the troubles this year in *Bohemia*, furnished him with a motive of much greater consequence, which I must explain here as briefly as possible, because this affair continually influences all the rest of this Reign.

In *Bohemia* were two Religions established by Law; the one was called *sub una*, and the other *sub utraque*. The former was professed by the Catholics, who communicated in one kind only, the latter by the *Hussites*, who received the Eucharist in both kinds, and since the Reformation, were become true Protestants. I have spoken elsewhere of the religious war which afflicted that Kingdom under the Emperor *Sigismund*. It suffices therefore to add here, that this Emperor was forced, in order to be owned for King of *Bohemia*, to grant the *Hussites* an Edict, whereby, among other privileges, it was decreed there should be no Magistrate or Inhabitant in *Prague* but what was of their Religion. This Edict granted in the year 1435 was observed till 1570, when, by order of *Maximilian II.* a Catholic was made citizen of *Prague*. Another of the same Religion obtained the same favour in 1599, and withal, a place in the Magistracy. From that time, *Sigismund's* Edict was very frequently violated, and at last the Jesuits were admitted into *Prague*, and built there a stately College. Thus, by degrees the number of the Catholics was considerably augmented in the City, by means of the Governors and the Emperor's other Officers who were all of the same Religion. The more they increased, the higher they carried their pretensions, and at last, if we may believe the Apology published afterwards by the *Bohemians*, the Edict of *Sigismund* was continually transgressed. However, in the Reign of *Rodolphus II.* the Protestants, by the intercession of Prince *Matthias*, obtained of the Emperor a second Edict, which under colour of confirming their privileges, put them upon a sort of equality with the Catholics, though they had enjoyed the superiority for one hundred and fifty years. Nevertheless, this equality was as much as they could expect, considering the present juncture of time. But, though it was far short of their ancient privileges, the Emperor's Officers in *Bohemia* thinking such an Edict prejudicial to the Catholic Religion, refused to publish it, affirming, it was extorted from the Emperor whilst at war with the *Turk*. Very likely they were privately countenanced by the Court of *Vienne*.

Rodolphus II. dying in 1614 (1), his Brother *Matthias* succeeded him, both in the Kingdom of *Bohemia*, and the imperial dignity. Under this new King the privileges of the Protestants were violated much more openly, and with greater haughtiness than under the last, if any credit is to be given to their Apology. But this was not all, *Matthias* having adopted his Nephew (2), *Ferdinand of Austria*, had a mind also to secure him the Crown of *Bohemia*. The execution of this project would doubtless have been very difficult, had not the Emperor used artifice. *Silafia, Moravia, Upper and Lower Lusatia*, being annexed to *Bohemia*, had a right to send Deputies to the Assembly of

the States of that Kingdom. But as these Countries were Protestant, their Deputies very probably would join with those of *Bohemia*, of the same Religion, and frustrate the Emperor's design. Wherefore he convened the States of *Bohemia* without summoning the others. The Protestants complained of this innovation, and not to authorize it, refused, for the most part, to send Deputies to the States. This was what the Emperor foresaw and wished: for the Catholic Deputies being the Majority, *Ferdinand* was declared *Matthias's* presumptive Successor, and shortly after crowned at *Prague*; after which he resided at *Greta*. The Defenders, for so were called a certain number of eminent persons, chosen and appointed by the States to see the Edicts put in execution, perceiving the designs of the Imperial Court, summoned the States pursuant to their power, and forgot not to call the incorporated Provinces. This Assembly only drew a Petition to be presented to the Emperor, wherein the States demanded the execution of the Laws of the Kingdom, and a just reparation for the injuries done them. Mean while, as they could come to no resolution before the Emperor's answer was received, they adjourned to the Monday after *Rogation-Week*, in the year 1618.

The Emperor instead of being inclined to send a favorable answer to the States Petition, ordered his Lieutenant in *Bohemia* to hinder the next Session of the Assembly, called without his license. But the Lieutenant was not strong enough to execute the order. His opposition serving only to exasperate the States who were assembled on the day appointed in the College of *Charles IV.* they went in a body to the Chancery, and seizing the Emperor's Officers, pitched upon three, and threw them out of the Castle-window (3). After that, they drove the Jesuits out of *Prague*.

Things being come to these extremities, the States published an Apology to acquaint the Publick why they had punished their Officers. But as they believed the Emperor would not hear their reasons, they signed a Confederacy, promising mutual assistance against all oppressors. In the mean time, hearing the Emperor was making preparations to attack them, they chose four and twenty Protectors, empowering them to raise forces, and lay upon the Kingdom and the incorporated Countries what Taxes they should judge necessary. Thus, a war being unavoidable, every one took such measures as he deemed requisite, whether to attack or defend.

At the time, the *Bohemian* States were taking these resolutions, the Cardinal Infant was preparing an army in the *Low-Countries* to assist the Emperor. Whilst this army was levying, he sent *Charles de Bucquoy*, Count de *Longueval* to the Emperor, who made him General of the Army designed against *Bohemia*. The States chose for their Generals Count *Ernst of Mansfeld*, and Count de *la Tour*. This war was of so great moment to the House of *Austria*, that it is not very strange the *Spaniard* should still continue to amuse King *James* with the hopes of seeing the projected Marriage speedily concluded. Very likely this war would at last become a Religious War, and in that case, *England* could very much strengthen the Protestant party. Afterwards, the King of *Spain* had still farther motives to continue this management. But the wonder is, though *James* had very strong reasons to suspect the *Spaniard* of artifice, he still obstinately relied on his sincerity. It seems to us here in *England*, (says one of his Ministers in a Letter to *Cottingham*) that *Conde Gondemar* hath gone but very slowly in his journey: and divers (seeing how long time he hath spent in the way) do make conjecture, That it proceeds from the small Affection that he judgeth to be there, towards the effecting of the main business. But if the *Spaniards* act unsincerely, I shall judge them the most unworthy and perfidious people of the world, and the more, for that his Majesty hath given them so many testimonies of his sincere intentions towards them, which he daily continueth, as now of late, by the causing Sir *Walter Raleigh* to be put to death, chiefly for the giving them Satisfaction, when by preserving him, he might have given great satisfaction to his Subjects, and had as command upon all occasions as useful a man as served any Prince in *Christendom* (4).

'Tis certain however the King was amused by the *Spanish* Court. Count *Gondemar* undertaking to carry into *Spain* the Articles signed by the King, was so very long on the road, that 'twas evident he sought only to delay the time. Notwithstanding this King *James* continued wilfully to shut his eyes, which will appear still plainer in the sequel.

Though the People of *England* were not informed of the contents of the Articles agreed upon by the two Courts,

1618.
Anas.
t. 412.]

F. Edward
of Austria
is declared
heir to the
Emperor.
Matthias.
T. I. p. 6.

The Bohemian States
Crave a Petition to the Emperor.

Mem. p. 7.

They throw
three of his
Officers out of
a window.

They resolve
to strike up
arms.
Wilson.
Radworth.
T. I. p. 7.

Army levied
in the Low-
Countries
for the Em-
peror.
Hist. of the
Rabell, of
Bohemia.
Bucquoy
is made the
Emperor's
General.
James is
amused by the
Spanish Court.
Wilson.

Radworth,
T. I. p. 9.
Anas.
of James I.
p. 33.

(1) In 1612.

(2) *Nobara* the Chief Justice, *Swemmer* one of the Council, and *Petrus* the Secretary. *Wijl.* p. 120.

(3) The Author of the *Apology* indicates, that this Letter might be an invention of *Rapin*, but gives no reason for it. *Rapin*. His words are, as the Reader is to take notice that this Letter, as to its value and reputation, must rest solely upon *Rapin*'s Credit." p. 40.

1613. they knew however, the marriage was going to be concluded, and thought it could not but be prejudicial to Religion. This occasioned many complaints and murmurs amongst the Protestants (1), whilst the Catholics triumphed, knowing the King of Spain would not give his daughter to Prince Charles, without procuring them great advantages. At the worst, they were free of having in this Prince a powerful protector, who would never forsake the interest of his Religion. We shall see in the following years how artfully the Spaniard prolonged the negotiation, till he had drawn from it all possible advantages, as well for the House of Austria, as for the Catholic Religion.

In the beginning of the year 1619, the Earl of Northumberland who had been in the Tower ever since the Gun-powder Plot, obtained his liberty at last by means of the Lord Hay his Son-in-law, lately made Viscount Denbigh (2).

About the same time, Doctor Williams Dean of Westminster was made Privy-Counsellor, and shortly after Bishop of Lincoln (3). I purposely mention this Prelate's promotion, because he will often occur in the History of this, as well as of the next Reign.

In March this year (4) the King left his Queen, in the forty-sixth year of his Age. Shortly after he was himself seized with a great illness, which brought him, as I may say, to the brink of the grave. It would have been well for his reputation, had he died at this time, since the rest of his Reign, which lasted six years longer, was not much to his honour. In this space he more plainly discovered his settled design to stretch the Prerogative-Royal as high as possible. Besides, he gave very convincing proofs, that though he defended the Protestant Religion by his Writings, he had not its interest much at heart. In fine, his eager desire to conclude the Spanish match, displayed all his weakness, and the affair of Bohemia, in which he could not but be concerned, fully satisfied the world of his slender capacity.

The Emperor Matthias dying the 20th of March 1619, Ferdinand his Cousin and adopted Son, was proclaimed King of Bohemia, as well in consequence of his Election, as in virtue of his pretended hereditary Right to that Crown. Mean while, as his chief aim was to obtain the Imperial dignity, and as he stood in need for that purpose of the Protestant Electors, he feigned a willingness to end amicably the war now begun in Bohemia, by giving the States a reasonable satisfaction with respect to their Privileges. But the States thought not fit to trust to his promises. In the mean time, he endeavoured to gain the Electors, and make Alliances with the Catholic Princes of Germany. James, who gloried in being styled the Pacific King, thought himself obliged as such, to try to appease, by his mediation, the troubles of Bohemia. To this end, he chose the Viscount Denbigh to go and endeavour to procure a peace between Ferdinand and the Bohemian States. There was not a Prince in Europe so improper as he for a mediation of this nature, considering his Principles, with respect to Monarchy. This Embassy was very expensive, the Ambassador, who was a sort of Favorite, and extremely profuse, having been very lavish of his Master's money. Mean while, I know not whether he could obtain so much as a single audience of Ferdinand, who still removed as the Ambassador approached. Thus much is certain, the Embassy was entirely fruitless, and served only to show the little account Ferdinand made of the King of England's mediation.

The time appointed for the election of an Emperor approaching, the Elector of Mentz summoned the rest of the Electors, and particularly Ferdinand as King of Bohemia.

The States of that Kingdom protested against the Summons saying, Ferdinand could not be received as Elector in quality of the King of Bohemia, since he was not in possession of the Kingdom. But their opposition was ineffectual. Ferdinand was not only acknowledged for the King of Bohemia and Elector, but was also chosen Emperor the 4th of August 1619 (5). Then the States of Bohemia, seeing they had not been able to hinder Ferdinand from being Emperor, took an oath never to own him for their Sovereign, and at the same time, namely, on the 21st of September (6), chose for their King, Frederic Elector Palatine, and sent deputies to acquaint him with his election, and pray him to repair to Prague (7). Frederic did not want much sollicitation to accept of a Crown offered him by those who, in his opinion, had a right to dispose of it. He dispatched however Paron d'Aulne (8) to the King his father-in-law, for his advice, but it was a mere compliment. As he knew him to be a Prince not very ready to engage in great undertakings, he did not stay for his answer, but assembling some Troops, came to Prague, where he was crowned the 4th of November.

Before Frederic's Envoy reached England, James hearing the news of his Son-in-law's election, called a Council to debate whether the Elector ought to accept or refuse the Crown of Bohemia. The Archbishop of Canterbury being present, by reason of the Gout which confined him to his bed, writ to Secretary Naunton, "That it was his opinion the Elector should accept of the Crown, and England openly support him. And therefore as soon as there should be certain news of his Coronation, the bells are to be rung, guns fired, and bonfires made, to let all Europe see the King was determined to countenance him. But this advice was not followed. The King maintained in the Council Ferdinand's cause against the States of Bohemia, and without knowing any thing of their Privileges, as he afterwards owned, decided that the Bohemian States were in actual rebellion (9). As for the reasons with which the Archbishop supported his opinion, in his Letter to Naunton, the King rejected them, as built upon Puritan principles (10). For, as I have elsewhere observed, there were in this Reign State-Puritans as well as Church-Puritans, whom the Court took great care to confound one with another, and this confusion of ideas has been preserved to this day. Hence the obscurity which still occurs in the notion of the two Parties of Whigs and Tories. It was therefore resolved, the King should admonish the Elector to refuse the offered Crown, not only because it was agreeable to the King's Principles, but for another and no less strong reason, namely, the King rightly judged that the Elector's acceptance could not but be extremely prejudicial to the negotiation of the Spanish match, considering the strict union between the Princes of the House of Austria.

But the Elector Palatine had broken these measures by accepting the Crown, without expecting the Council of England's resolution. The King was so angry, that he refused to give Paron d'Aulne audience, who, since his departure, had received orders to excuse the Elector from the necessity he was under of proceeding with all possible expedition. If the States of Bohemia had designed to gain King James, by electing his Son-in-law, they were very much deceived, since they were never assisted by him. The very Ambassadors, sent by King James on this occasion to the Emperor, and several German Princes, did great injury to the States; for these Ambassadors had express orders to disavow Frederic's proceedings; and of all the Protestant Princes, James alone never gave him the title of King.

Ferdinand is invited to the Diet at King of Bohemia, and Elector.

History of the Rebell. of Bohemia.

(1) They would have bought off this match at the dearest rate; and, as far as they durst, oppos'd it by Speeches, Councils, Writings, Prayers, &c. Raynworth, Tom. 1. p. 4.

(2) James Lord Hay is said to have married, on November 6. 1617, Lucy the Duke's youngest Daughter, without his consent, and he was so much displeased with this match, that he could have been brought to sell his Liberty for the sum of 100000*l*. This fine of 100000*l*, which he had been condemn'd to, was commuted at 15000*l*. State of the Rebell. p. 11. His Daughter was the same Lady, who under the title of Countess of Carlisle, made the most shining Figure in the Court of Charles 1. as a Beauty, Wit, and Politician. The old Duke, when he came out of the Tower, hearing that Raynworth was drawn about with his Horles in his Coach, (being the first that was so), put on night to him, and in that manner was drawn through the City, in his way to the Barb. Wiflow, p. 720.

(3) Doctor Williams was not made Dean of Westminster till July the 12th, 1620. Not History of Lincoln till July 1622. Philips, p. 57, 68, 76.—He was reported to be married to Raynworth's Mother. Weldon, p. 178.

(4) Raynworth relates the Queen's death on the 17th of November 1619. Raynworth.—Comes says, she died March the 18. 1619. of a Dropsy in the Night. Annals, Brown, p. 701. The Character of this Queen is variously drawn. Some represent her as a vicious, lewd, and luxurious Woman; but this, upon the best enquiry, seems to be only calumny. Wiflow more justly affirms, that she was a good Woman, and may have engaged upon her Marriage, a Character of Virtue. See Sir R. Fyren, p. 97, 26. Wiflow, p. 719, 66.

(5) He was elected by the Archbishop of Mentz, the Duke of Saxony, and the Electors of Brandenburg, Cölen, and Treves. Raynworth, Tom. 1. p. 11.

(6) The 16th of August. Raynworth makes use sometimes of the New stile, which in the last Century was ten days before our reckoning, and is now ancient. The Elector Palatine was crowned November 4. Wiflow, p. 721.

(7) They offered the Crown first to the Duke of Saxony, who refused it. The Elector Palatine accepted it, through the persuasion of his two Uncles, Maurice Prince of Orange, and the Duke of Bavaria. Burnet's Hist. p. 15.

(8) Some say, it was the Baron of Duno. I own, I am not certain, whether it was d'Aulne, or Duno. Raynworth.—Mistake of our Historians call that Person the Baron Duno, as the Annals, p. 42. Wiflow, p. 721, &c. In Syme's Fable, he is called the Baron de Duno. Tom. 17. p. 160.

(9) He was so possessed of the opinion of a divine Right in all Kings, that he could not bear, that even an elective and limited King should be called in question by his Subjects. Burnet's Hist. p. 15.

(10) The Archbishop says in his Letter, "It is a great honour to his Majesty, to have such a Son made a King; and methinks I do forever in this the work of God, that by depose the Kings of the Earth shall now leave the Where in dejection, as St. John says. Our thinking in will comfort the Rebell. means, honour the Follies, strengthen the Union, bring on the Devil, stir up Dissension, &c. to call in their Arms, and therefore I hope will van the same Forces, and for money and means to support the war, provided Duns. Thus from my bed, and when I can stand, I hope to subvert service, Sept. 1619. 2. 1619. The Letter in Raynworth is something different from this, particularly, he makes the Archbishop say, "The Parliament is the old and honorable way of raising Money, and all that may be spared is to be turned this way. And perhaps God has provided the Jewels which were laid up in the Tower by the Mother for the preservation of the Daughter. Certainly, if succour be given to the rebels, many brave Spirits will offer themselves." Tom. 1. p. 22.

1619. *He thinks to persuade him to quit the Crown.*
Rothworth, p. 12. Hume.

Mean while, though the Elector was now crowned, the King his Father-in-law fancied, he could persuade him to quit the Crown, and induce the States of *Bohemia* to acknowledge *Ferdinand*. To that purpose, he sent two Ambassadors to *Prague*, namely, *Richard Wylton* a Papist, and *Sir Edward Conway* a Protestant. *Conway* being afterwards made Secretary of State, the King used to say to him merrily, that never Prince had such a Secretary, who could neither read nor write (1). This Embassy was very fruitless, as it was easy to foresee.

The Spanish Court came to amuse the King.

Mean time, the King of Spain did not forget to do the Emperor good service, keeping King *James* in his pacific disposition. Nothing was talked of at the Court of *Madrid*, but the King of *England's* generosity, justice, and equity. In fine, to amuse him the better, the negotiation of the marriage was renewed, having been interrupted, in expectation of the Pope's dispensation. Nay, it was intimated to *Cottington*, that if the dispensation did not quickly arrive, the marriage should be concluded without it, or means found to force the Pope to grant it. *Cottington*, who knew the Spanish Court, felt not into the snare. He sent word to *England*, that nothing more was to be expected concerning the marriage; that the King of Spain's intent was only to amuse his Majesty, and therefore he believed, the negotiation ought to be broke off. But instead of feeling his advice followed, he received orders to declare to the King of Spain, that his master was not concerned in the acceptance of the Crown of *Bohemia*: That his Son-in-law had proceeded without his approbation and knowledge, and therefore he entirely disowned him. *Philip* answered, he was glad to find the King his Brother in so equitable a disposition, and that nothing could sooner gain his esteem and affection, than the continuance of this express disowning an action so repugnant to justice (2).

1620. James desires to be Crowned before Ferdinand and Frederic, but cannot succeed.
Rothworth.

The affair of *Bohemia* put several of the Princes of *Europe* in motion, and held the rest in suspense. *Ferdinand* and *Frederic* had each their friends and allies, who were preparing to assist them, whilst *James* stood neuter, imagining, that by making a show of neutrality, he should induce the two competitors to make him arbiter of their difference. But both were jealous of him, the one because he was a Protestant, and Father-in-law of his adversary; the other, because he had openly declared, he disapproved of his conduct. So, without much regarding his solicitations, both sides prepared to decide the quarrel by arms.

Ferdinand is embroiled.
Wilton.
Rothworth, T. I. p. 14.

Had *England* espoused *Frederic's* cause, and with a good Fleet kept Spain and the Netherlands in awe, the Elector, very probably, would have preserved his Crown, in so good a situation were his affairs the beginning of the year 1620. Several Princes of *Germany* had formed a League to support him, and were now levying an army, to be commanded by the Prince of *Anspach* (3). On the other hand, *Balthazar Gabor Prince of Transylvania*, had excited the Hungarians to rebel against *Ferdinand*, and most part of *Austria* had followed the example of *Hungary* and *Bohemia*. All this confounded the Emperor, and would have confounded him more, if the Elector of *Saxony* had still remained neuter, according to his first resolution. But the Emperor offering him *Upper Lusatia*, on condition he would conquer it, he could not withstand the temptation of acquiring a Country which lay so convenient for him. Moreover, the Duke of *Bavaria*, and the three Ecclesiastical Electors (4), declared for the Emperor: the Pope supplied him with money, and the King of Spain ordered his forces at *Naples* and in the *Milanese* to march to his assistance.

Philip sends an army to be raised in the Netherlands to invade the Palatinate.
Wilton.
p. 145.
Rothworth, T. I. p. 14. Colles.

But this was not all the aid, the Spaniard gave the Emperor. He assisted him still more considerably, in hindering *James* from aiding his Daughter and Son-in-law, and keeping him immovable, and, as it were, enchanted, with the hopes of the marriage and dowry of two millions. To hold him the faster in his chains, *Philip* sent back Count *Gondemar*, under colour of finishing the affair. He disembled so artfully, that *James*, who had recalled *Digby* (5) from Spain, sent thither *Sir Walter Aston*, to endeavour with *Cottington* to finish the Treaty, which he thought very near a conclusion. *Gondemar* being returned to *England*

with great sums of money, laid them out so pertinently, and made such good use of his talents and knowledge of the Court, that he became as master of the King, the Favorite, and the Ministers, and governed them as he pleased.

To this aid, which was not inconsiderable, *Philip* was preparing to add another more effectual, to enable the Emperor to get the advantage of his enemy. *Frederic* had drawn ten thousand men out of the Palatinate, and sent them into *Bohemia*. This inspired the Emperor with the thoughts of invading him on that side, and to execute this project, *Philip* and the Archduke *Albert* levied in the *Low Countries* an army of twenty six thousand Foot, and four thousand Horse, to be commanded by *Ambrasy Spinola*. The truce between Spain and the United Provinces not being yet near expired, it was evident these forces could be deluged only against the Palatinate. The *Hollanders* warned King *James* of it, and such of the Courtiers as were not bribed with Spanish Gold, never ceased to represent to him the danger to which the Elector's dominions would be exposed, if he did not suddenly resolve to prepare for their defence.

But *James* could not think of taking such measures on *K. James's* bare suspicions. He contented himself, with ordering *Sir Thomas Edmonds*, his Ambassador at *Brussels*, to ask the Archduke the reason of so considerable an armament. The Archduke answered, it was by the King of Spain's order, and the reason might be known of *Spinola*, who had the command of the army. *Spinola* being asked the same question, replied, That indeed he was ordered by the King of Spain to raise forces, but did not know for what purpose: that his orders being sealed, he could not open them till his march, and if the Ambassador would follow him, he might then be resolved. A man must have been wilfully blind, not to see what this mystery tended to, and yet *James* still continued immovable, relying on the Spaniard's friendship, and *Gondemar's* fair promises.

The whole Kingdom was extremely surprized at the King's infensibility for his Son-in-law, his Daughter, and their Children: but for his part, he looked upon the quarrel between the Emperor and *Frederic* in quite another light. He was just going to be strictly united with the House of *Austria*, by his Son's marriage with the Infanta of Spain, and at this very time, the Elector his Son-in-law had broken all his measures by a rash, unjust, and inconsiderate action; for so he termed the acceptance of the Crown of *Bohemia*. "Is it reasonable," said he, "I should suffer my kinf to be drawn by a Son-in-law's ambition and humour, into a war against the House of *Austria*, who have done me no wrong? Must I alter all my projects, all my measures, because the Elector *Palatine* has been pleased to accept the Crown of *Bohemia*, without so much as asking my advice" (6)? However, by much persuasion, he was prevailed with at length to suffer a Regiment of two thousand two hundred men to be raised, which was done mostly at the charge of some Lords. *Sir Horatio Vere*, who had long served in *Holland*, where he had acquired great reputation, commanded this Regiment, having under him *Burroughs* and *Herbert* for Major-Generals. The Earls of *Oxford* and *Essex* accompanied him, and commanded each a company of Gentlemen Volunteers (7).

This Regiment being raised with extreme speed, was transported to *Holland*. Then they passed the *Rhine* below *Wesel*, to avoid *Spinola*, who was at *Aix la Chapelle*. It was not without danger, that the English crossed so many Countries to reach the Palatinate: nay, they durst not have attempted it, if Prince *Frederic Henry* of *Nassau*, with two thousand Horse, and some Foot, had not conducted them to *Frankfort*, and deceived *Spinola's* vigilance, who expected them on another road. It was the 18th of October before they joined the army of the King of *Bohemia's* allies (8), commanded by the *Markgrave* of *Anspach*.

Spinola, who departed from *Brussels* the 8th of August, being come to *Coblenz*, opened his orders in the presence of *Wilton*, the English Ambassador, who had accompanied him thus far. The orders were, to make war upon all who should declare for the Elector *Palatine*. This was all *Edmonds*

(1) It was a pleasant remark of the King's: That *Strewy* had given him three notable Servants: A Gentleman of the Bed-chamber (*Clark*) who could not help him to unriddle a Point, for he had but one head. A Chaplain, (*Dr. Profus*) who could not say Prayers, for he scrupled the use of our Liturgy; and a Secretary of State, (*Conway*) who could neither write nor read. *Conway* had been bred a Soldier, being Governor of the *Bristol*, when *England* gave up the cautionary Towns.

(2) This year, *August 5*, *Robert Sidney Viscount Liff*, was created Earl of *Leicester*, *William Lord Compton Earl of Northampton*, *William Countess Earl of Downshire*, and *Robert Lord Rial Earl of Warwick*. *Hume*, p. 1039. *Dugdale*, Vol. II.—On July 27, one *Bernard Calvert* setting out from *Southwark* about three o'clock in the Morning, embarked at *Dover* about eight, went to *Calais*, and returned to *Southwark* again the same day, about eight in the Evening. *Hume*, p. 1032.

(3) The preference given to this Prince before the Counts *Almfield*, and *de la Tour*, occasioned some discontent in the two latter, which was very prejudicial to the Elector *Palatine's* affairs. *Wilton*, p. 722.

(4) The Archbishops of *Munich*, (who only had Power to summon the rest to an Election when the Empire is vacant), *Triers*, and *Cologne*.

(5) He was created Lord *Digby* at *Stardown*, November 25, 1618. *Hume*, p. 1031.

(6) The King used to say, *The Bohemians made use of the Caligulae, as the Fox did of the Cat's Tail, to pull the Apple out of the Fox for his own eating*. *Rothworth*, Tom. I. p. 12.

(7) Consisting of two hundred and fifty. There were among them, *Sir Edward Sacrowit*, *Sir Gerard Herbert*, *Sir Robert Knolls*, Captain *Stafford*, *Mrs. M. Burroughs*, *Kegilly*, *William Fairfax*, &c. *Rothworth*, p. 15. So many lacked to *Essex*, that besides the two hundred and fifty in his Company, he paid fifty himself. *Wilton*, p. 722. This *Essex* attended the Earl at *Essex* in this Expedition. See p. 721.

(8) They only joined that part of it, consisting of six thousand Foot, and four thousand Horse. *Idem*, p. 723.

1620, could know of *Spinola's* designs. The rest was easy to be guessed, considering which way he was marching. He arrived in the *Palatinate* before the *English* had joined the confederate army, and took several small places. The two armies tried one another for some time, and were once in fight of each other, ready to engage, but no action of moment ensued (1). The season, which daily grew worse, obliging them at last to retire to winter quarters, the confederate Princes led home their Troops, leaving the *English* in garrison at *Heidelberg*, *Manheim*, and *Frankenthal*.

In April this year the King of *France* sent to the Emperor and several German Princes, the Duke of *Angoulême*, the Duke of *Bethune*, and Mr. *Des Praux*, to endeavour to appease the *Bohemian* and *Hungarian* troubles. At the same time *James* dispatched Sir *Henry Wotton* (2) on the same errand, and to exhort to Peace all the Princes engaged in the quarrel between the Emperor and the *Palgrave*. If, whilst he sent this Ambassador, he had armed by land and sea, and put himself in a condition to strike terror, his remonstrances doubtless would have been hearkened to, and his mediation perhaps accepted (3). But *Wotton* having travelled most part of *Germany*, and talked with several Princes of both parties, brought back only general expressions, which showed how little the King his Master was regarded. After he came to *Vienna* (4), where he found the *French* Ambassadors. In the audience he had of the Emperor, he made two propositions, each divided into three Articles, according to the King's usual custom, who was very fond of divisions and subdivisions. It must be observed, the Emperor had now published a Ban against the *Electoral Palatine* (5), wherein he had fully set forth the reasons moving him to come to such extremities: that *Spinola* was marching to the *Palatinate*; that the Duke of *Bavaria* was leading his Troops to *Bohemia* to join the Emperor's forces (6), and the *Electoral of Saxony* going to invade *Lusatia* (7). In this juncture *Wotton* made his two propositions to the Emperor.

With of Bth.
of Bohem.

The first general proposition was, that the Emperor might trust the King, as it appeared by the three following reasons.

1. The King was never concerned in the acceptance of the Crown of *Bohemia*.
2. The *Electoral Palatine* did not impart the affair to him before his election, and he had disapproved of it. This was evident from the King's never suffering him to be styled King of *Bohemia*, or to be prayed for as such in the Churches.
3. The King never assisted the *Electoral* with men or money.

The second proposition was concerning the means of procuring a Peace, and contained these three Articles.

1. He desired the Emperor to let him know, whether he was content to treat of an accommodation by his master's and the *French* King's mediation: adding, if his imperial Majesty expected the affairs of *Bohemia* should be referred to their former state, he conceived that his stay at *Vienna*, and the King his master's mediation would be fruitless.
2. He prayed the Emperor to inform him of the state of affairs in *Bohemia*.
3. And that he would be pleased to grant a cessation of arms, and let the roads be open between *Vienna* and *Prague* during the negotiation.

The Emperor surprised to hear such propositions in the present state of affairs, told the ambassador, he did not fully understand his discourse, and desired a clearer and more circumstantial Memorial, that he might be able to give him a suitable answer. Whether the Ambassador could explain the King's mind concerning the first article of the second proposition, or for some other reason un-

known, the Memorial was never presented, at which the Emperor was much displeased. Thus ended this embassy.

The *Electoral of Saxony*, the Duke of *Bavaria*, and the Marquis of *Spinola*, commissioned to execute the imperial Ban, began all three to act in September. I have already spoken of what *Spinola* did in the *Palatinate*, during this first campaign. The *Electoral of Saxony*, at the head of twenty thousand men, entered *Lusatia*, and by the end of October conquered the whole Country, which he kept for himself, according to his agreement with the Emperor.

Whilst the *Electoral of Saxony* was in *Lusatia*, the Duke of *Bavaria* having subdued *Upper Austria*, the beginning of September, joined Count *Bucquoy*, who commanded the imperial army in *Bohemia*. As *Frederic* had all his forces there, the Emperor's two Generals were obliged to take some places, before they could advance to *Prague*. At length, having opened a passage, they came in the beginning of November within sight of that Metropolis, and of the enemy's army posted between them and the City. A few days after (8) was fought the famous battle of *Prague*, wherein *Frederic's* army was entirely routed. This Prince, who stayed at *Prague* during the battle, hastily retired with his Wife and Children, leaving all his baggage and money in the City, which on the morrow opened her Gates to the Imperialists and *Bavarians*. *Witten* and *Conway* the *English* Ambassadors followed the King in his flight. But finding he intended to withdraw into *Holland*, they obtained a Pass-port to return to *Prague*, where they remained not long, their stay being entirely needless (9).

The victory lately gained by the Emperor's arms produced great effects; the first whereof was, that the *Palgrave* was forsaken by most of the Princes his confederates. The Prince of *Anhalt* himself, who commanded his army, entered into the Emperor's service. Count *Mansfeld* alone remained faithful, and was still serviceable to him (10).

This same year the *Huguenots* of *France* being vigorously pushed by *Lewis XIII.*, *James* sent Sir *Edward Herbert* (11) to solicit him in their behalf. Nay, he had orders to use menaces, if the Court of *France* refused to regard his remonstrances. *Herbert* discharged his commission so bluntly, that the Constable *Lynes* being offended at it, caused him to be recalled. *Herbert* would have afterwards sent a challenge to the Constable for misrepresenting his words, but the King would not suffer it. The Viscount *Doncafer*, lately made Earl of *Carlisle*, was sent to *France* in *Herbert's* room. He spent immense sums, without effecting any thing for the *Huguenots*. This is not surprising, since the *French* Court knew King *James* was neither able nor willing to assist them.

The Campaign of the *Palatinate* was no sooner ended, than the Earl of *Essex* posted away, to represent to the King the impossibility of saving that Country, without a speedy and powerful aid (12). But it was not by way of arms that *James* meant to support his Son-in-law's interest. Count *Gondemar* ruled him as he pleased, by feeding him with continual hopes of the good success of the marriage, provided he would not disturb the negotiation by proceedings offensive to the King of *Spain*. Nay he told him, that should the Emperor become master of the *Palatinate*, it would only be a surer means to put an end to the war, because then it would be given to the Infanta, for a present to the Prince her Spouse, who might refer it to the Count *Palatine*. All this passed current with the King. He was so possessed with the project of ending the war by means of this match, that nothing was capable of altering his belief. Count *Gondemar* had bribed with presents and pensions all those who had the King's ear (13), and who took care to cherish him in this vain project (14). The rest of the World were astonished to see the King take such wrong measures: but no man durst press him upon that head, knowing he did not care any but his Ministers should speak to him of State-affairs. He verily believed there was no other way to save the *Palatinate*, than to preserve a good understanding with the King of *Spain* and the Emperor by standing neuter. This he declared him-

(1) There was a skirmish, on the 10th of March, between the two Armies, wherein the *Electoral Palatine's* got the Victory. *Wijfen*, p. 724.

(2) *Rapin* by mistake says, Sir *Edmond*. See *Annals*, p. 43.

(3) Had he, as *Walden* rightly observes, spent half the Money in Sweden, instead of Words, for which he was but famed, it had kept his Son-in-law in his own Inheritance, and saved much Christian Blood from shed, p. 83.

(4) The 18th of September. *Rapin*.

(5) Count *Bucquoy* joined the Duke of *Bavaria* the 6th, or 7th of September. *Rapin*.

(6) He began the Siege of *Bender*, September the 5th. *Rapin*.

(7) On the 8th of November. There were six thousand *Bohemians* slain, and more taken Prisoners. *Cole*, p. 108.

(8) It is said, that *Frederic's* ill Success, was owing in some measure to his avariciousness; for though he had sent some of Money by him, yet was he so slow in paying his Soldiers, that they were necessitated to take fire quarters upon the *Bohemians*. The jealousy also that the *Imperialists* had of the *Alamans* the *Cavaliers* might gain by this Accession, had an unhappy share in the conduct which all the Princes of that Condition showed towards him, though *Saxony* only declared against him. *Cole*, p. 108. *Wijfen*, p. 724. *Burnet*, p. 13.

(9) He had an Army of between fourteen and fifteen thousand Men. *Wijfen*, p. 725.

(10) King *James* sent the *Electoral Palatine* 30,000*l.* to keep the Princes of the Union in Arms. *Rapin*, Tom. 1. p. 18.

(11) Particularly the Earls of *Worcester* and *Arundel*, the Lord *Digby*, Sir *George Calvert*, Sir *Richard Wijfen*, and others, possibly affected; together with *Richmond* and his numerous Train. But the Duke of *Lombes*, the Marquis of *Honington*, and *William* Earl of *Fomberte*, were against the *Spanish* match. *Wijfen*, p. 725, 726.

(12) *Wijfen* says, he belied the very Ladies, especially those who talked much, and to whom much Company resorted, that they might ally such as were so fervent in their Expressions, and stop them if they run on too fast. But it seems he had neglected the Lady *Jacks*, who upon his passing by her Window in his Chair, instead of answering his salutation as usual, only gaped with her Mouth, which repeating again next day, he lost to know the reason; he replied, That he paid a New-birth in spite as well as new Ladies, p. 726.

1620.

The Duke of
Saxony com-
menced Leis-
Annals,
p. 41.
Rushworth,
T. 1. p. 25.

The Duke of
Bavaria joined
Bucquoy.
Wijfen,
p. 724.

Novemb. 9.
Battle of
Prague.
Herbert
Frederic is de-
feated.
He first re-
turned to
Holland.
Annals,
Coke, p. 108.

He is de-
ferred by the
Willow.
Annals.

James fol-
lows Lewis
XIII. to be-
half of the
Huguenots.
Coke, p. 109
but observes
nothing.

His re-
solves
were
to save
the Palati-
nate.
Wijfen,
p. 725.

He.
Rushworth,
T. 1. p. 18.

Rushworth,
T. 1. p. 27.
Annals.

1620.

felf to the Council, adding however, if his instances were rejected he would have recourse to arms at last. Not that he had any intent to go to war with the House of Austria let what would happen, but hoped, this would be a good pretence to get money, which he wanted very much. To this end likewise it was debated in Council, how to make preparations for the defence of the *Palatinate*, in case the King's mediation was rejected. *Gendemar* having notice of what had passed at the Board, writ to the Marquis of *Buckingham*, desiring to know what was the King's intention. Here is the favorite's answer, which plainly discovers the King's thoughts.

S I R,

I Showed your Letter to the King, who thinks your request reasonable. He has ordered me to tell you, that the Speech he lately made to the Council, contained two principal points: First, whereas the World talked so variously of him, he declared, he was so far from advising the Elector *Palatine* to accept the Crown of *Bohemia*, that he used his utmost endeavours to dissuade him from it. For the particulars of what he said upon this subject, he refers to the Lord *Digby*, who being present, can inform your Excellency. His Majesty declared moreover, he was resolved to continue neuter for three reasons. First, because his Conscience obliged him to it. Secondly, because his honour was concerned. Thirdly, not to give an ill example. Upon the first reason he said, he was sure the Religion he professed did not allow that Crowns should be removed from one head to another on account of Religion: That our Church very justly opposed the principle of the Jesuits, who take upon them to introne and dethrone Kings according to their fancy: That our Religion enjoins us to obey our Princes and Sovereigns, though they should be *Turks* or Infidels: That the world was inclined to turn this to a religious war, to which his Majesty is entirely averse. As to the point of Honour, the King said, That being solicited by the King of *Spain* to use all his interest to procure a peace between the Emperor and the *Bohemian* States, and this accident, of accepting the Crown of *Bohemia*, happening whilst his Ambassador was in *Germany* mediating an accommodation, he was obliged to make known his innocence, in order to save his honour: That if now he assisted his Son-in-law in this affair, his actions would be directly contrary to his protestation, which would be very dishonourable. Upon the third reason, his Majesty declared, It was a very dangerous precedent against all Christian Princes, to allow of the translation of a Crown by the People's authority: That though he was King by hereditary Right, yet it could not be sufficiently considered, how far this mischief might reach, if once it took root, and that this example might very venially affect the King of *Denmark* his Brother-in-law, whose Crown was elective: That as for the privileges the *Bohemians* might have, in this case, by the antient and fundamental Laws of the Kingdom, it would be necessary to turn over many Volumes, read abundance of Histories, and carefully examine what their Rights are, before this point could be determined, with which he has nothing to do, not being made Judge of the dispute. The second thing, concerning which the King declared himself, was the affair of the *Palatinate*. Upon this point he first informed his Council, that he had omitted nothing, as well by means of his Ambassadors, as by his own mouth, in speaking to your Excellency: That moreover, he had sent an Ambassador to the *German* Princes, who were concerned in the affair, to remonstrate to them, that since he had with so much sincerity and candor continued neuter, he had great reason, on the other hand, to represent to them how much he was concerned in the invasion of the *Palatinate*, since he had given his Daughter to the Elector *Palatine*, *bona fide*, whilst that Prince was in possession of his dominions, and long before these troubles could be foreseen: That at present, his Grandchildren were lawful heirs to it, and it was neither just nor reasonable to deprive them of their inheritance, since they are not guilty, considering the sincerity of the King their Grandfather: That indeed, it cannot be denied, there was notice given from *Spain*, that the Emperor would be forced to make this diversion, to free himself from the oppression he endured in *Bohe-*

mia and *Austria*: That your Excellency said the same thing, which was confirmed by his Ambassadors: That the invasion being really made, nature obliged him to provide for the defence of his Grandchildren by all possible and lawful ways: That the approaching winter allowed him to make two sorts of preparation: First, to endeavour, that a Peace may be concluded before summer; and if, as he hoped, the Elector his Son-in-law would be guided by him, and the Emperor be willing to hearken to the overtures which would be made him, he did not question but a Peace would ensue, and the calamities Christendom was threatened with, both by a *Turkish* invasion and an intestine war, would be happily prevented. But if the Elector would be willing to yield to reasonable terms, and the Emperor refuse to comply, in that case he would not lose the opportunity of the winter, to prepare for the defence of the *Palatinate*: and if, on the contrary, the Elector remained obstinate, he would then leave him to his own counsels.

After the King had thus spoken, it was debated in Council concerning the means of defending the *Palatinate*, as the Lord *Digby* could have informed your Excellency. To conclude this Letter, his Majesty commands me to assure you, upon the honour of a Christian King, that this is all that has passed in this affair either in public or private. He is persuaded, not only your Excellency but the King of *Spain* also will believe it, sooner than all the informations which thro' ignorance or malice may be given you from any other place."

The King's whole conduct, whether at the time this Letter was writ, or afterwards, agrees so exactly with the sentiments therein expressed, that it would be in vain to question its being genuine (1). It is certain, the King never intended to defend the *Palatinate* by arms, whilst he had any hopes of concluding the Prince his Son's Marriage with the Infanta. He used however this pretence to draw money from his Subjects, and to send a Letter signed by the Council to all the Nobility, and to the Lord Mayor of *London*, for a Benevolence (2). But probably this method was unsuccessful, so much were the people dissatisfied with the Government. At the very time he seemed desirous to defend the *Palatinate*, invaded by the *Spaniards*, Count *Gendemar* properly governed *England* by his influence over the King (3). All who had any expectations from the Court, were extremely careful not to offend him in any thing whatever, knowing how much it was in his power to prejudice such as he was displeased with. Secretary *Naunton* failing, on some occasion, to make use of this policy, lost his place, which was given to *Cromwell*.

On the other hand, the Marquis of *Buckingham* ruled in the King's name, without bearing the least contradiction. He absolutely disposed of all Offices, or rather his Mother, since he could not deny her any thing (4). As she was extremely greedy of money, and a great bigot to the *Roman* Religion, none were preferred but such as could make large presents to the Favorite's mother, and were well inclined to *Rome*, or at least indifferent in point of Religion. Nay, Places were frequently taken from those who had paid dear for them, in order to dispose of them to new purchasers. *Montague* having given twenty thousand pounds for the office of Lord-Treasurer, was removed before the year expired (5), and Sir *Linnel Cranfield* put in his place, and created soon after Earl of *Middlesex* (6). *Cranfield* had been a Merchant in *London*, and afterwards a Custom-house officer, from whence he was introduced into Court as a Projector: a name given to such as suggested to the Ministers expedients to bring money into the King's Exchequer, when there was no Parliament.

The Marquis of *Buckingham*, about the end of the year, married the Earl of *Rutland's* only daughter, the richest heiress in the Kingdom. Some say, he debauched her before Marriage, and the Earl of *Rutland* lent him word, if he did not espouse her, the King's Favour should not screen him from his revenge. *Buckingham* readily complied, since it was a very advantageous match for him, But as the young Lady was bred a Papist by her mother, the must, for form sake, be instructed by Dr. *White*, who, as it is pretended, made her a good Protestant. However, she was brought by her mother-in-law into the old way again.

The affairs of the Protestant Religion in *Germany* and *France* were in a very ill situation. On the other hand, the King of *Bohemia* being driven out of his Kingdom,

(1) The substance of this Letter is in *Rushworth*, Tom. I. p. 16.

(2) *Rushworth* observes, that he had the access of a Favorite, rather than of an Ambassador from a foreign Prince. Tom. I. p. 18.

(3) *Gendemar* perceiving most Addresses were made to her first, and by her conveyed to her Son, among other his witty Pranks, writ merrily in his dispatch to *Spain*: That never was there more hope of England's Conversion to *Rome* than now; for there are more Prayers offered here to the Mother than to the Son. *Whiston*, p. 728.

(4) He was made Lord-Treasurer December 4. 1620, and removed September 28. 1621. He was on December 4. created Baron of *Kimbolton*, and Viscount *Mandeville*, and soon after Earl of *Montague*; upon resigning his Office of Lord-Treasurer, he was made President of the Council. *Hemm*, p. 1034.

(5) He had married the Daughter to James Earl of *Rothes* in *Leicester* by his Wife, Sister to Mary Bassant Countess of *Buckingham*. From the Heiress of his Family is descended the Duke of *Driffield*. *Dugdale's Barons*. Vol. II. p. 446.

1620, saw himself upon the point of losing also the *Palatinate*. All the world murmured to behold the King's extreme indolence with respect to these two affairs, wherein he was particularly concerned as a Father, as a King of England, and as a Protestant. These murmurs produced at length a Parliament. Not that the Court's intent was to satisfy the people: but it was judged, since they were so delirious, that proper measures should be taken for the defence of Religion and the *Palatinate*, the House of Commons would be ready to grant the King an aid answerable to so important a design. A Parliament was therefore summoned to meet on the 20th of January 1621 (1). But the better to persuade the publick, the King was really bent upon a war, the Council nominated, a few days before the Parliament met, a certain number of the most noted Lords and Officers, who had orders to meet and give their Opinion concerning the means of vigorously carrying on the war. Mean while, as the People talked too freely of the King's and his Ministry's conduct, they were forbid by Proclamation to discourse of State-affairs. But this prohibition produced a quite contrary effect, it being hardly possible to stop people's tongues by such means.

*Proclamation
is forbid
to talk of
State-affairs.
14. p. 21.
Arch. Pub.
XVII. p. 25.*

*The Reason
of the King's
relaying
Matters to
save the Pa-
latinate.*

The King, no doubt, wished to preserve the *Palatinate* for his Son-in-law. All he could be blamed for was, his taking a wrong course to that end. Amused, or as it were bewitched by *Gendemar's* charm, he believed the Prince's Marriage with the Infanta was the most proper means, not perceiving that this marriage was only a decoy to deceive and hinder him from taking better measures. It will doubtless be thought strange, that *James* should suffer himself to be thus managed by a *Spanish* Ambassador, in an affair, which so much concerned the House of *Austria*: but it will be the less surprizing, if his situation be considered. First, he had an aversion to War, and tho' he would have made believe, it was out of reason and choice, it is certain however, this aversion was so natural, that it was almost impossible for him to overcome it. In the next place, his opinion concerning the extent of the Royal Power, made him dread all occasions of causing his Prerogative to be questioned. If he engaged in a War, he must call a Parliament, and the Parliament had already convinced him, they were not of his sentiment concerning the extent of the Prerogative Royal, of which he was so jealous. It is therefore no wonder, that of the two ways which offered to preserve the *Palatinate*, namely, War, and the Prince's Marriage, he should chuse that which was most agreeable to his temper and inclination. What is more strange, is, that in comparing these two ways, he should be so blind as to think the Marriage the easiest and most proper, and would not see that it was only a snare to deceive him. On the other hand, he was not satisfied with resolving to take this method rather than the other, but even affected to intimate to the House of *Austria*, that he should not, till the last extremity, think of having recourse to arms, and thereby marred all his affairs. The Emperor and King of *Spain* knew how to improve these wrong proceedings. *Gendemar* having easily discovered the King's Scheme, failed not to encourage him to pursue it steadily, by putting him in hopes of success. There was another and very strong reason for *Gendemar's* keeping the King in this situation. The Truce between *Spain* and *Holland* being like to end quickly, if the King should resolve to support his Son-in-law by arms, he would be able to make such a diversion in the *Low-Countries*, as would render the conquest of the *Palatinate* dear to the House of *Austria*. For this reason chiefly the Courts of *Vienno* and *Madrid* flattered him with the hopes of obtaining an honorable Peace for the Prince *Palatine*. But these were only words, which *James*, too credulous, took for deeds.

Tho'ugh the King did not intend to declare War with *Spain*, he was very glad however that the people were inclined to support by arms the Elector's interest. He hoped the Parliament would grant him large Sums to enable him to make himself feared, and then he fancied, it would be easy for him to determine his Son-in-law's affairs, without drawing the sword, and consequently without employing the Money which should be given him by the Parliament. Herein he meant to imitate his Great-Grandfather *Henry VII.* who often used this expedient to fill his coffers. But he should also have imitated his address in concealing his designs, whereas on the contrary, *James's* intentions were known to all.

The Parliament being assembled, the King made a Speech to both Houses, which he divided into three heads. In the first, he told them what a Parliament was, under

colour of reminding them of so necessary and fundamental a point. The second contained the reasons of their meeting. In the third, he spoke of the Grievances which the People thought to have cause to complain of, and endeavoured to justify his conduct. As this Speech is very long, I shall only cite such passages as may serve to discover both the King's principles and designs. He begins thus:

1621.

MY LORDS SPIRITUAL and TEMPORAL, and YOU THE COMMONS.

"*T*N multiloquio non desit peccatum, saith the wisest Man that ever was; and this experience I have found in mine own person, for 'tis true there have been many sessions of Parliament before this, wherein I have made many discourses to the Gentlemen of the Lower House, and in them delivered a true mirror of my heart; but as no Man's actions are free from censures, in regard of the excellency of perfection, so, it may be, it pleased God, being some vanity in me, to send back my words as wine spit into my own face, so as I may truly say, I have piped unto you, and you have not danced; I have mourned, and you have not lamented.

Concerning the Constitution of a Parliament.

"What is a Parliament? It is an assembly composed of a head and a body; the Monarch is the head, and the three Estates (2) the Body, which are called in a Monarchy a Parliament, which was used and created by Monarchs; For Kings were before Parliaments, who as soon as they had settled a form of Government, and were willing that the People should be governed by Laws, called their Parliaments, &c. — Only this I would have you to observe, that it is a vain thing for a Parliament to presb to be popular; there is in no State a Parliament without a Monarchy. — This I put you in mind of that you serve under a Monarchy, and that we must stand and fall with it: Now consider, First, Who called you? Your King. Secondly, Whom he calls? The Peers, who in respect of the eminency of their places and highness have an interest therein by birth and inheritance, because they are to assist the King in his great Affairs. In the next, the Church, the Clergy, not all, but the principal heads thereof, the Bishops. — The Knights stand for the Shires, and the other Gentlemen for the Burroughs: of these is the whole body compact.

"Thirdly, Why ye are called? To give the King your advice in such errands as he shall ask of you, or you shall think fit to ask his advice in.

"The King makes Laws, and ye are to advise him to make such as will be best for the Common-wealth. There is another cause for which the House of Commons is called, for that they best know the particular estate of their Country; and if the King shall ask their advice, they can best tell what is amiss, as being most sensible. And also petition him to redress and amend it; they are the authors of sustentance also to him, to supply his necessities, and that is the proper use of a Parliament. Here they are to offer what they think fit to supply his wants, and he is in lieu thereof to afford them mercy and justice.

"And this I dare boldly say, and I am not ashamed to speak it, that all people owe a kind of tribute to their King, as a thankfulness, for his love to them; and where there is this sympathy between a King and his People, it breeds a happy Parliament. —

Concerning Religion.

"As for Religion there are Laws enough, so as the true intent and execution follow. —

"As touching the rumour which is spread, that I should tolerate Religion in respect to the Match which hath been long in treaty with *Spain* for my Son; I profess I will do nothing therein which shall not be honorable and for the good of Religion, else am I not worthy to be your King; and if any thing break off this match, it shall be the cause of Religion. The trial which you have had of my words and writings, wherein I have been a Martyr, tortured in the mouths of many idle Fellows, may give you ample testimony of my integrity, in such fort, as I hope you will trust

*To Parlia-
ment meet.
January 20.
1620-1.*

(1) It was summoned to meet on January 16. *Journ. Price.* The King issued a Proclamation, on November 6, wherein he ordered, That the Knights and Burgesses should be chosen of the greatest, ablest, and best affected Myndes that could be found. — Persons approved for their loyalty in Religion, and most ready, either for superstitious blindness, or turbulent humours. — *Rymer's Fed. Tom. XVII. p. 270.*

(2) As in the following Regula there were great disputes, whether the Bishops were a State or a Body apart by themselves in the Parliament, each side grounded their Assertion upon these Words of this Speech, the one affirming the King said, the Three Estates, and the other maintaining, he mentioned only Two Estates. This is the reason of the difference which occurs in the several Copies. *Rushworth and Wijn have Two Estates. Frodoys, Naujon, &c. Three Estates.*

1621. "the wisdom of your King fo far, as I will never do one thing in private and another in publick; but if after this my Declaration any shall transferre, blame me not if I see them feverely punished.

Concerning the Reasons of calling the Parliament.

"Now the major errand (I speak truth) for which I have called you, is for a supply of my urgent necessities in urgent causes; ye can all bear me witness, that I have reigned above eighteen years among you; if it hath been a fault in me that you have been at peace all this time, I pray you pardon it; for I took it for an honour unto me, that you should live quietly under your vines and fig-trees, reaping the fruits of your own labours, and myself to be a just and merciful King among you. You have not been troubled with pressing of men, nor with other inconveniences which the distasters of war produce, and yet in these eighteen years have I had less supplies than any King before me. The late Queen of famous memory was so far supplied in her time, that it grew to an annual contribution of one hundred thirty five thousand pounds a year: I had never above four Subsidies and six Fifteenths. I challenge not more of desert than she; but sure I am, I have governed as peaceably. The time since my supply hath been as the time of Women with Child, *Quæ decent tulerint fastidia mensis*, who after ten months longings, are delivered of their burthens; but I have travailed ten years, and therefore full time to be delivered of my wants.

"Now you have seen a trial of my late care in divers years last past in looking into the particulars of my Estate, wherein I must confess I have found my revenue (as *Job's* friends) forsaking me. [In my household expenses I have abated ten thousand pounds *per Annum*, in my Navy I have abated twenty five thousand pounds, and shortly I hope to abate ten thousand pounds more. In my Ordinary I have brought the expence from thirty four thousand to fourteen thousand pounds,] and yet I was loth to believe at first that these were so much out of order; but at last, by the information of some private Gentlemen, I was induced to enter into a particular survey; and herein was the Love of my young Admiral survey; as he took the envy of all upon himself for my sake: And though he be but young, yet I find him true in faith, and an honest man, and hath had the best success in all he hath taken in hand: He appointed under himself divers Commissioners, as a young Commander should do, the better to preserve himself from errors, and yet sought no reward but my good service, nevertheless went through with great diligence and good success: And therefore I hope the Kingdom shall say I have now a true care of my estate, not taking from others by violence, house or land, but governing my own with good husbandry."

Concerning the affair of Bohemia, he said much the same things as the Marquis of Buckingham writ in his Letter to Count Gondemar, after which he added:

"I am now to take for a wofle danger against next summer, albeit I will leave no travel untied to obtain a happy Peace; but I thought good to be armed against the worst time, it being best to treat of Peace with the sword in my hand: Now I shall labour to preserve the rest of the *Palatinate*, wherein I declare, That if by fair means I cannot get it, my Crown, my Blood, and all shall be spent, with my Son's Blood also, but I will get it for him; and this is the cause of all, that the cause of Religion is involved in it, for they will alter Religion where they conquer, and so perhaps my Grand-child may suffer who hath committed no fault at all. But this is nothing without a speedy supply, *Bis dat qui cito dat*.

"Consider who it is that moves you? your King: and the care of the Reformation, and the charges which he hath disbursed, besides forty thousand pounds upon the pyrrical wars; and consider if I deserve not your respects?

"It is strange that my Mint hath not gone this eight or nine years, but I think the fault of the want of money is in the uneven ballancing of Trade; for other things I confess I have been liberal, but the main cause of my wants has been the ill Government of those whom I have trusted under me, for I will not make every day a *Chrysomus*; and yet it may be in some grants I have hurt myself, and in others my Subjects;

1621. "but if I be truly informed, I will rightly reform them."

"But for you to hunt after grievances is the prejudice of the King and yourselve, is not the errand: Deal with me as I shall deserve it at your hands: I will not leave any thing undone that becomes a just King, if you deal accordingly.

"I know this Parliament hath been of great expectation, and so was that at my first coming: You I knew, but not the Laws and customs of this land. I was led by the old Counsellors I found, which the old Queen left, and it may be there was a mistaking and misunderstanding between us which bred an abrupton. And at the last Parliament there came up a strange kind of Beast called Undertakers⁽¹⁾, a name, which in my nature I abhor, which caused a dissolution.

"Now you have that advantage that I call you out of my own free motion, and my trust is in your good offices: For my good States, even all and every one shall find an honest King of me.

"How happy a fame will that be, that he is revered and loved of all his people, and he reciprocally loves them. So shall I then be honoured by my neighbour Princes, and peradventure my Government be made an example for posterity to follow⁽²⁾."

Many remarks and reflections might be made upon this Speech; but as that would lead me too far, I shall content myself with making one single observation. This Speech contained some maxims concerning the Regal Power, which certainly the *English* in general did not then admit, as they do not even at this day. If since *King James's* accession, the Parliament, or the Commons in particular, had endeavoured to inroach upon his Prerogative, it might not be thought strange that he should let them know his resolution to maintain it, and mark out the bounds they were not to exceed. But if we consider what passed in the two first Parliaments of this Reign, the Commons did not begin to attack the King, but the King himself gave the Parliament cause to complain. And supposing the Grievances complained of by the Lower-House were groundless, to represent them to the King was no attempt upon the Prerogative-Royal; and yet that was the only reason of dissolving the two first Parliaments. It appears moreover, not only in this to the present Parliament, but also in his former Speeches, that he made his Prerogative to consist in an unlimited Power, since he said in express terms, *That as to dispute what God may do, is Blasphemy; so is it sedition in Subjects to dispute what a King may do in the height of his Power* (3). Hence it was easy to infer, he set no bounds to the Prerogative-Royal.

The occasion of calling the Parliament was so plausible, that the Commons easily perceived, if they began, according to custom, with the consideration of the Grievances, before they gave the King money, he would not fail to say, that a delay in so important a juncture was the same as a denial. The people were extremely incited against Spain for invading the *Palatinate*. They dreaded the Prince's marriage with the Infanta, and the destruction of the Protestant Religion abroad. So to deny the King money on this occasion, would be justifying his indolence. Some Members, however, believing the King had no design to make war, were desirous to spare the people's purses. But the rest demonstrated to them, the necessity of sacrificing a sum of money, whether the King employed it in defence of the *Palatinate*, or put it to other uses. In the first case, the Publick would have what they wished, and the money given the King, would be only a small part of what was farther to be expended in support of the war. In the second case, the King's intentions would be manifestly known, and that would afford a just motive to refuse him money hereafter for imaginary undertakings. So, without any solicitation, the Commons granted the King two entire Subsidies (4), with which he was satisfied, in expectation of obtaining much more hereafter on the same account.

Not long after, the King sent the Lord Digby to Vienna, Digby is sent to endeavour to adjust the Elector *Palatine's* affair, or at Vienna, to obtain a Truce, which should secure the *Palatinate* from the danger it was threatened with in the next campaign. I shall speak of this negotiation, after the recital of what passed in the Parliament.

The Subsidy Act was no sooner passed, but many Petitions were received by the House of Commons, as well against the increase of Popery, and impunity of Recusants, as against Monopolies, Informers, or Projectors. Of the Monopolies, three were chiefly complained of. The first was concerning Inns, which no man could keep without a

(1) These were the Earl of *Sunderland*, and some others, who undertook to procure the King a Parliament at his Devotion.

(2) This Speech is taken out of the *Annals of King James I.* For the Author pretends, that in *Wotton* is not the true one. *Repro—Neither Rostoworth's, nor Wotton's, nor Franklin's* seems to be the true Speech; but that in *Nesbit's Introduction*.

(3) See the King's Speech to the Lords and Commons at *Whitehall*, March 21, 1609, in his own Works, p. 535.

(4) And the Clergy Three. *Coke*, p. 111.

1621. Licence from certain persons, to whom the King had granted a Patent. The second was of the same nature with respect to Ale-houses. The third was the most enormous. It was a Patent granted by the King to Sir Giles Monpeffen, and Sir Francis Michel, for the sole making and selling of Gold and Silver Lace. By this means, they sold great quantities of counterfeit Gold Lace instead of real, and if any person presumed to make or sell any other, he was thrown into goal, and fined severely (1). The two Patentees being informed against in the House of Commons, were immediately committed to prison: but Monpeffen, Buckingham's creature, found means to make his escape. As soon as he was safe, the King published a Proclamation, promising a reward to any person that should take him.

Mean while, the two Houses applied themselves closely to the affair of Monopolies. The Commons would know how these two persons obtained their Patent, whilst the Lords were diligently forming their process. In the mean time, the King was very uneasy. He saw, this affair was examining in such a manner, that the odium could not but fall upon himself or favorite. Wherefore, to prevent the consequences, he came to the House of Lords, and made a Speech full of tender and affectionate expressions. He affirmed, he was ignorant of the ill effects his Patent had caused, and charged them to bring the offenders to speedy and severe justice: adding, his intention was to revoke all his Patents which had been so injurious to the people, and particularly that of Gold and Silver Lace, which was a kind of false coin. He exhorted them, moreover, to dispatch the Bill they were preparing against Informers and Projectors, saying, he had [before in the *Star-Chamber*] shewn his dislike of such people, and to be rid of them, would be the greatest ease to himself, [and all those about him.] "For," continued he, Buckingham told me he "never found such quiet and rest as in this time of Parliament from Projectors and Informers, who at other times miserably vexed him at all hours." In short, he told them, he thought till then the People had never been so happy as in his Reign; but now he was ashamed to consider how his People had been vexed and pained, by the vile execution of Projects, Patents, Bills of Conformity, and the like, which have more exhausted their purses than Subsidies would have done. Having thus obviated the complaints which could be made against him, by condemning still the occasion of them, he taught the Lords how they were to proceed in equitably judging the matters before them, namely, not to suffer themselves to be carried away with an inconsiderate zeal for justice, in hearkening to those who accused the innocent as well as the guilty.

Every one knew that he meant to hinder the Marquis of Buckingham from being attacked, who was reckoned the chief author of the Monopolies. He had indeed the satisfaction to see that the Parliament did not carry this affair very far. But though he had ordered his Speech to be printed, and dispersed, he could not hinder reflections to his disadvantage. For instance, he said in his Speech, that he assured them in the heart of an honest man, and by the faith of a Christian King, if those Grievances had been complained of to him before the Parliament, he would have punished them more severely than perhaps the Parliament intended to do; and yet he was contented with abandoning Monpeffen and Michel, whilst he defied the person who procured them their Patent should be left unmolested.

However this, the Lords were satisfied with punishing Monpeffen and Michel. They confiscated Monpeffen's estate, who had made his escape, and degraded him of his Knighthood (2). Michel was likewise degraded, fined a thousand pounds, imprisoned for life, and carried on horseback with his face to the tail, through the publick streets in London.

Shortly after, the King hearing, complaints were brought before the Peers against Chancellor Bacon, came to the House of Lords, and sending for the Commons, made a Speech, wherein he chiefly insisted upon the necessity of punishing corruption and bribery in Judges. Then he thanked the Commons for the two Subsidies, but said, the money had been employed before-hand for the defence of the Palatinate, and maintenance of his Children, who were fled to Holland for refuge: That he had procured a

short truce, and hoped soon to attain a general peace; but the great charges of sending Ambassadors over all Europe, or an army into the Palatinate in case his negotiations became fruitless, required a much larger sum than what had been granted him. He concluded, with protesting before God, he would not dissolve the Parliament till the affairs in agitation were finished.

Mean while, the House of Commons having demanded a conference of the Lords, represented to them, that the Chancellor being accused of several crimes, it was not fit he should continue any longer in so eminent a post if he was guilty, or be exposed to calumny if innocent. Whereupon the Lords sent the Chancellor to the Tower, and prepared for his trial. He used all possible endeavours to avoid the shame of a particular and full confession. To that end, he presented an humble submission to the House, confessing himself guilty in general, and imploring pardon, or at least, that his punishment might not extend farther than the taking from him the Great Seal. But the Lords were inexorable. They required him to confess the particulars of the Charge, which consisted in the enumeration of several bribes he had taken. He was so very express, that he confessed, one of his servants took a dozen of buttons as a gift, in a croud depending before him (3). But this confession, however full and plain it was, did not hinder him from being declared unworthy, not only of the office of Chancellor, but even of having a place for the future in the House of Peers (4), though he had been created Baron of Verulam, and Viscount of St. Albans (5). Nay, he was like to have been deprived of this dignity (6). He was a very great Genius, and one of the most learned men in Europe, but a servile flatterer, extremely haughty whilst fortune smiled upon him, and cringing when she frowned. After his disgrace, he composed several Works, and amongst others, the History of King Henry VII., to whom certainly he has not given a just character. This is not surprising; for as his estate was forfeited by the sentence passed upon him, and as he lived only on a pension from the King, who always spoke of Henry VII. his Great-Grandfather with high commendations, he made his court to the King, by representing that Prince as a pattern of wisdom and virtue (7).

It was properly in this third Parliament that two Parties were formed, the one for the Court, the other for the People, who began from this time to oppose one another on all occasions. The People had the strongest party among the Commons, and the King in the House of Lords. Not but that the Kings had always their adherents in both Houses, and the Ministers and Favorites their enemies and enviers. But till this Parliament, there were not properly any formed parties, or, if any, they were not long-lived. But those that began to be formed this year, continually increased. These are the famous parties which still subsist, under the names of *Tories* and *Whigs*; the first of which labours incessantly to stretch the Prerogative Royal as high as possible, when favoured by the King; and the other is always insisting on the rights and privileges of the People. The mutual animosity of these two parties, when first they were formed, was nothing in comparison of what it is at this day. When all parliamentary affairs came to be transacted with a spirit of Party, every thing tended by degrees to confusion. As one of the parties was always ready to increase the King's power, the others used their utmost endeavours, not only to keep it within due bounds, but also to lessen it, for fear the King's Prerogatives might serve him for steps to mount higher. This both went too far. James I. gave birth to these two parties, (who occasioned so many calamities to England and his own family) by haughtily establishing Prerogatives, which perhaps would never have been questioned, had he not founded them upon principles that opened a door to arbitrary power. He met however, with great opposition, not only in the House of Commons, but among the Peers themselves, several of whom did not scruple to contradict him openly. Of this William, number were the Earls of Essex, Oxford, Southampton, [and p. 236.] Warwick, the Lord Say and Seal, the Lord Spenser, and some others. It was then become customary, that when one Lord had spoken for or against the Government, he was answered by another of the opposite party, and very often with a heat and passion unbecoming the dignity of

Monpeffen and Michel's estates, Wilton, Annals, p. 53. Rushworth, T. I. p. 37.

Clarendon, Book II. c. 11. The King exhorts the Lords to do justly. Wilton, Rushworth, p. 13. He demands money.

He writes to James Buckingham, Wilton, p. 716. Cobitis.

Monpeffen and Michel's estates, Wilton, Annals, p. 53. Rushworth, T. I. p. 37.

Clarendon, Book II. c. 11. The King exhorts the Lords to do justly. Wilton, Rushworth, p. 13. He demands money.

(1) The Lace was made of Copper, and other sophisticated Materials, which were of so poisonous a nature, that they rotted the Hands and Arms, and brought Limbs and Limbs in upon those that wrought this Commodity. *Wilton*, p. 716.

(2) And also outlawed, and condemned him to perpetual Banishment. See *Rushworth*, Tom. I. p. 27.

(3) That a son of Buteen was seized at 50*l*. The Reader may see an account of the Proceedings against him, (which continued from March 15, to May 3) in *Star-Tradit*, Tom. I. p. 355, &c.

(4) He was also sentenced in a Fine of 40,000 *l*. to be imprisoned during the King's pleasure; and declared for ever incapable of any Office in Place. *Star-Tradit*, p. 17.

(5) He was created in July 11, 1619. *Wilton's Fast*, Tom. XVII. p. 17.

(6) To heighten his Misery the more, many others were crushed by his Fall, for he was easily in debt, and notwithstanding his Pension, he wanted to be content at their taking, and they were prodigious and expensive, and had at command whatever he was master of. His Deceits in Chancery were generally made with his mouth Equity, that never was any one of them revealed as unjust. *Rushworth*, Tom. I. p. 31.

(7) He was of a middling Nature, his Countenance indured with age, before he was old; his Presence grave and comely, of a high-flying and lively Wit, flowing in some things to be rather admired than understood; yet so quick and easy where he would express himself, and his Memory so strong and active, that he appeared the master of a large and plentiful store-house of knowledge. *Wilton*, p. 736.

1621.
Referred to
from A. 1621
and
S. 1621.
W. 1621.
P. 717.

the House. One day, as the Lord *Spenser* was speaking about the Government, and alleging several examples of their great Ancestors, *Arundel* suddenly interrupted him, saying, *My Lord, when these things you speak of were doing, your Ancestors were keeping Sheep* (1). *Spenser* instantly replied, *When my Ancestors (as you say) were keeping Sheep, yours were plucking Treason*. Whereupon the House ordering them both to withdraw, it was relieved, in spite of the most zealous Courtiers, that the Earl of *Arundel*, as aggressor, should give the Lord *Spenser* satisfaction, which he refusing, was sent to the Tower, and not released till he had submitted to the commands of the House.

The Com-
mons delay
passing the
King's Money
Bill.
W. 1621.
P. 717.

Mean while, the Commons finding the King made no preparations for war, but only sent *Digby* to the Emperor, were not forward to give him a fresh supply, especially as they knew the two Subsidies already granted had been put to other uses. They were not ignorant, moreover, that the King built all his hopes upon the *Spanish* match, and consequently would not easily relapse to take arms against the House of *Austria*, and the more, because *Godmar* had still a great influence over him. The truth is, had the King really intended to wrest from the *Spaniards* what was taken from the *Palatinate*, it was not natural for the *Spanish* Ambassador to have so much power at Court. The people were extremely displeased with it, and looked upon the *Spanish* marriage as a very great misfortune to the Nation, and the Protestant Religion. Of this they gave *Godmar* himself a sensible proof. He was reviled and insulted by the populace in *London* Streets (2). The King hearing of it, ordered one of the insolent mob to be publicly whipt by the hangman.

Godmar
replied by
the People.
T. 1. p. 36.

The King
wrote the
Parliament
to be ad-
journed.
Annals.
p. 56.
The Com-
mons think
it a breach
of Privilege
to take
Coke.
p. 111.
Rothworth.
T. 1. p. 35.

The King perceiving the Commons would never think of granting him a fresh aid, before it was more certainly known whether there would be peace or war, ordered the Lord-Treasurer to go in his name, [on June 4.] and adjourn the Parliament to the 14th of *November*. The spirit of jealousy, which then reigned among the Commons, caused them to consider this adjournment as an encroachment upon their Privileges. They pretended, the King had indeed power to prorogue and dissolve the Parliament, but that Adjournment was the peculiar privilege of each House. So they desired a conference with the Lords, to persuade them to concur with them, in presenting a Petition to the King upon this occasion. But the King acquainting the Lords, that such a Petition would be very displeasing to him, and that he would not suffer his power to call, adjourn, prorogue, and dissolve the Parliament, to be disputed, the Lords refused to join with the Commons. Whereupon the Commons declared, That they were extremely concerned at the King's resolution, because it deprived them of the means of finishing what was begun for the publick good.

The King
gives 16 m.
hours for
the debate
of a Provo-
cation
larger.
Rothworth.
ibid.

This declaration brought the King to the House of Peers, and after thanking their Lordships for acknowledging his Prerogative, and refusing to join with the Commons, he told them, if they desired it, he would grant them a delay of eight or ten days; but would not do it at the request of the Commons. Upon this offer, the Lords, after a conference with the Commons, moved the King to continue their sitting for fourteen days, which was granted. Some days after, a Committee of both Houses attending the King, he took occasion to tell them, how ill he took it that the Commons should dispute his undoubted right to adjourn the Parliament. Probably, this power was not confirmed by custom, since the Commons considered it as an invasion of their privileges, whereas they never thought of questioning his right to prorogue and dissolve the Parliament. Be this as it will, the Commons, seeing the Lords, who were equally concerned in the affair, refuse their concurrence, proceeded no farther. Nevertheless, on the day they were to break up, they drew the following Declaration, That taking into most serious consideration the present state of the King's Children abroad, and the generally afflicted state of the true Professors of the same Christian Religion, professed by the Church of England in foreign Parts, and being touched with a true sense and fellow-feeling of their distresses, as Members of the same body, they do with unanimous consent declare—they shall be ready to the utmost of their power, both with their Lives and Fortunes, to assist his Majesty so, as that he may be able to do that with his sword, which by a peaceable course shall not be effected.

The Com-
mons Decla-
ration for
the Defence
of the Pa-
latinate.
Wilson.
p. 237.
Rothworth.
T. 1. p. 30.
Annals.
p. 50.

Presently after, the King published a Proclamation, wherein he set forth, That as many great affairs debated in Parliament, could not be brought to perfection in so short a time, the Commons thought it convenient to continue the

same Session in course of Adjournment. That as for the Grievances, they were such as he needed not the assistance of Parliament to reform the same, and would have redressed them himself, had they been sooner made known to him. Adding, that by his own Regal Authority, he annulled and revoked the Patent for gold and silver thread, and some others mentioned in the Proclamation. At the same time a second Proclamation was published against such as were so bold as to talk of State-affairs, notwithstanding his Majesty's former command, with threats of severe punishment, as well against the concealers of such discourses, as against audacious tongues and pens.

On the 20th of *July*, *John Williams* Dean of *Wexford*, was sworn Lord-Keeper of the Great-Seal of *England*, the Chancellorship having been vacant ever since *Bacon's* condemnation.

I must now briefly relate what passed in *Bohemia* and the *Palatinate*, after the Battle of *Prague*. This knowledge is absolutely necessary for the clear understanding of the affairs of *England*.

The day after the battle, the City of *Prague* surrendered at discretion, and the Duke of *Bavaria* returned to *Munich*, leaving his Army in *Bohemia* under the command of Count *Tilly* his General. On the other hand, Count *Bacque* departed the 11th of *December* for *Moravia* which voluntarily submitted, as desirous of assistance. After *Huguey* had spent part of the winter in *Moravia* and at *Vienna*, he went and commanded the imperial army in *Hungary*, where he was slain, after some progress. A little before, *Silesia* had likewise submitted to the Emperor.

Mean while, Count *Manfeldt* had fortified himself in *Bohemia*, from whence the Imperialists would have found it difficult to drive him. But the King of *Bohemia*, who was still in *Holland*, hearing the Duke of *Bavaria* was preparing to invade the *Upper Palatinate*, caused *Manfeldt* to march his Army thither, having obtained of the *Hollanders* a hundred and fifty thousand Florins to pay his Troops. *Manfeldt* was not however in condition to withstand *Tilly*, who being entered the *Upper Palatinate* with twenty five thousand men, had taken *Bamberg* and some other places. Mean while, as *Manfeldt* had entrenched himself behind a Morass, where it was impracticable to attack him, Count *Tilly*, to make him quit the Country, concluded a Treaty with him, by which he promised to supply him with two hundred thousand Florins. This Treaty was concluded the 27th of *September* 1621, but some difficulty arising, it was not executed. So *Manfeldt* kept his post till the Lord *Digby's* arrival, who passing that way in his return from *Vienna*, prevailed with him to march into the *Lower Palatinate*, which was in extreme danger. By this means the *Upper Palatinate* was really lost and subdued by the Duke of *Bavaria*.

In the year 1620, *Spinola*, as I said, began his conquests in the *Lower Palatinate*. Since the submission of the King of *Bohemia's* Allies to the Emperor, after the Battle of *Prague*, *Spinola* had continued his conquests with rapidity, for there was no army to stop him, and the *English* were too weak to oppose his progress. However on the 2d of *August* 1620, a five weeks Truce was concluded at *Huguenau* which was the Truce mentioned by King *James* in his speech to the Parliament. The Archduke had made him believe he agreed to this Truce purely on his account; but in reality it was only to give the Emperor time to send forces into the *Lower Palatinate*, in the town of thole, *Spinola* was leading back to the *Netherlands*, because of the expiration of the twelve years Truce between *Spain* and *Holland*. *Spinola* leaving but very few Troops with *Don Gonzales de Cordova*, who was to command in the *Palatinate*, the Truce was as much for the *Spaniards*' advantage as for the King of *Bohemia's*. Shortly after, the *Spanish* Army being grown ten thousand strong, *Fere* was forced to retire to *Warren*. Mean while, the *Spanish* General became master of *Stein*, *Ladenberg*, and *Kiegers-Lautern*, and in *October* besieged *Frankendal*, where *Fere* had retired. There was no other way to save this important Place, than, as I said, by causing *Manfeldt* to come from the *Upper Palatinate*. Upon *Manfeldt's* approach, *Gonzales* raised the Siege of *Frankendal*. But presently after, *Tilly* arrived in the *Lower Palatinate* with the *Bavarian* army, and some Troops of *Mintz* and *Hertzburg*, *Manfeldt* was forced to retire into *Alsatia*. This Campaign ended with the loss of all the Towns in the *Lower Palatinate*, except *Manheim*, *Haidelberg*, and *Frankendal*, which were the most important. Five conti-

1621.

Another a-
rising for
the State.
Spenser
Coke.
Rothworth.
T. 1. p. 36.

Williams
made Lord
Keeper.
Hutches.

Affairs of
Bohemia.
Hist. of the
Rebellion of
Bohemia.

Mansfeldt
marches into
the Upper
Palatinate.

He makes a
Treaty with
Tilly, of the
Rebellion of
Bohemia.

He is so
weak, he is
unable to
oppose his
progress.

The Truce
between
Spain and
Holland.

As to the
Lower
Palatinate
ibid.

Rothworth.
T. 1. p. 31.

Col. 1.

See of
Frankendal

Manfeldt
goes and
sends
Tilly
back
into
the
Lower
Palatinate

Manfeldt
retires.

mod

(1) The Lord *Spenser*, it seems, took great delight in a Country Life, and especially in Flocks of Sheep, which made *Wills* say, it was more vigilant to keep the People's Liberties from being a Prey to the insatiable Power of Monarchy, than his lambs, and tender Lambs from Pasture, andavenous Creatures, p. 717.

(2) *Godmar* met all possible methods to weaken this Nation. For he caused Ordinances, and other warlike Provisions, to be conveyed from *England*, to furnish the *Spanish* Armies. And he caused understand, the sending of Sir *Robert Blyth* into the Mediterranean, to destroy the *algiers*, which were the *Spanish* Cash and Shipping, and directed to another side, that Money and Strength which should have been employed for the defence of the *Palatinate*. *Rothworth*, Tom. 1. p. 34.

1621. nued at *Frankendal*; *Herbert* commanded in *Manheim*, and *Barrough* in *Heidelberg*.

Philip III. King of Spain died the 31st of March this year, and was succeeded by his Son *Philip IV*.

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In *France*, *Levis XIII*. vigorously pressed the *Huguenots*, and invellied *Montauban*, but the long reluctance of the *Bellefeged*, compelled him to desist.

James is anaid by the Duke of Montauban.

The twelve years Truce between *Spain* and the *United Provinces* being about to expire, the *Archduke* was afraid, *James* would send a strong aid to the *States*, in order to oblige the *Spaniards* to restore what was taken in the *Palatinate*. To divert him from such a thought, he intimated to him, that a Peace between the *Electeur Palatine* and the *Emperor* was not so difficult as was imagined, and the *Emperor* doubtless would agree to it upon reasonable Terms. Nay, he sent the *Emperor* in the *Electeur* his behalf a very pressing Letter, which was shewn to the *King*. This was attacking him on his weak side: for he was ever of opinion, that justice, honesty, and the regard the World had for him, were sufficient to determine this affair. To inflame him the more easily, the *Emperor* writ to the *Archduke*, that at his instances, and out of his great respect to the *King of England*, he was ready to embrace all proper methods for a Peace with the *Electeur Palatine*. On the other hand, the *King of Spain* told the *Emperor*, that if he gave the upper *Palatinate* to the *Duke of Bavaria*, as was reported, he must expect no farther assistance from *Spain*. All these Letters were communicated to the *King*, or his Ambassadors, which confirmed him in his opinion, that there would be no occasion for War, and to shew the least mistrust would spoil all. Thus the *Princes* of the *House of Austria* amused the *King*, to induce him to remain in his fatal neutrality. Upon these hopes therefore, without questioning in the least their sincerity, he dispatched the *Lord Digby* to *Vienna*, the success of whose Negotiation I must now relate.

and by the Emperor's Ambassadors.

Sacrifice of Digby's Ambassadors, Du Chastel, Rulworth, T. I. p. 37. Annals.

This Ambassador having an audience of the *Emperor* the 15th of July, confined his demands to these two heads. First, That the *Electeur Palatine* should be restored to the same state he was in before he was chosen *King of Bohemia*. Secondly, That the imperial ban should be revoked, or at least suspended; for which the *King* his Father-in-law would undertake to oblige him to give the *Emperor* due satisfaction.

The *Emperor*, who only sought to gain time, answered in writing, that at the request of the *King of England*, and some other *Princes* who had writ to him in the *Palatinate*'s behalf, he was ready to pardon him. That the difficulty of this affair consisted in two principal points, the first whereof was, that the *Palatinate* should pay him the obedience due to the Head of the *Empire*; the second, that he should give him a reasonable satisfaction. As this was exactly *James*'s scheme for an accommodation, a Peace seemed not to be very remote. But the term, Satisfaction, being capable of a more or less extensive meaning, it was easy for the *Emperor* to prolong the negotiation, as he pleased. However, for fear he should be taken at his word, he added in his answer, that, as he had undertaken the war with the advice and assistance of divers *Princes*, he could do nothing without their consent; but had called a Diet at *Ratischam*, the resolutions whereof should be communicated to the *King of England*. It must be observed, this Diet did not meet till *January* 1623.

Death of the Archduke's wife.

A few days after the *Emperor* had delivered this answer to the Ambassador, he received a Letter from the *Infanta Isabella*, notifying the death of her Husband the *Archduke*, at *Brussels* the 13th of July, and repeating withal her instances in the *Electeur*'s behalf. Whereupon *Digby* presented a fresh Memorial, demanding a Truce for the *Lower Palatinate* on three conditions. 1. That Count *Mansfeldt* should observe the Truce, otherwise the *Electeur Palatine* should revoke his commission. 2. That the commission of *John-George de Brandenburg* Marquis of *Jagerdorf* who served the *Electeur*, should be likewise revoked. 3. That as soon as the Truce was published, the *Electeur* should deliver to the *Emperor*, *Talor* and *Witigau*, the only Places he still held in *Bohemia*.

The *Emperor* receiving these proposals, communicated them to the *Electeur of Saxony* and the *Duke of Bavaria*, who returned both the same answer, as if they had given each other the word, namely, they advised him to omit nothing to restore Peace to *Germany*: looke expressions without any meaning, but which however gave occasion to believe they were inclined to Peace. After this the *Emperor* writ a Letter to the *Infanta*, which was imparted to *Digby*, telling her, that at her request, and out of his great regard for the *King of England*, who had shewn so much prudence, sincerity, and moderation, he was resolved to treat of a Truce, on the conditions proposed by the *English* Ambassador himself. Adding, that during the Truce, conferences might be held, to try to come to a Peace. Thus *James* was obliged either to sit still and expect the

event of these conferences, or to break with the *Emperor* and *Spain*, when the Peace seem'd to be upon the point of conclusion, to which it was well known he would not easily be determined.

Some time after, the *Emperor*, whether to gain time, or, to be freed from *Digby*'s importunities, told him, he intended to grant a Truce for the *Palatinate*, if the *Duke of Bavaria* would consent to it. Nay, he advised him to go and negotiate the Truce with the *Duke*. *Digby* leaving *Vienna* the 11th of September, came into the *Upper-Palatinate*, where the *Duke of Bavaria* then was, at the time *Mansfeldt* was concluding the forementioned Truce with *Tilly*. When *Digby* talked of a Truce, the *Duke* told him, There was no need to labour for a Truce, for the Wars were at an end, in that he had agreed with Count *Mansfeldt*; nor did he doubt of keeping both *Palatinates* in Peace, till the *Emperor* and *Palgrave* were agreed. The *Emperor* hearing by *Digby* this answer, writ him word, that the face of affairs being altered in the *Upper-Palatinate*, by *Mansfeldt*'s fault, who had entered that Country with his Troops, the *Duke of Bavaria* was under a necessity of raising an Army to drive him thence, and it was not reasonable he should be at that charge to no purpose. Then it was that *Digby*, having informed the *King* of the state of affairs in *Germany*, brought *Mansfeldt* into the *Lower-Palatinate*, where his coming saved *Frankendal*. After that, he borrowed, upon his own credit, ten thousand pounds *Sterling*, to pay the *English* Troops, who had for a long time received nothing.

The *King* being informed, by his Ambassador's Letter, of the *Duke of Bavaria*'s answer, wrote to the *Emperor*, to complain of the invasion of the *Palatinate*, and to tell him, in what manner he conceived, the *Electeur Palatine* was to give him satisfaction, in order to fix the sense of the word. 1. That he should renounce the Crown of *Bohemia*. 2. That as Prince of the *Empire* he should submit to his Imperial Majesty. 3. That he should ask pardon on his knees. 4. That for the future, he should remain quiet, and raise no disturbance in the *Empire*. 5. That he should be reconciled to all the *Princes*. 6. That if this was not sufficient, he would undertake to procure what other terms should be deemed reasonable. Lastly, He told him, that if he could not obtain his Son-in-law's pardon by fair means, he was resolved to have recourse to arms. The *Emperor*, without being frighted at this menace, still continued to amuse him, and the better to persuade him he was inclined to Peace, he dispatched Count *Schweinsenburg* to settle with him the conditions of a Truce. The Count was very magnificently received at *London*. But before I speak of the success of his Embassy, I must relate what passed in *England* till the end of the year.

The *King* had farther adjourned the two Houses from the 14th of November to the 8th of February 1622. But *Digby*'s return occasioned his ordering them to meet the 20th of November. As he was a little indisposed, he commanded the *Lord Keeper*, the *Lord Treasurer*, and the *Lord Digby*, to acquaint the Parliament with his intentions.

The *Lord Keeper* said, that since the last adjournment the *King* had taken great care of the nation, reforming by his Proclamations thirty-seven several grievances complained of by the People, without demanding any thing in return for these Favours, as was usual in former times. That he had reassembled the Parliament, upon the declaration of the Commons to assist him powerfully in the recovery of the *Palatinate*. That he had used his endeavours to procure a good Peace, but with little success, as the *Lord Digby* would inform them. Then, he put them in mind, that the *King* had advanced forty thousand pounds to keep together an army in the *Lower-Palatinate*: But, continued he, unless the Parliament take further Resolution, and imitate rather ancient than modern Principles, and be more expeditious in what they do, his Majesty's endeavours will fall to the ground. He concluded with saying, the *King* had resolved to continue the Session till seven or eight days before *Christmas*, and renew it the 8th of February.

The *Lord Digby*, speaking next, gave a brief account *Digby*'s of his Embassy to *Vienna*, and said, he plainly discovered, it was the *Emperor*'s intent to give the *Upper-Palatinate* to the *Duke of Bavaria*. Adding, that a good sum of Money was absolutely necessary, both to keep Count *Mansfeldt*'s army together, and to send a strong supply of *English* Troops to the *Palatinate*.

The *Lord Treasurer* said, the *King*'s coffers were empty, his Treasury being exhausted by the sums employed in the defence of the *Palatinate*. Nevertheless, though the *King* declared for War, he was resolved to conclude the Spanish Marriage, hoping by that means to heal the breach.

'Tis certain, the *King* had no design to go to War, since it could be only with the *Spaniard*, whom he considered as his best friend, and with whom he was going to

Rulworth, T. I. p. 37. Annals.

Sacrifice of the Emperor's Ambassadors, Du Chastel, Rulworth, T. I. p. 37. Annals.

The Emperor's answer, Du Chastel, Rulworth, T. I. p. 37. Annals.

The King's answer, Du Chastel, Rulworth, T. I. p. 37. Annals.

The Keeper's speech, Du Chastel, Rulworth, T. I. p. 37. Annals.

Digby's speech, Du Chastel, Rulworth, T. I. p. 37. Annals.

The Treasurer's speech, Du Chastel, Rulworth, T. I. p. 37. Annals.

The King's speech, Du Chastel, Rulworth, T. I. p. 37. Annals.

1621. be allied by his Son's marriage with the Infanta. But he made as if he intended to take arms, in case he was obliged to it. To that end, it was necessary, in his opinion, to procure betimes, and begin with sending money to *Mantfeldt*, to pay his Troops and continue the war in the *Palatinate*, till the success of the Negotiations at *Vienna* and *Madrid* should be known. The King would therefore have it supplied, as a thing certain, that in case these Negotiations were fruitless, he was bent to begin the War, and vigorously support it. Consequently, he demanded money to enable him to make the necessary preparations, and, in a word, required, that the affair should be left entirely to his management. Indeed, Parliaments are wont to act thus, when they think the King is undertaking a just and necessary War. So *James* proceeded upon the usual custom and method of the Parliament. There was only one objection to be made, on which however no man durst speak his mind freely, namely, that the conduct of former Parliaments was grounded upon their good opinion of their Kings, and their confidence in them. But the Commons had no such confidence in *James I.* He demanded money for a War, to which they were perswaded, he had no inclination. And therefore they could not help fearing, that the money which should be granted him, would be employed otherways than in a War with *Spain*. On the other hand, the Commons were taken in their own nets. To show that the delay of a War, deemed necessary by all the world, did not proceed from them, they had promised to put the King in condition to begin and pursue it vigorously. But when this promise came to be performed, their little confidence in the King, made them very reserved. It was necessary however to satisfy the publick, and show, they meant to keep their promise, provided they could be certain, it would be for the advantage of the State. To this end, they resolved to make a Remonstrance to the King, and represent to him what they thought requisite in the present juncture. Not that they expected the King would grant their requests, but to leave him without excuse, in case he refused them, which was scarce to be doubted. Such were the effects, the distrust between the King and Parliament began to produce. Instead of using their joint endeavours for the publick good, each strove to take advantage of the other. For the better understanding the events of this Reign, which were the origin and spring of the troubles in the next, it will not be improper to insert the whole Remonstrance, notwithstanding its length.

Book in
the King's
55.

The Com-
mons refuse
to make a
Remonstrance
to the King.

Most Gracious and Dread Sovereign,

The Com-
mons Re-
monstrance.
Relates to
T. I. p. 40.
Wilkes.
Annals of
James I.
p. 58.

"WE your Majesty's most humble and loyal Subjects, the Knights, Citizens, and Burgeesses, now assembled in Parliament, who represent the Commons of your Realm, full of hearty sorrow, to be deprived of the comfort of your Royal presence, or the rather, for that it proceeds from the want of your health, wherein we all unfeignedly do suffer; in all humble manner, calling to mind your gracious answer to our former petition concerning Religion, which, notwithstanding your Majesty's pious and princely intentions, hath not produced that good effect, which the danger of these times doth seem to us to require; and finding how ill your Majesty's goodness hath been requited by Princes of different Religion, who, even in time of Treaty, have taken opportunity to advance their own ends, tending to the subversion of Religion, and disadvantage of your affairs, and the estate of your Children; by reason whereof, your ill-affected Subjects at home, the Popish Recusants, have taken too much encouragement, and are dangerously increased in their number, and in their insolencies. We cannot but be sensible thereof, and therefore humbly represent what we conceive to be the causes of so great and growing mischiefs, and what be the remedies.

"I. The vigilancy and ambition of the Pope of *Rome*, and his deceitful Son, the one aiming at as large a temporal Monarchy, as the other at a spiritual Supremacy.
"II. The devilish positions and doctrines, whereon Popery is built, and taught with Authority to their Followers, for advancement of their temporal ends.
"III. The distressed and miserable estate of the Professors of true Religion in foreign parts.
"IV. The disastrous accidents to your Majesty's Children abroad, expressed with rejoicing, and even with contempt of their persons.
"V. The strange confederacy of the Princes of the popish Religion, aiming mainly at the advancement of theirs, and subverting of ours, and taking the advantages conducing to that end upon all occasions.
"VI. The great and many Armies raised, and main-

tained at the charge of the King of *Spain*, the chief of that League.

"VII. The expectation of the popish Recusants of the match with *Spain*, and feeding themselves with great hopes of the consequences thereof.

"VIII. The interposing of foreign Princes, and their Agents, in the behalf of popish Recusants, for connivance and favour unto them.

"IX. The open and usual resort to the Houses, and; which is worse, to the Chapels of foreign Ambassadors.

"X. Their more than usual concourse to the City, and their frequent conventicles and conferences there.

"XI. The education of their Children in many several Seminaries and Houses of their Religion in foreign parts, appropriated to the *English* Fugitives.

"XII. The grants of their just forfeitures intended by your Majesty, as a reward of service to the Grantees; but, beyond your Majesty's intention, transferred or compounded for, at such mean rates, as will amount to less than a toleration.

"XIII. The licentious printing and dispersing of popish and seditious Books, even in the time of Parliament.

"XIV. The swarms of Priests and Jesuits, the common incendiaries of all Christendom, dispersit in all parts of your Kingdom.

"And from these causes, as bitter roots, we humbly offer to your Majesty, that we foresee and fear there will necessarily follow very dangerous effects both to Church and State. For,

"I. The popish Religion is incompatible with ours in respect of their positions.

"II. It draweth with it an inviolable dependency on foreign Princes.

"III. It openeth too wide a gap for popularity, to any who shall draw too great a party.

"IV. It hath a restless Spirit, and will strive by these gradations; if it once get but a connivance, it will press for a Toleration; if that should be obtained, they must have an equality; from thence they will aspire to Superiority, and will never rest till they get a subversion of the true Religion.

"The remedies against these growing Evils, which, in all humility we offer unto your most excellent Majesty, are these,

"I. That seeing this inevitable necessity is fallen upon your Majesty, which no wisdom or Providence of a peaceful and pious King can avoid, your Majesty would not omit this just occasion, speedily and effectually to take your sword into your hand.

"II. That once undertaken upon so honorable and just grounds, your Majesty would resolve to pursue, and more publicly avow the aiding of those of our Religion in foreign Parts, which, doubtless, would re-unite the Princes and States of the Union, by these disasters disheartened and disbanded.

"III. That your Majesty would propose to your self to manage this war with the best advantage, by a diversion or otherwise, as in your deep Judgment shall be found fittest, and not to rest upon a war in these Parts only, which will consume your Treasure, and discourage your people.

"IV. That the bent of this war, and point of your sword, may be against that Prince, (whatsoever opinion of potency he hath) whose Armies and Treasures, have first diverted, and since maintained the war in the *Palatinate*.

"V. That for securing of our Peace at home, your Majesty would be pleased to review the parts of our petition, formerly delivered unto your Majesty, and hereunto annexed, and to put in execution, by the care of choice Commissioners to be thereunto especially appointed, the Laws already, and hereafter to be made, for preventing of dangers by popish Recusants, and their wonted evasions.

"VI. That to frustrate their hopes for a future age, our most noble Prince may be timely and happily married to one of our own Religion.

"VII. That the Children of the Nobility and Gentry of this Kingdom, and of others ill-affected and suspected in their Religion now beyond the Seas, may be forthwith called home by your means, and at the charge of their parents or governors.

"VIII. That the Children of popish Recusants, or such whose wives are popish Recusants, be brought up during their minority, with Protestant School-masters and Teachers, who may sow, in their tender years, the seeds of true Religion.

"IX. That your Majesty will be pleased speedily to
"evocate

1611. "revoke all former Licences for such Children and Youth to travel beyond the Seas, and not grant any such Licence hereafter.

"X. That your Majesty's learned Council may receive commandment from your Highness, carefully to look into former grants of Recufants lands, and to avoid them, if by Law they can; and that your Majesty will stay your hand from passing any such grants hereafter.

"This is the sum and effect of our humble Declaration, which we (no ways intending to press upon your Majesty's undoubted and regal Prerogative) do, with thefulness of our duty and obedience, humbly submit to your most princely consideration: The glory of God, whose cause it is; the zeal of our true Religion, in which we have been born, and wherein (by God's grace) we are resolved to die; the safety of your Majesty's person, who is the very life of your People; the happiness of your children and posterity; the honour and good of the Church and State, dearer unto us than our own lives, having kindled these affections, truly devoted to your Majesty.

"And seeing, out of our duty to your Majesty, we have already resolved to give, at the end of this Session, one entire Subsidy, for the present relief of the *Palatinate* only, to be paid in the end of *February* next, which cannot well be effected, but by passing a Bill in a parliamentary course before *Christmas*; we most humbly beseech your Majesty, (as our assured hope is) that you will then also vouchsafe to give life by your royal assent, to such Bills, as before that time shall be prepared for your Majesty's honour, and the general good of your people: And that such Bills may be also accompanied (as hath been accustomed) with your Majesty's gracious pardon, which proceeding from your own mere grace, may, by your Highness's direction, be drawn to that latitude and extent, as may best suit with your Majesty's bounty and goodness. And that not only felons and criminal offenders may take benefit thereof, but that your good subjects may receive ease thereby. And if it shall so stand with your good pleasure, that it may extend to the relief of the old debts and duties to the Crown, before the first year of your Majesty's Reign, to the discharge of Aliens without licence, and misusing of Liveries, and *Oustre le Maine*, before the first summons of this Parliament, and of concealed wardships, and not suing of liveries, and *Oustre le Maine*, before the twelfth year of your Majesty's Reign: Which gracious favour would much comfort your good subjects, and ease them from vexation, with little loss or prejudice to your own profit.

"And we by our daily and devout prayers to the Almighty, the great King of Kings, shall contend for a blessing upon our endeavours; and for your Majesty's long and happy Reign over us; and for your children's children after you, for many and many generations."

Different Principles of the King and Commons.

The King had taken great care, at the opening of this Parliament, to mark out the bounds which the Commons were not to exceed. Above all things, he intimated to them, that they ought not to give him advice without being asked. They neglected this charge very much in their Remonstrance, and plainly showed, they did not believe it belonged to the King to determine, how far the duty of the People's Representatives in Parliament reached. The King's principles were so different from those of the Commons, that it is no wonder their inferences were directly contrary. The King did not expect, the Commons should advise him; and the Commons pretended, it was their indispensable duty to represent to him the dangers of the Church or State, with the proper remedies. The King relied upon the Prerogative Royal, but the Commons did not agree to the extent, he gave this Prerogative, by virtue whereof he pretended to hinder them from taking care of the Church and State when they were in danger, or their concerns neglected. It is very difficult, not to say impossible, to mark out the bounds of the Royal Prerogative, as well as of the privilege and duty of the Nation's Representatives, in all cases which may occur. So, without undertaking to decide this point, I shall only say, the Commons distrust made them take an extraordinary course, which doubtless they would not have followed, had they been to deal with a Prince more esteemed. On the other hand, it cannot be denied, the King gave great occasions of suspicion and jealousy, in affecting to establish his Prerogative upon general principles, which will never be received in England, without the proper restrictions to the nature of the English Constitution.

The King is offended at the manner of the Remonstrance.

But the attempt upon the Royal Prerogative was not the only thing that offended the King. The Remonstrance contained, what could not but be very disagreeable to him, since, in obscure terms, he was taxed with neglecting the

welfare of Religion and the Nation; with tolerating Recufants; with having no design to engage in a war for the recovery of the *Palatinate*, though he desired money for that purpose; with granting Licences prejudicial to the Kingdom; and lastly, with having little or no concern for the interest of Religion, in marrying the Prince his Son with a *Spanish* Princess. The Commons not daring to speak their thoughts freely on this occasion, were contented with giving intimations. The King perceived it, but forbore, in his own vindication, to enter into particulars, which would not have been for his advantage. It was much more agreeable to his interest and dignity, to hinder so ungrateful a Remonstrance from being presented to him. And that was the course he took. As soon as he heard the Remonstrance was ready, he sent the following letter to the Speaker.

To our Trusty and Well-beloved Sir Thomas Richardson, Knight, Speaker of the House of COMMONS.

Mr. Speaker,

"WE have heard by divers reports, to our great grief, that our distance from the Houses of Parliament, caused by our indisposition of health, hath emboldened some fiery and popular spirits of some of the House of Commons, to argue and debate publicly of the matters far above their reach and capacity, tending to our high dishonour, and breach of Prerogative Royal. Therefore I therefore to command you, to make known, in our name, unto the House, That none therein shall presume henceforth to meddle with any thing concerning our Government, or deep matters of State; and namely, not to deal with our dearest Son's match with the Daughter of Spain, nor to touch the honour of that King, or any other our friends and confederates; and also not to meddle with any man's particulars, which have their due motion in our ordinary Courts of Justice. And whereas, we hear they have sent a message to Sir *Eduard* *Sandy*, to know the reasons of his late restraint, you shall in our name resolve them, That it was not for any misdemeanour of his in Parliament; but to put them out of doubt of any question of that nature that may arise among them hereafter, you shall resolve them in our name, that we think our self very free and able to punish any man's misdemeanours in Parliament, as well during their sitting, as after: which we mean not to spare hereafter, upon any occasion of any man's insolent behaviour there that shall be mislived unto us: And if they have already touched any of these points, which we have forbidden, in any Petition of theirs, which is to be sent unto us, it is our pleasure that you shall tell them, That except they reform it before it come to our hands, we will not attend the hearing, nor answering of it."

Dated at New-Market, Dec. 3. 1621.

This Letter being read and examined in the House, the Commons did not think proper to keep silence, but to let the King see, his threats should not deter them from doing their duty, as they pretended. They drew therefore a Petition, which was presented to the King with the foregoing Remonstrance. The Petition ran thus:

Most Dread and Gracious Sovereign.

"WE your most humble and loyal Subjects, the Knights, Citizens, and Burgesses assembled in the Commons House of Parliament, full of grief and unspeakable sorrow, through the true sense of your Majesty's displeasure, expressed by your Letter lately sent to our Speaker, and by him related and read unto us: Yet comforted again with the assurance of your grace and goodness, and of the sincerity of our own intentions and proceedings, whereon with confidence we can rely, in all humbleness beseech your most excellent Majesty, that the loyalty and dutifulness of as faithful and loving Subjects as ever served, or lived under a gracious Sovereign, may not undervaluedly suffer by the misinformation of partial and uncertain reports, which are ever unfaithful intelligences: But that your Majesty would, in the clearness of your own judgment, first vouchsafe to understand from our selves, and not from others, what our humble Declaration and Petition (resolved upon by the universal voice of the House, and proposed with your gracious favour to be presented unto your sacred Majesty) doth contain. Upon what occasion we entered into consideration of those things which are therein contained, with what dutiful respect to your Majesty, and your service, we did consider thereof, and what was our true intention thereby. And that when

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" your Majesty shall thereby truly discern our dutiful affections, you will, in your royal judgment, free us from those heavy charges, wherewith some of our Members are burthened, and wherein the whole house is involved.

" And we humbly beseech your Majesty, that you would not hereafter give credit to private reports, against all or any of the Members of our house, whom the whole have not censured, until your Majesty have been truly informed thereof from ourselves: And that in the mean time, and ever, we may stand upright in your Majesty's grace and good opinion, than which no worldly consideration is or can be dearer unto us.

" When your Majesty had reassembled us in Parliament by your royal commandment, sooner than we expected, and did vouchsafe, by the mouths of three honourable Lords, to impart unto us the weighty occasions moving your Majesty thereunto, and from them we did understand these particulars,

" That notwithstanding your princely and pious endeavours to procure peace, the time is now come, that *Janus's Temple* must be opened.

" That the voice of *Belina* must be heard, and not the voice of a turtle.

" That there was no hope of peace, nor any truce to be obtained, no not for a few days.

" That your Majesty must either abandon your own Children, or engage yourself in a war, wherein consideration is to be had, what foot, what horse, what money will be sufficient.

" That the *Lower Palatinate* was seized upon by the army of the King of Spain as executor of the Ban there in quality of Duke of Burgundy, as the *Upper Palatinate* was by the Duke of Bavaria.

" That the King of Spain, at his own charge, had now at least five armies on foot.

" That the Princes of the union were disbanded, but the Catholic League remained firm, whereby those Princes so differenced, were in danger, one by one, to be ruined.

" That the estate of those of the Religion in foreign parts was miserable; and that out of these considerations we were called to a war, and forthwith to advise for a supply of keeping the forces in the *Palatinate* from disbanding, and to foresee the means for raising and maintaining the body of an army, for the war against the Spring. We therefore, out of our zeal to your Majesty and your posterity, with more alacrity and celerity than ever was precedent in Parliament, did address our selves to the service commended unto us. And although we cannot conceive that the honour and safety of your Majesty and your posterity, the patrimony of your Children invaded, and possessed by their enemies, the welfare of Religion and state of your Kingdoms, are matters at any time unfit for the deepest consideration, in time of Parliament: And although before this time we were in some of these points silent, and yet being now invited thereunto, and led on by so just an occasion, we thought it our duties to provide for the present supply thereof, and not only to turn our eyes on a war abroad, but to take care for the securing of our Peace at home, which the dangerous increase and insolency of Popish Recusants, apparently, visibly, and sensibly did lead us unto. The consideration whereof did necessarily draw us truly to represent unto your Majesty, what we conceive to be the causes, what we feared would be the effects, and what we hoped might be the remedies of these growing evils; among which, as incident and unavoidable, we fell upon some things which seem to touch upon the King of Spain, as they have relation to Popish Recusants at home, to the wars by him maintained in the *Palatinate* against your Majesty's Children, and to his several armies now on foot; yet, as we conceived, without touch of dishonour to that King, or any other Prince your Majesty's confederate.

" In the discourse whereof, we did not assume to our selves any power, to determine of any part thereof, nor intend to encroach or intrude upon the sacred bounds of your royal authority, to whom, and to whom only we acknowledge it doth belong to resolve of Peace and War, and of the marriage of the most noble Prince your Son: But as your most loyal and humble Subjects and Servants, representing the whole Commons of your Kingdom (who have a large interest in the happy and prosperous Estate of your Majesty, and your royal Posterity, and of the flourishing Estate of our Church and Commonwealth) did resolve, out of our cares and fears, truly and plainly to demonstrate these things to your Majesty, which we were not assured could otherwise come so fully and clearly to your knowledge; and that being done, to lay the same down at your Majesty's feet, without expectation of any other

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" answer of your Majesty, touching these higher points, than what at your good pleasure, and in your own time should be held fit.

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" This being the effect of that we had formerly resolved upon, and these the occasions and reasons inducing the same, our humble suit to your Majesty and confidence is, That your Majesty will be graciously pleased to receive, at the hands of these our Messengers, our former humble Declaration and Petition, and vouchsafe to read, and favorably to interpret the same: and that to so much thereof as containeth our humble Petition concerning Jesuits, Priests, and Popish Recusants, the passage of Bills, and granting your royal pardon, you will vouchsafe an answer unto us.

" And whereas your Majesty, by the general words of your Letter, seemeth to refrain us from intermeddling with matters of Government, or particulars which have their motion in the Courts of Justice, the generality of which words, in the largeness of the extent thereof (as we hope beyond your Majesty's intention) might involve those things, which are the proper subject of Parliamentary occasions and discourse.

" And whereas your Majesty doth seem to abridge us of the ancient liberty of Parliament, for freedom of Speech, jurisdiction, and just censure of the house, and other proceedings there, (wherein, we trust in God, we shall never transgress the bounds of loyal and dutiful Subjects) a liberty which we assure ourselves, so wife and so just a King will not infringe, the same being our ancient and undoubted Right and inheritance received from our Ancestors; without which we cannot freely debate, nor clearly discern of things in question before us, nor truly inform your Majesty; in which we have been confirmed by your Majesty's most gracious former Speeches and Messages. We are therefore now again enforced in all humbleness to pray your Majesty to allow the same, and thereby to take away the doubts and scruples, your Majesty's late Letter to our Speaker hath wrought upon us.

" So shall we your loyal and loving Subjects ever acknowledge your Majesty's justice, grace and goodness, and be ready to perform that service to your Majesty, which in the true affection of our hearts we profess, and pour out our daily and devout Prayers to the Almighty for your Majesty's long life, happy and religious Reign, and prosperous Estate, and for your royal Posterity after you for ever."

This Petition, with the Remonstrance annexed, was sent to the King by twelve Members, at the head of whom the House affected to set Sir Richard Weston, a Privy-Counsellor, a known Papist, and thought to be the person that most incensed the King against the Commons. Then the House resolved to proceed to no other affair, till they had an answer to their Petition. The King received the twelve Members very roughly. Some say, he called for twelve chairs for them, saying, *Here are twelve Kings come to me*. He received from them the last Petition, but rejected the Remonstrance, with the copy of the Petition already presented to him against the Recusants. Some days after he sent the Commons an answer in writing. As nothing can better discover that Prince's designs and character than his Speeches, though generally very long, the Reader perhaps will be glad to see the answer at length.

" WE must here begin in the same fashion that we would have done, if your first Petition had come to our hands, before we had made a stay thereof; which is to repeat the first words of the late Queen of famous memory, used by her, in an answer to an insolent proposition made by a *Polonian Ambassador* unto her; that is, *Legatum expellamus, Heraldum accipimus*. For we had great reason to expect, that the first message from your house should have been a message of thanksgiving, for our continued gracious behaviour towards our people, since your last recess, not only by our Proclamation of grace, wherein were contained six or seven and thirty Articles, all of several points of grace to the people, but also by the labour we took for the satisfaction of both Houses, in those three Articles recommended unto us in both their names, by the right reverend Father in God, the Archbishop of Canterbury; and likewise for the good Government of Ireland, we are now in hand with at your request; But not only have we heard no news of all this, but contrary, great complaints of the danger of Religion within this Kingdom, tacitly implying our ill-Government in this point. And we leave you to judge, whether it be your duties, that are the representative body of our people, so to displease them with our Government; whereas by the contrary it is your duty, with all your

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"endeavours, to kindle more and more a dutiful and thankful love in the people's hearts towards us, for our just and gracious Government.

"Now whereas, in the very beginning of this your apology, you tax us in fair terms of trusting uncertain reports, and partial informations concerning your proceedings, we wish you to remember, that we are an old and experienced King, needing no such lessons, being in our confidence free of any King alive, from hearing or trusting idle reports, which so many of your House as are nearest us can bear witness unto you, if you would give as good ear to them, as you do to some tributual orators among you: And for proof in this particular, we have made your own Messengers confer your other petitions first by you, with the copy thereof, which was sent us before: Between which there is no difference at all; but that since our receiving the first copy, you added a conclusion unto it, which could not come to our hands till it was done by you, and your messenger sent, which was all at one time. And if we had no copy of it beforehand, we must have received your first Petition, to our great dishonour, before we had known what it contained, which would have enforced us to return you a far worse answer than now we do; for then your messengers had returned with nothing, but that we have judged your Petition unlawful and unworthy of an answer: For as to your conclusion thereof, it is nothing but *Protestatio contraria facta*; for in the body of your Petition, you usurp upon our Prerogative royal, and meddle with things far above your reach; and then in the conclusion you protest the contrary; as if a robber would take a man's purse and then protest he meant not to rob him. For first, you presume to give us your advice concerning the match of our dearest Son with some Protestant (we cannot say Princess, for we know none of these fit for him) and dissuade us from his match with Spain; urging us to prevent War with that King: and yet in the conclusion, forsooth, ye protest ye intend not to pierce upon our most undoubted and regal Prerogative; as if the petitioning of us in matters that yourselves confess ye ought not to meddle with, were not a meddling with them.

"And whereas ye pretend, that ye were invited to this course by the Speeches of three honourable Lords; yet by so much as yourselves repeat of the Speeches, nothing can be concluded, but that we were resolved by War to regain the *Palatinate*, if otherwise we could not attain unto it. And you are invited to advise forthwith upon a supply, for keeping the forces in the *Palatinate* from disbanding, and to foresee the means for the raising, and maintenance of the body of an army for that War against the spring. Now, what inference can be made upon this, that therefore we must presently denounce War against the King of Spain, break our dearest Son's match, and match him to one of our Religion, let the world judge. The difference is no greater, than if we would tell a Merchant, that we had great need to borrow money from him for raising an army; that thereupon it would follow, that we were bound to follow his advice in the direction of the War, and all things depending thereupon: But yet not contenting yourselves with this excuse of yours, which indeed cannot hold water, ye come after to a direct contradiction to the conclusion of your former Petition, saying, that the honour and safety of us and our posterity, and the patrimony of our Children, invaded and possessed by their enemies, the welfare of religion, and State of our Kingdoms, are matters at any time not unfit for your deepest considerations in Parliament. To this generality, we answer with the Logicians, that where all things are contained, nothing is omitted. So as this plenitude of yours, invests you in all power upon earth, lacking nothing but the Pope's to have the keys also both of heaven and purgatory: And to this vast generality of yours, we can give no other answer; for it will trouble all the best Lawyers in the House to make a good commentary upon it: For so did the Puritan ministers in Scotland bring all kinds of causes within the compass of their jurisdiction, saying, that it was the Church's office to judge of slander, and there could no kind of crime or fault be committed, but there was a slander in it, either against God, the King, or their Neighbour; and by this means they hooked in to themselves the cognizance of all causes: or like *Bellarmine's* distinction of the Pope's power over all Kings, in *ordine ad Spiritualia*, whereby he gives them all temporal jurisdiction over them.

"But to give you a direct answer to the matter of War for which you are earnest. We confess, we rather expect you should have given us great and hearty thanks, for the so long maintaining a settled Peace in all

our Dominions, when as all out ne'ighbours about are in a miserable combustion of War; but, *Duke William* is expert. And we indeed find by experience, that a number of our Subjects are so pampered with Peace, as they are desirous of change, though they know not what. It is true, that we have ever professed, and in that minde with God's grace, we will live and die, that we will labour by all means possible, either by treaty or by force to restore our Children to their ancient dignity and inheritance: And whatsoever christian Princes or Potentates will set themselves against it, we will not spare any lawful means to bring our so just and honourable purpose to a good end; neither shall the match of our Son, or any other worldly respect, be preferred to this our resolution. For by our credit and intervention with the King of Spain, and the Arch-Duchess and her Husband, now with God, we preferred the *Lower Palatinate* one whole year from any further conquering in it, which in eight days space, in that time might have easily been swallowed up by *Spain's* army without any resistance. And in no better case was it now at our Ambassador the Lord Digby's coming thro' *Hidellburgh*, if he had not extraordinarily fuccoured it.

"But because we conceive that ye couple this War of the *Palatinate* with the cause of Religion, we must a little unfold your eyes herein.

"The beginning of this miserable War, which hath set all Christendom on fire, was not for Religion, but only caused by our Son-in-law his hasty and harsh resolution, following evil counsel, to take to himself the Crown of *Babemia*.

"And that this is true, himself wrote Letters unto us at that time, desiring to give assurance both to the French King, and State of *Venice*, that his accepting of the Crown of *Babemia* had no reference to the cause of Religion, but only by reason of his Right of Election, (as he called it.) And we would be sorry that that asperion should come upon our Religion, as to make it a good pretext for detroning of Kings, and usurping their Crowns; and we would be loth that our People here should be taught that strange doctrine: No, let us not so far wrong the Jesuits, as to rob them of their sweet positions and practise in that very point.

"And upon the other part, we assure ourself so far of your charitable thoughts of us, that we would never have constantly denied our Son-in-law both the title and assistance in that point, if he had been well persuaded of the justice of his quarrel. But to conclude; this unjust usurpation of the Crowns of *Babemia* and *Hungaria* from the Emperor, hath given the Pope and all that Party too fair a ground, and opened them too wide a gate for curbing and oppressing of many thousands of our Religion, in divers parts of Christendom.

"And whereas you excuse your touching upon the King of Spain, upon occasion of the incidents by you repeated in that place, and yet affirm, that it is without any touch to his honour; we cannot wonder enough that you are so forgetful both of your words and writs: For in your former Petition ye plainly affirm, that he affects the temporal monarchy of the whole earth; than which there can be no more malice uttered against any great King, to make all other Princes and Potentates both envy and hate him; but if ye list it may easily be tried, whether that Speech touched him in honour or not, if ye shall ask him the question, whether he means to assume to himself that title or no, for every King can best judge of his own honour. We omit the particular ejaculations of some foul-mouthed orators in your House, against the honour of that King's crown and state.

"And touching your excuse of not determining any thing concerning the match of our dearest Son, but only to tell your opinion, and lay it down at our feet.

"First, we desire to know, how you could have presumed to determine in that point, without committing of High-Treason. And next you cannot deny but your talking of his match after that manner, was a direct breach of our commandment, and declaration out of our own mouth, at the first setting down of this Parliament, where we plainly professed that we were in treaty of this match with Spain; and wished you to have that confidence in our religion and wisdom, that we would so manage it, as our religion should receive no prejudice by it: And the same we now repeat unto you, professing that we are so far engaged in that match, as we cannot in honour go back, except the King of Spain perform not such things as we expect at his hands. And therefore we are sorry, that ye should shew to have so great distrust in us, as to conceive that

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1621. "we should be cold in our religion; otherwise we cannot imagine how our former publick Declaration should not have stopped your mouths in this point.

"And as to your request, that we would now receive your former Petition; we wonder what could make you presume that we would receive it, whereas in our former Letter we plainly declared the contrary unto you.

"And therefore we have justly rejected that suit of yours: For what have you left unattempted in the highest points of Sovereignty, in that Petition of yours, except the striking of Coin? For it contains the violation of leagues, the particular way how to govern a War, and the marriage of our dearest Son, both negative with Spain, nay, with any other Popish Princes: and also affirmatively, as to the matching with one of our Religion; which we confess is a strain beyond any providence or wisdom God hath given us, as things now stand.

"These are unfit things to be handled in Parliament, except your King shall require it of you: For who can have wisdom to judge of things of that nature, but such as are daily acquainted with the particulars of Treaties, and of the variable and fixed connexion of affairs of State, together with the knowledge of the secret ways, ends, and intentions of Princes in their several Negotiations? Otherwise, a small mistaking of matters of this nature may produce more effects than can be imagined: and therefore, *Ne fasur ultra credidam*. And besides, the intermeddling in Parliament with matters of Peace or War, and marriage of our dearest Son, would be such a diminution to us, to our Crown in foreign Countries, as would make any Prince neglect to treat with us, either in matters of Peace or Marriage, excepting they might be assured by the assent of the Parliament. And so it proved long ago with the King of France (1), who upon a tick procuring his State to dissent from some Treaty which before he had made, was after refused treating with any other Princes, to his great reproach, unless he would first procure the assent of his Estates to their proposition. And will you cast your eyes upon the late times, you shall find that the late Queen of famous memory, was humbly petitioned by a Parliament to be pleased to marry: But her answer was, That she liked their Petition well, because it was simple, not limiting her to place or person, as not bestowing her liking to their fancies; and if they had done otherwise, she would have thought it a high presumption in them. Judge then what we may do in such a case, having made our publick declaration already (as we said before) directly contrary to that which you have now petitioned.

"Now to the points in your Petition, whereof you desire an answer, as properly belonging to the Parliament: The first and the greatest point is that of Religion; concerning which, at this time, we can give you no other answer than in general; which is, That you may rest secure, that we will never be weary to do all we can for the propagation of our Religion, and repressing of Popery: But the manner and form you must remit to our care and providence, who can best consider of times and seasons, not by undertaking a publick war of Religion thro' all the world at once, (which how hard and dangerous a task it may prove, you may judge.) But this puts us in mind, how all the world complained the last year of plenty of Corn; and God sent us a cooling-card this year for that heat: And so we pray God, that this desire among you of kindling wars (shewing your weariness of peace and plenty) may not make God permit us to fall into the miseries of both. But as we already said, our care of Religion must be such, as on the one part we must not, by the hot persecution of our Recusants at home, irritate foreign Princes of contrary Religion, and teach them the way to plague the Protestants in their Dominions, with whom we daily interfere, and at this time principally, for ease to them of our profession that live under them; yet upon the other part, we never mean to spare from due and severe punishment any Papist that will grow insolent for living under our so mild Government. And you may also be assured, we will leave no care untaken, as well for the education of the youth at home, especially the children of Papists, as also for preserving at all times hereafter the youth that are or shall be abroad, from being bred in dangerous places, and so poisoned in Popish Seminaries. And as in this point, namely, the good education of popish youth at home, we have already given some good

proofs, both in this Kingdom and in Ireland, so will we be well pleased to pass any good Laws that shall be made, either now, or at any time hereafter to this purpose.

"And as to your request of making this a Session, and granting a general Pardon; it shall be in your defaults; if we make not this a Session before Christmas.

"But for the Pardon, ye crave such particulars in it, as we must be well advised upon, lest otherwise we give you back the double or triple of that we are to receive by your entire Subsidy, without fifteen. But the ordinary course we hold itself to be used still in this case, is, That we should of our free grace send you down a Pardon from the Higher-House, containing such points as we shall think fittest, wherein we hope, ye shall receive good satisfaction.

"But we cannot omit to shew you, how strange we think it, that ye should make so bad and unjust a commentary upon some words of our former Letter, as if we meant to restrain you thereby of your ancient Privileges and Liberties in Parliament. Truly, a scholar would be ashamed to so misplace and misjudge any sentences in another man's book. For, whereas in the end of our former Letter, we discharge you to meddle with matters of Government, and mysteries of State, namely, matters of war or peace, or of our dearest Son's match with Spain; by which particular denominations we interpret and restrain our former words: And then, after we forbid you to meddle with such things as have their ordinary course in Courts of Justice; ye couple together those two distinct sentences, and plainly leave out those words, *Of mysteries of State*; so as ye err, *et bene divisi ad male conjuncta*: For of the former part concerning mysteries of State, we plainly restrain our meaning to the particulars that were after mentioned; and in the latter, we confess we meant it by Sir Edward Coke's foolish business (2). And therefore it had well become him, especially being our servant, and one of our Council, to have complained unto us, which he never did, though he was ordinarily at Court since, and never had access refused unto him.

"And although we cannot allow of the stile, calling it *Your ancient and undoubted Right and Inheritance*; but could rather have wished, that ye had said, *That your Privileges were derived from the grace and permission of our Ancestors; and us; (for most of them grow from Precedent, which rather shew a Toleration than Inheritance:)* yet we are pleased to give you our royal assurance, that as long as you contain yourselves within the limits of your duty, we will be as careful to maintain and preserve your lawful Liberties and Privileges, as ever any of our Predecessors were; nay, as to preserve our own Royal Prerogative, so as your House shall only have need to beware to trench upon the Prerogative of the Crown; which would enforce us, or any just King, to retrench them of their Privileges, that would pare his Prerogative, and flouers of the Crown: But of this, we hope, there shall never be cause given."

Dated at New-market the eleventh day of December, 1621 (3).

The last part of the King's answer was so clear, as to want no explication. He had contented himself hitherto with insinuating certain Principles, the consequences whereof he had carefully concealed, and thereby seemed to reserve to himself the power either of admitting these consequences, in their utmost extent, or with restrictions, or of denying them according as occasion should require. But now, whether he gave way to his passion, or was glad at last to speak his thoughts clearly, not to be constrained any longer to use doubtful expressions, which very often were pretended not to be understood, he put the Commons under a necessity either of granting his pretensions, or opposing them openly. But, if I may venture to say it, he committed an inexcusable error, in not dissolving the Parliament, before the Commons had time to debate upon his answer. He would thereby have established his pretensions without incurring the vexation of an open and public opposition, which he must have expected, unless he was wisely blind. The Commons having read the answer, the consequences whereof they plainly perceived, and knowing the Parliament was going to be dissolved or prorogued, drew up the following Protestation.

THE Commons now assembled in Parliament, being justly occasioned thereunto, concerningundry liberties, franchises, and privileges of Parliament,

1622:

The Commons
Petitioned,
Wilson
p. 747.
Annals of
James I.
p. 634
Coke
Rolleworth,
p. 115.

(1) Francis I.

(2) This foolish business was a design formed by Chancellor Bacon, one Lepton, and Goldsmith, against Sir Edward Coke, after he was discharged from being Chief Justice, namely, to exhibit an Information against him in the Star-Chamber, or send him into Ireland. This business was debated in the House of Commons. *Coke*, p. 118.

(3) The Lord Keeper Williams advised, that the business of this answer might be mitigated and softened, for he could never bear, that there should be a misunderstanding between the King and his People, if it were possible to prevent it. *Philip*, p. 98.

1621. "amongst others here mentioned, do make this protestation following, that the liberties, franchises, privileges, and jurisdiction of Parliament, are the ancient and undoubted birth-right and inheritance of the Subjects of England; and that the arduous and urgent affairs concerning the King, State, and defence of the Realm, and of the Church of England, and the maintenance and making of Laws, and redress of mischiefs and grievances which daily happen within this Realm, are proper subjects and matter of counsel and debate in Parliament; and that in the handling and proceeding of those businesses, every Member of the House of Parliament hath, and, of right ought to have, freedom of speech, to propound, treat, reason, and bring to conclusion the same; and that the Commons in Parliament have like liberty and freedom to treat of these matters in such order, as in their judgments shall seem fittest; and that every Member of the said House hath like freedom from all impeachment, imprisonment, and molestation (other than by censure of the House itself) for, or concerning, any speaking, reasoning, or declaring of any matter or matters touching the Parliament or Parliament-business: And that if any of the said Members be complained of, and questioned for any thing done or said in Parliament, the same is to be shewed to the King by the advice and assent of all the Commons assembled in Parliament, before the King give credence to any private information."

The King takes the Protestation in the Journal-Book. Rushworth, T. I. p. 53.

The King being informed of this Protestation, called a Council, and came in person, to cause what is contained in the following Memorial, to be ordered.

Whitehall, Dec. 30, 1621.

"HIS most excellent Majesty coming this day to the Council, the Prince his Highness, and all the Lords, and others of his Majesty's Privy-Council sitting about him, and all the Judges then in London, which were fix in number, there attending upon his Majesty; the Clerk of the Commons House of Parliament was called for, and commanded to produce his Journal-Book, wherein was noted, and entries made of most passages that were in the Commons House of Parliament; and amongst other things, there was written down, the form of a Protestation, concerning sundry liberties, privileges, and franchises of Parliament; with which form of Protestation his Majesty was justly offended. Nevertheless, his Majesty, in a most gracious manner, there expressed, that he never meant to deny that House of Commons any lawful Privileges that ever they had enjoyed; but whatsoever Privileges or Liberties they had by any Law or Statute, the same should be inviolably preserved unto them; and whatsoever Privileges they enjoyed by custom, or uncontrolled and lawful precedent, his Majesty would be careful to preserve. But this Protestation of the Commons House, so contrived and carried as it was, his Majesty thought fit to be razed out of all Memorials, and utterly to be annihilated, both in respect of the manner by which it was gained, and the matter therein contained. For the manner of getting it, first in respect of the time: For, after such time as his Majesty, out of his Princely grace, and to take away all mistakings, had directed his Letter to Secretary *Cahort*, dated at *Repton*, 16 *December*, and therein had to explained himself in the point of maintaining the Privileges of the House of Commons, as that most of the said House rested fully justified, and freed from any scruple of having their Liberties impeached; and after that, by his Majesty's Letters, directed to the Speaker, dated 18th *December*, being *Tuesday*, his Majesty, at the humble suit of the House of Commons, condescended to make this meeting a Session before *Christmas*, and for that purpose had assigned *Saturday* following. Now upon this very *Tuesday*, and while the messengers from the House of Commons were with his Majesty at *Thesbalds*, to return thanks unto his Majesty, and therewith an excuse from them not to make it a Session, in respect of the strait of time whereunto they were driven; which deferment his Majesty admitted of at their desires, and thereupon gave orders for the adjournment of the Par-

liament until the 8th of *February* next, which was the first day formerly appointed by his Majesty for the meeting together of the Parliament: and whilst their messengers were with his Majesty, and had received a gracious answer to return unto their Houses; even that afternoon, a Committee was procured to be made for taking their Liberties into consideration; and this afternoon a Protestation was made (to whom, appears not) concerning their Liberties; and at six a clock at night, by Candle-light, the same Protestation was brought into the House by the Committee, and at that time of night it was called upon to be put to the question, there not being the third part of the House then present; whereas in all matters of weight, their usual custom is, to put nothing of importance to the question, till the House be full: and at this time many of them that were present, expected the question would have been deferred to another day, and a fuller House; and some then present stood up to have spoken to it, but could not be seen or heard in that darkness and confusion. Now for the matter of the Protestation, it is penned in such ambiguous and general words, as may serve for future times to invade most of the Rights and Privileges annexed to the Imperial Crown; the claim of some Privileges being grounded upon the words of the Writ for assembling the Parliament, wherein some words, *viz. Ardus Regis*, are cunningly mentioned; but the word *quidam*, which restraineth the generality to such particular cases, as his Majesty pleaseth to consult with them upon, is purposely omitted (1).

"These things considered, his Majesty did, this present day, in full assembly of his Council, and in the presence of the Judges, declare the said Protestation, to be invalid, annulled, void, and of no effect; and did further, *manu sua propria*, take the said Protestation out of the Journal-Book of the Clerk of the Commons House of Parliament, and commanded an Act of Council to be made thereupon, and this Act to be entered in the Register of Council Causes."

Six days after, the King dissolved the Parliament by Proclamation, declaring, he was not obliged to give an account thereof to any, since the dissolving of the Parliament, when he pleased, was confessedly in his power (2). That however, he was willing to inform the publick, it was because the Commons took the liberty not only to treat of his High Prerogatives which belonged not to them, but also to speak disrespectfully of foreign Princes: that they spent the time in disputing about their Privileges, with-out regarding the publick wants: that some ill-tempered spirits sowed tares among the corn, and by their cunning devices, had imposed upon him a necessity of discontinuing the present Parliament, without putting it to the name or period of a Session. Then, he declared, that though the Parliament was broken off, he intended to govern well, and should gladly embrace the first occasion to call another at a proper season.

This Proclamation was followed by another, forbidding under severe penalties, to talk of State-affairs, and charging the Judges in their Circuits, to put the Laws in force against licentious tongues.

But the King's resentment did not end here. Some of the Commons, who had appeared most zealous to maintain the Privileges of the House, as Sir *Edmond Coke* (3), Sir *Robert Philips*, Mr. *Selden*, Mr. *Pym*, Mr. *Multer*, were committed to prison. Likewise Sir *Dudley Digges*, Sir *Thomas Crews*, Sir *Nathaniel Rich*, and Sir *James Piers*, were ordered into *Ireland*, to execute a certain Commission, the King intending thereby to remove them from their homes, and punish them with a sort of banishment. On the other hand, the Earls of *Oxford* and *Southampton* were sent to the Tower on some studied pretence (4); but it was easy to see, it was for speaking too freely in the House of Peers, of the King's conduct.

Till the last Parliament, the King and Commons had only mutually tried each other, the one to enlarge his Prerogative, the other to preserve Privileges, which they looked upon as incontestable. But on the present occasion, there was a necessity of declaring and acting openly. The King pretended, as appears by his answer to the Petition of the Commons, that their Privileges having no other found-

(1) Formerly, Parliaments sat but a few days, and took into consideration such Affairs only as the King had before set forth in the Writs of Summons. But this method being altered, Parliaments were called without the occasion of their meeting being known, and were not limited to the affairs meeting by the Kings in their first Speeches; and this made their session hold so long. *Rapin*. See *History* of the manner of holding Parliaments, p. 7, 8.

(2) His Proclamation bears with these words: "Albeit the assembling, continuing, and dissolving of Parliaments, be a Prerogative so peculiarly belonging to our Imperial Crown; and the times and seasons thereof so absolute in our own power, that we need not give account thereof unto any yet, &c."

(3) Orders were given for seizing up the Libraries and Dues of Sir *Edmond's* Chambers in *London*, and in the *Temple*, for the burning of his Papers; and it was debated in Council how he might be excluded from the benefit of the general Pardon that should have passed this last Parliament. *Rushworth*, Tom. I. p. 53. *Arden*, p. 66. See *History*: it seems he called the King's Prerogative an overgrown Minion. *Wijgh*, p. 748.

(4) The Earl of *Oxford* was accused by one *Wilde* a Papist, of having spoken some words to the dishonour of the King, and disengagement of his Government, for which he was sent to the Tower; but the Earl of *Southampton* was committed to the custody of the Dean of *Windsor*, for his freedom of Speech, and for talking *Boobyism* in the House of Lords. *Wijgh*, p. 748. *Cole*, p. 121.

1621. dation than the concession of the Kings his predecessors, it was in his power to revoke them if they gave just occasion. The Commons, on their side, pretended, they enjoyed these Privileges by antient and undoubted Right, had received them by inheritance from their ancestors, and the King had no power to take them away. I pass over in silence the consequences which may be drawn from both these Principles, if carried as far as the general terms will allow: they are obvious to the meanest capacity. I beg leave not to determine so difficult a point, but only to make some remarks, which, I hope, will be of use for the sequel of the History.

Remarks on this Difference.

First, it is very difficult, in my opinion, and perhaps impossible, to establish upon fixt principles, as well the Royal Privileges of the Kings of *England*, as the Privileges of the Parliament, and the House of Commons in particular. We must except such as are allowed on both sides, since this mutual consent is of no less force than a Law. Custom therefore and Precedent are the only foundation on which to establish their respective Rights.

The *Anglo-Saxons*, who conquered *Britain*, had no Kings in those parts of *Germany*, where they inhabited before their coming into *England*. Their Government was Aristocratical. Seven of their Chiefs, by whom *Britain* was conquered, assumed the title of Kings, which was never before in use among them.

It must be observed, as a very necessary point, That the dominion of these new Kings did not properly extend over the conquered People, namely, the *Britons*, who were almost all driven into *Wales* and *Cornwall*, but over the Conquerors themselves, among whom the subdued Country was divided. Hence it is evident, that the Right of Conquest which might be alledged in favor of these first Kings and their Successors, is wholly excluded.

It is very likely, not to say certain, that the Parliament of *England* is as antient as the Monarchy, tho' some dispute it, but, in my opinion, without any foundation (1). At least, the time cannot be ascertained, when the Parliament first began. But it is very difficult to prove, the Commons were summoned to Parliament, and voted there.

On the other hand, it cannot be doubted, these first Kings had great Privileges, which were much increased by their Successors: But I believe it may be taken for granted, that in general, neither the King's Privileges, nor the People's Privileges, owe their original to the Laws. Consequently, they can neither be limited nor enlarged, but as warranted by Examples and Precedents. Now these Precedents are so contrary one to another, that there is no forming any fixed and certain rules. And what causes most difficulty in this matter, is the ambiguity of the terms; and first, in the word Parliament.

If the Parliament is considered as composed of the King and the two Houses, an unlimited power, with respect to the affairs of the Kingdom, may, without fear, be ascribed to it. But if the Parliament is supposed to consist only of the two Houses without the King, it cannot be denied, that its Rights are limited. The two Houses are properly the whole nation, exclusive of the King. They have their Privileges: but it belongs not to them to extend them as they please: the King's consent is necessary to that end. This is still more true, when one of the Houses acts alone, without the concurrence of the other: For then it represents but part of the Nation, who cannot lawfully claim any other rights than those which are granted either by some Law, or by the tacit consent of the King and the other House. It is very certain, that to each of the two Houses belong separate Rights and Privileges; and that the two Houses together, though parted from the King, have also their Privileges. But the question is, to know how far they reach, and whether the King alone ought to be judge.

The term Prerogative-Royal is liable to no less ambiguity than the word Parliament. It is a loose and general term, which gives only a very confused idea of the thing signified. If it is a Right common to all that bear the title of King, the Prerogative Royal must be the same every where, and the Kings of *England* and *Poland* will be as absolute as the King of *Persia*. If it has bounds, by whom were they set? Or, what are the bounds which it cannot exceed? I believe it is no less difficult to resolve these questions, than those concerning the Privileges of the Parliament. But as the Prerogative-Royal includes many particular Rights, let us examine, for instance, the Power challenged by *James* of revoking the Privileges of the House of Commons. From whence had he this particular Prerogative? Was it a right common to all Kings? But there are in the world Kingdoms without Parliaments or a House of Commons. Was this Prerogative as antient as the *English* Monarchy? But he himself would not grant the House of Commons to be so antient. Was it from

some Law? But he produced none. Was it by a tacit consent, or by usurpation? But the thing had never happened before. Was it, in fine, upon this general maxim, that whatever is granted by one King, may be revoked by another? But, besides that this is no undeniable Principle, especially after an uninterrupted possession for many ages, the King would have been very much puzzled to name the Kings who had granted the Commons their Privileges. Thus King *James* supposed, that the Prerogative was a thing fixed, incontestable, known to all the world, though nothing was more indeterminate, or of less known extent and limits.

Let us consider now what were those Rights, Liberties, Privileges, claimed by the Commons as their antient and undoubted birth-right and inheritance. These are all uncertain and general terms, of which we cannot have a clear and distinct idea, without applying them to particular cases. But what was said concerning the Royal Prerogative, may be applied here. How came the Commons by these Rights? How far did they reach? Where were their bounds? This would be very difficult to fix. *James* perhaps went too far, when he would have entirely deprived the Commons of the right of representing to him the nation's Grievances, and of the liberty to debate, reason, and say in the House what was thought proper. But if, under colour of these Rights, the Commons would take upon them to advise the King upon all occasions, and speak injuriously of his Majesty in their House, upon what would they ground such Privileges?

Since therefore it is so difficult to decide the questions concerning the Prerogative Royal, and the Privileges of both Houses, or of each in particular, prudence and good policy require, that Kings and Parliaments avoid as a rock the engaging in such disputes. Accordingly, we may have observed in the perusal of this History, that the wisest, the most illustrious Kings, whose whole merit is most universally acknowledged, as *Edward I.*, *Edward III.*, *Henry V.*, *Edward IV.*, *Henry VIII.*, *Elizabeth*, never had any contests of this nature with their Parliaments. On the contrary, those that were least eminent for their prudence and capacity, such as *Henry III.*, *Edward II.*, *Richard II.*, were ruined, for raising such sort of disputes. *James* is the first, who in those latter days engaged in this quarrel. He was followed by his Son and Grandsons, and their Princes instead of succeeding in their projects, only rendered themselves most unhappy. A wise and prudent King of *England*, who knows his own interest, will never quarrel with his Parliament; and a Parliament, whose sole view is the Kingdom's welfare, will take care never to question the King's just Prerogative: Nay, they will rather chuse to see it stretched a little too far, than run the risk of breaking an union, which is the sole foundation of the publick happiness. I hope I shall be forgiven this digression, which to me seems of use to inform the Reader, and help him to judge impartially of the difference, which arose in this, and produced so many calamities in the following Reign.

The dissolution of the Parliament, and the little likelihood of the King's ever calling another, could not but be attended with ill-consequences. The King forfeited, by this proceeding, not only the love and esteem of great part of his Subjects, but also the regard of Foreigners. When he was thus embroiled with his people, it was universally concluded he could be no longer either a friend to be relied on, or an enemy to be feared. On the other hand, the Nation could not reflect without terror, that they were going to be exposed to an arbitrary power, since there were to be no more Parliaments to keep the Prerogative-Royal within due bounds. But the worst effect produced by the rupture between the King and Parliament, was the division among the Subjects, who continually joined with the two opposite parties, which subsist to this day, with some difference, under the names of Tories and Whigs.

These two parties, which began to be formed, were contented at first with mutual disputes, in defence of the King's or the People's rights, in respect of what had caused the dissolution of the Parliament. The Royalists said, the Commons meant to make the *English* Monarchy a Republic. That in meddling with State-affairs, and advising the King concerning the management of the Kingdom and his own family, they shewed they aspired to no less than governing the State, since they would never want pretences to give the King counsel; which if he refused to comply with, he would, by that very thing, be deprived of the necessary aids for defence of the Realm, and constrained to receive law from foreign Princes. That *England* was originally a Monarchy, and had ever continued upon the same foot: but the foundations were going to be undermined, by making the King subject to the Parliament. That at first remonstrances only were made to the King; afterwards Councils were added; but these Councils would soon be converted into Instructions, and the

1622.
All Consequences of
dissolving the
Parliament.

Reasons
alleged for
revoking
the King.

(1) See the Dissertation. Vol. I. p. 153, &c. of this History. *Repts.*

1622. Instructions into Orders and Commands: In a word, if the Commons were suffered to proceed, the King would quickly become a mere Duke. That the Commons had the less right to pretend to the Government of the State, as the State had fulfilled five hundred years without them, since it was about the end of Henry III's Reign, and during the Earl of Leicester's usurpation, that the Representatives of the People were first admitted into the Parliament. In short, that it was a strange thing, that under a monarchical Government, the People, or their Representatives, should tell the King how he was to govern his Kingdom: that supposing the People had such a right, it would be necessary to impart to them all the secrets of the State, and consult them about Alliances and Treaties, Peace and War. But as this had never been practised, it followed of course that the supposition was false, and the People were called to Parliament only to supply the King's wants, and to settle the taxes and impositions in a manner the least hurtful to the Subjects. That indeed, as to the Laws concerning the internal Government of the State, it was thought proper to enact them with the consent of the People who were to be subject to them, that they might be the better executed: but no consequence could thence be drawn, either for foreign affairs, or for the execution of these laws which was left to the King alone, or for the general Government of the Realm.

The favourers of the People find in their turn, that the King was not satisfied with England's being a Monarchy, but would make it an absolute Monarchy. That he affected to confound the several kinds of Monarchies, whereof some were more, others less absolute, in order to acknowledge but one sort, to which he ascribed an unlimited power. That the English Monarchy was not of this kind, but began with the Parliament, which being as ancient as the Royalty, formed, together with the Sovereign, the absolute power, the King would assume to himself alone. That the Parliament had their privileges, as the King had his, nor could be deprived of them, without destroying the nature and constitution of the English Government. That the Parliament represented the whole Nation, who were as much or more concerned in the welfare of the State than the King himself. That indeed, the King had his undoubted prerogatives: But they were intended for the welfare and preservation, and not for the ruin, of the State. That, whilst he kept within these bounds, and acted only for the benefit of the Kingdom, he answered the end and intent of his prerogatives: but it was destroying the constitution, to pretend that his Prerogative Royal gave him power to subvert the Laws, to make Alliances repugnant to the good of the Realm, to render the Nation contemptible in the eyes of Foreigners, to expose Religion to the danger of being ruined, through an extreme carelessness and contumaciousness for their enemies. That in such a case, as he swerved from the end and design of his prerogative, it was the people's or their representatives business, to shew him the inconveniences of his conduct, propound means to prevent them, and give him proper advice for their cure. That if this were not so, it would follow the King would be absolute and arbitrary: might run and destroy the Kingdom at his pleasure, trample upon the established Laws, oppress the Subjects, take away their Lives and fortunes, which was directly contrary to the constitution of England. That as to the rest, it evidently appeared, the King was labouring to reduce the privileges of the Parliament to little or nothing. Does the Parliament represent to him the people's Grievances? It may, says he, from thence be inferred, that the King governs ill, and this tends to alienate from him the love of his Subjects. Is he desired to put the Laws against Recusants in execution? He answers, That affair must be left to his care, he knows what is proper to be done: He is an old experienced King, who has no need to be taught, and yet he is not seen to do the least thing towards redressing the grievances complained of. Do the Commons represent to him that the Prince his Son's marriage with the Spanish Infanta may be of very ill consequence to Religion? He replies, They have no business to meddle with his family concerns. Do they strive to make him sensible that the Protestant Religion is in danger of being destroyed throughout all Europe, for want of assistance, and that the King of Spain amuses him with fair promises, whilst he is over-running the Palatinate? He answers, These are matters of State too high for the People's Representatives, who have neither wisdom nor

capacity enough to comprehend the mysteries of Government: *Ne fatur ultra crepidam*. In a word, he reduces the privileges of the Commons to advising the King, when he shall do them the honour to ask it, and to supplying him with money when he demands it on any pretence, though the pretence be evidently false, since he will not suffer his reasons to be examined. But this is not all. He plainly tells the Commons, their privileges are only concessions of himself and Predecessors, and intimates that they shall keep them no longer than their subsilience makes them worthy of them. Is it possible, say they, to give plainer marks of a settled design to usurp an arbitrary power? Supposing the Commons were not called to Parliament till the Reign of Henry III, which however cannot be proved, have they not been, ever since, an essential part of Parliament, and consequently have they not an undoubted right to all parliamentary privileges?

This is part of what was then said on both sides, and is what served to cherish division between the two parties, who have not ever since ceased to revile one another. It is easy to guess which of the two parties the Puritans joined with. They loved not the King, who, on his part, discovered on all occasions that he was their mortal enemy. But, as I said, there were two sorts of Puritans, namely, State-Puritans and Church-Puritans. Before the King declared himself so openly with respect to his Prerogative Royal, the State-Puritans were few, because the King having gone so great lengths, his intention was yet only suspected. But after the dissolution of the third Parliament, their number greatly increased, and the King, through a policy very destructive of his interests, always affected to confound these two sorts of Puritans. He thereby forced them to make but one party, though they were united only in a single point, namely, in opposing the maxims of the Court. The Church-Puritans, who before made but a little figure in the Kingdom, suddenly formed a very considerable party, by the junction of the State-Puritans. This party grew up to the end so powerful, that they overthrew the Ecclesiastical Hierarchy, and the Monarchy itself: but this happened not till the following Reign.

On the other hand, the King's party was strengthened by the junction of the *Arminians*, who were very numerous. *Arminius's* Doctrine had bred disputes in England, though with less noise than in Holland. Many Clergymen had embraced this Doctrine, though condemned by the Synod of Dort, whose authority they did not acknowledge, and notwithstanding the King's open profession to reject *Arminius's* tenets. These men improving the opportunity arising from the discord between the two Parties, readily joined with the Royalists, and from that time were as much cherished at Court as they were hated before. By this time means *William Laud*, a Clergyman of great parts and learning, was qualified, though *Arminian*, to be promoted to the See of St. *David's* by the Marquis of Buckingham's interest, who desired the Bishop of *Lincoln* (1) to recommend him to the King. It was however, with some difficulty that the King agreed to his preference, being prejudiced against him on account of his proud and turbulent spirit (2). After the *Arminians* had lifted themselves in the King's party, they were in the height of prosperity, favoured by the Courtiers, who were labouring to hinder the growth of Puritanism. On the other hand, the Papists also declared openly for the King, because it was by an absolute power alone that they could obtain their desires, whereas the Parliament was their professed enemy. In fine, most of the Clergy espoused likewise the King's side, looking upon him as the only person capable of supporting them against the attempts of the Puritans, whose number continually increased.

The two Parties being thus composed of men of different kinds and sentiments, mutually upbraided one another with what was most odious in each party. The Royalists contended under the name of Puritans, all who opposed the King, and the Puritans taxed all the Royalists with being Papists or *Arminians* (3).

This division, which began to be remarkable in England, did not serve to establish the King's reputation abroad. It was now two years since his Son-in-law's dominions were invaded by the Spaniard and Duke of *Bavaria*, and he was not seen to take any effectual course for their recovery. Embassies and solicitations were the only arms he employed for that end (4). The King of Spain had amused him four or five years with the hopes of a marriage which

(1) The Lord Keeper *Williams* — Archbishop *Abbe* had recommended him to the King as unswerving in Religion, because he was an *Arminian*. *Hacker's* p. 65.

(2) The King told the Lord Keeper, "I keep *Laud* back from all place of Rule and Authority, because I find he hath a rebellious Spirit, and cannot see when matters are well, but loves to stir and change, and to bring things to a pitch of reformation flowing in his own brain." See *Hacker*, p. 64.

(3) The Lord *Laud* rightly observed, how much these two Parties misinterpreted one another: The Puritans endeavoured to persuade the people, that all who held with *Arminius* did intend to introduce Popery: And the other side was no less willing to have it thought, that all who adhered to *Calixtus*, in the Controversies about Predestination, did in their Heart likewise adhere to him, with reference to the Discipline, and desired to change the Government of the Church; though in truth the one side was not inclined to Popery, and very many of the other were most affectionate to the Peace and Prosperity of the Church, and very pious and learned Men. *Clergyman*, Tom. I. p. 72.

(4) Whereupon it was said, That the King might almost have purchased such a Country as the *Palatinate*, with the Money spent on Embassies. *Waller*, p. 72.

1622. advanced not, and by that means tied up his hands, whilst he seized the *Palatinat*. In short, when all Europe expected he would fee the interests of his Kingdom, his family and his own, and take some vigorous resolution, it was heard that he was irreconcilably fallen out with his Parliament. Whereupon he was despised abroad, and insof much quickly followed contempt. In the *Netherlands* he was publicly ridiculed on their Stages. Comedies were acted with Messengers hastily bringing news that the *Palatinat* was going to be lost, considering the numerous forces that were tending thither by the King of Spain's enemies: The King of Denmark was to find a hundred thousand Pickled-Herrings; the *Hollanders* a hundred thousand Butter-Boxes; and the King of England a hundred thousand Ambassadors. In one place, King James was pictured with a scabbard without a sword, in another with a sword which could not be drawn, tho' divers persons stood pulling at it (1). In England itself the almost-forgotten story of David Rizzio was revived. But what most troubled the contrary party to the King, was to see Buckingham govern so absolutely, that the King seemed to have made his Favourite his Master. None were admitted to Places but Papists, *Aminians*, or such as were reckoned to have little or no Religion. In short, such only passed for Protestants with the Court, as were for the Royal Prerogative in its utmost extent, let their Religion be what it would. All the rest were Puritans. About himself, Archbishop of Canterbury, was reckoned among the Puritans, because he approved not of the Court-maxims. He had the misfortune in the year 1622, to kill a Man with an arrow as he was shooting at a Buck (2), and this accident occasioned his being deemed incapable of performing any longer the functions of a Bishop. Wherefore he resolved also to save himself the trouble of going to the Council, where his advice was little regarded, as coming from a person of Puritan-Principles.

Whilst the people were in this sort of fermentation, the King wanted money. He had a mind to send Digby to Spain, and *Wigton* to Brussels (3), to finish at once the marriage and the affair of the *Palatinat*. Besides, Buckingham and his relations were a gulph which could not be filled. There was no likelihood of a new Parliament, after the King's late Proceedings. Though a Parliament could have been persuaded to give the King money, it would not have been till after their Privileges were secured at the expence of the Prerogative-Royal, and the King thought the remedy worse than the disease. Recourse therefore was to be had to extraordinary methods. The speediest and most sure seemed to be the exacting from the people a contribution under the name of Benevolence. As the Court knew, if some constraint were not used, the People's liberality would not go very far, the Judges were ordered in their Circuits to demand a Benevolence, and to intimate withal, that the King would not be satisfied with what should be voluntarily offered, if it was not proportionable to the Giver's abilities. To that purpose the Council directed a circular Letter to the Judges, concluding with these words: *Nevertheless, if any person shall, out of avarice or dissimulation, refuse to contribute herein, proportionably to their estates and means, you are to certify their names unto this Board, And so recommending this service to your best care and endeavour, and praying you to return unto us lists of the names of such as shall contribute, and of the Sums offered by them (4).* The excuse for this levy of money was the King's pretended resolution to recover the *Palatinat* by arms, after having in vain tried gentle means. It will hereafter appear how this resolution was executed.

The King's project was to conclude the Prince his Son's marriage, and receive the dowry of two millions, before he demanded the restitution of the *Palatinat*, for fear the *Spaniards* should pretend that this restitution was to be in compensation of the dowry. After that, he hoped the King of Spain, out of friendship, and in consideration of their alliance, would surrender the *Lower Palatinat* to his Son-in-law, and oblige the Emperor and the Duke of Bavaria to restore him the Upper. This was all he intended to do for his Daughter and Son-in-law. That

this was his design, manifestly appears in his Instructions to the Lord Digby, before his departure for Spain, where, in he was expressly ordered, *not to make the affair of the Palatinat one of his Marriage-articles*. The King however would have the publick believe, that his chief aim in the Spanish match was to procure his Son-in-law the restitution of the *Palatinat*. This doubtless was one of those mysteries of State which could not be comprehended by the Commons. Perhaps he really hoped, the restitution would immediately follow upon the Marriage; but this hope was built on a very weak foundation. In all appearance, *Godsend* inspired him with so chimerical an expectation.

However this be, James, being intirely bent upon this Digby is sent project, sent Digby Ambassador extraordinary to Spain, to conclude the Marriage-treaty jointly with Sir Walter Allen, who had been some time at the Court of Philip IV (5). The articles concerning Religion were already settled, but the rest were not to be talked of, till the Pope's dispensation was obtained, for fear of labouring in vain. This was an artifice of the Spanish Court, to prolong the affair, to have time to finish the Conquest of the *Palatinat*, whilst the dispensation was expected, which to hasten or delay was, probably, in the King of Spain's breast. Mean while, the hopes of a speedy conclusion of the marriage, of the dowry of two millions, and of the restitution of the *Palatinat*, so tied up the King's hands, that he durst not take the least step to offend the *Spaniards*, for fear of defeating to noble a project. Therefore, whenever he talked of engaging in a war for the recovery of the *Palatinat*, it was always with this restriction, if he could not obtain it by fair means, because he thought himself sure of the success of his negotiations. It is therefore certain, that when he demanded money of the Parliament, or exacted the Benevolence on the people, it was not with design to prepare for war, though that was the pretence, since a breach with the House of Austria was inconsistent with his project.

When Digby, who was this year created Earl of Bristol (6), let out for Spain, the King sent Gage to Rome, to solicit the dispatch of the dispensation, without which the new Ambassador could not proceed at Madrid. But to render Gage's instances more effectual, it was necessary to shew the Pope, the King was not a persecutor of the Catholics. Not but that he had already given very convincing proofs: however he thought he should on this occasion give a still stronger one, by releasing all the imprisoned Recusants (7). This was done publicly and openly, by Writs under the Great-Seal to the Justices of Assize, with a Letter from the Lord-Keeper Williams, exhorting them punctually to obey the King's orders. These Writs, contrary to the Law, to the Commons Remonstrance, and to the King's own answer to their Petition, occasioned many severe censures upon the King's conduct. As this affair made a noise among the People, the Lord Keeper was ordered to vindicate the King by a publick writing. This vindication begins with this noble comparison: *As the sun in the firmament appears to us no bigger than a platter, and the stars but as so many nails in the pannel of a saddle, because of the enlargement and disproportion between our eye and the object: So is there such an unreasonably distance between the disproportion of a Prince, and the shallow apprehensions of common and ordinary People, that as they will ever be judging and censuring, so they must needs be obnoxious to error and mistake.* Then he gives two reasons, both very false, of this conduct. The first is, that as the King was now soliciting very zealously for some ease to all the Protestants in Europe, it would be unreasonable to execute at the same time the Laws against the Roman Catholics. The second, that the English Jesuits had published a Book to excite the French King to execute in his Kingdom against the Huguenots, the same Laws as they enacted in England against the Papists. But, added the Bishop, to conclude, from the former done to the English Papists, that the King favours the Romish Religion, is a composition of folly and malice, little deserved by a gracious Prince, who by word, writing, exercise of Religion, and acts of Parliament hath demonstrated himself so rejoiced a Protestant.

I observed that about the latter end of the last year, the

the Earl of Essex
sent
ambassadors
to the
King's
Ambassadors,
Dr. Charles

(1) In *Bruffin* they painted him with his Peckets hanging out, and not one Penny in them; and his Purse curled up like a snake. In *Interplay* they painted the Queen of Biscania like a poor Irish Maister, with her Hair hanging about her Ears, her Child at her Back, and King James carrying the Crozier after her; and every one of their Pictures had several Mockers expressing their Malice. *Cato*, Vol. I. p. 126.

(2) On July 22. in *Bromby-Park* in *Hampshire*, belonging to the Lord *Arundel*, who had invited the Archbishop to a Buck-hunting. Peter Hewson, the Keeper residing among the Herd at *Dret*, to bring them to the first Mark, the Archbishop sitting on *Hawcock*, let fly a barbed Arrow from a Gun to him, which unfortunately hit the Keeper in the fleshy part of his left Arm, who died immediately of the Wound. *Hesley*, p. 65. The King granted the Archbishop a Pardon for this November 22. this year. See *Rymor's Fide*, Tom XVII. p. 337.

(3) It was by *Wigton's* help, that the Elector *Palatine* and his Lady, found means, though with much difficulty, to escape to the *Hague*, having nothing else to support them but *Patience* and *Hope*, the only and ordinary comfort of those deprived of all help before. *Opport*, sect. 25.

(4) Letters to the same effect were directed to the High-Sheriffs, and Justices of the Peace of the several Counties, and to the Mayors and Bailiffs throughout the Kingdom, and for making choice of Collectors, &c. *Railworth*, Tom. I. p. 61.

(5) The Lord Digby carried Letters from King James and Prince Charles, to the King of Spain, and one from the King to the Lord *Raisman* of *Zurich*, which the *Reader* may see in *Reinhardt*, Tom. I. p. 57. &c. The Lord Digby, upon his arrival in Spain, was strangely neglected by the Spanish Court, as the *Reader* may see in *Wigton*, p. 749. &c.

(6) He was created in September 1622, and at the same time, James Hay Viscount Denbigh, was created Earl of Carlisle, William Viscount Fildring Earl of Derby, and Lucius Lord Grosfield Earl of Middlesex. *Dugdale*, Vol. II. p. 437. &c. *Homes*, p. 1034.

(7) *Godsend* used to boast, that four thousand Recusants had been released through his Intercession. *Wigton*, p. 750.

1622. Emperor sent Count Schwartzburg to the King, to treat of the affair of the Palatinate. This Ambassador being pompously received at London, as witnessing the Emperor's regard for the King, could produce no Powers when he came to talk of affairs. It was the Archduchess Isabella that was empowered by the Emperor to conclude the truce desired by the King. There was a necessity therefore of going to negotiate at Brussels with the Archduches and Envoys of some Protestant Princes. The King chose for this employ, Sir Richard Wylton, [Chancellor of the Exchequer] probably because he thought his Religion would advance the negotiation. But, to gain the Infanta's favour, he made use of another means also. He permitted the Lord Vaux, a Papist, to raise two thousand men (1) in England, to serve the Infanta against the United-Provinces, and the Protestant Princes their allies. By such means as these the King hoped to succeed in his negotiations. We shall see presently the event, but it will be necessary first to mention what passed in Germany during the year 1622.

Weyden sent to Brussels. Ryboworth. T. i. p. 66. Vaux is permitted to raise the forces against the States. De Chastell.

Affairs of Bohemia. Hist. of the Rebellion in Bohemia. Coke. Wilton.

The King of Bohemia, plainly perceiving the King his Father-in-law made use of very ineffectual methods to restore him to his Dominions, believed it advisable to proceed some other way. He was still master of Manheim, Heidelberg, and Frankenthal, and Count Mansfeld, tho' withdrawn into Alsacia, had it still in his power to re-enter the Lower-Palatinate. In order to improve this last remedy, he agreed with Prince Christian of Brunswick, Administrator of the Bishoprick of Halberstadt, who had accompanied him to the Hague, to raise an army in Westphalia, and join Mansfeld. At the same time he made the like agreement with the Prince of Baden-Durlach, who promised also to levy an army for the same purpose. 'Tis likely, the *Hollanders* supplied the money for these Levies, on account of the advantage they should reap from this powerful diversion. These two Princes kept promise with the King of Bohemia, and each headed ten or twelve thousand men. The difficulty was how to enter the Lower-Palatinate, where the *Spaniards* were very strong. However, the thing not appearing impracticable, the Prince of Brunswick took the field in Westphalia, and seized some Places in the County of *Marck*. This drew upon him a detachment of the Spanish army from the Low-Countries, commanded by Count Henry de Bergh, who was joined by the Count of Anhalt with another detachment of the army of Bavaria, commanded by Count Tilly in the Palatinate. By this means, Prince Christian saw himself detained some time in Westphalia. But at length, the Count of Bergh being recalled, he was at liberty to advance. On the other hand, it was not easy for the Prince of Baden to enter the Palatinate, all the passages being stopp'd up by Count Tilly and Gonzales de Cordova.

In the mean while, the King of Bohemia departing privately from the Hague, on board a small vessel, and landing at Calais, travels through France and safely arrived at Mansfeld's army, who was advanced to Germerstein. Here they impatiently expected the approach of the two armies coming to their assistance. It would be needless to give a particular account of the march of these two armies, and the obstacles they met with from the *Spaniards* and *Bavarians*. It will suffice to say, the Prince of Baden was defeated the sixth of May: that afterwards the King of Bohemia and Mansfeld marching to Prince Christian, met Count Tilly, who put them to rout, and forced them to retire to Manheim. This battle was fought the 12th of June. Eight days after, Tilly also attacked Prince Christian, who was advanced to the borders of the Palatinate, and though he gained some advantage over him, could not however prevent his passing to Manheim with good part of his troops.

Some time after, the *Spaniards* and *Bavarians* were so strongly recruited, that their army consisted of above fifty thousand men, with which they almost surrounded their enemies, who were encamped between Manheim and Heidelberg. Wherefore the King of Bohemia despairing ever to recover what he had lost, returned to Holland. After his departure, the Prince of Brunswick and Count Mansfeld, resolved to join Prince Maurice in the Low-Countries, and marched through Lorraine. As they were obliged to take a compass, Gonzales de Cordova parting from Tilly, went and expected them at Brabant, to hinder their passage. The two armies meeting between Namur and Brussels, fought with equal success; but the Prince of Brunswick lost an arm by a cannon ball. After the battle, Mansfeld continued his march towards Holland.

Mean while, Count Tilly having no enemy to oppose him in the Lower-Palatinate, carried Heidelberg by storm (2),

took Manheim by a long blockade, and then besieged Frankenthal (3).

Whilst the King of Bohemia was in the Palatinate, Negotiations were held at Brussels, to procure a truce for that unfortunate Country, according to the King of England's desire, though he was not empowered by the King his Son-in-law, for whom, at this juncture, a truce was not convenient. In this negotiation two difficulties immediately occurred, which served to prolong it. The first was, the English Ambassador had not sufficient Powers from the King of Bohemia and his allies. James had doubtless imagined, that since this truce was negotiating on his account, it sufficed to treat with him. But the *Spaniards* gave to understand, they could treat only with the principal parties. There was occasion therefore to send to the Palatinate for full Powers from the King of Bohemia, who was not in haste to dispatch them, whilst he had any hopes of succeeding in his enterprise. But at last, sending these Powers when he saw his affairs declining, another difficulty of the same nature occurred at Brussels. The Archduches had no other power than the Emperor's bare Letter, desiring her to consult with the English Ambassador concerning a truce for the Lower-Palatinate (4). From that time the King of Bohemia's affairs daily growing worse, the Archduches and Count Schwartzburg prolonged the affair on divers pretences, till Heidelberg was taken, and Manheim closely block'd up. Then James writ to the King of Spain, to desire him to order that the affairs of the Palatinate might remain in their present state, till the conclusion of the truce, and the blockade of Manheim was raised. Philip feigned to have this concession for him, but before his Letter to the Archduches was received, Manheim was taken. Nay, it did not hinder Count Tilly from besieging Frankenthal, which he would have also taken without scruple, had not the overflowing of the rivers forced him to raise the siege. That was the King amused with vain hopes, whilst the conquest of the Palatinate was completing. He perceived it at last, but at the same time was told, the Prince his Son's marriage was so near a conclusion, that he could not think of hazarding a miscarriage in that affair, by insisting too strenuously on the restitution of the Elector's dominions. This may be clearly seen in his Letters to the Earl of Bristol, his Ambassador in Spain, of which I shall here give some extracts.

Sept. 9. 1622.

Right trusty, and well-beloved,

YOUR dispatch of the 9th of August, gave us so much contentment, and so great hopes of satisfaction in all those busineses, which you have there to treat with that King, as we could not expect any further difficulties; notwithstanding by that which has come to our hands immediately after, as well by George Gage from Rome, as by our Ambassador Sir Richard Wylton at Brussels, and our Ministers in the Palatinate; we find that neither the dispensation is granted for the match, nor the treaty of cessation to near a conclusion, as we conceived it would have been, now that the auxiliaries, and all other obstacles are removed. But on the contrary side, that new delays and excuses are invented, our Garrisons in the Palatinate in the mean time block'd up, Heidelberg itself actually besieged. Therefore our pleasure is, that you shall immediately, and with as much speed as you may, crave audience of that King, and represent unto him the merit which we may justly challenge unto ourself, for our sincere proceedings with the Emperor and him in all the course of this busines, notwithstanding the many invitations and temptations which we have had, to engage ourself on our Son-in-law's part. That we have had both from the Emperor and him hopes given us from time to time of extraordinary respect, howsoever our Son-in-law had deserved, which we have attended and expected even to the very last, with much patience, and in despite (as it were), of all the opposition that hath been made to shake our resolution in that behalf. If now when all impediments are removed, and that the way is so prepared, as that the Emperor may give an end unto the war, and make some present demonstration of his respects towards us, in leaving us the honour of holding those poor places which yet remain, quietly and peaceably until the general accommodation, the same shall nevertheless be violently taken from us, what can we look for, when the whole shall be in his hands and possession? Who amusing us with a treaty of cessation,

Heidelberg and Manheim taken, and Frankenthal besieged.

(1) Four thousand, says Wylton, p. 753.

(2) The famous Letter there was carried to Rome, and put into the Vatican. Walswood, p. 27.

(3) Sir Horatio Vere was the English Commander in Manheim, Sir Gerard Harlet, Governor of Heidelberg Castle, and Major Berrough of Frankenthal. Hebert was slain, after breaking three Pikes with his own hand, in repelling the Enemies from the Assault. Wylton, p. 757.

(4) All that Wylton demands, was only Letters of intreaty from the Infanta to the Emperor's Generals to proceed no further. Ryboworth, Tom. I. p. 66.

1622. "and protracting it industriously, (as we have reason to believe,) doth in the mean time seize himself of the whole Country; which being done, our Ambassador shall return with scorn, and we remain with dishonour."

"I shall not need to furnish you with arguments for the unfolding and laying open this unfriendly dealing more plainly unto you; your own reason and observation will find enough out of the Dispatches, whereof copies are sent unto you; as namely, the withdrawing of the Spanish force, and leaving the business wholly in the hands of the Emperor and the Duke of Bavaria; the stile of the Infanta, in answering our Ambassador with recominations, which was not her manner heretofore; the slight and frivolous answer given by the Marquis of Bedmar unto our Ambassador, when he acquainted him with the siege of Heidelberg; the quarrelsome occasion taken by the Emperor for calling the Diet at Ratisbon, contrary to his own promise, which, in his dispatch to us, he confesseth to have broken, as you will see by the copy: All which, and many more, which your own judgment (in the perusal of the dispatches) will suggest unto you, do minister unto us cause sufficient of jealousy on the Emperor's part, as you shall plainly tell that King; although we will not do him that wrong, as to mistrust that he gives the least consent to it. In this confidence, with much earnestness, we shall still solicit him, that for the affection he bears us, and the desire which we suppose he hath, that there may continue for ever a perfect amity betwixt us and the whole House of Austria, he will not cease to do all good offices herein; letting him know directly, that in these terms we cannot stand with the Emperor; but that if Heidelberg be won, or the siege continue, or the cessation be long unnecessarily delayed, we must recall our Ambassador from Bruffels, and treat no more, as we have already given order; hoping, that whatsoever unkindness we shall conceive against the Emperor upon these occasions, it shall not be interpreted to reflect in any sort upon the entire affection that is at this present, and as we hope shall always continue, betwixt us and the Crown of Spain. And therefore, as we have heretofore sundry times promised, in testimony of the sincerity of our proceedings, and of our great desire to preserve the amity inviolable between us and the whole House of Austria, That in case our Son-in-law would not be governed by us, that then we would not only forsake him, but take part, and join our forces with the Emperor against him; so you may fairly represent unto that King, That in like manner we have reason to expect the same measure from him, that (upon the Emperor's averments) to a cessation and accommodation) he had lately solemnly assist us for the recovery of the Palatinate, and Electoral dignity, unto our Son-in-law, as it hath been oftentimes intimated from Spain (s)."

"To conclude, we shall not need to say any more unto you touching this point, but to let you see that our meaning is, to carry all things fair with that King, and not to give him any cause of distrust or jealousy, if you perceive that they intend to go really and roundly on with the match."

Notwithstanding all this, Heidelberg and Mannheim were taken by the Emperor's forces, and Frankendal beleagred.

WILL.
P. 756.

In another Letter to the same Ambassador, dated October 2, the King said, "That while he was amused with Treaties at Madrid and Bruffels, Heidelberg had been taken by force, the English Garrisons put to the sword, and Mannheim beleagred: That the Infanta, (having an absolute Commission to conclude a cessation and suspension of arms) when all objections were answered, did not only delay the conclusion of the Treaty, but refuse to lay her command upon the Emperor's Generals to abstain from the siege of his Garrisons during the Treaty, upon a pretext of want of authority. And therefore, for avoiding of further dishonour, he had been forced to recall both his Ambassadors, as also the Lord Chichester (s), whom he intended to have sent unto the Emperor to the Diet at Ratisbon." After which he added:

"Seeing therefore, that merely out of our extraordinary respect to the King of Spain, and the firm confidence we ever put in the hopes and promises which he did give us, (distrusting nothing more than for his cause principally to avoid all occasions that might put us in ill understanding with one of the House of Austria) we have hitherto proceeded with a steadfast patience; trusting to the Treaties, and neglecting all other means, which probably might have secured the remainder of our Children's inheritance, and by this confidence and security of ours,

are now exposed to dishonour and reproach. You shall tell that King, That seeing all these endeavours and good offices which he hath used towards the Emperor in this business, on the behalf of our Son-in-law, have not effected to any other issue, than to a plain abuse, both of his trust and ours; we hope and desire, that he will faithfully promise and undertake upon his honour, (confirming the same also under his hand and seal) either that the Town and Castle of Heidelberg shall, within therefore and ten days after your audience, and demand made, be rendered into our hands, with all things therein belonging; and the like for Mannheim and Frankendal, if both or either of them shall be taken by the enemy while these things are in treaty: Or, that there shall be within the said term of twenty days, a cessation and suspension of arms in the Palatinate for the future, upon the several Articles and Conditions last propounded by our Ambassador Sir Richard Welton; and that the general Treaty shall be set a foot again: Or else, in case all these particulars be not yielded unto, and performed by the Emperor, that the King of Spain do join his forces with ours: Or if so be his forces be otherwise employed, yet that at the least he will permit us a free and friendly passage through his Territories and Dominions, for such forces as we shall send and employ in Germany for his service. Of all which, if you receive not from the King of Spain (within ten days at the furthest after your audience) a direct answer under his hand and seal without delay, that then you take your leave, and return to our presence, without further stay; otherwise to proceed in the Negotiation for the marriage of our Son, according to the Instructions we have given you."

This Letter plainly shows, the King was convinced, he had hitherto been only amused. And yet he writ the next day, to the Earl of Bristol, to this effect. "Thow Wilson, you have order to come away without farther delay, in case you receive not satisfaction to your demands from the King of Spain; yet we would not have you instantly come away upon it, but advertise us first, letting us know privately (if you find such cause) that there is no good to be done, nor satisfaction, as you judge, intended us, (though publicly and outwardly you give out to the contrary) that we may make use thereof with our people in Parliament, as we shall hold best for our service."

It is evident by these Letters how much the King was mistaken, in expecting to adjust his Son-in-law's affairs, by the method he had followed, and how he had been trifled with in his several negotiations: That he himself knew it, and all the vengeance he took was to recall his Ambassador from Bruffels. It is true, he seemed to intend to be revenged by arms: but he would have the King of Spain join with him, to oblige the Emperor and Duke of Bavaria to restore a country which he had himself delivered to them. At least, he hoped, the King of Spain would grant him a passage through his Territories, projects as chimerical as that of recovering the Palatinate by fair means and solicitations alone. In short, it is visible in these Letters, that the King made the restitution of the Palatinate and conclusion of the marriage two distinct affairs, and did not consider the last as dependent of the other. Indeed, though there was manifestly a collusion between the Emperor, Philip IV, and the Infanta, James ordered his Ambassador to do nothing offensive to the King of Spain, for fear of prejudicing the Marriage which he was always made to regard as upon the point of conclusion.

In fine, after a long expectation, Gage was sent back from Rome, where he had been soliciting the dispensation, with nineteen Articles, to each of which the Pope had put a Postil or short note, after the manner practised in the capitulations of places. Probably, the sense of the three material articles which were agreed on, was explained, and the nineteen following ones were formed by common consent.

I. That the Pope's dispensation shall be first obtained at the sole instance of his Catholic Majesty.

Note. The two Parties are agreed on this point.

II. That the marriage shall be celebrated in Spain according to the Rites practised in the Church of Rome; and afterwards in England, with such ceremonies as shall tend most to the advantage of the King of Great-Britain; yet so, as that nothing be done contrary to the Religion professed by the most excellent Infanta. But as to this point, they shall agree about the ceremonies to be performed in both Kingdoms.

Note. The Marriage ought to be celebrated but once in

(s) It was Count Gondemar that intimated it to him, but without giving him a positive Promise, and yet the King looked upon it as an Engagement.

(s) Arthur Chichester was created Baron Chichester of Rishell in the County of Arden, February 25, 1618. He was at this time Treasurer of the Exchequer, and by the Commission, used to be—Synodus Protestantis Indulgentia et Intergritas Vorum, et in magna stipe ad ea nos hinc hinc visitamus.

James's Fidei T. m. 12. p. 3. 4.

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1622. Spain, and if any ceremony is to be performed in England, notice must be given beforehand, and let this ceremony be agreed on.

III. That the most gracious Infanta shall have free exercise of the Roman Catholic Religion.

Note. *This Article is granted.*

IV. That all the domesticks and servants belonging to the most gracious Infanta, shall be appointed by his Catholic Majesty, so as the King of England shall not have the liberty of nominating any one.

Note. *Granted.*

V. That the most gracious Infanta shall have an Oratory, where Divine Service shall be celebrated in such manner as she shall appoint.

Note. *This Article is granted.*

VI. That this Oratory shall be in her Palace, and there Masses to be celebrated at the pleasure of the Infanta.

Note. *A Church shall be built in London, besides that in the Palace, and Divine Service shall be celebrated in each, and the Word of God preached, and the Sacraments administered.*

VII. That all the officers and domesticks belonging to the Infanta of what sort soever, as also her servants and family, may be freely and publicly Catholics; which is so to be understood, as that each of them in particular shall be obliged to profess the Roman Catholic Religion.

Note. *The Men and Women Servants of the most serene Infanta, their children and posterity, with their whole families, what office soever they bear, shall have the free exercise of the Catholic Religion.*

VIII. That the exercise of the Roman Catholic Religion shall be in form following: The most gracious Infanta shall have in her Palace a Chapel so spacious, that her servants and family may enter and stay therein; in which there shall be an ordinary and publick door for them, and another inward door, by which the Infanta may have a passage into the Chapel, where she and others may be present at Divine Offices.

Note. *All the Servants must conform to this.*

IX. That the Chapel may be beautified with decent ornaments, and other things necessary for Divine Service, according to the custom of the holy Roman Church; and that it shall be lawful for the servants and others to go to the said Chapel at all hours.

Note. *Granted.*

X. That the Keeper and Guardians of the Chapel shall be appointed by the Lady Infanta, and they shall take care no body may enter into it to do any undecent thing.

Note. *The Keeper and Guardians of the Chapel and Church shall be Spaniards.*

XI. That to serve in the Chapel, there shall be a convenient number of Priests as to the Infanta shall seem fit. And if any of them be natives of Great Britain, they shall not be admitted to serve, without her consent first obtained.

Note. *His Holiness wills and means that this be a true Church.*

XII. That among the Priests, there shall be one superior Minister or Rector, with authority to decide the cases of Religion and conscience.

Note. *His Holiness will have this Superior to be a Bishop.*

XIII. That this Superior Minister may exercise Ecclesiastical Jurisdiction upon all who shall offend in the Infanta's family: And moreover, the Lady Infanta shall have power to turn them out of her service, whensoever it shall seem expedient to her.

Note. *He must be a Bishop.*

XIV. That it may be lawful for the Lady Infanta to procure from Rome Indulgences and Jubilees, and all Graces, as shall seem fit to her Religion and conscience.

Note. *This Article is granted.*

XV. That the Servants and family of the Lady Infanta shall take the oath of Allegiance to the King of Great Britain; provided there be no clause therein contrary to their consciences and the Roman Catholic Religion, and that the form of the oath be first approved of.

Note. *The Men and Women Servants shall be Spaniards.*

XVI. That the Laws made against the Roman Catho-

lick Religion in England, shall not extend to the Servants of the most gracious Infanta; but they shall be exempted from the said Laws, and the Penalties annexed, and of this a Declaration shall be made.

Note. *The Laws already made or to be made in England concerning Religion shall not extend to the Servants, who shall be exempted from them as well as from the Penalties, &c. and for this reason the Ecclesiasticks shall not be liable to any but their Ecclesiastical Laws.*

XVII. That the Children of the most illustrious Prince, and the most gracious Infanta, shall not be constrained in point of conscience, and in that case, the Laws made against Catholics in England shall not extend to them; and tho' any of them be Catholics, they shall not lose the Right of Succession to the Kingdom and Dominions of Great Britain.

Note. *This Article is granted by his Holiness.*

XVIII. That the nurses which shall give suck to the Children of the Lady Infanta, shall be chosen by the Lady Infanta, and accounted part of her family.

Note. *The Nurses shall be Catholics, chosen by the most serene Infanta, and reckoned among her Domesticks.*

XIX. That the Rector or superior Minister, and other Ecclesiastical and religious persons of the family of the Lady Infanta shall wear their usual vestments and habits.

Note. *Granted.*

At the end of these articles, which were long debated and canvassed by the Congregation of the propagation of faith, the Congregation subjoined their opinion in the following terms.

As to the terms offered by the most serene King of England, it seems to us they are designed only to secure the most serene Infanta's Religion. But to the end his Holiness may grant the dispensation, there are other things necessary to the privilege, increase, and welfare of the Roman Catholic Religion. These things are to be proposed by the most serene King, that his Holiness may consider whether, upon such offers, he can grant the dispensation.

Dr. Clarke's
Hist. of
England.

It is easy to see, the Pope's Possibls tended not only to the benefit of the Roman Catholic Religion, but also to the cause the affair to be prolonged, pursuant to the Court of Spain's intentions. Besides that James was not expected to agree to the contents of the Notes, another expedient was ready to stop the conclusion of the marriage, namely, to oblige the King to make offers for the advancement of the Roman Religion, with which the Pope, if he pleased might never be satisfied. Thus, after a fix years expectation, James was no farther advanced than when the affair was begun, except that he was willing to grant whatever the Pope did or might demand. And indeed, this was the course he took. He found now of what consequence the first article was, which he had been made to sign, that the Dispensation should be first procured by the endeavours of the King of Spain: for by this means, the Spaniard could advance or entirely break off the Negotiation as he pleased, by causing the Pope to delay or refuse the Dispensation. It is certain, as I said, the Court of Spain's intent at first was only to make use of the prospect of this Marriage, to allure James into their snare, for fear he should join with the German-Protestants, and afterwards, for fear he should send a powerful aid to the King of Bohemia.

When Gage came from Rome with the Articles, the King was terribly embarrassed. The Palatinate was almost quite lost. The Negotiation at Brussels did not advance, and he could not but perceive, he was imposed upon by the Emperor and King of Spain: so that he saw no other way to procure the Elector's reformation, but the Prince's Marriage with the Infanta. It is true, England was sufficiently powerful to molest the House of Austria; but a Parliament must have been called, which the King could not think of. On the other hand, the Pope annexed to the Marriage such terms as the King could not grant, without giving occasion to his domestick enemies, to represent him as a Prince regardless of the interests of the Protestant Religion, to which imputation he was already but too liable. In this perplexity, rather than break with Spain, and so lose the desired dowry of two millions, with the hopes of recovering the Palatinate, he chose to be exposed to the reproaches of his Subjects, which he did not seem much to regard. He drew therefore a Memorial which he signed with his own hand, containing his offers in favour of the Catholic Religion, and sent it to the Earl of Bristol, with the Letter of the 9th of September, of which I have already given an extract. The conclusion of the Letter, which I reserved for this occasion, because the Marriage is there mentioned, was as follows.

“ Nevertheless

1622. "Nevertheless we must tell you, that we have no great
 cause to be well pleased with the diligences used on that
 part, when we observe, that after so long an expectation
 of the Dispensation, upon which the whole business (as
 they will have it) depends, there is nothing yet returned
 but queries and objections. Yet because we will not
 give over our patience a while longer, until we under-
 stand more certainly what the effect thereof is like to
 be, wherein we require you to be very wary and watch-
 ful, considering how our honour is therein engaged ;
 we have thought fit to let you know, how far we are
 pleased to enlarge our self, concerning those points de-
 manded by the Pope, and set down by way of postil un-
 to the Articles agreed upon betwixt Spain and us, as you
 shall see by the power which *Gage* brought us from
Rome, wherof we have sent you a copy, and our resolu-
 tions thereupon signed with our own hand, for your
 warrant and instruction. And further than that, since
 we cannot go without much prejudice, inconvenience,
 and dishonour to our self and our Son, we hope and ex-
 pect the King of Spain will bring it instantly to an issue,
 without farther delay, which you are to press with all
 diligence and earnestness, that you may presently know
 their final resolution, and what we may expect there-
 upon. But if any respite of time be earnestly demand-
 ed, and that you perceive it not possible for them to
 resolve until an answer come from *Rome*, we then think
 it fit that you give them two months time after your
 audience, that we may understand that King's final re-
 solution before *Christmas* next at the farthest."

Though the King affirmed he could go no farther, yet
 means were found to persuade him to a greater compliance,
 as will hereafter appear.

Hitherto the Spaniard had fed the King's hopes concern-
 ing the Marriage, only to amuse him. But since he
 plainly saw, by the Articles and offers signed with his own
 hand, that *James* was resolved to conclude at any rate,
 he thought, so far an opportunity should not be missed to
 restore the Catholic Religion in England, which very proba-
 bly might be accomplished by means of this match. So
Philip suddenly altering his mind, appeared as eager to
 conclude, as he had seemed unwilling before (1). From
 that time, that is, from the end of the year 1622, the
 Marriage was resolved at the Court of Madrid. The busi-
 ness was only to extort from the King such terms as
 should lead to what was intended. All the King of Spain's
 proceedings, from the time I am speaking of, evidently
 show, that he was inclined to the Marriage, in case he
 could obtain what he promised himself for the advance-
 ment of the Roman Religion in England, and which *James*'s
 impatience gave him room to expect. But it is no less
 certain, that before this, he was entirely averse to it.
 This manifestly appears in King *Philip*'s Fourth's letter
 to the *Comte d'Olivarez*, and from that Minister's an-
 swer. The letters were as follows :

The King of SPAIN's Letter to the Comte d'Olivarez.

Nov. 5, 1622.

"THE King my Father declared at his death, That
 his intent was never to marry my Sister, the In-
 fanta *Donna Maria* with the Prince of Wales, which
 your Uncle *Don Baltazar* understood, and so treated
 this match ever with intention to delay it ; notwith-
 standing, it is now so far advanced, that considering all
 the averfeness of the Infanta unto it, it is time to take
 some means to divert the Treaty, which I would have
 you find out, and I will make it good whatsoever it be.
 But in all other things, procure the satisfaction of the
 King of Great Britain, (who hath desired much) and
 it shall content me, so it be not in the match."

The *Comte d'Olivarez*, in his answer agreed, That the
 late King never intended to conclude this marriage, but
 only to amuse the King of England, by reason of the si-
 tuation of affairs in the Palatinate and Netherlands. He
 said moreover, the Infanta was determined to retire to a
 Convent, as soon as she should be pressed upon that head.

After that, he represented to his Majesty, "That the
 King of England found himself equally engaged in two
 businesses at that time, namely, the marriage, and the

restitution of the Palatinate. Supposing then, added the
Comte, that the marriage be made, we must come to the
 other affair, and then your Majesty will find yourself
 engaged with the King of England in a war against
 the Emperor, and the Catholic League : A thing,
 which to hear, will offend your ears ; or if you declare
 your self for the Emperor, then you will find your self
 engaged in a war against the King of England, and
 your Sister married with his Son. If your Majesty
 should show your self neutral, what a great scandal will
 it be, for Spain to stand neuter, in a business wherein
 Religion is so much concerned ?

On the other hand, said the *Comte*, supposing we
 could satisfy the King of England, by having the *Palati-
 nate* restored to his Son-in-law, yet we must consider
 whether it is in our power to have it restored ; since the
 Duke of Bavaria is possessed of all those dominions, and
 the Emperor, who hath promised to transfer to him the
Upper Palatinate, with the Electoral dignity, is now in
 the Diet, where that translation is to be made. Besides,
 the Emperor hath given us to understand, how difficult
 it will be to wrest the Palatinate out of the Duke of
 Bavaria's hands, since it appears by the memorial,
 which was yesterday presented to your Majesty by the
 Emperor's Ambassador, that the Duke of Bavaria alone
 can maintain more troops, than all the rest of the allies
 joined together.

Upon these difficulties, the *Comte* proposed in the same
 Letter, "to set on foot two other marriages, namely, be-
 tween the Emperor's eldest Daughter, and the Prince of
 Wales, and between the Prince *Palatine*'s Son, and the
 Emperor's second Daughter ; by which means the busi-
 ness (says he) may be accommodated, and afterwards,
 I would reduce the Prince Elector to the obedience of the
 Church, by breeding his Sons in the Emperor's Court
 with Catholic Doctrine."

If it be considered, that the King of Spain's Letter is
 dated the 5th of November, and that probably the answer
 was made within a few days, it will be easy to perceive,
 that till then the Spaniard never intended to conclude the
 marriage. But presently after, as I have observed, he came
 to another resolution.

The late alteration in the projects of the Spanish Court,
 procured the Earl of *Bristol* a Letter from *Philip IV.*, to
 the Infanta *Juabella*, to desire her to raise the siege of *Franken-
 daniel*, and renew at London the conferences for a Truce,
 which were broken off at *Brussels*. This request was a real
 order which the Infanta obeyed, and the negotiation of the
 Truce was begun at London, where it ended the 27th of
 March 1623 (2). The sole point was to hinder, by means
 of this Truce, *Frankendaniel*, the only place in the *Palati-
 nate* where was an English Garrison, from falling into the
 Emperor's hands. But on the other side, the Emperor
 had reason to fear, if *James* remained master of this place,
 he would make use of it to carry war into the *Palatinate*,
 and the more, as he had sometimes threatened to have re-
 course in the end to arms. To adjust the different interests
 of the Emperor and the King, this rare expedient was de-
 vised. *Frankendaniel* was to be delivered to the Infanta *Ju-
 bella*, and a Truce made for fifteen or eighteen months,
 after which, the Infanta was to restore the place to the Eng-
 lish. But withal, the Elector was to break his alliance
 with the Prince of Brunswick and Count Mansfeld.

This Treaty gives no great idea of the capacity of King
James and his Council. Not only was *Frankendaniel* deliv-
 ered to the Infanta, as if she had been a third person en-
 tirely disinterested, though she had shown the contrary in
 this very Treaty ; but the Elector was also deprived of all
 hopes of re-entering his Country. Moreover, the Empe-
 ror and Duke of Bavaria were at liberty either to dismiss
 their troops, or to assist the King of Spain in the Low-
 Countries, since there was no farther danger of a war in
 the Palatinate. But what advantage accrued to *James* by
 this Treaty ? Indeed, he hindered the Emperor from taking
Frankendaniel, but at the same time, the place was delivered
 to Spain. On the other hand, the Truce, which would
 have been for his advantage, had he kept *Frankendaniel*, turned
 to his prejudice, since it deprived him of the power to carry
 the war into the Palatinate, in favour of his Son-in-law.
 It is true, upon supposition of the Infanta's sincerity, he
 was to have the place again when the Truce was expired ;
 but this was a very doubtful supposition, since the Infanta
 was entirely guided by the directions of the Courts of Vi-
 enna and Madrid.

Before the Truce was concluded at London, the Empe-

(1) The Earl of *Bristol* sent word to King *James*, That if the Spanish Court intended not the Match, they were safer than all the Devils in Hell, for so.

(2) The English Commissioners were, Lord Earl of *Middlesex*, Lord Treasurer, *Lodovic Earl of Lenox*, Sergeant of the Household, *James Marquis of William*, *Hamlyn*, *Thomas Earl of Arundel* and *Surrey*, Earl *Murphy*, *William Earl of Pembroke*, Lord Chamberlain, *Oliver Vincent Grandison*, *Arthur Lord Clarendon*, *Officer*, *Tricheur*, *Tricheur* of *Arundel*, Sir *George Calvert*, Secretary of State, and Sir *Richard Winton*, Chancellor of the Exchequer. *Fynes's* *Engl. Hist.* Tom. 12. *Rollin* Tom. 11. p. 4.

1623 nor going to the Diet of *Ratisben*, invested the Duke of *Bavaria* with the Electoral dignity and the *Upper Palatinate*, notwithstanding the opposition of several Princes who were possessed of hereditary Dominions, and to whom such a precedent was a just occasion of fear. Such was the effect of King *James's* three years negotiations, in favour of his Son-in-law, who was at length strip of his dominions and dignities (1). But the *Spanish* match was to recover all. We must first note the success of that tedious negotiation, the only remarkable event of the year 1623.

The only obstacle of the marriage, were the articles concerning Religion. The Earl of *Brissol* had been disputing the ground inch by inch, ever since his arrival in *Spain*, and *Philip IV.* was not displeased with it, because it gave him an opportunity to gain time. In August 1622, the *Spaniard* demanded certain Articles in favour of the *English* Catholics, to which the Ambassador only answered, He would acquaint the King his master therewith. At the same time, the Pope put his *Postils* or Notes to the Articles that were agreed on. Hence, it is easy to perceive, that the Courts of *Rome* and *Spain* acted in concert, both tending to the same end. The King received, about the same time, the Pope's *Postils*, and the Court of *Madrid's* demands in favour of the Catholics. He kept these last, out of ceremony, some months, without giving an answer, but at length signed all the 5th of January 1623, and having made the prince sign them also, sent the same Articles to the Earl of *Brissol*, who received them the 25th of the same month. I believe the full and entire resolution of the *Spanish* Court to conclude the marriage, may be fixed to this time. From the year 1616, to November 1622, the *Spaniard's* sole intent was to amuse King *James*. From thence, to the 25th of January 1623, he seems to have resolved upon the marriage, provided certain advantages could be obtained for the *Roman* Religion. In fine, after the Articles, signed by the King and Prince, had secured him what he desired, his resolution was fixed. These three epochs are to be carefully observed and distinguished, for want of which, most Historians are very obscure in their recital of this affair.

The *Spaniard* being satisfied with the Articles sent from *England*, which were much more advantageous to the Catholics than those agreed upon with the Earl of *Brissol*, demanded time to send them to *Rome*, and obtain the Pope's dispensation. It was thought, the dispensation might come in March or April at farthest, and it was agreed, the nuptials should be solemnized four days (2) after his arrival: that the Infanta should set out within twenty days after the celebration of the marriage, and whilst the dispensation was expected, the other Articles which were called temporal, to distinguish them from those concerning Religion, should be settled. Pursuant to this agreement, the Earl of *Brissol* and Sir *Walter Aston* jointly with the *Spanish* Ministers prepared these Articles by the beginning of March, to the mutual satisfaction of both Parties. The 22d of March, the *Comde d'Oliveres* and *Gendemar* came to the *English* Ambassadors, and showed them a writing with the King of *Spain's* hand to it, whereby he approved of the Temporal Articles, and ordered them to finish the affair. These Articles concerned only the portion and dowry, without any mention of the *Palatinate*. Besides that he had commanded the Earl of *Brissol*, in his instructions not to make the restitution of the *Palatinate* one of the marriage articles, this command was repeated in the King's letter to him of the 30th of December 1622, that is, two or three months before. Moreover, at this very time, the truce and sequestration of *Frankendel* were negotiating at *London*.

The affair of the marriage being in this situation, and very probably, near a conclusion, the end of April was to be expected with patience, to see whether any new difficulty would occur, for thus far every thing seemed to be settled to the King's satisfaction. But the face of this affair was suddenly changed by a very odd and most extraordinary adventure. The Marquis of *Buckingham* persuaded the Prince of *Wales*, to go to *Spain* and fetch home his Mistress the Infanta herself. He told him, "the more uncommon such a gallantry was among Princes, the more it would redound to his honour; "The Infanta herself would be charmed with it: His presence would immediately put an end to all formal-

ties, and remove whatever difficulties might yet occur: "As after the marriage, there was an affair of moment to be negotiated, namely, the restitution of the *Palatinate*, an Intercessor like him, would do no more in "three days than Ambassadors could do in as many "months." In a word, he so artfully represented this project, that the Prince, transported with the thoughts of so noble an adventure, never reflected till he had accomplished it. The difficulty was to obtain the King's consent (3). The Prince asked it before *Buckingham*, and expressed to earnest a desire to make the Journey, that the King granted his request without much hesitation, and put off till next day to consider of means to effect it. But after he had more seriously reflected on this affair, his mind was quite changed on the morrow, when the Prince and *Buckingham* came to him. He represented to them, how fruitless such a Journey would be in the present situation of the marriage-affair, and the inconveniences it might be attended with. But instead of answering his reasons, *Buckingham* rudely told him, he had given his word, and if he broke it, would be never more credited (4). The Reader may see in the Lord *Clarendon's* History this conversation at large, which ended with the King's permission, extorted by the Prince and *Buckingham*, for this France, rash, and very dangerous journey. It was resolved, that *Buckingham* should accompany the Prince, with two more only, namely, Sir *Francis Cottington*, who had been the King's Agent in *Spain*, and came from thence in September, and *Endymion Porter* Gentleman of the Bed-chamber to the Prince, who had been bred at *Madrid*: "That they should go post through *France*, and the secret be kept, that they might be at a distance before their departure was known. This resolution being taken, the Prince and *Buckingham* desired only two days to prepare.

The motives of this journey are variously related, according to the interest and prejudices of the several Writers. Some say, the Court of *England* still doubting the *Spaniard's* sincerity, thought proper, the Prince and *Buckingham* should be satisfied with their own eyes in order to know what could be depended upon. But supposing this doubt, was it not extremely imprudent to put the King's only Son into the hands of a Prince, whose sincerity was believed to be justly suspected? The King, Prince, and Favorite, must have been all three void of understanding, to be guilty of such an Error. This therefore seems to be altogether improbable.

The Lord *Clarendon* says, *Buckingham*, out of envy that the Earl of *Brissol* should have the sole management of so great an affair, had a mind to have the glory of ending it. But he should have thought of it sooner, since every thing was now concluded in *Spain*, at or about the time of the Prince's departure for *Madrid*. So the Marquis could not acquire much honour. Besides, the event showed, this was not his motive, since instead of promoting, he was the sole cause of the unexpected difficulties, and final breach, of the Marriage.

Others pretend, *Buckingham's* aim was inferentially to induce the Prince to change his Religion, by exposing him to all the temptations which of course he would meet at the Court of *Madrid*. Of this he was afterwards accused before the Parliament, by the Earl of *Brissol*, who said, the project was formed several months before the Prince's departure, between *Buckingham* and *Gendemar*, by means of *Endymion Porter*, who had been sent to *Spain* for that purpose. But the proofs on which the Earl of *Brissol* grounded his accusation, were but presumptions at most, and as he was a professed enemy to the Marquis of *Buckingham*, I do not know whether his testimony may be relied on.

But whatever were the Favorite's real motives with respect to this journey, it can hardly be denied, that it was a sign of great envy in the Prince, and of no less weakness and imprudence in the King. The affair of the Marriage was in such a situation, that it was entirely needless to solicit a fresh Court of *Spain* with whom every thing was agreed. Two months patience would have shown the King, whether he could rely on them, without exposing his only Son and heir apparent to so imminent danger, by suffering him to execute a Romantic project, which could procure no advantage. But the King's condescension for the Prince and *Buckingham* prevailed a-

Spain of the Negotiation about the Marriage.

The King agrees to whatever the Pope or Court of Madrid demands in favour of the Catholics.

The time of the Marriage is fixed. Deliver of the Earl of Brissol in Rothom. T. I. p. 231, 232. The Temporal Articles are settled. Ibid. p. 232.

without any mention of the Palatinate.

The Prince of Wales resolves to go to Spain. Wilson, p. 269. Clarendon, T. I. p. 11. Coke.

1623.

Id. p. 13.

p. 13. 132. 133. 134. 135. 136.

T. I. p. 11.

Rushworth, T. I. p. 262.

(1) Thus by King *James's* amazing negligence, was the Protestant Religion entirely rooted out of *Palatinate*, the Electoral Dignity transferred from the *Palatine* Family, and the Liberty of *Germany* weakened. And all this chiefly through *Gendemar's* artful management, who wrote one of his Letters to the Duke of *Rome*, that he had killed King *Jones* to full sleep, as he hoped neither the Cry of his Daughter, nor her Children, nor the repeated solicitations of his Parliament and subjects in their behalf should be able to awaken him. *Wilson*, p. 27, 28.

(2) In one place it is said, without fury, and in another within four days. See *Rushworth*, Tom. I. p. 231, 230.

(3) Which was very much dispute in discussing difficulties, and making objections, and very low in suffering them. *Clarendon*, Tom. I. p. 11. F. 4. Ed.

(4) The King engaged them with Signs and Tears not to pursue their resolution. But *Buckingham* told his Majesty, "That no body could believe any thing he said, when he recited the Promise he had so solemnly made; that he plainly discerned, it proceeded from another sort of his word, (for he had promised to keep the thing secret) in communicating with some *Religion*, who had terrified him with their pious fury. Besides he had allegedly, and he doubted not, but he should hereafter know who his Counsellor had been." *Clarendon*, Tom. I. p. 14.

above all these considerations. They set out post the 17th of February (1), and came to *Paris*, where they ventured to appear at Court, and be present at a ball, where, though disguised, they were in some danger of being discovered. However, they arrived safely at *Madrid* the 7th of March, and alighted at the Earl of *Bristol's*, who was not a little surprised to see the Prince (2). I shall not stay to describe the magnificent reception of the Prince by the Court of Spain, when he made himself known. I shall only say, he met with all the respect due to his birth, and all possible caresses to testify the satisfaction at his gallantry to the Infanta, and his candour in confiding in the King's generosity. The only thing in which great ceremony was used, was his not being permitted to visit the Infanta in private. The Spanish way did not admit of such a familiarity, and the more because the dispensation not being yet come, he could not in strictness be considered as the Infanta's future spouse.

No sooner was the Prince arrived in Spain, but all the Spaniards thought he was come to change his Religion before he espoused the Infanta, no one imagining there could be any other motive of his journey. Nay, Count Gendemar very seriously desired the Earl of *Bristol*, not to oppose so pious a design, and if the Earl is to be credited, the Count intimated to him, that the Marquis of *Buckingham* was not against it (3). The Earl of *Bristol* perceiving, if the Court of Spain had any such hopes, it would be apt to retard the Marriage, spoke of it to the Prince, and conjured him to impart the secret to him, if there was really any thing in it. But the Prince firmly denied it, and expostulated with the Ambassador for having so ill an opinion of him (4). Whereupon the Earl of *Bristol* intreated him, neither to do nor say any thing whatever that might feed the hopes of the Spanish Court in that respect, for fear of obstructing the Marriage. Nevertheless he was attacked several times, one while by Ecclesiastics, who took all occasions to dispute with him about Religion, another while by Courtiers, who represented to him how powerful England would grow, if he would return to the obedience of the Pope. He even received a long Letter from *Gregory XV.*, exhorting him to come into the bosom of the Church, and imitate his glorious ancestors, who had done so great things for the defence of *Jane*. The Prince answered this Letter the 20th of *June*. But because the two printed copies of this answer are very different, it will not be amiss to insert them both.

Prince Charles to Pope Gregory XV.

Most Holy Father,

I Received the dispatch from your Holiness with great content, and with that respect which the piety and care wherewith your Holiness writes doth require. It was an unspeakable pleasure to me to read the generous exploits of the Kings my predecessors, to whose memory posterity hath not given those praises and eulogies of honour that were due to them. I do believe that your Holiness hath felt their example before my eyes, to the end that I might imitate them in all my actions; for in truth they have often exposed their estates and lives for the exaltation of the Holy Chair. And the courage with which they have assaulted the enemies of the cross of *Jesus Christ*, hath not been less than the care and thought which I have, to the end that the peace and intelligence, which hath hitherto been wanting in *Christendom*, might be bound with a bond of true concord: For like as the common enemy of peace watcheth always to put hatred and dissension between Christian Princes, so I believe that the glory of God requires that we should endeavour to unite them. And I do not esteem it a greater honour to be defended from so great Princes, than to imitate them in the zeal of their piety: In which it helps me very much to have known the mind and will of our thrice honoured Lord and Father, and the holy intentions of his Catholic Majesty, to give a happy concurrence to so laudable a design: for it grieves him extremely to see the great evil that grows from the division of Christian Princes, which the wisdom of your Holiness foreaw, when it

judged the marriage, which you pleased to design between the Infanta of Spain and myself, to be necessary to procure so great a good: for 'tis very certain, that I shall never be so extremely affectionate to any thing in the world, as to endeavour alliance with a Prince that hath the same apprehensions of the true Religion with myself. Therefore I entreat your Holiness to believe, that I have been always far from encouraging novelties, or to be a partisan of any faction against the Catholic, Apostolic, Roman Religion: But on the contrary, I have fought all occasions to take away the suspicion that might rest upon me; and that I will employ myself for the time to come to have but one Religion, and one Faith, seeing that we all believe in one *Jesus Christ*: Having resolved in myself to spare nothing that I may have in the world, and to suffer all manner of discommodities, even to the hazarding of my estate and life, for a thing so pleasing unto God. It rests only, that I thank your Holiness for the permission which you have been pleased to afford me, and that I may pray God to give you a blessed health here, and his glory, after so much travel which your Holiness takes within his Church.

Madrid, June
20, 1623.

CHARLES STUART.

The other Copy of the same Letter, is as follows.

Prince Charles to Pope Gregory XV.

Most Holy Father,

WE have received your Letter, with no less thankfulness and respect than is due to the singular good will and godly affection wherewith we know it was written. It was most acceptable unto us, that the never-enough renowned examples of our ancestors were propoed to us by your Holiness for our infection and imitation; who though they often hazarded their lives and fortunes to propagate the Christian Faith, yet did they never more cheerfully display the banners of the cross of Christ against his most bitter enemies, than we will endeavour to the utmost, that the peace and union which so long triumphed, may be reduced into the Christian world, after a kind of elimination or exile. For since the malice of the father of discords hath sowed such unhappy divisions amongst those who profess the Christian Religion, we account this most necessary, thereby to promote with better success the glory of God, and Christ our Saviour, nor shall we esteem it less honour to tread in their footsteps, and to have been their rivals and imitators in holy undertakings, than to have been defended of them. And we are very much encouraged to this as well by the known inclination of our Lord and father, and his ardent desire to lend a helping hand to so pious a work, as by the anguish that gnaws his royal breast, when he considers what cruel destructions, what deplorable calamities arise out of the dissensions of Christian Princes. Your Holiness's conjecture of our desire to contract an alliance and marriage with a Catholic Family and Princess, is agreeable both to your wisdom and charity; for we would never desire to vehemently to be joined in a strict and indissoluble bond with any mortal whatsoever, whose Religion we hated. Therefore your Holiness may be assured, that we are, and always will be of that moderation, as to abstain from such actions, which may testify our hatred against the Roman Catholic Religion; we will rather embrace all occasions whereby through a gentle and fair procedure, all sinister suspicions may be taken away; that as we all confess one individual Trinity, and one Christ crucified, which we unanimously grow up into one Faith. Which that we may compass, we little value all labour and watchings, yea, the very hazard of our lives. It remains that we render thanks to your Holiness for your Letter, which we esteem as a singular present, and with your Holiness all prosperity and eternal happiness.

Dated at Madrid, 20 Junij 1623.

(1) They went privately, on February 17, from the Court, which was then at *Newmarket*, to *Newhall in Essex*, a House of *Buckingham's*, purchased by him from *Robert Earl of Essex*; and from thence the next day to *Greenford*, and so to *Dover*; attended only by *Sir Richard Graham*, Master of the Horse to the *Marquis of Wiltshire*, p. 765. *Hader*, p. 116.

(2) The Prince and Marquis of *Buckingham* put on false Beards, to cover their smooth Faces, and travelled under the borrowed names of *Jack and Tom Smirk*. The Mayor of *Dover* stopped them, thinking they were going to France to fight; but *Buckingham* was forced to discover himself; pretending he was going to visit the *Fair*, at *Admiral*. The same day they embarked, they landed at *Boulogne*, and from thence rid post to *Paris*. At *Paris*, they both wore large bushy Periwigs that disguised their Faces. Here the Prince saw, at a masquerade Dance, the Princess *Henrietta Maria*, whom he afterwards married. *Wiltshire*, p. 765. They narrowly escaped being seized in France. See *Rushworth*, Tom. I. p. 75. *Waller*, p. 144.

(3) The Count of *Guise* speaking to the Prince about this, in his first visit, the Prince replied, That he came not thither for Religion, but for a Wife. *Rushworth*, Tom. I. p. 75.

(4) He seemed to be much distressed, that any should have so unworthily an Opinion of him, as to think he would, for a Wife or any other earthly respect whatsoever, so much as waver in his Religion. *Ibid*. p. 761.

1623. It must be observed of these two Letters, which are very different, that as they did not appear till after the Civil Wars, it is equally probable that one of the Parties qualified, whilst the other aggravated, the expressions. And therefore 'tis needless to make any reflection upon them.

The Pope
did not
Condescend
to the Dis-
penation.

Mean while, since the Prince's arrival in Spain, the state of the marriage-treaty was somewhat altered. The dispensation arrived about six weeks after, that is, about the beginning of May. But the Pope had annexed certain conditions, without which it was to be of no force. Very probably, had not the Prince been in Spain, the dispensation would have come sooner, and without any restriction: but it is not very surprising, that the Pope, knowing the Prince was in Spain, should desire to make an advantage of that imprudence. He sent therefore the dispensation, but it was to be delivered only on these terms, That the Infanta should have a Church in London: That the Children by this marriage should be left to their mother's care till they were ten years old: That the nurses should be Catholics, and appointed by the mother: That the King of England should give security for the performance of the Articles agreed upon concerning Religion.

The Article
about the
Education of
the Children
is agreed
upon.

Wilson,
p. 776.

The article relating to the education of the Children had been debated in November, and the Pope and King of Spain had insisted that the Children should be educated by their mother till marriageable. The King at first offered seven years, and the Courts of Rome and Spain came to twelve. Then the King allowed nine, and the Pope ten. At last, the Earl of Bristol received the King's orders, not to dispute for a year more or less.

Philip is
incurable
for King James
D. Choice.
p. 1164.

After the Prince and Marquis of Buckingham came to Madrid, they managed the affair of the marriage exclusive of the Earl of Bristol. There was some debate upon the articles annexed to the Pope's dispensation. The Prince of Wales said, he had no power to make the least addition to the articles signed by the King his Father, and the Spanish Ministers maintained, his Catholic Majesty could not reject the conditions on which the Pope had granted the dispensation: That it lay in the Pope's breast to grant his favors on what terms he pleased, and that the dispensation was void without these conditions. In short, it was thought proper to consult the King of England by letter, and to ask withal, what security he would give for the performance of the articles. James made no scruple concerning the time of the education of the children, or about the nurses, because these things were now settled. As to the security, he replied, he could give no other than his own, and the Prince's Royal Words and Oaths, confirmed by his Council of State, and exemplified under the Great Seal of England. All this not satisfying the Pope's Nuncio, who pretended to have particular orders upon that point, the King of Spain offered to become security himself: but it was first to be determined by a Committee of Ecclesiastics, that Philip might lawfully swear for the King of England. Some believe this to be a [Spanish] device, to make the King of Spain Guarantee of the articles granted to the Catholics. This difficulty being removed, the Prince sent Cottington to England with the articles concerning Religion, newly drawn according to the Pope's intentions, and with some other secret articles which were not to be published so soon.

Wilson,
p. 768.
Rushworth,
T. I. p. 84.
Annals.

It must be remarked, that hitherto there was no other writing concerning the Infanta's dowry, than a rough draught, approved indeed by the King of Spain in a fore-mentioned Letter directed to his Ministers, but which remained in the hands of Oliver. Much less had there been any care taken about the restitution of the Palatinate, James being unwilling to make this one of the marriage-articles, for fear it should be in recompence of the two millions promised him for the Infanta's dowry. But he was very willing to receive the Palatinate from the King of Spain's bounty, when the marriage should be consummated. This at least was his project, and no doubt, at the time the Court of Spain sought only to amuse him, he was made to expect the restitution of the Palatinate, though without any written engagement. Mean while, James depended upon this verbal promise, as if it had been a Treaty signed with the Spaniard's own hand (1).

The King
dotes in
Council
about the
Palatinate.
Wilson.

Cottington being come to England with the Articles both publick and private, it was rumoured, that the Pope and King of Spain demanded a Toleration for the English Papists. The King himself occasioned this rumour, by asking his Council, Whether it would be convenient to grant such a toleration? Whereupon, Abbot Archbishop of Canterbury, who had withdrawn to his own house ever since the fatal accident of killing the Park-keeper, and came no more to the Council, thought it his duty to write the following Letter to the King.

May it please your Majesty,

"I Have been too long silent, and I am afraid by my silence I have neglected the duty of the place it hath pleased God to call me unto, and your Majesty to place me in: But I now humbly crave leave I may discharge my conscience towards God, and my duty to your Majesty; and therefore I beseech you freely to give me leave to deliver my self, and then let your Majesty do with me what you please. Your Majesty hath pronounced a toleration of Religion, I beseech you take it into your consideration what your act is, what the consequence may be. By your act you labour to let the most damnable and heretical doctrine of the Church of Rome, the whore of Babylon: How hateful it will be to God, and grievous to your good Subjects, the professors of the Gospel, That your Majesty who hath often disputed, and learnedly written against those heresies, should now show yourself a patron of those wicked doctrines, which your pen hath told the World, and your conscience tells you self, are superfluous, idolatrous, and detestable. And hereunto I add what you have done in sending the Prince into Spain without consent of your Council, the privacy and approbation of your people: And although you have a charge and interest in the Prince, as Son of your flesh; yet have the people a greater, as Son of the Kingdom, upon whom next after your Majesty are their eyes fixed, and welfare depends; and so tenderly is his going apprehended, as (believe it) however his return may be safe, yet the drawers of him into this action, so dangerous to himself, so desperate to the Kingdom, will not pass away unquestioned, unpunished. Besides, this toleration which you endeavour to set up by your Proclamation, cannot be done without a Parliament, unless your Majesty will let your Subjects feel that you will take unto your self ability to throw down the laws of your land at your pleasure. What dread consequence these things may draw afterwards, I beseech your Majesty to consider; and above all, left by this toleration and discountenancing of the true profession of the Gospel, wherewith God hath blessed us, and this Kingdom hath so long flourished under, your Majesty do not draw upon this Kingdom in general, and your self in particular, God's heavy wrath and indignation.

"Thus in discharge of my duty towards God, to your Majesty, and the place of my calling, I have taken humble leave to deliver my conscience. Now, Sir, do what you please with me."

1623.

The Arch-
bishop's Let-
ter to the
King about
Toleration of
Popery.
Wilson,
p. 768.
Rushworth,
T. I. p. 84.

It may be seen by this Letter, it was not without reason that the Archbishop passed for a Puritan, at least, according to the notions of the Court, where all were considered as Puritans, who refused to ascribe to the King an unlimited power. Wherefore his Councils were not regarded.

The King did not long detain Cottington in England. As it was not now time to dispute, and he was required to sign the Articles as brought by Cottington, without any alterations, he chose to do it rather than hazard a breach of the marriage, when the Prince his Son was in the hands of the Spaniard. He signed them therefore, and solemnly swore to them. As these Articles were new drawn, explained, and increased to twenty-three, besides four secret Articles, the Reader, perhaps, will be glad to view them here in their new form, and see withal how far the King carried his compliance.

The King
signs the
Articles
and from
Spain.
Wilson.

I. That the marriage be made by dispensation of the Pope, but that to be procured by the endeavour of the King of Spain.

II. That the marriage be once only celebrated in Spain, and ratified in England, in form following: In the morning, after the most gracious Infanta hath ended her devotions in the Chapel, she, and the most excellent Prince Charles, shall meet in the King's Chapel, or in some other room of the Palace, where it shall seem most expedient; and there shall be read all the Procurations, by virtue whereof the marriage was celebrated in Spain; and as well the most excellent Prince, as the most excellent Infanta, shall ratify the said marriage celebrated in Spain, with all solemnity necessary for such an act: So as no ceremony, or other thing intervene, which shall be contrary to the Roman Catholic Apostolick Religion.

III. That the most gracious Infanta shall take with her such Servants and Family as are convenient for her service; which Family, and all persons to her belonging, shall be chosen and nominated by the Catholic King: so as he nominate no Servant which is vassal to the King of Great Britain, without his will and consent.

Article
drawn by
the King.
Wilson,
Annals of
James I.
p. 78.
Rushworth,
T. I. p. 84.

(1) See King James's Instructions to the Earl of Bristol, and the Earl's Defence, in Rushworth, and the Annals.

1623. IV. That as well the most gracious Infants, as all her Servants and Family, shall have free use and publick exercise of the *Roman* Catholick Religion, in manner and form as is beneath capitulated.

V. That she shall have an Oratory and decent Chapel in her Palace, where, at the pleasure of the most gracious Infanta, Masses may be celebrated; and in like manner, she shall have in *London*, or wheresoever she shall make her abode, a publick and capacious Church near her Palace, wherein all duties may be solemnly celebrated, and all other things necessary for the publick preaching of God's word, the celebration and administration of all the Sacraments of the Catholick *Roman* Church, and for burial of the dead, and baptizing of children. That the said Oratory, Chapel, and Church, shall be adorned with such decency, as shall seem convenient to the most gracious Infanta.

VI. That the men-servants and maid-servants of the most gracious Infanta, and their Servants, Children, and Descendants, and all their Families, of what sort soever, serving her Highness, may be freely and publickly Catholicks.

VII. That the most gracious Infanta, her Servants and Family, may live as Catholics in form following: That the most gracious Infanta shall have in her Palace, her Oratory and Chapel so spacious, that her said Servants and Family may enter and stay therein; in which there shall be an ordinary and publick door for them, and another inward door, by which the Infanta may have a passage into the said Chapel, where the and others, as above said, may be present at divine offices.

VIII. That the Chapel, Church and Oratory, may be beautified with decent ornaments of Altars, and other things necessary for divine service, which is to be celebrated in them, according to the custom of the Holy *Roman* Church; and that it shall be lawful for the said Servants and others, to go to the said Chapel and Church at all hours, as to them shall seem expedient.

IX. That the care and custody of the said Chapel and Church, shall be committed to such as the Lady Infanta shall appoint, to whom it shall be lawful to appoint keepers, that no body may enter into them to do any unbecoming thing.

X. That to the administration of the Sacraments, and to serve in Chapel and Church aforesaid, there shall be four and twenty Priests and assistants, who shall serve weekly or monthly, as to the Infanta shall seem fit; and the election of them shall belong to the Lady Infanta, and the Catholick King, provided that they be none of the Vassals of the King of *Great-Britain*; and if they be, his will and consent is to be first obtained.

XI. That there be one superior Minister or Bishop, with necessary authority upon all occasions which shall happen belonging to Religion; and for want of a Bishop, that his Vicar may have his authority and jurisdiction.

XII. That this Bishop or superior Minister may correct and chastise all *Roman* Catholics who shall offend, and shall exercise upon them all jurisdiction Ecclesiastical: And moreover also, the Lady Infanta shall have power to put them out of her service, whensoever it shall seem expedient to her.

XIII. That it may be lawful for the Lady Infanta and her Servants to procure from *Rome* dispensations, indulgences, jubilees, and all graces, as shall seem fit to their Religion and Consciences, and to get and make use of any manner of Catholick Books whatsoever.

XIV. That the servants and family of the Lady Infanta, who shall come into *England*, shall take the Oath of allegiance to the King of *Great Britain*: Provided, That there be no clause therein which shall be contrary to their consciences, and the *Roman* Catholick Religion; and if they happen to be vassals to the King of *Great Britain*, they shall take the same oath that the *Spaniards* do.

XV. That the Laws which are or shall be in *England* against Religion, shall not take hold of the said Servants; and only the aforesaid superior ecclesiastical Catholick may proceed against ecclesiastical persons, as hath been accustomed by Catholics: And if any secular Judge shall apprehend any ecclesiastical person for any offence, he shall forthwith cause him to be delivered to the aforesaid superior Ecclesiastick who shall proceed against him according to the Canon Law.

XVI. That the Laws made against Catholics in *England*, or in any other Kingdom of the King of *Great Britain*, shall not extend to the children of this marriage; and though they be Catholics, they shall not lose the right of Succession to the Kingdom and Dominions of *Great Britain*.

XVII. That the Nurses which shall give suck to the children of the Lady Infanta, (whether they be of the Kingdom of *Great Britain*, or of any other Nation what-

soever) shall be chosen by the Lady Infanta, as she pleaseth, and shall be accounted of her family, and enjoy the privileges thereof.

XVIII. That the Bishop, ecclesiastical and religious persons of the family of the Lady Infanta, shall wear the vestments and habit of their Dignity, Profession, and Religion, after the custom of *Rome*.

XIX. For security that the said matrimony be not dissolved for any cause whatsoever, the King and Prince are equally to pass the word and honour of a King; and moreover, that they will perform whatsoever shall be propounded by the Catholick King for further confirmation, if it may be done decently and fady.

XX. That the Sons and Daughters which shall be born of this marriage, shall be brought up in the company of the most excellent Infanta, at the least, until the age of ten years, and shall freely enjoy the right of Succession to the Kingdoms, as aforesaid.

XXI. That whensoever any place of either man-servant or maid-servant, which the Lady Infanta shall bring with her, (nominated by the Catholick King her Brother) shall happen to be void, whether by death, or by other cause or accident, all the said servants of her family are to be supplied by the Catholick King, as aforesaid.

XXII. For security that whatsoever is capitulated may be fulfilled, the King of *Great Britain* and Prince Charles are to be bound by oath; and all the King's Council shall confirm the said Treaty under their hands: Moreover, the said King and Prince are to give their faiths in the word of a King, to endeavour, if possible, that whatsoever is capitulated may be established by Parliament.

XXIII. That conformable to this Treaty, all these things proposed, are to be allowed and approved of by the Pope, that he may give an apostolical benediction, and a dispensation necessary to effect the marriage.

The King ratified these Articles in the usual form, and swore to observe them, before the two *Spanish* Ambassadors, and twenty (1) *Privy-Councillors*, who also signed the Treaty. When the King came to take the Oath, he had some dispute with the Ambassadors. His Majesty would not give the Pope the title of Holy Father, or His Holiness, saying, he had writ against this Title, and it was unreasonable to make him retract. But the Ambassadors insisting upon it, the King yielded at last, not thinking he ought, for such a trifle, to retard a Treaty, which had now been seven years on foot.

After publicly taking this Oath, he withdrew into his closet, where, in presence of the same Ambassadors, and some *Privy-Councillors*, he ratified and swore to these four secret Articles.

I. That particular Laws made against *Roman* Catholics, under which other vassals of our Realms are not comprehended, and to whose observation all generally are not obliged; as likewise general Laws, under which all are equally comprized, if so be they are such which are repugnant to the *Romish* Religion, shall not at any time hereafter, by any means or chance whatsoever, directly or indirectly, be commanded to be put in execution against the said *Roman* Catholics; and we will cause that our Council shall take the same Oath, as far as it pertains to them, and belongs to the execution, which by the hands of them and their Ministers, is to be exercised.

II. That no other Laws shall hereafter be made anew against the said *Roman* Catholics, but that there shall be a perpetual toleration of the *Roman* Catholick Religion, within private houses throughout all our Realms and Dominions, which we will have to be understood as well of our Kingdoms of *Scotland* and *Ireland*, as in *England*; which shall be granted to them in manner and form, as is capitulated, decreed, and granted in the article of the Treaty concerning the marriage.

III. That neither by us nor any other interposed person whatsoever, directly or indirectly, privately or publicly, will we treat (or attempt) any thing with the most renowned Lady Infanta *Donna Maria*, which shall be repugnant to the *Romish* Catholick Religion; neither will we by any means persuade her, that she should ever renounce or relinquish the same in substance or form, or that she should do any thing repugnant or contrary to those things which are contained in the Treaty of matrimony.

IV. That we and the Prince of *Wales* will interpose our authority, and will do as much as in us shall lie, that the Parliament shall approve, confirm, and ratify all and singular Articles in favour of the *Roman* Catholics, capitulated between the most renowned Kings by reason of this marriage: And that the said Parliament shall revoke and abrogate particular Laws made against the said *Roman* Catholics, to whose observance also the rest of our subjects

(1) There are but sixteen named in *Wicks*, p. 769.

1623. and vassals are not obliged: as likewise the general Laws under which all are equally comprehended, to wit, as to the *Roman* Catholics, if they be such as aforesaid, which are repugnant to the *Roman* Catholic Religion: And that hereafter, we will not consent that the said Parliament should ever, at any time, enact or write any new Laws against the *Roman* Catholics (1).

These are the four Articles which served for foundation to the Pope's dispensation: for, as the *Congregation de propaganda* laid, "The other Articles are only to secure the Infanta's Religion: but there must be something more for the Catholics in general, before the dispensation can be granted." *Nuljin* and others pretend, these four secret Articles are fictitious, groundless, and even improbable. But, besides that they follow very naturally from what was demanded by the *Congregation de propaganda*, and are manifestly alluded to in the Archbishop's Letter to the King, we shall see presently a Paper which leaves no room to doubt, that the King had engaged to perform the contents of the four Articles.

It is pretended, all these Articles, as well publick as private, signed by the King and Privy-Council, with the Great Seal annexed, being brought to Spain, the Prince of Wales made the following additions. But I confess, I do not find so strong proofs of these additions, as of the foregoing Articles. This depends upon the degree of credit, which the Reader is willing to give the first publishers.

Articles
shown to by
the Prince
of Wales.
Wilkes,
p. 247.
Du Chesne,
Annals,
p. 160.
Rothworth,
T. I. p. 69.

"Moreover, I Charles Prince of Wales engage my self, (and promise, that the most illustrious King of Great Britain, my most honoured Lord and Father, shall do the same both by word and writing.) That all those things which are contained in the foregoing Articles, and concern as well the suspension as the abrogation of all Laws made against the *Roman* Catholics, shall within three years infallibly take effect, and sooner, if it be possible, which we will have to lie upon our conscience and royal honour: That I will intercede with the most illustrious King of Great Britain my Father, that the ten years of the education of the children which shall be born of this marriage, with the most illustrious Lady Infanta their mother, accorded in the 23d Art. (which term the Pope of Rome desires to have prolonged to twelve years) may be lengthened to the said term: And I promise freely and of my own accord, and swear, That if it so happen, that the entire power of disposing of this matter be devolved to me, I will also grant and approve the said term. Furthermore, I Prince of Wales oblige my self, upon my faith to the Catholic King, That as often as the most illustrious Lady Infanta shall require, that I should give ear to Divines or others, whom her Highness shall be pleased to employ in matter of the *Roman* Catholic Religion, I will hearken to them willingly without all difficulty, and laying aside all excuse. And for further caution in point of the free exercise of the Catholic Religion, and the suspension of the Law above-named, I Charles Prince of Wales, promise and take upon me in the word of a King, that the things above promised and treated concerning those matters, shall take effect, and be put in execution, as well in the Kingdoms of *Scotland* and *Ireland*, as of *England*."

This is what occasioned the Prince's and *Buckingham's* journey to Spain, a journey not only needless, but even pernicious, as may easily be seen by all the additions made to the Articles sent by the Earl of *Briffel*. The King was so glad he had finished the affair of the marriage, that he defied all the devils in hell to break it (2). As a grateful acknowledgment for his Favorite's great services, he sent him a Patent creating him Duke of *Buckingham*. There was no other Duke at that time in *England* (3).

The King's compliance in every thing he had signed and ratified was so great, that the *Spaniards* could hardly believe it sincere. Some who knew the *English* Constitution, maintained, it was not in the King's power to perform his promises, or in case he attempted it, a Rebellion would infallibly follow. Wherefore the King of Spain appointed a committee to take this matter into consideration. The result of the debate was, that it was not proper to send the Infanta to *England* before the next spring, that in this interval the performance of the Articles granted to the Ca-

tholics, and their effects might be assured. Upon this the *Spanish* Ambassadors in *England* had orders to desire the King to begin to execute his engagements in favour of the Catholics. This demand embarrassed him. What he had promised was secret, and not to be performed till after the marriage, and he was pressed to make it publick by the execution, whilst the Prince was still in Spain. This was a sort of menace that the marriage should not be solemnized, before he had given publick marks of his sincerity. He knew a Proclamation for granting the *Papists* a Toleration might be attended with ill consequences; that these consequences might break off the marriage, and the Prince his Son would be in danger of being detained in Spain. To free himself from this perplexity, he resolved to give the Ambassadors some satisfaction, by putting into their hands a Declaration of his Council, containing his intention concerning this affair. In all appearance, the Ambassadors were prevailed with to consent, that the performance of it should be deferred, by reason of the accidents that might follow. The Declaration was thus:

Salisbury, Aug. 7. 1623.

A DECLARATION touching the Pardons, Suspensions, and Dispensations of the Roman Catholics.

FOR the satisfaction of your Excellencies, the Marquis *Imajia* and Don *Cordeus de Colonia*, the Lords Ambassadors for the King of Spain; and to the end it may appear that his Majesty of Great Britain will presently and really put in execution the grace promised, and intended to the *Roman* Catholics his Majesty's Subjects, and of his own grace more than he is used to by the Articles of Treaty of Marriage (4).

"We do declare in his Majesty's name, that his Majesty's will and pleasure is, that a legal and authentic Pardon shall be passed under the Great Seal, wherein shall be freely pardoned all those penalties, forfeitures and seizures, indictments, convictions and incumbrances whatsoever, wherunto the *Roman* Catholics are liable, or have been proceeded against, or might be, as well Priests, as others, for matters of Conscience only, and to which the rest of his Majesty's Subjects are not liable. And to the end his Majesty may make himself clearly understood, where it shall happen that any of those forfeitures and pecuniary mauls have been given away under his Majesty's Great Seal; his Majesty will not hide that it is not in his power so to make void those Letters-Patents, except they be voidable by Law; and then his Majesty is well pleased that all *Roman* Catholics may in those cases plead in Law, if they find it good, and shall have equal and legal trial. And his Majesty is likewise pleased, that his general Pardon shall remain in being five years, to the end all that will may in that time take it out; and his Majesty will give order for the comfort of the poorer sort, that the Pardon shall not be costly, but such like course shall be taken as was in a like occasion at his Majesty's coming into *England*; and that it shall be lawful to put as many as can be possible into one Pardon."

"And we do farther declare, that his Majesty's will and pleasure is, to the end the *Roman* Catholics, his Majesty's subjects, may have a present and a free fruition of as much as is intended them by the articles of Treaty of marriage, to cause a present Suspension under his Majesty's seal of all those penal laws, charges, and forfeitures, wherunto the *Roman* Catholic Subjects of his Majesty have heretofore been subject, and to which the rest of his Majesty's Subjects have not been liable; and in the same grant, and under the same seal, to give a dispensation and toleration to all the *Roman* Catholics his Majesty's Subjects, as well Priests, as temporal persons and others, of and from all the penalties, forfeitures, troubles, and incumbrances, which they have been or may be subject to, by reason of any statute or law whatsoever, to the observation whereof the rest of his Majesty's Subjects are not bound. We do likewise declare, that his Majesty hath promised his royal word, that the execution shall be no ways burthensome or pe-

Wilkes,
p. 249.

Buckingham
is created
a Duke.
Add. Pub.
XVII. 495.
Oske.
Froth Diffi-
culty in
Spain.

The Court
of Spain were
in for the
secret Articles
announced.
Rothworth,
T. I. p. 93.

(1) The Author of the *Annals* says, these four Articles must be taken entirely upon *Rothworth's* Credit, p. 83. *Repin*.

(2) One that heard King James say this, told the *Standards*, that there was never a Devil now left in Hell, for they were all gone to Spain to make up the March. *Wilkes*, p. 770.

(3) He was created Earl of *County*, and Duke of *Buckingham*: His Patent bears date May 18. see *Rymer's Fœd. Tom. XVII. p. 495*. James II. Earl of *Castle*, brought over the Patent. The Lord *Kingsborough*, Captain of the King's Guard, came also to be the Prince, as did the Earl of *Donchester*, *Edward* Son and Heir to Henry Marquis Viscount *Mandeville*, the Viscount *Rothford*, and divers others of the Nobility; and the Prince was so circled with a splendid Retinue of his own Nation, that it might be said, There was an *English* Court in the King of Spain's Palace. *Wilkes*, p. 703. *Annals*, p. 75.

(4) The Treaty of the Twenty-three Articles contained no Grace at all in favour of the Catholics in general. Consequently this must relate to the secret Articles of the same Treaty. *Repin*.

1623. "nal to the Roman Catholics, but that for the manner of privileging and freeing them from that, he must confer with Bishops and Advocates, into which he will presently enter and expedite by all means.

"And we do further declare; That his Majesty's intention, is, presently to pursue his former directions (which had been before executed by their excellencies had he thought good) to put under his seal severally the said pardon, and suspension, and dispensation; and that his Majesty's Attorney, and learned Council shall have referred to them the charge to pen them with all those effectual words, clause, expressions, and reservations, which may presently give fruition to the Roman Catholics his Majesty's Subjects, and make them inviolable in the fruition of all that is intended and promised by his Majesty in the Articles of marriage, and his Majesty's further grace.

"And we do declare, That his Majesty's further will and pleasure is, for the better satisfaction and discharge of the care and endeavour of their excellencies the Ambassadors, that it shall be lawful to them to assign a discreet person to entertain such sufficient Lawyers as shall be thought fit to take care to the strength, validity, and security of the said grants: And his Majesty's Attorney shall have charge to receive and admit the said Lawyers to the sight and judgment of the said draught, and in any doubts to give them satisfaction, or to use such legal, necessary and pertinent words and phrases, as he the said Lawyer shall propound for the security of the Roman Catholics, and sure making of the said grants.

"And we do further declare, That his Majesty's pleasure is, to make a dispatch into Ireland unto his Deputy there, by the hands of the Lord Treasurer and Secretary of State Sir George Calvert, for the present confirming and sealing the things concerning the Roman Catholics, answerable to the articles of Treaty, his royal promise and proceedings here: And for Scotland, that his Majesty according to the constitution of his affairs there, and regard to the public good, and peace of that Kingdom, and as soon as possible, will do all that shall be convenient for the accomplishment of his promise in grace and favour of the Roman Catholics his Subjects, conformable to the articles of treaty of marriage."

Redworth. This Declaration, signed by Secretary Conway and some
T. 1. p. 290. Privy-Councillors, who were most trusted by the King, was very probably sent to Spain as a pledge of the King's intention to perform his engagements. There it was that the Earl of Bristol found means to have either the original itself, or a copy, which he produced before the Parliament in 1626, to show what the Duke of Buckingham had negotiated in Spain without his privacy. It is manifest, first, That this declaration supposes the secret Articles; secondly, That the Earl of Bristol would not have ventured to produce it before the Parliament, had he not been able to prove it no forgery (1).

Druch of Gregory XV. Whilst these things passed in England, news came to Madrid of Pope Gregory XV's death, which was a fresh obstacle to the conclusion of the marriage. When Catington arrived from England with the ratification of the articles, the Nuncio refused to deliver the dispensation, affirming, as the marriage was not yet celebrated, the dead Pope's dispensation was of no force, and therefore it was necessary to stay till there was a new Pope, who might grant a valid dispensation. By this accident the Prince of Wales saw himself detained in Spain till the election of a new Pope. The 29th of August however was appointed for the celebration of the marriage, in a supposition, that before that time there would be a Pope and a new dispensation.

Mean while, the restitution of the Palatinate was not talked of, or if mentioned, it was only by way of conversation, without any positive demand on the King of Spain, or his Ministers. I have already shown the reason. As to the temporal articles, they were in the same state as when the Prince came to Madrid, and nothing signed on either side; so that if the dispensation arrived before the 29th of August, the marriage must have been either deferred, or solemnized before these articles were settled.

But the Court of Spain was intent upon a project of greater consequence, namely, to endeavour to persuade the Prince of Wales to turn Catholic; and it is not very strange, they should hope to succeed, after what had passed. Besides, if we may believe the Earl of Bristol in the im-

peachment he brought before the Parliament against Buckingham, that Duke gave the Spaniards too much reason to expect this pretended conversion. And to this alone it is to be ascribed the delay of the dispensation. Urban VIII, who was chosen the 6th of August would not have failed to send it, had he not waited for this happy event, which he strove to advance by his Letters to the Prince and Duke of Buckingham. This occasioned at last the breach of the marriage, after having been so long deferred.

I have very carefully searched after the real cause of this breach, but could never meet with any thing satisfactory. All agree, it was the Duke of Buckingham that first inspired the Prince, and afterwards the King with the thought, but it is difficult to guess his motive, and what caused him to break his first measures, and pursue a contrary course, so obscurely is this point explained by the Historians. Some say, the Duke rendered himself contemptible and odious to the Court of Spain, by affecting to follow the French fashions in almost every thing opposite to the Spanish: That for this reason, foreseeing the Infanta and the Spaniards would have great power at the Court of England, he thought they might in the end do him some ill-turn, and therefore resolved to break off the match. Others say, Olivarez, Favorite of Philip IV, reminding the Duke of his promise that the Prince should turn Catholic, the Duke gave him the lie to his face, and from that time sought means to retire from the Spanish Court, for fear of the Duke's revenge. Some say, the Queen of Bohemia, perceiving there was no likelihood of recovering the Palatinate by this marriage, and having much more reason to expect great advantages from a rupture between England and Spain, sent a truly messenger (2) to the Duke, with certain offers, in case he would procure a breach. This is not improbable, and the Hollanders, to whom the union between Spain and England must have been prejudicial, might well be concerned in the project. In fine, the Duke of Buckingham's greatest Favourers pretend, the Duke having founded the King of Spain's intentions concerning the restitution of the Palatinate, found there was nothing to be expected, and therefore resolved to break off a marriage, which was intended for no other purpose. It is certain at least, the King, Prince, and Duke made use of this pretence to justify the breach.

However this be, the Duke of Buckingham having taken this resolution, soon prevailed with the Prince to agree to it, over whom he had now a very great ascendancy.

There were two difficulties to be surmounted in the execution of this design. The first was to obtain the King's consent. The second, to get the Prince out of Spain. The Duke must have been fully persuaded of his power over the King, to hope to incline him at once to desert from a design, he had so constantly pursued for seven years, at the very time all was concluded, and nothing wanting but the nuptial ceremonies. He departed not however of succeeding, and therefore sent him word, he had at last discovered the King of Spain's insincerity: That not only, he had no inclination to cause the Palatinate to be restored, but also was far from having the least thought of accomplishing the marriage, and the Prince was in danger of being detained in Spain all his life. To support what the Duke said, the Prince himself writ to the King his Father, telling him, He must now look upon his Sister and her Children, never thinking more of him, and forgetting he ever had such a Son. The King fell, or rather, threw himself into this snare, without the least reflection, and immediately writ to Buckingham, to bring away the Prince by all means. At the same time, he sent some Ships to St. Anders in Biscay to take them on board.

The first difficulty being overcome, means were to be devised to quit Spain, and not give the Court any suspicion, which could not be done without wounding the Prince's honour and conscience. Happily for them, Urban VIII. had not yet sent the dispensation, nor even fixed any time for it. So Buckingham notified to his Catholic Majesty the order he had received to bring back the Prince to England, his return being absolutely necessary to remove the Nation's jealousy of his so long stay in Spain. Adding, his departure would cause no considerable alteration, since he would leave a proxy in the hands of any person, his Majesty should please to appoint, to espouse the Infanta in his name, as soon as the dispensation should come. The King of Spain was a little surprized at the Prince's design. However, as he did not desire the Infanta his Sister should go before Spring, he imagined, that after the Effusions, it would be more easy to detain her, than if the Prince of Wales was actually in Spain, and there-

(1) In pursuance of this Declaration, there was a general Pardon drawn in as full and ample a manner as the Papists themselves could desire: And two general Commissions were issued out, one to all Judges, Justices of Peace, &c. and the other to all Bishops, Clergymen, and Commissioners, not to execute any Sentence against Recusants. But in this time it was put, by the advice of the Lord Keeper Williams, See Rymer, Tom. 8. p. 101. Calais, p. 207. The Bishop of Exeter came also into England to execute his jurisdiction over the Catholics and their Kingdom, and a Chapel began to be built at St. James's for the Infanta. Adams, p. 83.

(2) The Bishop of Salazie's Secretary under pretence of desiring the Duke to be Godfather to one of the Infanta's Children. Rymer, Tom. 1. p. 102. No. 54. Vol. II. L I I

1623. fore, he very readily consented to the Prince's departure (1).

The only point therefore was to be assured of the celebration of the marriage, and the King himself desired to be the Prince's Proxy, jointly with Prince Edward of Portugal. The Proxy was drawn by the King's Secretary, and the Prince of Wales signing it in the presence of several witnesses, left it in the hands of the Earl of Bristol, with orders to deliver it to the King of Spain, ten days after the dispensation should be received. This done, the Duke of Buckingham departed first, under colour of preparing for the Prince's reception on board the English fleet at St. Ander. The Court saw him depart without any concern, or rather with a satisfaction equal to his impatience to be in a place of security. After his departure all imaginable honours were paid to the Prince. The King himself conducted him to the *Escurial* (2), where he received and feasted him as a Prince that was to be very shortly his Brother-in-law. I shall not give a particular account of all the civilities that were shown him. It will suffice to say, that on the very day of his departure, he solemnly swore again to the articles of the marriage, and then left the Proxy with the Earl of Bristol, of which one of the Secretaries of State made an authentick act, which was signed by several witnesses.

The Prince went away, loaded with honours, care-fests, presents, and attended by several Lords of the Court, who waited upon him to the fleet (3). He was no sooner come there, but he dispatched to the Earl of Bristol Mr. Edward Clarke, one of Buckingham's creatures, with positive orders not to deliver the Proxy till security was given him that the Infanta, after the espousals, would not betake herself to a Cloister, and to send him word before the delivery of the Proxy what security was offered, that he might be judge himself, whether it was proper to accept it. This was the first artifice used by the Prince to gain time, in the fear that the dispensation would come, and the marriage be solemnized before the King his Father was determined to break it. The Earl of Bristol not yet perceiving the Intent of the order he had received, was afraid if he should stay to the last, it might be an obstacle to the consummation of the marriage. He thought proper therefore to take care before the dispensation should arrive, to know what security the Court of Spain would give concerning the Prince's scruple. He received as satisfactory an answer as he could wish, which he conveyed to the King and Prince by a Letter.

The Prince and Duke arrived on the 5th of October at Portsmouth, and from thence posted to *Roslyn*, where the King was. It seems they durst not immediately discover their design to the King about the breach of the marriage, but thought fit to take some precautions, to render it less strange to him. What makes me think this, is that the Earl of Bristol's Letter coming soon after, the King writ to him the 8th of October, that he was satisfied with the security offered by the Court of Spain. The Prince, who probably had not yet prepared all his batteries, concealing his design, writ likewise to the Earl of Bristol the following letter, which no doubt was to be seen by the King his Father.

Your Letter to the King and me, concerning that doubt I made after I came from St. Laurence, both so justified in itself, that we think it fit no longer to stick upon it, but leave it to your discretion to take what security you shall think fitting.

The Prince however was in danger of the dispensation's arriving at Madrid, before the Earl of Bristol should have received a positive order not to deliver the Proxy, since in that case, he would have been forced to execute what was

enjoined him by the Prince himself when he left the *Escurial*. But this risk was to be run, there being no avoiding it, before the King was determined to a breach. It is true, himself and the Duke had now begun to fill the King with doubts concerning the restitution of the *Palatinate*. Wherefore the King in his Letter of the 3th of October, writ to the Earl of Bristol, that he hoped to receive before Christmas the agreeable news both of his Son's Baptismal marriage, and Son-in-law's restoration (4). Though this was not an express order to demand the *Palatinate* before the espousals, the Earl of Bristol thought proper however to take some care of an affair, so much neglected during the Prince's stay in Spain, and even since the marriage. Articles were settled. He mentioned it therefore to *Oliverus*, and made him engage, the Proxy should not be demanded, till a written promise was put into his hands that the *Palatinate* should be restored. Of this he informed the King in a Letter of the 23d of November, wherein he told him, he hoped by Christmas, he should congratulate the Prince his Son, and the Princess his Daughter, the one of the *Palatinate* upon his marriage, the other upon the end of her sufferings.

It must be observed, the Prince of Wales, before he left Spain, had used an artifice to gain time, knowing he could not break off the marriage without the King's consent. He had caused it to be inserted in the Proxy, that it should remain in force only till Christmas. He hoped the dispensation would not arrive before that time, or if it came but a few days before, the Proxy would be useless. And indeed, as the Earl of Bristol was not to deliver it till ten days after the arrival of the dispensation at Madrid, if the tenth day was after Christmas-day, the Proxy would be of no force, by virtue of the inserted clause. But this precaution was not sufficient, because the dispensation might happen to be at Madrid above ten days before Christmas. This obliged the Prince and Duke at length to discover their minds to the King. Whether *James* yielded to their reasons, or, out of an excessive condescension for his Son and Favorite, would not grieve them by a denial, he writ to the Earl of Bristol the 13th of November expressly ordering him not to deliver the Proxy till after Christmas: that is, when it was no longer valid. Moreover, he enjoined him not to discover this order to the Court of Spain till the very next day. This Letter was sent to the Earl by three (5) several messengers, two by land, and one by sea, for fear of accidents. It came in a critical time, for the dispensation arrived at Madrid the beginning of December, new Style (6), and the King's Letter of the 13th of November Old Style. Upon the receipt of the dispensation, *Philip* immediately ordered all the necessary preparations for the espousals to be made (7). But when the ten days were expired, and the marriage was expected to be solemnized, the Earl of Bristol notified to him the King his Master's orders, not to deliver the Proxy till after Christmas. He easily perceived the King of England's intention, since the Proxy would then be invalid. That very day he sent to the Earl of Bristol to demand no more audience, and gave command that the Infanta should be no longer called the Princess of Wales, as she had been ever since the arrival of the dispensation, and caused all preparations for the marriage to cease. Mean while, to cast all the blame on the King of England, he sent the Earl of Bristol on the 8th of January 1624, a written promise, signed with his own hand, whereby he engaged to cause the *Palatinate* to be restored to the Elector *Palatine*. This the Earl of Bristol, in the following Reign, affirmed before the Parliament in his defence.

There is scarce an English Historian but what assures, the want of this restitution was the cause of the breach

(1) It has by some been wondered at, that the King of Spain should be so willing to let the Prince go, when it was in his power to have kept him as long as he pleased, and make what advantage of it he had a mind to. But this point is cleared by the remark, with which *Spanheim* sums up what relates to the *Spain* affair, that *new Prince was married to a Sister, than King Charles the First was to the Queen of Bohemia; hence it was only the Consideration of her and her Children, who were then the next Heir after him in the Crown of England, that procured with the Court of Spain in person from the English agent, Worsley, p. 28* There is to this purpose a pleasant Jest in *Colley's* Reign of King James I. His Majesty, a little after the Prince's departure for Spain, being in one of his private Woods, *Arley* his Butler comes in, and tells him, he must change Caps with him? Why? says the King, Why, when (replies *Arley*) sent the Prince into Spain? But what (answers the King) will thou say if the Prince comes back again? Why then (said *Arley*) I will take my Cap from thy Head, and send it to the King of Spain; which 'tis said troubled the King sore. But his Cardick Majesty did not care to do any thing that should help the Elector *Palatine* or his Heir to the Crown of England. *Colley*, p. 132.

(2) The *Escurial* lies about eighteen Miles from Madrid. 'Tis reckoned one of the most magnificent Structures in Europe. The Spaniards call it the eighth wonder of the world. This mighty Fabric was built by *Philip II.* in the form of a *Grindstone*, (the Emblem and Instrument of St. Lawrence's Martyrdom, to whom it is dedicated) the handle whereof, is the King's Palace, and the square of the *Grindstone* is divided into twelve spacious Quadrangles, in which are seated Cloysters, one above the other, all dedicated to religious Orders, who live like Priests rather than Ecclesiastics, with each his Monks and his Maids. In the middle of the square stands a magnificent Cathedral, to which *Philip IV.* added a Chapel for the Sepulchre of such Kings and Queens as leave their kind behind them, who lie in curious Coffins of black Marble, which are placed in Arches round the Marble Wall. The Chapel is built in form of the *Pantheon*. See *Wotton*, p. 272.

(3) The Prince departed from Madrid, September 9, and came to St. Ander the 11th. The Fleet, (sent to convey him over to England, and which consisted of eight Men of War and two Frigates, wherein Edward Earl of Rutland was Admiral) sailed from St. Ander the 18th, and put into the Solly Islands the 20th. *Relat. of the Prince's Journey*, p. 7.—*Rymer's Fœd.* Tom. 17. p. 456.

(4) King James commanded the Earl of Bristol, to procure instantly from the King of Spain, a punctual answer; and, before he delivered the Powers, to assure the Contrary, to obtain from that King, either by a publick Act, or by an answer under his Hand and Seal, a direct engagement for the restitution of the *Palatinate*, and the Electoral Dignity. See *Rushworth*, Tom. 1. p. 106, 107.

(5) *Wotton* says, Mr. *Kilgrew*, *Grosby*, *Wood*, and *Davies*, p. 776.

(6) In a Letter from St. *Walter* *Arden* to the Duke of Buckingham, it is said, That the Dispensation came to Madrid, November 12. *Cabalz*, p. 5.
(7) The King of Spain had sent into England, Don *Martin de Alencane*, to congratulate the Prince's safe return, and from thence he had Instructions to go and make known to all Princes and Potentates, Allies to Spain, how near the Marriage was. When the Dispensation came, Business were made throughout all Spain, the 19th of December was fix'd for the Wedding-day, Presents were provided for our King and Prince, the Infanta's Family was settled, and the beginning of March appointed for her coming over into England, &c. *Wotton*, p. 776.

1623. of the marriage, and that the Earl of *Bristol* having demanded it of his Catholick Majesty, as a condition without which the marriage could not be accomplished, *Philip* coldly answered, *The Palatine was none of his to give, and the Emperor might be applied to.* But this is directly contrary to the Earl of *Bristol's* own account, who doubtless knew more of this affair than any other. The Earl of *Clarendon* took care not to speak like the rest. He contents himself with ascribing the breach to some secret design of *Buckingham*.

Rushworth.
T. i. p. 376.
Gr.
Clarendon.
T. i.

Thus ended the affair of the *Spanish* marriage, which had wholly employed King *James* for seven years. During all that time, he most earnestly solicited the conclusion of it, and, to succeed, scrupled not to sacrifice the interests of his Son-in-law, his own reputation, the religion he professed, the good of his people, and the laws of his realm. But when, at last, it was just going to be concluded, he suddenly broke it off, for reasons which were never yet clearly known. It can only be ascribed to his weakness for his favorite. The Earl of *Clarendon* says positively, the King was compelled to it by the Duke of *Buckingham*, "who, in breaking the marriage, refused the same impetuosity, he had indulged to himself in the debate of the journey into Spain." He adds, "the King plainly found the Prince and Duke were resolved upon a breach, with or without his approbation, and that he never forgave the Duke what he had done, but retained as sharp a memory of it as his nature could contain." It is to be presumed, the Earl of *Clarendon* was well acquainted with this affair, and the more, as he is not the only Writer that intimates, the King had neither the power nor the courage to withstand the Prince and Duke, who were strictly united, since their journey to Spain (1).

Clarendon.
T. i. p. 106.

Mean time, for fear the Earl of *Bristol* should by some means renew a Treaty broken with so little reason, they caused him to be recalled. The King conferred the more readily to his return, as he saw no person in his Court able to give him good counsels, to free himself from the slavery he was under, but the Earl of *Bristol*, who never yielded to *Buckingham's* haughtiness. This had drawn upon him the favorite's enmity to such a degree, that ever after he was continually exposed to his persecutions, and the Prince's indignation, who following *Buckingham's* suggestions, forgot nothing to ruin him, even when he had mounted the Throne, though without being able to succeed.

1624.
Annals.
p. 56.
Clarendon.
T. i. p. 108.
Rushworth.
T. i. p. 113.
Coke.
p. 142.

Since the return of the Prince and Duke, the King no longer ruled, all his affairs were managed by them, and he only executed their counsels. The King saw about him none he could trust. All his Officers, all his Courtiers, were the Duke's creatures, and the more attached to him, as they saw him strictly united with the Prince. In this situation, the King saw no other remedy, than to surrender himself entirely to them, and do whatever they pleased, whether he feared an increase of their boldness by resistance, or waited for some favorable opportunity to throw off their yoke. Not only the breach of the marriage had been resolved between them, but also a war with Spain, and the King durst not contradict them, notwithstanding his aversion to arms. Their first project, was to demand for this war a Benevolence of every Subject: nay, they made the King sign an order to levy it. *Baker* says in his *Chronicle*, he himself paid fifty pounds on this occasion. But on a sudden, the King, by advice of the Prince and *Buckingham*, gave over this project, and resolved to call a Parliament. That was indeed the most proper way to justify the breach of the Treaty with Spain, and to procure money, which he wanted extremely.

Rushworth.
T. i. p. 107.
Clarendon.
T. i. p. 120.

There was not one good Englishman but what had ever considered the *Spanish* match as very prejudicial to the Kingdom. It was known in general, that the King, in favour of this marriage, had made large concessions with respect to Religion, though the particulars, and especially the secret articles, were known to very few. But the King's condescension to the *Roman* Catholicks, was a plain indication, the Court of Spain had greatly prevailed with him. The Duke of *Buckingham* not being ignorant of the people's aversion to the marriage, the breach whereof was

Rushworth.
T. i. p. 107.

not yet well known, doubted not to gain their affection, by causing a Parliament to be called, and declaring himself the author of this happy breach, so passionately desired by all true Englishmen. To compass his ends, he rendered himself popular, and affected to care both the Church and State-Puritans: Nay, he consulted with [Dr *John Prynne*] head of the Puritan Party, how the King might seize the Dean and Chapter Lands. Nothing could be more proper to procure him the love of the people, most of the Clergy having rendered themselves odious, by their zeal in maintaining the Prerogative Royal (2). So, the juncture being very favorable, the Duke caused the King to call a Parliament, notwithstanding his resolution never to summon another: Nay, such was his power over the King, that he made him speak to the Parliament in a manner the most repugnant to his opinions and principles.

1524.

Hucker.
p. 263.
Coke.
p. 259.

The King
calls a Par-
liament.

Mean while, the Prince and Duke had contrived another project, namely, the Prince's marriage with *Henrietta Maria*, the King of *France's* Sister, to which his Majesty readily consented. He was so proud of his grandeur, that he could not think of marrying his Son to any but a Princess of royal extraction, and the third Daughter of *Henry IV.* was the only Princess then in *Europe* of that character. It is very probable, the person sent by the Queen of *Bohemia* to *Buckingham* in Spain, made him the first overture of this match, and that the Duke thereupon resolved to break the marriage, the Prince was going to consummate with the Infanta. However this be, the King approving the project, *Henry Rich* Baron of *Kensington*, was, on some pretence, sent to *France*, in order to found the Court concerning this marriage; and before his departure, he was created Earl of *Holland*, I shall speak presently of the success of this negotiation; but must first see what passed in the Parliament which met the 19th of February (3). The King made a Speech to both Houses different from those to the two former Parliaments, that such opposite expressions could hardly be thought to come from the mouth of the same Prince, if it was not known how great an ascendancy *Buckingham* had over him, and how necessary it was to the favorite's designs, that the King should talk in this manner. As the Speech is not so long as the others, the Reader perhaps will be glad to see it.

Proc. of a
Match be-
tween the
Prince and
Henrietta
Maria of
France.
Annals.
p. 58.
Rushworth.
T. i. p. 114.

Coke.
p. 142.

Ann. Pub.
XVII. 553.
Gr.

My Lords and Gentlemen,

I Have assembled you at this time, to impart to you a secret, and matter of as great importance, as can be to my state, and the state of my children; wherein I crave your best and safest advice and counsel, according as the Writ whereby you were assembled, imports, That the King would advise with you in matters concerning his estate and dignity. And as I have ever endeavoured, to this and the like ways, to procure and cherish the love of my people towards me, so I do hope, and my hope is exceeded by faith; for I fully now believe, that never any King was more beloved of his people; y whom as you, my Lords and Gentlemen, do here represent, so would I have you truly to represent all their loves to me; that in you, as in a true mirror or glass, I may perfectly behold it, and not as in a false glass that represents it not at all, or otherwise than it is indeed. Give me your free and faithful counsels in the matter I propose, of which you have often heard, the match of my Son: wherein, as you may know, I have spent much time with great cost in long Treaties, desiring always therein (and not without reason hoping to have effected my desires) the advancement of my State and Children, and the general Peace of Christendom, wherein I have always constantly laboured, depending upon fair hopes and promises. At the earnest instance of my Son, I was contented (although it was of an extraordinary nature) to send him to prosecute his desires in Spain; and for his more safety, sent *Buckingham* (in whom I ever reposed most trust of my person) with him, with this command, continually to be present with him, and never to leave him, till he had returned again safely unto me, Which he performed, though not with that effect in

The King's
Speech to
the Parlia-
ment.
Annals of
James I.
p. 57.
Wilson.
Rushworth.
T. i. p. 115.

(1) In February this year, a cruel Scene was acted at *Amoy* in the *East-Indies*, of which this account is given. A Treaty was concluded in 1619, between England and the United Provinces, whereby, among other things, it was agreed, That in regard of the great blood shed and evil, pretended to be bestowed by the *Hollanders*, in winning the Trade of the Isles of the *Moluccas*, *Banda*, and *Amoy*, from the *Spaniards* and *Portuguese*, the *Hollanders* should every two thirds of that Trade, and the English the other third. (See *Kymer's Fed. Tom.* 17, p. 170, 171.) In pursuance of this Agreement, English Factories were placed at the *Moluccas*, and at *Banda*, and *Amoy*. This last Isle is the principal Place in the *East-Indies*, where *Spices*, *Cinnamon*, *Cloves*, and *Spice* grow. Here the English had been settled but about two years, when the *Dutch*, in order to deprive them of their share of the *Spice* Trade, pretended a Plot was formed between the English and the Natives, to get possession of the *Dutch* Fort at *Amoy*. Whereupon the English were ordered by the *Dutch*, both with Fire and Water, in a most cruel and barbarous manner to quit, on February 27, Captain *Gabriel Jourdain*, and nine other English, with nine *Japanese*, and one *Portuguese*, were ignominiously executed for this pretended Conspiracy, though they protested their Innocency to the last. For this inhuman Affront, no reparation was obtained, till the year 1624, when Cromwell made the *Dutch* pay 350,000 *l.* upon that account. See *Relation of the Proceedings against the English at Amoy*, printed in 1624, and *Coke*, p. 142.

(2) The Duke of *Buckingham* proposed also the raising the remainder of the Crown-Lands, but this Project was strenuously opposed by the Lord *Keeper Williams*, and accordingly laid aside. *Hucker*, p. 258.

(3) The Parliament it seems was to meet the 23rd of February, but the King that Morning missing *Ladames* *Stewart* Duke of *Richmond*, (created in May 17, in the 11th of *James I.*) and finding in haste for him, his Dutches gone to his Bed-side to wake him, and drawing the Curtain, found him dead in his bed. Upon News whereof the King could not adorn himself that day, and put off the Parliament till the 16th, and afterwards till the 19th. His Body was interred in *Henry VIII's* Chapel, and bearing no Illur, his Estate and Honour descended to his Brother *John Stewart*. *Annals*, p. 2035. *Dugdale's Baron*, Vol. II. p. 426. *Wilson*.

the

1624. "the business that I expected, yet not altogether without profit; for it taught me this point of wisdom, *Qui veritas in generalibus*, is easily deceived, and that Generality brings nothing to good issue; but that before any matter can be fully finished, it must be brought to particulars: For, when, as I thought, the affair had been, before their going, produced to a narrow point, relying upon their general propositions, I found, when they came there, the matter proved to be so raw, as if it had never been treated off; the generals giving them easy way to invade, and affording them means to avoid the effecting of any thing (1).

"The particulars that passed in the Treaty, I mean not now to discover to you, the time being too short; I refer you to *Charles and Buckingham*, and the Secretaries reports, who shall relate unto you all the particulars. And after that, *Super totam materiam*, I desire your best assistance to advise me what is best and fittest for me to do, for the good of the Commonwealth, and the advancement of Religion, and the good of my Son, and my Grandchildren of the *Palatinate*. And of our estate, I know you cannot but be sensible, considering that your welfare consists in ours, and you shall be sure to have your share in what misery shall befall us: And therefore I need to urge no other argument to you in this behalf, in offering me your wisest and surest counsel and furtherance. And I assure you in the faith of a Christian King, that it is *res integra*, presented unto you, and that I stand not bound, nor either way engaged, but remain free to follow what shall be best advised.

"To plant is not sufficient, unless like good gardeners, you pluck up the weeds that will choke your labours: And the greatest weeds among you are jealousies, root them out. For my actions, I dare avow them before God; but jealousies are of a strange depth. I am the husband, and you the wife, and it is subject to the wife to be jealous of her husband: Let this be far from you. I can truly say, and will avouch it before the seat of God and Angels, that never King governed with a purer, sincerer, and more uncorrupt heart, than I have done, far from all will and meaning of the least error or imperfection of my Reign.

"It hath been talked of my remissions in maintenance of Religion, and suspicion of a Toleration: But as God shall judge me, I never thought nor meant, nor ever in word expressed any thing that favoured of it (2). It is true, that at times, for reasons best known to my self, I did not so fully put those Laws in execution, but did wink and connive at some things, which might have hindered more weighty affairs; but I never in all my Treaties ever agreed to any thing to the overthrow and disagreeing of those Laws, but had in all a chief preservation of that truth which I have ever professed: And as in that respect I have a charitable conceit of you, I would have you have the like of me also, in which I did not transgress: For it is a good horseman's part, not always to use his spurs, and keep tight the reins, but sometime to use the spurs, and suffer the reins more remis; so it is the part of a wise King, and my age and experience in Government hath informed me, sometime to quicken the Laws with straight executions, and at other times, upon just occasions, to be more remis. And I would also remove from your thoughts all jealousies, that I might or ever did question or infringe any of your lawful Liberties or Privileges; but I protest before God, I ever intended you should enjoy the fulness of all those that former times give good warrant and testimony of, which, if need be, I will enlarge and amplify.

"Therefore I would have you, as I have in this place heretofore told you, as *St. Paul* did *Timothy*, avoid genealogies and curious questions, and nice queres and jerks of Law, and idle innovations; and if you minister me no just occasion, I never yet was, nor ever shall be curious or captious to quarrel with you: But I desire you to avoid all doubts and hindrances, and to compose your selves speedily and quietly to this weighty affair I have proposed; for that I have found already, delays have proved dangerous, and have bred distraction of this business; and I would not have you by other occasions to neglect or protract it. God is my judge, I speak it as a Christian King, never any waylaying man, that was in the defense of *Arabia*, and in danger of death for want of water to quench his thirst, more desired water, than I thirst and desire the good and comfortable success of this Parliament, and blessing of your Councils, that

"the good issue of this may expiate and acquit the fruitless issue of the former. And I pray God, your counsels may advance Religion, and the publick weal, and the good of me and my children."

This Speech like the rest made by the King to his Parliament, was liable to many censures which reflected on his sincerity. It could not be conceived that he really believed he was more beloved by his people than any of his Predecessors, since no King hath so frequently quarrelled with his Parliament, which surely is no proper way to gain the People's affection. Those who were acquainted with the state of affairs, thought it very strange, the King should tell the Parliament, that at the Prince's arrival in Spain, the affair was so raw as if it had been never treated of, since he had already signed the marriage-articles, and as to the *Palatinate*, would not have it mentioned before the marriage was accomplished. The same persons could not forbear wondering, he should take God to witness, he never so much as thought or intended to grant a toleration to the Papists, since it was one of the secret articles of the marriage, and since without being informed of such an article, it was easy to perceive, *Philip* gave his Sister to the Prince of *Wales*, solely with that view. In fine, some malicious persons observed, that when the King said, he never intended to invade the people's liberties, the simile might very justly be applied to him, which himself had used on another occasion, of the person who took a man's purse, assuring him he had no design to rob him.

A few days after the King had delivered his Speech, the two Houses resolving upon a conference, to examine the affair recommended by the King, the Prince and *Buckingham* came and informed them of all particulars. After the Prince had said a few words, the Duke of *Buckingham* began and made a long Speech, which he divided into six heads, under colour of more clearly explaining the affair, but in reality to confound it, and conceal the mutual coherence of the particulars he was to relate. Under the first head, he set forth the motives of the Prince's journey to Spain. In the second, he spoke of the Treaty of the marriage apart by itself. In the third, he joined together the two affairs of the marriage and *Palatinate*. In the fourth, he declared the reasons of the Prince's return. In the fifth, he informed the Parliament of his Majesty's subsequent proceedings in the affairs of the marriage and *Palatinate* since the Prince's return. In the sixth and last, he stated the question, wherein both Houses were to offer to his Majesty their advice and Council. Whilst he was speaking, he turned, at the end of every point, to the Prince, asking him whether what he was saying was not true, to which the Prince did not fail to answer, *Yes, it is true*, or to the like effect. The intent of this whole Speech was to show, the King had been undevotedly engaged in the treaty of the marriage, by the false hopes given him by the Earl of *Bristol*: That the Court of Spain never intended this marriage, much less the restitution of the *Palatinate*, tho' the Earl of *Bristol* assured the contrary: That the Prince had been ill used in Spain, and much pressed to turn Catholic: In a word, he intimated that the Earl of *Bristol* was only to blame, who had abused his Majesty's confidence. Nothing is more easy than to accuse an absent person.

It is only concealing what makes for him, giving an ill turn to his most innocent actions, aggravating the faults he may have committed, and loading him with crimes he is not guilty of. This is precisely what the Duke of *Buckingham* did in respect of the Earl of *Bristol*, with the Prince's approbation and aid (3). This is so true, that two years after, the Prince being in the throne, and having himself accused the Earl of high treason, the Earl in his defence to the Parliament, gave a quite different narrative of the Spanish negotiation from that of the Duke of *Buckingham*. He proved what he said by unexceptionable Papers, and defied the Duke to answer them. He not only affirmed that the Duke's whole narration was false, but also impeached him in form, and gave in his impeachment to the House of Lords, which remained unanswered. This is sufficient to show the falshood of the Duke of *Buckingham's* narrative. So, I think it needless to enlarge any more upon this subject.

The Duke of *Buckingham's* Speech was received however with applause, for several reasons. First, He had made a party in the two Houses. Secondly, He had prevented the consummation of the marriage in Spain, which was very grateful to the Nation and Parliament. In the third place, he had brought home the Prince, contrary to all expectation, and so removed the just fears of the

(1) Ad this can relate only to the *Palatinate*, for the Treaty of Marriage was really concluded before the Prince's Voyage to Spain. *Reps.*

(2) The Ambassadors Letter to the King, and the Council's Declaration to the Spanish Ambassadors, not to mention the Marriage Articles, publick and private, evidently prove the contrary. But the King had this hole to creep out at here, that he misheard what he had done, and what he intended to do for the Catholics, only at a Suspension of the Penalties, and not at a real Toleration. *Reps.*

(3) The Duke's whole Narrative will be found in this Volume, at the end of Book XIX.

1624. *English.* Finally, the Duke of Buckingham's narrative being attested by the Prince himself, it could not be thought false. As the publick was not informed of the secret circumstances of the negotiation, it is no wonder the Parliament should believe what they were told by the King, Prince and Duke. But afterwards, when all was discovered, people were of another sentiment.

The Spanish Ambassador being informed of what passed at the conference between the two Houses, demanded an audience of the King, and boldly complained, that the Duke had reflected on the King of Spain's honour (1). Adding, if a subject of his Majesty had spoken thus of the King of England, it would cost him his head. Probably, the Ambassador hath been mis-informed, since the Duke had not used any offensive expressions against the King of Spain.

He had only insinuated, that Philip's intention was always to amuse the King and Prince. As the Duke of Buckingham was now the Parliament's Favorite, as well as the King's and Prince's, both Houses openly took his part, and presented an address to his Majesty, declaring, the Duke had said nothing which could give offence to the King of Spain, and thanked the Duke for his faithful relation attested by the Prince. The King was so pleased with this address, that he went and thanked the two Houses in a Speech, where he forgot not to proclaim the praises of his Favorite.

He said, he could not doubt the truth of his narrative, because he made the same to himself at his return from Spain. But the King must have been wilfully blind not to see the falshood of the Duke's relation, or been strangely kept under by the Favorite, if he was made to attest before the Parliament what he knew to be false.

The Parliament was extremely pleased to see the King disposed to break the Spanish match, not knowing, or feigning not to know, it was really broken, by the affront put upon the King of Spain. But the King having affirmed, it was yet *Res integra*, the two Houses could not say otherwise. So forgetting all former occasions of discontent, and applying themselves wholly to the affair proposed by the King, they jointly presented an address to his Majesty, to advise him to discontinue the Treaty, begun with Spain, as well for the restitution of the *Palatinat* as for the marriage. They grounded their advice upon four principal reasons; the first was, that in the beginning of the Treaty, the *Spaniards* insisted only upon Liberty of Conscience to the Infants and her Family, with the free exercise of their Religion. But that afterwards, taking advantage of the Prince's being in their power, they imported a general Toleration, contrary to the usage of other Catholic Princes in the like Treaties. That besides, the Popish Faction had increased to such a degree, during the negotiation, that there was no way to suppress them as long as the Treaty continued.

The second reason was, that, during the Treaty, the Protestant Party in Germany was oppressed, and the *Palatinat* invaded: that the *Spaniards* had deluded the King, and offered indignity to the Prince, by impugning him to change his Religion, contrary to the law of hospitality and the Privilege of Princes.

The third was grounded upon the insincerity of the *Spaniards*, as well in the former overture of marriage for the late Prince Henry as in this; upon the scornful proposition made to the King, of the Prince's turning Catholic; and upon the deceit used in the Treaty of *Brussels*, the sole end whereof was to cause *Heidelberg* to be taken.

Lastly, The Parliament added as a fourth reason, the translation of the Electorate to the Duke of *Bevaria* the King of Spain's letter to *Condé Olivarez*, with the *Condé's* answer, which plainly imported, that the *Spaniards* never intended to accomplish the marriage; the fifth devised by a Junta of Divines, to send home the Prince without the Lady.

All these reasons were so many indirect reproaches to the King for suffering himself to be so long amused. But his Majesty, feigning not to perceive it, came to the Parliament, and made a Speech to shew he could not break off the Treaties, without knowing how to maintain the war which would unavoidably follow, since the *Palatinat* was to be recovered by arms. He declared therefore, if they thought proper to engage in a war with Spain, he would readily consent, the supply to be granted should be managed by commissioners appointed by the Parliament. Moreover, he promised the two Houses, he would not make a Peace without their advice. He concluded with saying: *I am so desirous to forget all rents in former Parliaments, that it shall not be my default, if I am not in love with Parliaments, and call them often, and desire to end my Life in that intercourse between me and my People, for the making of good Laws, reforming of such abuses as I cannot*

be well informed of but in Parliament, and maintaining the good Government of the Commonwealth.

How different is this Speech from those the King made to the former Parliaments! But the King's thoughts are not so visible in these expressions as the Duke of Buckingham's policy, who, after breaking the Prince's marriage, had a mind to puff his point, and proclaim war with Spain. To succeed, a Parliament must be called, and to gain their affection, the King must talk after this manner.

Some days after, the Commons presented an address to the King, offering to grant him three entire Subsidies, and three Fifteenths, upon his publick declaration for dissolving the Treaties of the marriage and the *Palatinat*. But they took him at his word, concerning his offer that the money should be disposed of by Commissioners of their own choosing. The King thanked them for their affectionate expressions, and told them, he was resolved for the future solely to confide in his Parliament. After which, he dispatched a messenger to the Court of Spain, with his last resolution to break off the Treaty. But upon notice that a [sharp] Petition against the Popish Recusants framed by the Commons, was going to be presented to him, he wrote the following Letter [with his own hand] to Secretary.

I Doubt not but you have heard what a stinging Petition against the Popish Recusants have sent to the Higher-House this day, that they may jointly present it unto me. You know my firm resolution, not to make this a wear of Religion; and seeing I would be loth to be Gony-catched by my People, I pray you play the post that is going to Spain, till I meet with my Son, who will be here to morrow morning: Do it upon pretext of some more Letters yet are to send by him; and if he should be gone, bestow after him to play him upon some such pretext; and let none living know of this, as you love me. And before two in the afternoon to morrow, you shall without fail hear from me. Farewell.

Probably, the King imagined, the Parliament in this Petition would have demanded things he had no intention to grant. And therefore, for fear of being forced to dissolve the Parliament, he would not hasten the rupture with Spain. But afterwards, being told the Petition (2) contained nothing of what he dreaded, he suffered the messenger to depart. As soon as the People knew the breach with Spain was resolved, the whole City of London shone with bonfires, which denoted the publick dislike of the Spanish match, and the danger to which Religion had been exposed. It was not yet known, that another and no less dangerous marriage was now treating in France.

The Petition, presented to his Majesty by both Houses, contained the seven following articles:

"I. That all Jesuits and Seminary Priests may be commanded forthwith to depart out of the Realm, and not to return or come hither again, upon peril of the severest penalty of the Laws now in force against them.

"II. That his Majesty would be pleased to give charge to the Justices of the Peace, that they take from all Popish Recusants all such armour, gun-powder and munition of any kind, as any of them have.

"III. That all Popish Recusants be commanded forthwith to retire themselves from or about London, to their several dwellings, or places by the Laws appointed, and there to remain confined within five miles of their dwelling-places: And for that purpose to discharge all by-past Licences granted unto them; and that they presume not any time thereafter to repair to London, or within ten miles of London, or to the King's Court, or to the Prince's Court wheresoever.

"IV. That his Majesty would forbid and restrain the great resort of his own Subjects, for the hearing of Mass, to the houses of foreign Ambassadors.

"V. That his Majesty would be pleased to discharge Popish Recusants from those places of trust, [as Lords, Lieutenants, Justices of Peace, &c.] by which they have that power in the Country where they live as is not fit to be put into the hands of persons so affected.

"VI. That his Majesty would be pleased generally to put the Laws in due execution against Popish Recusants; and that all his Judges, Justices, &c. may be commanded to do their Duty therein.

"VII. That seeing they were happily delivered from that danger which the Treaties with Spain would certainly have drawn upon England, his Majesty would be pleased to engage his royal word, that upon no occasion of marriage or Treaty, or other request in that behalf from any foreign Prince or States whatsoever, he will

(1) And demanded his Head for Satisfaction. *Raynworth*. Tom. I. p. 126.

(2) The stinging Petition, which was framed by the Commons, and sent to the Lords, was afterwards reduced to another form, and presented to the King. This which follows here seems to be an Extract of the first before it was reduced, the other being reduced to two Petitions. See *Wilson*, p. 784.

1624. "take off, or slacken the execution of the Laws against
"the Popish Recufants (1)."

To which Petition his Majesty returned this answer.

My Lords and Gentlemen of both Houses,

*The King's
Answer,
Redworth,
T. I. p. 143.
Wilkes.
Annals of
James I.
p. 161.*

I Cannot but commend your zeal in offering this Petition to me; yet on the other side, I cannot but hold myself unfortunate, that I should be thought to need a spur to do that which my confidence and duty binds me unto. What Religion I am of, my books do declare, my profession and behaviour doth shew; and I hope in God I shall never live to be thought otherwise; surely I shall never desertive; and for my part, I wish it may be written in Marble, and remain to posterity as a mark upon me, when I shall twerve from my Religion; for he that doth dissemble with God, is not to be trusted with men.

"My Lords, for my part I protest before God, that my heart hath bled when I have heard of the encroachments of Popery; God is my Judge, it hath been such a great grief to me, that it hath been as thorns in my eyes, and pricks in my sides; and so far have I been, and shall be from turning another way. And, my Lords and Gentlemen, you shall be my Confessors, that one way or other it hath been my desire to hinder the growth of Popery; and I could not be an honest man if I should have done otherwise. And thus I may say further, that if I be not a Martyr, I am sure I am a Confessor; and in some sense I may be called a martyr, as in the Scripture *Ishac* was persecuted by *Ishmael* by mocking words: for never King suffered more ill Tongues than I have done, and I am sure for no cause; yet I have been far from persecution; for I have ever thought that no way more encreased any Religion than persecution, according to that saying, *Sanguis Martyrum est semen ecclesie*.

"Now, my Lords and Gentlemen, for your Petition, I will not only grant the substance of what you crave, but add somewhat more of my own; for the two Treaties being already annulled, (as I have declared them to be) it necessarily follows of itself, that which you desire, and therefore it needs no more; but that I do declare by Proclamation, (which I am ready to do) that all Jesuits and Priests do depart by a day; but it cannot be as you desire by our Proclamation, to be out of all my dominions; for a Proclamation here extends but to this Kingdom.

"This I will do and more, I will command all my Judges when they go their circuits to keep the same courses, for putting all the Laws in execution against Recufants, as they were wont to do before these Treaties, for the Laws are still in force, and were never dispensed with by me: God is my Judge, they were never so intended by me, but as I told you in the beginning of the Parliament, you must give me leave, as a good houseman, sometimes to use the reins, and not always to use the spurs: So now there needs nothing but my Declaration for the disarming of them; that is ready done by the Laws, and shall be done as you desired; and more, I will take order for the shameful disorder of the resorting of my subjects to all foreign Ambassadors; for this I will advise with my Council how it may be best reformed. It is true, that the houses of Ambassadors are privileged places; and though they cannot take them out of their houses, yet the Lord Mayor, and Mr. Recorder of London, may take some of them as they come from thence, and make them examples: Another Point I will add concerning the education of their children, of which I have had a principal care, as the Lord of Canterbury, and the Bishop of Winchester, and other Lords of my Council can bear me witness, with whom I have advised about this business; for in good faith it is a shame, their children should be bred here as if they were at Rome. So I do grant not only your desire, but more. I am sorry I was not the first mover of it to you, but had you not done it, I would have done it myself.

"Now for the second part of your Petition, you have here given me the best advice in the world; for it is against the rule of wisdom, that a King should suffer any of his Subjects to transgress the Laws, by the intercession of other Princes; and therefore assure your selves, that (by the Grace of God) I will be careful that no such conditions be soiled in upon any other Treaty whatsoever; for it is fit my subjects should stand and fall to their own Laws."

What a happy harmony is here between the King and his Parliament! Nothing can be more affable, more obliging than this answer, and the free and easy manner wherewith he came into the measures of the two Houses. To render their happiness complete, nothing was wanting, but the performance of the King's promise, which, how carefully he observed, will presently appear.

The King had artfully avoided to answer the two principal Articles of the Petition, namely, the 11th and 17th, where the Parliament required, that all Papists should be removed from London and the Court, and discharged from all places of trust. Had he consented to these two requests, the face of the Court would have been entirely changed. The Duke of Buckingham's mother, who, by her Son's means, disposed of all the Offices, must have been removed. His Duchy would also have been of this number, as well as one of the Secretaries of State, with many others who had considerable places at Court, and in the Country (2). The King's silence on this head, caused the Parliament to draw a list of fifty seven popish Lords and Knights, who were in publick Offices, and present it to the King. But it does not appear that he took much notice of it. As it nearly concerned the Duke of Buckingham, very probably, he hindered the King from giving the Parliament any satisfaction in this point, and the Houses did not much insist upon it, that they might not too openly offend a Lord, whose credit was so great both with the King and Prince.

But though no Englishman dared to attack the favorite directly, a foreigner however undertook to ruin him in the King's favour, namely, the Marquis of Insula the Spanish Ambassador, who being enraged at the unworthy manner of the Duke's breaking off the marriage, burned with desire to revenge the King his Master and the Infanta. One day, as the King had few about him, he took an opportunity to give him a Paper, with a wink to conceal it. The King put it into his pocket, and withdrew to his closet to read it. He was exceedingly surprized to see the following particulars.

"I. That he was kept from all faithful servants, that would inform him, by the Ministers of the Prince and Duke, and was a prisoner as much as King John of France in England, or King Francis at Madrid, and could not be spoken with, but before such as watched him.

"II. That there was a strong and violent machination in hand, which had turned the Prince, a most obedient Son, to a quite contrary course to his Majesty's intentions.

"III. That the Counsel began last summer at Madrid, but was lately resolved on in England, to restrain his Majesty from the exercise of the Government of his Kingdoms; and that the Prince and Duke had designed such Commissioners under themselves, as should intend great affairs, and the publick good.

"IV. That this should be effected by beginning of a war, and keeping some companies on foot in this Land, whereby to constrain his Majesty to yield to any thing, chiefly being brought into straits for want of monies to pay the Soldiers.

"V. That the Prince and Duke's enclosing his Majesty from the said Ambassadors, and others of his own loyal People, that they might not come near him in private, did argue in them a fear and distrust of a good conscience.

"VI. That the emissaries of the Duke had brought his Majesty into contempt with the potent men of this Realm, traducing him for slothful and unactive, for addiction to an inglorious Peace, while the inheritance of his Daughter and her Children is in the hands of his foes; and thus appeared by a Letter which the Duke had writ into Holland, and they had intercepted.

"VII. That his Majesty's honour, nay, his Crown and Safety, did depend upon a sudden dissolution of the Parliament.

"VIII. They loaded the Duke with sundry misdemeanors in Spain, and his violent opposition to the match.

"IX. That the Duke had divulged the King's secrets, and the close designs between his Majesty and their master King Philip, about the States of Holland, and their Provinces, and laboured to put his Majesty out of the good opinion of the Hollanders.

"X. That the Duke was guilty of most corrupt dealing with the Ambassadors of divers Princes.

"XI. That all these things were carried on in the Parliament with an head-strong violence, and that the

1624.

The Parliament presents to the King a List of the Popish Lords and Knights.

The Spanish Ambassador privately informs against Buckingham to the King.

Coler, p. 144. Redworth, T. I. p. 144. Wilkes, p. 195. Cabala, p. 300.

(1) This Petition, after it was related to another form, and so presented to his Majesty, consisted only of two Articles, which were much the same with the three first and the last of these.

(2) This Observation is built upon our Author's mistake, in imagining the Petition containing the seven Articles, was presented to the King; whereas it was new modelled, and the 11th. and 17th. Articles left out. So it is no wonder the King should not take notice of them in his Speech. The Petition, as it was presented to the King, is to be seen in *Wilkes*, p. 714.

1624. "Duke was the cause of it, who courted them only that were of troubled humours.

"XII. That such bitterness and ignominies were vented in Parliament against the King of Spain, as were against all good manners and honour of the English Nation.

"XIII. That the *Parlians* (of whom the Duke was head) did what they could bring it about, that the Succession of the Kingdom might come to the Prince *Palatine* and his Children, in right of the Lady *Elizabeth*."

In a Postscript, the Paper prayed the King, That the Secretary to the Marquis *Isuiga*, might be brought to the King, when the Prince and Duke were sitting in the Lords House, to satisfy such doubts as the King might raise.

The King
among
young
English
even against
the Prince
and Duke.

The King talked with the Secretary, and discoursed likewise in private with *Padre Maystra* a Spanish Jesuit. It is not known what these men told him (1); but the King was perceived, after these conversations, to grow very melancholy, and his temper to be entirely altered. He affected, in speaking to the Prince and Duke, to use broken and mysterious expressions, which shewed that something lay heavy upon his mind (2). At last, the King going one day to *Windsor*, and taking Coach at St. James's, ordered the Duke (3), on some flight pretence, to stay behind. Then the Duke no longer doubting his disgrace, besought him for God's sake, to tell him what was laid to his charge. The King only answered, he was the unhappiest man alive, to be forsaken of those who were most dear to him (4), and taking the Prince his Son with him, left *Buckingham* at *London*.

The Duke is
upon the
Point of his
being dis-
graced.
Hackett,
p. 196.
Willson.
Coke.
Walden.
p. 153. 154.

The Duke retired to his own house, overwhelmed with grief, and thinking himself irrecoverably ruined. But by the advice of the Lord-Keeper *Williams*, he went immediately to *Windsor*, where he found means to remove the King's suspicions. At least, the King feigned to be cured of them. But the Earl of *Clarendon* confirms in his History, what is assured by others, that the Duke had entirely lost the King's favour. Mean while, *James* was naturally so timorous, that, instead of freeing himself from a favorite, whom he might easily have discarded, he gave himself up more and more to him, so apprehensive was he of his union with the Prince. He impatiently expected the Earl of *Bristol's* arrival, to use his advice; but means were found to prevent him from declaring his mind to him, and even of speaking to him.

He goes off
Hackett.
Coke.

Before the Parliament broke up, the King received a fresh mortification from the Prince and Duke. Whilst they were in Spain, *Lionel Cranfield*, Lord-Treasurer, lately created Earl of *Middlesex*, having the courage to refuse them sometimes the exorbitant sums they demanded, they resolved to ruin him at their return. They made use for that purpose of their credit with the Parliament, and caused him to be accused by its creatures, of mismanagement in the discharge of his office. The King knowing this came from them, desired them for God's sake, to use their interest with the two Houses to drop the impeachment: but they remained inflexible and unmoved at all the King's intreaties. So the Lord-Treasurer was condemned in a Fine of fifty thousand pounds, and declared incapable of ever sitting in the House of Peers. All the Historians agree, he did not deserve so rigorous a treatment. But the Duke, who had raised him from the dust, had a mind to shew he was powerful enough to reduce him to his primitive state, for an example to all who should dare to resist him. After this, it must not be thought strange, if the King, when he spoke to this Parliament, appeared so different from what he was with respect to the two former. Not that he had changed his sentiments and maxims, but durst not do any thing without the direction of the Prince and Duke, who had formed projects to which a Parliament was necessary. The Earl of *Clarendon* affirms, the King was extremely surprized in the beginning of this Parliament, when he was informed of the contents of the Duke of *Buckingham's* narration,

The Prince
and Duke
employ the
Treasurer to
be condemned
in spite of
the King.
Willson.
p. 787.
Clarendon.
T. I. p. 19,
no.
Walden.
p. 147, 166.
Hackett.
Coke.

Walden.

The King is
hope under
by the Prince
and Duke.

T. I. p. 19.
Vol. Edit.

concerning the Treaty of marriage: a narration, says that famous Historian, which, for the most part, the King himself knew to be untrue. Mean while, he had the weakness, as I said, to attest the truth of it, and to assure, the Duke had said the same things to him. There cannot be a clearer evidence of his subjection to the Prince and Favorite.

1624.

Here is also another remarkable proof of the King's weakness or fears. He saw no remedy but in the Earl of *Bristol's* counsels, whose return he impatiently expected. And yet, no sooner was this Lord arrived in *England*, but the King was constrained to send him express orders at *Dover*, not to come to Court, but remain at his own house till he had answered certain questions, which should be put to him by some of the Council. The Parliament being prorogued shortly after, the Earl frequently writ to the King, to desire he might be examined. The King wished it; but it was not the Prince's or *Buckingham's* interest, who still found fresh excuses to defer the examination. The Earl was however examined at last, after much sollicitation, and returned such answers, that his examiners could not help declaring, his conduct was unblameable. But this could not procure him his liberty or admittance into the King's presence. Some time after, the Duke sent him word, he was much mistaken, if he imagined his answers were satisfactory to the King, the Prince, or to him the Duke; but his only way to come into favour again, was to make the confession he had sent him. The Earl refused it, and the King told *Buckingham*, it was horrible tyranny to make an innocent person confess faults, of which he was not guilty. Notwithstanding all this, it was not in his power to speak with the Earl, because the Prince and Duke did not think it proper.

He is forced
to write the
Earl of
Bristol
of various
Clarendon,
T. I. p. 202.
Willson.

May 29.

The Earl
of Bristol's
Defiance.
Rushworth,
T. I. p. 127.
Coke.

The Parliament being prorogued (5), it was necessary to think of the war. The aid granted the King was very considerable (6). It was computed that with this money he might feed twenty-five thousand men into the *Palatinate*, under the command of an English General. But the Court had already taken other measures. Six thousand men only were therefore sent into *Holland* (7), to serve in the army of the States, under the command of the Prince of *Orange*, and other troops were levied for Count *Manfeldt*, who was during the winter to open himself a passage into the *Palatinate*.

The King
finds his
standard
Men sent
Holland.
Willson.
p. 787.
Rushworth,
T. I. p. 134.
Annals.
p. 103.

Mean while, [Henry Rich] Earl of *Holland*, who had been dispatched into *France*, having sent word that *Lewis* XIII. was inclined to listen to the overture of a marriage between the Prince of *Wales* and his Sister the Princess *Henrietta Maria*, the King appointed [James Hay] Earl of *Carlisle* to go and negotiate the affair jointly with him. The two Ambassadors repairing to *Compiègne*, where the Court of *France* was, Commissioners were nominated to treat with them, of whom the Marquis de la *Vierreville* Super-intendant of the Finances was the first. The conferences began a few days after the prorogation of the Parliament, when the King, according to his promise, was putting the Laws in execution against *Popish* Recalcitrants, particularly against *Friers* and *Priests*, some of whom were thrown into prison.

Treaty of the
Prince's
Marriage with
Henrietta
of France.
Act. Pub.
XVII. c. 6.
Willson.
p. 786.
De Chénon.
Coke.

This severity caused the Catholics to exclaim, who expected a very different treatment a few months before. They could not forbear complaining, that whereas the negotiation of the *Spanish* match had procured them great ease, this with *France* seemed on the contrary to serve only to increase their miseries. Several writ to *France* in that strain, intimating they had nothing to trust to but the piety, zeal, and protection of *Lewis*. Among others, a *Scottish* *Franciscan* wrote upon this subject to *Hugo* Archbishop of *Ambrun*, who had been General of the Order, and to whom he was known. The Archbishop shewed the Letter to the King, and aggravated the sufferings of the English Catholics, who expected relief only from his intercession. The King of *France* had already done his utmost to pacify the English Catholics, assuring them by *Tillers* his Ambassador at *London*, that he would not forget them. But their repeated complaints obliged him at length to take

They com-
plain to the
King.

(1) *Walden* says, *Mayfield* had learnt under *Confession*, that the King was by *Buckingham*, or his procurement, to be killed, but whether by *Poison*, *Pistol*, or *Dagger*, he could not tell, p. 153. Whereupon the King told *Buckingham* at the next interview, *Oh, Sonny, Steeny, what dost thou bid me?* The Duke, astonished at this Expression, endeavoured with the strongest Protestations, to justify his Arguments, which the King readily believed. *Walden*, p. 783.

(2) The King required of them particular proofs that all their secret confidants were really of the same mind, declaring the names of the Compurgers, whereupon the King's Privy-Council, and others of the principal Men of the Nation were examined upon Oath; but nothing was discovered. *Rushworth*, Tom. I. p. 144.

(3) As he was putting his Foot in the Coach, which drew Tears from him. See *Hackett*, p. 196.

(4) This the King uttered with Tears in his Eyes, which was received as the true measure by the Prince and Duke. *Hackett*, p. 197.

(5) It was prorogued on May 29, to November 2. *Walden*, p. 197.

(6) It was three entire Subsidies, and three Fifteenths and Tenths from the Laidy 1 and four entire Subsidies from the Clergy. Of the Laidy's Aid, eight Citizens of *London* were appointed to be Treasurers, and ten other Persons to be of his Majesty's Council for the War; without whose Warrant no Money was to be issued out by the Treasurers, nor upon any other account, but for the War. And both were to be accountable to the Commons in Parliament. See *Stat. Parl.* and *Statut.* at *Jaco*, c. 34. The Acts made in this Parliament were three, 1. One concerning Monopolies, and Dispersions with penal Laws, and the Forfeitures thereof. 2. For the better supplying of Dissolution, and immediate housing of Inns, Ale-houses, &c. 3. That next about 24. per Cent. Interest shall be given for Money. 4. For the relief of Creditors against Bankrupts. 5. That prophane Swearers and Curses shall pay twelve-pence for every Oath, to the use of the poor. 6. For making the River *Trent* navigable as far as *Osney*. The rest being too long to be inserted here, may be seen in the *Statute Book*.

(7) Their Commanders were, *Henry de Vere* Earl of *Oxford*, *Henry Wintour* Earl of *Southampton*, *Robert Devereux* Earl of *Essex*, and *Robert Berke* Lord *Wiltshire*. *Walden*, p. 781.

1624. some step in their favour, and the rather, as he was afraid, they would obstruct the Pope's dispensation, which would soon be wanted. He resolved therefore to send to *James* a secret agent to intercede for the Catholics; and chose for that purpose the Archbishop of *Ambrun*, who came to *London* in disguise, and passed for a Counsellor of the Parliament of *Grenoble*. At his arrival, he waited upon *Buckingham*, who seemed very much inclined to countenance his negotiation. The Counts of *Buckingham* the Duke's Mother, the Earl of *Rutland*, and some other Catholics did the Archbishop great services, and acquainted him with many things necessary to be known, in order to succeed in his designs. The King being informed that the Archbishop desired to speak with him, sent for him to *Rayston*, where he then was, confided to his bed with the gout. The Archbishop's first conference with the King was followed by the release of several *Papish* Reculants, imprisoned since the Parliament's Petition. Moreover, the King gave the Archbishop leave to administer Confirmation in the French Ambassador's house, to all that should apply for it. This was done in public a manner, that not only the house, but the street itself, was crowded with people. If the Archbishop's own narrative may be credited, he confirmed above ten thousand persons, which seems to me a little exaggerated. However this be, the number must have been great, since the Magistrates of *London* complained of it to the King, who owned it was done with his leave. And yet he had very lately told the Parliament, it was a shame to suffer such crowds of *Papists* at Ambassadors houses.

Conferences
between the
King and the
Archbishop of
Ambrun
Degeant's
Mem.
Wetwood's
Notes on
Wilson.
p. 786.

From that time, the King had several conferences with this Prelate, and one day as he was expressing his earnest desire to live in strict union with the King of *France*, the Archbishop took occasion to tell him, that one of the best means to that end, was to grant a full toleration to the Catholics. Whereupon the King squeezing him by the hand, said these words to him: *I perceive you are the Man sent me from God, to whom I may freely open my mind.* Adding, "He had always a good opinion of the Catholic Religion, and for it had often been in danger of assassination during his Minority: He intended to grant a full toleration to the Catholics; and in order to succeed, meant to cause an Assembly of Divines, as well foreign as English, to be held, and therein to be decided, that it was necessary to grant an universal Liberty of Conscience: and he had already cast his eyes on the English Divines to be sent thither: If the Assembly could not be held at *Devon*, he would agree it should be at *Boulogne*, as soon as his Son's marriage secured him the assistance of *France*: He thought proper that the Archbishop should now return to *France*, under colour of waiting on the Princess, and he would send him two Letters under his own hand, one for the Pope, the other for the King of *France*, wherein his project should be more fully explained: He would also give him a Memorial on the same subject, that being armed with these two Papers, he might go and negotiate at *Rome* with the Pope, for whom he had a very great respect, being obliged to him for a copy of verses he had formerly [when Cardinal] made upon the Queen his mother and the house of *Stewart*." At the same time he shewed the verses to the Archbishop, and then said, "If he returned from *Rome* with the Pope's approbation, concerning the Assembly, it should be immediately held, and he did not question, it would be very advantageous to the Catholic Religion. In the mean time, he intended to negotiate with the Protestant Princes of Germany, and endeavour to gain some of the chief Puritan Lords in *England* and *Scotland*."

Degeant's
Mem.

On supposition of the truth of this extract from the Archbishop of *Ambrun*'s narrative, at the end of *Degeant's Memoirs*, all that can be inferred from it, is, that *James* had formed a chimerical project of a mutual Toleration throughout Christendom, and thought himself qualified to effect it, with the assistance of *France*. But *Degeant* says something more. He affirms, *James* writ a Letter to the Pope, and sent it by an English Roman Catholic Gentleman. In this Letter, according to that Author, "He owns the Pope for Christ's Vicar upon earth, and Head of the Church Universal. He assures him, he intends to declare himself a Catholic, as soon as he has provided against some inconveniences which he foresees his declaration may cause. He promises, the Priests shall not be disturbed who are sent into *England* by his Holiness or the King of *France*, unless they are Jesuits. Moreover, desires the Pope not to think of causing to be restored to the Church, the Abbey-Lands granted or sold to the principal Families in the Kingdom, for fear of ruining the whole project. He says farther, nothing hinders him from openly professing the Catholic Religion, but his hopes of gaining first his Brother-in-law

The King's
engagement,
according to
Degeant.

"the King of *Denmark*, to whom he had sent to desire him, on some other pretence, to come to *England*. And when they two shall be closely united in the same design, he does not doubt but they shall prevail upon most of the other Protestant Princes."

Degeant assures, no-body knew of this Letter but *Buckingham* and the bearer: however he does not say how he himself came to know the contents. To speak the truth, I can hardly believe, *James* really intended to declare himself a Catholic: or if he did intend it, would write such a Letter to the Pope, in his present Circumstances. In short, I think it very unlikely this Letter should fall into *Degeant's* hands. So, I suspect, this Author's relation was only communicated to him by some English Catholic, on whose Testimony whether we may rely, cannot be known.

The Archbishop of *Ambrun*'s narrative is much more probable; first, because that Prelate relates only what he had himself from the King's own mouth: Secondly, because he says nothing but what is agreeable to that Prince's conduct through the whole course of his life. His religious notions were very particular, and not embraced by the Protestants. He believed that difference of opinion, with respect to the doctrines of Transubstantiation, Invocation of Saints, and the other Tenets which distinguished the two Religions, and were by him considered as School-Questions, was not sufficient to justify a Schism. Consequently the Roman and Protestant Churches were one and the same Church, from whence he inferred, it was incumbent upon all Christians mutually to support one another, and live like brethren. It followed equally from this principle, that the Protestants ought not to persecute or molest the Catholics, nor the Catholics the Protestants. He observed this rule himself very punctually, but without any just foundation that the Catholic Princes would follow the same maxim. So the scheme of an universal Toleration, which he meant to establish among all Christians, was properly but a chimera, since he had not sufficient authority to make all the world come into his measures. Mean while, as his maxims obliged him to look upon the Catholics with a different eye from what other Protestants did, it is no wonder that he passed, with the Protestants and the *Papists* themselves, for a Prince well-affected to the Catholic Religion. And indeed, so far was he from having any aversion to that Religion, that he considered the Church of *Rome* as the Mother-Church, from whence the Protestant Church was sprung, and doubtless, had it been in his power to unite them, he would have given the preference to the first, leaving every one free to believe what he pleased concerning the Doctrines. There was but one thing that embarrassed him, namely, the exorbitant power ascribed to the Pope, and the damnable maxim of the lawfulness of murdering Kings on account of Religion. To free himself from this embarrassment, he endeavoured to deceive himself, by imagining, there were but very few Catholics, who were possessed with the Pope's unlimited power, and that the King-killing doctrine was peculiar to the *Jesuits*. On the other hand, Puritanism in the Protestant Religion was so odious to him, that, probably, he would, if he could, have excluded the Puritans from the general Toleration he was willing to grant to all other Christians. King *James* had the misfortune to govern himself by general maxims, without considering, such maxims could not be always adapted to particular cases. His notions concerning Religion were of the same nature with his opinions about Monarchy, the general principles whereof he applied to the Government of *England*, contrary to the particular Constitution of that Kingdom.

Whilst the Archbishop of *Ambrun* was in *England*, the Treaty of negotiation of the marriage was continued in *France*, between the English Ambassadors and the French Commissioners. The English proposed at first the continuation of the Treaty, formerly begun for Prince *Henry's* marriage with the Princess *Christina*, who espoused the Duke of *Savoy*. But this motion was rejected by the French Commissioners; first, because that negotiation was properly but just left on foot: Secondly, because *France* would not be contented with less than was offered by the King of *England*, for the Prince of *Wales's* marriage with the Infanta of *Spain*. So the French Commissioners demanded in their turn, that the Articles concerning Religion granted to *Spain*, should serve for foundation to the present Treaty. The Ambassadors expected this demand, and by their private instructions knew how to proceed, but pretended, they could not grant what was demanded, without fresh orders. They sent therefore a Courier to *London*, but the Court of *France* knew it was not upon that account, so, they were pressed the more earnestly, to declare what they would grant with respect to Religion. At last, after some solicitation, they offered the Articles agreed upon with *Spain*, except four, namely, liberty of Conscience to the Catholics:

1624.

Rome & on this subject.

Cok. p. 169.

1624. Catholics: A Church in *London*: The education of the children by the Queen till ten years old: A Bishop with ecclesiastical Authority over the Prince's family. These four Articles were much debated, and at length, the Ambassadors yielded the two last. But for the two first, they said, they could not absolutely grant them, because of the King's solemn promise to the Parliament. This reason appeared so strong to the French Commissioners, that they thought it fruitless to insist any more upon these two Articles. The portion was settled without much trouble. The King of France offered eight-hundred-thousand crowns, on condition the Prince assigned a jointure of sixty-thousand crowns a year; which offer with the condition was accepted. So, in all appearance, this affair was to be ended in a very short space, but two things retarded the conclusion.

In the first place, the Pope did not approve of this marriage, because, hearing that the English Ambassadors had proposed a League to the King of France, he was afraid, the design of it might be to dispossess the Duke of Bavaria of the Palatinate and Electoral Dignity. For which reason he endeavoured at first to dissuade *Louis XIII.* from giving his Sister to an Heretical Prince. But finding *Louis* did not much regard his arguments, he declared he would not grant a dispensation, unless the marriage was made upon the same terms as were granted to Spain. Whereupon the King of France resolved to send Father *Berulle*, General of the Fathers of the Oratory to solicit the dispensation. His instructions signed the 31st of July, imported among other things, "that by the articles already agreed on, the Prince's, as well as all her Domesticks were very secure as to Religion: she had a Bishop with twenty-eight Priests or Monks: and a Chapel in every place where she shall reside: She was to educate her Children till the age of thirteen years, whereas in the Spanish Articles, the time was fixed to ten years. In fine, she was well instructed and very firm in the Faith: and instead of having any thing to fear for her, it was to be hoped, considering how well inclined the King of England was to be a Catholic, she would convert him as well as the Prince her spouse, after the example of *Bertha of France*, who made a convert of King *Edouard.*"

The Marquis de *Vieuville's* disgrace which happened at this time, was the other cause of the delay of this affair, and stopped Father *Berulle* who was about to depart. Cardinal *Richelieu*, who was commissioned to treat with the English Ambassadors, in the room of the disgraced Superintendent, pretended, that *la Vieuville* had acted without orders, or at least without the approbation of the King or Council. James being informed of this new obstacle, believed, the Court of France used this pretence to break off the Treaty, and made great complaints to the Marquis d'Effiat, who was lately come to his Court in the place of *Tillyers*. But Cardinal *Richelieu* was far from breaking off a negotiation so advantageous to France upon many accounts. So, contenting himself with disparaging *la Vieuville* by this accusation, he renewed the Treaty.

The late change in the Ministry inspired the Nuncio with fresh hopes. He represented to the Cardinal, that his own and the Pope's honour obliged him not to abate any thing of the Spanish Articles, and that assuredly the dispensation would not be granted upon any other terms. The Cardinal told him, the King of England and Prince of Wales had complied with whatever they really intended to grant the King of Spain, though not with what was extorted from them, whilst the Prince was as a prisoner at *Madrid*, and what was not in their power. Moreover, he intimated to him, that there was no absolute occasion for a dispensation, and though it was desired, 'twas not so much out of necessity as respect for the Pope's person. So, Father *Berulle* departed with his instructions, notwithstanding the Nuncio's opposition.

If the Court of France had shown less resolution, this affair would never have been accomplished. The Pope's behaviour on this occasion plainly showed, he only wanted a pretence to refuse the dispensation, or at least, to delay it as long as possible. He retarded the affair by laying it before a congregation, where fresh difficulties were continually started. They were not satisfied that the King of England and Prince of Wales should wear to the articles, they would have also the King of France to be guarantee, like the King of Spain, and *Louis* was forced at last to promise it. They insisted particularly upon demanding a publick Church in *London* for the Catholics, though they were told, it was not in the King of England's power to perform such an article, if it was granted. In a word, there was no delay, no artifice, but what was practised by the Pope, to gain time, till at last the French Ambassador had orders to declare, if the dispensation was much longer deferred, the affair might be transacted without it. This menace making the Pope apprehensive that he might very

unseasonably expose his authority, he promised the dispensation, after a tedious sollicitation which would have held longer, had it been the Court of France's interest to prolong it. But Cardinal *Richelieu* was afraid, a farther delay would bring with it alterations that might cause a breach of the Marriage, as happened in Spain. So the Treaty was signed at Paris the 10th of November. It contained thirty publick, with three secret, articles, wherein much the same advantages were stipulated for the Catholics, as in those of *Madrid*. The articles of the Treaty were,

I. His most Christian Majesty, to discharge what his dignity and piety oblige him to, and that he may treat of this marriage with a safe conscience, undertakes to procure the Pope's dispensation, within two months at farthest.

II. The articles and conditions of the marriage being signed, the King of Great-Britain shall appoint such persons of quality as he shall think proper, to espouse Madame in the Prince his Son's name, according to the usual-form in the Roman Catholic-Apostolick-Church.

III. The nuptials shall be celebrated in France, after the manner observed in the marriage of the late King with Queen *Margaret*, and in that of the Duchess of *Bar*.

IV. After the celebration of the marriage, Madame shall be concluded at his most Christian Majesty's charge, as far as *Calais*, where she shall be delivered to the person commissioned by the King of Great-Britain to receive her.

V. From *Calais* to England, her expenses shall be born by the King of Great-Britain, and every thing shall be done on both sides, as is suitable to a Princess of the Royal Family of France, joined in marriage to the heir of Great-Britain.

VI. The marriage being celebrated in France, and Madame arrived in England, a day shall be fixed, on which the King of Great-Britain, the Prince his Son, and Madame his wife being in some convenient room of the Palace, dressed in their royal robes, the contract and authentick Instrument of the celebration of the marriage, shall be publicly read, together with the Promocations, by virtue whereof the marriage was celebrated. Which done, the said contract shall be ratified anew by the King and the Prince his Son, in the presence of such as the most Christian King shall commission to that end, and of the Lords of Great-Britain who shall be present on this occasion, without the intervention of any Church-Ceremony.

VII. The free exercise of the Roman Catholic-Apostolick-Religion shall be granted to Madame, as likewise to all the children that shall be born of this marriage.

VIII. To that end, Madame shall have a Chapel in all the Royal Palaces, and in every place of the King of Great-Britain's dominions where she shall be, or reside.

IX. The said Chapel shall be beautified with decent ornaments, and the care and custody thereof shall be committed to such as Madame shall appoint. The preaching of God's word, and the administration of the Sacraments shall be entirely free, and the Mass, and the other parts of Divine Service, shall be celebrated according to the custom of the Holy Roman Church, with all Jubilees and Indulgences which Madame shall procure from Rome. There shall be also a Church-yard allowed in the City of London, where, according to the custom of the Roman Church, such of Madame's attendants shall be buried, as shall happen to die, which shall be done in a modest manner. The said Church-yard shall be enclosed, that it may not be profaned.

X. Madame shall have a Bishop for her Almoner, who shall have all necessary authority and jurisdiction in all things belonging to Religion, and shall have power to proceed according to the Canons against such as shall be under his charge. And in case the Civil-Court shall lay hold on any the said Ecclesiasticks, for some State-crime, and information be made against him, he shall be sent to the said Bishop, with the informations and proceedings, and the said Bishop, after degrading him, shall put him again into the hands of the secular Court. For any other crimes the Civil-Court shall send back the said Ecclesiastick to the Bishop, who shall proceed against him according to the Canons. And in case of absence or sickness, the Bishop's Vicar shall have the same authority.

XI. Madame shall have in her house twenty-eight Priests or Ecclesiasticks, Almoners and Chaplains included, to serve in her chapel, and if there are any Regulars, they shall wear the habit of their order.

XII. The King and Prince shall oblige themselves by oath not to attempt by any means whatever, to pervert Madame to change her Religion, or to engage her in any thing repugnant to it.

XIII. Madame's household shall be settled with as much dignity, and consist of as many officers as any Princesses of Wales ever had, and in the same manner as was agreed upon for the marriage of the most serene Prince with the Infanta of Spain.

N n n

XIV. All

Coke.
p. 171.Life of
Cardinal
Richelieu,
p. 144.

1524

Article of
the marriage.
Da Chelieu.
p. 1182.
Ad. Feb.
XVII. p. 7

1624.

XIV. All the domeicks Madame shall bring into England shall be French Catholics, chosen by the most Christian King, and in the room of those that shall die, she shall take other French Catholics, with the consent however of the King of Great-Britain.

XV. Madame's domeicks shall take the following oath to the King, Prince and Madame:

I promise and swear to be faithful to the King of Great-Britain, to the most Serene Prince Charles, and to Madame Henrietta-Maria Daughter of France, and to keep truly and inviolably this my promise. And if I know of any thing to be attempted against the persons of the said King, Prince, and Madame, or against the State, or public Good of the said King's Realm, I will discover the same to the said King, Prince, and Madame, or to those who shall have charge thereof.

XVI. Madame's portion shall be eight hundred thousand French Crowns, one half to be paid in London by his most Christian Majesty on the day before the espousals, and the other half within a year after the first payment.

XVII. If the Prince die before Madame, without issue, the whole portion shall be restored to Madame, to be disposed of as she pleases, whether she stays in England, or returns to France, in which last case, it shall be in her power to bring the money with her.

XVIII. But in case there are children, only two thirds of the portion shall be restored, the other third remaining for the children, whether Madame goes back to France, or stays in England: But in this case, she shall be paid the interest at five per Cent.

XIX. The children which shall be born of this marriage, shall be brought up by Madame their Mother, till the age of thirteen years.

XX. The children shall inherit also the two thirds restored to their Mother, unless she marries again: and then, the children of the second bed, shall have an equal share with those of the first.

XXI. If Madame die first without children, his most Christian Majesty grants, that in such case, only half of the portion shall be paid back to him, but if there are children, the whole shall go to them.

XXII. Madame's jointure shall be sixty thousand French Crowns, which shall be assigned her by the King of Great-Britain.

XXIII. The King of Great-Britain shall present Madame on account of the marriage, with fifty thousand Crowns worth of jewels and diamonds, which shall be Madame's own property, as well as those she has now, or which shall be given her hereafter.

XXIV. The King of Great-Britain shall be obliged to maintain Madame and her household; and in case she becomes a widow, she shall enjoy her portion and jointure with all other things to her granted.

XXV. In case the Prince die first without issue, Madame shall freely enjoy, wherever she pleases to live, her jointure which shall be assigned her in lands, castles or houses, whereof one shall be fit for her to reside in, and furnished suitably to a Princess of her quality.

XXVI. Madame shall have the free disposal of the offices and benefices of the said lands, part of which shall have the title of Duchy or Earldom.

XXVII. Madame shall be at liberty, whether she have children or not, to return to France with her household-goods, jewels, diamonds, and portion, as specified in the articles above. And in this case, the King of England shall be obliged to conduct her at his charge to Calais, in a manner suitable to her quality.

XXVIII. Madame shall renounce all paternal, maternal, and collateral inheritance, as to the lands of the royal Domain subject to Reversion, by Appenage, or otherwise.

XXIX. The contract of marriage shall be entolled in the Court of the Parliament at Paris, and ratified by the Parliament of England, and registered in the usual Courts. And the said King and Prince shall promise not to act contrary to any clause or condition of the same.

XXX. Moreover, it is agreed, that he of the two Kings which shall refuse to accomplish the present Treaty, shall be obliged to pay the other the sum of four hundred thousand Crowns, as a penalty for the said refusal.

Private or Secret Articles.

Richworts.
T. 1. p. 149.

1. That the Catholics, as well Ecclesiasticks as Temporal, imprisoned since the last Proclamation, which followed the breach with Spain, should all be set at liberty.

2. That the English Catholics should be no more searched after, nor molested for their Religion.

3. That the Goods of the Catholics, as well Ecclesiastical as Temporal, that were seized since the fore-mentioned Proclamation, should be restored to them.

ib. p. 152.

In this, as well as the Madrid Treaty, we see the great

care of the French and Spanish Courts for the interest of the Catholic Religion, and the little zeal of King James, the Prince, and the Duke of Buckingham for the Protestant. The XIXth Article concerning the education of the Children was of very ill consequence to England. It almost proved the ruin of Church and State.

If it is asked what could induce the King to purchase this marriage with such hard terms to the Religion professed by himself, and almost the whole Kingdom, there can be, in my opinion, but two motives assigned. The first was, to give the Prince his Son, a wife of Royal extraction, thinking any other Princesses beneath him. The second was, the portion of eight hundred thousand Crowns, which might excite his desire. As to the prejudice this Treaty might bring to the Protestant Religion, it troubled him not, for he never had the interest of that Religion much at heart.

The Treaty being signed at Paris, Mr. de Lomenie, Secretary of State, was sent to London to see it sworn by the King and Prince. Immediately after, all the prosecutions against the Papists ceased, and the King promised all the prisoners should be released, as soon as the marriage was consummated.

When the Earl of Carlisle was sent to France to hasten the treaty of marriage, he had orders to propose to that Court a League against the House of Austria. This was the Prince's and Buckingham's grand aim. There was then a dispute about the *Palatine*, between the Kings of France and Spain, which made the Court of England imagine Lewis would readily listen to such a proposal. And indeed he did so: but it was only to tighten the Pope and the Spaniards, and not with design to conclude the League. The Duke of Bavaria had friends in the French Court, who caused him to be much more regarded than the Elector Palatine, expelled his Dominions, and sheltered in Holland. So Lewis's Ministers told the English Ambassadors, that the League and Marriage were two distinct affairs, which could not be negotiated together: but after the conclusion of the marriage, the League should be treated of. By this answer, they kept the English in hope, and the Spaniards in fear. On the other hand, the Count of Mansfeldt stayed at or near Paris, and the Spaniards knew he had frequent conferences with the Ministers.

Some time after, Mansfeldt came to England, where he was received with extraordinary caresses, and lodged by the Prince in his Palace at St. James's. Here, after some conferences, he agreed with the King, the Prince, and the Duke, that he should have twelve thousand Men, to carry the war into the *Lower Palatine*. This project being formed, the King pressed the Court of France with respect to the League: but his proposal was artfully evaded on divers pretences, though without an absolute denial. He was forced therefore to be contented, till the League was concluded, with demanding of the French King, a passage through his Dominions for Mansfeldt's army. Lewis in general or ambiguous terms, made him hope, not only that he would grant a passage, but also strengthen this army with a body of his own Troops. The event showed, he meant after the conclusion of the League, whereas the English took it for a positive promise, whether the League should be concluded or not. Pursuant to this project, the forces to be commanded by Mansfeldt were levied in England.

Whilst this army was preparing to march, James caused a memorial to be presented to the Infanta Isabella, demanding the City of Frankendal, which she held in possession, and, by the treaty of London, was to keep, but till the end of the Truce, which was to expire the 26th of October. Moreover, he demanded in the same memorial, a free passage for the Garrison he was to send to Frankendal, not only through the Infanta's, and his Catholic Majesty's Dominions, but also through the territories of their friends and allies. The Infanta answered, she would order the Governor of Frankendal to surrender the place on the day appointed, to such as should produce a power from the King of England: That she would grant a passage through her own, and the King of Spain's Dominions, to the fifteen hundred Foot, and two hundred Horse, which, according to the treaty of London, were to take possession of Frankendal, and in general, would punctually execute the Treaty. But as to the King's last demand, to procure him a passage for his Troops through the Empire, she declared, it was not in her power, neither was she obliged to it. Thus the Court of England found by experience their error, in not insisting in the treaty of London, what they were afterwards forced to demand, and what the Infanta might justly deny. It is very true, in withdrawing the English Garrison from Frankendal, James met with no obstacle; but he could not expect the same thing when he should come to send them back. Some say, that on the 25th of October, the

Richworts.
Governor T. 1. p. 151.

1624. Governor of *Frankendal* marched out of the City with his Garrison, but finding none of the King of *England's* forces ready to take possession, instantly re-entered.

Manfredi is
described as
a puffed
up egotist
Francis
William
p. 289
Coke
Rushworth
T. i. p. 154.

This was not the only error of the Court of *England*, the most impolitic then in *Europe*. The twelve thousand Men to be conducted by *Manfredi* to the *Palatinate*, were embarked in *December*, in extreme cold weather, without the least doubt of their passage through *France*. Nevertheless, when the army came before *Calais*, the *French* would not suffer them to land. Much time was spent in going from *Calais* to the Court, and from the Court to *Calais*, even several times, and all to no purpose. The King of *France* constantly asserted, he had never positively promised to grant these Troops a passage. The *English* Authors call this a real breach of faith. I don't know whether they are in the right, and whether the Court of *England* is not rather to be blamed, for not taking better measures, and securing a passage through *France*, before the embarkation of the army. However this be, the army suffering greatly on board the ships where the Soldiers were closely pent up, *Manfredi* was forced to sail for *Zealand*, where he met with the same difficulties. The *Zealanders* said, they had not provisions for such a number of Troops, having had no notice of their coming. Much time was employed in negotiating. Messengers were sent to the *Hague*, and afterwards to *London*. In the mean while, the pestilence raging among the Soldiers, above two thirds perished before they were suffered to land. Most of those that escaped, either deserted, or lifted among the six thousand *English* which were in the service of the States. Thus, by the Court's wrong measures, this army became useless, and the money spent in raising it, was lost (1).

1625.
Difficulties
arise at the
disposition.

It was *February* 1625, before *Pope Urban's* Dispensation arrived. When it came to *Paris*, two new conditions not mentioned in the Treaty, were seen in it with surprise, namely, 1. That the Domesticities of the Children, born of this marriage, should be Catholics. 2. That the Princess should appoint them, and the *Pope* absolutely required the King of *England*, and the Prince his Son, to swear these two Articles, otherwise the Dispensation was invalid. The King of *France* was very angry with *Father Berulle* for accepting such a Dispensation. But the Father was so far from thinking it a fault, that he himself, as it is said, insinuated to the *Pope*, that it would be proper to add these two Articles, as having been forgotten in the Treaty. The Court of *France* therefore was under a sixth concern, fearing King *James* would reject these new conditions. But he was far from breaking for such a trifle. He accepted them without being much importuned, and only refused to swear again, saying, his word was sufficient. But without the oath, the Dispensation was not valid. To satisfy the *Pope* therefore, the King of *France*, and the Princess his Sister, were forced to write to him, that they would warrant the performance of the two last Articles. Notwithstanding this, a new Dispensation was to be solicited, which was some months in coming, and in this interval, died King *James*, without having the pleasure of seeing the marriage consummated.

A new dis-
position is
demanded.

Death of
K. James
William
p. 292.

About the middle of *March* he was seized with a *Tertian* ague, of which he had some fits. But though commonly such agues are not dangerous in the spring, this brought him to his grave. He died [at *Thetford*,] the 27th of *March*, in the fifty-ninth year of his age, after a reign of two and twenty years in *England*.

Suspicion
arose
Buckingham
William
p. 271.
Coke
p. 273, 176.

His death happening, as I may say, suddenly, and unexpectedly, caused many suspicions, which fell on the Duke of *Buckingham*. When one of the King's fits was going off, the Duke caused certain Plaisters to be applied to his side and wrists, and gave him twice with his own hands a Medicine to drink, in the absence of the Physicians. Nays, he would have given it a third time, but could not persuade him to take it. The King finding himself much worse, sent for the Physicians, who said positively, they would not prescribe, if the Plaisters were not immediately removed. However, the King died within a few days. The Duke was afterwards impeached by the Commons, not directly for poisoning the King, but for daring to apply remedies without the advice of his Physicians (2).

James left only a Son and a Daughter. His Daughter was married to a Prince who had now lost his Dominions, and was fled for refuge to *Rome*, in the Province of *Uttracht*, where he kept his little Court very poorly. King *James*, who was so liberal, is accused of having but moderately contributed to the maintenance of this disconsolate Family. I don't know whether there be any ground for this accusation. *Charles*, Prince of *Wales*, who succeeded his Father, was still more unfortunate than his Sister.

1635.

James I. as I have elsewhere observed, has had for *William*, *Coke*, *William*, *Acres*, *Scrover*, *and* Historians, Men very much prepossessed in his favour, or extremely prejudiced against him. This naturally followed from the divisions to which he himself had given birth. Some represent him as a perfect pattern of a good King: Others blacken his reputation as much as possible, by aggravating his failings. The reason of this diversity proceeds from the History of his Reign, being penned at a time when the animosity of the two parties was at the height, whence both have happened to leave in their writings evident marks of their passion. Therefore the Character of this Prince must not be formed, either upon the praises of the one, or the invectives of the other, but upon his manner of governing, upon his speeches and actions. This might be done by recollecting the principal circumstances of his reign. But to save the Reader the pain, I shall briefly relate, what is said on both sides, of which he will be able to judge.

The principal ingredients in King *James's* panegyrick is the constant Peace he caused his Subjects to enjoy. This cannot be said to be the effect of chance, since it clearly appears to have been his sole, or, at least, chief aim in his Administration. Nothing, say his friends, is more noble or more worthy a great King than such a design. But this design loses all its merit, if the Prince is discovered by his conduct, to preserve Peace only out of fear, supineness, excessive love of ease and repose, and King *James's* whole behaviour shows he acted by these motives, though he coloured it with the pretence of affection for his people.

If some take care to extol his knowledge in Philosophy, *Bacon*, Divinity, History, polite Learning, others affirm, it was but real Pelantry, and that from all his acquired knowledge he learnt only to talk very impertinently on every subject, instead of framing solid and sure rules for the government of his Dominions.

His liberality, which some praise, is exclaimed against *Coke*, *p. 183* by others as prodigality. These pretend, he gave without measure and discretion, without any regard to his own wants, or the merits of those on whom he heaped his Favours.

The same contrariety occurs between King *James's* *William*, Historians with respect to his capacity. Some call him for his wisdom, the *Solomon* of the age. Others endeavour to display all his errors, particularly in the two last important affairs of his Reign, wherein he came off very ill, namely, the Prince his Son's marriage, and his Son-in-law's election to the Kingdom of *Bohemia*.

Some extol him for maintaining the Prerogative Royal in its full lustre, in spite of the efforts of those who were continually attacking it. Others pretend, he had conceived very wrong Ideas of the *English* Constitution, and by aiming to carry the regal authority too high, and instilling the same principles into his successor, he was the first cause of his Family's ruin.

As to his manners, writers are no less divided. Some describe him as a very wise and virtuous Prince, whilst *William*, *Coke*, *p. 179*, *186*, *Coke*, *p. 271*, others speak of him as a Prince of a dissolute life, given to drinking, and swearing in common conversation, especially when he was in a passion. He is likewise reproached for dissolving the Earl of *Essex's* marriage, pardoning the Earl and Countess of *Somerset*, for the death of Sir *Walter Raleigh*, and for confidently calling God to witness, in full Parliament, that he never had any thoughts of granting the Papists a Toleration, which he could affirm but by means of some mental reservation.

In fine, whilst some praise his moderation and equity *Coke*, to the Catholics, others pretend to demonstrate he was a *Bacon*, Papist in his heart, and only professed the Protestant Re-

(1) These twelve thousand Foot were divided into six Regiments, the Colonels whereof were *Theophilus Clinton* Earl of *Lincolls*, the Lord *Doncaster* Son to the Earl of *Carlisle*, the Lord *Cromwell*, Sir *Charles Rich*, Sir *John Burroughs*, and Colonel *Grey* a *Scottishman*, who had been an old *German* Commander, and elected to wear Buff in time of Peace, and at Court, with a brace of Pillols at his Girdle, which the King never liked to see. These were likewise two Troops of Horse raised for this service; one of which was commanded by the Earl of *Lincolls*, and the other by one *Gustav*, *Raghuworth*, *Tom. i. p. 153*. At their winter quarters at *Rijndale*, the Earl of *Southampton*, and his Son the Lord *Worcester*, were both seized with burning Fevers. The *Son* died, and the Father overcoming the Fever, departed from *Rijndale*, with intention to bring his Son's body to *England*, but died of a Leichtry at *Bergen op Zoom*, to be both in one small Bark brought to *Southampton*, and buried at *Tisbury*. *William*, *p. 289*.

(2) *William* says, one of *Buckingham's* chief motives was thought to be his fear the King would set up *Brissot* his deadly enemy against him, to pull him down. And if what *Burnet* says be true, he had reason likewise to fear the King's old favourite *Somerset*. He says, the King being retired to bring the Earl of *Somerset* into favour again, met him in the night in the Gardens at *Thetford*: Two Bed chamber Men were only in the secret: The King embraced him tenderly, and with many tears: the Earl of *Somerset* believed the secret was not well kept, for soon after, the King was taken ill with an Ague, and died at *Thetford*. *Burnet* says, he had this from some who were told it by the Earl himself. Dr. *Graig* the King's Physician was disposed, for lying, he believes the King was poisoned. *Burnet*, *p. 272*.

ligion out of fear of what might follow, in case he openly declared for the Catholic. If some say, in proof of his being a good Protestant, that he made constant profession of the established religion, persevered in it to his death, and when dying, charged the Prince his Son to protect the Church and Clergy; others answer, this is far from a demonstration. They pretend, the point is not to know what he would appear to be, but what he was in reality, and that his actions belied his outward profession: that the same thing had happened to him in *Scotland*, where till the age of thirty-six years, he had professed a Religion which he mortally hated, as plainly appeared afterwards (1). That when he came to *England*, he declared himself openly the protector of the Papists: took their part on all occasions: promoted them to honours, dignities, public offices: that in his reign the Laws against them were never duly executed, of which he boasted to the Catholic Princes in his Apology concerning the oath of Allegiance: That in all his Speeches, whether in the Parliament or the Star-Chamber, his constant aim was to move his Subjects to consent to a full Toleration for the Catholics: but not finding the Parliament inclined as he wished, he granted, by his sole authority, a Toleration in effect, by hindering the execution of the Laws, and discharging the condemned Recusants from Fines, and other penalties: that in his conventions with *Spain* and *France*, he positively promised to cause no more Laws to be enacted against the Papists, and those already in force not to be executed: that on all occasions, he affected to show he found nothing amiss in the *Roman* Religion, but the Pope's exorbitant power over Princes: that by giving the Pope the titles of Holy Father, his Holiness, and by consenting that his Son's children should be educated in the *Roman* Religion till the age of thirteen years, he plainly discovered he should not be sorry for their continuance in that Religion: Lastly, his engagements with the Archbishop of *Ambrun* is a fresh and manifest proof of his being a true Papist. To this the others reply, it is not possible to conceive, that if King *James* had been a Papist in his heart, he would have spent a considerable part of his time in writing Books against the Popish Religion, and combating the arguments of *Bellarmin* and *Du Perron* (2).

Having related what is said for and against King *James*, with respect to his Religion, I shall take the liberty to offer my opinion or conjecture, which is, that this Prince was truly neither a found Protestant, nor a good Catholic. One can hardly help owning, that he had never much at heart the interest of the Protestant Religion, as on the other hand, it cannot be denied, he made publick and constant profession

of the same to his dying day. This induces me to think he had formed a scheme of Religion different from that of others, according to which he counted of no moment, what the Protestants and Catholics looked upon as essential. The difference between the two Religions, with respect to the Tenets, was not what affected him most. He believed, probably, that every Religion was good, provided it taught obedience to Sovereigns, and preserved the Hierarchy, which he considered as a fundamental Article. It is therefore no wonder, that, agreeably to this scheme, he should refuse to enter into the measures of the *English* Protestants, to hinder the growth of the *Romish* Religion in *England*, or not scruple to continue in the Religion he professed, since, according to his Notions, the two Religions were equally good, provided the Pope's despotic power was abolished. I scarce doubt that in his conferences with the Archbishop of *Ambrun*, he had in view the chimerical project of reconciling the two Religions, without troubling himself about the Tenets which divided them, and which, in one of his speeches, he called scholastic questions. But, very probably, if he could have executed this project, according to his Ideas, all the advantage would have been on the side of the *Romish* Religion. This, in my opinion, is the only way to excuse his condescension to the Catholics, and his zeal to protect them. Otherwise, I don't see how his doubtful behaviour, with regard to Religion, can well be accounted for. This may also serve to discover the reason of his rejecting with so much animosity, the Religion of the Puritans, whose principles he believed directly contrary to the scheme he had formed.

But whatever may be said for and against King *James*'s person, it is certain, *England* never flourished less than in his Reign, and the *English* saw themselves exposed to the insults and raileries of other Nations, whilst the blame was generally cast on the King. The following Epigram made in *France* in his time, is a clear evidence in what esteem he was with his neighbours:

*Tandis qu' Elizabeth fut Roy,
L'Anglois fut d'Espagne l'offroy.
Maintenant, devint et caqueté,
Régé par la Reine Jaquette.*

That is literally in *English*.

*Whilst Elizabeth was King,
The English were of Spain the Terror.
But now, governed by Queen Jaquet,
They only talk and prattle.*

THE

(1) Of King *James*'s dissimulation in point of Religion, there is a clear evidence in a Speech of his to the Kirk of *Scotland*, which he is said to speak standing, with his bonnet off, and his hands lifted up to Heaven, wherein among other things, He blessed God that had honored him to be King over such a Kirk, see *James's Kirk in the World*. The Church of Geneva, What are they? They keep Psalter and Yells. [i. e. *Engl* see *Christians*.] What Authority have they in God's word, and where is their Infirmitie? As for our neighbour Church in *England*, their Service is an evil Mass, just in *English*; they want nothing of the Mass but the *Leitry*, see *Colerwood*, Hist. of Ch. of Scot. p. 448.

(2) As to this King's Person, though his Father and Mother were affirmed the handsomest couple of the age they lived in, yet he was himself but homely, nor in any of his Features was to be found the least resemblance of the beautiful *Mary Stewart*, or *Lord Darnley*. *Walsden*, p. 17.

By an Indenture of the 24 of *James* I, a pound weight of Gold, of twenty two Carats fine, and two Carats alloy, was coined into 37 l. 4 s. by tale; namely, into Union guineas for 20 l., double Crowns at 10 l., British Crowns at 5 l., Thistle Crowns at 4 l., and Half Crowns at 2 l. 6 s. 8 pence: And a pound weight of Silver of the said old Standard into 65 s. by tale; namely, into Shillings, Six-pences, Two-pences, Pence, and Half-Crowns. — In the 34 year of this Reign, a pound weight of Gold of the old Standard, of twenty three Carats, three Grains and a half fine, was coined into 40 l. 10 s. by tale; namely into Rose-Ribbs at 30 s. 6 pence, Spar-Ribbs at 15 l., and Angels at 20 s. 2 pence — In the 35th, there was a Proclamation for raising Gold 2 s. in every 100 — In the 10th, a pound weight of the old Standard Gold was coined into 44 l. by tale; namely, Rose-Ribbs, Spar-Ribbs, and Angels; and a pound weight of Gold of twenty two Carats fine, was coined into 40 l. 10 s. and 4 d.; namely, into Union at 22 s., Double Crowns at 11 s., British Crowns at 5 l. 6 d., Thistle Crowns at 4 l. 4 d., three Farthings, or Half British Crowns at 2 s. 9 d. 2 pence.



The Gold Coins of this King (as appears from the Indentures above) are *Rose-Ribbs*, and *Spar-Ribbs*, *Angels*, *Union*, *Crowns*, and *Half-Crowns*, of several denominations. The *Rose-Ribb* has on one side the King upon his Throne, in his Robes, with Crown, Scepter, and Ball, at his feet a *Viscount*, *JACOBUS*. D. G. MAG. BRIT. FRAN. ET. HIBER. REX. Reverse, the Rose and Arms, which are Quarterly, *France* and *England* in the first and fourth Quarters; second, the Lion within the double Treasure Tower, for *Scotland*; third, the Harp for *Ireland*. A. DNO. FACTVM. EST. ISTUD. EF. EST. MIRAS. IN. OCY. NRIS. The *Union* has on one side the King's Figure, *JACOBVS. DEI. GRA. MAG. BRIT. FRAN. ET. HIBER. REX.* Reverse, *FACIAM. EOS. IN. GENTEM. VNAM.* Of these *Union* there are several sorts, as may be seen in *Nomine Britanica*, Hist. p. 24. &c.

G OF ENGLAND.

A SHORT TABLE,
which shews at one view how the Branches are formed, and contains
likewise the Names of the several Houses descended from K. James I.

| | | | | |
|----------|---------------|--------------|----------------------|--|
| James I. | Charles I. | James II | Mary | |
| | | | Ann | |
| | Henrietta | Mary | William III | |
| | | | | |
| | Charles Lewis | Elizabeth Ch | Charles Em. Savoy | |
| | | | Maria Adel. France | |
| | | | Maria Lou. Spain | |
| | | | Philip Orleans | |
| | | | Elizabeth Ch Lorrain | |
| | | Louisa Maria | Lewis Otho Salm | |
| | | | Eleonor Chr. Ursel | |
| | | | | |

We have taken as the Prince common James I. and his proper that are Fathers Children of the

26
20 CHARLES
K. of Eng.
Catherine
of Portugal
d. 1615.

28
21 MARY
2. of Eng.
William III.
d. 1694.

22
27 Will
D of
d. 17



The Gold Coins of this King (as appears from the inscriptions above) are *Raja-Rials*, and *Spur-Rials*, *Angels*, *Unites*, *Crowns*, and *Half-Crowns*, of several denominations. The *Raja-Rial* has on one side the King upon his Throne, in his Robes, with Crown, Scepter, and Ball, at his feet a *Parasol*, *IACOBUS. D. G. MAG. BRIT. FRAN. ET. HIBER. REX.* Reverse, the *Rose and Arms*, which are Quarterly, *France and England* in the first and fourth Quarters; second, the *Lion within the double Trefleur fleur*, for *Scotland*; third, the *Harp for Ireland*, *A. DNO. FACTVM. EST. INTUD. ET. EST. MIRAB. IN. OCY. KRIS.* The *Unite* has on one side the King's Figure, *IACOBVS. DEI. GRA. MAG. BRIT. FRAN. ET. HIBER. REX.* Reverse, *FACIAM. EOS. IN. GENTEM. VNAM.* Of these *Unites* there are several sorts, as may be seen in *Dunn's British History*, p. 24, &c.



From an excellent Original in the Royal Palace of Hampton Court.



THE HISTORY of ENGLAND.

BOOK XIX.

Containing the first fifteen Years of the Reign of CHARLES I.

25. CHARLES I.

CHARLES
I.
1625.
Ridgworth,
T. L. p. 166.



Buckingham
is favourite
to the new
King.
Id. p. 165,
167.
Annals
of
K. James's
displeasure
against
Bucking-
ham.
Clarendon.
T. I. p. 20.

CHARLES I. Son and Successor of James I. was tinctured from his infancy with the principles concerning the Regal Authority, and Prerogative Royal, which were so much improved by the deceased King, during his life. He had the same Favorite, the same Council, the same Ministers, and all the Places at Court, and in the Kingdom, continued in the hands of the Duke of Buckingham's creatures. So, there was nothing new but the King's person. Charles's journey to Spain had so incensed the Duke of Buckingham to him, that King James's affection for that Favorite was nothing, as I may say, in comparison of the new King's. 'Twas thought, and 'tis not unlikely, if James had lived, he would have discarded the Duke, with whom he was displeased for several reasons. 1. Because of the journey to Spain, of which he was the sole adviser, and which had exposed the King to the censure of all Europe. 2. On account of the breach of the Spanish match without any just cause. 3. For the Duke's engaging him, as it were against his will, to break with Spain. 4. For causing, by the Prince's credit, and his interest with the Parliament, the Lord-Treasurer Middleton to be condemned, in spite of the King himself, who did his utmost to save him, and even sued to the Prince and Duke for his pardon, without being able to obtain it. Thus James died very seasonably

for the Favorite, who, probably, to support himself, must have set the Prince at variance with his Father, which might have had terrible consequences. This raised strong suspicions of the Duke, which were farther confirmed by his presuming to apply a Plaster to the King's side, and giving him, with his own hand, a Potion to drink, without the advice of his Physicians. Indeed, the Duke could not be directly accused of halting the King his benefactor's death, by the remedies he gave him. But when the time and circumstances of this unexpected death, caused by a Tertian Ague, not usually very dangerous in the Spring, were jointly considered, with the embarrassments it delivered the Favorite from, and the advantages it procured him, it was difficult not to suspect him. And yet, on the other hand, when the new King was seen to have an entire affection for the Duke, it could not be imagined that he doubted his innocence in that respect. However this be, the Duke of Buckingham was the Son's Favorite, as he had been the Father's, with still greater power and credit than he had enjoyed in the foregoing Reign.

Charles I. at his accession to the Throne, formed two Projects equally difficult to be executed. The first was, to wrest from the Emperor, and the Duke of Bavaria, both the Palatinates which had been taken from his Brother-in-law the Elector Palatine. The second, to eary the Regal Authority much higher than the King his Father, or any of his Predecessors had done. These two projects, which separately would, in all appearance, meet

1625.

The Duke is
suspected of
K. James's
death.

Charles's
Projects are
concerning the
Palatinates,
and the Pa-
latinate.

One in particular has the King's Bust Largest on one side, and XX. behind the Head, a Scarf-crook the Shoulder, Inscriptions and Arms as the former United, HENRIC. REX. REG. A. IACOBVS. There is a Hall, with X. behind the Head, and a Quarter with V. The Crowns have on the reverse the Arms, and HENRICVS. REX. A. IACOBVS. The Half-Crown has on one side a Rose crowned, and I A. D. G. A. MAG. BR. FR. ET. HIBER. REX. On the other side a Thistle-flower crowned, TREATVR. VNITA. DEVS. (Fig. 1.) The Half-Groat has, on one side, the King's figure, and I A. D. G. ROSA. SINE. SPINA. Reverse, the Arms, and TREATVR. G. The Silver Coins of this King are Crowns, Half-Crowns, Shillings, Six-pences, Two pence, Pence, and Half-pence. The Crown represents the King on Horse-back in Armour, and crowned, holding a Scepter in his hand; the Rose and Crown upon the Toppings of the Helm. IACOBVS. D. G. ANG. SCO. FRA. ET. HIB. REX. Reverse, the Arms, EXVGGAT. DEVS. DISSIPENTVR. INIMICI. Another Crown is inscribed, IACOBVS. D. G. ANG. SCO. FRA. ET. HIB. REX. Reverse, the Arms, QVA. DEVS. CONVIXIT. NEMO. SEPARAT. The Shillings have XII. (Fig. 2.) and the Six-pence VI. behind the King's head crowned, with Legends as on the Crowns. The Pence and Two-pence are inscribed I. D. G. ROSA. SINE. SPINA. with I. or II. behind the King's head crowned. (Fig. 3.) Reverse, the Arms fill up the whole Area. The Irish Monies are in all respects like the English, only have a Harp crowned on the reverse. (Fig. 3.) The Copper Money of Ireland has two Serpents through the Crown.

1625. "the fortifying of Ireland, do all meet in one centre, the *Palatinate*; and that the Subsidies granted in the last Parliament are herein already spent, whereof the account is ready, together with as much more of the King's own Revenue." His Lordship further commended three circumstances.

"First, The time; all Europe being at this day at the Pool of *Bethsda*, the first stirring of the waters must be laid hold on: Wherefore his Majesty desires them to beflow this meeting on him, or rather on their actions; and the next shall be theirs, as soon, and as long as they please, for domestick business.

"Secondly, Supply, if Subsidies be thought too long and backward, his Majesty desires to hear, and not to propound the way.

"Thirdly, The Issue of Action; which being the first, doth highly concern his Majesty's honour and reputation, for which he relies upon their loves, with the greatest confidence that ever King had in his Subjects; witness his royal poetry, *Amor Civium Regis Mentium*: And he doubts not, but as soon as he shall be known in Europe to be their King, to find them they be known to be "a loving and loyal Nation to him."

The Palatinate Prince the King against the King's great Council, 1625.

Though the King affirmed in his Speech, that no Prince was ever more desirous to maintain the Religion he professed, the Parliament does not seem to have fully believed it, since, at the very first, both Houses joined in presenting him a Petition against Recusants. The King returned a very gracious answer, saying, he was very glad to see their zeal for Religion, and was ready to concur with them in whatever they should propose on that head. He desired however answering each particular article of the Petition, till he had examined it.

Montague's letter to the King, 1625.

Mr. *Richard Montague*, a Clergyman, had lately printed a Book, entitled, *An Appeal to Caesar*, wherein were several propositions tending to the disturbance of Church and State (1). It was complained of to the Commons, who bringing the author to the Bar of their House, and examining him, thought proper to refer him to the Archbishop of *Canterbury*. The Archbishop, who was looked upon with no good eye at Court, because he was suspected of being a friend to the Puritans, contented himself with exhorting him to write no more upon such subjects. The proceedings of the Commons displeased the King, for *Montague* being one of his Chaplains, he pretended the bringing him to their Bar was an encroachment upon his Prerogative. He expressed his displeasure with the Commons, and took occasion to bring the cause before the Council. Every one suspected, that as *Montague's* book contained an *Arminian* doctrine, *Land*, Bishop of *St. David's* (2) the King's most intimate Counsellor for religious affairs, had done this, to stop the prosecution. *Land* was considered by many as the head and protector of the *Arminians*, who were now very numerous in the Kingdom. He had insinuated himself into *Buckingham's* favour, and by that means into the King's, who readily followed his Counsels, in the affairs of Religion.

The King's letter to the Council, 1625.

The displeasure expressed by the King against the Commons, hindered not the House from granting him two Subsidies. The King accepted them graciously, but withal intimated, this supply was far short of what was necessary for the war (3) to which his Father was advised by the Parliament. The Act for the two Subsidies was no sooner passed, than the King adjourned the Parliament to *Oxford*, to meet again the first of *August* following, by reason of the Plague which raged in *London*.

The Commons grant two Subsidies, 1625.

King *James*, a little before his death, promised to lend the King of *France* five or six ships to be employed against the *Genoese*. At least they were borrowed on that pretence. But afterwards, *Louis XIII.* wanting three ships for the siege of *Rachel*, prevailed with *Charles I.* by *Buckingham's*

means, that he might employ them where he pleased, and accordingly they were sent to *Dieppe*, under the command of Vice-Admiral *Pennington* (4). The masters or commanders of these ships, discovering they were to go against *Rachel*, weighed anchor and sailed back to *England*. *Pennington* informing the Duke of *Buckingham* of it, received an express order, confirmed by another from the King himself, to return to *Dieppe* with the ships, and put them into the hands of the *French*, which was done accordingly. But the mariners all deserted, utterly refusing to serve against *Rachel*.

This affair made great noise at *Oxford*, where the Parliament was re-assembled. *Buckingham's* ill conduct in this, and other respects was loudly complained of in the House of Commons. It was said, the money granted by the Parliament to the late King had been misapplied, and put to uses very different from those it was intended for. That the Seas were so neglected, that the *English* had done great damage to the *English* Merchants. That Popery and *Arminianism* were countenanced by a seditious party in the Kingdom. *Nels* Bishop of *Windsor*, and *Land* Bishop of *St. David's* were chiefly looked upon as the heads and protectors of the *Arminians* (5), nay, as favourers of Popery, by reason of their rigid and pious zeal for all the Ceremonies of the Church of *England*, even for such as seemed the least necessary. This zeal appeared to many as very tedious as unbecoming, and caused them to suspect, that the Prelate, under colour of maintaining Religion, had formed a project to restore Popery. They could not imagine, that men should have so strong an attachment to things in themselves of so little moment, without some hidden design. Wherefore Mr. *Montague* was summoned a second time before the House of Commons (6), and severely reprimanded.

Mean while, the King seeing the Parliament had spent the three or four last days of their Session in talking of grievances, without any mention of the money he expected for supporting the war, sent for both Houses, and in *Christ-Church-Hall* spoke to them in the following manner:

My Lords, and you of the Commons,

"We all remember, that from your desires and advice, my Father, now with God, brake off those two Treaties with Spain that were then in hand: Well you then foretold, that as well for regaining my diffused Brother's inheritance, as home defence, a war was likely to succeed; and that as your Councils had led my Father into it, so your assistance in a Parliamentary way to pursue it, should not be wanting. That aid you gave him by advice, was for succour of his allies, the guarding of *Ireland*, and the home part, supply of munition, preparing and setting forth of his navy. A council you thought of, and appointed for the war, and treasurers for raising of the monies: and to begin this work of your advice, you gave three Subsidies, and as many Fifteens, which with speed were levied, and by direction of that council of war (in which the preparation of this navy was not the least) diffused.

"It pleased God at the entrance of this preparation (by your advice begun) to call my Father to his mercy, whereby I entered as well to the care of your design, as his Crown. I did not then, as Princes do of custom and formality, re-assemble you, but that by your further advice and aid, I might be able to proceed in that which by your counsels my Father was engaged in. Your love to me, and forwardness to further those affairs, you expressed by a grant of two Subsidies yet ungathered; although I must assure you, by myself and others upon credit taken up, and aforehand disbursed,

King James's letter to the King of France, 1625.

(1) Our Author here to confound two distinct things. *Montague* (in 1170) published a Book, which he called, *A new Gag for an old Goose*, being an answer to a prophetic Book, entitled, *A Gag for the new Gop*; and for this Book it was that he was questioned by the Parliament, and committed to the Archbishop, who directed him with an Arminian. Afterwards the Bishop of the *diocese* of *Worcester* publishing his *Appeal to Caesar*, at first arrested by this first Author, which they afterwards withdrew by subtilty. However, the Book was printed and dedicated to King *Charles*. The House appointed a Committee to examine the errors therein, and thought the Archbishop in his intemperate formality to the Author, and when his Books to be contrary to the Articles established by the Parliament, and took Bond for his appearance. *Rogers*, Tom. I. p. 173.

(2) *Land*, by mistake, says *Bish* and *Hill*, which he was not yet.

(3) The charges of which, by computation, amounted to 700,000 *l.* a year. *Rogers*, Tom. I. p. 174.

(4) The *Vanguard*, a large Arm of War, with seven other *Ships* of great burden and strength. *Hid. Cato*, p. 190.

(5) *Rogers*, as well as most of our Writers, especially those of the Puritan Party, seem to confound two things, who have no manner of relation to each other, viz. *Arminianism* and *High-Church-Principles*. The *Arminian* Doctrine, condemned by the *Synod of Dort*, held in 1618, was in substance related to these five Articles. I. God does not in an arbitrary manner predestinate any Person to be saved or damned. II. Christ died for all men, that is, all are protectors of the interests of Christ's Church. III. How necessary heretofore Grace may be towards our good acts, yet, IV. It is not irreducible, that is, we are still Free Agents; consequently, V. The *Arminians* may easily see how they depart from a state of Grace. Now nothing can be more evident, than that a man may embrace all these opinions, without being one jot the more a Friend to Popery or Arbitrary Power. Wherefore, though the best adherents of *Arminianism* happened likewise to be zealous Sucklers for something like a despotic Power in the King, yet as the one is no consequence at all of the other, as abundance of our *Arminians* were *Presbyterians*, *Quakers*, *Lords*, *Nobles*, *Merchants*, and the rest, who were for giving the King above the Laws, would have been of that mind, whether they had been *Arminians* or no. Even at this time, the five Articles above, which are now generally received in the Church of *England*, are believed by thousands, who are not in carrying the Authority of the King or Church beyond its due bounds. The reason why *Arminianism* was condemned in the *Regius* of *James I.* and *Charles I.* was, because our Articles and Homilies (in the points above-mentioned) were generally understood as a *Catholical* sense.

(6) According to the condition of his Bond. *Montague's* case was recommended to the Duke of *Buckingham*, by *Buckingham* Bishop of *Rochester*, *Windsor* Bishop of *Oxford*, and *Land* of *St. David's*, who observed, That learned men ought to be left to stand in their own seals, it being the great fault of the Council of *Trent*, to require a Subscription to School-divisions, &c. See *Rogers*, Tom. I. p. 176.

1625. *Cato's letter to the King, 1625.*

Montague's letter to the King, 1625.

The King's letter to the Council, 1625.

The King's letter to the Council, 1625.

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The King's letter to the Council, 1625.

The King's letter to the Council, 1625.

1625. "and as far short, as yet to set forth that navy now preparing; as I have lately the estimate of those of care, and who are still employed about it, whose particular of all expenses about this preparation shall be given you, when you please to take an account of it."

The Secretaries
of State made Speeches,
T. L. p. 175.

When the King had done speaking, [the Lord Comway and Sir John Cook] Secretaries of State made Speeches, the design whereof, like that of the King's, was to demonstrate the absolute necessity the Commons were under, to grant his Majesty a large sum for the war wherein he was engaged. They forgot not to repeat that the war was begun by the late King, by the advice of both Houses of Parliament, for this was what the King considered as an unanswerable reason. But the Parliament being now better informed how the King and Duke procured that advice from the former Parliament, these two Speeches produced no great effect. The Commons being returned to their House, proceeded to examine Grievances, and in this examination divers complaints were made against the Duke of Buckingham. It was also complained, that Popery was not only tolerated, but even countenanced, contrary to the King's express promise: That pardons were granted to Recusants, signed by the Lord Comway Secretary of State, who pretended to be authorized by the King, and that these pardons stopped the course of justice, and the execution of the Laws. Whereupon the King thought himself obliged, to return positive answers to the Petition presented to him at London by the two Houses, to which he had hitherto only answered in general. It is absolutely necessary to insert here the Petition, with the King's Answers to each article, that the Reader may the better judge how the King's promises were afterwards performed.

The Commons
complaints with
respect to
Buckingham.
M. p. 179.
M. p. 180.
Annals.

Petition against Recusants, with the King's Answers to each Article.

Most Gracious Sovereign,

Petition of
both Houses
against
Popish Recusants
presented to the
King at
Westminster,
and answered
by him at
Oxford.
Rothworth.
W. L. p. 281.

"IT being infallibly true, that nothing can more establish the throne, and assure the peace and prosperity of the people, than the unity and sincerity of Religion; we your most humble and loyal Subjects, the Lords Spiritual and Temporal, and Commons of this present Parliament assembled, hold ourselves bound in conscience and duty to represent the same to your sacred Majesty, together with the dangerous consequences of the increase of Popery in this land, and what we conceive to be the principal causes thereof, and what may be the remedies.

The Dangers appear in these particulars.

- "I. In their desperate ends, being, both the subversion of the Church and State, and the reflection of their spirits to attain these ends; the doctrine of their teachers and leaders, persuading them that therein they do God good service.
- "II. Their evident and strict dependency upon such foreign Princes, as no way affect the good of your Majesty and this State.
- "III. The opening a way of popularity to the ambition of any who shall adventure to make himself head of so great a Party.

The principal cause of the increase of Popists.

- "I. The want of the due execution of the Laws against Jesuits, Seminary-Priests, and Popish Recusants; occasioned partly by the connivency of the State, partly by defects in the Laws themselves, and partly by the manifold abuse of officers.
- "II. The interposing of foreign Princes by their Ambassadors and Agents in favour of them.
- "III. Their great concourse to the City, and frequent conferences and conventicles there.
- "IV. The open and usual resort to the houses and chapels of foreign Ambassadors.
- "V. The education of their children in seminaries, and houses of their Religion in foreign parts, which of late have been greatly multiplied and enlarged for the entertainment of the English.
- "VI. That in some places of your Realm, your People be not sufficiently instructed in the knowledge of true religion.
- "VII. The licentious printing and dispersing of Popish and seditious Books.
- "VIII. The employment of men ill-affected in Religion in places of government, who do, shall, or may, countenance the Popish Party.

The Remedies against this outrageous and dangerous disease we conceive to be these ensuing.

- "I. That the youth of this Realm be carefully educated

"by able and religious School-masters, and they to be enjoined to catechize and instruct their Scholars in the grounds and principles of true Religion. And whereas by many complaints from divers parts of the Kingdom, it doth plainly appear, that sundry Popish Scholars, defiling their Religion, have craftily crept in, and obtained the places of teaching in divers Counties, and thereby infected and perverted their Scholars, and so fitted them to be transported to the Popish Seminaries beyond the seas; that therefore there be great care in choice and admitting School-masters, and that the Ordinaries make diligent enquiries of their demeanours, and proceed to the removing of such as shall be faulty, or justly suspected.

His Majesty's Answer.

This is well allowed of; and for the better performance of what is desired, Letters shall be written to the two Archbishops, and from them, Letters to go to all the Ordinaries of their several Provinces to see this done; the several Ordinaries to give account of their doings herein to the Archbishops respectively, and they to give account to his Majesty of their proceedings herein.

"II. That the ancient Discipline of the Universities be reformed, being the famous nurseries of literature and virtue.

Answer. This is approved by his Majesty, and the Chancellor of each University shall be required to cause due execution of it.

"III. That special care be taken to enlarge the word of God, throughout all the parts of your Majesty's Dominions, as being the most powerful means for planting of true Religion, and rooting out of the contrary: To which end, among other things, let it please your Majesty to advise your Bishops, by fatherly intreaty and tender usage, to reduce to the peaceable and orderly service of the Church, such able Ministers as have been formerly silenced, that there may be a profitable use of their Ministry in these useful and dangerous times; and that Non-residency, Pluralities, and Commendams, may be moderated. Where we cannot forbear, most humbly to thank your Majesty for diminishing the number of your own Chaplains; not doubting of the like princely care for the well bestowing of the rest of your benefices, both to the comfort of the People, and the encouragement of the Universities; being full of grave and able Ministers furnished of Livings.

Answer. This his Majesty likes well, so as it be applied to such Ministers as are peaceable, orderly, and conformable to the Church Government. For Pluralities and Non-residences, they are now so moderated, that the Archbishops affirm, there be now no dispensations for Pluralities granted; nor is man now allowed above two Benefices, and those not above thirty miles distant: And for avoiding non-residence, the Canon in that case provided, shall be duly put in execution. For Commendams, they shall be sparingly granted, only in such cases where the utility and smallness of the Bishops's requirements. Also his Majesty will cause that the Benefices belonging to him shall be well bestowed. And for the better propagating of Religion, his Majesty recommended to the House of Parliament, that care may be taken and provision made, that every Parish shall allow a competent maintenance for an able Minister; and that the Owners of Parsonages, Impropriate would allow to the Vicars, Curates, and Ministers in Villages and Places belonging to their Parsonage, sufficient Stipend and Allowance for Preaching Ministers.

"IV. That there may be strict provision against transporting of English Children to the Seminaries beyond the Seas, and for the recalling of them who are already there placed, and for the punishment of such your Subjects as are maintainers of those Seminaries, or of the Scholars; considering, that besides the seducing of your people, great sums of Money are yearly expended upon them, to the impoverishing of this Kingdom.

Answer. The Law in this case shall be put in execution: And further, there shall be Letters written to the Lord-Treasurer, and also to the Lord-Admiral, That all the Ports of this Realm, and the creeks and members thereof be strictly kept, and strict searches made to this end: A Proclamation shall be, to recall both the Children of Noblemen, and the Children of any other men, and they to return by a day; also maintainers of Seminaries of Scholars there, shall be punished according to Law.

"V. That no popish Recusant be permitted to come within the Court, unless your Majesty be pleased to call him upon special occasion, agreeable to the Statute of 3. Jac. And whereas your Majesty for the preventing of apparent mischief both to your Majesty and the State, hath in your Princely wisdom taken order, that none of your natural-born Subjects, not professing the true Religion, as by Law established, be admitted into the service of your Royal Consort the Queen. We give
P p p "your

1625. "your Majesty most humble thanks, and desire that your order herein may be observed.

Answer. *If his Majesty shall find, or be informed of any conceals of Recusants in the Court, the Law shall be strictly followed: And his Majesty is pleased, that by Proclamation the British and Irish Subjects shall be put in the same case. And as his Majesty hath provided in his Treaty with France, so his purpose is to keep it, That none of his Subjects shall be admitted into his service, or into the service of his Royal Consort the Queen, that are popish Recusants.*

"VI. That all the Laws now standing in force against "Jesuits, seminary Priests, and others, having taken orders by authority derived from the See of Rome, be put in due execution. And to the intent they may not pretend to be surprized, that a speedy and certain day be prefixed by your Majesty's Proclamation, for their departure out of this Realm, and all other your Dominions, and not to return upon the severest penalties of the Laws now in force against them; and that all your Majesty's Subjects may be thereby admonished, not to receive, comfort, entertain, or conceal, any of them, upon the penalties which may be lawfully inflicted: And that all such Papists, Jesuits, and Recusants, who are and shall be imprisoned for recusancy, or any other cause, may be so strictly restrained, as that none shall have conference with them, thereby to avoid the contagion of their corrupt Religion: And that no man that shall be suspected of Popery, be suffered to be a Keeper of any of his Majesty's prisons.

Answer. *The Law in this case shall be put in execution, and a Proclamation shall be to the effect desired; and such restraint shall be made, as is desired, and no man that is justly suspected of Popery, shall be suffered to be a Keeper of any of his Majesty's Prisons.*

"VII. That your Majesty be pleased to take such order as to your Princely wisdom shall be expedient, that no natural born Subject, or strange Bishops, nor any other by authority from the See of Rome, confer any Ecclesiastical orders, to exercise any Ecclesiastical function whatsoever, toward or upon your Majesty's natural Subjects within your Dominions.

Answer. *This is fit to be ordered according as is provided, and it shall be so published by Proclamation.*

"VIII. That your Majesty's learned Council may receive order and commandment, to consider of all former Grants of Recusants Lands, that such of them may be avoided as are made to the Recusants use or interest, out of which the Recusant receiveth any benefit, which are either void, or voidable by the Law.

Answer. *The King will give order to his learned Council to consider of the Grants, and will do according as is desired.*

"IX. That your Majesty will be likewise pleased strictly to command all your Judges and Ministers of Justice, Ecclesiastical and Temporal, to see the Laws of this Realm against Popish Recusants, to be duly executed; and namely, that the censure of excommunication be declared and certified against them; and that they be not absolved upon public satisfaction by yielding to conformity.

Answer. *His Majesty leaves the Laws to their course, and will order in the point of excommunication as is desired.*

"X. That your Majesty will be pleased to remove from places of authority and government, all such persons, as are either popish Recusants, or according to direction of former Acts of State, to be justly suspected.

Answer. *This his Majesty thinks fit, and will give order for it.*

"XI. That present order be taken for disarming all popish Recusants, legally convicted, or justly suspected, according to the Laws in that behalf, and the orders taken by his late Majesty's Privy-Council upon reason of State.

Answer. *The Laws and Acts in this case shall be followed, and put in due execution.*

"XII. That your Majesty be also pleased in respect to the great resort of Recusants, to and about London, to command forthwith, upon pain of your indignation, and severe execution of the Laws, that they retire themselves to their several Countries, there to remain confined within five miles of their places.

Answer. *For this the Laws in force shall be forthwith executed.*

"XIII. And whereas your Majesty hath strictly commanded and taken order, that none of the natural born Subjects repair to the hearing of masses, or other superstitious service at the Chapels, or Houses of foreign Ambassadors, or in any other places whatsoever; we give your Majesty most humble thanks, and desire that your order and commandment therein may be continued and

observed, and that the offenders herein may be punished according to the Laws.

Answer. *The King gives assent thereto, and will see that observed which herein hath been commanded by him.*

"XIV. That all such infidelities, as any that are Popishly affected, have lately committed, or shall hereafter commit, to the dishonour of our Religion, or to the wrong of the true professors thereof, be exemplarily punished.

Answer. *This shall be done as is desired.*

"XV. That the Statute of 1. Eliz. for the payment of twelve pence every Sunday, by such as shall be absent from divine service in the Church, without a lawful excuse, may be put in due execution, the rather, for that the penalty by Law is given to the poor, and therefore not to be dispensed withal.

Answer. *It is fit that this Statute be executed, and the penalties shall not be dispensed withal.*

"XVI. Lastly, That your Majesty would be pleased to extend your Princely care also over the Kingdom of Ireland, that the like courses may be there taken for the restoring and establishing of true Religion.

Answer. *His Majesty's cares are, and shall be extended over the Kingdom of Ireland; and he will do that a religious King should do for the restoring and establishing of true Religion there.*

"And thus (most gracious Sovereign) according to our duty and zeal to God and Religion, to your Majesty and your safety, to the Church and commonwealth, and their Peace and prosperity, we have made a faithful Declaration of the present estate, the causes and remedies of this increasing disease of Popery; humbly offering the same to your princely care and wisdom. The answer of your Majesty's Father, our late Sovereign of famous memory upon the like petition, did give us great comfort of reformation; but your Majesty's most gracious promises made in that kind, do give us confidence and assurance of the continual performance thereof. In which comfort and confidence repose ourselves, we most humbly pray for your Majesty's long continuance in all princely felicity."

These gracious answers of the King to the several Articles of the Petition of both Houses, wanted only the performance of the promises. But if it may be judged by the continual complaints of the Parliaments throughout this whole Reign, concerning their same articles, on which the King seems to have given entire satisfaction, it will easily be seen that Charles's promises were no better performed than his Father's. The King expected, that his answers to the Petition would gain him the affection of the Commons. But these answers, though so gracious and positive could not engage them to do what he desired, that is, to lay aside all other business, and think only of granting him money. He was engaged in a war, to which he pretended the Parliament had induced his late Majesty, from whence he inferred, it was great injustice not to enable him speedily to support it. This was true in one sense. The Parliament advised King James to break off the Treaties with Spain, and promised to assist him in case the breach should occasion a war, as it was very likely. But, on the other side, it was now no longer a secret in England, that the former Parliament was moved to give such advice to the King, by the Duke of Buckingham's narrative, a narrative false in every particular, though attested by the late King and the Prince. So the former Parliament's advice being grounded on a wrong foundation, and as I may say, extorted by a mere artifice, the present Parliament did not think themselves obliged to perform very punctually a promise which the Court had obtained rather by art, than fairly stating the case. Nevertheless, this promise still subsisted, and if the Commons had shown the publick they were not obliged to keep it, they could not have done it without grievously affronting the King, by the discovery of the artifices he had used to procure it. They were willing to avoid this extremity. And therefore, letting the promise subsist without any disobliging reflection on the King, their aim was to excuse themselves from granting him fresh supplies for a war rashly undertaken, and without any likelihood of success. At least, if they should be forced to give any more money, rather than enter into a discussion of causes which had engaged the Kingdom in this war, they intended the King should purchase them, in some measure, with the redreels of the grievances, the Nation groined under. Wherefore, instead of the Money-Bill, as the King desired, they began with examining and even inquiring after the grievances of the Nation, and the state of Religion (1). In this examination, the Duke of Buckingham and the rest of the Ministers were not spared.

Occasion of the King's complaint against the Commons.

Refusal for the Commons.

The King seeing what course the Commons were taking, withdrew, and refused to give the Parliament more money.

(1) They resolved, that Religion should have the first place in their Debates; next the Kingdom's safety, and then Supplies. *Parliamentary History*, Tom. 1. p. 48.

1625. king, was extremely offended. First, As by their low-
ness, they broke all his measures for the present Campaign.
Secondly, He deemed it a manifest affront and contempt
of his person, to presume openly to attack his Favorite and
Ministers, or rather himself under their name. So, per-
ceiving no likelihood of a speedy supply, which was the
sole end of calling the Parliament, he was determined to
dissolve it. The Commons having some notice of it, ha-
stily drew up the following Declaration, in order to throw
the blame of this dissolution on the King, for fear he
should himself lay it on them, under colour that they were
not very ready to perform their promise.

The Commons
drew up a
Declaration.

The Commons Declaration.

Rothworth,
T. l. p. 190.

WE the Knights, Citizens and Burgesses of the
Commons House of Parliament, being the Re-
presentative Body of the whole Commons of this Realm,
abundantly comforted in His Majesty's late gracious an-
swer touching Religion, and his message for the care of
our health, do solemnly protest and vow before God
and the World, with one heart and voice, that we are
all resolved, and do hereby declare, that we will ever
continue most loyal and obedient Subjects to our most
gracious Sovereign Lord King Charles; and that we
will be ready in convenient time, and in a Parliamen-
tary way, freely and dutifully to do our utmost endea-
vours, to discover and reform the abuses and grievances
of the Realm and State, and in like sort to afford all
necessary supply to his most excellent Majesty, upon his
present, and all other his just occasions and designs;
most humbly beseeching our said dear and dread Sove-
reign, in his princely wisdom and goodness, to rest as-
sured of the true and hearty affections of his poor Com-
mons, and to esteem the same to be (as we conceive it
is indeed) the greatest worldly reputation and security
that a just King can have; and to account all such as
slanders of the People's affections, and enemies to the
Commonwealth, that shall dare to say the contrary."

It evidently appears in this Declaration, that the Com-
mons aim to be intimate to the People, that they intended
not to deny the King money for his just occasions; but be-
lieved to have a right to demand first the redress of gri-
evances, as a condition, though they avoided using that
term. This is the method constantly observed by the
Parliaments on the like occasions, and which is so neces-
sary, that otherwise they would never be sure of procuring
the people any satisfaction, with respect to their grievances.
For, grievances being properly acts of injustice, and breaches
of the Laws committed by the King or his Ministers, the
desire of obtaining money from the Parliament is com-
monly the only inducement to the Court to desist from
injuring the People. Of this there are frequent examples
in the History of England. But James I. and Charles I.
took a different course from that of their Predecessors.
They chose to dissolve the Parliaments, rather than yield
to redress their grievances. This gave occasion to ascribe
to them a formal design to free themselves from the yoke
of the Parliaments, or confine the use of them to the
granting supplies, and afflicting the People. They could
not understand, that what flowed from the royal authority
should be counted a grievance. This first Parliament was
therefore dissolved for this sole reason, the 12th of August,
not having had to do business above three weeks both at
Westminster and Oxford. The King pretended to dissolve
it on account of the spreading of the plague, but the true
reason was, because he found not in this Parliament a com-
pliance and disposition fit for his purpose (1).

The Parli-
ment is dis-
solved.
June. 1st.
Rothworth,
T. l. p. 191.

Proclamation
after Hagar
for a League
with Spain.
7 p. m.

The dissolution of the Parliament hindered not the
King from pursuing his design of continuing, or rather of
beginning the war with Spain. For though the late King

had taken some measures tending to a war, there had been
however no action since the breach of the Treaty. The
sending of Count Mansfield into the Low-Countries, in or-
der to march into the Palatinate, was almost the only
thing that could be considered as a Declaration against
Spain, though the project had miscarried. Charles re-
solved therefore to undertake this war, of which he was the
principal author and promoter, sent the Duke of Bucking-
ham and the Earl of Holland to the Hague, to negotiate a
League with the United-Provinces. In the mean time, a
Fleet was equipping in England to act against Spain. But
as he wanted money, he found no speedier or better me-
thod to raise it, than by borrowing of persons able to lend,
to whom he directed Letters under his Privy-Seal, requir-
ing by way of loan such sums as each was taxed at (2).
This was the first effect of the dissolution of the Parliam-
ent. These forced loans, practiced by some Kings of
England, have ever been considered as great grievances,
and tending to render Parliaments useless. It will here-
after appear, that the next Parliament did not suffer there-
to pass uncomplained of. However, to soften people's
minds, and induce them to lend their money more freely,
a Proclamation was published, to call home all such chil-
dren as were now educating in foreign Countries, as p.
well as all the English, Scots and Irish, in the service
of the House of Austria. On the other hand, the Privy-
Council issued out Warrants to disarm Recusants (3). I
do not know whether these Warrants were strictly exe-
cuted: but it is certain however, that afterwards the
House of Commons frequently required the disarming of
the Papists.

1625.
Rothworth,
T. l. p. 191.
Ad. Pub.
XVIII.
Rothworth,
T. l. p. 192.

The fleet designed against Spain was not ready to sail
till the beginning of October, under the command of Ed-
ward Cecil (4), lately made Viscount Wimbledon, who
was the Earl of Essex for Vice-Admiral. The fleet consisted
of eighty sail, with ten Regiments on board. The intent
of this expedition was to wait in some convenient place
for the Spanish Plate-fleet which was expected from the
Indies in November. As the Admiral had sufficient time,
he might have attacked a great number of ships in the Bay
of Cadix, but the difficulty of the enterprise, or some
other reason caused him to neglect this advantage. He
was contented with landing Sir John Burroughs with some
Troops, who meeting no opposition, only plundered some
villages, and abused themselves with wine, to their own
more than their enemies, prejudice. Whereupon they
were forced to be re-embarked with all speed. After that,
the contagion spreading among the Troops, the Fleet re-
turned to England in November, without the King's reap-
ing any benefit from this armament, which had been very
chargeable to him. This ill success did great injury to the
King, as well as to Buckingham, who was looked upon as
the contriver and director of the Court-proceeds.

Rothworth,
T. l. p. 191.
Ad. Pub.
XVIII.
Rothworth,
T. l. p. 192.

The King finding himself without money, and conse-
quently unable to continue the war, resolved at length to call
a new Parliament. But to avoid the inconvenience of see-
ing in the Lower-House such members as had most opposed
him, and exclaimed against the Duke in the late Parliam-
ent, the Court invented this Stratagem. All these per-
sons were made Sheriffs, and so could not be chosen Mem-
bers of Parliament. Sir Edward Coke was of this num-
ber: but however he and some others were chosen, prefer-
ring the service they owed their Country in Parliament
to that which they could render it as Sheriffs (5). The
Parliament was therefore summoned to meet on the 6th of
February 1625-6, and on the 23d being Candlemas-day,
the King was crowned by Archbishop Abbot, William Laud
Bishop of Bath and Wells, the King's favorite Bishop
officiating as Dean of Westminster, in the room of Bishop
Williams, who, through the King's disfavour, was seque-
stered from this service (6). Before the Coronation, the
King ordered by Proclamation all such as had forty pounds

Rothworth,
T. l. p. 192.
Ad. Pub.
XVIII.
Rothworth,
T. l. p. 193.

Order to re-
new Knight-
hood.
a year
Rothworth,
T. l. p. 199.
Annals.

(1) The four Acts made in this short Parliament, were these: 1. An Act forbidding Sports and Pastimes, such as Bear or Bull-baiting, Plays, or other un-
lawful recreations, on Sundays. 2. An Act for the better restraint of Tippling in Inns, Ale houses, and Victualling houses. The Clergy granted the
King three times Subsidies, and the Laidy two. See Shaw.

(2) The method was thus: First, the King wrote to the Lord-Lieutenants of the Counties, to find him in the names of such persons as were of ability to
furnish him with money, and what forms they thought they could spare. Then the Controller of the King's Household, by the Council's Order, issued forth
Letters in the King's name, under the Privy-Seal, to the several Persons returned for the Loan of money, in form as follows: Truly and well beloved, Be-
cause I have in the Customs of former times, had all the Kings of this Realm, upon extraordinary occasions, done and taken in respect to their Contributions,
which arise from the generosity of Subjects, or in persons who of your will affected in particular, by way of Loan-money. As we are resolved to proceed in the
latter Course, we do not but we shall receive such a testimony of your good affection from you, and that such such alacrity, as may make the Loan to
which we are desirous, especially from you, to be a great service to your Majesty. The sum we require of you by these Presents is
which was granted in the name of Uti, our own, Rec. it is to be paid to you or your Assigns, within eighteen months after payment thereof. Pursuant to this
Privy Seal, the monies required were generally according to this proportion following, viz. for the West Riding of Yorkshire, Sir Thomas Wentworth, 20 £.
Sir John Juxon, 20 £. Sir Edward Osborne, 30 £. George Calaby, Esq. 15 £. George Wigham, Esq. 20 £. Sir Henry Savill, 30 £. Sir John Savill, 15 £. Sir
John Wentworth, 20 £. Rec. Rothworth, T. l. p. 193.

(3) Particularly the Marquis of Winchester, and his Son, the Earl of Cashmore, and the Vicounts Montagu, and Colchester; the Lords Peter, Morley,
Fane, Essex, Arundel of Warley, Topham, Howard, and Trefill. Rothworth, Tom. 1. p. 194. The Bishops were likewise constrained to pro-
ceed against the Papists by Excommunication, and other Curses. Licet. p. 195.

(4) Third Son of the Earl of Essex.
(5) The three persons chiefly aimed at were, Sir Edward Coke, Sir Robert Philips, and Sir Thomas Wentworth, made Sheriffs of Bucks, Somerset, and
Wiltshire. Coke, p. 216. Sir Edward Coke taking exception against the Sheriffs Office, there was no more to be said. He said he did all your pains and
diligence to discharge and make to every all manner of Harshes and Errors, commonly called Lardships, within your Highness from time to time, and with all Obedi-
ence and Conformity of the Holy Church, and Justice and maintain them as often as you shall be required. Rothworth, Tom. 3. p. 198.

(6) Bishop Laud had the chief hand in compiling the form of the Coronation, and officiated as Dean of Westminster, but did not crown the King, as Repa-
lay's mistake. The Abbot of Westminster, it seems, had formerly, and afterwards the Dean, a considerable share in the Solemnities of the Coronation.
They

1625. a year or more, and were not yet Knights, to come and receive the order of Knighthood. This was considered as a new grievance, of which I shall speak of hereafter. It suffices to say at present, that when this custom was first authorized by an Act of Parliament, with regard to such as had twenty pounds a year in land, twenty pounds then were equal to three hundred at the time I am speaking of. But the King thought it a favour to his Subjects, to include such only in his order as had forty pounds a year.

1625-6. The Coronation was performed with the usual ceremonies. But when all was over, the King being seated on his Throne ready to receive the Homages of the Lords, Laud approached him, and read an extraordinary passage, of which there appeared no instance in former Coronations. It contained the following words:

Stand and hold fast, from henceforth, the place to which you have been Heir by the Succession of your Forefathers, being now delivered to you by the authority of Almighty God, and by the hands of us, and all the Bishops and Servants of God: And as you see the Clergy to come nearer to the Altar than others, so remember that (in all places convenient) you give them greater honour, that the mediator of God and Man may establish you in the kingly Throne to be a mediator between the Clergy and the Laity; and that you may reign for ever with Jesus Christ, the King of Kings, and Lord of Lords."

The Parliament being assembled on the 6th of February, the Lord Keeper Williams spoke thus to both Houses in the King's name.

My Lords, and you the Knights, Citizens, and Burgeesses of the House of Commons.

1625. "YOU are here assembled by his Majesty's Writs and Royal Authority to hold a new Parliament, the general, antient and powerful Council of this renowned Kingdom; whereof if we consider aright, and think of that incomparable distance between the supreme height and majesty of a mighty Monarch, and the sublimity awe and lowliness of a loyal Subject, we cannot but receive exceeding comfort and contentment in the frame and constitution of this highest Court; wherein not only the Prelates, Nobles, and Grantees, but the Commons of all degrees have their part, and wherein that high Majesty doth defend to admit, or rather to invite the humblest of his Subjects to conference and council with him, of the great, weighty, and difficult affairs of the King and Kingdom; a benefit and favour whereof we cannot be too sensible and thankful; for sure I am, that all good hearts would be both sensible and sorrowful, if we did want it; and therefore it behoveth all, with united hearts and minds, free from distraction and diversion, to fix their thoughts upon counsels and consultations worthy of such an Assembly; remembering, that in it is presented the majesty and greatness, the authority and power, the wisdom and knowledge of this great and famous nation; and it behoveth us to magnify and bless God, that hath put the power of assembling Parliaments in the hands of him, the virtue of whose person doth strive with the greatness of his princely lineage and descent, whether he should be accounted *major* or *melior*, a greater King, or a better man; and of whom you have had so much trial and experience, that he doth as affectionately love, as he doth exactly know and understand the true use of Parliaments; witness his daily and unwearied access to this House, before his access to the Crown; his gracious readiness to all conferences of importance; his frequent and effectual intercession to his blessed Father of never-dying memory, for the good of the Kingdom, with so happy success, that both this and future generations shall feel it, and have cause to rejoice at the success of his Majesty's intercession. And when the Royal diadem descended upon himself, presently, in the midst of his tears and sighs for the departure of his most dear and royal Father, in the very first consultation with his Privy-Council, was resolved to meet his people in Parliament: And no sooner did the heavy hand of that destroying Angel forbear those deadly brands, which for some time did make this place inaccessible (1), but his Majesty presently resolved to recall it, and hath now brought you together, and in a happy time I trust, to treat and consult, with uniform desires and united affections, of those things that concern the general good.

"And now being thus assembled, his Majesty hath commanded me to let you know, that his love and affection to the Publick, moved him to call this Parlia-

ment; and looking into the danger, and the spreading of that late mortality, and weighing the multitude of his Majesty's pressing occasions, and urging affairs of State, both at home and abroad, much importing the safety and state of this Kingdom; the same affection that moved him to call it, doth forbid him to prolong the sitting of this Parliament: And therefore his Majesty resolving to confine this meeting to a short time, hath confined me to a short errand; and that is, that as a thing most agreeable to the kindly office, to the example of the best times, and to the frame of modern affairs, his Majesty hath called you together to consult and to advise of provident and good Laws, profitable for the Publick, and fitting for the present times and actions; for upon such depends the assurance of Religion, and of Justice, which are the surest pillars and buttresses of good Government in a Kingdom: For his Majesty doth consider, that the royal Throne, on which God out of his mercy to us hath set him, is the fountain of all Justice, and that good Laws are the streams and quays by which the benefit and use of this Fountain is dispersed to his people; and it is his Majesty's care and study, that his people may see with comfort and joy of heart, that this Fountain is not dry, but they and their posterity may rest assured and confident in his time, to receive as ample benefit from this Fountain, by his Majesty's mercy and justice, as ever Subjects did in the time of the most eminent Princes amongst his noble progenitors; wherein as his Majesty shews himself most sensible of the good of the Publick, so were it an injury to this great and honorable Assembly, if it should be but doubted, that they shall not be as sensible of any thing that may add to his Majesty's honour; which cannot but receive a high degree of love and affection, if his Majesty succeeding to many religious, wise, and renowned Princes, should begin his Reign with some additions unto those good Laws which their happy and glorious times have afforded. And this his Majesty hath caused me to desire, at this time especially above others; for his Majesty having at his Royal Coronation lately solemnized the sacred Rights of that blessed marriage between his people and him; and therein by a most holy Oath vowed the protection of the Laws, and maintenance of Peace, both to Church and People, no time can be so fit for his Majesty to advise and consult at large with his people, as at this present time, wherein so lately his Majesty hath vowed protection to his people, and they have protested their allegiance and service to him.

"This is the sum of that charge which I have received from his Majesty to deliver unto you; wherein you see his Majesty's intent to the Publick: And therefore his desire is, that according to that convenience of time which his affairs may afford, you may apply yourselves to dispatch the business of this Parliament."

Though it did not appear in this Speech, that the King intended to ask a Supply of the Commons, that was, however, as was afterwards seen, the real motive of calling the Parliament. But the Commons did not think themselves obliged to guess the King's intention, or prevent his demand. So, after chusing their Speaker, the first care was to thank the King for his gracious answer to the Petition against Recusants, presented to him at Oxford. Then they spent some days in examining the publick Grievances, amongst which were reckoned, the mis carriage of the Fleet to Cadix, evil Counsellors about the King, and the mis-employment of the three Subsidies, and three Fifteenth, granted to the late King, for the recovery of the Palatinate. To examine the Grievances with more order and clearness, Committees were appointed, one for secret affairs, another for Grievances, and another for Religion. This last, whereof Mr. Pym was Chairman, called in question again, Montague's Books, intitled, *An Answer to the late Gage of Protestants, An Appeal to Caesar, and A Treatise of the Invocation of Saints*, and reported to the House, the False, Erroneous, Papistical, Arminian, opinions found therein, repugnant to the Articles of the Church of England. For instance, That the Church of Rome hath ever remained firm upon the same foundation of Sacraments and Doctrines instituted by God. That the controverted points [between the Church of England, and the Church of Rome] are of a lesser and inferior nature, of which a man may be ignorant without any danger of his Soul at all. That Images may be used for the instruction of the ignorant, and excitation of devotion. That there are tutelar Saints as well as Angels. That men justified may fall away and depart from the state of grace, and some other Arminian tenets,

They had, among other things, the custody of the old *Regalia*, that is, the Crown, the Scepter, the Sceptre, the Spurs, &c. of King Edward the Confessor. These things it was the Duke's business to prepare and set in order. Laud finding so much care to be given to such trifles, took care to give to some of the *Acta Regia* the Life of Laud, p. 144.—He was afterwards charged of having made some Alterations in the Coronation Oath, but see what answer he makes to this, in *State-Trials*, Tom. I. p. 306, &c.

(1) He means the Plague, of which there died, this year, in London and the Out-parishes, thirty five thousand four hundred and fifteen persons, *Wood's*, p. 3.

1625-6. The King seeing the Commons bent upon the examination of Religious matters, ordered his Attorney-General to acquaint the Judges [of the Circuits] that it was his pleasure they should proceed with rigour against Recusants. He had promised this six months before, in his answer to the former Parliament's Petition: but, in all appearance, this article had been neglected, by the Court, or by those who were commissioned to execute the orders. 'Tis certain, during this reign, such kind of orders were never punctually executed.

The King had demanded a supply of Money to carry on the War; but the Commons were in no haste to grant it. On the contrary, they still proceeded in the examination of grievances, and, among others, of certain reprisals made upon France, with too much precipitation, to the great damage of the English Merchants (1). The Council of War, appointed by the Parliament to manage the three Subsidies granted to King James, were also obliged to give an account of their conduct.

The King bearing this delay very impatiently, pressed the Commons to consider of the supply. The Lords also endeavoured to persuade them to it, in a conference which they desired on this occasion, but it was to no purpose. On the contrary, they heard the Report of the Committee concerning the Nation's Grievances, wherein they had always the Duke of Buckingham in view, and even caused him to be informed of the articles on which the complaints against him were grounded. Whereupon the King sent a Letter to the Speaker, with a message to the House by Sir Richard Wylfen.

Trusty and Well-beloved,

Having assembled the Parliament early in the beginning of the year, for the more timely help and advice of our People in our great and important affairs; and having of late, not only by message, but also of ourself, put our House of Commons in mind of our pressing occasions, and of the present estate of Christendom, wherein they have equal interest with us, as well in respect of their own former engagements, as of the common cause; we shall not need to tell them with what care and patience we have in the midst of our necessities attended their resolutions; but because their unreasonable flowery may produce at home as ill effects as a denial, and hazard the whole estate of things abroad; we have thought fit by you the Speaker, to let them know, that without more loss of time, we look for a full and perfect answer of what they will give for our supply, according to our expectation, and their promises; wherein, as we press for nothing beyond the present state and condition of our subjects, so we accept no less than is proportionable to the greatness and goodness of the cause: Neither do we press them to a present resolution in this, with a purpose to precipitate their counsel, much less to enter upon their privileges, but to shew that it is unfit to depend any longer upon uncertainties, whereby the whole weight of the affairs of Christendom may break in upon us upon the sudden, to our dishonour, and the shame of this nation. And for the business at home, we command you to promise them in our name, that after they have satisfied us in this our reasonable demand, we shall not only continue them together at this time, so long as the season will permit, but call them shortly again to perfect those necessary businesses which shall be now left undone; and now we shall willingly apply fit and reasonable remedies, to such just grievances which they shall present unto us in a dutiful and mannerly way, without throwing an ill colour upon our present government, or upon the government of our late blessed Father. And if there be yet who desire to find fault, we shall think him the wisest rephender of errors past, who, without reflecting backward, can give us counsel how to settle the present estate of things, and to provide for the future safety and honour of the Kingdom.

The message brought at the same time and delivered to the House by Wylfen, contained five articles of expence to be provided for, namely,

1. That his Majesty's fleet being returned, and the victuals spent, the men must of necessity be discharged, and their wages paid, or else an assured mutiny will follow, which may be many ways dangerous at this time.

2. That his Majesty hath made ready about forty ships, to be set forth on a second voyage, to hinder the enemy, which want only victuals and some men, which,

without present supply of money, cannot be set forth and kept together.

3. That the army which is appointed in every count, must presently be disbanded, if they be not presently supplied with victuals and clothes.

4. That if the companies of Ireland, lately sent thither, be not provided for, instead of defending that Country, they will prove the authors of Rebellion.

5. That the season of providing healthful victuals will be past, if this month be neglected.

And therefore his Majesty commands me to tell you, that he desired to know, without further delaying of time, what supply you will give him for these his present occasions, that he may accordingly frame his course and counsel.

The Commons were not very well pleased with the Letter or Message, wherein were several things they could not approve. 1. The manner of demanding the Supply, which showed it to be not so much a free-gift on their part as an obligation. 2. The King fet them a time, by ordering it to be done without delay, and before all other things. 3. He would not accept of less than was necessary, and this could relate only to the five Articles of expence, which was properly specifying to them the sum they were to give. 4. The King demanded money with an extraordinary and unprecedented haughtiness. 5. The King grounded his demands upon King James's promise to the late Parliament, a promise fraudulently obtained by the Duke of Buckingham's false narration. 6. The war, for which so much money was to be given, had been rashly undertaken, at a time when there was no prospect of success, and the King, and Duke of Buckingham were known to be the authors of it, though the King perpetually insisted upon the Parliament's advice to his Father.

Had it been undertaken, at the beginning of the quarrel between the King of Bohemia and the Emperor, or even before the loss of the Palatinate, when there was room to hope for the assistance of the Protestant Prince, it might have been expected to be crowned with success. But it was begun at a time, when all the Princes of Germany were either subdued by, or united with the Emperor, at a time when there was not a single place left that might afford the English entrance into the Palatinate, or could possibly be approached by them. How then could it be expected to wrest the two Palatinates from the Emperor and Duke of Bavaria? The whole therefore was reduced to the attacking of the Spaniards. Upon what account? It was either to oblige him to use his interest for the restitution of the Palatinate, in which case a war was needless, since he had promised his mediation, and even engaged to render it effectual, before the breach of the marriage. Or else, to constrain him to employ his arms in wresting the Palatinate from the two Princes in possession, a project which appeared extravagant, and would have drained England of men and money to no purpose. Besides, the late expedition of the fleet was no great encouragement to prosecute this undertaking. 7. Finally, though the Commons did not care openly to enter into all these discussions, they were willing however to shew the King, they did not mean to be amused with a promise extorted by a mere artifice, and, if they granted him money, would reap at least the advantage of procuring the redress of the national grievances. But the King took care to shut that door against them, by deserting the redress of the grievances to another time. As they perceived, and the King himself intimated to them, that the desired supply would not be the last, they could not be sure, but in the next Session of Parliament the King would again expect the money-bill to pass before the grievances, and so there would be no end. These were the true reasons of the tardiness of the Commons, and their little ardor for the King's wishes, though they would not openly declare them for fear of engaging in debates offensive to his Majesty. Nevertheless they were willing to intimate them to him, and, very likely, he perceived them well enough, though it was thought proper on both sides to conceal them from the publick. For this cause the Commons resolved to send an answer to the King's message, full of respect, submission, expressions of their zeal for his service, and even promises of aiding him in his wants, though in a general manner. But without, they artfully intimated to him, that redress of grievances ought to precede the supply they intended to grant him. Their answer was as follows:

Most gracious Sovereign,

YOUR Majesty's dutiful and loyal Subjects, the Commons now assembled in Parliament, in all humility, present unto your royal wisdom, this their

(1) It seems a Report was made to the House, That the reason why our Merchants Ships and Goods were seized in France, was, because Sir James Bury, Vice-Admiral of Cornwall, and others, had seized upon the Goods of the French in our Ports, particularly a Ship called the *Peter of Newburgh*, by Blackriggs's order, since the King and Council had ordered the Ship to be released upon a just Claim. This twenty three days of Silver, and eight of Gold, were by Sir James Bury delivered to the Duke, who told, he would justify the stay of the Ship by order from the King. *Register*, 1625. T. 1. p. 215.

1625-6. "loyal answer to the message, which your Majesty was pleased by the Chancellor of your Exchequer to send unto them, desiring to know, without any further deferring of time, what supply they would give to your Majesty, for your present and extraordinary occasions, that you might accordingly frame your courses and counsels. First of all, they most humbly beseech your Majesty, to know and rest assured, that no King was ever dearer to his People than your Majesty; no People more zealous to maintain and advance the honor and greatness of their King than they; which, as upon all occasions they shall be ready to express, so especially in the support of that cause, wherein your Majesty and your Allies are now justly engaged. And because they cannot doubt, but your Majesty in your great wisdom, even out of justice, and according to the example of your most famous predecessors, will be pleased graciously to accept the faithful and necessary information and advice of your Parliament, which can have no end but the service of your Majesty, and safety of your realm, in discovering the causes, and proposing the remedies of these great evils, which have occasioned your Majesty's wants, and your People's grief.

"They therefore in confidence and full assurance of redress therein, do with one consent propose (though in former time such course hath been unused) that they really intend to assist and supply your Majesty in such a way, and in so ample a measure, as may make you safe at home, and feared abroad; for the dispatch whereof they will use such diligence as your Majesty's pressing and present occasions shall require."

"The King fully perceived the intention of the House in sending him this answer. But he had not the same reasons as the Commons to be reserved in his expressions. It was rather his interest to speak freely, for fear, by dissembling his principles and pretensions, he should encourage the Commons to attack the Duke of Buckingham, who was counted the prime author of the grievances. His Majesty therefore makes this reply to the Commons answer:

Mr. Speaker,

"THE answer of the Commons delivered by you, I like well of, and do take it for a full and satisfactory answer, and I thank them for it, and I hope you will with all expedition take a course for performance thereof, the which will turn to your own good as well as mine; but for your clause therein, of presenting of grievances, I take that but for a parenthesis in your Speech, and not a condition; and yet for answer to that part, I will tell you, I will be as willing to hear your grievances, as my predecessors have been, so that you will apply yourselves to redress grievances, and not to enquire after grievances. I must let you know, that I will not allow any of my Servants to be questioned amongst you, much less such as are of eminent place, and near unto me. The old question was, *What shall he do to the man whom the King will honour?* But now it hath been the labour of some, to seek what may be done against him whom the King thinks fit to honour. I see you specially aim at the Duke of Buckingham; I wonder what hath altered your affections towards him. I do well remember, that in the last Parliament in my Father's time, when he was the instrument to break the Treaties, all of you (and yet I cannot say all, for I know some of you are changed, but yet the House of Commons is always the same) did so much honour and respect him, that all the honour conferred on him was too little; and what he hath done since to alter and change your minds, I wot not; but can assure you, he hath not meddled, or done any thing concerning the Publick or Commonwealth, but by special directions and appointment, and as my servant; and is so far from gaining or improving his estate thereby, that I verily think he hath rather impaired the same. I would you would haften for my Supply, or else it will be worse for yourselves; for if any ill happen, I think I shall be the last that feel it."

"This Letter hindered not the Commons from proceeding in the examination of the Duke of Buckingham's conduct, it being resolved to impeach him in form. The question was moved by Dr. Turner [a Physician,] *Whether common Fame be a good ground of proceeding for the House?* This question was decided in the affirmative, after consulting some Lawyers (1), at which the King was extremely offended, and showed his displeasure to the Commons,

demanding withal, that Turner might be punished for moving such a question (2). But this message signified but little, and the House still continuing to proceed against the Duke, it was the general opinion of the Members that, in granting the King money, the redress of the grievances was not to be neglected.

Mean while, to take from the King the pretence, which all these delays might furnish him with, the Commons unanimously voted him three Subsidies and three Fifteenths, to which, a month after, was added a fourth Subsidy. Moreover they fixed the payment of the first to the last day of June (3). Nothing is a clearer evidence of the design ascribed by me to the Commons, namely, that in granting money to the King, they meant to render their liberality subservient to the redress of grievances. By this expedient they showed the publick, how ready they were to assist the King in his necessities; but withal reserved to themselves the liberty of passing this vote into an Act, (without which it was of no use to the King) when they should think fit. Now, according to their intention, this Act was not to pass till grievances were presented to, and answered by the King. Thus he was deprived of the pretence to complain of their delays, though indeed what they did for him could be advantageous to him, but on supposition he would regard their desires. This greatly embarrassed the King. He plainly saw the Commons design, and was the more offended, as all their proceedings were levelled at the Duke of Buckingham, or rather at the King himself, who had publicly declared, the Duke had only followed his orders, without being able to prevail for his being left unmolested. As he found they acted with too little respect, he resolved to let them know how much he was displeased with their proceedings, doubtless, to frighten them into another course. He sent therefore for both Houses to Whitehall, where he made the following Speech:

My Lord; and Gentlemen,

"I Have called you hither to day, I mean both Houses of Parliament; but it is for several and distinct reasons: My Lords, you of the Upper-House, to give you thanks for the care of the state of the Kingdom now; and not only for the care of your own proceedings, but enticing your Fellow-House of the Commons, to take that into their consideration. Therefore, (my Lords) I must not only give you thanks, but I must also avow, that if this Parliament do not redound to the good of this Kingdom, (which I pray God it may,) it is not your faults. And you, Gentlemen of the House of Commons, I am sorry that I may not justly give the same thanks to you; but that I must tell you, that I am come here to shew you your errors, and, as I may call it, unparliamentary proceedings in this Parliament. But I do not depart, because you shall see your faults so clearly by the Lord-Keeper, that you may so amend your proceeding, that this Parliament shall end comfortably and happily, though at the beginning it hath had some rubs."

"Then the Lord-Keeper, by the King's command spoke next.

My Lords, and you the Knights, Citizens, and Burgesses of the House of Commons.

"YOU are here assembled by his Majesty's commandment, to receive a Declaration of his Royal Pleasure; which although it is intended only to the House of Commons, yet his Majesty hath thought meet, the matter being of great weight and importance, it should be delivered in the presence of both Houses, and both Houses make one general Council: And his Majesty is willing, that the Lords should be witnesses of the honour and justice of his resolutions. And therefore the errand, which by his Majesty's direction I must deliver, hath relation to the House of Commons. I must address my self therefore to you, Mr. Speaker, and the rest of that House."

"And first, his Majesty would have you to understand, That there was never any King more loving to his people, or better affectioned to the right use of Parliaments, than his Majesty hath approved himself to be, not only by his long patience since the fitting down of this Parliament, but by those mild and calm directions which from time to time that House hath received by message and letter, and from his royal mouth; when the irregular humours of some particular persons wrought diversions and distractions there, to the disturbance of

The King's Reply.
Rushworth.
T. 1. p. 216.

Buckingham's conduct examined in the House.
Id. p. 217.

Turner's question answered.
The King demands Justice of Turnet.

The Commons vote a Subsidy.
Rushworth.
T. 1. p. 217.
Annals.
p. 116.
Thorn 100.

The King is offended at their proceedings.

1625.
The King's Speech.
March 29.
Rushworth.
T. 1. p. 221.

The Lord Keeper's Speech.

(1) Sir Thomas Wentworth, Mr. Noy, Mr. Selden, and others. *Whitehall*, p. 2.
(2) The King, in this message, demanded justice also against Mr. Clement Coke, Sir Edward's Son, and Member for *Alisbury*, who said in the House, *That it was better to die by an enemy, than to suffer at home.* *Rushworth*, Tom. 1. p. 218.
(3) And the last of Oliver. *Idem*, p. 221.

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"those great and weighty affairs, which the necessity of the times, the honour and safety of the King and Kingdom, called upon. And therefore his Majesty doth assure you, that when these great affairs are settled, and that his Majesty hath received satisfaction of his reasonable demands, he will, as a just King, hear and answer your just Grievances, which in a dutiful way shall be presented unto him; and this his Majesty doth avow.

"Next his Majesty would have you know of a surety, That as never any King was more loving to his people, nor better affectioned to the right use of Parliaments, nor never King more jealous of his honour, nor more sensible of the neglect and contempt of his Royal Rights, which his Majesty will by no means suffer to be violated by any pretended colour of parliamentary liberty; wherein his Majesty doth not forget, that the Parliament is his Council, and therefore ought to have the liberty of a Council; but his Majesty understands the difference betwixt Council and controlling, and between liberty, and the abuse of liberty.

"This being set down in general, his Majesty hath commanded me to relate some particular passages and proceedings, whereto he finds himself aggrieved.

"First, Whereas a seditious Speech was uttered amongst you by Mr. *Cole*, the House did not, as they ought to do, censure and correct him. And when his Majesty understanding it, did, by a message by Mr. Chancellor of the Exchequer, delivered to the House, require justice of you, his Majesty hath since found nothing but protracting and delays. This his Majesty holds not agreeable to the wisdom and the duty which he expects from the House of Commons.

"Secondly, Whereas Doctor *Turner*, in a strange unparliamentary way, without any ground of knowledge in himself, or offering any particular proof of the House, did take upon him to advise the House to enquire upon sundry Articles against the Duke of *Buckingham*, as he pretended, but in truth, to wound the honour and government of his Majesty, and of his renowned Father; and his Majesty, first by a message, and after by his own royal mouth, did declare, That that course of enquiry was an example which by no way he could suffer, though it were against his meanest servant, much less against one so near him; and that his Majesty did much wonder at the foolish insolvency of any man, that can think, that his Majesty should be drawn out of any end to offer such a sacrifice, so unworthy of a King, or a good matter; yet for all this, you have been so far from correcting the insolvency of *Turner*, that ever since that time your Committees have walked in the steps of *Turner*, and proceeded in an unparliamentary inquisition, running upon generals, and repeating that whereof you have made time the ground-work. Here his Majesty hath cause to be exceeding sensible, that upon every particular he finds the honour of his Father stained and blemished, and his own no less; and withal you have manifested a great forwardness, rather to pluck out of his bosom those who are near about him, and whom his Majesty hath cause to affect, than to trust his Majesty with the future reformation of these things which you seem to aim at: And yet you cannot deny but his Majesty hath wrought a greater reformation in matters of Religion, execution of the Laws, and concerning things of great importance, than the shortness of his Reign (in which he hath been hindered, partly through sickness, and the distillation of things, which we could have wished had been otherwise) could produce.

"Concerning the Duke of *Buckingham*, his Majesty hath commanded me to tell you, That himself doth better know than any man living, the sincerity of the Duke's proceedings; with what cautions of weight and discretion he hath been guided in his public employments, from his Majesty and his blessed Father; what enemies he hath procured at home and abroad; what peril of his person, and hazard of his estate, he ran in to, for the service of his Majesty, and his ever-blessed Father; and how forward he hath been in the service of this House, many times since his return from *Spain*. And therefore his Majesty cannot believe, that the aim is at the Duke of *Buckingham*, but findeth that these proceedings do directly wound the honour and judgment of himself, and of his Father. It is therefore his Majesty's express and final commandment, that you yield obedience unto those directions which you have formerly received, and cease this unparliamentary inquisition, and commit unto his Majesty's care, and wisdom, and justice, the future reformation of these things which you suppose to be otherwise than they should be: And his Majesty is resolved, that before the end of this Session, he will set such a course, both for the amending of any thing that may be found amiss, and for the settling of

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"his own estate, as he doubteth not but will give you ample satisfaction and comfort.

"Next to this, his Majesty takes notice, that you have suffered the greatest Council of State to be censured and traduced in the House, by men whose years and education cannot attain to that depth: That foreign businesses have been entertained in the House, to the hindrance and disadvantage of his Majesty's Negotiations: That the same year, yea, the first day of his Majesty's inauguration, you suffered his Council, Government, and Servants, to be paralleled with the times of most exception: That your Committees have presumed to examine the Letters of Secretaries of State, rays, his own; and sent a general warrant to his Signet-office, and commanded his officers, not only to produce and shew the Records, but their Books and private Notes, which they made for his Majesty's service. This his Majesty holds as unufferable, and it was in former times unusual.

"Next I am to speak concerning your Supply of three Subsidies, and three Fifteenths, which you have agreed to tender to his Majesty. You have been made acquainted with the greatness of his affairs, both at home and abroad, with the strong preparation of the enemy, with the importance of upholding his Allies, strengthening and securing both *England* and *Ireland*; besides the encountering and annoying the enemy by a powerful fleet at Sea, and the charge of all: This having been calculated unto you, you have professed unto his Majesty, by the mouth of your Speaker, your carefulness to support the cause wherein his Majesty and his Allies are justly engaged; your unanimous consent and real intention to supply his Majesty in such a measure as should make him safe at home, and feared abroad; and that in the dispatch hereof, you would use such diligence as his Majesty's pressing and present occasions did require.

"And now his Majesty having erected a proceeding suitable to this engagement, he doth observe, that in two days only of twelve, this business was thought of, and not begun till his Majesty by a message put you in mind of it, whilst your inquisition against his Majesty's direction proceeded day by day.

"And for the measure of this supply, his Majesty findeth it so far from making himself safe at home, and feared abroad; as contrariwise it exposeth him both to danger and distress; for his Majesty cannot expect, without better help, but that his Allies must presently disband, and leave him alone to bear the fury of a provoked and powerful enemy: So as both he and you shall be unsafe at home, and ashamed and despised abroad. And for the manner of the supply, it is in itself very dishonourable, and full of distrust; for although you have avoided the literal word of a condition, whereof his Majesty himself did warn you, when he told you of your parenthesis; yet you have put to it the effect of a condition, since the Bill is not come into your House until your grievances be both preferred and answered. No such thing was in that expression and engagement delivered by your Speaker, for which his Majesty holdeth, that you have receded both in matter and manner, to his great disadvantage and dishonour. And therefore his Majesty commandeth, that you go together, and by *Saturday* next return your final answer, what further supply you will add to this you have already agreed on, and that to be without condition, either directly or indirectly, for the supply of these great and important affairs of his Majesty; which for the reasons formerly made known unto you, can endure no longer delay; and if you shall not by that time resolve on a more ample supply, his Majesty cannot expect a supply this way, nor promise you to sit longer together; otherwise, if you do it, his Majesty is well content that you should sit so long as the season of the year will permit; and doth assure you, that the present addition to your supply to set forward the work, shall be no hindrance to your speedy access again.

"His Majesty hath commanded me to add this, That therein he doth expect your cheerful obedience, which will put a happy issue to this meeting, and will enable his Majesty, not only to a defensive war, but to employ his Subjects in foreign actions, whereby will be added to them both experience, safety, and honour.

"Last of all, his Majesty hath commanded me, in explanation of the gracious goodness of his royal intention, to say unto you. That he doth well know, that there are among you many wise and well tempered men, well affected to the publick, and to his Majesty's service; and that those that are willingly laity are not many: And for the rest his Majesty doubteth not, but after his gracious admonition, they will, in due time, observe and follow the better sort; which if they shall

do

1626. "do, his Majesty is most ready to forget whatsoever is past."

Then his Majesty spoke again.

"I must withal put you in mind a little of times past; you may remember, that in the time of my blessed Father, you did with your counsel and persuasion persuade both my Father and me to break off the Treaties: I confess I was your instrument, for two reasons; one was, the fitness of the time; the other was because I was founded by so great and worthy a body, as the whole body of Parliament: Then there was no body in so great favour with you as this man, whom you seem now to touch, but indeed my Father's Government and mine. Now that you have all things according to your wishes, and that I am so far engaged, that you think there is no retreat; now you begin to set the dice, and make your own game: But I pray you be not deceived, it is not a parliamentary way, nor it is not a way to deal with a King."

"Mr. Coke told you, *It was better to be eaten up by a foreign enemy, than to be destroyed at home.* Indeed I think it more honour for a King to be invaded, and almost destroyed by a foreign enemy, than to be despised by his own Subjects."

"Remember, that Parliaments are altogether in my power for their calling, sitting, and dissolution; therefore as I find the fruits of them good or evil, they are to continue, or not to be: And remember, that in this time, instead of mending your errors, by delay you persist in your errors, you make them greater and irreconcilable: Whereas, on the other side, if you do go on cheerfully to mend them, and look to the distressed state of Christendom, and the affairs of the Kingdom, as it lieth now by this great engagement; you will do your selves honour, you shall encourage me to go on with Parliaments, and, I hope, all Christendom shall feel the good of it."

The King's and Keeper's Speeches were so plain, that they could not be misunderstood. The King's aim in general was to intimate to the Parliament, they were only his Council, whose advice he might follow or reject, and he could either not assemble this Council, or govern without it. The Commons immediately turned the House into a grand Committee, ordering the doors to be locked, and no Member to depart till the House came to a resolution concerning these Speeches. His Majesty having notice thereof, and perceiving this could not but retard his affairs, ordered a conference between the two Houses, and commanded the Duke of Buckingham to explain his intentions, and give his words a sense less offensive than what they obviously bore. The Duke spoke in the manner following.

The Commons take off, or are / Speeches.

Rushworth, T. I. p. 233; Annals, p. 123.

The Duke of Buckingham's Speech, which is the explanation of the King's Speech, Rushworth, T. I. p. 123.

"Whereas it is objected by some, who with good conspiracy betwixt the King and people, that to prefix a day to give or to break was an unusual thing, and might express an inclination to the King to break; to remove this, as his Majesty was free from such thoughts, he hath defended to make this explanation."

"That as his Majesty would not have your condition with him directly or indirectly, so he will not lie to a day, for giving farther supply; but it was the pressing occasion of Christendom that made him to pitch upon a day."

"His Majesty hath here a servant of the King of Denmark, and another from the Duke of Sleswick, and yesterday received a Letter from his Sister the Queen of Bohemia; who signified, that the King of Denmark hath sent an Ambassador, with power to perfect the contract which was made at the Hague; so it was not the King, but time, and the things themselves that pressed a time."

"Therefore his Majesty is pleased to give longer time, hoping you will not give him cause to put you in mind of it again; so that you have a greater latitude, if the business require to think further of it."

"I am commanded further to tell you, That if his Majesty should accept of a less form than will suffice, it will deceive your expectations, disappoint his Allies, and consume the Treasure of the Kingdom: Whereas, if you give largely now, the business being at the crisis, it comes so seasonably, it may give a turn to the affairs of Christendom."

"But while we delay and suffer the time to pass, others abroad will take advantage of it, as the King of Spain hath done, by concluding a Peace, as it is thought, in Italy, for the *Ferdinand*, whereby our work is become

the greater, because there can be no diversion that way."

"As it was a good rule to fear all things and nothing, and to be liberal was sometimes to be thrifty; so in this particular, if you give largely, you shall carry the war to the enemy's door, and keep that Peace at home that hath been: Whereas, on the contrary, if you draw the war at home, it brings with it nothing but disturbance and fear, all courses of justice stop, and each man's revenue lessened, and nothing that can be profitable."

"Another explanation I am commanded to make, touching the grievances; wherein his Majesty means no way to interrupt your proceedings, but hopes you will proceed in the ancient way of your predecessor; and not so much seek faults, as the means to redress them. I am farther commanded to tell you, That his Majesty intends to elect a Committee of both Houses, whom he will trust, to take the view of his estate, the defects of which are not fit for the eyes of a multitude; and this Committee will be for your ease, and may satisfy you, without casting any ill odour on his Government, or laying open any weakness that may bring shame upon us abroad. That which is proposed is so little, that when the payment comes, it will bring him to a worse estate than now he is in; therefore wishes you to enlarge it, but leaves the augmentation to your selves; but is sorry, and touched in conscience, that the burthen should lie on the poorest, who want too much already; yet he will not prescribe, but wish that you, who were the abettors and counsellors of this war, would take a greater part of the burthen to your selves; and any man that can find out that way, shall shew himself best affected, and do the best service to the King and State."

After the Duke had thus spoken for the King, he made his address to them in his own behalf, taking this occasion to vindicate his conduct, or rather to extol the services he had done the State. The Lord Conway, Secretary of State, spoke next, and pretended, among other things, to shew, that the three Subsidies and three Fifteenths granted to the late King had been employed according to the Parliament's intention, because nothing was disbursed but by the King's express orders, a reason which must have appeared frivolous to the House of Commons (1).

The explanation of the King's intentions seemed to pacify the Commons a little. How great however their discontent was, at what the King had said about Parliaments, they did not think proper to censure it, whether they feared to enter into so dangerous a discussion, or expected that the Lords would take the affair in hand, since they were no less concerned. The Commons contented themselves therefore with presenting to the King a Remonstrance, to justify their proceedings. This Remonstrance was preceded by an Address on the same subject. But as the Address was only an abstract of the Remonstrance they were preparing, I shall pass it over in silence, and insert only the Remonstrance, which was thus worded:

Rushworth, T. I. p. 237.

Annals, p. 120.

Most Gracious Sovereign,

"WHEREAS your Majesty hath been pleased of late, at sundry times, and by several means, to impart unto us your royal pleasure, touching some passages and proceedings in this present Parliament: We do first, with unspeakable joy and comfort, acknowledge your Majesty's grace and favour, in that it hath pleased you to cause it to be delivered unto us by the Lord Keeper of your Great Seal, in your own royal presence, and before both Houses of Parliament, That never King was more loving to his People, nor better affected to the right use of Parliaments; withal, professing your most gracious resolution, to hear and redress our just Grievances. And with like comfort we acknowledge your Majesty's goodness shining at the very entrance of your glorious Reign, in commanding the execution of the Laws established to preserve the true Religion of Almighty God, in whose service consisteth the happiness of all Kings and Kingdoms."

"Yet let it not displease your Majesty, that we also express some sense of just grief, intermixed with that great joy, to see the careful proceedings of our sincere intentions so misreported, as to have wrought effects unexpected, and we hope, undesired."

"First, Touching the charge against us in the matter concerning Mr. Coke. We all sincerely protest, That neither the words mentioned in your Majesty's message, nor any other of seditious effect were spoken by him, as hath been resolved by the House, without one negative

The Commons to Remonstrance to the Kings, Rushworth, T. I. p. 243.

See Whitelock, p. 4.

(1) He shewed, that there had been paid, for the four Regiments in the Low-Countries by the King; for the Ordnance and Forts in England and Ireland; and for the service under Count Montfaucon; in all, 278,497*l.* Rushworth, Tom. I. p. 231.

1626. "voice. Howsoever, in a Speech occasionally uttered, he let fall some few words, which might admit an ill construction; whereat the House being displeased at the delivery of them, as was expressed by a general and instant check, he forthwith explained himself and his intention, that, for the present, we did forbear to take them into consideration, which since we have done: And the effect thereof had before this appeared, if by importunate business of your Majesty's service we had not been interrupted.

"The like interruption did also befall us in the case of Dr. Turner; wherein the question being formerly stated, a resolution was ordered to have been taken that very day, on which we received your Majesty's command to attend you.

"But for our own proceedings, we humbly beseech your Majesty to be truly informed, That before the overture from Dr. Turner, (out of our great and necessary care for your honour, and welfare of your Realm) we had taken into serious consideration, the evils which now afflict your people, and the causes of them, that we might apply ourselves unto the fittest remedies: In the pursuit whereof, our Committees (whatsoever they might have done) have in no particular proceeded otherwise, than either upon ground of knowledge in themselves, or proof by examination of witnesses, or other evidence. In which course of service for the publick good, as we have not swerved from the parliamentary way of our predecessors, so we conceive, that the discovery, and reforming of errors, is so far from laying an aspersions upon the present time and government, that it is rather a great honour and happiness to both, yielding matter to great Princes, wherein to exercise and illustrate their noblest virtues.

"And although the grievous complaints of the Merchants from all parts, together with the common service of the Subjects well affected to those who profess our Religion, gave us occasion to debate some businesses that were partly foreign, and had no relation to affairs of State; yet we beseech your Majesty to rest assured, it was exceeding far from our intention, either to traduce your Counsellors, or disadvantage your Negotiations. And though some examples of great and potent Ministers of Princes, heretofore questioned in Parliament, have been alleged, yet was it without paralleling your Majesty's Government or Councils, to any times at all, much less to times of exception.

"Touching the letter of your Majesty's Secretary, it was first alleged by your advocate for his own justification, and after, by direction of the Committee, produced to make good his allegation.

"And for the search at the Signet-office, the copy of a Letter being divulged, as in your Majesty's name, with pregnant cause of suspicion, both in the body and direction thereof to be supposititious, the Committee, out of desire to be cleared therein, did by their order send some of themselves to the Signet-office, to search whether there were any Records of Letters of that nature, without warrant to the officer for any, much less for a general search.

"But touching publick Records, we have not forbore, as often as our businesses have required, to make search into them, wherein we have done nothing unwarranted by the Laws of your Realm, and the constant usage of Parliaments. And if, for the ease of their labours, any of our Committees have desired the help of the Offices Repositories, or Breviats of direction, we conceive it is no more than any Subject in his own affairs might have obtained for ordinary fees.

"Now concerning your Majesty's Servants, and namely, the Duke of Buckingham, we humbly beseech your Majesty to be informed by us your faithful Commons; who can have no private end but your Majesty's service, and the good of your Country; that it hath been the ancient, constant, and undoubted right and usage of Parliaments, to question and complain of all persons of what degree soever, found grievous to the Commonwealth, in abusing the power and trust committed to them by their Sovereign. A course approved not only by the examples in your Father's days, of famous memory, but by frequent precedents in the best and most glorious Reigns of your noble progenitors, appearing both in Records and Histories; without which liberty in Parliament, no private man, no servant to a King, perhaps no Counsellor, without exposing himself to the hazard of great enmity and prejudice, can be a means to call great Officers into question for their misdeemeanors, but the Commonwealth might languish under

1626. "their pressures without redress: and whatsoever we shall do accordingly in this Parliament, we doubt not but it shall redound to the honour of the Crown, and welfare of your Subjects.

"Lastly, We most humbly beseech your Majesty graciously to conceive, that though it hath been the long custom of Parliaments to handle the matter of Supply with the last of their businesses, yet at this time, out of extraordinary respect to your person, and care of your affairs, we have taken the same into more speedy consideration, and most happily, on the very day of your Majesty's inauguration, with great alacrity and unanimous consent: After a short debate we grew to the resolution for a present Supply, well known to your Majesty.

"To which, if addition may be made of other great things for your service, yet in consultation amongst us, we doubt not but it will appear, that we have not receded from the truth of our first intention, so to supply you, as to make you safe at home, and feared abroad, especially if your Majesty shall be pleased to look upon the way intended in our promise, as well as to the measure of the gift agreed.

"With like humility we beseech your Majesty, not to give ear to the officious reports of private persons for their own ends, which hath occasioned so much loss of time, nor to judge our proceedings whilst they are in agitation, but to be pleased to expect the issue and conclusion of our labours, which we are confident will manifest and justify to your Majesty the sincerity and loyalty of our hearts, who shall ever place in a high degree of happiness, the performing of that duty and service in Parliament, which may most tend to your Majesty's honour, and the good of your Kingdom."

By this Remonstrance it appears, the Commons did not look upon Coke's offence as a crime deserving so severe a punishment as the King imagined, especially as the King had been misinformed. Moreover, in shewing repentment against Coke, they were afraid of discouraging their Members, and hindering them from freely speaking their minds, besides that they should thereby authorize the King to make continual complaints on the like pretences. But on the other hand, if they declared Coke entirely innocent, they were apprehensive of engaging in a discussion they were willing to avoid. As for Turner, they could not condemn him, since his motion was approved by the House. So, they only evaded the King's demand, for fear of offending him by a refusal, imagining, the King would understand them. But as to the Duke of Buckingham, the case was different. The King having established for a principle, that the Commons had not power to accuse any of his servants without his permission, they could not speak too plainly, by reason of the importance of the King's pretensions, which tended to deprive the House of one of their greatest privileges. As to the Supply, it is very visible, the Commons did not intend the King should have it in his power to prescribe them terms, but were resolved to preserve the right of granting what they thought proper, and when they saw fit. Indeed, it is of so great consequence to the Commons, not to lose this Right, that should they suffer the least incroachment upon it, they would assuredly become an empty name without authority.

The King did not think proper to answer this Remonstrance, or at least required time to examine it. Mean while he desired the Commons to adjourn for a week, as the Lords had done; and they did so accordingly.

The King was extremely embarrassed. He wanted money, and the Commons had voted him three Subsidies and three Fifteenths, to which they had lately added a fourth Subsidy. But it evidently appeared they meant not to pass the Bill, till the Duke of Buckingham's affair was finished. So, the King not being able to divert the charge against the Duke, without hindering at the same time the Subsidy-Bill, consented at length, that the House should proceed in the examination of his Favorite's conduct, but it was with intention to put a stop to it, if the affair was carried too far (1).

A few days after, the Commons sent word to the Duke of Buckingham, that they were passing Articles of accusation against him, of which he might be informed by the Clerk's Book [and take a copy thereof] and that they expected his answer, if he pleased to send any (2). Whereupon, the Duke applied to the Lords for leave to answer. But the Lords did not think it convenient to permit him, under colour, that he would thereby give the Commons occasion to defer the Subsidy-Bill, which they were presently to take into consideration. But the Commons, without regarding the reason alleged by the Lords, which was signified to

(1) At this time the King sent for the Bishops, and fourteen of them repairing to him, he charged them, That in the case of Bristol and Buckingham, their Counsellors being their guides, they should follow only truth, and not rumours. *Raymond*, Tom. I. p. 247. *Ames*, p. 121.

(2) He was wrong for no less than fourteen Lords, which being found of ill consequence, it was ordered, That for the future no Lord should be excused of receiving above two Proxies. See *Turner's Peace and Religion*, Tom. I. p. 249.

1626. ing under false pretences their Ships which were ready to fail, and of compelling them to give him ten thousand pounds, that they might not lose their voyage.

VII. and VIII. Of delivering several Merchant-Ships and a Man of war into the hands of the French King, against the will of the owners, to serve at the siege of Rochel.

IX. Of confining several persons to purchase Titles of Honour (1).

X. Of filling the office of High-Treasurer [to Henry Montague Viscount Mandeville] for twenty thousand pounds, and the office of Master of the Ward and Liveries [to Sir Lionel Cranfield] for six thousand.

XI. Of procuring to his kindred and allies titles of Baron, Viscount, Earl, without their having done the State any service.

XII. Of embezzling and ingrossing the King's money and lands.

XIII. Of applying a plaister to the late King's side in his left neck, and of giving him a Potion with his own hand at several times, in the absence, and without the order of the Physicians.

These Articles were enlarged upon by the several managers (2), and Sir John Elliot was appointed to make the Epilogue to the impeachment, wherein he summed up what had been said against the Duke, and spoke of him in very offensive terms, but however mentioned not the plaister or potion.

The fame or the next day, Diggs and Elliot were by the King's command sent to the Tower (3): and two days after the King went to the House of Lords, and spoke to them after the following manner.

My Lords,

THE cause and only cause of my coming to you this day, is to express the sense I have of all your honours; for he that toucheth any of you, toucheth me in a very great measure. I have thought fit to take order for the punishing of some insolent Speeches lately spoken. I have been to remiss heretofore in punishing such Speeches as concern my self; not that I was greedy of their muniis, but that Buckingham, through his impertinency, would not suffer me to take notice of them, lest he might be thought to have set me on, and that he might come the forwarder to his trial. And to approve his innocency as touching the matters against him, I my self can be a witness to clear him in every one of them.

I speak not this to take any thing out of your hands; but to show the reason why I have not hitherto punished those insolent Speeches against my self. And now I hope you will be as tender of my honour, when time shall serve, as I have been sensible of yours.

The King's aim in this Speech was, first, to persuade the Lords, they were all concerned in the disrespectful things spoken by the managers against the Duke of Buckingham and some other Members of their House, and that he had committed Diggs and Elliot to the Tower on purpose to vindicate their injured honour. But he succeeded not in his design. Secondly, by offering to be a witness for the Duke of Buckingham, and to clear his innocence in every article of his impeachment, he proposed to the Lords, a kind of dilemma, which he thought they would not be able to get clear of. For they were either to declare the Duke innocent upon the King's evidence, or, by condemning him, openly reject his royal testimony, to which he imagined they would not easily be persuaded. But they were not imposed upon by this artifice, as will hereafter appear.

The King was no sooner departed from the House, but the Commons sent a message to the Lords, to desire the Duke of Buckingham might be taken into safe custody: but the Lords durst not commit him for fear of offending the King.

Mean while, the imprisonment of Diggs and Elliot made a terrible impression in the House of Commons, who considered it as an express breach of their privileges. [Sir Dudley Carleton] one of the Court-Party, observing the usual [and as he termed it, full] silence of the House, stood up and justified the King saying, "his Majesty conceived that Diggs went beyond his Commission, when speaking of the plaister and potion given to King James," he said, *That he did forbear to speak farther in regard*

of the King's honour. And as for Sir John Elliot, he affected to speak of the Duke with great contempt, and in very injurious terms. What displeased the King most was, that Elliot in speaking of the Plaister and Potion, used expressions, intimating as if there was something hidden, which it was not proper to reveal, and in so doing, exceeded the Commission he had received from the House."

Unhappily, there was nothing of truth in what was ascribed to these two Members, except the little respect they had shewn for the Duke of Buckingham. For Elliot had not mentioned the Plaister or Potion, and Diggs had said nothing like what he was accused of. Wherefore, the House of Commons taking advantage of these false charges, ordered that all the Members there present should sign the following Protestation.

I protest before Almighty God, and this House of Parliament, that I never gave consent that Sir Dudley Diggs should speak these words that he is now charged withal, any words to that effect; and I have not affirmed to any that he did speak such words, or any to that effect."

Besides this, thirty six Lords who were present at the conference, where the impeachment of the Duke was presented, attested under their hands, that they did not hear Sir Dudley Diggs speak any such words. It followed therefore from the testimony of the Lords, and the Protestation of the Commons, either that the King was falsely and maliciously informed, or that the charge against Diggs was invented, to have an opportunity of punishing him for speaking of the Duke in so disrespectful a manner.

Elliot's crime was of the same nature, that is, he had spoken of the Duke in uncivil terms, though he was falsely accused of mentioning the Plaister in terms injurious to the King. But the Commons took care to clear their two Members by declaring publicly, that neither had exceeded his Commission. All this was not for the King's honour, who seeing no way to support what he had done, caused the two imprisoned Members to be released. In all appearance, his design was to terrify the Commons, but he was disappointed.

The King's concession to the Commons, drew upon him an affair of the like nature from the Lords. He had sent the Earl of Arundel to the Tower for much the same crime as that of Diggs and Elliot, and the Lords had complained of it. But when they saw the Commons had obtained the release of their Members, by insinuating upon their privileges, they thought proper to take this occasion to maintain their rights also. They presented therefore a petition to the King, praying him to release the Earl of Arundel, according to the tenor of their privileges. The King perceived how prejudicial to him this petition was, the Lords pretending by means of their privileges, to limit the Prerogative Royal. For which reason he long resisted before he granted the Lords request. There were several remonstrances from the Lords to the King, and several messages from the King to the Lords. Nay, the Peers went so far, as to declare it was an express breach of their privileges, to imprison any of their Members, the Parliament sitting, without sentence or order of their House (4), and to resolve to take no other business into consideration till they had received satisfaction. At last the King was forced to release the prisoner, though against his will. As by the Custom of England, Members of Parliament are not privileged from arrest in cases of Treason and Felony, the King pretended the House of Lords ought not to take exception at his having committed one of their Members. His reason was, because the prisoner might possibly be guilty of Felony or Treason, and consequently the House ought to wait till it should please the King to declare the cause of his imprisonment. But as under colour of this possibility, the King had sent the Earl of Arundel to the Tower, and had not yet declared the cause, the Lords plainly saw the possibility alleged by the King, was but an artifice to evade their most undoubted privileges. So, the King affirmed, that as the untimely discovery of a Treason might happen to be extremely prejudicial to the State, he could not allow to this pretended privilege of the Members of Parliament, all the extent required by the Lords, because there were cases, wherein for the good of the State, it was absolutely necessary to limit it. But the Lords replied, if, on pretence of such cases which were very rare, the King could imprison a Peer

(1) Particularly the Lord Robert of Truce, whom he forced to pay ten thousand Pounds for the title of Baron. *Raynworth*, T. I. p. 334.

(2) I. II, III, were engaged upon by Mr. Harcourt. IV, V, by Mr. Selous. VI, VII, VIII, by Mr. Greville. IX, X, XI, by Mr. Pym. XII, by Mr. Shovelard. XIII, by Mr. Wandesford. *Raynworth*, Tom. I. p. 304. &c.

(3) Upon the impeachment of the Duke, a Paper was privately conveyed to the King, importing, That this great opposition against the Duke was stirred up and maintained by such as seek the destruction of the free Monarchy. That since the time of Henry VI, these profligate dissolutings might never be suffered, as being symptomes of Rebellions, and debasing our King, and no one Patriot daring to oppose them, till he saw the reputation of a Fool or Coward in his Country's cause. His Majesty therefore strengthened himself ever with some Favourite, as whom he might better trust than many of the Nobility, tainted with this Oligarchy. It behoves his Majesty to uphold the Duke, who, if he be discontented, it will be the Center-flame, on which the demolishing of his Monarchy will be built. For if they prevail in this, they will pull the other feathers of Royalty. They will appoint him Councilors, Servants, &c. That the King and his Father are concerned in the Duke's rebellion; and if he suffers for obeying his Sovereign, the next attempt will be to call the King to an account, &c. *Ibid.* p. 336.

(4) Unless it be in Treason or Felony, or refusing to give security of the Peace. *Raynworth*, Tom. I. p. 365.

without

1626. without the consent of the House, and declaration of the cause, it would follow, that in all sorts of cases, he might detain a Peer in custody as long as he pleased, and thereby abridge the Lords of their privileges. If it is asked, why this dispute was never raised in the former Reigns, the question is easily answered. For if a King happened to send a Peer to the Tower, the Parliament sitting, either the cause was known, or, if a secret, the House took no offence, because the Lords not mistrusting the King, did not fear he would draw it into a precedent to abridge their Privilege. But it was not the same in the Reign of Charles I. Besides that the Earl of Arundel was known to be sent to the Tower only for speaking too freely in the House (1), what the King's principles were concerning the Privileges of the People, was no secret, and it was manifest, that upon a bare possibility, he was endeavouring to establish a principle which tended to render the Privilege in question entirely useless. And therefore the Lords being warranted by the example of the Commons, would not omit this opportunity to maintain their Privilege.

Before the Duke of Buckingham had given in his answer to the Commons impeachment, the Chancellorship of the University of Cambridge becoming void by the Earl of Suffolk's death, the King caused the Duke his Favorite to be elected in the room of the late Chancellor. The House of Commons were extremely offended at this election, considering it as a manifest contempt, that the Duke should be chosen whilst under an impeachment, and when one of the Articles against him was plurality of Offices. Besides, they maintained, there was a sort of contradiction in this choice, since the University themselves, by their Representatives in Parliament, had given their consent to the Duke's Impeachment. But the King openly supported the election in spite of the Commons.

At length, on the 9th of June, the Duke gave in his answer to the impeachment of the House of Commons. As I have not given the particulars of the accusation, it would be needless to insert here the answers, which had a necessary reference to what was alleged against the Duke. This affair having never been decided, 'tis easy to judge, that as the accusation was very much aggravated, so the answers were palliated with great care. The proofs and evidences of the facts produced for or against, would be the only means to inform us of the truth; but the affair was not carried so far. It will suffice therefore to say, that the Commons desiring a copy of the answer, the next day the King writ the following letter to the Speaker.

Trusly and Well-beloved, &c.

OUR House of Commons cannot forget, how often and how earnestly we have called upon them for the speeding of that aid which they intended us for our great and weighty affairs, concerning the safety and honour of us and our Kingdoms: And now the time being so far spent, that unless it be presently concluded, it can neither bring us money nor credit by the time which themselves have fixed, which is the last of this month, and being farther deferred would be of little use, we being daily advertised from all parts, of the great preparations of the enemy ready to assail us; we hold it necessary by these our Letters, to give them our last and final admonition, and to let them know, that we shall account all farther delays and excuses to be express denials. And therefore we will and require you to signify unto them, that we do expect that they forthwith bring in their bill of Subsidy to be passed without delay or condition, so as it may fully pass the House by the end of the next week at the farthest: which if they do not, it will force us to take other resolutions. But let them know, if they finish this according to our desire, that we are resolved to let them sit together for the dispatch of their other affairs so long as the season will permit, and after their recess, to bring them together again the next winter. And if by their denial or delay, any thing of ill consequence shall fall out either at home or abroad, we call God and Man to witness, that we have done our part to prevent it, by calling our people together to advise with us, by opening the weight of our occasions unto them, and by requiring their timely help and assistance in these actions wherein we stand engaged by their own counsels. And we will and command you that this Letter be read publicly in the House.

It was manifest, this Letter, written at the time the Duke of Buckingham was going to be tried, was but an artifice to evade it. For it was not possible, that if the Subsidy-bill was passed by the time fixed by the King, the Duke's affair could be dispatched by the same time. 'Tis true, the King promised to let the Parliament sit, *so long as the season would permit*. But by that very thing he referred to himself the liberty of proroguing it when he pleased, on pretence the season was too far advanced to sit any longer, especially as he feigned to press the Subsidy-bill, purely out of fear of a pretended invasion, which, he said, the Kingdom was threatened with. It was therefore to be expected, that the Duke of Buckingham's affair would be dropped, and be forced to be revived in the next Session, since a prorogation puts an end to all affairs.

The Commons not thinking fit to comply with the King's will, presented a fresh petition to him against popish Recusants. This was to shew the Publick, the King's answer to the petition of the Oxford Parliament, contained only empty promises, without being followed by any effects. They had a mind also to shew, that the Duke of Buckingham's ill-administration was not the only Grievance they desired to be redressed. The Petition was as follows:

To the King's most excellent Majesty,

YOUR Majesty's most obedient and loyal Subjects the Commons, in this present Parliament assembled, do with great content remember the many tedious monies which your Majesty hath given of your clemency and zeal of the true Religion established in this Kingdom, and in particular your gracious answer to both Houses of Parliament at Oxford, upon their petition concerning the causes and remedies of the increase of Popery; that your Majesty thought fit, and would give order to remove from all places of authority and government, all such persons as are either popish Recusants, or, according to direction of former Acts of State, justly to be suspected; which was then presented as a great and principal cause of that mischief. But not having received so full redress herein as may conduce to the peace of this Church, and safety of this Royal State, they hold it their duty, once more to refer to your sacred Majesty, humbly to inform you, that upon examination, they find the persons under-written, to be either Recusants, Papists, or justly suspected according to the former Acts of State, who now do, or, since the sitting of the Parliament, did remain in places of government and authority, and trust, in your several Counties of this your Realm of England, and Dominion of Wales.

Then followed a List of fifty-nine Recusants, and suspected Papists, who were in places of trust and authority in several Counties (2).

Wherefore they humbly beseech your Majesty, not to suffer your loving Subjects to continue any longer discouraged, by the apparent sense of that increase both in number and power, which by the favour and countenance of such like ill-affected Governors accrue to the popish Party; but that, according to your own wisdom, goodness, and piety (whereof they rest assured) you will be graciously pleased to command that answer of your Majesty's to be effectually observed, and the parties above-named, and all such others, to be put out of such commissions and places of authority wherein they are now in your Majesty's Realm of England; contrary to the Acts and Laws of States in that behalf.

It was not for the King's honour to be pressed so often to perform what he had so positively promised. But it must be considered, it was not easy for him to withstand the solicitations and intrigues of the Queen, of the Duke of Buckingham, whose mother was a professed Papist, of Sir Richard Weston his chief Counsellor, and of the Lord Conway Secretary of State, both likewise Papists, since these were the men that were nearest his person, and by whom he was in a manner beset.

A few days after, the Commons refused to wait upon the King, and present to him by their Speaker, a declaration of their conduct, serving for answer to his Letter, and a petition to remove the Duke of Buckingham from his person. The audience they had desired being granted, the Speaker, before he presented the answer, made the following Speech to him (3):

(1) It does not appear that the Earl of Arundel was committed for any thing said in the House, but, as it is thought, for his Son's marrying the Duke of Lennox's Sister, whom the King desired for the Lord Lennox. The Earl of Arundel had five Proxies, which were lost by his Imprisonment. *Register*, Tom. I. p. 351, 354.

(2) Among whom were the Earl of Rutland, the Villants Mervyn and Denbar, the Lords Essex, Alington, Trueman, Watson, Marley, Mcham, Sir John de Bafsey, &c. &c. The rest were Commons. *Register*, Tom. I. p. 394.

(3) *Register*, by mistake, says two Papers, but it was but one, as appears by the Speaker's Speech. Though the Copy of this Answer, containing a Declaration and Petition, is not to be found, it was introduced and allowed of, and the audience was delivered by the Speaker, Sir George Finch. *Register*, Tom. I. p. 394.

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The Speaker's Speech upon his presenting to him the Petition and Declaration. Rollsworth. T. I. p. 197. Annals. p. 198.

Most gracious and dread Sovereign,

According to that liberty of access, and liberty of speech which your Majesty and your Royal progenitors have ever vouchsafed to your House of Commons, your Majesty's most humble and loyal Subjects, the Commons now assembled in Parliament, have been suitors for this access to your royal throne.

And out of their consideration of the nature, and of the weight and importance of the business, they have thought the attendance of the whole House, with their Speaker, not too solemn; and yet they have not thought fit barely to commit those words which express their thoughts, to the trust of any man's speech, but are bold to present them in writing to your gracious hands, that they may not vanish, but be more lasting than the most powerful words of a more able speaker like to be.

I have much to read, and shall therefore, as little as I can, weary your Majesty with speeches.

This parchment contains two things, the one by way of declaration, to give your Majesty an account, and humble satisfaction of their clear and sincere endeavours and intentions in your Majesty's service; and the other an humble petition to your Majesty, for the removal of that great person the Duke of Buckingham, from access to your Royal presence.

For the first, they beseech your most excellent Majesty to believe that no earthly thing is so dear and precious to them, as that your Majesty should retain them in your grace and good opinion; and it is grief to them, beyond my expression, that any misinformation or misinterpretation, should at any time render their words or proceedings offensive to your Majesty.

It is not proper for any one to hear the echo of a voice, that hears not the voice; and if echo's be sometimes heard to double and redouble, the echo of the echo is still fainter, and sounds not louder.

I need not make the application, words misreported, though by an echo, or but an echo of an echo, at a third or fourth hand, have oft a louder sound than the voice it self, and may found disloyalty, though the voice had nothing undutiful or illoyal in it.

Such misinformations, they fear, have begot those interruptions and diversions which have delayed the ripening and expediting of those great councils, which concern your Majesty's important service, and have enforced this declaration.

I pass from that to the petition, in which my purpose is not to urge those reasons, which your Majesty may hear expressed in their own words in the language of the People.

I am only directed to offer to your great wisdom, and deep judgment, that this petition of theirs is such, as may stand with your Majesty's honour and justice to grant.

Your Majesty hath been pleased to give many Royal testimonies and arguments to the world, how good and gracious a Master you are; and that which the Queen of Sheba once said to the wisest King, may without flattery be said to your Majesty, *Happy are those servants which stand continually before you.*

But the relations by which your Majesty stands in a gracious aspect towards your People, do far transcend, and are more prevalent and binding, than any relation of a Master towards a Servant; and to bear and satisfy the just and necessary desires of your People, is more honourable than any expression of grace to a Servant.

To be a master to a servant is communicable to many of your Subjects; to be a King of People, is regal and incommunicable to Subjects.

Your Majesty is truly stiled with that name, which the greatest Emperors, though they borrowed names and titles from those Countries, which they gained by conquest, most delighted in, *Pater Patriæ*. And desires of children are preferred before those of servants, and the servant abideth not in the house for ever, but the son abideth ever.

The government of a King was truly termed by your Royal Father, a politic marriage between him and his People; and I may safely say, there was never a better union between a married pair, than is between your Majesty and your People.

Having ended his Speech, the Speaker put into the King's hands the declaration and petition, which his Majesty was so displeased with, that he determined to dissolve the Parliament. The Commons having intimation of it, related to present a Remonstrance to him, of which every Member was ordered to have a copy. Whilst this Remonstrance was preparing, the Lords being informed by the King himself of his resolution, presented a Petition to

him to divert him from his purpose. But he would hearken to nothing, and, on the 15th of June, caused the Parliament to be dissolved by a Commission under the Great Seal.

It was not doubted that the Duke of Buckingham's interest was the sole cause of this dissolution. The Commons were so persuaded of it, that they chiefly insisted upon the great prejudice the Duke's credit occasioned to the Kingdom, in the Remonstrance they had prepared, but were hindered from presenting by the dissolution of the Parliament. It will not be amiss however to insert here this Remonstrance.

Most gracious Sovereign,

WE your loyal and faithful Subjects, the Commons assembled by your Majesty's most Royal authority in this present Parliament, having with all dutiful affection, from the time of our first meeting, earnestly endeavoured to proceed speedily in those affairs, that might best and soonest conduce to our dispatch of the intended Supply, of your Majesty's great designs, to the enlargement of your support, and to the enabling of our selves, and them whom we represent, to the full and timely performance of the same; have, notwithstanding, by reason of divers informations, interruptions, and other preventions, been hitherto so retarded in the prosecution of these affairs, that we now thought it a necessary part of our most humble duties, thus to declare, both those interruptions and preventions, with the true original and continual cause of them; as also our most earnest devotion of the Parliamentary service of your most excellent Majesty, and of the careful safety and defence of your Dominions, Crown and Dignity: And we most humbly therefore beseech your most excellent Majesty, to be graciously pleased here to call your eye on some particulars, that have relation as well to your first Parliament as to this; out of which we cannot doubt, but that your great goodness may receive an ample satisfaction, touching our most loyal and faithful intentions.

In the first Parliament of the first year of your Majesty's most happy Reign over us, the Commons then assembled, after they had cheerfully presented to your Majesty, as the first-fruits of their affections, two entire Subsidies, were exceedingly pressed by the means of the Duke of Buckingham, and for his own ends, as we conceive, to enlarge that Supply: which when he conceived would not be there effected, he procured, for the same ends, from your Majesty, an adjournment of the Parliament to the City of Oxford; where the Commons then taking into just consideration the great mischiefs which this Kingdom variously hath suffered, and that chiefly by reason of the exorbitant power and frequent misdoings of the said Duke, were entering into a Parliamentary course of examination of those mischiefs, power, and misdoings: But no sooner was there any mention made of his name to this purpose, but that he, fearing lest his actions might so have been too much laid open to the view of your most excellent Majesty, and to the just censure that might then have followed, presently, through his mis-informations to your Majesty, of the intentions of your said Commons, (as we have just cause to believe) procured a dissolution of the said Parliament: And afterwards also in the same year, through divers misreports made to your Majesty in his behalf, touching some Members of the said Commons, who had more particularly drawn his name into just question, and justly professed themselves averse to his ends there, procured (as we cannot but conceive) the said Members to be made the Sheriffs of several Counties for this year that followed, to the end that they might have all been precluded from being chosen Members of the present Parliament, lest they should again have there questioned him; and by the like practice also (as we are persuaded) he procured, soon after the said dissolution, another Member of the said House (1), because he had justly professed himself against his ends, to be sent as Secretary of your Majesty's last fleet, hereby indeed to punish him, by such drawing him from his practice of the Law, which was his profession, under colour of an honourable employment.

It pleased your Majesty afterwards, in February last, to call this present Parliament, wherein though none of those whom the said Duke had so procured to be made High-Sheriffs have sat as Members; yet we finding in our selves the like affection, first to the service of your Majesty, and next to the good of the Commonwealth, we took into serious consideration several Propositions, how for the safety and happiness of your Majesty's Kingdoms and Allies, we might enlarge your supports, and add to the military strength without charge to the

The King refuses to dissolve the Parliament.

The Lords try to wait to divert him from it. Rollsworth. T. I. p. 199.

(1) Mr. Glanville.
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"honour of this Nation, for the recovery of the patrimony of his dear Sister, her comfort, and their children, injuriously, and, under colour of treaties and friendship, taken from them, and for the maintenance of the true Religion, and invited thereunto, and encouraged therein by the humble advice of both the Houses of Parliament, and by the large promises and protestations to his late Majesty, to give him full and real assistance in those enterprises, which were of so great importance to this Realm, and to the general peace and safety of all his friends and allies: but when his Majesty entered into a view of his treasure, he found how ill provided he was to proceed effectually with so great an action, unless he might be assured to receive such supplies from his loving Subjects, as might enable him to manage the same.

"Hereupon his Majesty, being willing to tread in the steps of his royal progenitors, for the making of good and wholesome Laws, for the better government of his people, for the right understanding of their true grievances, and for the supply of moneys to be employed for those publick services, he did resolve to summon a Parliament with all convenient speed he might, and finding a former Parliament already called in the life of his Father, he was desirous, for the speedier dispatch of his weighty affairs, and gaining time, to have continued the same without any alteration of the Members thereof, had he not been advised to the contrary by his Judges and Council at Law, which he desired to avoid. But as soon as possible he could, he summoned a new Parliament, which he did with much confidence and assurance of the love of his people, that those (who had not long before, with some importunity won his Father to break off his former Treaties with Spain, and to effect it, had used meditation of his now Majesty, being then Prince, and a Member of the Parliament, and had promised in Parliament their utmost assistance, for the enabling of his late Majesty to undergo the war, which they then foresaw might follow,) would assuredly have performed it to his now Majesty, and would not have suffered him, in his first enterprise of so great an expectation, to have run the least hazard through their defaults.

"This Parliament (after some adjournment, by reason of his Majesty's unavoidable occasions interpoling) being assembled on the eighteenth day of June, it is true, that his Commons in Parliament taking into their due and serious consideration the manifold occasions, which at his first entry did press his Majesty, and his most important affairs, which both at home and abroad were then in action, did with great readiness and alacrity, as a pledge of their most bounden duty and thankfulness, and as the first-fruits of the most dutiful affections of his loving and loyal Subjects, devoted to his service, present his Majesty with the free and cheerful gift of two entire Subsidies: which their gift, and much more the freeness and heartiness expressed in the giving thereof, his Majesty did thankfully and lovingly accept: But when he had more narrowly entered into the consideration of his great affairs, wherein he was embarked, and from which he could not, without much dishonour and disadvantage, withdraw his hand, he found that this sum of money was much short of that which of necessity must be presently expended, for the setting forward of those great actions, which by advice of his Council, he had undertaken, and were that summer to be pursued. This his Majesty imparted to his Commons House of Parliament; but before the same could receive that debate and due consideration which was fit, the fearful visitation of the plague in and about the Cities of London and Westminster, where the Lords and the principal Gentlemen of quality of his whole Kingdom were, for the time of this their service, lodged and abiding, did so much increase, that his Majesty, without extreme peril to the lives of his good Subjects, which were dear unto him, could not continue the Parliament any longer in that place.

"His Majesty therefore on the eleventh day of July then following, adjourned the Parliament from Westminster, until the first day of August then following, at the City of Oxford. And his Highness was so careful to accommodate his Lords and Commons there, that as he made choice of that place, being then the freest of all others from the danger of that grievous sickness, so he there fitted the Parliament-men with all things convenient for their entertainment: and his Majesty himself being in his own heart sincere and free from all ends upon his people, which the searcher of hearts best knoweth, he little expected that any misconstruction of his actions would have been made as he there found. But when the Parliament had been a while assembled, and his Majesty's affairs opened unto them, and a further

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"supply desired as necessity required, he found them so flow, and so full of delays and diversions in their resolutions, that before any thing could be determined, the fearful contagion daily increased, and was dispersed into all parts of this Kingdom, and came home even to their doors where they assembled. His Majesty therefore rather preferred the safety of his people from that present and visible danger, than the providing for that which was more remote, but no less dangerous to the state of this Kingdom, and of the affairs of that part of Christendom which then were, and yet are in friendship and alliance with his Majesty. And thereupon his Majesty, not being then able to discern when it might please God to stay his hand of visitation, nor what place might be more secure than other, at a time convenient for their reassembling, his Majesty dissolved that Parliament.

"That Parliament being now ended, his Majesty did not therewith cast off his royal care of his great and important affairs; but by the advice of his Privy Council, and of his Council of War, he continued his preparations and former resolutions; and therein not only expended those monies, which by the two Subsidies aforesaid were given unto him for his own private use, whereof he had too much occasion, as he found the state of his Exchequer at his first entrance, but added much more of his own, as by his credit, and the credit of some of his servants, he was able to compass the same. At last, by much disadvantage, by the retarding of provisions, and uncertainty of the means, his Navy was prepared and set to sea, and the designs unto which they were sent, and especially directed, were so probable, and so well advised, that had they not miscarried in the execution, his Majesty is well assured, they would have given good satisfaction, not only to his own people, but to all the world, that they were not lightly or unadvisedly undertaken and pursued. But it pleased God, who is the Lord of Hosts, and unto whose providence and good pleasure his Majesty doth, and shall submit himself, and all his endeavours, not to give that success which was desired: And yet were those attempts not altogether so fruitless, as the envy of the times hath apprehended, the enemy receiving thereby no small loss, nor our party no little advantage. And it would much avail to further his Majesty's great affairs, and the peace of Christendom, which ought to be the true end of all hostilities, were these first beginnings, which are most subject to miscarry, well seconded and pursued, as his Majesty intended, and as in the judgment of all men, convenient in his actions of this nature, were fit not to have been neglected.

"These things being thus acted, and God of his infinite goodness, beyond expectation, alwaying the rage of the pestilence, and, in a manner, of a sudden restoring health and safety to the Cities of London and Westminster, which are the fittest places for the resort of his Majesty, his Lords and Commons to meet in Parliament; his Majesty, in the depth of winter, no sooner desisted the probability of a safe assembling of his People, and in his princely wisdom and providence foresaw, that if the opportunity of season should be omitted, preparations both defensive and offensive could not be made in such sort, as was requisite for their common safety, but he advised and resolved of the summoning of a new Parliament, where he might freely communicate the necessities of the State, and the counsel and advice of the Lords and Commons in Parliament, who were the representative body of the whole Kingdom, and the great counsel of the Realm, might proceed in these enterprises, and be enabled thereunto, which concern the common good, safety and honour both of Prince and People; and accordingly the 6th of February last, a new Parliament was begun. At the first meeting, his Majesty did forbear to press them with any thing which might have the least appearance of his own interest, but recommended unto them the care of making good Laws, which are the ordinary subject for a Parliament.

"His Majesty believing, that they could not have suffered many days, much less many weeks, to have passed by, before the apprehension and care of the common safety of this Kingdom, and the true Religion professed and maintained therein, and of our friends and allies, who must prosper, or suffer with us, would have led them to a due and timely consideration of all the means which might best conduce to those ends; which the Lords of the higher House, by a Committee of that House, did timely and seasonably consider of, and invited the Commons to a conference concerning that great business: At which conference, there were opened unto them the great occasions which pressed his Majesty, which making no impression with them, his Majesty did, first by message, and after by letters, put the House

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" of Commons in mind of that which was most necessary, the defence of the Kingdom, and due and timely preparations for the same.

" The Commons House after this, upon the 27th of March last, with one unanimous consent at first, agreed to give unto his Majesty three entire Subsidies, and three Fifteens, for a present supply unto him; and upon the 26th of April after, upon second cogitations, they added a fourth Subsidy, and ordered the days of payment for them all, whereof the first should have been on the last day of this present June. Upon this, the King of Denmark, and other Princes and States, being engaged with his Majesty in this common cause, his Majesty fitted his occasions according to the times which were appointed for the payment of those Subsidies and Fifteens, and hastened on the Lords Committees, and his Council of War, to perfect their resolutions for the ordering and settling of his designs; which they accordingly did, and brought them to that maturity, that they found no impediment to a final conclusion of their counsels, but want of money to put things into action. His Majesty hereupon, who had with much patience expected the real performance of that which the Commons had promised, finding the time of the year passing away, and having intelligence not only from his own Ministers and Subjects in foreign parts, but from all parts of Christendom, and of the great and powerful preparations of the King of Spain, and that his design was upon this Kingdom, or the Kingdom of Ireland, or both, (and it is hard to determine which of them would be of worse consequence) he acquainted the House of Commons therewith, and laid open unto them truly and clearly, how the state of things then stood, and yet stand, and at several times, and upon several occasions reiterated the same: But that House being abused by the violent and ill-advised passions of a few Members of the House, for private and personal ends, ill becoming public Persons, trusted by their country, as then they were, not only neglected, but wilfully refused to hearken to all the gentle admonitions which his Majesty could give them, and neither did nor would intend any thing, but the prosecution of one of the Peers of this Realm, and that in such a disordered manner, as being set at their own instance into a legal way, wherein the proofs on either part would have ruled the cause, which his Majesty allowed, they were not therewith content, but in their intemperate passions and desires to seek for errors in another, fell into a greater error themselves, and not only neglected to give just satisfaction to his Majesty in several cases which happened concerning his Regality, but wholly forgot their engagements to his Majesty for the public defence of the Realm: Whereupon his Majesty wrote the forementioned letter to the Speaker, dated the ninth day of June 1626.

" Notwithstanding which letter read in the House, being a clear and gracious manifest of his Majesty's resolutions, they never so much as admitted one reading to the bill of Subsidies, but instead thereof, they prepared and voted a remonstrance or declaration, which they intended to prefer to his Majesty, containing (though palated with glossing terms) as well dishonourable assertions upon his Majesty, and upon the sacred memory of his deceased Father, as also dictatory excuses for their not proceeding with the Subsidies, adding thereto also coloured conditions, crossing thereby his Majesty's direction; which his Majesty understanding, and esteeming (as he had cause) to be a denial of the promised Supply, and finding that no admonitions could move, no reasons or persuasions could prevail, when the time was so far spent, that they had put an impossibility upon themselves to perform their promises, which they esteemed all gracious messages unto them to be but interruptions: His Majesty, upon mature advisement, discerning that all further patience would prove fruitless, on the fifteenth day of this present month he hath dissolved this unhappy Parliament: the acting whereof, as it was to his Majesty an unexpressible grief, so the memory thereof doth renew the hearty sorrow, which all his good and well-affected Subjects will compassionate with him.

" These passages his Majesty hath at the more length, and with the true circumstances thereof, expressed and published to the world, lest that which hath been unfortunate in itself, through the malice of the author of so great a mischief, and the malevolent sort of such as are ill-affected to this State, or the true Religion here professed, or the fears or jealousies of Friends and dutiful Subjects, might be made more unfortunate in the consequences of it, which may be of worst effect than at the first can be well apprehended; and his Majesty being best privy to the integrity of his own heart, for the constant maintaining of the sincerity and unity of the true Religion professed in the Church of England, No. 56. VOL. II.

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" and to free it from the open contagion of Popery, and secret infection of Schism, of both which, by his public acts and actions, he hath given good testimony; and with a single heart, as in the presence of God, who can best judge thereof, purposed resolutely and constantly to proceed in the due execution of either; and observing the subtilty of the adverse party, he cannot but believe, that the hand of *Joab* hath been in this disorder, that the common incendiaries of Christendom have subtilly and secretly insinuated those things, which unhappily (and, as his Majesty heareth, beyond the intentions of the actors) have caused these diversions and distractions: And yet notwithstanding, his most excellent Majesty, for the comfort of his good and well-affected Subjects, in whose loves he doth repose himself with confidence, and esteemeth it as his greatest riches; for the alluring of his Friends and Allies, with whom, by God's assistance, he will not break in the substance of what he hath undertaken; for the discouraging of his adversaries, and the adversaries of his cause, and of his Dominions, and Religion, hath put on this resolution, which he doth hereby publish to all the world, that as God hath made him King of this great People, and large Dominions, famous in former ages both by land and sea, and trusted him to be a father and protector both of their persons and fortunes, and a defender of the Faith and true Religion; so he will go on cheerfully and constantly in the defence thereof, and (notwithstanding so many difficulties and discouragements) will take his sceptre and sword into his hand, and not expose the persons of the People committed to his charge, to the unsatiable desires of the King of Spain, who hath long thirsted after the universal Monarchy, nor their consciences to the yoke of the Pope of Rome: And that at home he will take that care to redress the just grievances of his good Subjects, as shall be every way fit for a good King.

" And in the mean time his Majesty doth publish this to all his loving Subjects, that they may know what to think with truth, and speak with duty of his Majesty's actions and proceedings in these two last dissolved Parliaments."

Given at his Majesty's Palace at Whitehall, this Thirtieth Day of June, in the second Year of his Majesty's Reign of Great-Britain, France and Ireland.

This Declaration, which seems to be in the same stile with the Lord-Keeper *Cromwell's* Speeches, full of long periods, and parenthesis's, contained, under a vast heap of words, but two things to the purpose, namely, the two reasons which obliged the King to dissolve the two last Parliaments. It is said there, the plague which approached *Oxford*, occasioned the dissolution of the first. But this reason, which seems plausible, proves at most but a necessity to discontinue the Parliament, which might have been done by prorogation, as easily as by an entire dissolution. In the second place, when this declaration was published, every one knew what the Commons had said in their Remonstrance, that the end of dissolving the first, was to preclude from the following Parliament such Members as had been against the Duke of *Buckingham*, by causing them to be made Sheriffs of their several Counties. As to the dissolution of the second, it is wholly grounded in the Declaration, upon the King's being pleased to consider as an absolute denial the Commons delay to supply him with money, though they affirmed the contrary. But none were so blind as not to see that the Commons demand, that the King would be pleased to remove the Duke of *Buckingham* from his presence, and the fear of the ill success of the impeachment against the Duke, were the true causes of this dissolution. So, the Declaration had no great effect among the People, who, besides, were not apprehensive of the pretended invasion of *England or Ireland by the Spaniards*, though the King did his utmost to inspire them with such a dread. It was something extraordinary, that within little more than a year, the war which was undertaken for the recovery of the *Palatinate*, should be changed into a defensive war, for the preservation of the King's Dominions, and support of the Church of *England*, though the *English* had not yet received any check.

A few days after the Declaration was published, two Proclamations appeared, which affected ample matter of discourse to such as were not of the Court-party. By the first, the King commanded all persons who had any copies of the Commons Remonstrance to burn the same, on pain of his highest displeasure. But such precautions serve generally only to cause the prohibited writings to be more carefully preserved. The King's injunction could not hinder this remonstrance from being transmitted to posterity.

The second Proclamation contained very express commands, not to preach or dispute upon the controverted points of *Arminianism*, either for or against them, under colour that such sort of disputes served only to breed contentions.

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But many were of opinion, that *Laud Bishop of London*, and *Neil Bishop of Winchester*, had procured this injunction, to oppress the Orthodox Ministers, who should take the liberty to break it, whilst the disobedience of the contrary party should be connived at. It is certain, the next Parliament complained to the King, that the Orthodox Ministers were silenced for disobeying the Proclamation, and the *Arminians* tolerated and countenanced. These matters belonged to the High-Commission, almost wholly composed of *Laud's* and *Neil's* creatures, the heads and protectors of the *Arminians*, or at least they were reputed as such.

The King presents the Duke from being away from the Star-Chamber.

Mean while, an information was preferred by the King's special command in the Star-Chamber against the Duke of *Buckingham*, for applying the plaister to the late King. But withal, it was so ordered, that the cause came not to a hearing.

The King receiving no aid from the Parliament, because he was unwilling to purchase it at the rate set by the Commons, was in great straits (1). He was to maintain a war against the House of *Austria*, to supply his allies with the promised Succours, and to put his Kingdom in a posture of defence. As all this could not be done by his ordinary revenues, recourse was to be had to expedients to raise money. I shall mention some of them here, though they were not all used at the same time.

The first was a Proclamation forbidding all persons (for two years) to present or solicit any suit for any thing, tending to the diminution of the King's revenues.

The second was a Commission directed to the Archbishop of *York* and others, to compound with Popish Recusants, not only for all forfeitures (2), due since the tenth year of *King James*, but also for such as shall become due hereafter. This Commission was directly contrary to his promise to the Parliament at *Oxford*. But, as he could not obtain money of the late Parliament, only upon such conditions as he did not think fit to comply with, he thought himself authorized to supply his occasions some other way.

The third was a Proclamation, declaring the King's resolution to make his revenue certain, by granting his lands, as well holden in Copy as otherwise, to be holden in Fee-farm.

The fourth was a loan from every Peer of a certain sum for the defence of the Kingdom. But his attempt to borrow a hundred thousand pounds of the City of *London* did not succeed, the City desiring to be excused.

The fifth was an imposition upon the several Ports and maritime Counties, to furnish and fit out a certain number of Ships to protect the trade. The City of *London* having refused to lend the King money, was appointed to equip twenty Ships, or at least to find a sum sufficient for that purpose. As this tax was peculiar to the maritime Towns, many of the inhabitants of such places retired elsewhere: but they were commanded by Proclamation to return to their respective Towns.

Lastly, the Council ordered very strictly that the payment of Tonnage and Poundage should be continued, tho' the King had yet no grant from the Parliament, though he had never demanded any such thing, and though the Commons had complained of the levying these imposts as a grievance, in the Remonstrance they had prepared.

But to let the people see, it was purely out of necessity that the King made use of these extraordinary methods to raise money, his Majesty ordered a general fast [to be held on the 5th of *July*], to divert the judgments of God ready to fall on the Kingdom, by the pretended invasion it was threatened with. This afforded him also a pretence to require the Lords-Lieutenants of the several Counties to muster and arm the Militia, and put them in condition to withstand the invasions of enemies from abroad, and quell the rebellions of Subjects at home, if any should happen (3). For the Court was under some fears of commotions (4).

The means hitherto used by the King to raise money, were not sufficient to free him from a fresh incumbrance caused by an unexpected event. The King of *Denmark* his Uncle, whom he had engaged in a war with the Emperor, was defeated the 27th of *August* by Count *Tilly*, with the loss of all his baggage and train of Artillery. This accident obliged *Charles* to find money to support his Uncle, who was in a very ill situation, and could not avoid making a Peace with the Emperor, unless speedily relieved. The way which was thought most proper to raise money on this urgent occasion, was by a general loan from the Subject, according as every man was afflicted in the Rolls

of the last Subsidy. It is true the King gave his royal word, that all the money should be repaid without fee or charge: but the performance of his promise, as afterwards appeared, was not relied on. The King himself as well as his Council expected to meet with many obstacles in executing this project, such forced loans not being agreeable to the Nation. It was feared besides, that this way of raising money upon the Subject, would in the end render Parliaments useless. For this reason the Council judged it proper to make use of three methods to succeed in their design: 1. Of some artifice to oblige the people as much as possible to lend freely: 2. Of fear, to terrify the irreluctant: 3. Of rigour to compel the most obdurate. These were the grounds of the intrusions the Council gave the Commissioners, who were appointed in the several Counties to levy the loan. The intrusions were to this effect:

"I. That they should themselves, for a good example to others, lend unto his Majesty the several fums of money required of them, testifying it by their names, with their own hands, that when they shall in his Majesty's name require others to lend, they may discern the said Commissioners forwardeens.

"II. To take for their guide those rates, at which men were assessed in the Book of the last Subsidy, and to require the loan of so much money, as the entire rate and value comes to, at which they are rated and set; as (namely,) he that is set an hundred pounds in goods, to lend a hundred marks; and he that is set an hundred pounds in land, to lend a hundred pounds in money; and so *per rata* for a greater or lesser sum.

"III. To use all possible endeavours to cause every man willingly and cheerfully to lend, opening unto them, the necessity and unavoidableness of this course; the honour and reputation of the nation; the true Religion, and common safety of Prince and People, of our Friends and Allies engaged in the common cause; that there is no time now of disputing but of acting.

"IV. That they appoint the days of payment to be within fourteen days, and perforce such as shall be able to pay it at one entire payment, the better to accommodate his Majesty's occasion; otherwise to accept of the one half at fourteen days, and the other to be paid before the twentieth of *December* now next coming.

"V. That they treat apart with every one of those that are to lend, and not in the presence or hearing of any other, unless they see cause to the contrary. And if any shall refuse to lend, and shall make delays or excuses, and persist in their obstinacy, that they examine such persons upon oath, whether they have been dealt withal to deny or refuse to lend, or make an excuse for not lending? Who hath dealt so with him, and what speeches or persuasions he or they have used to him, tending to that purpose? And that they shall also charge every such person in his Majesty's name, upon his allegiance, not to disclose to any other, what his answer was.

"VI. That they shew their discretion and affections, by making choice of such to begin with, who are likely to give the best examples; and when they have a competent number of hands to the roll or list of the lenders, that they shew the same to others to lead them in like manner.

"VII. That they endeavour to discover, whether any, publicly or underhand, be workers or perfwaders of others to dissent from, or dislike of this course, or hinder the good disposition of others. And that as much as they may, they hinder all discourse about it, and certify to the Privy-Council in writing, the names, qualities, and dwelling-places, of all such refractory persons, with all speed, and especially if they shall discover any combination or confederacy against these proceedings.

"VIII. That they let all men know whom it may concern, that his Majesty is well pleased upon lending these fums required, to remit all that which by Letters, in his name, was desired upon the late Benevolence for free-grant; and whatever hath been already paid upon that account, shall be accepted for part of this loan; and if it exceed the fum desired, that the overplus shall be repaid without fee or charge; so likewise for Privy-Seals, if any have been already paid: but if not, that the agreeing of the loan of the fum required, be excused of the payment of the Privy-Seal.

"IX. That they admit of no suit to be made, or reasons to be given, for the abating of any fum, the time

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Intrusions to the Commissioners for the Loan. *Rothw. T. 1. p. 418.*

The King presents the Duke from being away from the Star-Chamber.

Mean while, an information was preferred by the King's special command in the Star-Chamber against the Duke of Buckingham, for applying the plaister to the late King.

Rothw. T. 1. p. 413.

Ad. Pub. XVIII. p. 759, 511, 922.

Ad. Pub. XVIII. p. 759, 747, 750.

Rothw. T. 1. p. 413.

Id. Clarendon. T. 1. p. 51.

Ad. Pub. XVIII. p. 759, 737.

A Fast ordered. Ad. Pub. XVIII. p. 755.

Rothw. T. 1. p. 416.

Defeat of the King of Denmark, Charles's Uncle. Rothw. T. 1. p. 417.

A general Loan. Rothw. T. 1. p. 418.

(1) By his last dissolution of the Parliament, he left four Subsidies, and three Treasuries, which had been voted him by the Commons. *Cib. p. 229.*

(2) Within ten northern Counties specified in the Commission. *Rothw. T. 1. p. 414.*

(3) This year the King raised the Sailors Wages, from fourteen to twenty Shillings a month. *Symon's Fed. Tom. 18. p. 721.*

(4) On *Febr. 5*, this year, *George Lord Cornew* was created Earl of *Trent*, *Robert Lord Cary Earl of Almonde*, *Thomas Lord Warrmouth Earl of Cleveland*, *Edmond Lord Shaftesbury Earl of Macclesfield*, *Thomas Howard Viscount Andover Earl of Berkshire*, *Henry Lord Downes Earl of Derby*, *Henry Marquis Viscount Mandeville Earl of Marbrough*, and *James Lord Ley Earl of Marlborough*. *Symon's Fed. Tom. 18. p. 578—590.* Within the course of this year died the learned *Laureat Andrew Bishop of Winchester*, and *Francis Bacon Lord Verulam*, *Richard*.

1626. "and instant occasion not admitting any such dispute, which would but disturb and protract the Sheriff.
"Lastly, The Commissioners were required and commanded, upon their faith and allegiance to his Majesty, to keep secret to themselves, and not impart or disclose these instructions to others."

For the advancement of the loan, care was taken to publish a list of such as had freely subscribed, for a good example to others, and all the Peers and Gentlemen were ordered to repair to their Country-seats, that their absence might cause no delay or obstacle to the subscriptions. Sir Randolph Crew, Lord Chief Justice, showing no zeal for advancing the loan, was removed from his place, which was given to Sir Nicholas Hyde (1). The King believed it necessary to shew by this example, that he would admit of no excuse (2).

Besides this example, the Court used, to promote the loan, some other ways, which, probably, would not be less effectual. The first was, the billeting of Soldiers upon private houses, contrary to the constant custom of England, where all, but such as keep public houses, have the privilege of not being obliged to lodge Soldiers against their wills. It is easy to perceive, that those who showed any reluctance to lend the King money, were not spared on this occasion, and that the Soldiers quartered upon them took care to let them see, what they exposed themselves to by disobeying the King. Moreover, such as were sufferers by these troublesome guests, could not summon them before the usual Judges; but by the King's express orders, they were obliged to apply to a Council of war, so that the Officers were the sole Judges of their Soldiers. This is never practised in England, where Councils of war have no jurisdiction but what the Parliament allows them by an Act on purpose, limiting both the time and the occasions. In short, it evidently appeared, that the King would not be contradicted, and was resolved to raise money upon the Subject as he pleased. It is true, he grounded his proceedings upon former precedents. But that some of his predecessors had, many ages before, practised these methods, whether out of necessity or otherwise, was sufficient for him to consider such a precedent as the foundation of his Right, and a prerogative of the Crown. Notwithstanding all this, the people in general were so averse to the loan, that the money flowed but slowly into the King's Exchequer. The Court therefore was obliged to use a more violent remedy to force the most obstinate. And that was, to order such of the common sort as refused to subscribe to the loan, to be enrolled as Soldiers to serve in his Majesty's Troops. As for persons of birth and rank, they were summoned to appear before the Council, and upon a second refusal to lend money, were confined to places at a great distance from their habitations, and such as refused to be thus confined, were committed to the several prisons in London. Sir Thomas Wentworth, afterwards Earl of Strafford, and a zealous adherent of the King, was among the imprisoned (3).

Besides these means, the Court practised another, from whence they expected great advantages, but which proved more detrimental than beneficial to the King. And that was, to cause Ministers, gained for that purpose, to preach as a Scripture-doctrine, that Subjects were obliged to obey the King's commands, without examination. Two of these Ministers distinguished themselves by their Sermons on this subject. Dr. Sibthorp, who was one, says, among other things, in a Sermon [preached at Northampton, at Lent assizes.]

That the Prince, who is the Head, and makes his Court and Council, it is his duty to direct and make Laws, Eccles. viii. 3, 4. He doth whatsoever pleases him. Where the word of a King is, there is power, and who may say unto him, What dost thou? — If Princes command any thing which Subjects may not perform, because it is against the laws of God, or of nature, or impossible, yet Subjects are bound to undergo the punishment, without either resisting, or raising, or reviling, and so to yield a passive obedience where they cannot exhibit an active one — I know no other case, but one of those three, wherein a Subject may excuse himself with passive obedience; but in all other he is bound to active obedience.

But Dr. Manwaring spoke still more plainly in one of his Sermons. He said, *That the King is not bound to observe the Laws of the Realm concerning the Subjects Rights*

and Liberties, but that his Royal will and command in imposing loans and taxes, without common consent in Parliament, doth oblige the Subjects' conscience upon pain of eternal damnation. That those who refused to pay this Loan, offended against the Law of God, and the King's supreme authority, and became guilty of impiety, diffidat, and rebellion. And that the authority of Parliament is not necessary for the raising of Aids and Subsidies; and that the slow proceedings of such great Assemblies, were not fitted for the supply of the State urgent necessities, but would rather produce sundry impediments to the just designs of Princes.

It can hardly be thought, that such a doctrine was publicly preached in England, or at least, it is apt to be imagined, that these preachers were men of no name, who sought to please the Court, and were not openly approved. But this belief must be changed, when it is considered, that Archbishop Abbot was suspended from all his Archiepiscopal functions, and confined to one of his Country-houses (4), for refusing to license Sibthorp's Sermon: that Manwaring, after having been sentenced by the Lords in the next Parliament, to pay a thousand pounds fine, to make a publick submission at the Bars of the two Houses, and to be imprisoned [during the pleasure of the Lords,] after having been suspended for three years, and declared incapable of holding any Ecclesiastical dignity, or secular office, obtained nevertheless the King's pardon; with a good Benefice, and afterwards a Bishopric. One cannot therefore help thinking, that the doctrine preached by these Ministers, was approved, favored, and countenanced by the Court. Indeed, the King's, and his Minister's conduct plainly shewed, it was their intention to establish an arbitrary Power, and set the King above the Laws. Of this we shall see farther proofs in the sequel.

Notwithstanding the King's hopes to succeed at length in his project, he was not easy: the war he had undertaken for the recovery of the Palatinate, was so slowly and unsuccessfully carried on, that it was evident he would never compass his ends by continuing it in such a manner. Hitherto, every thing had miscarried. The twelve thousand men intended for the Palatinate, under the command of Count Mansfeld, were lost for want of proper measures for their passage, as was shown in the Reign of King James. The projected expedition against Cadix and the Spanish West-India Fleet, had met with no better success. The King of Denmark beginning a war with the Emperor, at the instance of his Nephew the King of England, was entirely defeated. The United Provinces of the Low-Countries in alliance with England, were rather in want of assistance, than able to give any. Louis XIII. had flattered the King of England with hopes of a League against the House of Austria, only to obtain the better terms from the Spaniards in Italy, and since he had concluded a peace in that Country, did not show the least inclination to join with England for the recovery of the Palatinate. Thus Charles saw himself farther than ever from the execution of his grand projects. To this may be added, that the dissolution of his two first Parliaments, without obtaining the expected Supplies, rendered him contemptible to his neighbours. There was no State desirous to enter into a first alliance with a Prince who had imprudently quarrelled with his Subjects, when he most wanted their assistance. In short, though he had intended to free himself from the Yoke of Parliaments, and put himself in a condition to raise what money he pleased upon his Subjects, by the methods he had devised, he daily perceived he had taken wrong measures. The Loan-money came in but very slowly. To raise it, he was obliged continually to use rigour and violence, the English for the most part refusing voluntarily to submit to a Power, they believed contrary to their Liberties and Laws. The Court therefore was forced to be cautious in the examples of rigour against the disobedient, that it might not cause an open Rebellion, for fear if a flame broke out in any part, it would spread over the whole Kingdom.

The King in his present situation, seems to have had but one of these two courses to take, either to agree with his People, or make peace with Spain. By the first course, he would have been enabled to push the war he had undertaken more vigorously. By the second, he would have been freed from the trouble of demanding extraordinary Supplies of his Parliament, or of raising money by unusual methods, which gained him the hatred of his people. But

(1) He drew the Duke's Answer in Parliament. Rushworth, Tom. I. p. 450.

(2) The Papists contributed very freely in the Loan, but the Puritans were very backward in it. *Whitelock*, p. 8. This did not begin in the King at first a tenderness towards the Papists, and afterwards a trust and confidence in them: which was unhappily mistaken by his other Subjects, as if he inclined to their Religion. *W. Jones*, p. 37.

(3) The following Gentlemen were appointed to several confinements, not in their own but distant Counties. *George Roffe*, Esq; Sir *Walter Earl*, Sir *John Strangways*, Sir *Thomas Grenbourn*, Sir *John Beringham*, Sir *Nathaniel Bernardine*, *William Crispin*, Esq; *Richard Knollys*, Esq; Sir *Harbottle Grimston*, Sir *Robert Poynt*, *John Hampden*. These, with many others, were sent in foreign Counties for refusing the Loan. Many of these Gentlemen were afterwards sent for by Parliaments out of the Counties where they were confined by order of the Council, and committed to several Prisons, some in the Fleet, some to the Marshalsea and Gate-house. From which last place, Sir *John Elliot* sends a Petition to his Majesty, which the Reader may see in *Rushworth*, Tom. I. p. 459.

(4) At *Perth*, a marshy, unhealthy place, five miles beyond *Glenrobert*. *Cib*, p. 559.

1627. both these courses were contrary to his temper, his character, his projects, the interests of his Favorite and Ministers. As to the first, I believe I may affirm, he had formed the project of establishing in England a despotick Power. I shall not lose time in proving it. I had rather the Reader would judge for himself, by the King's own Speeches, by his Meddages to the House of Commons, by his conduct, and by that of his Ministers and Council. What has been hitherto feint may serve to give some idea of it, but what will appear hereafter, will, as I think, afford undeniable proofs. This being supposed, Charles could not divert himself of the principles imbibed from his infancy, and deeply rooted in him by his Father's instructions and examples, without relinquishing his projects, and forming a new Plan of Government, directly contrary to his temper and inclination. In a reconciliation with his people, he must have submitted to the maxims of the Parliament, who were continually urging the Laws of the Land, and the Liberties of the People, and been obliged to become, if I may so say, less a King than he had hitherto been, and than he thought he had right to be. The suffering the extent of the Prerogative Royal to be questioned on all occasions, was a thing too opposite to his temper. This was a point of which he was no less, or rather more, tender than his Father. Besides, the Duke of Buckingham, who had a great influence over him, plainly saw, that an agreement between the King and People, would infallibly be followed with his own ruin. The rest of the Ministers, who were all his creatures, perceived likewise, that their welfare depended on the Favorite's, and that the Favorite's credit could not subsist with a good understanding between the King and his Parliament. It was necessary therefore, that the King, to extricate himself out of this labyrinth, should become, as I may say, quite another man, should alter his principles, should have strength of mind sufficient to discern clearly his true interests, from those of his Favorites and Ministers, and resolution to proceed without their assistance, and follow counsels more agreeable to his Subjects. But this was a thing impossible, considering the King's character, who seemed then of an inflexible temper. He perceived in the end, he had taken a wrong course, but not till it was too late to forsake it.

As to the other course, which was to make Peace with Spain, besides that the King thought himself bound in honour to support a war of which he was the sole author, though he always affected to impute it to the Parliament, this Peace was entirely contrary to his private interest. How little success he ever had reason to expect from the continuance of the war, in his present circumstances, it served him for pretence to levy money upon his people, and afforded him means to put in practice his projects to establish an absolute power. On the other hand, it being the interest of his Favorite and Ministers to keep him at variance with his people, to whom they were all very odious, they could not do it better than by putting him under an indispensable necessity of raising money upon the Subject, without consent of Parliament.

The effect of this policy evidently appeared at the very time I am speaking of. Instead of persuading the King to make Peace with Spain, they engaged him by degrees to proclaim war with France, at a time when he knew not how to continue the war he had begun with the House of Austria. To engage France to afford some pretence for the rupture which was mediating in England, the King upon some diffcult concerning the Queen's French Chaplains and Domesticks (1), dismissed them all, having first paid what was due for wages or salaries. The King of France highly reituted this manifest breach of the marriage-treaty; but however, did nothing that showed a design to be revenged by way of arms. So the diffcult received from the Queen's Domesticks, who were sufficiently punished, could not serve for pretence of a rupture on the side of England, since on the contrary, France had reason to complain of the breach of the Treaty. Nevertheless, it was intended to make war upon France, under colour of supporting the Huguenots who were oppressed, and threatened with utter destruction (2). But when the character of the King, of the Favorite, and of the Ministry is considered, it can hardly be thought, that the desire of maintaining the Protestant Religion, such as it was in France, was the real motive of this war. The King and his whole Court mortally hated the Presbyterians. The Duke of Buckingham had properly no Religion at all. *Hythen and Comway* were Catholics. *Laud and Nolle* thought it impossible to be favoured out of the Church of England. How then can it be

imagined that all these men who were the King's most intimate Counsellors, should combine to support in France a Religion for which they had the utmost contempt? It is much more probable, that the King's Ministers feeling little likelihood of recovering the *Palatinate* by arms, and fearing the King would at length be tired of a fruitless war with Spain, induced him to carry his arms into France, in order still to keep him under a necessity of raising money by extraordinary methods, and thereby perpetuating his misunderstanding with his Subjects, on which the continuance of their credit entirely depended. But I own this is only conjecture. Another cause is alleged of this war with France, namely, the Duke of Buckingham's pride, who being sent to Paris to conduct the Queen into England, became amorous of *Ann of Austria* Wife to *Leopold XIII.*, and had the confidence to disclose his passion. It is said, the Court of France threatened him with a punishment suitable to his insolence, and refused to let him see the Queen any more, but that he swore, he would see her in spite of them all. To this oath is ascribed the resolution inflamed into the King his master to make war upon France, in hopes it would give him an opportunity to perform his oath. I own, I see very little probability in this pretended project, which however the Lord *Clarendon* has thought fit to mention (3).

The war with France being resolved, the King declared the grounds of it to his Council, namely,

1. That the House of Austria had such an influence upon the Council of France, as to prevail with them to obstruct the landing of Count Mansfield's army, contrary to promise, with whom the French should have joined Forces, for the relief of the Palatinate, and the German Princes; which failure of performance in them, proved the ruin of that Army.

I have spoken of this affair in the Reign of King *James I.*, and showed that it was an error of the Council of England to depend upon a general promise as upon a Treaty. Besides, it was too late for the King to think of revenging this pretended affront, which had not prevented his espousing the French King's sister.

II. That having by his mediation prevailed for a Peace between the French King and his Protestant Subjects, and engaged his word, that the Protestants should observe the articles of agreement: Nevertheless the King of France, contrary to the said articles, blocked up their towns, garrisons and forts, and had committed many spoils upon them when they had done nothing in violation of the edict of Peace.

'Tis very true, it was the interest of England to support the Huguenots, who were unjustly oppressed. But by what law is a Prince, who procures a peace between two enemies, but is not guarantee for performance of articles, empowered to go to war with one of the parties that breaks it? Had the King been fatished with laying, the interest of England would not suffer the Huguenots to be oppressed, this political reason might have been allowed. But in such cases there is a wide difference between interest and right.

III. That the King of France had committed an example of great injustice in full peace, to seize upon one hundred and twenty English Ships, with all their merchandise and artillery.

The King passes over in silence, that the French acted only by way of reprisal, and that the English were the aggressors, as the Parliament had complained to the King himself. It is evident therefore, that the grounds of this war could not be more frivolous.

The King's design was to send a Fleet to *Rochel*, under colour of relieving that place, which was threatened with a siege. This affair had been managed at the Court of England by the Duke of *Soubise*, and Monsieur *de Blancard* a Gentleman of *Languedoc*, without the knowledge of the *Rochellers*. This gives occasion to suspect, that their intention was to deliver the town to the English, on pretence of relieving it. However this be, the affair was kept very private, and ever since April a fleet had been equipping with all expedition, without any possibility of guessing for what it was intended. When it was ready, the King gave the Duke of Buckingham a commission, which plainly showed, the affair was to be a secret. By this commission, the Duke was made Admiral of the fleet, and Commander in chief of the land-forces, which should be embarked for the recovery of the *Palatinate*, according to such private instructions as he should receive from his Majesty.

This fleet consisting of above a hundred ships, having the *Rochellers* in sight, he sent an Herald: And besides, they had made the Queen walk to *Syden* in order to pray there. *Rushworth*, Tom. 1. p. 427. 428.

(1) They maintained, That King Charles had no power to intermeddle with his Queen's Family, because he was an Heretic: And besides, they had made the Queen walk to *Syden* in order to pray there. *Rushworth*, Tom. 1. p. 427. 428.

(2) This affair was managed and promoted by an Abbot, related to the Duke of *Orleans*, who had been disfigured by Cardinal *Richelieu*. *Idem*. p. 424.

(3) The Duke of Buckingham is sensibly supposed to have been the Author of this War; either out of revenge, for having been expelled again from the *Palatinate*, when he was appointed to be Ambassador to France; or on account of some affront put upon him by that Court, when he was sent to bring the Queen over. For, from that time, he took all the ways he could to undermine and exasperate that Court and Nation; and omitted no opportunity to insult the King Charles against France, and even against his Queen; and behaved himself very rudely to her. See *Clarendon*, Tom. 1. p. 31.

1627. on board seven thousand soldiers, sailed from Portsmouth the 7th of June, and on the 20th of July appeared before Rochel. At the Duke's approach, the *Rochellers* shut their gates for fear of a surprise, as having no notice that an English fleet was to come so near them. Presently after were seen to arrive the Duke of *Stairie*, with Sir *William Beecher*, who told them from the Duke of *Buckingham*, that the King of *England*, out of Compassion to their sufferings, had sent a Fleet and Army to their assistance, and if they refused his aid, he declared he was fully quit of his engagement of honour and confidence for their relief. The Mayor replied in the name of the inhabitants, that they most humbly thanked his Majesty for the care he had of them; but that being in strict union with all the rest of the Protestants in the Kingdom, they could not receive into the city the offered succours, without consulting their friends, and without the previous consent of the whole body of the *Huguenots*. The Duke of *Buckingham* finding by this answer, it would not be easy to get his troops into Rochel, directed his course to the Isle of *Rhee*, where *Tairas* commanded. *Tairas* endeavoured at first to hinder the landing of the English; but as his forces were few, he was obliged to retreat to his citadel at *St. Martin's*, which was in a good state of defence. Had the Duke understood the art of war, he would, without losing a moment, have marched to the fort, and thereby hindered *Tairas* from getting in provisions. But he spent too much time in landing, and in preparing to march, that *Tairas* had leisure to store the place with ammunition. At last he marched to *St. Martin's*, and besieged it in form, but with little success. He had to deal with one more expert than himself, and who found means to keep him employed in the siege till November, though he had sent the King word he should be master of the place in eight days. Mean while, the King of *France*, who had not expected this invasion, ordered his troops to march with all speed towards the sea, and came in person to hasten the relief of the Isle of *Rhee*. When every thing was ready, Count *Schomberg* passed into the Isle with six or seven thousand men, without any opposition from the English fleet. Then he marched to *St. Martin's*, the siege whereof the Duke of *Buckingham* raised with precipitation, being vigorously pushed by the French to the very sea-side, so that it was with great difficulty that he re-embarked his remaining troops. 'Tis said, of the seven thousand men he brought from *England*, near five thousand perished in this unfortunate expedition. It was rumoured however in *England*, that not above fifteen hundred were lost, and some even say, the King was made to believe it.

Whilst the Duke of *Buckingham* was employed in this expedition, Sir *John Elliot*, imprisoned for refusing to lend the King money, presented to his Majesty a petition for his liberty, which he did not ask as a favour, but as justice. He grounded his request upon several Statutes which he cited, and by which he pretended to shew, that the King could not exact money from the Subject by way of loan, nor were the Subjects bound to submit to it. As the King then stood disposed, this petition could be of no service to the person that presented it. In November following, some other Gentlemen (1), committed for the same reason, brought their *Habeas Corpus*, that is, desired to be discharged upon bail, a privilege enjoyed by all Englishmen (2). This cause was pleaded very solemnly before all the Judges of the Realm. There were two points to be decided. The first, whether the prisoners were committed by the special command of the King, since the Warden said only, that the prisoners were detained by command of the King, signified to him by warrant of several of the Privy-Council. Now the prisoners pleaded, that, according to law, the King's order should be produced, not barely for detaining them, but for committing them; and that besides, the signifying of the order by the Lords of the Council, shewed, it was not by special command of his Majesty. The second point was, whether the King could imprison any subject without declaring the cause of the commitment, and whether in such case, the prisoners ought not to have the benefit of a *Habeas Corpus*, that is, to be discharged upon Bail. The counsel for the prisoners represented the terrible consequences of such a power in the King, since thereby the liberty of every Subject would be at the King's mercy, who could detain them in prison as long as he pleased, and there would be no remedy by law. But the Judges unanimously decided

against the prisoners, who were all remanded to their several prisons.

The ill success of the Isle of *Rhee* expedition raised numberless complaints and murmurs against the Duke of *Buckingham*, who had many enemies. Multitudes were lost in that unfortunate undertaking, and among the rest, Major-general *Burroughs*, one of the best officers in *England*, and these misfortunes were imputed to the Duke of *Buckingham's* incapacity, who had never been in the wars, and knew nothing of the sea-service, though the King had made him both Admiral and Captain-general. To these complaints were added others upon other accounts. The mariners complained, they had received no wages for three years past, and deserted in great numbers, not to be forced to serve any longer without pay. The merchants made bitter complaints, that the seas were neglected, that within three years they had lost a great number of ships, and that the fishermen were taken almost in the very harbours. In a word, no one ventured to build any new ships, because as soon as they were ready the King seized them for his service, against the will of the owners.

Though the King did not much regard all these complaints, which perhaps reached him not; he was however very attentive to the petition which the *Rochellers*, upon the point of being besieged, sent him by their Deputies, for relief. He had engaged in a war with *France*, upon his good opinion of his Fleet, and of his Favorite's ability, and the experience shewed him this opinion was ill-grounded, he would proceed, let what would be the consequence. Mean while, he saw himself without money, and the opposition be met with in the affair of the Loan, made him sensible how difficult it would be to raise it by such methods. For this reason he consulted Sir *Robert Cotton*, upon the present situation of his affairs. *Cotton* advised him to call a Parliament, as the best means to free himself from all difficulties. But as Sir *Robert* foreknew the House of Commons would attack the Duke of *Buckingham*, he advised whilst, that the Duke might be the first, who, in full Council, should move the calling of a Parliament. This advice a Parliament was followed, and the Duke having acted his part, the Parliament was summoned by the unanimous resolution of the Council, to meet the 17th of March 1628. Immediately after, warrants were sent to all parts to release the imprisoned and confined Gentlemen for the affair of the Loan money, and the King had the mortification to see almost all of them, to the number of twenty-seven, chosen to serve for Representatives in the ensuing Parliament (3). He sent writs of summons also to the Archbishop of *Canterbury*, who was confined to one of his houses, to the Bishop of *Lincoln* prisoner in the Tower, and to the Earl of *Bristol*. At the same time, the Council ordered the Lord-Mayor of *London* to use moderation in demanding the Loan-money. This shews that there were still some people who stood out, and that violence was hitherto used to compel them.

The Parliament being assembled the 17th of March, the King made the following Speech to both Houses.

My Lords and Gentlemen,

THESE times are for action: Wherefore, for example sake, I mean not to spend much in words; expecting accordingly, that your (as I hope) good resolutions will be speedy, not spending time unnecessarily, or (that I may better say) dangerously: For tedious consultations at this conjuncture of time are as hurtful as ill resolutions.

I am sure you now expect from me, both to know the cause of your meeting, and what to resolve on: Yet I think that there is none here but knows, that common danger is the cause of this Parliament, and that Supply at this time is the chief end of it: So that I need not point to you what to do. I will use but few persuasions: For if to maintain your own advices, and as now the safe stands for the following thereof, the true Religion, Laws, and Liberties of this State, and the just defence of our true friends and allies, be not sufficient, then no eloquence of men or angels will prevail.

Only let me remember you, that my duty most of all, and every one of yours according to his degree, is to seek the maintenance of this Church and Commonwealth: And certainly, there never was a time in which this duty was more necessarily required than now.

(1) Sir *Thomas Darnley*, Sir *John Cooper*, Sir *Walter Earl*, Sir *John Hewes*, Sir *Edward Hamlyn*. *Rochevort*, Tom. I. p. 48.

(2) For the better understanding of what follows, it must be observed, that when any person is committed (either for Treason or Prison) upon his sending a Copy of the Mittimus to the Chancellor, or any one of the Judges of the Eschequer, they are obliged to grant him a Writ called *Habeas Corpus*, upon the receipt of which, the Head Gaurer or Keeper must carry up the Prisoner, and return the caveat of his Commitment and Detainment to the Court, to which the Writ is returnable. Then the Judge determines whether the case be bailable. If not, the Prisoner is remanded back to Prison. In the present case, the Warden of the Fleet made this Return: "That Sir *Walter Earl*, Kt. named in the Writ, is detained in the Prison of the Fleet in his custody, by special command of the King, to him signed by Warrant of several of the Privy-Council." Now it was pleaded in behalf of the Prisoners, that the form of the Return was not good, the cause of the Commitment not being specified, as the Writ requires. And therefore, if the Prisoners were not bailed, but remanded, the Subjects of the Kingdom may be refused of the Liberty for ever, and by law there can be no remedy. See *Rochevort*, Tom. I. p. 49.

(3) There were related in all seventy-eight. See *Rochevort*, Tom. I. p. 47, where they are all named.

1637-8. "I therefore judging a Parliament to be the ancient, speediest, and best way in this time of common danger, to give such Supply as to secure ourselves, and to save our friends from imminent ruin, have called you together. Every man now must do according to his conscience: wherefore if you (as God forbid) should not do your duties, in contributing what the State at this time needs, I must, in discharge of my conscience, use those other means which God hath put into my hands, to save that, which the follies of particular men may otherwise hazard to lose.

"Take not this as a threatening, for I scorn to threaten any but my equals, but an admonition from him, that both out of nature and duty, hath most care of your preservations and prosperities: And (though I thus speak) I hope that your demeanours at this time will be such, as shall not only make me approve your former Counsels, but lay on me such obligations, as shall tie me by way of thankfulness to meet often with you: For be assured, that nothing can be more pleasing unto me, than to keep a good correspondence with you.

"I will only add one thing more, and then leave my Lord Keeper to make a short paraphrase upon the text I have delivered you, which is *To remember a thing, to the end we may forget it*. You may imagine that I came here with a doubt of success of what I desire, remembering the diffractions of the last meeting: But I assure you, that I shall very easily and gladly forget and forgive what is past, so that you will at this present time leave the former ways of diffractions, and follow the counsel late given you, *To maintain the unity of the spirit in the bond of peace*.

The Lord Keeper seconded his Majesty in this manner.

My Lords and Gentlemen,

*The Lord
Keeper's
Speech.*

"YE are here in Parliament by his Majesty's writ and royal command, to consult and conclude of the weighty and urgent business of this Kingdom. Weighty it is and great, as great as the honour, safety, and protection of Religion, King, and Country: and what can be greater? Urgent it is; it is little pleasure to tell or think how urgent: And to tell it with circumstances, were a long work: I will but touch the sum of it in few words.

"The Pope and House of Austria have long affected, the one a spiritual, the other a temporal Monarchy: And to effect their ends, to serve each other's turn, the House of Austria, besides the rich and vast territories of both the Indies, and in Africa, joined together, are become masters of Spain and Italy, and the great Country of Germany. And although France be not under their subjection, yet they have envired all about it; the very bowels of the Kingdom swayed by the Popish faction: They have gotten such a part, and such intercession in the Government, that under pretence of Religion, to root out the Protestants and our Religion, they have drawn the King to their adherence, so far, that albeit upon his Majesty's interposition by his ambassadors, and his engagement of his Royal word, there was between the King and his Subjects articles of agreement, and the Subjects were quiet; whereof his Majesty, interested in that great Treaty, was bound to see a true accomplishment; yet against that strict alliance, that Treaty hath been broken, and those of the Religion have been put to all extremity, and undoubtedly will be ruined without present help. So as that King is not only diverted from assisting the common cause, but hath been misled to engage himself in hostile acts against our King and other Princes, making way thereby for the House of Austria, to the ruin of his own and other Kingdoms.

"Other Potentates, that in former time did balance and interrupt the growing greatness of the House of Austria, are now removed and diverted. The Turk hath made peace with the Emperor, and turned himself wholly into wars with Asia: The King of Sweden is embroiled in a war with Poland, which is invented by Spanish practices, to keep that King from succouring our part: The King of Denmark is chased out of his Kingdom, on this and on that side the Zealand; so as the House of Austria is on the point to command all the sea-coasts, from Dantzick to Embden, and all the rivers falling into the Sea in that great extent: So, as besides the power by land, they begin to threaten our part by sea, to the subversion of all our State.

"In the Baltic sea, they are providing and arming all the Ships they can build or hire; and have at this time their Ambassadors treating at Lubick, to draw into their service the Hanse Towns, whereby taking from us and our neighbours the east-land trade, by which our shipping is supplied, they expect, without any blow given, to

make themselves masters of that sea. In these western 1637-8. parts, by the *Dunkirkers*, and by the now French and Spanish Admiral, to the ruin of fishing (of infinite consequence both to us and the *Low Countries*) they infest all our coast, so as we pass not safely from Port to Port. And that fleet which lately assisted the French at the *Isle of Rhe*, is now preparing at *St. Andrews*; with other Ships built in the coast of *Biscay* to re-inforce it, and a great fleet is making ready at *Lisbon*; where, besides their own, they do serve themselves upon all Fringers bottoms coming to that coast for trade: And these great preparations are, no doubt, to assault us in *England* or *Ireland*, as they shall find advantage, and a place fit for their turn.

"Our friends of the *Netherlands*, besides the fear that justly troubles them, left the whole force of the Emperor may fall down upon them, are distracted by their voyages into the East, which hath carried both men and money into another world, and much weakened them at home.

"Thus are we even ready on all sides to be swallowed up; the Emperor, France, and Spain, being in open war against us; Germany over-run; the King of Denmark distressed; the King of Sweden diverted; and the *Low Country* men disabled to give us assistance.

"I speak not this to increase fear, unworthy of English courage, but to press to provision worthy the wisdom of a Parliament: And for that cause his Majesty hath called you hither, that by a timely provision against those great imminent dangers, ourselves may be strengthened at home, our friends and allies encouraged abroad, and those great causes of fear scattered and dissipated.

"And because, in all warlike preparations, Treasure bears the name, and holds the semblance of the nerves and sinews; and if a sinew be too short or too weak, if it be either shrunk or strained, the part becomes unuseful: It is needful, that you make a good and timely supply of Treasure, without which all counsels will prove fruitless. I might press many reasons to this end, but I will name but few.

"First, For his Majesty's sake, who requires it. Great is the duty which we owe him by the law of God; great by the law of nature, and our own allegiance; great for his own merit, and the memory of his ever blessed Father. I do but point at them: but methinks our thoughts cannot but recoil on one consideration touched by his Majesty, which to me seems so found, like a parliamentary pact or covenant.

"A war was devised here, assistance professed, yes, and protested here: I do but touch it, I know you will deeply think on it; and the more, for the example the King hath set you; his lands, his plate, his jewels, he hath not spared, to supply the war: What the People hath protested, the King, for his part, hath willingly performed.

"Secondly, For the cause sake. It concerns us in Christian charity, to tender the distresses of our friends abroad; it concerns us in honour not to abandon them, who have stood for us. And if this come not close enough, you shall find our interest too woven and involved with theirs, that the cause is more ours than theirs. If Religion be in peril, we have the most flourishing and orthodox Church: If Honour be in question, the stories and monuments in former ages will show, that our ancestors have left us as much as any nation: If Trade and Commerce be in danger, we are Islanders, it is our life. All these at once lie at stake, and so doth our safety and being.

"Lastly, In respect of the manner of his Majesty's demand, which is in Parliament, the way that hath ever best pleased the Subjects of England. And good cause for it: For, as granted in Parliament work good effects for the People; they be commonly accompanied with wholesome laws, gracious pardons, and the like. Besides, just and good Kings finding the love of their People, and the readiness of their Supplies, may the better forbear the use of their Prerogatives, and moderate the rigour of the laws towards their Subjects.

"This way, as his Majesty hath told you, he hath chosen; not as the only way, but as the fittest; not as destitute of others, but as most agreeable to the goodness of his own most gracious disposition, and to the desire and weal of his People. If this be deferred, necessity and the sword of the enemy make way to the others. Remember his Majesty's admonition, I say, remember it.

"Let me but add, and observe God's mercy towards this land above all others. The torrent of war hath overwhelmed other Churches and Countries; but God hath hitherto restrained it from us, and still gives us warning of every approaching danger, to save us from surprise. And our gracious Sovereign, in a true sense of it, calls together his high Court of Parliament, the

lively

1627-3. "lively representation of the wisdom, wealth and power of the whole Kingdom, to join together to repel those hostile attempts, which distressed our friends and allies, and threatened ourselves.

"And therefore it behoves all to apply their thoughts unto counsel and consultations, worthy the greatness and wisdom of this Assembly; to avoid discontents and divisions, which may either distemper or delay; and to attend that *Unum necessarium*, the common cause; propounding for the scope and work of all the debates, the general good of the King and Kingdom, whom God hath joined together with an indissoluble knot, which none must attempt to cut or untie. And let all, by unity and good accord, endeavour to pattern this Parliament by the best that have been, that it may be a pattern to future Parliaments, and may infuse into Parliaments a kind of multiplying power and faculty, whereby they may be more frequent, and the King our Sovereign may delight to sit on his throne, and from thence to distribute his graces and favours amongst his People.

"His Majesty hath given you cause to be confident of this, you have heard from his royal mouth; which nevertheless he hath given me express command to redouble: If this Parliament, by their dutiful and wise proceedings, shall but give this occasion, his Majesty will be ready, not only to manifest his gracious acceptance, but to put out all memory of those distastes that have troubled former Parliaments.

"I have but one thing more to add, and that is, as your consultations be serious, so let them be speedy. The enemy is beforehand with us, and flies on the wings of success. We may daily and play with the hour-glass that is in our power, but the hour will not stay for us; and an opportunity once lost, cannot be regained.

"And therefore resolve of your Supplies, that they may be timely and sufficient, serving the occasion: your counsel, your aid, all is but lost, if your aid be either too little, or too late: And his Majesty is resolved, that his affairs cannot permit him to expect it over long."

the King's intent in these two Speeches, and Remarks thereon.

These two Speeches need no comment, since they plainly speak both the King's principles concerning the use of Parliaments, and his intention, in case he received not from the present Parliament the satisfaction he expected. The King does not seem to have made use of a proper means to gain the good-will of the Commons. But it must be observed, that nothing was more opposite to his temper, than to stoop to court his Parliament. He thought it great condescension to declare, that though he had other ways of raising money, he was very willing to follow the old method of demanding a supply from the Parliament. But for fear the Commons should think he was forced to it by a kind of necessity, he took care to intimate, that in case the money he demanded was not granted, he could raise it other ways. This was the sole aim of these two Speeches.

As to the arguments alleged by the Lord-Keeper to excite the Commons to give a plentiful supply to the King, they were too much exaggerated to produce a great effect. The pretended preparations of the *Spaniards* to invade *England* were a groundless chimera. Indeed, during this whole war, the *Spaniards* made no attempt upon *Great-Britain* or *Ireland*. Nay, it was in the King's power to make peace with the *Spaniard*, who had no demands upon him, and yet, he would make believe that *England* was in imminent danger. As to the argument so often repeated, that the Parliament advised the war, it was so worn-out, that it could not make the least impression. There was not then a man in *England*, but what was perfectly informed, that the King and Duke of *Buckingham* were the real authors of the *Spanish* war, and had fraudulently obtained from the Parliament the advice continually insisted upon by the King.

Before the Commons had entered into any debates, there was a long letter communicated to them, directed, *To my noble Friends of the Lower House of Parliament*, and dispersed under the title of *A Speech without doors*. The author who was unknown, pretended to have been formerly a Member of the Lower House, though he was not chosen to serve in the present Parliament. His aim was to advise the Commons how they were to proceed, and to lay before them the sundry grievances complained of by the people. This writing made a great noise at that time, but I do not think it necessary to insert the contents, since they were only the sentiments of a private person.

After the two Houses had presented a petition to the King for a safe, the Commons began to examine the grievances of the Nation, and seemed determined to grant no supply till these grievances were redressed. The first they took into consideration were, billeting of Soldiers, loans

by benevolence and privy-seals, imprisonment of Gentlemen refusing to lend, denial of release upon a *Habeas Corpus*; and several Speeches were made upon these occasions. Sir Francis Seymour among other things said — "How can we think of giving of Subsidies, till we know whether we have any thing to give or no? For if his Majesty be persuaded by any to take from his Subjects what he will, and where it pleaseth him; I would gladly know what we have to give? — Hath it not been preached in our Pulpits, that all we have is the King's *TURE DIVINO*?"

Sir Thomas Wentworth, afterwards so well known by the name of Earl of *Strafford*, distinguished himself by a Speech against the Government. He said truly, these things were not to be imputed to the King but to the Projectors, that is, to the Ministers or others who had formed the design of stretching the Prerogative beyond its due bounds, of whom he spoke in this manner: "They have brought the Crown into greater want than ever, by anticipating the Revenues: And can the Shepherd be thus smitten, and the sheep not scattered? They have introduced a Privy-Council, ravishing at once the spheres of all ancient Government, imprisoning us without either bail or bond; they have taken from us, what? What shall I say indeed, what have they left us? All means of suppling the King and ingratiating ourselves with him, taking up the rest of all propriety."

Sir Edward Coke, a great Lawyer, spoke chiefly to the grievance of the loans, and said among other things: "Who will give Subsidies, if the King may impose what he will? And if after Parliament, the King may imburse what he pleaseth?" — "The King cannot tax any by way of loans — Thereupon he quoted the Statute of 25 Edward III, wherein it is said, That loans against the will of the Subject, are against reason, and the franchises of the land — and concluded with this paragraph out of *Magna Charta* —

Nemo liber homo capiatur vel imprisonetur aut diffusetur de libero tenemento suo, &c. nisi per legale iudicium parium suorum, vel per legem terre. Another speaking of the imprisonment of those who had refused to lend the King money, said, — "O improvident Ancestors! O unwise Fore-fathers! to be so curious in providing for the quiet possession of our lands, and liberties of Parliament, and to neglect our persons and bodies, and to let them die in prison, and that durant beneplacito, remodels: If this be Law, what do we talk of our liberties? Why do we trouble ourselves with the dispute of laws, franchises, propriety of goods? What may a man call his, if not liberty?"

I intend not to enlarge any farther upon what was said in the House of Commons upon these points. This suffices to shew how the Majority were disposed. All their arguments tended to demonstrate, that if the King had power to take the goods of his Subjects by a bare act of his will, whether by way of loan or otherwise, and to imprison such as refused to obey his orders without being admitted to bail, they were either to be entirely subject to the King's pleasure, or to begin with firmly establishing the rights of the people, to the prevention of tyranny. The Court-party durst not directly oppose this general sentiment, but endeavoured by several arguments, to intimate, that to gain his Majesty's good will, supplies were in the first place to be granted. Then, they gave hopes, that the King, moved with such a mark of affection for his person, would not be against redressing the grievances (1). But this made little impression upon the rest, who were by far the majority, and who verily believed, that to begin with the subsidies was the ready way to have the grievances unredressed. Mean while, to make a diversion, Secretary Coke presented to the House certain propositions from the King, concerning supply: but it was resolved, that the reading thereof shall be deferred till the House had taken some resolution with respect to the grievances, especially the imprisonment of the Subjects, and denial of bail. There were very great debates upon these points, and the Judges themselves were heard. At last, the House came to the following resolutions, directly contrary to the King's pretensions, and the Judges determinations: That is, they established maxims opposite to those of the King; namely,

"I. That no freeman ought to be detained or kept in prison, or otherwise restrained by the command of the King or Privy-Council, or any other, unless some cause of the commitment, detainer, or restraint be expressed, for which by law he ought to be committed, detained, or restrained.

"II. That the writ of *Habeas Corpus* may not be denied, but ought to be granted to every man that is committed or detained in prison, or otherwise restrained, though it be by the command of the King, the Privy-Council, or any other, he praying the same.

"III. That if a freeman be committed or detained in prison, or otherwise restrained by the command of the

1627-8.

Railworth,
1. 1. p. 500

Sir Edward
Coke
1. 1. p. 501.

Sir Robert
Philips
1. 1. p. 504.

The Courtiers
try to put off
the examination
of Grievances.

Railworth,
T. 1. p. 502.

Annals,

Propositions
from the King
put off till
another day.
March 21.
Railworth,
T. 1. p. 506.
&c.

The Commons
rejoice in it.
1. 1. p. 513.

A Letter
called
the speech without
doors, published in the
beginning of the Parlia-
ment.
Railworth,
T. 1. p. 489.
Annals,
p. 235.

Diverse
Speeches in
the House
concerning
Grievances.
Mar. 20, 22.
Railworth,
T. 1. p. 492.
499.
Annals,
p. 247, &c.

(1) Mr. Secretary Coke in particular made two Speeches, on March 22. and 24, wherein he shewed that Grievances ought to be redressed, but advised the House to let Supplies take the precedence. *Railworth,* Tom. 1. p. 501.

1627-8. "King, the Privy-Council, or any other, no cause of such commitment, detainer, or restraint being expelled, for which by law he ought to be committed, detained, or restrained, and the same be returned upon a *Habeas Corpus*, granted for the said party, then he ought to be delivered or bailed.

"IV. That it is the ancient and undubitable right of every freeman, that he hath a full and absolute property in his goods and estate; that no tax, tallage, loan, benevolence, or other like charge ought to be commanded or levied by the King, or any of his Ministers, without common consent by act of Parliament (1)."

1628. The King's demands. March 26. Rudworth, T. p. 513. Annals, p. 351.

The propositions tendered the day before by Secretary Coke from his Majesty, were now received and read, but the debate thereof was referred to another day. The propositions were these:

"1. To furnish with men and victuals thirty ships to guard the narrow seas, and along the coasts.

"2. To set out ten other ships for relief of the Town of *Rebel*.

"3. To set out ten other ships for the preservation of the *Elbe*, the *Sound*, and the *Baltick* sea.

"4. To levy armies, cloth, victual, pay, and transport an army of ten thousand Horse, and ten thousand Foot, for foreign service.

"5. To pay and supply six thousand more for the service of *Denmark*.

"6. To supply the forts of the office of ordnance.

"7. To supply the stores of the Navy.

"8. To build twenty ships yearly for the increase of the Navy.

"9. To repair the forts within the land.

"10. To pay the arrears of the office of ordnance.

"11. To pay the arrears of the victuallers office.

"12. To pay the arrears of the treasure of the Navy.

"13. To pay the arrears due for the freight of divers Merchant-ships employed in his Majesty's service.

"14. To provide a magazine for victuals for Land and Sea-service.

The House easily perceived by the reading of these Articles, that it would be a work of infinite labour, to examine the necessity and justice of each, and as there were no estimates made, they plainly saw, if they should take the particulars into consideration, the Court would mount the expence very high. Wherefore, without entering into any discussion, they resolved in general to grant the King a large Supply (2).

After that, they returned to the examination of this particular grievance, that the King's Council, by their bare authority, had confined to their houses, some that refused to lend money; had sent away others to distant places from their homes; and constrained some on the same account, to go and serve the King in foreign Countries (3). Upon this point, Sir Thomas Wentworth said, *If any man owes a man a displeasure, and shall procure him to be put into foreign employment, it will be a matter of high concernment to the Subject: We know the honour and justice of the King, but we know not what his Ministers, or the mediation of Ambassadors may do, to work their own wrath upon any man.* These debates produced this resolution:

Resolution of the House. "That no freeman ought to be confined by any command from the King, or Privy-Council, or any other, unless it be by Act of Parliament, or by other due course, or warrant of law."

All these determinations promised the King no good with respect to his Prerogative; and as he feared the Commons would again attack the Duke of Buckingham, he tried to divert them from it by a message delivered to the House by Secretary Coke. It was upon a rumour, that the Duke had spoken ill of the Parliament at the Council-board. The King assured, it was not true, and the Secretary added, if the Duke had so spoken, he would have contradicted himself, for the whole Council could bear him witness, he was the first mover of calling the Parliament. But he took care not to tell them, it was merely out of policy, pursuant to *Cotten's* advice.

The next day the King sent another message to the Commons, desiring them to take the affair of Supply into consideration. He told them likewise, that as to the freedom of persons, and propriety of goods, he was willing to come into any expedients which should be judged convenient, by way of Bill, or otherwise; and that the more confidence they should shew in his grace and goodness, the more they should prevail to obtain their desires.

Upon this message, the House unanimously voted five Subsidies to the King (4), but returned immediately to the examination of Grievances, and held a conference with the Lords upon that subject.

Easter Holidays approaching, the King sent and desired the Commons not to adjourn, that affairs might be the more speedily dispatched. This message occasioned a debate, some members fearing such a precedent might be a prejudice to the privileges of the House, and the King for the future think he had power to hinder an adjournment when he pleased. But at length it was resolved to do as the King desired.

The 11th of April, Secretary Coke moved the dispatch of the Subsidies, saying, the votes to grant the King money were nothing till turned into a Bill. But being opposed by several, it was resolved, that grievances and Supply should go hand in hand.

The day following, Coke brought another message from the King to the House, to this effect: "That his Majesty had long since expected some fruit of that which was so happily begun; but finding a stop beyond all expectation, his command was, that without any further delay, they should proceed in the affair of Supply. For notwithstanding his consenting that Supply and Grievances should go together, his meaning was not, that the one should give interruption to the other, nor the time be spun out on any pretence. And therefore bid them take heed, that they did not force him to make an unpleasing end of what was so well begun."

This message did the King great injury. 1. Because of the threatening. 2. By reason of his instances, that the affair of Supply should be dispatched before that of Grievances: for it was not doubted, that if the first were finished, the Parliament would be immediately prorogued. 3. Lastly, The King's unwillingness to redress the Grievances, was a clear evidence, he would never be brought to it of his own accord, and consequently it was necessary to constrain him thereto. This was the more probable, as Coke, when he delivered the message, added, "That the King would willingly hear any thing concerning the abuses of Power, but not about Power itself." These expressions were liable to many cavils, and plain intimations, that the King referred to himself, by this restriction, a means to evade the Grievances. And indeed, Coke being moved to explain what he meant by the word [Power], refused it (5).

Two days after, the Secretary delivered another message from the King, to hasten the affair of Supply. These messages, which came thus one upon another, gave frequent occasions to the Court-party to press the House to content his Majesty. All their speeches upon this head, met in one point, namely, to inspire the House with a dread, that a quarrel between them and the King, would be fatal to Parliaments, and give the King occasion to proceed without them for the future. As the King himself, and the Lord Keeper (by his order,) had frequently made use of the same means to frighten the Commons, it could not be doubted, that their men spoke pursuant to the intentions, and perhaps by the order, of the Court. A Privy-Councillor's speech in the Lower-House last Parliament was not yet forgot, and of which the Commons had thought fit to take notice, in the Remonstrance they would have presented to the King. The design of that speech was to intimidate the Commons, that if they did not content the King, they would run the risk of being the cause of no more Parliaments in England. This threat so often insinuated by the King himself, by the Lord Keeper, by Members of the House, known to be devoted to the Court, sometimes in dark, sometimes in plain terms, had a quite contrary effect to what the King expected. Instead of terrifying the Commons, it convinced them, how watchful they ought to be of the King's proceedings, lest their condescension, or even their silence, should authorize some things very prejudicial to the liberties of the nation, whom they represented. What! said most of the Members among themselves, we are threatened, that if we don't grant the King whatever he requires, and when he pleases, if we oppose his pleasure, even when contrary to the Law, he will govern without a Parliament, that is, with an unlimited power; he will imprison our persons, seize our estates, and consider the whole Kingdom as his property! But he does not only threaten us, he has put his threats in execution already. Which then is left, either for him to usurp an absolute Power against our will, or for us to suffer it, nay, ap-

(1) This year were the following Crests. March 9. John Lord Morley was created Earl of Peterburgh. March 14. William Maynard, Baron Maynard of Hylton. Thersday, Thomas Bligh Baron Townshend. The death, Henry Lord Grafton of Grafton Earl of Suffolk. June 23. John Pender Baron Pender of Hylton in Grafton. And the 24th, Robert Pierrepont Baron Pierrepont, and Viscount Newark. *Speaker's Parl. Tim.* xviii. p. 933. &c.

(2) March 31. the Commons presented a Petition to the King against Recusants, which, together with the King's Answer, is to be found in *Robinson's*, Tom. I. p. 510. &c.

(3) Sir Peter Heyman, who was first taken into the Palace for refusing to lend money, opened his own case. *Ibid.* p. 522.

(4) The King thankfully received them, acknowledging in the greatest pain that ever was given in Parliament. He added, that he liked Parliament; at the first, though, since, he was grown to a dislike of them; but now he loves them, and will rejoice to meet with his People often. *Ibid.* p. 523.

(5) He answered, I never agreed to particulars, or go from that his Majesty gave me warrant or Power is deliver. *Ibid.* p. 529.

1628. *prove it by our silence, and fervile fears? Of the two, certainly the first is least dangerous. A time may come, when the King shall have occasion for Parliaments, and then we shall be able to recover the ground we shall have lost. But if we betray the interest of our Country, by tamely yielding to the King the Power he would assume, our Liberty will be irrecoverably lost. We shall lay upon ourselves and posterity, a yoke which our forefathers could never bear, and be held in abhorrence by the whole Nation. And after all, what shall we gain by our condescension? Why, the King will continue the use of Parliaments, provided he shall be absolute master; order them to give him such a sum, and by such a time; forbid them to examine Grievances in a word, manage them entirely as he pleases. Thus we shall prevent the King's governing without a Parliament, but shall establish a precedent which will render Parliaments for ever slaves to the King and his Ministers.*

Such were the reasonings of the greatest part of the Commons, and though they did not openly say these very words, the House showed by their whole conduct, that these considerations were the real foundation of all their proceedings. For this reason it was, they resolved to desire an audience, in order to answer all his Majesty's messages, and to present to him withal a petition concerning billeting of Soldiers upon the Subject. Their representation to the King by the mouth of their Speaker, was as follows:

Most gracious and dread Sovereign,

YOUR dutiful and loyal Commons here assembled, were lately humble Suitors to his Majesty for access to your Royal presence; the occasion that moved their desires herein, was a particular of importance, worthy your princely consideration; which, as it well deserves, should have been the only subject of my Speech at this time.

"But since your gracious answer for this access, obtained by a message from your Majesty, they have had some cause to doubt, that your Majesty is not so well satisfied with the manner of their proceedings, as their hearty desire is you should be, especially in that part which concerns your Majesty's present Supply, as if in the prosecution thereof, they had of late used some slackness or delay.

"And because no unhappiness of theirs can parallel with that which may proceed from a misunderstanding in your Majesty, of their clear and loyal intentions, they have commanded me to attend your Majesty, with an humble and summary declaration of their proceedings, to face this short time of their sitting, which they hope will give your Majesty abundant satisfaction, that never People did more truly desire to be endeared in the favour and gracious opinion of their Sovereign; and withal to let you see, that as you can have no where more faithful Counsel, for your great designs and occasions can no way be so speedily or heartily supported, as in this old and ancient way of Parliament.

"For this purpose they humbly beseech your Majesty to take into your Royal consideration, that although by ancient Right of Parliament, the matters there debated are to be disposed in their true method and order, and that their constant custom hath been to take into their considerations the common grievances of the Kingdom, before they enter upon the matter of Supply; yet to make a full expression of that zeal and affection which they bear to your Royal Majesty, equalling at least, if not exceeding the best affections of their predecessors, to the best of your progenitors; they have in this Assembly, contrary to the ordinary proceedings of Parliament, given your Majesty's Supply precedence, before the common grievance of the Subject, how pressing soever, joining with it only those fundamental and vital liberties of the Kingdom, which give subsistence and ability to your Subjects,

"This was their original order and resolution, and was grounded upon a true discerning, that these two considerations could not be severed, but did both of them entirely concern your Majesty's service, consulting no less in enabling and encouraging the Subject, than in proportioning a present suit to your Majesty's occasions, and their abilities; nay, so far have they been from using any unnecessary delays, as though, of the two, that of Supply were the latter proposition amongst them, the grand Committee to which both were referred, hath made that of your Majesty's Supply first ready for conclusion.

"And, to be sure your Majesty's Supply might receive no interruption by the other, differing from usage and custom (in cases of this nature) sent up of those that concern the Subjects by parcels, some to your Majesty, and some to the Lords, to the end your Majesty might receive such speedy content, as suited with the largest and best extent of their first order.

No. 57. Vo L II.

"Sir, you are the breath of our nostrils, and the light of our eyes, and besides those many comforts, which under you and your Royal progenitors, in this frame of Government, this nation hath enjoyed, the Religion we profess hath taught us whose image you are; and we do all most humbly beseech your Majesty to believe, that nothing is or can be more dear unto us, than the sacred rights and prerogatives of your Crown; no person or council can be greater lovers of you, nor be more truly careful to maintain them; and the preserving of those fundamental Liberties which concern the freedom of our persons, and propriety of goods and estates, is an essential means to establish the true glory of a Monarchy.

"For rich and free Subjects, as they are best governed, so they are most able to do your Majesty service either in peace or war, which next under God hath been the cause of the happy and famous victories of this nation, beyond other Kingdoms of larger territories and greater number of people.

"What information soever contrary to this shall be brought unto your Majesty, can come from no other than such, as for their own ends, under colour of advancing the Prerogative, do indeed undermine and weaken Royal power by impoverishing the Subject, render this Monarchy less glorious, and the People less able to serve your Majesty.

"Having (by this that hath been said) cleared our hearts and proceedings to your Majesty, our trust is, that in your Royal judgment we shall be free from the least opinion of giving any necessary stop to our proceedings in the matter of your Supply, and that your Majesty will be pleased to entertain belief of our alacrity, and cheerfulness in your service, and that hereafter no such misfortune shall befall us, to be misunderstood by your Majesty in any thing.

"We all most humbly beseech your Majesty, to receive no information in this or any other business from private relations, but to weigh and judge of our proceedings by those resolutions of the House that shall be represented from our selves.

"This, rightly and graciously understood, we are confident from the Knowledge of your goodness and our own hearts, that the ending of this Parliament shall be much more happy than the beginning, and be to all ages filed the blessed Parliament, for making perfect union between the best King and the best People, that your Majesty may ever delight in calling us together, and we in the comforts of your gracious favour towards us.

"In this hope I return to my first errand, which will best appear by that which I shall humbly desire you to hear, and being an humble petition from the House of Commons, for redressing of those many inconveniences and distractions that have befallen your Subjects by the billeting of soldiers in private mens houses against their wills.

"Your Royal progenitors have ever held your Subjects hearts the best garrison of this Kingdom, and our humble suit to your Majesty is, that our faith and loyalty may have such place in your Royal thoughts, as to rest assured, that all your Subjects will be ready to lay down their lives for the defence of your sacred person, and this Kingdom.

"Not going our selves into our countries this Easter, we should think it a great happiness to us, as we know it would be a singular comfort and encouragement to them that sent us hither, if we might but send them the news of a gracious answer from your Majesty in this particular, which the reasons of the petition we hope will move your most excellent Majesty graciously to vouchsafe us."

The Petition concerning the billeting of Soldiers presented to the King's most excellent Majesty.

IN all humility complaining, sheweth unto your most excellent Majesty your loyal and dutiful Commons now in Parliament assembled, that whereas by the fundamental laws of this realm, every freeman hath, and of right ought to have, a full and absolute propriety in his goods and estate, and that therefore the billeting and placing the soldiers in the house of any such freeman against his will, is directly contrary to the said laws, under which we and our ancestors have been so long and happily governed; yet in apparent violation of the said ancient and undoubted right of all your Majesty's loyal Subjects of this your Kingdom in general, and to the grievous and insupportable vexation and detriment of many counties and persons in particular, a new and almost unheard of way hath been invented and put in practice, to lay soldiers upon them, scattered in companies here and there, even in the heart and bowels of

" this

The Speaker's Speech to the King, at the delivery of the Petition for billeting Soldiers.
Rudworth, T. I. p. 540.

1628.

Petition concerning the billeting of Soldiers.
Rudworth, T. I. p. 542.

1628,

"this Kingdom; and to compel many of your Majesty's Subjects to receive and lodge them in their own houses, and both themselves and others to contribute towards the maintenance of them, to the exceeding great disservice of your Majesty, the general terror of all, and utter undoing of many of your people, inasmuch as we cannot sufficiently recount, nor in any way proportionable to the lively sense that we have of our miseries herein, are we able to represent unto your Majesty, the innumerable mischiefs and most grievous vexations that by this means alone we do now suffer, whereof we will not presume to trouble your sacred ears with particular instances; only, most gracious Sovereign, we beg leave to offer to your most gracious view, a compassionate consideration of a view of them in particular.

"1. The service of Almighty God is hereby greatly hindered, the People in many places not daring to repair to the Church, least in the mean time the soldiers should rise their houses.

"2. The ancient and good government of the country is hereby neglected, and almost contemned.

"3. Your Officers of Justice in performance of their duties have been resisted and endangered.

"4. The rents and revenues of your gentry greatly and generally diminished; farmers to secure themselves from the soldiers' insolence, being by the clamour of solicitation of their fearful and injured wives and children, enforced to give up their wonted dwellings, and to retire themselves into places of more secure habitation.

"5. Husbandmen, that are as it were the hands of the country, corrupted by ill example of the soldiers, and encouraged to idle life, give over work, and rather seek to live idly at another man's charges, than by their own labours.

"6. Tradesmen and artificers almost discouraged, and being enforced to leave their trades, and to employ their time in preserving themselves and their families from cruelty.

"7. Markets unfrequented, and our ways grown so dangerous, that the people dare not pass to and fro upon their usual occasions.

"8. Frequent robberies, assaults, batteries, burglaries, rapes, rapines, murders, barbarous cruelties, and other most abominable vices and outrages, are generally complained of from all parts, where these companies have been and had their abode, few of which insolences have been so much as questioned, and fewer according to their demerit punished.

"These, and many other lamentable effects (most dread and dear Sovereign) have by the billeting of soldiers already fallen upon us your loyal Subjects, tending no less to the disservice of your Majesty, than to their impoverishing and destruction, so that thereby they are exceedingly disabled to yield to your Majesty those Supplies for your urgent occasions, which they heartily desire; and yet they are further perplexed with apprehension of more approaching danger, one in regard of your Subjects at home, the other of enemies from abroad, in both which respects it seems to threaten no small calamity to the manner sort of your people, being exceedingly poor, whereof in many places are great multitudes, and therefore in times of more settled and most constant administration of justice, not easily ruled, are most apt upon this occasion to cast off the reins of Government, and by joining themselves with those disordered soldiers, are very like to fall into mutiny and rebellion; which in faithful discharge of our duties we cannot forbear most humbly to present to your high and excellent wisdom, being pressed with probable fears that some such mischief will shortly ensue, if an effectual and speedy course be not taken to remove out of the land, or otherwise to disband, those unruly companies.

"For the second, we do most humbly beseech your Majesty to take into your Princely consideration, that many of those companies, besides their dissolute dispositions and carriages, are such as do openly profess themselves Papists, and therefore to be suspected, that if occasion serve, they will rather adhere to a foreign enemy of that Religion, than to your Majesty, their liege Lord and Sovereign, especially some of their captains and commanders, being as popishly affected as themselves, and having served in the wars on the part of the King of Spain, and Arch-duchess against your Majesty's allies; and how of what pernicious consequence it may prove, and how prejudicial to the safety of your Kingdom, we leave to your Majesty's high and princely wisdom.

"And now upon these, and many more which might

"be alleged, most weighty and important reasons, grounded on the maintenance of the worship and service of Almighty God, the continuance and advancement of your Majesty's high honour and profit, the preservation of the ancient and undoubted liberties of your people, and therein of justice, industry, valour, which nearly concern the glory and happiness of your Majesty and all your Subjects, and the preventing of calamity and ruin both of Church and Commonwealth:

"We your Majesty's most humble and loyal Subjects, the Knights, Citizens, and Burgeis of your House of Commons, in the name of all the Commonalty of your Kingdom, who are upon this occasion most miserably discomfited and afflicted, prostrate at the throne of your grace and justice, do most ardently beg a present remove of this insupportable burden, and that your Majesty would be graciously pleased to secure us from the like pressure in the time to come."

The manner in which the King and Commons transacted together is very pleasant. There was nothing but evasion and artifice on both sides. They expressed not their real thoughts, when they spoke to each other, and yet, understood one another perfectly, though they made as if they did not. The Commons knew, that the reasons to justify the delay of Supply, alleged in their representation, were not valid, and that the King was perswaded of the same. But they thought he would seem to be fatished with them, in order not to oblige them to tell him to his face they could not rely on his promises, and considered this delay as the only way to have their grievances redressed. The King feigned to be ignorant of this motive, and took advantage of the Commons using obscure insinuations, instead of speaking plainly. On the other hand, tho' the King had no design to redress Grievances, he would however have it thought, he intended it as soon as the affair of Supply was dispatched. The Commons on their part, feigning not to know his intention, had a mind to make believe, that the delay of Supply proceeded from quite another cause, though they were sure, the King could not mistake. But as the King did not think himself obliged to use the same ceremony with the Commons, as they ought to use with him, he talked to them in a higher tone, knowing, they would not without necessity, be induced to speak more clearly. To their representation therefore he made this reply.

Mr. Speaker, and Gentlemen,

"WHEN I sent you my last message, I did not expect a reply, for I intended it to hasten you. I told you at your first meeting, this time was not to be spent in words, and I am sure it is less fit for disputes, which if I had a desire to entertain, Mr. Speaker's preamble might have given me ground enough: The question is not now what liberty you have in disposing of matters handled in your House, but rather at this time what is fit to be done.

"Wherefore I hope you will follow my example, in eschewing disputations, and fall to your important business. You make a protestation of your affection and zeal to my Prerogative, grounded upon such good and just reasons, that I must believe you: But I look that you use me with the like charity, to believe what I have declared more than once, since your meeting with us, that I am as forward as you for the necessary preservation of your true Liberties. Let us not spend so much time in this, that may hazard both my prerogative and your liberties to our enemies.

"To be short, go on speedily with your business, without any more apologies, for time calls fast on you, which will neither stay for you nor me: Wherefore it is my duty to hasten, as knowing the necessity of it, and yours to give credit to what I say, as to him that sits at the helm.

"For what concerns your petition, I shall make answer in a convenient time."

The Commons, as I said, meant to reap some advantage by the five subsidies, they were willing to grant the King; and this was a necessary condition, which they continually insinuated, though they avoided using that expression (1). To this end, they had prepared a Petition to be presented to the King in the name of both Houses, to which they desired the concurrence of the Lords. This Petition was termed the Petition of Right, because it was pretended not to desire of the King any grace or favour, but only the maintenance of the liberties of the Subject. For this reason it was to be solemnly presented to the King on his Throne by way of Bill, and the King was to reply to it in a parliamentary manner. A draught of it had

(1) From the 21st to the 25th of April, in a grand Committee, they spent most of their time in debate about martial Law, and about the Petition of Rights. Rushworth, Tom. 1. p. 545.

1628,
The King
tried to ban-
der it.

been sent to the Lords for their concurrence (1). The King was alarmed at it. He was desirous to avoid receiving such a Petition, which too plainly established the rights of the people, because he saw, if he rejected it, he should lose the five Subsidies, the Bill not being yet passed. On the other hand, in granting the contents of the Petition, he himself tied up his hands for the future, and confessed withal, that the acts of authority he had hitherto exercised, were contrary to law. Into this strait precisely it was that the Commons meant to draw him by the Petition of Right. Wherefore he omitted nothing in his power to divert this blow. As he had a great influence in the Upper House, he so managed, that the Lords, by pretending to agree with the Commons upon the substance of the Petition, moved the praying his Majesty to make the following declarations.

Propositions
made by the
Lords touch-
ing the Peti-
tion of Right.
Rushworth,
T. I. p. 546.
Annals,
p. 252.

"1. That the good old law called *Magna Charta*, and the six Statutes, conceived to be declarations and explanations of that law, do still stand in force to all intents and purposes.

"2. That his Majesty would be pleased graciously to declare, That according to *Magna Charta*, and the Statutes afore named, as also according to the most ancient customs and laws of this land, every free Subject of this Realm hath a fundamental propriety in his goods, and a fundamental liberty of his person.

"3. That his Majesty would be graciously pleased to declare, that it is his royal pleasure to ratify and confirm unto all and every his loyal and faithful Subjects, all their ancient, several, just liberties, privileges, and rights, in as ample and beneficial manner, to all intents and purposes, as their ancestors did enjoy the same under the best of his most noble progenitors.

"4. That his Majesty would be further pleased graciously to declare, for the good content of his loyal Subjects, and for the securing them from future fear, That in all cases within the cognizances of the common law, concerning the liberties of the subject, his Majesty would proceed according to the common law of this land, and according to the laws established in the Kingdom, and in no other manner or way.

"5. As touching his Majesty's royal prerogative, in criminal to his Sovereignty, and betrusted him withal from God, *ad conservandum totius populi salutem, & non ad destructionem*, That his Majesty would resolve, not to use or divert the same, to the prejudice of any his loyal people in the propriety of their goods, or liberty of their persons: And in case for the security of his Majesty's royal person, the common safety of his people, or the peaceable government of this Kingdom, his Majesty shall find just cause, for reason of State, to imprison or restrain any man's person, his Majesty would graciously declare, That within a convenient time he shall, and will express the cause of the commitment or restraint, either general or special; and upon a cause so expressed, will leave him immediately to be tried according to the common justice of the Kingdom."

Replied by
the Commons.
Rushworth,
T. I. p. 548.
Annals.

But the Commons avoided this snare, plainly perceiving it was only an artifice to evade the Petition of Right, which would become as useless, after these declarations. Indeed, there was a great difference, as we shall see presently, between these declarations, and what was required in the Petition. The declarations were all expiessed in general terms, which gave the King room to cavil upon the performance of each article, as he had done in the affair of the loans, and the imprisonment of those that refused to comply. In those cases, the King did not pretend to act contrary to the laws, but rather thought himself authorized by the law; and the Judges of the Realm had countenanced his pretensions. But the Petition of Right was more full and express, and left but little room for Cavils. On the other hand the difference was not less, between the direct and parliamentary reply demanded by the Commons, and the bare and general declarations which were not capable of contenting the people. So, the Commons entirely rejected the proposition of the Lords.

The King
sent for
both Houses
to White-
hall.
April 28.

The King not succeeding in his design, by means of the Upper-House, tried to satisfy the Commons, by making them, of his own accord, the same offers the Lords had seemed only to desire of him. To that purpose, having sent for both Houses to Whitehall, the Lord-Keeper, in his presence, spoke to them in the following manner:

My Lords, and ye the Knights, Citizens and Burghesses of the House of Commons.

The Lord
Keeper's
Speech to
both Houses.
Rushworth,
T. I. p. 549.
Annals.

"YE cannot but remember the great and important affairs, concerning the safety both of State and Religion, declared first from his Majesty's own mouth, to be the causes of the assembling of this Parliament; the

"sinne whereof, as it doth daily increase with his Majesty, so it ought to do, and his Majesty doubts not but it doth so with you, since the danger increaseth every day, both by effluxion of time, and preparations of the enemy.

"Yet his Majesty doth well weigh, that this expence of time hath been occasioned by the debate which hath arisen in both Houses, touching the liberty of the subject; in which, as his Majesty takes in good part the purpose and intent of the Houses, so clearly and frequently professed, that they would not diminish or blemish his just prerogative; so he presumes that ye will all confess it a point of extraordinary grace and justice in him, to suffer it to rest so long in dispute without interruption: But now his Majesty considering the length of time which it hath taken, and fearing nothing so much as any future loss of that, whereof every hour and minute is so precious; and foreseeing that the ordinary way of debate, though never so carefully husbanded, in regard of the form of both Houses, necessarily takes more time than the affairs of Christendom can permit; his Majesty out of great princely care, hath thought of this expedient to shorten the business, by declaring the clearness of his own heart and intention: And therefore hath commanded me to let you know, That he holdeth the Statute of *Magna Charta*, and the other six Statutes insisted upon for the Subjects liberty, to be all in force, and assures you, that he will maintain all his Subjects in the just freedom of their person, and satisfaction of their estates; and that he will govern according to the laws and statutes of this Realm; and that ye shall find as much security in his Majesty's royal word and promise, as in the strength of any law ye can make; so that hereafter ye shall never have cause to complain. The conclusion is, That his Majesty prayeth God, who hath hitherto blessed this Kingdom, and put into his heart to come to you this day, to make the success thereof happy both to King and people: And therefore he desires that no doubt or distrust may possess any man, but that ye will all proceed unanimously to the business."

The Commons avoided this snare, as the former, and firmly adhered to the Petition of Right. A few days after Secretary Coke brings then a fresh message from the King, to know whether the House will rest on his royal word, declared to them by the Lord-Keeper; which if they do, he assures them, it shall be royally performed.

The King's
Message to
the Commons.
May 4.
Rushworth,
T. I. p. 552.
Annals.

This message occasioned great debates (2), because Coke and the rest of the Court-party used their utmost endeavours, to persuade the House to what the King proposed, that is to lay aside the Petition of Right, and rest upon his Majesty's promise. Sir Thomas Wentworth concluded the debate, saying, *That never House of Parliament trusted more in the goodness of their King, for their own private, than the present, but we are ambitious that his Majesty's goodness may remain to posterity, and we are accountable to a publick trust: And therefore seeing there hath been a publick violation of the Laws by his Ministers, nothing will satisfy him but a publick amend; and our desire to vindicate the Subjects Right by Bill, are no more than are laid down in former Laws with some modest provision for instruction, performance and execution.* This he well agreed with the sense of the House, that they made it the subject of a message to be delivered by the Speaker, to his Majesty.

Amidst those deliberations, another message was delivered from his Majesty by Secretary Coke, to this effect: "That, howsoever we proceed in this business we have in hand, which his Majesty will not doubt, but to be according to our constant profession, and so as he may have cause to give us thanks; yet his resolution is, that both his royal care, and hearty and tender affection towards all his loving Subjects, shall appear to the whole Kingdom, and all the world, that he will govern us according to the laws and customs of this Realm; that he will maintain us in the liberties of our persons, and properties of our goods, so as we may enjoy as much happiness as our forefathers in their best times; and that he will rectify what hath been, or may be found amiss amongst us, so that hereafter there may be no just cause to complain. Wherein, as his Majesty will rank himself amongst the best of Kings, and show he hath no intention to invade or impeach our lawful liberties, or rights; so he will have us to match ourselves with the best Subjects, not by encroaching upon that Sovereignty or Prerogative, which God hath put into his hands for our good, but by containing ourselves within the bounds and laws of our forefathers, without restraining them, or enlarging them by new explanations, interpretations, expositions, or additions in any sort, which, he telleth us, he will not give way unto."

Another
Message
from the
King.
Rushworth,
T. I. p. 554.
Annals.

(1) The King's Secretary Coke told in his discourse, that the Propositions made by the Commons tended rather to Anarchy than Monarchy, and that they were against the King to govern by acts of State. For which the Lords committed him, and he recanted. Rushworth, Tom. I. p. 545. Widdicock, p. 10.

(2) During the Debates June 18, That the King's word was to be taken in a parliamentary way. Whitelock, p. 12.

"That

1528. "That the weight of the affairs of the Kingdom and Christendom do press him more and more, and that the time is now grown to that point of maturity, that it cannot endure long debate or delay; so as this Session of Parliament must continue no longer than *Tuesday* come sevennight at the furthest: In which time his Majesty, for his part, will be ready to perform what he promised; and if the House be not as ready to do that is fit for themselves, it shall be their own faults.

"And upon assurance of our good dispatch and correspondence, his Majesty declareth, that his royal intention is to have another session of Parliament at *Michaelmas* next, for the perfecting of such things as cannot now be done."

*The Commons
And to their
petitioners
of putting
the Petition
of Right.
Rushworth.
T. I. p. 559.*

All this was not able to divert the Commons from their purpose of turning the Petition of Right into an Act of Parliament. The threat of putting an end to the Session frightened them not, the King having gone too far to recede. The only point was to know, whether he would grant by Bill, what he was willing to grant any other way; and he could not break with the Parliament on that account, without forfeiting entirely the love of his People, and losing the five Subsidies. So the Commons would not miss this opportunity of firmly establishing the Rights of the Subjects. Here follows what the Speaker said to the King, in the name of the Commons, having first thanked him for his gracious assurance, that he would govern according to the Laws, and told him, that the Commons great confidence was in his goodness.

*The Speaker
in the Name
of the Commons.
Rushworth.
Annals.*

"True it is, they cannot but remember the publick trust, for which they are accountable to present and future times; and their desires are, that your Majesty's goodness might, in fruit and memory, be the blessing and joy of posterity.

"They say also, that of late there hath been publick violation of the Laws, and the Subjects Liberties, by some of your Majesty's Ministers, and thence conceive, that no less than a publick remedy will raise the dejected hearts of your loving Subjects, to a cheerful Supply of your Majesty, or make them receive content in the proceedings of this House.

"From those considerations, they most humbly beg your Majesty's leave, to lay hold of that gracious offer of yours, which gave them assurance, that if they thought fit to secure themselves in their Rights and Liberties, by way of Bill, or otherwise, so it might be provided with due respect to God's honour, and the publick good, you would be graciously pleased to give way unto it. Far from their intentions it is, any way to inroach upon your Sovereignty or Prerogative; nor have they the least thought of stretching or enlarging the former Laws in any sort, by any new interpretations or additions; the bounds of their desires extend no farther, than to some necessary explanation of that which is truly comprehended within the just sense and meaning of those Laws, with some moderate provision for execution and performance, as in times past upon like occasion hath been used.

"The way how to accomplish their humble desires, is now in serious consideration with them, wherein they humbly assure your Majesty, they will neither lose time, nor seek any thing of your Majesty, but that they hope may be fit for dutiful and loyal Subjects to ask, and for a gracious and just King to grant."

His Majesty's answer was delivered by the Lord Keeper, as follows:

Mr. Speaker, and you Gentlemen of the House of Commons.

*Rushworth.
Annals.*

"HIS Majesty hath commanded me to tell you, that he expected an answer by your actions, and not delay by your discourse: Ye acknowledge this trust and confidence in your proceedings, but his Majesty sees not how you require him, by your confidence of his word and actions: For what need explanations, if ye doubted not the performance of the true meaning? For explanations will hazard an inroad upon his prerogative. And it may well be said, what need a new Law to confirm an old, if you repose confidence in the declaration his Majesty made by me to both Houses? And our selves acknowledge, that your greatest trust and confidence must be in his Majesty's grace and goodness, without which nothing ye can frame will be of safety, or avail to you: Yet, to show clearly the sincerity of his Majesty's intentions, he is content that a Bill be drawn for a confirmation of *Magna Charta*, and the other six Statutes, insisted upon for the Subjects liberties, if ye shall chuse that as the best way, but so as it may be without additions, paraphrases, or explanations.

"Thus if you please you may be secured from your needless fears, and this Parliament may have a happy

"withed for end: whereas by the contrary, if you seek to tie your King by new, and indeed impossible, bonds, you must be accountable to God and the Country for the ill success of this meeting. His Majesty hath given his royal word, that ye shall have no cause to complain hereafter; less than which hath been enough to reconcile great Princes, and therefore ought much more to prevail between a King and his Subjects.

"Lastly, I am commanded to tell you, that his Majesty's pleasure is, that without further replies or messages, or other unnecessary delays, ye do what ye mean to do speedily, remembering the last message that Secretary *Coke* brought you in point of time; his Majesty always intending to perform his promise to his power."

To this answer the King presently after adds the following message, brought by Secretary *Coke*, to press the House to rely on the King's word, notwithstanding the intimation of his good pleasure for a Bill. "That he had rather follow others, than begin to enter into this business; loss of time hath been the greatest complaint; the matter fallen now into consideration, is what way to take, whether to rely on his Majesty's word, or on a bill: If we will consider the advantage we have in taking his Majesty's word, it will be of the largest extent, and we shall chuse that that hath most assurance; an Act of Parliament is by the consent of the King and Parliament; but this assurance by word, is, that he will govern us by the Laws; the King promises that, and also, that they shall be so executed, that we shall enjoy as much freedom as ever: This contains many Laws, and a grant of all good Laws; nay, it contains a confirmation of those very Laws, assurance, which binds the King further than the Law can: First, it binds his affection, which is the greatest bond between King and Subject, and that binds his judgment also, nay, his honour, and that not at home, but abroad; the Royal word of a King, is the ground of all Treaty; nay, it binds his conscience: This confirmation between both Houses, is in nature of a vow; for my part, I think it is the greatest advantage to rely on his Majesty's word. He further added, this debate was fitter to be done before the House, and not before the Committee, and that it was a new course to go to a Committee of the whole House (1).

This answer and message clearly show, how much the King dreaded the Petition of Right, which was preparing for him. He justly supposed, it would contain not only the substance of *Magna Charta*, and the six Statutes, but also explanations which would prevent all cavils concerning the true meaning of these Laws, which was what he would have avoided to approve, for fear of tying up his hands. The Great Charter and the six Statutes had long been in force; but that had not prevented his exacting money from his Subjects by way of loan, and imprisoned such as refused to comply. He was so far from owning, he had acted contrary to the Laws, that he had caused his proceedings to be approved by the Judges of the Realm. In offering therefore to confirm *Magna Charta* by a Bill, he left things in their present state, and the people would have reaped no benefit from the new Bill. This is what the Lord Keeper could not forbear intimating, when he said, he did not see any occasion for a new Law to confirm an old. By that he would have insinuated, that the old Law was not infringed, and therefore the King was very willing to confirm it, provided there were no additions, explanations, and interpretations. But nothing was more apt to show the Commons the necessity of these explanations, than the King's endeavours to avoid them. His extreme desire, that his word should be relied on, was a very strong reason to secure the liberties of the Subject, by something more binding. It is true indeed, the words of Princes are capable of reconciling them, when at variance; but this supposes a mutual confidence, without which the bare word cannot beget a perfect reconciliation. Now the point was to know, whether the King's word might safely be taken, which the Commons did not believe, tho' they durst not openly declare it. Besides, their having been told, that the King's promise to govern according to Laws, was a greater security than the Laws themselves, was a plain indication, that the King did not think it impracticable to evade the Law. Hence therefore they drew a fresh argument for binding the King by a more explicit and positive Law than those hitherto enacted.

We may further observe, that 'is very surprising, the Secretary, in the conclusion of the message, should teach the Commons how this matter ought to be debated in the House, insinuating, that to go to a Committee of the whole House was a new course. For the better understanding the design of this insinuation, the Reader must know, that before the House a Member cannot speak but

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*A Message
from the
King.
Mss. 6.
Rushworth.
T. I. p. 557.*

*Answer to
the King's
Message.*

(1) *Boyle* has confounded this Answer and Message, as if delivered at the same time by the Lord Keeper. See *Rushworth*, Tom. I. p. 557.

1628. once upon the same point, and having asserted his opinion, is not allowed to answer or reply. But when the House is turned into a Committee, there is greater freedom. Every one may argue, answer, reply, as he thinks fit. By this means the points in debate are fully cleared, so that 'tis easy for each to form his opinion upon the arguments, answers, and replies he has heard. It seems therefore, by what the Secretary intimated to the Commons, the King feared all explanations that might arise from this way of debating. But they did not think proper to receive his instructions, or alter their usual method (1). The House therefore was turned into a Committee, to take into consideration, all that could be said for or against what the King desired. The general sense of the House was expressed as follows, by one of the Members, with whom the majority agreed.

Was it ever known (said he) that general words were a sufficient satisfaction to particular Grievances? Was ever a verbal declaration of the King, Verbum Regni? When Grievances be, the Parliament is to redress them. Did ever Parliament rely on messages? They put up Petitions of their Grievances, and the King never answered them: The King's answer is very gracious; but what is the law of the Realm? that is the question. I put no difference in his Majesty, the King must speak by a record, and in particular, and not in general. Did you ever know the King's message come into a bill of Subsidies? All succeeding Kings will say, Ye must trust me as well as ye did my predecessors, and trust my messages; but messages of love never come into a Parliament. Let us put up a petition of Right: Not that I distrust the King, but that I cannot take his trust, but in a Parliamentary way.

As the Commons had resolved, that Supply and Grievances should go hand in hand, the Petition of Right was no sooner ready, but they made a farther progress in the affair of the Subsidies, ordering that the two first should be paid the 10th of July, one more the 12th of October, another the 20th of December, and the last the 1st of March. This was done to take from the King all pretence of complaining, that the affair of Supply was neglected; but this did not satisfy him. He wished the Subsidy-bill to be drawn and passed, before the Petition of Right was presented to him, which the Commons were fully resolved not to do, being persuaded, that as soon as the Subsidy-bill should be passed, the Parliament would be prorogued or dissolved. So, that same day, they sent the Petition of Right to the Lords for their concurrence (2). But, before it was obtained, the Commons saw themselves obliged to sustain two fresh attacks, one from the King, the other from the House of Lords, where the Court-party was very strong.

The Lords being employed in examining the Petition of Right, desired a conference with the Commons, where the Lord Keeper said, he had propoed to the House some alterations in the Petition, to render it less harsh, and more agreeable to his Majesty, to the end, what was desired might be the more readily obtained. That whilst the Lords were debating upon the commitments, they received a Letter from his Majesty, which they desired to communicate to the Commons; and it was read to them accordingly.

To the Right Trusty and Right Well-beloved, the Lords Spiritual and Temporal, of the Higher-House of Parliament.

Carolus Rex,

WE being desirous of nothing more than the advancement of the peace and prosperity of our People, have given leave to see debate upon the highest points of our Prerogative Royal, which in the time of our predecessors, Kings and Queens of this Realm, were ever restrained as matters that they would not have discussed; and in other things we have been willing so far to defend to the desires of our good-Subjects, as might fully satisfy all moderate minds, and free them from all just fears and jealousies, which those messages we have hitherto sent into the Commons House, will well demonstrate unto the world; yet we find it still insisted upon, that in no case whatsoever, should it never so nearly concern matters of State or Government, we, or our Privy-Council, have no power to commit any man without the cause shewed; whereas it often happens, that should the cause be shewed, the service itself would thereby be destroyed and defeated, and the cause alleged must be such as may be determined by our

Judges of our Courts of *Hypocrites*, in a legal and ordinary way of justice; whereas the causes may be such, as those Judges have not capacity of judicature, nor rules of Law to direct and guide their judgment in cases of that transcendent nature, which happening so often, the very encroaching on that constant rule of Government, for so many ages within this Kingdom practiced, would soon dissolve the very foundation and frame of our Monarchy. Wherefore as to our Commons, we made fair propositions, which might equally preserve the just Liberty of the Subject: So, my Lords, we have thought good to let you know, that without the overthrow of Sovereignty, we cannot suffer this power to be impeached; notwithstanding, to clear our conscience and just intentions, this we publish, that it is not in our heart, nor will we ever extend our Royal Power, lent unto us from God, beyond the just rule of moderation, in any thing which shall be contrary to our Laws and Customs, wherein the safety of our People shall be our only aim. And we do hereby declare our Royal pleasure and resolution to be, which, God willing, we shall ever constantly continue and maintain, that neither we nor our Privy-Council shall, or will, at any time hereafter, commit, or command to prison, or otherwise restrain the person of any, for not lending Money to us, nor for any just cause, which in our conscience doth not concern the publick good and safety of us and our People, we will not be drawn to pretend any cause, wherein our judgment and conscience is not satisfied with; bafe thoughts, we hope, no man can imagine will fall into our Royal breast; and that in all cases of this nature, which shall hereafter happen, we shall, upon the humble petition of the party, or address of our Judges unto us, readily and really express the true cause of their commitment or restraint, so soon as with conveniency and safety the same is fit to be disclosed and expressed; and that in all causes criminal, of ordinary jurisdiction, our Judges shall proceed to the deliverance or bailment of the prisoner, according to the known and ordinary rules of the laws of this land, and according to the Statutes of *Magna Charta*, and those other fix Statutes insisted upon, which we do take knowledge, stand in full force, and which we intend not to abrogate and weaken against the true intention thereof. This we have thought fit to signify, the rather to shorten any long debate upon this great question, the season of the year being so far advanced, and our great occasions of State, not lending any more days for longer continuance of this Session of Parliament."

Given under our Signet, at our Palace at Westminster, 20 Maii, the fourth year of our Reign.

The Commons took no notice of this Letter, or rather, by dissimbling their vexation at the King's artifices, who by obscure and doubtful expressions, and by sundry restrictions, was preparing means to evade his promises, at the very time he would have them to be received as solemn, authentic, and satisfactory. This may be plainly seen, if the terms of this Letter be carefully considered, as well as the King's intent in writing it: which was to evade the Petition of Right, and be left at liberty to use his Prerogative as he had hitherto done.

The second attack the Commons had to sustain, came from the Lords. They moved, [at a conference] the adding to the Petition of Right, a clause which would have rendered it useless, at least, according to the Court's intention, by whom, very probably, the House of Lords was directed. The additional clause was as follows:

We present this our humble Petition to your Majesty, with the care not only of preserving our own Liberties, but with due regard to leave entire that Sovereign Power wherewith your Majesty is trusted for the protection, safety, and happiness of the People.

This addition was examined and debated with great exactness in the House of Commons (3), and the general opinion was, that it ought to be rejected, chiefly for three Reasons. The first, because of the ambiguity of the words *Sovereign Power*, which the Parliaments had never used in speaking of the King's Prerogatives. The second, because this addition was in the nature of a saving of the King's Sovereignty, which rendered the Petition of no force. It was alleged, that in the Reign of Edward I. the Parliament having presented the like Petition to the King, he would have added these words, *saving the King's Right and Sovereignty*, but the Parliament would not consent to it, because such savings rendered useless whatever they

(1) Sir John Elliot replied to the King's Message, that the proceeding in a Committee, is more honourable and advantageous to the King and the House, for that way leaves most to truth, and it is a more open way, and where every man may add his reason, and make answer upon the terms of other men's reasons and arguments. *Parliamentary History*, Tom. I. p. 537.

(2) It was carried up by Sir Edward Coke, Sir Dudley Digges, and Mr. Littleton. Six weeks were spent in having the King's Council against the Petition, and the Commons extreme of it. The managers for the Petition were, Sir Edward Coke, Mr. Scudler, Sir Dudley Digges, Sergeant Glanville, Sir Henry Martin, and Mr. Major. *Coke*, p. 207. Edit. 1697.

(3) By Mr. Afford, Mr. Fenne, Mr. Hinchin, Sir Edward Coke, Sir Thomas Wentworth, Mr. Noy, Mr. Stiles, Mr. Major, Mr. Carew, and Sir Henry Martin. See *Parliamentary History*, Tom. I. p. 562.

1528. are annexed to. It was said likewise, that for the same reason the Kings would never suffer the Clergy to insert in any of their acts, *saving the honour of God and the Church*. The third reason was, that if this addition was general, and had no reference to the Petition, there was no need of admitting it. But if, on the contrary, it did refer to the Petition, it evidently rendered the Petition of no effect.

This clause being thus rejected by the Commons, the Lords durst not throw out the Petition (1), on account of this addition, which, in truth, was not absolutely necessary. So, being satisfied with giving the King this testimony of their affection for his service, they insisted no longer upon the additional clause. Then the two Houses resolved to present the Petition to the King, and to pray his Majesty to give his answer in full Parliament, that it might be enrolled and serve hereafter for rule to the Courts of Justice, as an act of Parliament. The 2d of June the King came to the Parliament to give the Royal assent to the Petition of Right, and spoke thus to both Houses.

1528. 1528.

1528.

The King's speech before the reading of the Petition.

Gentlemen;
I Am come hither to perform my duty. I think no man can think it long, since I have not taken for many days in answering the Petition, as ye spent weeks in framing it: And I am come hither to shew you, that as well in formal things as in essential, I desire to give you as much content as in me lies.

The Lord-Keeper added something farther; but, as there is nothing very material in his Speech, I do not think it necessary to insert it. After he had done speaking, the Petition was read aloud, being expressed in these words (2):

To the King's most excellent Majesty,

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Humly shew unto our Sovereign Lord the King, the Lords Spiritual and Temporal, and Commons in Parliament assembled, that, whereas it is declared and enacted by a Statute, made in the time of the Reign of King Edward the first, commonly called *Statutum de Tallagio non concedendo*, that no Tallage or Aide should be laid or levied, by the King or his heirs, in this realm; without the good-will and assent of the Archbishops, Bishops, Earls, Barons, Knights, Burgesses, and other the freemen of the cominality of this realm: And by authority of Parliament holden in the five and twentieth yere of the Reign of King Edward the third, it is declared and enacted, that from thenceforth no person should be compelled to make any loanes to the King against his will, because such loanes were against reason, and the franchise of the land; and by other laws of this realm it is provided, that none should be charged by any charge or imposition, called a Benevolence, nor by such like charge, by which the Statute before-mentioned, and other the good laws and statutes of this Realm, your Subjects have inherited this freedom, that they should not be compelled to contribute to any Tax, Tallage, Aide, or other like charge, not fect by common consent in Parliament.

Yet nevertheless of late divers commissions, directed to sundrie commissioners in severall Counties, with instructions, have been issued, by means whereof your People have bene in divers places assembled, and required to lend certain sommes of money unto your Majestie, and many of them upon their refusal for to doe, have had an oath administered unto them, not warrantable by the lawes or statutes of this Realm, and have bene constrained to become bound to make appearance, and give attendance before your Privie-Councell, and in other places, and others of them have bene therefore imprisoned, confined, and sundrie other wayes molested and disquieted: And divers other charges have been laide and levied upon your People in severall Counties, by Lord-lieutenants, Deputie-lieutenants, commissioners for musters, Justices of peace, and others, by commande or direction from your Majestie, or your Privie-councell, against the lawes and free customs of the realm.

And where alsoe by the Statute called, *The great Charter of the Liberties of England*, it is declared and enacted, that no freeman may be taken or imprisoned, or be diseized of his frehold or liberties, or his free customs, or be outlawed or exiled, or in any manner destroyed, but by the lawfull judgment of his Peeres, or by the lawe of the land:

And in the eight and twentieth yere of the Reigne of King Edward the Third, it was declared and enacted by authoritie of Parliament, that no man of what estate

or condition that he be, should be put out of his Lands or Tenements, nor taken, nor imprisoned, nor diseized, nor putt to death, without being brought to answer by due proces of Law.

Nevertheless against the tenor of the said statutes, and other the good lawes and statutes of your Realme, to that end provided, divers of your Subjects have of late bene imprisoned, without any cause shewed; and when for their deliverance they were brought before your Justices, by your Majesties writs of *Habeas Corpus*, there to undergoe and receive as the Court should order, and their Keepers commaunded to certify the causes of their detainer; no cause was certified, but that they were detained by your Majesties special commaund, signified by the Lords of your Privie-Council, and yett were returned back to severall prisons without being charged with any thing in which they might make answer according to the law.

And whereas of late greete companies of souldiers and mariners have been dispersed into divers Counties of the realm, and the inhabitants against their wills have bene compelled to receive them into their houses, and there to suffer them to sojorne, against the lawes and customs of this realm, and to the great grievance and vexation of the People.

And whereas alsoe by authority of Parliament in the 25th yere of the reign of King Edward III, it is declared and enacted, that no man should be fore-judged of life or limbe, against the forme of the great Charter, and the law of the land, and by the said great Charter, and other the lawes and statutes of this your realm, no man ought to be adjudged to death, but by the lawes established in this your realm, either by the customs of the same realm, or by Acts of Parliament: And whereas no offender of what kind soever, is exempted from the proceedings to be used, and punishments to be inflicted by the lawes and statutes of this your realm; nevertheless of late time, divers commissions under your Majesties Greate-Seale have issued forth, by which certaine persons have been assigned and appointed commissioners, with power and authoritie to proceede within the land, according to the justice of martiall lawe against such souldiers and mariners, or other disolute persons joynying with them, as should commit any murder, robbery, felonie, mutiny, or other outrage or misdemeaneor whatsoever; and by such summarie course and order as is agreeable to martiall Lawe, and as is used in armies in time of war, to proceed to the tryall and condemnation of such offenders, and them to cause to be executed and putt to death according to the Lawe-martiall.

By pretext whereof, some of your Majesties Subjects have bene by some of the said commissioners putt to death, when and where, if by the lawes and statutes of the Land they had deserved death, by the same lawes and statutes alsoe they might, and by noe other ought, to have been judged and executed.

And alsoe sundrie grievous offenders by colour thereof, clayming an exemption, have escaped the punishments due to them by the lawes and statutes of this your realm, by reason that divers of your officers and ministers of justice have unjustly refused, or forborne to proceed against such offenders according to the same lawes and statutes, upon pretence that the said offenders were punishable only by martiall Lawe, and by authority of such commissions as aforesaid; which commissions, and all others of like nature, are wholly and directly contrary to the said lawes and statutes of this your realm.

They doe therefore humbly pray your most excellent Majesty, That no man hereafter be compelled to make or yeilde any quite, loane, benevolence, tax, or such like charge, without common consent by Act of Parliament; and that none be called to make answer, or take such oath, or to give attendance, or be confined, or otherwise molested or disquieted concerning the same, or for refusal thereof: And that no freeman, in any such manner as is before-mentioned, be imprisoned or detained: And that your Majestie would be pleased to remove the said souldiers and mariners, and that your People may not be so burthened in the tyme to come: And that the aforesaid commissions for proceeding by martiall Lawe, may be revoked and annulled; and that hereafter, no commissions of like nature may issue forth to any person or persons whatsoever, to be executed as aforesaid, least by colour of them, any of your Majesties Subjects be destroyed or putt to death, contrary to the lawes and franchise of the Land.

All which they most humbly pray for your most ex-

(1) In a Committee of the whole House, the Lord Say moved, That those Lords who stood for the Liberties of the Nation, might make their Propositions, on remain upon record; and that the speaker Pryvily should, with then names, enter their reasons, so remain upon record; that if they were not to be taken, who they were that so ignobly betrayed the freedom of our Nation. This House took a damp upon the other Party, that not one of them repudied it. Cal. p. 215.

(2) This Petition was drawn up by Sir Edward Coke. Cal. p. 207. Edit. 1697.

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"cellent Majesty, as their Rights and Liberties, according to the laws and statutes of this Realm: And that your Majesty would also vouchsafe to declare, That the awards, doings, and proceedings, to the prejudice of your People in any of the premises, shall not be drawne hereafter into consequence or example: And that your Majesty would be also graciously pleased, for the further comfort and safety of your People, to declare your royal will and pleasure, That in the things aforesaid, all your officers and ministers shall serve you, according to the laws and statutes of this Realm, as they tender the honour of your Majesty, and the prosperity of this Kingdom."

The King, as hath been seen, had used all possible endeavours to hinder this Petition from being presented, and to satisfy the Commons with general promises, which properly bound him to nothing, and did not destroy his system of Government. So, though he feigned to come to the Parliament on purpose to pass the Petition of Right, and give a satisfactory answer, he pursued however his plan, and shewed by his answer, how much he dreaded to promise. Here follows his answer, wherein may be easily perceived the same general promises, and the same restrictions as in what he had offered already.

The King's answer to the Petition of Rights.

The King's Answer.
T. l. p. 150.

THE King willith that Right be done according to the laws and customs of the Realm; and that the Statutes be put in due execution, that his Subjects may have no cause to complain of any wrong or oppression, contrary to their just Rights and Liberties, to the preservation whereof, he holds himself in conscience as well obliged, as of his Prerogative.

It would be needless to make any remarks on this answer, since the King's intention appears so very plainly. It suffices only to observe, the King had endeavoured to content the Parliament with general promises, and the Commons not thinking that sufficient, had insisted upon the Petition of Right, where several particular cases were specified. Now the King instead of giving the Parliament the satisfaction they desired, kept in his answer to his general promises, without touching upon any of the particular cases specified in the Petition.

The Commons are not satisfied with it.
Annals, p. 304, &c.
They refuse the Grievances.
Ruthworth, T. l. p. 151.
Annals.

The Commons not being satisfied with the King's Answer, made no haste to finish the affair of Supply. On the contrary, they desired a conference with the Lords, where the point of commitments was thoroughly discussed (1). The Thing in question was, the power assumed by the King to imprison the Subjects, without declaring the cause, which the King had not lessened by his answer, though it was one of the chief motives of the Petition of Right. Wherefore the Commons willing to shew the King their dissatisfaction, instead of proceeding with the Subsidy-Bill, returned to the consideration of Grievances. On this occasion, upon Dr. Manwaring, the sentence I have mentioned in another place.

The King seeing the Commons otherwise employed than in the business of Subsidies, sent them the following Message by their own Speaker.

A Message from the King to the Commons, wherein he desires to know the degree of order that they shall keep.
Ibid.

"That his Majesty having, upon the Petition exhibited by both Houses, given an answer full of justice and grace, for which we and our posterity have just cause to bless his Majesty, it is now time to grow to a conclusion of the Session; and therefore his Majesty thinks fit to let you know, That as he doth resolve to abide by that answer, without further change or alteration, so he will royally and really perform unto you what he hath there by promised: And further, that he resolves to end this session upon Wednesday the 11th of this month; and therefore witheth, that the House will seriously attend those businesses which may best bring the session to a happy conclusion, without entertaining new matters, and so husband the time, that his Majesty may with the more comfort bring us speedily together again: At which time, if there be any further Grievances not contained or expressed in the Petition, they may be more maturely considered, than the time will now permit."

Buckingham is complained of by the House.

This message made the Commons believe (2), the Duke of Buckingham had done them ill offices with the King. This was mentioned in the House, and Sir John Elliot standing up, and beginning to speak in such manner that

it was thought he was going to fall upon the Favorite and Ministry, the Speaker started from the chair and said, "There is a command laid upon me, that I must command you not to proceed." Whereupon Elliot sat down. But others more bold proposed to go and shew their dangers to the Lords, and then carry their complaints together to the King. Some of the Court-party saying, That the Speech lately spoken by Sir John Elliot (3) had given offence to his Majesty, the House declared: That every Member is free from any undutiful Speech, from the beginning of the Parliament to that day; and ordered, that the House be turned into a Committee, to consider what is fit to be done for the safety of the Kingdom; and that no man go out upon pain of going to the Tower. But Sir John Finch the Speaker, desiring leave to go out, obtained it, and immediately informed the King of what was passing in the House. In his absence it was debated, and going to be voted by a majority, to make a Remonstrance to the King, wherein it should be said that the Duke of Buckingham was the chief cause of all the miseries of the Kingdom. But before the debate was ended, the Speaker returned with a message from the King, commanding the House to adjourn till next day, and all Committees to cease in the mean time. The Lords received the same order. On the morrow the Speaker brings the following message from the King.

"Whereas his Majesty understanding, that ye did conceive his last message to restrain you in your just privileges, to complain of any of his Ministers; these are to declare his intentions, That he had no meaning of barring you from what hath been your right, but only to avoid all scandals on his Council and actions past, and that his Ministers might not be, nor himself, under their names, taxed for their counsel unto his Majesty, and that no such particulars should be taken in hand, as would ask a longer time of consideration than what he hath prefixed, and still resolves to hold, that so for this time all Christendom might take notice of a sweet parting between him and his people: Which if it fall out, his Majesty will not be long from another meeting, where such (if there be any) at their leisure and convenience may be considered."

It may have been hitherto observed, in King Charles's conduct, that he was so firm in his principles concerning government, that he could not resolve to recede from any thing, or if he seemed to make any concession, he immediately rendered it useless by some restriction. This may be seen in his answer to the Petition of Right, but still more particularly in this last message to the Commons. He would not (as he said) bar them from the privilege to complain of his Ministers, but would not have them cast any blame on their counsels. That is, properly speaking, he would not have them attacked, or at most, would only suffer them, to be prosecuted for private offences which they might be guilty of, like all the rest of the Subjects, but not for State-affairs, as Ministers and Counsellors. The Commons not being more satisfied with this message than the former, the House was again turned into a Committee, and considered of some more heads to be inserted in the Remonstrance, particularly the King's design to bring into the Nation foreign forces. This complaint was grounded upon a discovery the House had made of a Privy-Seal, expressed in these words (4).

CHARLES by the Grace of God, &c.

To the Treasurer, and under-Treasurer for our Exchequer for the time being, greeting: We do hereby will and command you, out of our treasury, remaining in the receipt of our said Exchequer, forthwith to pay, or cause to be paid the sum of thirty thousand pounds, to be paid by him over by Bill of Exchange into the Low-Countries, and Germany, unto our trusty and well-beloved Sir William Balfour, Knight, and John Dolbier, Esq; or either of them, for levying and providing certain numbers of horses, with arms for horse and foot, to be brought over into this Kingdom for our service, viz. &c.

At the same time the Commons sent a message to the Lords, to desire their concurrence in an humble Petition to the King, that a clear and satisfactory answer be given by his Majesty in full Parliament to the Petition of Right; to which the Lords consented. The King knew then, that it was not possible for him to avoid giving such an

(1) The King's Answer being read in the House of Commons, and seeming too scanty, Sir John Elliot rose up, and in a long Speech, set forth a full and lively representation of all Grievances; which done, Sir Edward Coke moved, That an humble Remonstrance be presented to his Majesty, touching the danger and means of safety of King and Kingdom. Whereupon they turned themselves into a grand Committee, and the Committee for the Bill of Subsidies was ordered to expedite the said Remonstrance. Mean while comes the Message from the King by the Speaker, and after reading the Message, the House proceeded with a declaration against Manwaring, which was the same day presented to the Lords, at a conference managed by Mr. Pym, betwixt the Committees of both Houses. After Manwaring's sentence, the King sent another Message of the same import by the Speaker. Ruthworth, Tom. I. p. 151, 605.

(2) It was not this Message, but another, sent Jan 5, wherein the King required the Commons, not to enter into, or proceed with any new business, which might spend greater time, or lay any scandal or aspersion upon the State, Government, or Ministers thereof. Ibid. p. 151.

(3) The Speech (after the reading of the King's Answer to the Petition) concerning Grievances, mentioned in the Note above.

(4) Buckenham was called into the House, and confessed, he received thirty thousand Pounds by Privy-Seal for the buying of Horses; that one thousand of them were leaving; that those Horses and their Riders were to come over, and Arms provided for them in Holland: But that he heard a Countersay was gone to this story. Ruthworth, Tom. I. p. 612.

1628. answer as the Parliament desired, and therefore resolved at last to do it with a good grace, otherwise he saw plainly the affair of supply would be for ever delayed. So coming to the Parliament the 7th of June, both Houses presented the following Petition to him:

The Petition of the Commons.

"MAY it please your most excellent Majesty, The Lords spiritual and temporal, and Commons in Parliament assembled, taking in consideration, that the good intelligence between your Majesty and your people doth much depend upon your Majesty's answer upon their Petition of Right formerly presented; with unanimous consent do now become most humble suitors unto your Majesty, that you would be pleased to give a clear and satisfactory answer thereto in full Parliament."

To which the King replied, "The answer I have already given you was made with so good deliberation, and approved by the judgments of so many wise men, that I could not have imagined but it should have given you full satisfaction. But to avoid all ambiguous interpretations, and to show you there is no doubtfulness in my meaning, I am willing to pleasure you as well in words as in substance. Read your Petition, and you shall have an answer that I am sure will please you."

Satisfactory answer to the King's Speech in that matter.

Here the Petition was read, and this answer was returned:

"Soyt droit fait comme il est désiré. C. R. Then said his Majesty, "This I am sure is full, yet no more than I granted you in my first answer, for the meaning of that was to confirm your liberties, knowing, according to your own protestations, that you neither mean nor can hurt my prerogative. And I assure you my maxim is, that the people's liberties strengthen the King's prerogative, and the King's prerogative is to defend the people's liberties."

"You see how ready I have shewed myself to satisfy your demands, so that I have done my part; wherefore if this Parliament have not a happy conclusion, the fin is yours, I am free from it."

The Commons examine the Grievances.

The Commons being satisfied upon this point, began feebly to proceed with the bill of subsidies, but in such a manner however, that they made the consideration of grievances go hand in hand with it (1), knowing, as soon as the money-bill was passed, the King would put an end to the Session. They began therefore with examining a commission, whereby the King had authorized and required a certain number of Lords and Gentlemen to consider of the best and speediest means for raising money upon the people by way of imposition or otherwise (2). This commission had been granted after the summons to the Parliament, but before the meeting. Probably, the King fearing he should be obliged to dissolve this Parliament for the same reasons he had dissolved the former, was willing to be secured beforehand of means to raise money in case the Parliament refused to grant a supply. By this as it will, the Commons, after a conference with the Lords, voted that the commission should be inserted in the Remonstrance they were to present to the King.

Effect of the House of Commons.

Then they entered upon the examination of Buckingham's conduct, examination by no means favorable to the Duke. He was charged with being the cause of all the evils to the Kingdom, of the losses at sea, of the decay of trade, of the disasters to the Armies, and of countenancing Arminianism and Popery. Upon this article, it was observed, that the Duke's mother was a Papist, and had a great influence over her Son, who had himself an absolute sway over the King, and that Dr. Montague, who was reckoned a zealous Arminian, made his court to him with great diligence. In short, the House came to this resolution, "That the excessive power of the Duke of Buckingham is the cause of the evils and dangers to the King and Kingdom, and that this be added to the remonstrance;" and [a few days after] voted "that Dr. Nible, Bishop of Winchester, and Dr. Laud, Bishop of Bath and Wells, be named to be thence to the King, who are suspected to be Arminians." As this Remonstrance clearly and distinctly discovers the occasions of the Commons complaint against the Government, I think it necessary to insert it.

p. 617.

p. 618. Annals.

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Most Dread Sovereign,

For Commons.

"AS with humble thankfulness we, your dutiful Commons now assembled in Parliament, do acknowledge the great comfort which we have in your Majesty's pious and gracious disposition, to we think it a meet and most necessary duty, being called by your Majesty, to

consult and advise of the great and urgent affairs of this Church and Commonwealth, finding them at this time in apparent danger of ruin and destruction, faithfully and dutifully to inform your Majesty thereof, and with bleeding hearts and bended knees, to crave your speedy redress therein, as to your own wisdom (unto which we most humbly submit ourselves and our desires) shall seem most meet and convenient. What the multitude and potency of your Majesty's enemies are abroad; what be their malicious and ambitious ends; and how vigilant and constantly industrious they are in pursuing the same, is well known to your Majesty; together with the dangers threatened thereby to your sacred person and your Kingdoms, and the calamities which have already fallen and do daily increase upon your friends and allies, of which we are well assured your Majesty is most sensible, and will accordingly, in your great wisdom, and with the gravest and most mature Council, according to the exigency of the times and occasions, provide to prevent and help the same.

"To which end we most humbly intreat your Majesty, first, and especially, to cast our eyes upon the miserable condition of this your own Kingdom, of late so strangely weakened and dejected, that unless, through your Majesty's most gracious wisdom, goodness, and justice, it be speedily raised to a better condition, it is in no little danger to become a sudden prey to the enemies thereof; and of the most happy and flourishing, to be the most miserable and contemptible nation in the world. In the discoveries of which dangers, mischiefs, and inconveniences lying upon us, we do freely protest, that it is far from our thoughts to lay the least aspersions upon your sacred person, or the least scandal upon your government; for we do in all sincerity of our hearts, not only for ourselves, but in the name of all the Commons of the Realm, (whom we represent) ascribe as much duty, as a most loyal and affectionate People can do unto the best King, (or so ye are, and so have been pleased abundantly to express yourself this present Parliament, by your Majesty's clear and satisfactory answer to our Petition of Right: For which, both ourselves and our posterity shall bless God for you, and ever preserve a thankful memory for your great goodness and justice therein;) and we do verily believe, that all, or most of these things, which we shall now present unto your Majesty, are either unknown unto you, or else by some of your Majesty's Ministers offered under such specious pretences, as may hide their own intentions, and all consequences of them from your Majesty: But we assure ourselves, according to the good example of your Majesty's predecessors, nothing can make your Majesty, (being a wise and judicious Prince, and above all things desirous of the welfare of your People) more in love with Parliaments than this, which is one of the principal ends of calling them, that therein your Majesty may be truly informed of the state of all the several parts of your Kingdom, and how your Officers and Ministers do behave themselves in the trust reposed in them by your Majesty, which is scarce able to be made known unto you but in Parliament, as was declared by your blessed Father, when he was pleased to put the Commons in Parliament assembled, in mind, That it would be the greatest unfaithfulness and breach of duty to his Majesty, and of the trust committed to them by the Country that could be, if in sitting forth the grievances of the People, and the condition of all the parts of this Kingdom from whence they come, they did not deal clearly with him, without sparing any, how near and dear forever they were unto him, if they were hurtful or dangerous to the Commonwealth.

"In confidence therefore of your Majesty's gracious acceptance in a matter of so high importance, and in faithful discharge of our duties; we do first of all most humbly beseech your Majesty to take notice, that howsoever we know your Majesty, doth with your forbearance, that any such thing should be imagined or attempted: Yet there is a general fear conceived in your People, of secret working and combination, to introduce into their Kingdom, innovation, and change of our holy Religion, more precious unto us than our Lives, and whatever this world can afford. And our fears and jealousies herein are not merely conjectural, but arising out of such certain and visible effects, as may demonstrate a true and real cause: For notwithstanding the many good and wholesome Laws, and the provisions

(1) The House ordered, That the Committees for Religion, Trade, Grievances, and Courts of Justice, should sit no longer; and that only the Grievances of most moment should be taken into consideration. *R. Journal*, Tom. I. p. 613.

(2) The Commons sending for this Commission to the Lord Keeper, he returned answer, he received a Warrant at the Council-Table for the sealing thereof; and when it was sealed, he carried it back to the Council-Table. However, it was seen and read. It was dated the 14th day of February, and directed to all the Court Lords and Bishops, and such Gentlemen as were thought well-affected to the Ministry. The Reader may see it in *Reynolds*, Tom. I. p. 614. See *It. in notes* p. 4. That the leading for English Troops from Germany, as mentioned above, was in order to support this Commission, as tale of evidence. See *Reynolds*, Tom. I. p. 474.

16:2. "made to prevent the increase of Popery within this Kingdom; and notwithstanding your Majesty's most gracious and satisfactory answer to the Petition of both Houses in that behalf, presented to your Majesty at *Oxford*, we find there hath followed no good execution nor effect, but on the contrary, (at which your Majesty out of the quick sense of your own religious heart, cannot but be in the highest measure displeased) those of that Religion do find extraordinary favours and respect in Court from persons of great quality and power, whom they continually resort unto, and in particular to the Countess of *Buckingham*, who herself openly professing that Religion, is a known favourer and supporter of them that do the same; which we well hoped, upon your Majesty's answer to the aforesaid Petition at *Oxford*, should not have been permitted, nor that any of your Majesty's Subjects of that Religion justly to be suspected, should be entertained in the service of your Majesty, or your Royal Consort the Queen. Some likewise of that Religion have had honours, offices, and places of command and authority lately conferred upon them. But that which striketh the greatest terror into the hearts of your loyal Subjects concerning this, is, that letters of stay of legal proceedings against them have been procured from your Majesty, (by what indirect means we know not:) And Commissions under the Great Seal, granted and executed for composition to be made with Popish Recusants, with inhibitions, and restraint, both to the ecclesiastical and temporal Courts, and Officers to intermeddle with them; which is conceived to amount to no less than a Toleration, odious to God, full of dishonour, and extreme disprofit to your Majesty, of extreme scandal and grief to your good People, and of apparent danger to the present state of your Majesty, and of this Kingdom; their numbers, power, and insolvency, daily increasing in all parts of your Kingdom, and especially about *London*, and the Suburbs thereof, where exceeding many Families do make their abode publicly, frequent masques at *Drummond House*, and other places; and by their often meetings and conferences, have opportunities of combining their counsels and strength together, and to the hazard of your Majesty's safety and the State, and most especially in these doubtful and calamitous times. And as our fear concerning change or subversion of Religion, is grounded upon the daily increase of Papists, the open and professed enemies thereof, for the reasons formerly mentioned; so are the hearts of your good Subjects no less perplexed, when with sorrow they behold a daily growth and spreading of the Faction of the *Arminians*, that being, as your Majesty well knows, but a cunning way to bring in Popery, and the professors of those opinions, the common disturbers of the Protestant Churches, and incendiaries in those States, wherein they have gotten any head, being Protestants in few, but Jesuits in opinion; which caused your Royal Father, with so much pious wisdom, and ardent zeal, to endeavour the suppressing of them, as well at home, as in the neighbour Countries. And your gracious Majesty, imitating his most worthy example, hath openly, and by your Proclamation, declared your dislike of those persons, and of their opinions; who, notwithstanding, are much favoured and advanced, not wanting friends even of the Clergy, near to your Majesty; namely, *Dr. Neile Bishop of Winchester*, and *Dr. Laud Bishop of Bath and Wells*, who are justly suspected to be unfound in their opinions that way. And it being now generally held the way to preferment and promotion in the Church, many scholars do bend the course of their Studies to maintain those errors; their Books and opinions are suffered to be printed and published; and on the other side, the imprinting of such as are written against them, and in defence of the orthodox Church, are hindered and prohibited; and (which is a boldness almost incredible) this restraint of orthodox Books, is made under colour of your Majesty's formerly mentioned Proclamation, the intent and meaning whereof, we know, was quite contrary. And farther, to increase our fears concerning innovation of Religion, we find, that there hath been no small labouring to remove that which is the most powerful means to strengthen and encrease our own Religion, and to oppose both those, which is the diligent teaching and worship of the people in the true knowledge and worship of Almighty God. And therefore means hath been sought out to depress and discountenance pious, and painful, and orthodox preachers; and how conformable soever, and peaceable in their disposition and carriage they be, yet the preferment of such is opposed, and instead of being encouraged, they are molested with vexatious courses and pursuits, and hardly permitted to lecture. And in those places where are no constant preaching Ministers, whereby many of your good people

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"(whose souls, in this case, we beseech your Majesty to commiserate) are kept in ignorance, and are apt to be easily seduced to error and superstition. It doth not a little also increase our dangers and fears this way, to understand the miserable condition of your Kingdom of *Ireland*, where, without controul, the popish Religion is openly professed, and practised in every part thereof; popish jurisdiction being there generally exercised and avowed, monasteries, nunneries, and other superstitious houses newly erected, re-edified, and replenished with men and women of several orders, and in a plentiful manner maintained at *Dublin*, and most of the great towns, and divers other places of the Kingdom; which of what ill-consequence it may prove, if not seasonably repressed, we leave to your Majesty's wisdom to judge: But most humbly beseech you, (as we assure ourselves you will) to lay the serious consideration thereof to your royal and pious heart, and that some speedy course may be taken for redress therein.

"And if now to all these your Majesty will be pleased to add the consideration of the circumstances of time, wherein these courses, tending to the destruction of true Religion, within these your Kingdoms, have been taken here, even then when the same is with open force and violence prosecuted in other Countries, and all the reformed Churches in Christendom, either depressed, or miserably distressed: We do humbly appeal unto your Majesty's distinctly judgment, whether there be not just ground of fear, that there is some secret and strong co-operating here with the enemies of our Religion abroad, for the utter extirpation thereof? And whether, if those courses be not speedily redressed, and the profession of true Religion more encouraged, we can expect any other but misery and ruin speedily to fall upon us? Especially, if besides the visible and apparent dangers where-with we are compassed about, you would be pleased to remember the displeasure of Almighty God, always bent against the neglect of his holy Religion, the strokes of whose divine justice we have already felt, and do still feel with smart and sorrow in great measure.

"And besides this fear of innovation in Religion, we do in like faithful discharge of our duties, most humbly declare to your Majesty, that the hearts of your people are full of fear of innovation and change of Government, and accordingly possessed with extreme grief and sorrow; yet in this point, by your Majesty's late answer to our Petition of Right touching our Liberties, much comforted, and raised again out of that sadness and discontent, which they generally had conceived throughout the whole Kingdom, for the undue courses which were the last year taken for raising of moneys by loans, than which (whatever your Majesty hath been informed to the contrary) there were never any moneys demanded nor paid with greater grief, and general dislike of all your faithful Subjects; tho' many, partly out of fear, partly out of other respects, (yet most unwillingly) were drawn to yield to what was required.

"The billeting of soldiers did much augment both their fears and grief, wherein likewise they did much comfort upon your gracious answer to our Petition of Right, and to that we presented to your Majesty concerning this particular. Yet we most humbly beseech your Majesty, that we may inform you, that the still continuance and late re-inforcing of those soldiers, the conditions of their persons, (many of them not being natives of this Kingdom, nor of the same, but of an opposite Religion) the placing them upon the sea-coast, where making head amongst themselves, they may unite with the Popish party at home, if occasion serve, and join with an invading enemy to do extreme mischief; and that they are not yet dismissed, both fill minister cause of jealousy in your loving Subjects; for that the soldiers cannot be continued without exceeding great danger of the peace and safety of your Kingdom.

"The report of the strange and dangerous purpose of bringing in *German* Horse, and Riders, would have turned our doubts into despair, and our fears into a certainty of confusion, had not your Majesty's gracious message (for which we humbly give you thanks) comforted us by the assurance of your royal word, that they neither are, nor were intended by your Majesty for any service in *England*, but that they were designed for some other foreign employment. Yet the sight of the Privy-Seal, by which, it seemeth, they were to be levied; the great sum of money, which, upon examinations, we found to be paid for that purpose, gave us just cause of fear, that much about the same time there was a commission under the Great-Seal granted unto the Lords, and others of the Privy-Council, to consider of other ways for raising of moneys, so particularly by impositions, gave us just cause to suspect, that whatsoever was your Majesty's gracious intention, yet there wanted not

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"those, that under some colourable pretence, might secretly by this, as by other ways, contrive to change the frame both of Religion and government, and thereby undermine the safety of your Majesty and your Kingdoms.

"These men could not be ignorant, that the bringing in of strangers for aid, hath been pernicious to most States, where they have been admitted, but to *England* fatal. We do bless God that hath given your Majesty a wife understanding heart to discern of those courses, and that such power produceth nothing but weakness and calamity. And we beseech your Majesty to pardon the vehemency of our expectation, if in the loyal and zealous affections we bear to your Majesty and your service, we are bold to declare to your Majesty and the whole world, that we hold it far beneath the heart of any free *Englishman* to think, that this victorious nation should now stand in need of *German* soldiers to defend their now King and Kingdom.

"But when we consider the course formerly mentioned, and these things tending to an apparent change of Government, the often breaches of Parliament, whereby your Majesty hath been deprived of the faithful counsel, and free aids of your People, by taking of Tunnage and Poundage, without grant thereof by Act of Parliament, ever since the beginning of your Majesty's reign to this present, the landing commission granted to the Duke of *Buckingham* to be General of an army in the land in the time of peace, the discharging of faithful and sufficient officers and ministers, some from judicial places, and others from the offices and authorities which they formerly held in the Commonwealth: we cannot but at the sight of such an apparent defolation as must necessarily follow these courses, out of the depth of sorrow, lift up our cries to heaven for help, and next, under God, apply our selves unto your sacred Majesty, who, if you could hear so many thousands speaking together, do jointly implore speedy help and reformation.

"And if your Majesty would be pleased to take a further view of the present state of your Realm, we do humbly pray you to consider, whether the miserable disasters and ill-successes that hath accompanied all your late designs and actions, particularly those of *Gales*, and the Isle of *Rhe*, and the last expedition to *Rebel*, have not extremely wasted that stock of honour that was left unto this Kingdom, sometimes terrible to all other nations, and now declining to contempt beneath the meanest.

"Together with our honours, we there lost those (and that not a few) who had they lived, we might have some better hope of recovering it again; our valiant and expert Colonels, Captains and Commanders, and many thousand common soldiers and mariners: though we have some cause to think, that your Majesty is not as yet rightly informed thereof; and that of six or seven thousand of your Subjects lost at the Isle of *Rhe*, your Majesty received information but of a few hundreds. And this dishonour and loss hath been purchased with the consumption of above a million of treasure.

"Many of the Forts are exceeding weak and decayed, and want both men and munition. And here we cannot but with grief consider and complain of a strange providence, (we think your Majesty will rather call it treachery) that your store of Powder, which by order of your Privy-Council, dated the 10th of *December* 1626, should be constantly three hundred Last, besides a continual supply of twenty Last a month for ordinary expences, and were now fit (as we conceive) to be double the proportion, is at this time in the Tower (the present warrants being served) but nine Lasts and forty eight pounds in all; which we tremble to think of. And that, notwithstanding the extreme scarcity of Powder, great quantities have been permitted to be sold out of your Majesty's store to particular persons for private gain; whereof we have seen a certificate, six Last sold thence the fourteenth of *January* last, and your Majesty's store being unfurnished of Powder, which by a contract made with Mr. *Evelyn*, by advice of your Lords in Parliament, ought to be supplied monthly with twenty Last, at the rate of three pounds ten shillings and ten-pence a barrel; your Majesty hath been forced to pay above seven pounds a barrel for Powder, to be brought in from beyond seas; for which purpose, twelve thousand four hundred pounds was imprested to Mr. *Burlemack* the last year, and that Powder not so good as that by contract your Majesty should have by one third-part; all which are most fearful and dangerous abuses. But what the poverty, weakness, and misery of our Kingdom is now grown unto by decay of trade, and destruction, and loss of Ships and Mariners, within these three years, we are almost afraid

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"to declare: And could we by any other means have been sure, that your Majesty should any other way have had a true information thereof, we should have been doubtful to have made our weakness and extremity of misfortune in this kind to appear: But the importunate and most pitiful complaints from all parts of the Kingdom near adjoining to the sea in this kind, would rend, as we think, the fondest heart in the world with sorrow; and the sense we have of the miserable condition your Kingdom is in by reason thereof, especially, for that we see no possible means (being now shortly to end this session) how to help the same, adds such a weight of grief unto our sad thoughts, as we have not words to express it: But for your Majesty's more exact information therein, we beseech you be pleased to peruse the calendar of particulars, which with the Remonstrance, we most humbly present unto your Majesty.

"One reason, amongst many, of this decay of Trade, and loss of Ships and Mariners, is the not guarding of the narrow seas, the registry wherof your Majesty hath now in a manner wholly lost, being that wherein a principal part of the honour and safety of this Kingdom heretofore consisted; and now having absolutely neglected it, the town of *Dunkirk* doth so continually rob and spoil your Subjects, that we can assure your Majesty (if some present and effectual remedy be not forthwith provided) the whole trade of this Kingdom, the shipping, mariners, and all belonging thereunto, will be utterly lost and consumed. The principal cause of which evils and dangers we conceive to be the excessive power of the Duke of *Buckingham*, and the abuse of that power: And we humbly submit unto your Majesty's excellent wisdom, whether it be safe for yourself, or your Kingdoms, that so great power as rests in him by sea and land, should be in the hands of any one Subject whatsoever.

"And as it is not safe, so sure we are, it cannot be for your service, it being impossible for one man to manage so many and weighty affairs of the Kingdom as he hath undertaken, besides the ordinary duties of those offices which he holds, some of which well performed, would require the time and industry of the ablest men both of counsel and action, that your whole Kingdom will afford, especially in these times of common danger.

"And our humble desire is farther, that your most excellent Majesty will be pleased to take into your most princely consideration, whether, in respect the said Duke hath so abused his power, it be safe for your Majesty and your Kingdoms to continue him, either in his great offices, or in his place of nearness and counsel about your sacred person.

"And this in all humility, aiming at nothing but the honour of Almighty God, and the maintenance of his true Religion, the safety and happiness of your most excellent Majesty, and the preservation and prosperity of this Church and Commonwealth; we have endeavoured with faithful hearts and intentions, and in discharge of the duty we owe to your Majesty and our Country, to give your Majesty a true representation of our present danger, and pressing Calamities, which we humbly beseech your Majesty graciously to accept, and to take the same to heart, accounting the safety and prosperity of your People, your greatest happiness, and their love, your richest treasure. A rueful and lamentable spectacle we confess it must needs be, to behold those ruins in so fair an house, so many diseases, and almost every one of them deadly, in so strong and well-tempered a body as this Kingdom lately was. But yet we will not doubt, but that God hath reserved this honour for your Majesty, to restore the safety and happiness thereof, as a work worthy for excellent a Prince, for whose long life and true felicity we daily pray, and that your fame and never-dying glory may be continued to all succeeding generations.

"This Remonstrance, delivered by the Speaker, (who much desired to be excused) made no great impression upon the King: though it did upon the People. All the facts therein alleged were known and indisputable truths. As to the Right, the People readily believed, the King and his Ministers meant to establish a despotick power, because all their proceedings plainly shewed it. But they could not believe that the Parliament had purposely formed a project to rob the King of his Prerogatives. They were the more confirmed in this opinion, as after the dissolution of this very Parliament, the King, in the reasons he gave for the dissolution, complained not of the Remonstrance.

"The same day the Remonstrance was presented to the King, the Commons sent the Subsidy-bill to the Lords for their concurrence. Soon after the King acquaints them by message, that he meant to end the session the 20th of *June*: whereupon the Commons began to prepare a particular

The Bill of Subsidies is sent up to the Lords.
The Commons prepare a Remonstrance upon Tunnage and Poundage.
Rothw. 2. p. 529.
628.

1628. Remonstrance of the undue taking of Tunnage and Poundage (1). This was an ancient impost upon merchants Goods exported and imported, which the Parliament usually granted to the Kings, to enable them to guard the seas and protect the trade. This impost had long been granted to every King, and it happened sometimes, that after the death of a King, his Successor had continued to levy it, till the Parliament had given it by an Act. As in the Reign of *Charles I.*, the Court was much guided by precedents favorable to the Prerogative-royal, and as they took advantage of such precedents, as if they had been many laws, it happened that since King *Jame's* death, *Charles* had levied Tunnage and Poundage, without desiring an Act of Parliament for that purpose, under colour that some of his predecessors had practised it some time till an Act was passed. This is what the Commons found fault with, maintaining, the Right was a pure grant of the People, and consequently the King had not power to levy it without the consent of Parliament; and the more as the seas had never been well guarded, nor the trade less protected than in the first years of this Reign. To maintain therefore the People's Rights, and hinder the Crown from usurping by degrees the Impost of Tunnage and Poundage, as a right independent of the Parliament, the Commons prepared a Remonstrance to the King upon that subject.

Whilst the Remonstrance was drawing, the King acquainted the Lords, that the Commission for finding means to raise money, was but a warrant of advice, agreeable to the time and occasions; but that now having received a token of his people's love, by the Subsidy-bill ready to be passed, the commission was become useless, and therefore he had commanded it to be cancelled. As if he had said, in case the Parliament had not granted a supply, he should have found ways to raise money. As to his saying the commission was but a warrant of advice, it is strange that in speaking to men of sense, such wretched excuses should be used. The day following, the Commons were informed also, that the commission was cancelled. As the affair of Tunnage and Poundage made a great noise, it is necessary to infer the Commons Remonstrance on that subject.

Most gracious Sovereign,
YOUR Majesty's most loyal and dutiful Subjects, the Commons in this present Parliament assembled, being in nothing more careful, than of the honour and prosperity of your Majesty, and the Kingdom, which they know do much depend upon that happy union and relation betwixt your Majesty and your people, do with much sorrow apprehend, that by reason of the incertainty of their continuance together, the unexpected interruptions which have been cast upon them, and the shortness of time in which your Majesty hath determined to end this session, they cannot bring to maturity and perfection, divers businesses of weight, which they have taken into their consideration and resolution, as most important for the common good: Amongst other things, they have taken into especial care the preparing of a bill, for the granting of your Majesty such a subsidy of Tunnage and Poundage, as might uphold your profit and revenue in as ample a manner as their just care and respect of trade (wherein not only the prosperity, but even the life of the Kingdom doth consist) would permit: but being a work which will require much time and preparation by conference with your Majesty's officers, and with the Merchants, not only of London, but of other remote parts, they find it not possible to be accomplished at this time: Wherefore considering it will be much more prejudicial to the right of the subject, if your Majesty should continue to receive the same without authority of law, after the determination of a session, than if there had been a recess by adjournment only, in which case, that intended grant would have related to the first day of the Parliament; and assuring themselves, that your Majesty is resolved to observe that your royal answer, which you have lately made to the Petition of Right of both Houses of Parliament: Yet doubting lest your Majesty may be misinformed concerning this particular case, as if you might continue to take those subsidies of Tunnage and Poundage, and other impositions upon Merchants, without breaking that answer, they are forced by that duty which they owe to your Majesty, and to those whom they represent, to declare, *That there ought not any imposition to be laid upon the goods of Merchants, exported or imported, without common consent by Act of Parliament; which is the right and inheritance of your Subjects, founded not only upon the most ancient and original constitution of this Kingdom, but often confirmed and declared in divers Statute-Laws.*

"And for the better manifestation thereof, may it please your Majesty to understand, That although your royal predecessors, the Kings of this Realm, have often had such subsidies and impositions granted unto them upon divers occasions, especially for the guarding of the seas, and the safeguard of Merchants: Yet the Subjects have been ever careful to use such cautions and limitations in those grants, as might prevent any claim to be made, that such subsidies do proceed from duty, and not from the free-gift of the Subjects. And that they have heretofore used to limit a time in such grants, and for the most part but short, as for a year or two, and if it continued longer, they have sometimes directed a certain space of cessation or intermission, that to the right of the subject might be more evident. At other times it hath been granted upon occasion of war, for a certain number of years, with *Præfix*, That if the war were ended in the mean time, then the grant should cease: And of course it hath been reserved into the hands of some Subjects, to be employed for the guarding of the seas. And it is acknowledged by the ordinary answers of your Majesty's Predecessors, in their assent to the bills of subsidies of Tunnage and Poundage, that it is of the nature of other subsidies, proceeding from the good will of the Subject: Very few of your predecessors had it for life, until the Reign of *Henry VII.*, who was so far from conceiving he had any right thereunto, that although he granted commissions for collecting certain duties and customs due by law, yet he made no commissions for receiving the subsidy of Tunnage and Poundage, until the same was granted unto him in Parliament. Since his time all the Kings and Queens of this Realm have had the like grants for life, by the free love and good-will of the Subjects. And whensoever the people have been grieved, by laying any impositions, or other charges upon their goods and merchandises without authority of law (which hath been very seldom) yet upon complaint in Parliament, they have been forthwith relieved; saving in the time of your royal Father, who, having through ill counsel, raised the rates and charges upon merchandises to that height at which they now are, yet he was pleased to far forth to yield to the complaint of his people, as to offer, That if the value of those impositions which he had set might be made good unto him, he would bind himself and his Heirs by Act of Parliament, never to lay any other: Which offer, the Commons at that time, in regard of the great burden, did not think fit to yield unto. Nevertheless your loyal Commons in this Parliament, out of their especial zeal to your service, and especial regard of your pressing occasions, have taken into their consideration, so to frame a grant of subsidy of Tunnage or Poundage to your Majesty, that both you might have been better enabled for the defence of your Realm, and your Subjects, by being secure from all undue charges, be the more encouraged cheerfully to proceed in their course of trade; by the increase whereof, your Majesty's profit, and likewise the strength of the Kingdom, would be very much augmented.

"But not being now able to accomplish this their desire, there is no course left unto them, without manifest breach of their duty, both to your Majesty and their Country, save only to make this humble declaration, That the receiving of Tunnage and Poundage, and other impositions, not granted by Parliament, is a breach of the fundamental liberties of this Kingdom, and contrary to your Majesty's royal answer to the said Petition of Right. And therefore they do most humbly beseech your Majesty to forbear any further receiving of the same; and not to take it in ill part from those of your Majesty's loving Subjects, who shall refuse to make payment of any such charges, without warrant of law demanded.

"And as by this forbearance, your most excellent Majesty shall manifest unto the world your royal justice in the observation of your laws: So they doubt not but hereafter, at the time appointed for their coming again, they shall have occasion to express their great desire to advance your Majesty's honour and profit."

The King being informed of the contents of this Remonstrance, on the 26th of June sent for the Speaker, who returned some time after to the House, whilst the Remonstrance was reading. He was no sooner come, but the King, who was now at the House of Lords, sent for the Commons, and thus spoke to both Houses.

"IT may seem strange that I came so suddenly to end this session; before I give my assent to the Bills, I will tell you the cause, though I must avow, that I owe the account of my actions to God alone. It is known

(1) The Commons bill immediately upon the Bill of Tunnage and Poundage; but finding they should not have time to accomplish the same, it was ordered that a Committee be appointed to draw up a Remonstrance, of the undue taking of Tunnage and Poundage without Act of Parliament. *Register*, Tom. I. p. 625. T. L. p. 831.

1678. "to every one, that a while ago the House of Commons gave me a Remonstrance, how acceptable every man may judge; and for the merit of it, I will not call that in question, for I am sure no wise man can justify it."

"Now since I am truly informed, that a second Remonstrance is preparing for me to take away the profit of my Tunnage and Poundage, one of the chief maintenances of my Crown, by alleging, I have given away my Right thereto by my answer to your Petition:

"This is to be prejudicial unto me, that I am forced to end this session some few hours before I meant, being not willing to receive any more Remonstrances, to which I must give a harsh answer. And since I see, that even the House of Commons begins already to make false constructions of what I granted in your Petition, lest it be worse interpreted in the Country, I will now make a declaration concerning the true intent thereof.

"The profession of both Houses in the time of hammering this Petition, was no way to trench upon my prerogative, saying, they had neither intention or power to hurt it. Therefore it must needs be conceived, that I have granted no new, but only confirmed the ancient liberties of my Subjects. Yet to shew the clearness of my intentions, that I neither repent, nor mean to recede from any thing I have promised you, I do here declare myself, That those things which have been done, whereby many have had some cause to expect the liberties of the Subjects to be trenching upon, which indeed was the first and true ground of the Petition, shall not hereafter be drawn into example for your prejudice, and from time to time, in the word of a King, ye shall not have the like cause to complain. But as for Tunnage and Poundage, it is a thing I cannot want, and was never intended by you to ask, nor meant by me I am sure, to grant.

"To conclude, I command you all that are here, to take notice of what I have spoken at this time, to be the true intent and meaning of what I granted you in your Petition; but especially you, my Lords the Judges, for to you only, under me, belongs the interpretation of Laws: for none of the Houses of Parliament, either joint or separate, (what new doctrine soever may be raised) have any power either to make or declare a Law without my consent."

After this Speech, the Subsidy-bill was passed, the Lords having already given their consent, and the Parliament was prorogued to the 20th of October.

The King's Speech to the Parliament before the prorogation, was so dark, that it was hard to conceive upon what grounds he complained of the Remonstrance the Commons had prepared. He seems to have considered Tunnage and Poundage as a Right annexed to his Prerogative Royal. Otherwise, there was no need to observe, that both Houses, whilst they were preparing the Petition of Right, had declared, they meant not to encroach upon his Prerogative. This argument, on supposition of that principle, would have been unanswerable, and the rest very superfluous. But as the King knew he could never prove this Right to belong to him independently of the Parliament, he proceeded to other arguments, the weakness whereof is evident. He said, the two Houses by their Petition of Right, did not intend to take from him Tunnage and Poundage, from whence he inferred, that since they had no such particular view, he could not with justice be desired to desist from it. But first, though the Petition of Right contained some particular articles, these articles did not exclude whatever was implied in the general article, founded upon the ancient Statutes: *That no Tax, Tallage, Loan, Benevolence, or other charge ought to be levied by the King, without the consent of Parliament.* Now Tunnage and Poundage being of this nature, it necessarily followed, that it was included in the general article, or else, it was to be proved to belong to the Crown, independently of the common consent of the People. In the second place, the two Houses had no intention to deprive him of Tunnage and Poundage in particular, because they designed to grant it by an Act. He could not therefore conclude from thence, that he had a Right to levy it without their consent. He alleged as another argument, that he never meant to grant

them this article, making his answer to depend upon his intention. But his answer, *Sic fait come il est desiré*, manifestly referred to the contents of the Petition, and not to the King's intention in granting it. His third argument was taken from Tunnage and Poundage being one of the best Revenues of the Crown, and his chief support. This was an excellent argument to demonstrate to the Parliament the necessity of granting him this Right, and to induce him to continue the Session till the Act was passed but he could not thence infer, that he had power to levy it against the Parliament's will, especially as it was in his breast to have it in a legal way. Moreover, he continually inculcated, that his answer depended upon his intention, directly contrary to the clear and express terms of the answer itself, which could refer only to the Petition. Finally, in taking from the Houses the power of declaring what was or what was not, Law, he ascribed it solely to the Judges who were under him; that is to say, as he could make or unmake the Judges as he pleased, he put himself properly in possession of this same power, independently of the two Houses. This intention appeared but too plainly afterwards.

This Session was worth to the King five Subsidies (1), a very considerable aid, with which the Parliament purchased the King's answer to the Petition of Right, that is, the confirmation of the Laws, which till then had passed for incontestable. On the other side, the King thought he had no less dearly bought the five Subsidies by his concession to tie up his hands, in giving his consent to the Petition of Right, contrary to his own principles, and the projects he had formed with respect to Government. But he afterwards shewed, that in granting the Petition of Right, he had only amused the Parliament, since he never regulated his conduct by what was contained in the Petition. Presently after the prorogation of the Parliament, the King published several Proclamations. The first was to suppress *Manwaring's Sermons*, [entitled, *Religion and Allegiance*.] But this suppression consisted only in an order by Proclamation, such as had any copies of these Sermons, to deliver them to the Secretary of State, or some other Magistrate (2). The sequel will shew whether the Court was desirous this order should be punctually executed. But the King's appearing publicly not to approve of these Sermons, was sufficient to satisfy the people.

By another Proclamation, *Richard Smith*, titular Bishop of *Chalcedon*, was ordered to be apprehended, with all other Priests and Jesuits that had taken Orders by authority from the See of *Rome*, and [after conviction] to be committed to the Castle of *Witch* (3). Some Jesuits having been taken and sent to *Newgate* (4), the King ordered, that if they were found guilty, they should be carried to the same *Castle of Witch* in the *Isle of Ely*. These were all the proceedings of the Court against the Papists.

But on the other hand, the King took a course which gave a much worse opinion of his own, or his Minister's zeal for Religion. First, he appointed Commissioners to compound with Recusants. Secondly, *Sir Richard Wylson*, a known Papist, was made Lord Treasurer, and afterwards Earl of *Portland*. Thirdly, *Dr. Laud*, who was considered as head of the *Arminians*, in the judgment of the House of Commons, was translated from *Bath and Wells*, to the Bishoprick of *London*. Fourthly, *Dr. Montague*, who had given so great offence by his Book, entitled, *Appeal to Caesar*, was promoted to the See of *Chichester* (5).

The town of *Rebel* being at this time closely besieged by the King of *France*, the King had prepared a Fleet to relieve it, and the Duke of *Buckingham*, who was to have the command, was now at *Portsmouth*. But when he was going to embark, he was stabbed to the heart with a knife, and immediately died (6). The assassin was *John Felton*, a Lieutenant, who owned, that after the Declaration of the Commons against the Duke, he had looked upon him as an enemy to his country, and been thereby induced to commit the deed. It appeared by his trial, that he had no complice, and was led to this wicked action by an excess of zeal. The King (being then at *Sir Daniel Norton's* near *Portsmouth*) seemed extremely concerned for the Duke's death, and to give him, even after

(1) The Clergy granted also five Subsidies.—The Acts made in this Session were, 1. An Act forbidding Carriers, Wagoners, and Drivers, travelling on Sundays or Church-days hiring or letting meat on that day. 2. To restrain the passing or sending any to be payed for beyond the Seas. 3. For the better suppressing of unlicensed Ale-house Keepers. 4. For establishing *Sutton's* Hospital. 5. For restitution in blood of *Sir Carver Raleigh*.

(2) *Wylson* says, they were wholly suppressed, and that it was *Montague's* Books that were ordered to be delivered to the Bishop of the Diocese, &c. *Raynworth*, Tom. I. p. 635.

(3) They were first to be committed to the County Gaols; but if after Conviction there should be cause to require Execution, they were to be removed to *Witch*. *Ibid.* p. 635.

(4) These were a Nunt of *Jesuits* discovered in *Claremont*, and formerly apprehended, who were also after Conviction to be removed from *Newgate* to *Witch*. *Ibid.*

(5) *Manwaring* also (having with *Montague* procured a Royal Pardon of all errors) was, notwithstanding his being disgraced by the House of Lords from all future preferments, immediately promoted to the Rectory of *Stamford Rivers*, with a dispensation to hold *St. Giles's* in the Fields. *Ibid.*

(6) As the Duke was going out of his Chamber, *Felton* stepped to the door, and made as if he had held up the *Parliament*. In the passage, the Duke turning to speak to *Sir Thomas Foy*, and dropping because *Sir Foy* was very short, *Felton* came behind the Duke, and ran at him with a *Genoa* situation, thrust him to the heart. *Clarendon*, Tom. I. p. 24, 25. The Duke was buried at *Windsor*, September 18. His whole Estate was not quite so much as a year, but he had 500,000 *l.* in Jewels, and owed 60,000 *l.* *Hylie* in *H. Lyle*, p. 67.

1628. his death, continual marks of his affection, his creatures remained in the same favour and posts they had enjoyed in the life-time of their protector.

Mean while, as the relief of *Rachel* could not be delayed any longer, the King sent away the Fleet designed for that purpose (1). But Cardinal *Richelieu* had used to great diligence, that the *Barricado* he was making to hinder the approach of the *English Ships*, was finished, so that the Fleet was forced to return without effecting any thing, after having seen *Rachel* taken (2).

The meeting of the Parliament appointed to be the 20th of *October*, was by proclamation prorogued to the 10th of *January*. In this interval, certain cases happened which supplied the Parliament with a fresh occasion of complaint, and in the end caused their dissolution. Tho' the Remonstrance concerning *Tunnage and Poundage* was not presented to the King, it was however publick, and sufficient to shew the People what was the sense of the House of Commons. Upon this foundation three merchants among others, refused to pay this duty to the King.

Rolls, one of the three, merchant of *London*, and Member of the House of Commons, having refused it, as contrary to law, the Customers seized his Goods, and upon his alledging the authority of Parliament, one of the Officers insolently told him, *If all the Parliament were in you, we would take your goods*. *Chambers and Paffal* the other two merchants of *London*, the first of whom was Alderman, were condemned to pay *Tunnage and Poundage* by the Barons of the Exchequer, who ordered their Goods to be detained.

The Parliament meeting the 10th of *January* 1628, *Rally's* affair was immediately laid before the House, and referred to a Committee. Whilst the Committee were in debate, the King sent a message to the House, willing them to desist till next day in the afternoon, at which time he would speak with them at *Whitehall*. The Lords having also received orders to be present, the King made the following Speech to both Houses.

"THE care I have to remove all obstacles that may hinder the good correspondency between me and this Parliament, is the cause I have called you together at this time, the particular occasion being a complaint made in the lower House. And for you, my Lords, I am glad to take this, and all other occasions, whereby you may clearly understand both my words, and actions, for as you are nearest in degree, so you are the fittest witnesses unto Kings.

"The complaint I speak of is, for staying men's Goods that deny *Tunnage and Poundage*; this may have an easy and short conclusion, if my words and actions be rightly understood: For by passing the Bill, as my Ancestors have had it, my by-past actions will be included, and my future proceedings authorized, which certainly would not have been stuck on, if men had not imagined that I had taken these duties as appertaining to my hereditary Prerogative, in which they are much deceived, for it ever was and still is my meaning, by the gift of my People to enjoy it, and my intention in my Speech at the ending of the last Session concerning this point, was not to challenge *Tunnage and Poundage* as of right, but *de bene esse*, shewing you the necessity, not the right by which I was to take it, until you had granted it to me, assuring my self, according to your general professions, you wanted time, not will to give it me.

"Wherefore now having opportunity, I expect that without loss of time you make good your professions, and so by passing of a Bill, put an end to all the questions arising from this subject; especially since I have cleared the only scruple that can trouble you in this business: To conclude, let us not be jealous one of the other's actions; for if I had been easily moved at every occasion, the order you made on *Wednesday* last might have made me startle, there being some few to suspect that you had given your selves the liberty to be the inquisitors after complaints (the words of your order being somewhat too largely penned) but looking into your actions, I find you only hear complainers, not seeking complaints: For I am certain you neither pretend, nor desire the liberty to be inquisitors of mens actions before particular complaint be made.

"This I have spoken to shew you how slow I am to believe harshly of your proceedings, likewise to assure you, that the Houses resolutions, not particular mens Speeches, shall make me judge well or ill, not doubting, but according to my example, you will be deaf to ill

"reports concerning me, till my words and actions speak for themselves, that so this Session beginning with confidence one towards another, it may end with a perfect good understanding between us: Which God grant."

Some days after the King sent a message to the Commons, that the Bill for *Tunnage and Poundage* might be speedily taken into consideration, and no time lost. But the Commons not thinking the King had power to prescribe the time to them, fell upon matters of Religion, particularly with regard to *Arminianism*: and finding that *Laud*, *Montague*, and *Manwaring* had been preferred since the last session, several Members made great complaints. Though the King presided them again by message to proceed with the Bill for *Tunnage and Poundage*, they pretended that Religion ought to have the precedency of all other affairs. Wherefore they began to inquire how the execution of the laws against Papists came to cease, and whence it was that Papists were employed and countenanced, and new ceremonies continually introduced, especially at *Darbun*, by *Dr. Cujus*, as Angels, Saints, Crucifixes, Altars, Candles on *Candlemas-day*, and lastly, from whence proceeded the increase of *Arminianism*.

This inquiry was interrupted by a fresh message from the King, requiring them to give the preference to the bill for *Tunnage and Poundage*. Nevertheless he declared, that he meant not to interrupt their debates upon matters of Religion, provided the House would not meddle with what did not belong to them. By that, he took away with one hand what he gave with the other, since he believed, that the Commons had no right to meddle with Religion. This message hindered them not from continuing their debates. The Proclamation forbidding all disputes for and against *Arminianism* was complained of particularly, where-in it was said, *If there be any difference of opinion concerning the judicable interpretation of the Thirty-nine Articles, the Bishops have power to order which way they please*. But as some of the Bishops were suspected, it was concluded, that by the terms of the Proclamation, the Kingdom would be obliged to receive Popery or *Arminianism*, by following the determinations of the Bishops. These Suspicions fell chiefly upon *Laud* and *Nile*, who being the King's counsellors for matters of Religion, governed almost all the other Bishops. Upon this account, the House, to prevent the dangers they feared, thought fit to enter into this vow:

"We the Commons in Parliament assembled, do claim, protest, and avow for truth, the sense of the Articles of Religion, which were established by Parliament in the thirtieth year of our late Queen Elizabeth, which by the public Act of the Church of England, and by the general and current professions of the writers of our Church, have been delivered unto us. And we reject the sense of the Jesuits and Arminians, and all others, wherein they differ from us."

As the intention of the Commons was to persuade the people that Religion was in danger, they desired the concurrence of the Lords to petition the King for a Fast, which they obtained with some difficulty. The King plainly perceived the design of this Petition, and though he did not think fit to reject it, answered, that the custom of fasting every Session was but lately begun; that he granted it however for this time, though he did not see the necessity of it; but for the future would not grant a Fast, except on extraordinary occasions. Adding, that as for the defence of the reformed Churches abroad, Fighting would do them more good than Fasting.

As the King had frequently petitioned the Commons to proceed with the Bill for *Tunnage and Poundage*, and give it the precedency of matters of Religion, they thought themselves obliged to present a Declaration to the King to justify their Conduct.

This Declaration, which was a sort of apology, containing nothing material, I do not think it necessary to insert it at length. It suffices to say, the Commons excused themselves two ways, for not giving precedence to the Bill for *Tunnage and Poundage*. The first was, because matters of Religion, having been first proposed, the constant order of the House required, they should have the preference. The second was, the weight and importance of the concerns of Religion. They concluded with thanking the King for his promises, to maintain Religion, thereby tacitly reproaching him for not performing them.

The King answered this Declaration, not particularly, but with some short notes. He told them, he thought it strange they should have an ill opinion of him with respect to Religion. He assured them, that he would never stop his ears to the complaints that should be brought to him upon that

(1) On September 3, under the command of Robert Barre Earl of Lindsey. But the vessels of the Fleet sunk, and it wanted proper Tackling and other materials. *Raynworth*, Tom. 1. p. 650.
(2) It had held out so long, that pious numbers had died of the famine, so that at the taking of it, there were not four thousand remaining alive, out of fifteen thousand. *Ibid*.

1628-9. *subject, provided that in form and matter the Commons did not transgress their limits.* Concluding with these words: *I must still be instant with you, that you proceed with Tunnage and Poundage with diligence; (not looking to be denied in so just a desire) that you must not think it strange, if I, finding you slack, give you such farther quickning as I shall find cause.*

Religious
Gravances.
Feb. 4.
Rushworth.
T. l. p. 655.
Annals.

After this, the Commons continued their debates upon matters of Religion, and particularly on the Proclamation, to prohibit disputing for or against *Arminianism*. This was pretended to be a snare to suppress the Puritan-party, and give the *Arminians* more liberty, and that *Laud* and *Montague* had given the King this advice. It was also complained, that the enemies of Religion had procured a Royal pardon under the Great Seal for four Ecclesiasticks, the most suspected in England, namely, *Montague, Cofins, Sibthorp, and Manwaring*, and that, in contempt of the Parliament, they were even promoted to Bishopricks, or other good Benefices (1). I confess I cannot conceive how it is possible to justify the King's condescension for those, who advised him to protect so openly, nay, to prefer men so odious to the Parliament, since he could not be ignorant how much he rendered himself suspected by such a conduct. At least it cannot be denied that he gave his enemies an advantage. But besides that it was the genius of the King and Court to look upon the Parliament, and especially the Commons, with extreme contempt, the King could refuse nothing to Dr. *Laud*, who was his prime Counsellor in Ecclesiastical affairs. To confirm the Commons in their suspicions of *Laud*, the Printers and Book-sellers of London presented several petitions, complaining of the restraint of Books written against Popery and *Arminianism*, whilst a license was never refused to such as were composed in favour of Popish and *Arminian* doctrines. They even intimated in certain Books against Popery, which were denied to be licenced. They affirmed, this was done by the Bishop of London, or his Chaplains, to whom the examination of the Books was committed.

As Dr. *Laud*, afterwards Archbishop of *Canterbury*, made a very great figure in England during the first fifteen years of this reign, I do not think it improper to relate here part of what is said for and against him. Not that I pretend fully to make known his genius, his character, his religion: This to me seems impracticable, considering what opposite opinions there are concerning him, it being almost impossible to affirm any thing of him, good or bad, upon the testimony of some, but what is contradicted and rejected as false by others. This is the common effect of Parties. Hardly can any thing be added to the encomiums which those who profess what they call *High-Church*, that is, the rigid Episcopals, bestow on 'this famous Bishop. The Lord *Clarendon*, in his History, expresses, on all occasions, a great esteem for *Laud*, and finds no other fault in him, but a little too much eagerness to accomplish his undertakings. All the rest of the same Party extol him to the skies. They see no imperfection in him; and every where praise his wisdom, his good sense, his learning, his piety, and above all, his zeal for the Church of England, for which he at last died a Martyr. The *Presbyterians*, on the contrary, without denying his sense and learning, affirm, he was a rank *Arminian*, and almost a Papist. They say, that under the colour of a great zeal for the Ceremonies of the Church, he carried them to the borders of Popery, and justly rendered himself suspected of designing by degrees to restore the *Romish* Religion in England. That to this end he made even the least trifles, such as the Reformers had not meddled with, because they thought them indifferent, to be considered as essential to Religion. They inferred from thence, that it was impossible for a man of his sense, to be attached to things of so little moment, had he not entertained some ill design against the reformed Religion. That he was a mortal enemy of the *Presbyterians* and *Puritans*, because from them he met with most opposition to the execution of his projects. For my part, I own, that in all that has been said against him, I have found no convincing proof of his intention to re-establish the *Roman* Catholic Religion in England, unless we confound, as many did in those days, Popery with *High-Church*, through a spirit of Party. But it is very certain, he mortally hated the *Presbyterians*, and would have utterly extirpated Puritanism, had it been in his power.

As for *Arminianism*, it is very probable, he was greatly inclined to it. See his Character given by his predecessor Archbishop *Abbot*, in the Narrative which he drew in his own vindication in the year 1627.

"This man is the only inward counsellor with Book-
ingben, sitting with him sometimes privately whole
hours, and feeding his humour with malice and spite.
"His life in Oxford was to pick quarrels in the lectures
of the public Readers, and to advertise them to the
then Bishop of *Durham*, that he might fill the ears of
King *James* with discontents, against the honest men
that took pains in their places, and fertilized the truth
(which he called Puritanism) in their auditors.
"He made it his work to see what Books were in the
press, and to look over Epistles Dedicatory, and Pre-
faces to the Reader, to see what faults might be found.
"It was an observation what a sweet man this was like
to be, that the first observable act that he did, was the
marrying of the Earl of *D.* to the Lady *R.* (2), when
it was notorious to the world, that she had another hul-
band, and the same a nobleman, who had divers chil-
dren then living by her. King *James* did for many
years take this so ill, that he would never hear of any
great preferment of him; inasmuch that the Bishop of
Lincoln, Dr. *Williams*, who took up him to be the
first promoter of him, hath many times said, that when
he made mention of *Laud* to the King, his Majesty
was so averse from it, that he was constrained often-
times to say, that he would never desire to serve that
mafter, which could not remit one fault unto his ser-
vant. Well, in the end he did conquer it, to get him
to the Bishoprick of *St. David's*; which he had not
long enjoyed, but he began to undermine his benefactor,
as at this day it appeareth. The Countess of *Buck-
ingham* told *Lincoln*, that *St. David's* was the man that
undermined him with her Son: And verily, such is
his aspiring nature, that he will underwork any man in
the world, so that he may gain by it."

This character is not to *Laud's* advantage; but it must be observed, that the Archbishop ascribed his own disgrace to the secret counsels given by that Prelate to the Duke of *Buckingham*.

Whilst the Commons were in debate concerning Religion, the ware-house of Mr. *Rolls* Merchant and Member of Parliament, was locked up by a Pursuivant, and himself called forth and served with a *Subpoena* (3). This put the House in a flame, and occasioned the sending for the officers of the customs, to know upon what account they had seized the merchants effects, and carried them to the King's Store-house (4). They replied, it was for refusing to pay Tunnage and Poundage, and other duties. But because there was an information already preferred against the merchants in the Exchequer and Star-Chamber, the Commons resolved not to proceed with the Bill of Tunnage and Poundage, till the goods were restored to the owners, and ordered that the Barons of the Exchequer should be told, to make void their injunction concerning the detaining of the merchant's effects (5). The Barons returned answer, that they did not, by their injunctions, determine, or any way touch upon the right of Tunnage and Poundage; neither did they by their orders, bar the owners from suing for their goods in a lawful course; but whereas the merchants endeavoured to take their goods out of the King's possession by writs of *Replevin*, which was no lawful course in the King's case, nor agreeable to his Prerogative Royal, therefore the Court of Exchequer did stay those suits, and declare, that the owners, if they conceived themselves wronged, might take such remedy as the Law allows. This answer, which signified nothing, not being satisfactory to the Commons, a motion was made to consider, whether ever the Court of Exchequer held this course before, for staying of *Replevin*; and whether this had been done by Prerogative of the King in his Court of Exchequer.

This affair having been long debated in the House, the officers of the customs were sent for again, and answered, that they acted by virtue of a commission under the Great Seal. One of them said, *He had seized the Goods for duties that were due in the time of King James, and that his Majesty had sent for him, and commanded him to make no other answer.* Whereupon the House being turned into a

(1) Oliver Cromwell, who was of this Committee, complained, That Dr. *Nesbit* Bishop of *Winchester* entertained Persons who preached Popery; and that Dr. *Montague* had been made Bishop. Adding, if these be the steps to Church-preference, what may we expect? *Rushworth*, Tom. I. p. 655.

(2) *Laud* it seems had married *Charles Blount Earl of Devonshire* to the Lady *Rich*, Wife of the Earl of *Warwick*, who was then alive.

(3) The Author says, the Pursuivant sent for Mr. *Rolls* out, to order him not to touch what was locked up. But this, and some other little mistakes in this and the following Paragraphs, are corrected in the Translation, it not being so easy to do it by way of Note.

(4) It was moved, that the Person that served the *Subpoena* might be sent for and examined by what procurement it was taken forth. *St. Philip's May*, Privy Counsellor, assured the House, that this neither proceeded from King nor Council, and therefore desired it might be searched to the bottom. And afterwards, the Attorney General writ a Letter to Mr. *Rolls*, telling him, the serving a *Subpoena* upon him was a mistake. And yet Report was made to the House by the Committee for Tunnage and Poundage, that the Attorney General, notwithstanding his Letter, did give order for the Process against Mr. *Rolls*. *Rushworth*, Tom. I. p. 656.

(5) *Chambers*, it seems, having sent out a Writ of *Replevin*, the proper remedy in Law to regain the possession of his Goods; the Barons of the Exchequer did order an Injunction under the Seal of the said Court, directed to the Sheriff of *London*, commanding him not to execute the said Writ, or any other like, and declaring the Goods were not repleviable. *Ibid.* p. 648.

1628-9. Grand-Committee, a motion was made and seconded, whether the officers of the custom should be proceeded against, by separating their interest from that of the King. After several Speeches *pro* and *con*, a report was made from the Grand-Committee, that they had at last resolved, that Mr. Ralls ought to have privilege of person and goods; which being voted, the Speaker was moved to put the question, but he refused to do it, saying, the King had commanded the contrary. Such a command could not but surpise the House: they adjourned to the 25th of February, and then were farther adjourned by his Majesty's order till the 2d of March. On that day the Commons being met, and requiring the Speaker to put the question, he said, *I have a command from the King to adjourn the House till the 10th of March.* And endeavouring to go out of the chair, he was held down by force [and the doors were locked] till Sir John Elliot had drawn the following Protestation, which was approved by the majority, though not without great tumult and confusion, and even some blows.

The Commons Protestation.

"1. Whosoever shall bring in innovation of Religion, or by favour or countenance seem to extend or introduce Popery or Arminianism, or other opinion disagreeing from the truth and orthodox Church, shall be reputed a capital enemy to this Kingdom and Commonwealth.
 "2. Whosoever shall counsel or advise the taking and levying of the subsidies of Tunnage and Poundage, not being granted by Parliament, or shall be an actor or instrument therein, shall be likewise reputed an innovator in the Government, and a capital enemy to the Kingdom and Commonwealth.
 "3. If any Merchant or person whatsoever, shall voluntarily yield or pay the said subsidies of Tunnage and Poundage, not being granted by Parliament, he shall likewise be reputed a betrayer of the liberties of England, and an enemy to the same."

As the King expected no money from this second session, he was very glad to have, as he thought, a plausible pretence to dissolve the Parliament. So, that very day a Proclamation was drawn up (1), to give notice of his design to dissolve the Parliament on the 10th of March, and that the Members might depart about their own affairs.

The next day, warrants were directed from the Council to Denzil Holles, Sir Miles Hobart, Sir John Elliot, Sir Peter Heyman, John Selden, William Corbett, Walter Long, William Stroud, Benjamin Valentine, Esqrs; commanding their personal appearance on the morrow. Four of them, Holles, Elliot, Corbett, and Valentine, appeared: and refusing to answer out of Parliament, for what was said and done in the House, were committed close prisoners to the Tower. The Council ordered at the same time, the studies of Holles, Elliot, and Selden to be sealed up; and a Proclamation was published to apprehend them. It must be observed that the Parliament not being yet dissolved, these men were still actually Members of Parliament.

On the 10th of March the King coming to the Parliament-House, made the following Speech, addressing himself only to the Lords, there being but few Commons present, [the Speaker and House of Commons not having been called.]

My Lords,

"I Never came here upon so unpleasant an occasion, it being the dissolution of a Parliament; therefore men may have some cause to wonder, why I should not rather chuse to do this by commission, it being rather a general maxim of Kings, to leave harsh commands to their Ministers, themselves only executing pleasing things: yet considering that justice as well consists in reward and praise of virtue, as punishing of vice, I thought it necessary to come here to day, and to declare to you and all the world, that it was merely the unprofitable and seditious carriage in the Lower-House that hath made the dissolution of this Parliament; and you, My Lords, are so far from being any causes of it, that I take as much comfort in your dutiful demeanour, as I am justly dissatisfied with their proceedings; yet to avoid their mistaking, let me tell you, that it is so far from me to adjudge all the House alike guilty, that I know that there are many there as dutiful Subjects as any in the world, it being but some few vipers among them that did cast this mist of unprofitableness over most of their eyes: Yet, to say truth, there was a good number there, that could not be infected with this contagion; in whom that some did express their duties in speaking; which was the general fault of the House the last day. To conclude, as those vipers must look for their reward of punishment, so you, My Lords, must justly expect from me that fa-

"vour and protection, that a good King oweth to his loving and faithful Nobility. And now, my Lord-Keeper, do what I have commanded you."

Then the Lord-Keeper said, *My Lords, and Gentlemen of the House of Commons,* [though the Commons were not called] *the King's Majesty doth dissolve this Parliament.*

The dissolution of the Parliament was caused by the insolence of the House of Commons, as the King had just told the Lords: and this insolence, this seditious carriage consisted only in keeping the Speaker in his chair by force, after he had notified that the House was adjourned by his Majesty's order, till a Protestation of three very short articles was set down in writing. This was the Commons offence. And here it must be remarked, that there was a great difference between the adjourning and the proroguing or dissolving of the Parliament. The King's power to prorogue and dissolve was never called in question; before the time of James I. I believe no King had ever thought of adjourning the Parliament. King James was the first that did it. The Commons complained of it as a breach of their privileges; but not finding the Lords inclined to dispute this power with the King, they were forced to give way, though they foresaw the ill consequences. These consequences showed themselves in the present Reign. Charles I. taking advantage of this only precedent established by the King his Father, was not satisfied with hindering the Parliament from adjourning themselves at *Exeter*, as hath been seen, but even adjourned the Houses twice at a time when the Commons were debating upon matters which were not agreeable to him, and also prevented the Speaker, by his sole authority, to put the question when required. It is easy to see the consequences of this power, to adjourn the Houses. The King could put a stop to all the debates of either House, by adjourning them whenever they took into consideration any matters displeasing to him. On the other hand, upon supposition that the King's right was unquestionable, the House of Commons had disobeyed his orders, and violated his prerogative, which might be attended with no less ill consequences. But the King, supposing his right as fully established, without giving himself any farther trouble to give it, resolved to punish the House of Commons, not only by the dissolution of the Parliament, a punishment which concerned the whole Nation rather than their Representatives, but also in causing some of their most active and stirring Members, to be condemned as rebellious and seditious.

To that end, he commanded the Judges of the Realm to meet and give their opinions upon the questions he had to propose to them, in order to be guided by their determinations, left he should be accused of proceeding too arbitrarily. The questions, with the Judges answers, were as follows:

1. Whether if any Subject hath received probable information of any Treason, or traitorous attempt, or intention against the King or State, that Subject ought not to make known to the King, or his Majesty's Commissioners, when thereunto he shall be required, what information he hath received, and the grounds thereof; to the end, the King being truly informed, may prevent the danger? And if the said Subject, in such case shall refuse to be examined, or to answer the questions which shall be demanded of him for farther inquiry and discovery of the truth, whether if he be not a high contempt in him, punishable in the Star-Chamber, as an offence against the general justice and government of the Kingdom?

2. Whether if it be a good answer or excuse, being thus interrogated, and refusing to answer, to say, That he was a Parliament man when he received this information, and that he spoke thereof in the Parliament House; and therefore the Parliament being now ended, be refused to answer to any such Questions but in the Parliament House, and not in any other place?

3. Whether a Parliament man, committing an offence against the King or Council, not in a Parliament way, might, after the Parliament ended, be punished or not?

4. All the Judges unanimously answered, "He might, if he be not punished for it in Parliament; for the Parliament shall not give privilege to any, *contra morem*

The Commons Protestation, Raynworth, T. 1. p. 660.

Proclamation to dissolve the Parliament, Raynworth, T. 1. p. 660.

Names cited before the Council.

Four appear, and are the five.

The King's Speech at the dissolution of the Parliament, Raynworth, T. 1. p. 662.

1628-9.

Remark on the dissolution of the Parliament.

1629.

Questions proposed by the King to the Judges, concerning the impeachment of Members, April 15, Raynworth, T. 1. p. 663.

(1) The Author says, published; but it was not published till after the 10th of March. Raynworth, Tom. 1. p. 661.

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"*Parliamentarium*, to exceed the bounds and limits of his place and duty. And all agreed, That regularly he cannot be compelled out of Parliament to answer things done in Parliament, in a Parliamentary course; but it is otherwise where things are done exorbitantly, for those are not the acts of a Court."

4. *Whether, if one Parliament man alone shall refuse, or two or three shall covertly conspire to raise false rumours and rumors against the Lords of the Council and Judges, not with intent to question them in a legal course, or in a Parliamentary way, but to blast them, and to bring them to hatred of the People, and the Government in contempt, be punishable in the Star-Chamber after the Parliament is ended?*

Sol. The Judges resolve, "That the same was punishable out of Parliament, as an offence exorbitant committed in Parliament, beyond the office, and besides the duty of a Parliament man."

The artifice of these questions consisted, 1. In the King's proposing them in a general manner, as if they related not to any particular person. 2. In his ascribing to one, two, or three Members of the House, what was done by a great majority. 3. In supposing offences, outrages, treasons against himself or Council, and in deciding questions of Law before the facts were stated (1).

By virtue of these determinations, the Attorney General exhibited in the Star-Chamber an information against the imprisoned Members, wherein he greatly aggravated what had passed in the Lower-House, when the Speaker was kept by force in the chair, but without the least mention of the occasion.

At the same time Alderman Chambers, one of those that refused to pay Tunnage and Poundage, was also prosecuted in the Star-Chamber, for saying, *That the Merchants were more forced up and wrong in England, than in Turkey.* He was condemned in an exorbitant fine [of 2000 l.] by which [and some other oppressions] he was reduced to a very low condition.

I have already mentioned the artifice used by the Court, to remove from the Parliament such Gentlemen as they suspected, by making them Sheriffs of their respective Counties, which obliged them to swear to the due execution of their office. *Walter Leng Esq. of Wiltshire*, being made Sheriff of the County a little before the calling of the last Parliament, was however elected [for *Barb.*] and he preferred this service to that which his office obliged him to. During the sitting of the Parliament, *Leng* was left undisturbed, but after the dissolution, the Court entered an information against him in the Star-Chamber for breaking his oath, [by absenting himself from his County] and he was fined two thousand marks.

The other Members that were in several prisons, having petitioned the Judges to be released upon bail, by virtue of the *Habeas Corpus*, when the Judges were met, and ready to deliver their opinions, the prisoners were not brought to the Bar according to the rule of Court. Whereupon, Proclamation being made for the bringing them in, the Court was informed, that they were removed to the Tower by the King's own warrant. Then there came a Letter to the Judges from the King, signifying to the Court, that the prisoners were not suffered to appear before them, by reason of their insolent carriage towards him. That is, instead of applying themselves to the King for pardon, they had addressed themselves to the Judges to be released upon bail, according to Law. Not to insist too long upon this affair, I shall content my self with saying, that they were kept in prison from *March* till *October*, without being tried, or obtaining the benefit of the *Habeas Corpus*. In fine, the Court of King's Bench having agreed with one voice, *That the Courts, as in this case, shall have jurisdiction, though the offences were committed in Parliament, and that the imprisoned Members ought to plead, judgment was given against them upon a Nihil Dicit* (2). They were to be imprisoned during the King's pleasure, and moreover, *Ellist* was fined two thousand pounds, *Hollis* a thousand marks, and *Valentine* five hundred pounds.

The King's conduct, as well in dissolving the Parliament, as in what was done afterwards, could not but breed discontent among the People. Murmurs were every where heard: Libels were dispersed about *London* against the King's Counsellors, and particularly against *Bishop Laud* (3), and the Lord Treasurer *Wylm.* who were accused of putting the King upon these violent proceedings. For this reason, the King, to prevent greater complaints, published a Declaration to notify to the People the causes of the dissolution

of the last Parliament. Though this declaration be very long, I think it necessary to insert the whole in this place, lest I should be accused of having either passed over in silence, or too much abridged what may serve to justify the King. It must be observed that it was dated the 10th of *March*, the very day the Parliament was dissolved, though it was not published that day, but four time after.

The King's Declaration, to all his Subjects, notifying the Causes which moved him to dissolve the last Parliament

Howsoever Princes are not bound to give account of their actions, but to God alone; yet for the satisfaction of the minds and affections of our loving Subjects, we have thought good to set down thus much by way of declaration, that we may appear to the world in the truth and sincerity of our actions, and not in those colours in which we know some turbulent and ill-affected spirits (to make and disguise their wicked intentions, dangerous to the State) would represent us to the publick view.

We assembled our Parliament the 17th day of *March*, in the third year of our reign, for the safety of Religion, for securing our Kingdoms and Subjects at home, and our Friends and Allies abroad. And therefore at the first sitting down of it, we declared the miserable afflicted estate of those of the reformed Religion in *Germany, France*, and other parts of *Christendom*, the distressed extremities of our dearest uncle, the King of *Denmark*, chased out of a great part of his Dominions; the strength of that party which was united against us: That (besides the Pope and the House of *Austria*, and their ancient Confederates) the French King professed the rooting out of the Protestant Religion: That of the Princes and States on our party, some were over-run, others diverted, and some disabled to give assistance. For which, and other important motives, we propounded a speedy supply of treasure, answerable to the necessity of the cause.

These things in the beginning were well received by the House of Commons, and with so much alacrity and readiness, that they agreed to grant a liberal aid: but before it was brought to any perfection, they were diverted by a multitude of questions raised amongst them, touching their liberties and privileges, and by other long disputes, that the Bill did not pass in a long time; and by that delay, our affairs were put into a far worse case than at the first; our foreign actions then in hand, being thereby disgraced and ruined for want of timely help.

In this, as we are not willing to derogate from the merit and good intentions of those wise and moderate men of that House, [to whose forwardness we attribute it, that it was propounded and resolved so soon] so we must needs say, that the delay of passing it when it was resolved, occasioned by causeless jealousies, stirred up by men of another temper, did much lessen both the reputation and reality of that Supply. And their spirit, infused into many of the commissioners and assurers in the Country, hath returned up the Subsidies in such a scanty proportion, as is infinitely short, not only of our great occasions, but of the precedents of former Subsidies, and of the intentions of all well-affected men in that House.

In these large disputes, as we permitted many of our high Prerogatives to be debated, which in the best times of our predecessors had never been questioned, without punishment or sharp reproof; so we did endeavour to have thorned those debates, for winning of time, which would have much advantaged our great affairs, both at home and abroad. And therefore both by speeches and messages, we did often declare our gracious and clear resolution to maintain, not only the Parliament, but all our People, in their ancient and just liberties, without either violation or diminution, and in the end, for their full satisfaction and security did by an answer, framed in the form by themselves desired to their Parliamentary Petition, confirm their ancient and just liberties and rights, which we resolve with all constancy and justice to maintain.

This Parliament howsoever, besides the settling our necessary Supply, and their own Liberties, they waited much time in such proceedings, (blasting our government, as we are unwilling to remember) yet we suffered

The Attorney General's account against the imprisoned Members.
Rushworth, T. I. p. 663.
Chambers condemned for refusing Tunnage, &c.
May 6.
Id. p. 672.
671.
Annals.

Leng is freed.
Rushworth, T. I. p. 674.
Id.
Append.
Annals.
The imprisoned Members are freed.
Rushworth, T. I. p. 679.
680, &c.
Append.
Annals.
June 24.

Rushworth, T. I. p. 663.

(1) Judge *Witch* often highly complained against this way of sending to the Judges for their opinions beforehand, and said, *That if Bishop Laud was in this way, it would make a game in the Nation.* *Wharlock*, p. 13.

(2) They refused to put in other Pleas than denying the jurisdiction of the Court in this case.

(3) The Lord against *Bishop Laud* was in this effect: *Laud, lest thy life is spent, as thou art the Emperor's minister, in setting the multitude at rest, let us thus let us out of the world; and after thy life, neither God nor the world can render just to the Councils of the Emperor's Minister. Each other was as bad against the Lord Treasurer *Wylm.* *Rushworth*, Tom. I. p. 662. They were supposed to have persuaded the King to send to the Parliament. *Idem*, Tom. 2. p. 799.*

"them

1629. "them to sit, until themselves desired us to appoint a time for their recess, not naming either adjournment or prorogation.

"Whereupon by advice of our Council, we resolved to prorogue and make a session; and to that end prefixed a day, by which they might (as was meet in so long a sitting) finish some profitable and good Laws; and withal gave order for a gracious pardon to all our Subjects; which, according to the use of former Parliaments, passed the higher House, and was sent down to the Commons. All which being graciously intended by us, was ill-entertained by some disaffected persons of that House, who by their artifices, in a short time raised so much heat and distemper in the House, for no other visible cause, but because we had declared our resolution to prorogue, as our Council advised, and not to adjourn, as some of that House (after our resolution declared, and not before) did manifest themselves to affect; that seldom hath greater passion been seen in that House, upon the greatest occasions. And some glances in the House, but upon open rumours abroad were spread. That by the answer to the petition we had given away, not only our impositions upon Goods exported and imported, but the Tunnage and Poundage, (whereas in the debate and hammering of that Petition, there was no speech or mention in either House concerning those impositions, but concerning taxes and other charges within the land: much less was there any thought thereby to deprive us of Tunnage and Poundage, which, both before and after the answer to that petition, the House of Commons in all their speeches and treatises, did profess they were willing to grant.) And at the same time many other misinterpretations were raised of that petition and answer, by men not well-distinguishing between well-ordered liberty and licentiousness; as if by our answer to that petition, we had let loose the reins of our Government. And in this distemper the House of Commons, laying aside the pardon (a thing never done in any former Parliament) and other business, fit to have been concluded in that session, some of them went about to frame and contrive a Remonstrance against our receiving of Tunnage and Poundage, which was so far proceeded in, the night before the prefixed time, for concluding the session, and so hastened by the contrivers thereof, that they meant to have put it to the vote of the House the next morning, before we should prorogue that session. And therefore, finding our gracious favours in the session, afforded to our people, so ill requited, and such sinister strains made upon our answer to that petition, to the diminution of our profit, and (which was more) to the danger of our government: We resolved to prevent the finishing of that Remonstrance, and other dangerous intentions of some ill-affected persons, by ending the session the next morning, some few hours sooner than was expected; and by our own mouth to declare to both Houses the cause thereof: and for hindering the spreading of those sinister interpretations of that petition and answer, to give some necessary directions, for sitting and quieting our government, until another meeting; which we performed accordingly the fix and twentieth of June last.

"The Session thus ended, and the Parliament risen, that intended Remonstrance gave us occasion to look into the business of Tunnage and Poundage. And therefore, though our necessities pleaded strongly for us, yet we were not apt to strain that point too far, but resolved to guide our self by the practice of former ages, and examples of our most noble predecessors, thinking those Councils best warranted, which the wisdom of former ages, concurring with the present occasions, did approve; and therefore gave order for a diligent search of Records: Upon which it was found, that although in the Parliament holden in the first year of the reign of King Edward the fourth, the Subsidy of Tunnage and Poundage was not granted unto that King, but was first granted unto him by Parliament in the third year of his reign; yet the same was accounted and answered to that King, from the first day of his reign, all the first and second years of his reign, and until it was granted by Parliament. And that in the succeeding times of King Richard the third, King Henry the seventh, King Henry the eighth, King Edward the sixth, Queen Mary and Queen Elizabeth, the Subsidy of Tunnage and Poundage was not only enjoyed by every of those Kings and Queens, from the death of each of them decaying, until it was granted by Parliament unto the successor; but in all those times, being for the most part peaceable, and not burdened with like charges and necessities, as these modern times, the Parliament did most readily and cheerfully, in the beginning of every of those reigns, grant the same, as a thing most necessary for the guarding of the seas, safety and defence of No. LVIII. Vol. II.

1629. "the realm, and supportation of the Royal dignity. And in the time of our Royal Father of blessed memory, he enjoyed the same a full year, wanting very few days, before his Parliament began; and above a year before the Act of Parliament for the grant of it was passed. And yet when the Parliament was assembled, it was granted without difficulty. And in our own time, we quietly received the same three years and more, expecting with patience in several Parliaments the like grant thereof, as had been made to so many of our predecessors; for the House of Commons still professing, that multitude of other businesses, and not want of willingness on their part, had caused the settling thereof to be so long deferred. And therefore finding so much reason and necessity for the receiving of the ordinary duties in the Custom-house, to concur with the practice of such a succession of Kings and Queens, famous for wisdom, justice and government, and nothing to the contrary, but that intended Remonstrance, hatched out of the passionate brains of a few particular persons; we thought it was so far from the wisdom and duty of a House of Parliament, as we could not think that any moderate and discreet man (upon composed thoughts, setting aside passion and distemper) could be against receiving of Tunnage and Poundage; especially since we do, and still must pursue those ends, and undergo that charge for which it was first granted to the Crown; it having been so long and constantly continued to our predecessors, as that in four several Acts of Parliament, for the granting thereof to King Edward the sixth, Queen Mary, Queen Elizabeth, and our blessed Father, it is in express terms mentioned, to have been had and enjoyed by the several Kings, named in those Acts, time out of mind, by authority of Parliament. And therefore upon these reasons we held it agreeable to our Kingly honour, and necessary for the safety and good of our Kingdom, to continue the receipt thereof, as so many of our predecessors had done. Wherefore when a few merchants (being at first but one or two) fomented, as it is well known, by those evil spirits that would have hatched that unuseful Remonstrance, began to oppose the payment of our accustomed duties in the Custom-house, we gave order to the officers of our Customs to go on, notwithstanding that opposition, in the receiving of the usual duties, and caused those that refused to be warned to attend at the Council-board, that by the wisdom and authority of our Council, they might be reduced to obedience and duty; where some of them, without reverence or respect to the honour and dignity of that presence, behaved themselves with such boldness and insolency of speech, as was not to be endured by a far more assembly, much less to be countenanced by a House of Parliament, against the body of our Privy-Council.

"And as in this we did, what in reason and honour was fit for the present, for our thoughts were daily intensive upon the re-assembling of our Parliament, with full intention on our part, to take away all ill-understanding between us, and our people; whose loves, as we desire to continue and preserve, so we used our best endeavours to prepare and facilitate the way to it. And to this end, having taken a strict and exact survey of our Government, both in the Church and Commonwealth, and what things were most fit and necessary to be reformed: We found in the first place, that much exception had been taken at a Book, entitled, *Appell's Casem, or, An Appeal to Casar*; and published in the year 1625, by Richard Montague, then Bachelor of Divinity, and now Bishop of Chichester; and because it did open the way to those schisms and divisions, which have since ensued in the Church, we did for remedy and redress thereof, and for the satisfaction of the consciences of our good people, not only by our publick Proclamation, call in that Book, which ministered matter of offence; but to prevent the like danger for hereafter, re-printed the Articles of Religion, established in the time of Queen Elizabeth of famous memory; and by a declaration before those Articles, we did tie and refrain all opinions to the sense of those Articles, that nothing might be left for private fancies and innovations. For we call God to record, before whom we stand, that it is, and always hath been our heart's desire, to be found worthy of that title, which we account the most glorious in all our Crown, Defender of the Faith. Neither shall we ever give way to the authoring of any thing, whereby any innovation may steal or creep into the Church; but to preserve that unity of doctrine and discipline established in the time of Queen Elizabeth, whereby the Church of England hath stood and flourished ever since.

"And as we were careful to make up all breaches and rents in Religion at home, so did we by our Proclama-

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"against Priests and popish Recufants, fortify all ways and
"approaches againſt that foreign enemy; which if it hath
"not ſucceeded according to our intention, we muſt lay
"the fault where it is, in the ſubordinate officers and mi-
"niſters in the Country, by whose remiſſineſs, Jeſuits and
"Priests eſcape without apprehenſion; and Recufants,
"from thoſe convictions and penalties which the Law and
"our Commandment would have inflicted on them. For
"we do profeſs, that as it is our duty, ſo it ſhall be our
"care to command and direct well; but it is the part of
"others to perform the miniſterial office. And when we
"have done our office, we ſhall account ourſelves, and all
"charitable men will account us innocent, both to God and
"Men. And thoſe that are negligent, we will eſteem as
"culpable both to God and us; and therefore will expect
"that hereafter they give us a better account.

"And as we have been careful for the ſettling of Reli-
"gion, and quieting the Church; ſo were we not unminiſ-
"terial of the preſervation of the juſt and ancient Liberties
"of our Subjects, which we ſecured to them by our gra-
"cious answer to the Petition in Parliament, having not
"ſince that time done any ſuch whereby to infringe them.
"But our care is, and hereafter ſhall be, to keep them
"intire and inviolable, as we would do our own Right
"and Sovereignty, having for that purpoſe enrolled the
"petition and answer in our Courts of Juſtice.

"Next to the care of Religion, and of our Subjects
"rights, we did our beſt for the provident and well-order-
"ing of that aid and ſupply, which was granted us the
"laſt Seſſion, whereof no part hath been waitfully ſpent,
"nor put to any other uſe, than thoſe for which it was
"deſired and granted; as upon payment of our Fleet and
"Army; wherein our care hath been ſuch, as we choſe
"rather to diſcontent our deareſt Friends and Allies, and
"our neareſt Servants, than to leave our Soldiers and Ma-
"riners unſatisfied, whereby any vexation or diſquiet
"might ariſe to our people. We have alſo, with part
"of thoſe moneys, begun to ſupply our Magazines, and
"Stores of munition, and to put our Navy into a con-
"ſtant form and order. Our Fleet likewiſe is fitting,
"and almoſt in a readineſs, whereby the narrow Seas may
"be guarded, Commerce maintained, and our Kingdom
"ſecured from all foreign attempts. Theſe acts of ours
"might have made this impreſſion in all good minds, that
"we were careful to direct our counſels, and diſpoſe our
"actions, as might moſt conduce to the maintenance of
"Religion, honour of our Government, and ſafety of our
"People. But with miſchievous men once ill-affected,
"*ſeu bene, ſeu male facta preſent*; and whatever once
"ſeemed amiſs, is ever remembered; but good endeavours
"are never repaid.

"Now all theſe things, that were the chief complaints
"the laſt Seſſion, being by our princely care ſo ſeriously
"reformed, the Parliament re-aſſembled the 20th of *Ja-
"nuary* laſt. We expected, according to the candour and
"ſincerity of our own thoughts, that men would have
"framed themſelves for the aſſeſſing of a right under-
"ſtanding between us and our people. But ſome few
"malevolent perſons, like empericks and lewd artifts, did
"ſtrive to make new work, and to have ſome diſcane on
"foot, to keep themſelves in requeſt, and to be employed
"and entertained in the cure. And yet to manifeſt how
"much offences have been diminiſhed, the Committees
"for Grievances, Committees for Courts of Juſtice, and
"Committees for Trade, have ſince the fitting down of
"the Parliament, received few complaints, and thoſe ſuch
"as they themſelves have not thought to be of that mo-
"ment or importance, with which our ears ſhould be ac-
"quainted.

"No ſooner therefore was the Parliament ſet down, but
"theſe ill-affected men began to ſow and diſperſe their jea-
"louſies, by calling out ſome glances and doubtful ſpeeches,
"as if the Subject had not been ſo clearly and well dealt
"with, touching their Liberties, and touching the Peti-
"tion aſſwered the laſt Parliament. This being a plau-
"ſible theme, thought on for an ill purpoſe, eaſily took
"hold on the minds of many, that knew not the pra-
"ctice. And thereupon the ſecond day of the Parliament,
"a Committee was appointed to ſearch, whether the peti-
"tion and our answer thereunto were enrolled in the Par-
"liament-roll, and in the Courts at *Wyndſor*, and in
"what manner the ſame was done. And a day alſo was
"then appointed, on which, the Houſe being reſolved
"into a Committee, ſhould take into conſideration thoſe
"things, wherein the Liberty of the Subject had been in-
"vaded, againſt the Petition of Right. This, though it
"produced no other effect of moment or importance, yet
"was ſufficient to raiſe a jeaſouſy againſt our proceedings,
"in ſuch as were not well acquainted with the ſincerity
"and clearneſs of them. There followed another of no
"leſs ſkill; for although our proceeding before the Parlia-

ment, about matters of Religion, might have ſatisfied
"any moderate men, of our zealous care thereof, (as
"we are ſure it did the moſt) yet, as bad ſtomachs turn
"the beſt things into their own nature, for want of good
"diſtention; ſo theſe diſſenſioned perſons have done the
"like of our good intents, by a bad and ſunnier inter-
"pretation: For, when they did obſerve, that many honeſt
"and religious minds in that Houſe did complain of thoſe
"dangers that did threaten the Church; they likewiſe
"took the ſame word in their mouth, and their cry like-
"wiſe was, *Templum Domini, Templum Domini*, when
"the true care of the Church never came into their
"hearts: And what one did out of zeal unto Religion,
"the other took up as a plauſible theme, to deprave our
"Government, as if we, our Clergy and Council, were
"either ſenſeleſs or careleſs of Religion, and this wicked
"practice hath been, to make us ſeem to walk before our
"people, as if we halted before God.

"Having, by theſe artificeſs, made a jealous impreſſion
"in the hearts of many; and a day being appointed to
"treat of the grant of Tunnage and Poundage, at the
"time prefixed, all expreſs great willingneſs to grant it.
"But a new ſtrain is found out, that it could not be done
"without great peril to the right of the Subject, unleſs
"we ſhould diſclaim any right therein, but by grant in
"Parliament; and ſhould cauſe all thoſe goods to be re-
"ſtored, which, upon commandment from us, or our
"Council, were ſtayed by our officers until thoſe duties
"were paid, and conſequently ſhould put ourſelves out of
"the poſſeſſion of the Tunnage and Poundage, before they
"were granted; for elſe, it was pretended, the Subject
"ſhould not in fit caſe to grant it. A fancy and evil
"raiſed of purpoſe to trouble the buſineſs; it being evident,
"that all the Kings before named did receive that duty,
"and were in actual poſſeſſion of it, before, and at the
"very time when it was granted to them by Parliament.
"And although we, to remove all difficulties, did from
"our own mouth, in thoſe clear and open terms, that
"might have ſatisfied any moderate and well-diſpoſed
"minds, declare, that it was our meaning, by the gift
"of our people, to enjoy it; and that we did not challenge
"it of right, but took it *de bene voſſe*, ſhewing thereby,
"not the right, but the neceſſity by which we were to
"take it, (wherein we defended, for their ſatisfaction,
"ſo far beneath ourſelves, as we are confident never any of
"our predeceſſors did the like, or was the like ever re-
"quired or expected from them.) Yet for all this, the
"Bill of Tunnage and Poundage was laid aſide, upon pre-
"ſentence, they muſt firſt clear the right of the Subject there-
"in; under colour whereof, they entertain the complaints,
"not only *John Rolles*, a Member of their Houſe, but
"alſo of *Richard Chambers*, *John Faukeſ*, and *Bartholo-
"mew Gilman*, againſt the officers of our Cuſtoms, for
"detaining their goods, upon refusal to pay the ordinary
"duty, accuſtomed to be paid for the ſame. And upon
"theſe complaints, they fend for the officers of the Cuſ-
"toms, enforcing them to attend day after day, by the
"ſpace of a month together; they cauſe them to produce
"their Letters Patents under our Great Seal, and the
"warrants made by our Privy-Council, for levying of
"theſe duties. They examine the officers upon what
"queſtions they pleaſe, thereby to entrap them for doing
"our ſervice and commandment. In theſe and other their
"proceedings, becauſe we would not give the leaſt ſhew
"of interruption, we endured long with much patience,
"both theſe and ſundry other ſtrange and exorbitant in-
"croachments and uſurpations, ſuch as were never before
"attempted in that Houſe.

"We are not ignorant how much that Houſe hath of
"late years endeavoured to extend their privileges, by ſet-
"ting up general Committees for Religion, for Courts of
"Juſtice, for Trade, and the like; a courſe never had
"until of late: So as, where in former times the Knights
"and Burgeſſes were wont to communicate to the Houſe
"ſuch buſineſs as they brought from their Countries; now
"there are ſo many chairs erected, to make enquiry upon
"all forts of men, where complaints of all ſorts are en-
"tertained, to the unſufferable diſturbance and ſcandal of
"Juſtice and Government, which having been tolerated
"a while by our Father and ourſelf, hath daily grown to
"more and more height; inſomuch that young Lawyers
"ſitting there, take upon them to decry the opinions of
"the Judges; and ſome have not doubted to maintain,
"That the reſolutions of that Houſe muſt bind the Judges;
"a thing never heard of in ages paſt. But, in this laſt
"aſſembly of Parliament, they have taken on them much
"more than ever before.

"They ſent meſſengers to examine our Attorney Ge-
"neral, (who is an officer of truſt and ſecrecy) touching
"the execution of ſome commandments of ours, of which,
"without our leave firſt obtained, he was not to give ac-
"count to any but ourſelf. They ſent a captious and
"reſtory

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" rectory message to the Lord-Treasurer, Chancellor, and Barons of the Exchequer, touching some judicial proceedings of theirs in our Court of Exchequer.

" They sent messengers to examine upon sundry questions, our two Chief-Justices, and three other of our Judges, touching their judicial proceedings at the goal-delivery at *Newgate*, of which they are not accountable to the House of Commons.

" And whereas suits were commenced in our Court of Star-Chamber, against *Richard Chambers*, *John Foukes*, *Bartholomew Gilman*, and *Richard Philips*, by our Attorney-General, for great misdemeanors; they resolved that they were to have privilege of Parliament against us for their persons, for no other cause, but because they had petitions depending in that House; and (which is more strange) they resolved that a signification should be made from that House by a letter, to issue under the hand of their Speaker, unto the Lord-Keeper of our Great-Seal, that no attachment should be granted out against the said *Chambers*, *Foukes*, *Gilman*, or *Philips*, during their said privilege of Parliament. Whereas it is far above the power of that House, to give directions to any of our Courts at *Windsor*, to stop attachments against any man, though never so strongly privileged; the breach of privilege being not in the Court that grants, but in the party or minister that puts in execution such attachments. And therefore, if any such letter had come to the Lord-Keeper, as it did not, he should have highly offended us if he had obeyed it. Nay, they went so far, as they spared not the honour of our Council-board, but examined their proceedings in the case of our Customers, interrogating what this or that man of our Council said, in direction of them in the business committed to their charge. And when one of the Members of that House, speaking of our Council-fellows, said, we had wicked Council; and another said, That the Council and Judges fought to trample under feet the liberty of the Subject; and a third traduced our Court of Star-Chamber, for the sentence given against *Savage*, they passed without check or censure by the House. By which may appear how far the Members of that House have of late swollen beyond the rules of moderation, and the modesty of former times; and this under pretence of privilege and freedom of Speech, whereby they take liberty to declare against all authority of Council and Courts at their pleasure.

" They sent for our Sheriff of *London*, to examine him in a cause whereof they had no jurisdiction: their true and antient jurisdiction extending only to their own Members, and to the conservation of their privileges, and not to the censure of foreign persons and causes, which have no relation to their privileges, the same being but a late innovation. And yet upon an enforced strain of a contempt for not answering to their satisfaction, they commit him to the Tower of *London*, using that outward pretext for a cause of committing him, the true and inward cause being, for that he had shewed himself dutiful to us and our commandments, in the matter concerning our customs.

" In these innovations (which we will never permit again) they pretended indeed our service; but their drift was, to break, by this means, thro' all respects and ligaments of Government, and to erect an universal overruling power to themselves, which belongs only to us, and not to them.

" Lastly, In their proceedings against our Customers; they went about to censure them as delinquents, and to punish them, for slaying some goods of some factious Merchants, in our store-house, for not paying those duties which themselves had formerly paid, and which the Customers, without interruption, had received of all other Merchants, many years before, and to which they were authorized, both by our Great-Seal, and by several directions and commandments from us and our Privy-Council.

" To give some colour to their proceedings herein, they went about to create a new privilege, (which we will never admit) That a Parliament-man hath privilege for his goods against the King; the consequence whereof would be, That he may not be constrained to pay any duties to the King, during the time of privilege of Parliament. It is true, they would have this case to have been between the Merchants, and our Farmers of our customs, and have severed them from our interest and commandment, thereby the rather to make them liable to the censure and punishment of that House. But on the other side, we holding it both unjust and dishonourable, to withdraw our self from our officers, in any thing they did by our commandment, or to disavow any thing that we had enjoined to be done; upon Monday the 23d of February, sent a message unto them by Secretary *Coke*, thanking him for the respect they

" had shewed, in severing the interest of our Farmers from our own interest and commandment. Nevertheless, we were bound in honour to acknowledge a truth, that, what was done by them, was done by our express commandment and direction; and if for doing thereof our Farmers should suffer, it would highly concern us in honour. Which message was no sooner delivered unto them, but in a tumultuous and discontented manner they called, *adjourn*, *adjourn*; and thereupon, without any cause given on our part, in a very unusual manner, adjourned until the *Wednesday* following.

" On which day, by the uniform wisdom of our Privy-Council, we caused those Houses to be adjourned until the second day of *March*; hoping that in the mean time, a better and more right understanding might be begotten between us and the Members of that House, whereby the Parliament might come to an happy issue.

" But understanding by good advertisement, that their discontent did not in that time digest and pass away; we resolved to make a second adjournment until the tenth of *March*; which was done, as well to take time to our self, to think of some means to accommodate those difficulties, as to give them time to advise better; and accordingly, we gave commandment for a second adjournment in both Houses, and for cessation of all business till the day appointed; which was very dutifully obeyed in the Higher-House, no man contradicting or questioning it. But when the same commandment was delivered in the House of Commons by their Speaker, it was straightways contradicted, and although the Speaker declared unto them, it was an absolute right and power in us to adjourn, as well as to prorogue or dissolve; and declared and read unto them divers precedents of that House, to warrant the same; yet our commandment was most contemptuously disobeyed; and some rising up to speak, said, They had business to do before the House should be adjourned.

Here the King inserted a long account of what passed in the House, when the Speaker was kept by force in the chair, whilst the Remonstrance was drawing. This account is much aggravated, being taken word for word from the Attorney-General's information against Elliot. But it contains in substance no more than what hath been said before.

" Whilst the Duke of Buckingham lived, he was entituled to all the distempers and ill-vents of former Parliaments; and therefore much endeavour was used to demolish him, as the only wall of separation between us and our people. But now he is dead, no alteration was found among those envenomed spirits, which troubled then the blessed harmony between us and our Subjects, and continue still to trouble it. For now, under the pretence of publick care of the Common-wealth, they suggest new and causeless fears, which in their own hearts they know to be false; and devise new engines of mischief, to cast a blindness upon the good affections of our people, that they may not feel the truth and largeness of our heart towards them. So that now it is manifest, the Duke was not alone the mark these men shot at, but was only as a near minister of ours, taken up, on the bye, and in their passage to their more secret designs; which were only to cast our affairs into a desperate condition, to abate the powers of our Crown, and to bring our Government into obliquity; that in the end all things may be overwhelmed with anarchy and confusion.

" We do not impute these disasters to the whole House of Commons, knowing that there were amongst them many religious, grave, and well-minded men; but the sincerer and better part of the House was overborn, by the practices and clamours of the other, who careless of their duties, and taking advantage of the times, and our necessities, have enforced us to break off this meeting; which had it been answered with like duty on their parts, as it was invited and begun with love on ours, might have proved happy and glorious, both to us and this whole Nation.

" We have thus declared the manifold causes we had to dissolve this Parliament, whereby all the world may see how much they have forgotten their former engagements at the entry into the war, themselves being persuaders to it; promising to make us feared by our enemies, and esteemed by our friends. And how they turned the necessities grown by that war, to enforce us to yield to conditions incompatible with Monarchy.

" And now that our people may discern that these provocations of evil men (whose punishments we referre to a due time) have not changed our good intentions to our Subjects, we do here profess to maintain the true Religion and Doctrine established in the Church of *England*, without admitting or conniving at any back-sliding, either to Popery or Schism. We do also declare, That we will maintain the antient and just rights and

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"And for our ministers, we will not that they be terrified by those harsh proceedings, that have been strained against some of them. For as we will not command any thing unjust or dishonourable, but shall use our Authority and Prerogatives for the good of our people; so we will expect, that our ministers obey us, and they shall assure themselves we will protect them.

"As for our Merchants, we let them know, we shall always endeavour to cherish and enlarge the Trade of such as be dutiful, without burdening them beyond what is fitting: But the duty of five in the hundred, for guarding of the Seas, and defence of the Realm, to which we hold ourselves still obliged, (and which duty hath continued without interruption for many successions of ages) we hold no good or dutiful Subject will deny it, being so necessary for the good of the whole Kingdom. And if any factious Merchant will affront us, in a thing so reasonable, and wherein we require no more, nor in no other manner, than so many of our predecessors have done, and have been dutifully obeyed: Let them not deceive themselves, but be assured, that we shall find honourable and just means to support our estate, vindicate our Sovereignty, and preserve the authority which God hath put into our hands.

"And now having laid down the truth and clearness of our proceedings, all wise and discreet men may easily judge of those rumours, and jealous fears, that are maliciously and wickedly bruited abroad, and may discern by examination of their own hearts, whether (in respect of the free passage of the Gospel, indifferent and equal administration of justice, freedom from oppression, and the great peace and quietness which every man enjoyeth under his own vine and fig-tree) the happiness of this Nation can be paralleled by any of our neighbour-Countries; and if not, then to acknowledge their own blessedness, and for the same be thankful to God, the author of all goodnes."

This Declaration, or rather Apology, produced not the effect, the King expected. It was very difficult for the King to persuade the People, that a dozen Members of Parliament had formed a project to subvert the Government, to introduce Anarchy, to usurp the Royal Authority, without any appearance of the least advantage to themselves or others. It would have been still more strange, that supposing the King to just a Prince, and so tender of his People, as he desired to be thought, these men should have had sufficient credit, to bring over the majority of the Commons to their sentiments. On the other hand, the King defended himself very weakly, in his Declaration, on the articles concerning Recusants, Tunnage and Poundage, and in general, on the causes of the dissolution of the Parliament. For in aggravating the Commons fault, in not instantly obeying the adjournment, he not only supposed his power incontestable, though it was not so, but also omitted the immediate cause of their non-compliance; namely, the Speaker's refusal, by his express command, to put the question, which was a manifest breach of the freedom of Parliament. Complaints therefore and murmurs continued more than ever, notwithstanding this apology. It was publicly said, the King intended utterly to destroy the privileges of the Parliament, and the liberties of the People; and what was done afterwards against the imprisoned Members, helped not to undeceive the Nation. It was added, that Trade was ruined, and Religion in danger, and that the Kingdom was going to be inflamed, if these mischiefs were not redressed by a new Parliament. The King being informed of these rumours, published a Proclamation to this effect:

"THAT, notwithstanding his Majesty's late Declaration, for satisfying the minds and affections of his loving subjects, some ill-disposed persons do spread false and pernicious rumours abroad, as if the scandalous

and seditious proposition in the House of Commons, made by an outlawed man, desperate in mind and fortune, and tumultuously taken up by some few, after that, by his Majesty's royal authority, he had commanded their adjournment, had been the vote of the whole House, whereas the contrary is the truth; for it was then decreed by the wisest and best affected, and since disavowed, upon examination, by such as were suspected to have consented thereto, and affirmed, as well by them, as others who served in the House that day, to be a thing of a most wicked and dangerous consequence, to the good estate of this Kingdom; and it appeareth to be so, by those impressions which this false rumour hath made in mens minds, whereby, out of carelesse fears, the Trade of the Kingdom is disturbed, and Merchants discouraged to continue their wonted traffick. His Majesty hath thought it expedient, not only to manifest the truth thereof, but to make known his royal pleasure; that those who raise or nourish false reports, shall be severely punished; and such as cheerfully go on with their Trade, have all good encouragement; not purposing to over-charge his subjects by any new burthens, but to satisfy himself with those duties that were received by the King his Father of blessed memory, which his now Majesty neither can, nor will dispense withal; but shall esteem them unworthy of his protection who shall deny the same, his Majesty intending to employ it for the defence of his Kingdom, dominion of the Seas, and safeguard of the Merchants, especially by such shipping as are now making ready, and such further preparations for aid of his friends and allies, as need shall require. And whereas for several ill ends, the calling again of a Parliament is divulged, howsoever his Majesty hath shewed by his frequent meeting with his People, his love to the use of Parliaments; yet the late abuse having for the present driven his Majesty unwillingly out of that course, he shall account it presumption for any to prescribe any time to his Majesty for Parliaments; the calling, continuing, and dissolving of which, is always in the King's own power. And his Majesty shall be more inclinable to meet in Parliament again, when his People shall see more clearly into his intents and actions; when such as have bred this interruption shall receive their condign punishment, and those who are misled by them, and by such ill reports as are raised upon this occasion, shall come to a better understanding of his Majesty and themselves."

About this time appeared a Writing, entitled, *A Proposition for his Majesty's service, to bridle the impertinency of Parliament*. Very probably, if this writing had been presented to the King, it would never have been published. Accordingly, it was afterwards declared in the Star-Chamber to be a seditious libel (1). It serves, however, to shew, that many people thought, the King was taking measures to throw off the yoke of Parliaments, since he evidently followed some of the maxims proposed in this Writing. There was even no likelihood of his intending to call another Parliament, till he had found means of having the Commons more at command, as he had plainly intimated in his last Proclamation.

Rachel being taken, the King did not think proper to continue a war with France, which could bring him no advantage, nor serve him for pretence to ask money of the Parliament, since he was determined not to call one. As France had no quarrel with him, but concerning the Queen's domesticks, which was not a sufficient motive to continue the war, a peace was quickly concluded between the two Crowns, by the mediation of the Republick of Venice. It was signed the 14th of April, about a month after the dissolution of the Parliament. France so little cared for what had passed concerning the Queen's domesticks, that she was satisfied with inserting this article in the Treaty of Peace: *The articles and contract of the marriage of the Queen of Great-Britain are to be confirmed faithfully. And as for the said Queen's domesticks, if there be any thing to be added or diminished, it shall be done by a mutual consent freely and willingly, as it may be judged fit and convenient for the service of the said Queen.* This Peace was sworn in September following.

The King had now freed himself from the yoke of the Parliament, and intended not to resume it. But withal, he had deprived himself of the supplies of money, which the Parliaments were wont to grant to the Kings, not only on urgent and extraordinary occasions, but also as marks of affection and zeal, when the People were pleased with the Government. One may venture to say, no Prince in Europe equals in riches a King of England, who is beloved by his Subjects. Not only his ordinary revenues, if well

Remark on this Declaration.

Rushworth, T. II. p. 3. Annals, p. 361.

Proclamation against false reports, &c. Rushworth, T. II. p. 3. Annals, p. 361.

(1) The Project contained in this Writing, was framed in 1629, by Sir Robert Dudley, Son of the Earl of Leicester. However, the Earls of Bedford, Somerset, and Clarendon, Sir Robert Cotton, Mr. Somers, and Mr. St. John were consulted for disposing it, and questioned in the Star-Chamber; but Sir David Forster up on oath delivered the Author, and so saved the whole. Rushworth, T. II. p. 361. Annals, p. 361.

managed.

1629. managed, are more than sufficient to enable him to keep a splendid and magnificent Court; but it is properly the Sovereign alone who has never any need to heap up money against any future extraordinary emergencies. He finds, at all times, in the purses of his subjects, and by a free gift, whatever is necessary to support the honour of his State. There is no potentate in Europe that can, like him, be sure of never wanting money. But what must he do to gain the love of his People? Why, a thing the most practicable and easy, the most just, the most adapted to the welfare of his Kingdom, and to his own interest. In a word, he must observe the Laws to which himself and predecessors have consented, and which were deemed necessary for King and People. The pride therefore and insatiable avarice of Favorites and Ministers, are the only things that make him sometimes lose the advantages naturally flowing from the constitution of the Government. These men, impatient of any bounds to their unlawful ambition of governing with an absolute sway, seek all possible means to infiltrate into their Master a desire to set himself above the Laws, and to become like other Monarchs. That is, they do all that lies in their power to change the King's true and solid happiness into real misery. For though a King of England should render himself absolute, he could never, by oppression and violence, obtain from his People what he may freely receive, by submitting to the Laws and Constitution of the Government. We have seen in the two late Reigns of William III. and Queen Anne, and we daily see in that of the Prince on the Throne, such undeniable proofs of what I advance, that I think it needless to say any thing more. I shall only observe, that the Kings of England, who were most famous and most esteemed, as Edward I, Edward III, Henry V, Henry VIII, and Elizabeth, constantly followed the same maxim, and thereby rendered their Reigns prosperous and happy. Whereas, James I, Charles I, Charles II, James II, who took a contrary course, became miserable, and performed nothing either for their own or the Nation's glory.

Consent of the People's assent.

Charles I, like the King his Father, was very fond of arbitrary power, and had no favorites or ministers, but what were of the same principles. His Privy Council became by degrees an absolute Court, which thought itself above the Laws. The Star-Chamber was another Court, the most rigorous that ever was, the severity whereof fell chiefly upon those who pretended to dispute the Prerogative-royal. The High-Commission perfectly seconded the Council and Star-Chamber, and under colour of putting a stop to Schism, oppressed, as Puritans, those that refused to submit to a despotic power. In short, the Judges of the realm being all clost by the Court, and devoted to the King, omitted no opportunity to support the Prerogative-royal, and raise it as high as the King desired. The Parliament only could cure these disorders, but the King was determined to call no more, the maxims of the Parliament being diametrically opposite to his. He thought the Parliament had much incoached upon the Prerogative-royal, in the foregoing Reigns, and the Parliament could not help dreading the consequences of the general maxims, which the King was endeavouring to introduce into the Government; and the rather, as they saw plainly, these consequences were not bare speculations, but were put in practice. This dread induced them to deny the King some things readily granted by former Parliaments to his predecessors, because they were free from any such fears. But as the Nation in general was more inclined to be ruled by the Parliament, than by the Court, these contrals bred in the minds of the People a distaste to the Court, the fatal effects whereof the King afterwards experienced.

Exploiting of the King's Revenue.

By the dissolution of the late Parliament, and by his resolution never to call another, which was universally known, the King had not only deprived himself of the extraordinary Supplies he might have expected from the Commons, but had also done himself great prejudice with respect to his Treasury. The five Subsidies granted by the Parliament fell very short of what was expected. As every man's quota towards a Subsidy is settled by commissioners in each county, and by assistants belonging to the towns and villages, in proportion to his possessions, either poverty, or decay of trade, or some such excuse was pleaded to lessen the tax. On the other hand, the commissioners and assistants not being inclined to the Court, allowed very readily these excuses, and appeared much more apt to favour their countrymen than the King. This occasioned a great diminution of the usual value of the Subsidies. Moreover Tunnage and Poundage were not paid without force.

There was continual occasion to use violence, to seize the effects, and imprison the merchants, to oblige them to pay what the House of Commons had declared illegal. Besides, they practised a thousand artifices to defraud the King of a duty, which they thought was unjustly laid upon them. To cure these inconveniences, the Council was forced to give very strict orders, even to the empowering the officers of the Customs to enter into any ship, vessel, or house, and to search in any trunk or chest, and break up any bulk whatsoever, in default of the payment of Customs. But besides, that this had never been practised before, another inconvenience arose. These officers, under colour of searching, used many oppressions and rogueries, which caused the People still the more to exclaim. In a word, the King had not half the profit from Tunnage and Poundage that he received before his quarrel with the Parliament, and the People were much more dissatisfied than ever. But to hinder their discontent from turning into rebellion, the Council gave strict orders to have the Militia, both Horse and Foot, compleated, armed, and instructed in the exercise of arms (1). It was thereby intended to intimidate the People, and keep them in awe, whilst on the other hand, they were amused with orders for the rigorous execution of the Laws against Recusants. But these orders must have been neglected, since the People's Complaints upon that Subject never ceased during the whole course of this Reign.

Mean while, as the King wanted money, and it was easy to foresee, that his ordinary revenues would not be sufficient to supply his expences, the Ministers found no better way to increase the King's revenues, than by granting Monopolies. That is, the King, by his Letters-Patents, formed Companies, to whom alone he gave the privilege of selling certain goods or wares, and who were to pay him for it such a yearly revenue. This was directly contrary to the rights of the People, and very destructive to trade: but in those days, the good of the Nation was what the Court had least in view. This abuse went so far, that in a manner all sort of commodities were monopolized, and the sale engrossed by some Company, even to old Rags. I shall not here specify these Monopolies, because, not having been all established at once, they will perhaps be mentioned hereafter (2).

Since the King had undertaken to make war upon France, the Spanish war was no more talked of than if there had been no such thing, though in all the speeches to the foregoing Parliaments, and in all the messages to the Commons, he had endeavoured to show how necessary this war was, for the welfare of all Europe, and especially of England. He had frequently insinuated, that England and Ireland were in so great danger of being invaded by the Spaniards, that it was not possible to be too speedy in applying a remedy to so urgent an evil. And yet, the Spaniards never made any attempt that might confirm the fears, the King would have inspired the Parliament with. The King of Spain, contented with not being attacked, undertook nothing against England, knowing he was in no danger from that quarter. However, after the conclusion of the Peace between France and England, he thought proper to end the war with the English, to which he met with no obstacle, Charles not being in condition to continue it. So a peace between the two Crowns, after some negotiations, was concluded in November 1630.

Presbyterianism had lately gained ground in England, notwithstanding the strong opposition of the Bishops, and particularly of Laud Bishop of London, sworn enemy to the Puritans. This Prelate seldom missed any opportunity to show his hatred to them, and such opportunities very frequently offered. Besides that he was the King's most intimate counsellor, especially for ecclesiastical matters, he had almost the sole direction of the High-Commission, after the Archbishop of Canterbury was excluded on account of Sibbors's sermon. He so managed therefore, to prevent the growth of Presbyterianism, that the King sent certain instructions to the Archbishops, with a command to impart them to the Bishops of their Provinces, in order to their being observed. The chief end of these instructions was to hinder any Presbyterian minister from creeping into the Church of England, and to discover the careless observers of the Rites prescribed by the Canons. Laud himself was the author of these instructions which were agreeable to some considerations [for the better settling of the Church-government] presented by him to the King some time before. As the Presbyterians were not ignorant from whence the evil sprung, they entertained an implacable

(1) And for the exercising, and keeping the Militia in good order, each County was obliged at a certain rate for the entertainment of a Muster-master. *Richmond's*, Tom. 2. p. 10.—An order was also made for raising money, by compounding with Recusants. *Ibid.* p. 13.—And a Commission for continuing defective Titles, p. 49.

(2) Thus, as the Lord Glendower observes, "unjust Projects of all kinds, many ridiculous, many scandalous, and very grievous, were set on foot; the envy and reproach of which came to the King, the profit to other men; insomuch that of 200,000*l.* down by their ways in one year, scarce 10,000*l.* came to the King." *Tom.* 1. p. 43.—This year died Sir John Elliot, George Cerro Earl of Terrisy, a commander in the Irish wars under Queen Elizabeth; and John Speed the Historian. *Edward.*—May 7, Sir Edward Herbert was created Baron Herbert of Chirbury. *Rymer's Fœd.* Tom. 19. p. 232.

1630. enmity to this Prelate, the effects whereof they made him feel afterwards, when they found an opportunity.

This year the King had the satisfaction of having a Son called *Charles*, of whom the Queen was delivered the 29th of May.

Gustavus Adolphus King of Sweden, had expressed a great desire to relieve *Germany*, oppressed by the Emperor, but his wars with *Poland* had prevented the execution of that design. Upon this account the Kings of *France* and *England* joined together to procure a peace between these two Crowns, in which they succeeded at last. The French King's aim was to humble the House of *Austria* by this diversion, and *Charles* hoped, that by the King of *Sweden's* means, he should recover the *Palatinate* for his Brother-in-law. The peace, I have just mentioned, was no sooner concluded, than the King of *Sweden* prepared to enter *Germany* at the head of a powerful army. At the same time, he made a private agreement with the King of *England*, whereby *Charles* engaged to furnish him with his thousand men, in the Marquis of *Hamilton's* name, as if that Lord had raised these troops at his own charge. These articles seldom deceive: but however they give the Princes who use them, the assurance to say, it is done against their consent. That I may not return to this affair, I shall say here in two words, *Charles* was the dupe of *Gustavus*. When the *Swedes*, after several victories over the *Imperialists*, was able in his turn to assist the King of *Bohemia*, he would have laid such hard terms upon him, that he could not think of accepting them. So *Charles* withdrew his troops, which had done good service in the war, and recalled *Sir Henry Fane* who was with the King of *Sweden*, in quality of Ambassador. Thus ended this sort of League, the particulars whereof I think it needless to relate, since it caused no alteration in the affairs of this Reign.

I return now to domestic affairs. The King's ordinary Revenues not sufficing for his expences, it was necessary to find means to raise a further Supply. One of these means was, to attack such as had neglected to receive the order of Knighthood at the King's Coronation, though they had been summoned. It was an ancient custom from the Conquest, that such as had fifteen pounds a year in land, were obliged to serve the King in his wars, and those who were not capable of serving, compounded with the King, and for a certain sum were released from this service. To this end, those who were worth fifteen pounds a year, were to be made Knights, that is, fit to serve the King. In process of time, the number of those who were to take the order of Knighthood was limited to such as had twenty pounds a year. What was at first but a bare custom, was turned into a law in the Reign of *Edward II.* and after that time of the following Kings took advantage of it, as may be seen in *Rymor's Collection of the publick Acts*. But in general, though this Statute was not abolished, it had however been long disused. *Charles I.* going upon the Statute's being still in force, since it was never expressly repealed, put it in practice at his Coronation, and pretended to use great condescension, in summoning to take Knighthood such only as had forty pounds a year, though at that time forty pounds were much less than twenty pounds in the days of *Edward II.* He found but very few willing to obey these summons, the use whereof was entirely forgotten. The King himself overlooked this non-compliance, perhaps for fear it might be some prejudice to him with regard to the Supplies he was to ask of the Parliament. But after the dissolution of the third Parliament, he did not think himself obliged to the same caution. He appointed therefore Commissioners to compound with those who had neglected to appear, as well for their contempt, as for being excused from receiving the order of Knighthood. The Commissioners had this instruction, *To take no less than after the rate of three and half as much, as the persons compounding were found rated in the Subsidy*. Multitudes being summoned upon this occasion, the compositions brought the King above a hundred thousand pounds. This was looked upon afterwards as a grievous oppression, and the Parliament repealed the Statute on which it was grounded.

I have already spoken of *Bishop Laud's* extraordinary zeal for the Church of *England*. This Church, at the Reformation, thought fit to retain some Ceremonies, not as absolutely necessary, but rather as indifferent, and which consequently he believed it not proper to remove from the Divine Service. *Laud* was not only scrupulously attached to these Ceremonies, but also to every thing that served to adorn the externals of Religion, and seemed more inclined to increase the number than suppress any of those that most offended the Puritans. He gave a proof of this inclination, when he consecrated *St. Catherine's* Church, which

had been lately repaired. On this occasion he used some Formalities which he might have forborn, as being too like what is practised in the Church of *Rome* on such solemnities. The manner of Consecration was thus:

"At the Bishop's approach to the West-door of the Church, some that were prepared for it, cried with a loud voice, *Open, open ye everlasting doors, that the King of glory may enter in!* And presently the doors were opened: And the Bishop, with some Doctors, and many other principal men went in, and immediately falling down upon his knees, with his eyes lifted up, and his arms spread abroad, uttered these words: *This place is holy, the ground is holy, In the name of the Father, Son, and Holy Ghost, I pronounce it holy.*

"Then he took up some of the dust, and threw it up into the air several times, in his going up towards the Chancel. When they approached near to the said and Communion-Table, the Bishop bowed towards it several times, and returning, they went round the Church in procession, laying the 100th Psalm; after that tie 10th Psalm, and then said a form of Prayer, *Lord Jesus Christ, &c.* and concluding, *We consecrate this Church, and separate it unto thee, as holy ground, not to be profaned any more to common use.*

"After this the Bishop being near the Communion-Table, and taking a written Book in his hand, pronounced curses upon those that should afterwards prophane that holy place, by mutters of Soldiers, or keeping prophane Law courts, or carrying burdens through it, and at the end of every curse, he bowed towards the east, and said, *Let all the People say, Amen.*

"When the curses were ended, he pronounced a number of blessings upon all those that had any hand in framing and building of that sacred and beautiful Church, and those that had given, and thence hereafter give any chaises, plate, ornaments, or utensils; and at the end of every blessing, he bowed towards the east, saying, *Let all the People say, Amen.*

"After this followed the Sermon; which being ended, the Bishop consecrated and administered the Sacrament in manner following.

"As he approached the Communion-Table, he made many several lowly bowings, and coming up to the side of the Table where the Bread and Wine were covered, he bowed seven times, and then, after the reading of many prayers, he came near the Bread, and gently lifting up the corner of the napkin wherein the Bread was laid, and when he beheld the Bread, he laid it down again, flew back a step or two, bowed three several times towards it, then he drew near again, and opened the napkin, and bowed as before.

"Then he laid his hand on the Cup, which was full of Wine, with a cover upon it, which he let go again, went back, and bowed thrice towards it; then he came near again, and lifting up the cover of the Cup, looked into it, and seeing the Wine, he let fall the cover again, retired back and bowed as before; then he received the Sacrament, and gave it to some principal Men; after which many prayers being said, the solemnity of the Consecration ended."

If *Laud* had taken all these Ceremonies, both in the consecration of the Church, and in the administration of the Sacrament, from a Ritual of the Church of *England*, made since the Reformation, there would have been nothing to object. But some years after, the House of Commons accused him in torn, of having exactly copied the *Roman Pontifical*, which was found in his study. He denied it, alleging two seemingly very frivolous reasons. First, that the Pontifical prescribes *Athes* to be thrown up by the Bishop who consecrates the Church, whereas he threw up Dust in the air, which he found on the ground (1). Secondly, that he observed a form communicated to him by *Bishop Andrews*. But as there is so little difference between Dust and *Athes*, and as *Bishop Andrews's* form agreed with that in the Pontifical, this answer was not much approved. However this be, it cannot be denied, that it was afflication to use on this occasion, both for consecrating the Church, and administering the Sacrament, a different form from that of the Church of *England*, and to chuse one so very like the *Roman Pontifical*. This gave his enemies a great advantage, who took occasion from it, to charge him with an intention to introduce Popery. But he little regarded what could be said against him: The King's favour had raised him so high, that it was not in the power of his enemies to hurt him, but on the contrary, he had frequent opportunities to be revenged of them. Whilst he was most exalted against, three Doctors in Divinity of the University of *Oxford*, having preached a

(1) *Laud's* words in *Rapin's* Hist. "Whereas it was said, I threw up dust in the air, this I deny; and where it was alleged that this was in imitation of God at the *Roman Pontifical*, that I said he is a mistake, for the Pontifical prescribes *Athes* not Dust to be cast abroad." H. waver, it was exactly repeated by two witnesses that he threw up dust. *Rapin's*, Tom. 2. p. 78, 79.

1631. gainst *Arminianism*, were expelled the University, and some others who had undertaken their defence, were turned out of their offices. This was under colour of observing the King's Proclamation, and it was not doubted but *Laod* was the author of these violent proceedings (1).

Morpheus. In the mean time, the King's Ministers were diligently seeking means to raise money, and new projects were every day offered, of which they chose such as they thought proper. Among these means, Monopolies, as I said, were at first most in vogue. At the beginning of the year 1632, the King by his Patent under the Great Seal, incorporated the Sump-makers. 'Tis said this Patent alone was worth to him ten thousand pounds (2). There was another Company formed for making of Cards, of whom the King bought them at eighteen shillings a gross, and sealing them, sold them again. But I should be too tedious was I to mention all the Monopolies made in this reign by the King's authority (3).

Monopolies were not however the only way practised to raise money. Several other methods were found. Shortly after, the King by Proclamation commanded all Lords, Gentlemen, Clergymen, and others whose stay in London was not absolutely necessary, to depart within forty days, and reside in their respective Counties, and at their Manſion-houses. This injunction seemed to be grounded upon the King's desire, to hinder the nobility and gentry from walling their estates by a needless residence in London, where they were obliged to be at a great expence. But it was perceived afterwards, that the King had another end in it, when such were summoned before the Star-Chamber, as had neglected to obey the Proclamation, and were condemned in grievous Fines to the King's use. At the same time, the King appointed Commissioners to punish those that, contrary to former prohibitions, had enlarged the City of London by new buildings. From all this the King drew very considerable Sums, the Fines in which the offenders were condemned being all to his use. The Star-Chamber exercised great rigour on these occasions.

About the same time, the City of London was fined fifteen hundred marks, because the Mayor and Aldermen had neglected to take inquisition of the death of one Doctor Lamb, who passed for a conjurer, and of whom the Duke of Buckingham had made use, but for what purpose I know not. This man being eighty years of age, was pursued by the mob from street to street, and died within a few days, either of the fatigue he had endured, or of the bruises he had received.

I have already observed, that Presbyterianism, or, as it was then called, Puritanism, daily gained ground, notwithstanding the endeavours used by the King, Bishops, High-Commission, Star-Chamber, and Courts of Justice, to stop its progress. As these endeavours consisted not in better informing the Presbyterians, but only in the excessive severity exercised upon them, when their zeal caused them to offend; they were the more exasperated against the Church of England, as they saw at the same time, that the Arminians and Papists were left unmolested, or if orders were sometimes given against them, such orders were never executed. This made them exclaim against the Bishops, and charge them with design to introduce Popery and *Arminianism* into the Church. Unhappily, they imputed to the whole Church of England, the violences which ought to have been ascribed to the circumstances of the times, and the particular character of some Bishops, who having credit at Court, intimated to the King, that nothing was more opposite to regal authority, than Presbyterian Church government. All who were not very submissive to the King, were considered as Puritans, and as such frequently oppressed. So, by a fatal policy, Men well-affected to the Church of England, but enemies to arbitrary power, were forced, against their wills, to join with the Puritans, in order to strengthen their party, and enable them to oppose the designs of the Court. I am persuaded, this conduct gave Puritanism many adherents, which otherwise it would never have had. What makes me of this opinion, is, that Presbyterianism never made so great a progress as during the first fifteen years of this Reign, though it had never been more persecuted. After all, this conduct is not to be ascribed to the Church of England. We don't find in her Principles and Doctrines, any thing repugnant to Charity, or tending to violence; but it was wholly owing

to the character and designs of the Court-Prelates, of the King's Ministers and Counsellors, who meant to carry the royal authority to the highest degree. They thought nothing would more conduce to that end, than the humbling, or rather the utter ruin of the Puritans, and unfortunately considered as such, all that opposed their design, according to King James's maxim. Hence it happened, that by confounding thus the State-Puritans, with the Church-Puritans, they compelled, as I may say, the first to join with the last.

The design of ruining Presbyterianism destroyed all regard to the scriptures of tender consciences even in things of little moment, left by the Reformers in the public worship, rather as indifferent, than as absolutely necessary. On the contrary, every thing that gave most offence to the Presbyterians, was not only indifferently practised, but also repented as necessary, and several novelties added which were apt to widen the breach, and make an union impracticable. Of this the Reader will hereafter be convinced. But before I leave this Subject, I cannot forbear to relate a Fact which clearly proves what I have advanced.

There was in the City of Salisbury a Collegiate Church, called St. Edmunds, which with its revenues, like the rest of that kind, came by Act of Parliament into the hands of Henry VIII, and remained in the Crown till the Reign of James I, who sold it to a private person, and he to another, so that it passed successively through several hands, till at length the last proprietor sold the Church to the Parishioners of St. Edmunds, who repaired and made it the Parish-Church. The windows which had till then been preserved, were painted after the old fashion, and contained among other things the History of the Creation, where the painter had represented God the Father in the form of an old man, creating the world during the first six days, but on the seventh had painted him sitting to devote the day of rest. The ignorant painter had committed several blunders, having given to one day the work performed on another, and, in expressing the creation of the Sun and Moon, had put in God's hand a pair of compasses, as if he was going to measure them. Henry Sherfield Recorder of Sarum, and parishioner of St. Edmunds, having called a Vestry, represented to the parishioners, that these pictures gave offence, and were apt to lead the people to superstition. That the painter had committed several errors, and besides, the representation of God the Father in the form of an old man, offended the eyes of good Christians. Whereupon the Vestry thought it proper to take down the windows (4), and put up others, not painted, in their room. Armed with this order, the Recorder sends for a glazier, and showing him with his stick the glass which was to be changed, broke some of the panes, as little caring to preserve them.

Upon this outrage, an information is exhibited against Rev. G. Sherfield in the Star-Chamber by the Attorney-General, showing, that contrary to the Canon, which forbid any private person to alter or innovate any thing in the fabric or ornament of a Church, without special licence from [his Majesty or] the Bishop of the Diocese, Sherfield being ill-affected to the discipline of the Church of England, and the Government thereof by Bishops, did combine with some others of the same opinion, and undertake by a bare order of the Vestry, and in contempt of the King and the Diocesan to break down the windows of St. Edmund's Church, which contained excellent pictures of the creation, made hundreds of years since, and were a great ornament to the Church. That he committed this prophane act contrary to the order of the Bishop, who by letter had intimated him to desist from this design. That by this ill example, other wicked and schismatical persons, ill-affected to the Government of the Church of England under his Majesty, might be encouraged to use the like violent courses.

Sherfield answered, That the Church of St. Edmunds was a Lay-Feo, and had so continued ever since it fell to the Crown, and therefore it was legally exempted from the jurisdiction of the Bishop of the Diocese. That consequently those who had purchased the Church, had lawful power to alter the windows, as they had before made other alterations, in the steeple, walls, pulpit, and other parts, without any complaints from the Bishop. That after all, he had only taken down some small quarries of glass to show

1632.

Presb. a-
round the
border of
Salisbury.
Rathbury.
He p. 173.
State-Trip.
T. I.

The City of
London
and
Railworth.
He p. 145.
Annals.
June 15.
1631.
Howes.

Endeavours
to destroy
Puritanism,
and to recruit
thereon.

(1) *Laod* was chosen Chancellor of Oxford, April 12, in the room of William Earl of Pembroke, who died of an Apoplexy, April 10. Mr. Thomas Ford of Middle Cheshire, Mr. Giles Hedges of Exeter College, and Mr. Giles Irem of Balliol, were summoned before the Vice-Chancellor, appeared from him to the Vice-Chancellor, Mr. John Birch of Brasenose Hall, and Mr. John Douglas of Merton, who received their Appeals, were turned out of their Offices, and Ford, Hedges, and Irem expelled. The cause was tried before the King at Windsor, August 23. *Rathbury*, Tom. 2. p. 110.

(2) By way of sentence, and right pawns a Tun for all Soap hereafter sold. Not long before was enacted a Grant made by King James, to incorporate the Star-Chamber into a Company. *Ant. Pub.* 160. p. 92, 138. And there was a contract between the King and the Master, &c. of this Company, whereby the said Company did covenant to pay into his Majesty's Exchequer 1500 £. the first year, 1500 £. the second, and then 3500 £. yearly. *Rathbury*, Tom. 2. p. 115.

(3) May 14, 1632, Sir, Mercurius Lord-Julius Earl of Corkinshore, was beheaded, for a Rape committed upon his Wife by one of his Servants, with his assistance; and Sir S. Somers, Baron-Lord, Tom. 1. p. 100. *Neve-the-4*, was born the Princess Mary, married in 1641, to William Prince of Orange, and Mother of the late King William III. *See* *Rich.* 1640. This year died the famous Sir Robert Cotton, founder of the Cottonian Library. *See* *Rich.*

(4) What Mr. Sherfield went to have altered, was only one Window, containing but of four Lights, and worthy of the fair Window of the Church. *Rathbury*, Tom. 2. p. 144.

1632. the glazier what was to be altered, and that the History of the creation might still be plainly discovered. That the painting was so far from being fine, that when it was done, it did not cost above forty fillings. Then he set forth the gross blunders of the painter, and proved by Acts of Parliament made in the Reigns of *Edward VI.* and *Elizabeth*, that all pictures shall be removed out of the Churches. Finally, he denied that he was ill-affected to the Government of the Church under Bishops, or had acted in contempt of the King, or ever received a letter from the Bishop of *Salisbury* upon this subject. Whereupon the Bishop of *London* said, that he did not pretend to justify the errors of the painter, but only to observe to the Court, that God being called in Scripture, *the Ancient of Days*, might be the occasion of the painter's representing God the Father like an old man (1). But that *Shelfield* was much more to blame than the painter for daring to make alterations without licence. In short, *Shelfield* was fined five hundred Pounds, contrary to the opinion of some of his Judges, who would have mounted his fine to a thousand, and condemned to make a public acknowledgement of his fault, before such persons as the Bishop should please to name (2). I thought my self obliged to relate this instance, in order to show what methods were taken to ruin Presbyterianism. It is easy to perceive, that such severities could not but produce very ill effects amongst the people, and alienate them from, instead of reconciling them to, the Church of *England*.

In the account, I have given of the third Parliament held in this Reign, I have sometimes occasion to speak of *Sir Thomas Wentworth*, Knight of the Shire for the County of *York*. This Gentleman several times in the House of Commons, gave proofs of his zeal for the maintenance of the liberties of the people, and the privileges of the Parliament. By that he became formidable to the Court, though he took care not to run into any excess with regard to the King and his Minister. On the contrary, he always softened his opinions with some honorable and respectful expressions, but however seldom failed to oppose the pretensions of the Court. As he was one of the greatest geniuses then in *England*, the King soon perceived that his parts and capacity might be very serviceable to him, if he could gain him to his interest. He endeavoured it therefore, alter, or perhaps before, the dissolution of the Parliament, and succeeded so well, that *Wentworth* became one of the most zealous promoters of the royal authority, or rather of the despotick power the King had a mind to establish (3). Upon this account, the King thought him the fittest person to be intrusted with the Presidentship of the Council in the North. As this is one of the greatest grievances complained of by the *English* against *Charles I.*, and one of the most noted occasions wherein that Prince discovered his design to set up an unlimited power, it will be necessary briefly to show what this Council in the North was, and the use the King would have made of it to subject his people to a despotick power.

Upon the suppression of the lesser Monasteries in the 27th year of the Reign of *Henry VIII.* there were, for two or three years together, several infurrections in the North. Mean while, as *Henry VIII.* did not intend to stop there, but meant also to suppress all the rest of the Monasteries, he thought proper to take some care to prevent the like infurrections in those parts. To that end, he established at *York* a Court of Justice, under the specious pretence of easing his poor Subjects, who had not wherewithal to prosecute their suits in the Courts of *Westminster*. But his real intent was, that this Court should have an eye upon the proceedings of the northern Lords and Gentlemen, who were suspected, in order to punish them immediately, in case it was perceived they were endeavouring to raise any fresh infurrections. A commission therefore was granted to the Bishop of *Landaff*, the first President, and others, by virtue whereof was established this new Council in the North, otherwise called the Court of *York*. The jurisdiction of this Court extended over *Yorkshire*, *Northumberland*, *Cumberland*, *Westmoreland*, the Bishoprick of *Darham*, the County of the Cities of *York*, *Kirkstun* upon

Hull, and *Newcastle upon Tyne*. The King's commission was no other than a commission of *Oyer and Terminer*, with an additional clause, whereby the Council was empowered to hear all causes, real and personal, when one or both of the parties, by reason of their poverty, could not prosecute their rights, according to the laws of the land. This clause, though illegal, produced no ill effect, nor any complaint, whether the new Court exercised that part of the commission at all, or only so sparingly, that the poor found ease and benefit by it.

In the first year of the Reign of King *James I.* a commission was granted to the Lord *Shelfield* President of the Court of *York*, which varied not from the former, only it had reference to instructions which the King was to send him. It is not known whether these instructions were sent; but it is evident, that in making the power of the Court to depend on the King's instructions, the intent was, that its decisions should not be made so much according to the laws, as according to his Majesty's private orders. And indeed, King *James* in the seventh year of his Reign granted a new commission to the same Lord *Shelfield*, omitting these two clauses, which were in the first, That they should inquire per sacramentum bonorum et legalium hominum, and hear and determine, secundum leges Anglie. Thus the power of the Court was limited only by the particular instructions, which were the first that appear to have been sent thither.

From that time, whenever the commission was renewed, which was upon every change of President or Counsellor, the King sent new instructions, tending to render the Court of *York* independent, not only of the Courts of *Westminster*, which are the Courts of the whole Kingdom, but even of all sorts of laws. *Charles I.* renewed this commission in favour of the Lord *Wentworth*, with a more ample power than any of his predecessors had been invested with. In 1632, a clause was added, whereby among other things, authority was committed to him to hear and determine all offences and misdemeanours, suits, debates, controversies and demands, causes, things and matters whatsoever contained in the instructions annexed to the commission. But what were these instructions (4)? In the Parliament of 1640, Mr. *Edward Hyde*, then Member of the House of Commons, and afterwards Earl of *Clarendon*, being sent by the House to the Lords concerning the Court of *York*, said in his Speech to them, that in the instructions of 1632 and 1637, containing fifty-eight Articles, there was scarce one that was not against or beside the Law. From whence he took occasion to ask, If that have the good northern People done, that they only must be disfranchised of all their Privileges, and be governed according to the discretion of the Court of *York*? Nay, though this Court might proceed according to its discretion, special provision was made in the King's instructions, that no fine, no punishment should be less than by Law appointed (5). This Court was abolished afterwards by the same Parliament of 1640.

The King having governed three or four years without a Parliament, was very much at ease. His will, by degrees, began to pass for law; there was no House of Commons to complain publicly, and he was none about him but such as were always ready to flatter him, and cherish his principles concerning Government. On the other hand, he was freed from the incumbrance and expence of a war, which had created him great trouble, and rendered him too dependent on the Parliament. In short, though he was not ignorant that in general the people were discontented, he did not see any appearance of a rebellion, the great men of the Kingdom and the neighbouring Princes being so disposed, as to give no encouragement to those who should attempt to disturb the State. His affairs being in this situation, he believed he could not take a proper time to go into *Scotland*, where three important affairs required his presence. First, he had a mind to be crowned. 2. He intended to hold a Parliament for procuring of money. 3. He designed to take some measures there for the execution of a project long since formed, to reduce the *Kirk of Scotland* to a perfect conformity with the Church

(1) Upon which *Edward Earl of Dorset* observed, That by that Text was meant, *The Eternity of God*, and we God to be pictured as an old man, was creating the world with a pair of compasses. But I wish, added he, there were no Image of the Father, neither in the Church, nor out of the Church; for at its best they are but shadows, and shadows of lies. *Raynolds*, Tom. 2. p. 156. State-Trials.

(2) He was likewise committed to the Fleet, removed from his Residence, and bound to his good behaviour. And.

(3) About the same time were gained also, *Sir John Scrope*, who was made a Lord, and Counsellor of the House; and *Sir Dudley Digges*, who was promoted to the Mastership of the Rolls; *Noy*, who was made Attorney General; and *Sir Edward Littleton*, who was made Solicitor. *Sir John Elliot* was, some time before his death, tampered with, but he was proof against all temptation.

(4) Among other matters in the instructions, the said President was to hear and determine, according to the course of Proceedings in the Star-Chamber, divers causes, debts, and suits, whether the same were provided by Act of Parliament, or not. Likewise to hear and determine, according to the course of Proceedings in the Court of Chancery, all manner of Complaints, as well concerning Lands, Tenements, and Hereditaments, &c. and as to any Proceedings in the Courts of Common Law by Injunction, or otherwise, as is used in the Courts of Chancery. And that no Prohibition shall be granted at all, but in such cases where the President exceeds the limits of the said Instructions. And that if a Habeas Corpus be granted, the Party was not to be discharged till he performed the Duties of the Council. *Raynolds*, Tom. 2. p. 158.

(5) But, added Mr. *Hyde*, as much greater as your Discretion shall think fit. In this Improvement we find arbitrary Courts are

very pregnant. If the Law require my good behaviour, this Discretion makes me a slave Prisoner: If the Law sets me in the Pillory, this Discretion permits me to leave my Ears there. And such confusion hath this Discretion in these Instructions produced, as if Discretion were only to act with rage and fury. See the whole Speech in *Raynolds*, Tom. 2. p. 162, where the Reader will find a Narrative of the foundation, progress, and growth of this Court.

1613. of *England*, and entirely ruin Presbyterianism. To this end it was, that he took with him *Laurel Bishop of London*, and at his arrival in *Scotland*, made him Privy-Counsellor of that Kingdom. He departed thence from *London* the 17th of *May* 1613, and being come to *Edinburgh*, was crowned with the usual solemnities. After that, he held a Parliament, which gave him the largest Subsidy that had ever been granted to any King of *Scotland* before him (1). The third point concerning Religion, requires some explanation. But as I intend to speak more fully of it hereafter, I shall only say here what is absolutely necessary to show the King's design.

The Reformation was established in *Scotland* in the reign of *Queen Mary*, mother of *James I.*, upon the plan of the Churches of *Geneva* and *Switzerland*. The Hierarchy was entirely suppressed, and the government of the Church committed to Presbyters, and national Synods, called in *Scotland*, General Assemblies. But however, the Bishops were still continued, though deprived of all ecclesiastical Jurisdiction. They retained only their revenues, lands, houses, seat in Parliament, and all the temporal advantages in general, that were annexed to the Episcopal dignity. From the beginning of the Reformation, that is, from the year 1561, to the end of the sixteenth Century, the state of the Bishops underwent several revolutions, of which I shall say nothing here, because I design to speak of them elsewhere. It suffices to say at present, that *James I.*, becoming King of *England*, found means to cause the Parliament of *Scotland* to restore Episcopacy to its former State, and give the Bishops their ancient jurisdiction over the Church. This was the first step to lead the Kirk of *Scotland* to the desired point, that is, to a perfect conformity with the Church of *England*. But the tedious treaty of the Prince his Son's marriage with the *Spanish Infanta*, and the affairs of *Bohemia* and the *Palatinate*, hindered him from fully executing his project. *Charles I.*, had this work no less at heart than the King his Father. But as in the beginning of his reign he was engaged in a war with *Spain*, and afterwards with *France*, and moreover his disputes with his Parliaments affording him little leisure to think of other matters, he could not seriously set about this affair, till after the others were ended.

In the Parliament at *Edinburgh* in the year 1633, among other Acts that were presented to be passed, there were two, namely, the third and fourth, the one entitled, *An Act aimed for concerning his Majesty's royal Prerogative and apparel of Kirkmen*: The other, *An Act of ratification of the Acts touching Religion*. These were the only Acts that met with any opposition, on account of the consequences which some feared the King would hereafter draw from them. The first of these Acts was properly but a confirmation of a like Act passed in the Reign of *James VI.*, empowering his Majesty to order the Vestments of the Clergy as he pleased. Now as from that time, the design of altering the discipline of the Kirk of *Scotland*, had showed itself more and more, some of the Members of this Parliament suspected the King would make use of this Act to introduce the Surplice. And indeed, being asked whether he intended it, he made no answer, but taking a list of the whole Members out of his pocket, said, *Gentlemen, I have all your names here, and I'll know who will do me service, and who will not, this day.* However about thirteen noblemen, and as many Barons and Burghesses declared, that they agreed to the Act for his Majesty's Prerogative, but dissented from that part of it, as to the apparel of Kirkmen.

The other Act which I mentioned, was expressed in the following manner: "Our Sovereign Lord, with the advice and consent of the Estates, ratifies and approves all such and whatsoever Acts and Statutes made before, ancient the liberty and freedom of the true Kirk of God, and Reformed presently professed within this realm, and ordains the same to remain in their full force and effect, as if they were specially mentioned and set down herein."

I have already said that in the Reign of *James VI.*, and especially after his accession to *England*, he made several innovations in the Kirk of *Scotland*, particularly with respect to the Episcopal Jurisdiction which had been restored. The whole article of this Act consisted therefore in these words, *the Religion at present professed*: for thereby were confirmed all the innovations in the discipline of the Kirk of *Scotland*, to which the opposers of the Act would not agree. They were very willing to ratify the Acts made in favour of Religion, as established by an Act passed in the 6th year of *James VI.*, when the Bishops had no power or jurisdiction; but would not admit these words, *at present professed*. During these contents, the King said with some emotion, *I will have no dissimulation, but command you to say, I or No.*

Whereupon the dissenting Lords and Gentlemen said, *No.* However the two Acts passed by a majority of votes. Some affirmed afterwards that fraud was used in gathering the votes. However that be, the King's eagerness to have these two Acts passed, convinced the people of *Scotland* that the project of making greater innovations in the Kirk still subsisted, and that the two Acts were a sort of preparative to accomplish it. On the other hand, the opposition the King met with, showed him, it was not yet time to act openly, and that it was necessary to take other measures to facilitate the success of his designs (2).

If it was endeavoured in *Scotland* to ruin Presbyterianism by indirect ways, it was thought proper to proceed in *England* with less caution. Accordingly, all possible efforts were used to destroy it utterly, by persecuting the Puritans, for whom there was not the least condescension. The Court and the Bishops laid it down for a rule, not to depart, on their account, from one title of what was practised in the Church of *England*, for fear they should grow too powerful, and the indulgence shown them prove detrimental to the Church. But there was a stronger reason, namely, the implacable hatred conceived of them by the King, his Ministers, and above all, by the Bishops of *London* and *Winchester*, which made them earnestly seek all occasions to oppress them. And these occasions were easy to be found. They had only to press the observation of the Canons without dispensing with one article, in order to cause the Presbyterians to commit offences, which exposed them to the rigour of the Ecclesiastical and Civil Laws. But as the Bishops could not be every where, and wanted people to inform them of what passed, *William Curle*, Bishop of *Winchester* behooped himself, in his primary Visitation, to oblige by oath the Church-wardens, and sworn-men, to turn informers, that none might escape their inquiry. The Oath was as follows:

You shall swear, that you and every of you, without all affection, favour, hatred, hope of reward and gain, or fear of displeasure or malice of any person, shall present all and the best of every such person and persons, of or within your Parish, who hath committed any offence, fault or crime, or omitted any part of duty, which be enjoined to perform: wherein you shall deal uprightly, and according to truth; neither of malice presenting any contrary to truth, nor of corrupt affection sparing to present one, and to conceal the truth; having in this oath God before your eyes, with an earnest zeal to maintain truth, and suppress vice. So help you God, and the contents of this Book.

With this oath were delivered certain instructions, according to which they were to proceed.

1. As to the articles concerning the Church, they are to enquire, whether they have the book of Constitutions, or Canons ecclesiastical, and a parchment Register-book, book of Common-Prayer, and book of Homilies, &c? And whether the Communion-table be placed in such convenient sort within the said chancel or church, as that the minister may be best heard in his prayer and administration?

2. As to the articles concerning the Clergy, whether doth the minister read the Constitutions set forth by his Majesty once every year?

3. Whether the Minister or Preacher used to pray for the King's Majesty with his whole title, as King of *Great-Britain*? And doth he in like manner pray for the Archbishops, and Bishops? And doth he observe all the orders, rites and ceremonies prescribed in the Common-Prayer, and administering the Sacrament? And whether doth the minister receive the Sacrament, kneeling at the same, and administred to none but such as do kneel, as by the 12th Canon is directed?

4. Whether hath the Minister admitted to the Communion any notorious offenders or schismatics? contrary to the 26th and 27th Constitution. And whether strangers of any other parish do come often and commonly to your Church, from their own Parish-church? contrary to the 28th Canon. And whether doth the Minister use to sign the children with the sign of the Cross, when they are baptized? And whether is your Minister a licensed Minister? If yes, then by whom? And whether doth the Minister wear the Surplice whilst he is saying the publick Prayers, and administering the Sacraments? Whether doth the Minister catechize and instruct the Youth of ignorant persons of your parish in the ten Commandments, &c? And whether he doth solemnize marriage, the banns not being three several sundays and holidays first published in times of divine Service? And whether doth your Minister in the Rogation-days use the perambulation of the circuit of the Parish? Whether doth the Minister every six months denounce in the parish all such as do persevere

(1) This subsidy was paid of every Pound worth of Land, for six years; and also the sixteenth Penny of all annual Rents, or Interest of Money, and for every acre of the tithes. *Raynolds*, l. c. 2. p. 134.

(2) The King arrived at Greenwich from *Scotland*, July 20, *Lea's Diary*.

1633. "in the sentence of excommunication, not seeking to be absolved? Or hath he admitted any excommunicated person into the Church, without certificate and absolution? Whether is your Minister a favourer of Recusants, whereby he may be suspected not to be sincere in Religion? Whether is your Minister noted to be an incontinent person, a frequenter of taverns, ale-houses, a common gamester, or a player of dice, &c? With divers other articles of enquiry.

Hence may be seen how very careful the Bishop of Winchester was to hinder any Presbyterian Ministers from getting into the Church of England. But though the oath imposed by this Prelate, was a real outrage upon the laws, the Parliament alone having power to prescribe such oaths, none dared to attack him directly. The Presbyterians were sure to meet with no encouragement from the Court. On the contrary, their dislike of a thing was a sufficient reason with the Court strenuously to support it. Of this I shall give two very remarkable proofs. The Presbyterians were offended at the feasts of the dedications of Churches [commonly called *Wakes* or *Ais*], because they were only occasions of riot and debauchery, and because these days seldom passed without some disorders. In *Somersetshire*, where these Revels abounded, the Lord Chief-Justice *Richardson* and Baron *Denham*, in their circuits made an order, with the general consent of the whole Bench, that these Revels should be suppressed (1). But the Chief-Justice being commanded to attend the Council-board was severely reprimanded, and enjoined to revoke the order made at the Assizes. A second proof of what I advanced is this.

The Presbyterians, notwithstanding the late King's Proclamation, affecting still to forbid their servants to be present at these Revels, or to use any recreations publicly on Sundays after Divine Service, the King renewed and confirmed the Proclamation published by his Father, commanding that the people should not be troubled or molested in their recreations. The Court was afraid that by degrees a maxim deemed by them prejudicial to their interest would be established, namely, that when a custom, not ill in itself, occasioned abuses, it ought to be abolished. This maxim seeming to them too general, because it might be applied to things of great consequence, they opposed it to the utmost of their power.

George Abbot, Archbishop of *Canterbury* dying this year 1633, *William Laud* Bishop of *London* succeeded him in that dignity (2).

This same year the Queen was delivered of a second Son, in *October*, who was called *James*, and created Duke of *York*.

The Presbyterians were possessed, that a project was formed to re-establish the *Romish* Religion in *England*. This notion in general ought not to seem strange, since it is certain, that from the Reformation, this project had never been interrupted. But the authors of it must be carefully distinguished. Had the Presbyterians been satisfied with believing that some private *Roman* Catholics had formed such a design, it may be affirmed, they would not have been mistaken; but they went much farther. They imagined that the King's Ministers, the Council, Bishops, and particularly the new Archbishop of *Canterbury*, were the authors of this project. If they did not directly charge the King with it, at least they were persuaded, either that he encouraged it, or suffered himself to be carried farther than he intended, by persons who concealed their design from him. The Catholics themselves gave occasion for these suspicions, in showing openly their hopes of quickly seeing a change in favour of their Religion. We find in a Diary kept by *Laud*, of what happened to him every day, that this very year 1633 he had the offer of a Cardinal's Cap, if he would help to restore the *Roman* Religion. For my part, I verily believe, neither the King, nor the Archbishop (3), nor the Ministers, for the most part, ever formed such a design. At least in all that has been said upon this subject, I have not met with any proof which appeared, I will not say, sufficient to convince me, but even to have the least probability. Nevertheless it is certain this opinion was spread among the people, and the Presbyterians used all their endeavours to gain it belief. I do not know whether they believed it themselves, or only thought it for their advantage to cast this reproach upon the Church of *England*, in order to strengthen their party, in which they succeeded at last beyond their expectations.

But since this opinion produced in time surprising effects, I cannot forbear showing upon what it was grounded.

1. Whilst *James I.* was only King of *Scotland*, before the death of Queen *Elizabeth*, he was suspected to favour the Papists (4). *Elizabeth* herself was not free from such a suspicion, as appeared in the History of her Reign. After *James's* accession to the Throne of *England*, he always expressed great tenderness for the Catholics. This he showed on several occasions, as in the Gunpowder-Plot; by his expressions in favour of the Catholics in all his Speeches to the Parliament; by the places of trust, which he gave indifferently to Papists and Protestants, as he owned himself in his famous Apology; by his continual refusal to execute the laws against Recusants; and lastly, by the little zeal and affection he expressed for the Protestant Religion, in the two negotiations with *Spain* and *France* concerning his Son's marriage. I say nothing here of his conferences with the Archbishop of *Embrun*, because they were not known in his life-time, nor can be affirmed to be faithfully related. All this gave some cause to suspect that King *James* had some ill design with regard to Religion, and had left the execution to the care of his Successor.

2. *Charles I.* when Prince and at *Madrid*, sent a letter to the Pope, which might have rendered him suspected. This suspicion might be confirmed by the secret articles, he is said to have signed on occasion of his marriage with the Infanta.

3. After *Charles* was on the Throne, he always showed a very great condescension for the Catholics, several whereof were raised to the highest posts. *Conway*, Secretary of State, was a Papist; *Hytton*, who was made Earl of *Portland* and Lord Treasurer, was so likewise. Indeed the Duke of *Buckingham* professed the Reformed Religion, but it was generally believed, he would have made no difficulty to change it for the *Roman*. Besides, his Mother and his Duchesse were Papists. The Parliament, as I have said, presented to the King a list of many Recusants, to whom were committed the places of trust in their respective Counties. In short, though the King had positively promised to proceed with vigour against the Recusants, he seems not to have performed his promise, since the following Parliaments were frequently obliged to renew their instances, and always in vain. If the King gave any orders upon that subject, they were never executed, and every one believed, the Court, connived at the neglect of those who were charged with the execution, so that this was a perpetual cause of complaint during this whole Reign.

4. The King had an excessive complaisance for his Queen, and the Queen was not only a Papist, but also very zealous for her Religion. This gave occasion to fear, she had formed the project of restoring it in *England*, and would at last draw the King into her sentiments.

5. The Presbyterians, who were looked upon as the greatest enemies to Popery, were furiously oppressed and persecuted, whilst the *Arminians* and Papists, were suffered to live unmolested. Hence it was inferred, that the Court acted with such warmth against that Sect, only to make way by their destruction to the restoration of Popery.

6. *Arminianism* was so openly countenanced by the Court, and some of the principal Bishops, that many believed, there was a design to make use of it as a means to effect the more easy a change of Religion.

7. As this notion of a design to restore Popery spread itself over the Kingdom, the heads of the Church of *England* were more attached to all the rites and Ceremonies which gave most offence to tender consciences. Kneeling at the Sacrament, wearing the Surplice, Confirmation, keeping of Saints-days, Processions, bowing to the Altar, and the like, which offended the Presbyterians, as being relics of Popery; these things, I say, were pressed by the Bishops with the same eagerness as if Religion must have fallen with them, and as if they were absolutely necessary to Salvation. This caused many to suspect, that the observance of all these points was pressed, with design to pave the way for the more easy reception of the popish tenets hereafter.

8. The heads of the Church of *England* were not satisfied with zealously maintaining the ceremonies and rites used in their Church since the Reformation, but made certain additions to them from time to time, which could not be justified by the Canons. This occasioned these things

(1) On *Seely's* *Revelations*, Tom. 2. p. 291.

(2) Archbishop *Abbot* died August 4, and *Laud* succeeded him immediately after. His *Crypt Epistle* is dated August 12, the Royal Assent September 4, and the resolution of the Temporaries, September 23. See *Ryer's* *Fad.* Tom. 19. p. 321. *Clarendon*, Tom. 1. p. 62, 69.

(3) *Wells's* observation about him seems to me just: "Laud, says he, would never bring his neck under the yoke of the *Roman* yoke, though he might risk the loss of his crown for it." p. 755. *Crypt Hist.*

(4) It would have been thought something more than suspicion, had they known of his secret Treaty with the King of *Spain* in 1566, made by *Joh. Ogleby* a Scotch Baron, who declared in his Catholic Majesty, that King *James* would turn Catholic, and enter into a Confederacy with his Holiness, and his Catholic Majesty, against the Queen of *England*, and produced a Letter of Credence of the said King *James*, promising a Memorial to the reasons that induced the King of *Scotland* to be reconciled to the See Apostolic. This transaction is mentioned by some of our Historians. The Paper relating to this affair was found among Sir *Ralph Winwood's*, which the Reader may see in the *Collection of State Papers*, published by Edward *Sanger*, Esq. Tom. 1. p. 11.

1633, to be considered as innovations tending to Popery. What *Laod* had done in consecrating St. *Catherine-Greec* Church, and in administering the Sacrament, was of this kind. When some complained of these things, the Bishops that countenanced them, alledged a Statute, which impowered *Queen Elizabeth* and her Successors, in case of any abuses and indecencies in the divine Service, to prescribe such ceremonies as they should judge proper for the glory of God, and the decency of his worship. Now as the King never failed to approve of what was enjoined by the Bishops, many suspected, that the King's authority was made use of to support these seemingly inconsiderable innovations, with design to take advantage of the same authority to justify alterations of much greater consequence.

9. Lastly, the Church's little regard to tender consciences, and her obstinacy in refusing to relax in any the most insignificant point, as for instance, the Surplice, gave occasion to believe, these things would not be so zealously adhered to, were there not some more hidden designs.

These were the grounds, as far as I have been able to observe, on which was founded the people's belief of a fettered design to introduce Popery. However, these are only presumptions, from whence, as I said, it cannot be justly inferred, that this opinion was well-grounded. But on the other hand, it must be confessed, that the principal Bishops, who were not ignorant of the consequences drawn from their conduct, were extremely careless in clearing themselves, or in taking measures to remove, or at least, to weaken these suspicions. They regarded the Presbyterians with the utmost contempt, as a set of stubborn, obstinate, people, who ought to be humbled, instead of being indulged. But it was not with respect to Religion only that the ruin of the Puritans was thought necessary. They were also considered as persons, who by the principles of their Religion, were inclined to oppose all authority in the State, as well as in the Church, and consequently they could not be kept too low. This bred between the two parties, an implacable enmity, which is not yet extinguished. The Presbyterians, who were under oppression at the time I am speaking of, had their turn afterwards, and oppressed, nay, utterly destroyed, the Church of *England*. In the violent motions caused by this enmity, the Bishops suffered first. *Laod* lost his head on the scaffold. The Monarchy was overthrown, and in the fall the King himself came to a tragical end. The Church of *England* disappeared for some time, and was, as it were, buried in the ruins of the State. And it was not without a wonderful providence that the Monarchy and Church were at last restored to their former splendor.

The King, as I said, intended to introduce the rites of the Church of *England*, into the Kirk of *Scotland*. This project was formed by the King his Father, who had even ordered that Divine Service should be celebrated in his Royal Chapel at *Edinburgh*, in the same manner as in his Chapel at *Whitehall*. But whether this order was neglected, or the *Scotts* would not frequent the Chapel, *Charles* thought proper not only to renew it, but to add several things to hinder the Chapel from being deserted for the future. On the 8th of *October*, he sent the following Articles to the Bishop of *Dunblane*, Dean of his Chapel at *Edinburgh*.

Articles for the Ministry's Royal Chapel in Edinburgh, 1633.
1. That the book of the form of our Coronation lately used, be put in a little box, and laid into a standard, and committed to the care of the Dean of the Chapel successively.

The Coronation of King Charles I. it must be observed, had been performed according to the rites of the Church of *England*.

2. That there be Prayers twice a day, with the Choir, as well in our absence, as otherwise, according to the *English* Liturgy, till some course be taken for making one, that may fit the custom and constitution of that Church.

3. That the Dean of the Chapel look carefully, that all that receive the blessed Sacrament there, receive it kneeling; and that there be a Communion held in that our Chapel, the first Sunday of every month.

4. That the Dean of our Chapel, that now is, and so successively, come duly thither to Prayers upon Sundays, and such Holy-days as that Church observes, in his Whites, and preach fo, whenever he preacheth there. And that he be not absent from thence, but upon ne-

cessary occasion of his Diocese, or otherwise, according to the course of his preierment.

5. That these orders shall be our warrant to the Dean of our Chapel. That the Lords of our Privy Council, the Lords of the Sessions, the Advocate, Clerks, writers to the Signet, and members of our College of Justice, be commanded to receive the holy Communion once every year at least, in that our Chapel Royal, and kneeling for example sake to the Kingdom. And we likewise command the Dean aforesaid, to make report yearly to us, how we are obeyed therein, and by whom; as also if any man shall refuse, in what manner he doth so, and why.

6. That the copies which are consecrated to our use, be delivered to the Dean, to be kept upon inventory by him, and in a standard provided for that purpose; and to be used at the celebration of the Sacrament in our Chapel Royal (1.).

Besides these Articles, the King writ a Letter to the Dean, ordering him to certify to the Lords of the Privy Council, if any of those appointed to communicate in his Chapel Royal, did not perform these Articles, to the end, such order might be taken, as his Majesty had appointed by his former Letters.

Hence 'tis visible, that not only the whole Council of *Scotland*, but also those who were in publick employments, and Court places, were prepared to conform to the Church of *England*, otherwise they would not have been employed, or continued in their posts. It was with them, the King intended to begin, that, as he said himself, they might serve for example to the rest. We shall see presently what happened when the King would have obliged the whole *Scott* nation to the same condescension.

Whilst the King was seeking means to engage the *Scott* to conform to the Church of *England*, pains were taking on the contrary to alienate from her, the Presbyterians in *England*, by affecting such usages and customs as were most apt to offend them. At that time the heads of the Church of *England*, instead of undeceiving those who preposterously imagined the was leaning to Popery, seem to have taken all possible care to confirm their suspicions, by industriously conforming to the Church of *Rome*, in matters of little moment, and without any necessity, as if it was done on purpose to brave them. In *October* 1633, the Dean and Chapter of *St. Paul's*, as Ordinaries of *St. Gregory's* Church, which stood near the Cathedral, removed the Communion-Table from the middle of the Chancel, to the upper-end, placing it there Altar-wise. For which they alledged two reasons. The first, that in the King's Chapel, and all Cathedrals, the Communion-Tables were placed in that manner, and therefore it was fit other Churches should conform to the same custom. The second, that when the Tables stood in the middle of the Chancel, several scandalous indecencies were committed, People leaning thereon in Sermon-time, or putting their hats on it. This last reason, added to the great care that was taken about kneeling at the Sacrament, caused many to believe, that the endeavouring to inspire such an extraordinary respect for the Communion-Table, and the giving it always the name of Altar, was not without design. And therefore some of the Parishioners of *St. Gregory's* complained of this removal, by appeal to the Court of the Archbishops (2.). But the Council having notice of it, prevented the Sentences, by ordering the Dean of the Archbishops, to confirm by his authority, what had been done in *St. Gregory's* Church. A few days after, the King being present in Council, caused this affair to be debated, and approving the act of the Dean and Chapter of *St. Paul's*, gave commandment, that if those Parishioners did proceed in their appeal, the Dean of the Archbishops [who was then attending at the hearing of the cause] should cast them, and confirm the removal. This Sentence given by the King's Sovereign Authority, without staying for the judgment of the Court, to whose cognizance this matter properly belonged, was a fountain of oppressions to many Ministers and Congregations, who were not willing to comply with it. There was scarce a Church in *England*, except the Cathedral, and the King's Chapel, where the Communion-Table was placed Altar-wise, at the upper-end of the Chancel. But after the King had confirmed the removal in *St. Gregory's* Church, the like disputes arose in numberless places, and the High-Commission had frequent occasions to punish the Ministers, who were suspected of too little zeal for the Church of *England*. As since the Reformation, the Altars were changed into Communion-Tables, and placed in the middle of the Chancel, to avoid superstition, many imagined, the Tables were again turned into Altars, with intent to revive a superstitious worship.

(1) King Charles, before his return from *Scotland*, erected *Edinburgh* into a Bishoprick. *Clarendon*. Tom. 1. p. 69.

(2) This Court is the chief and most ancient Consistory belonging to the Archbishop of *Canterbury*, for electing lesser Bishops. It was held in the Church of *St. Mary* *Ave*, from whence it has its name. Its jurisdiction is ordinary, and reaches through the whole Province of *Canterbury*. The Judge is called *Dean*, from his having jurisdiction over a Deanery, consisting of thirteen Churches in *London*, exempted from the jurisdiction of the Bishop of *London*.

1634.

England being then in profound peace, and almost wholly unconcerned in what passed abroad, I can speak here only of domestic affairs. 'Tis true, that each taken singly, may seem of little consequence, but all together may serve to show the character of the King, the genius of the Court, the conduct of the Magistrates, and in general, the causes of that terrible Revolution, of which the Lord *Clarendon* has given the History.

*Pyrron's
from the
gangs in the
Star-Cham-
ber.
Febr. 7.
Rothw. 11.
p. 210.
A. 16.
State-Tr.
T. 1.
Annals,
p. 446.*

In February 1634, came to a solemn hearing in the Star-Chamber, a cause which made a great noise, and which showed the extreme severity of that Court against such as were suspected not to be submissive enough to the Government. The case was this. Mr. *William Prynne* [Barreter of *Lincoln's Inn*,] had compiled and printed, a large volume in quarto, of above a thousand pages, entitled, *Hypocrisis-Maxims*. The Author's main design was to show, that Stage-plays, Balles, Masques, were unlawful and antichristian. But in treating his subject, he had interpersed sundry reflections, applicable to the King, the Queen, and the Church, who approved or tolerated these abuses. It was pretended, his aim in general was to show, there was a design to reduce Religion to a kind of Paganism, in order to make way for Popery. This outrage was represented by the King's Council in the blackest colours they could possibly give it. At last, after a solemn hearing of three days, the Book was condemned to be burnt by the common hangman, a thing till then unusual in England. As for the Author, Sentence passed upon him, that he should be expelled *Lincoln's Inn*, disabled to practise, degraded of his degree in the University [of Oxford,] set on the pillory, have his ears cut off, imprisoned during life, and find five thousand pounds. The publisher, [Michael Sparke] who was also the printer of the Book, was fined five hundred pounds, and [Mr. *Buckner*] the Chaplain who licenced it, fifty pounds.

*Source of
the
Star-Cham-
ber.*

*Wrong Fe-
der of the
Court in op-
pressing the
Liberals.*

This sentence seemed too severe to disinterested persons. It mortified the Presbyterians especially, most of whom were of the same principles with *Prynne*. They could not help perceiving, in the severity exercised upon this author, a malicious design to disgrace their Sect, and oppress them on all occasions. The truth is, the Presbyterian party, though very numerous, as plainly appeared afterwards, laboured then under oppression. They had against them, the King, the Ministers, the Council, the Star-Chamber, the High-Commission, the principal heads of the Church of England, the *Arminians*, the Papists, the Lord-Lieutenants of the Counties, the Judges of the Realm, and all the Magistrates in general. Notwithstanding all this, they daily gained ground. This would seem incredible, if it was not considered, that the Court themselves were the chief cause of their increase. The Court looked upon as Puritans, all who did not show submission enough to the King, or would not allow sufficient extent to the Prerogative royal, and by oppressing them as such, or by refusing them all kinds of employments, engaged them unavoidably to turn to the Presbyterians. As the King's pretensions, with regard to Government, were not approved by the majority of the Nation, it happened by degrees, that almost all England became Presbyterian, according to the sense given by the Court to that term. For besides, it is certain, there were in the Presbyterian party, multitudes who were very well-affected to the Church of England, but could not allow of the King's principles concerning Government. So, this party, though continually oppressed, grew daily more numerous, waiting with impatience for a Parliament, where they were almost sure of finding protectors. But at the time I am speaking of there was no appearance of the King's intention to call a Parliament. As nothing forced him to it, he took care not to expose himself to the ill humours of a House of Commons, and run the risk of seeing revived the complaints which had obliged him to dissolve the three foregoing Parliaments.

*Ship-Money
in force.*

It is very true, that in governing without a Parliament, the King debarr'd himself of the extraordinary Supplies which the Sovereigns usually received from thence: but he did not believe, that the only way to have extraordinary Supplies was to apply to the House of Commons. He had expressly told the Parliament, by the Lord-keeper, and frequently intimated himself, that he could find money without the assistance of Parliaments. And yet, the Petition of Right having intervened since that time, and the King having bound himself, by his answer, not to raise any tax without the consent of both Houses, he seemed to be deprived, by that answer, of all methods which he thought he might lawfully use before the Petition was presented. But expeditives to evade the most solemn promises are seldom wanting to men in power. On the oc-

casions, there are ministers and counsellors who insinuate to their masters, that promises made by Sovereigns bind them no farther than they think proper. *William Noy*, Attorney-general, who was one of these bold counsellors, had, the last year, furnished the King with a way to raise an extraordinary Supply without the concurrence of the Parliament; namely, by the imposition of a tax upon the People, under colour of maintaining a certain number of Ships to guard the seas (1). But this bold counsellor did before he had seen the effects of his advice (2), after having however engaged his Master in an affair which made him for ever lose his People's confidence, and was one of the principal causes of his ruin.

The death of the Attorney-General hindered not the King from putting his advice in practise. To that purpose he directed to the Mayors and Head-Officers of the maritime Towns, Writs to much the same effect, with the following directed to the Mayor of *London* (3).

Carolus Rex, &c.

"TO the Mayor, Commonalty and Citizens of our City of *London*, and to the Sheriffs of the same City, and good men in the said City, and in the liberties and Members of the same, greeting. Because we are given to understand, That certain thieves, pirates and robbers of the sea, as well *Turks*, enemies of the Christian name, as others, being gathered together, wickedly taking by force, and spoiling the Ships, and goods, and merchandizes, not only of our Subjects, but also of the Subjects of our friends in the Sea, which hath been accustomed antiently to be defended by the English nation; and the same, at their pleasure, have carried away, delivering the men in the same into miserable captivity: And forasmuch as we see them daily preparing all manner of shipping, further to molest our merchants, and to grieve the Kingdom, unless remedy be not sooner applied, and their endeavours be not more manly met withal; also the dangers considered, which on every side, in these times of war, do hang over our heads, that it behoveth us, and our Subjects, to hasten the defence of the sea and Kingdom with all expedition or speed that we can; we willing, by the help of God, chiefly to provide for the defence of the Kingdom, safeguard of the Sea, security of our Subjects, safe-conduct of Ships and Merchandizes to our Kingdom of England coming, and from the same Kingdom to foreign parts passing; forasmuch as we and our progenitors, Kings of England, have been always heretofore masters of the aforesaid Sea, and it would be very irksome unto us, if that Princely honour in our times should be less, or in any thing diminished. And although that charge of defence, which concerneth all men, ought to be supported by all, as by the laws and customs of the Kingdom of England hath been accustomed to be done: Notwithstanding, we considering that you, constituted in the sea-coasts, to whom by sea as well great dangers are imminent, and who by the same do get more plentiful gains for the defence of the sea, and conservation of our princely honour in that behalf, according to the duty of your Allegiance against such attempts, are chiefly bound to fit to your helping hand; we command firmly, enjoining you the aforesaid Mayor, Commonalty and Citizens, and Sheriffs of the said city, and the good men in the same city, and in the liberties and members of the same, in the faith and allegiance wherein ye are bound unto us, and as ye do love us, and our honour, and under the forfeiture of all which ye can forfeit to us, that ye cause to be prepared and brought to the port of *Perthmouth*, before the first day of *March* now next ensuing, one Ship of War of the burthen of nine hundred tons, with three hundred and fifty men at the least, as well expert masters, as very able and skilful mariners: one other Ship of War of the burthen of eight hundred tons, with two hundred and sixty men at the least, as well skilful masters, as very able and expert mariners: four other Ships of war, every of them of the burthen of five hundred tons, and every of them with two hundred men at the least, as well expert masters, as very able and skilful mariners: And one other Ship of war, of the burthen of three hundred tons, with a hundred and fifty men, as well expert masters, as very able and skilful mariners: And also every of the said Ships with ordinance, as well greater as lesser, gun-powder, and spears, and weapons, and other necessary arms sufficient for war, and with double tackling, and with victuals, until the said first of *March*, competent for so many men; and from that

(1) He died August 9. *Lord's Diary*. This was also said Richard *Wigton* Earl of *Portland* and Sir *Edward Coke*. *Ibid.*

(2) The Lord-keeper *Croft* was afterwards an avowed and promiscuous of the project. *Whitelock*, p. 222.

(3) Sir *Robert Hook* being lately removed, Sir *Joh. Finch* was, on Oct. 26, sworn Lord-Chief Justice of the Common Pleas in the County of *Gloucester*. At that time the discounts which the nation should be of this nation's government. But four days after the writ for *Ship-Money* came, it was resolved, that it was not inconsistent in appointing that before. *Religion*, Tom. II. p. 232.

1634. "time for twenty six weeks, at your charges, as well in victuals as mens wages, and other things necessary for war during that time, upon defence of the sea in our service, in command of the Admiral of the sea, to whom we shall commit the custody of the sea, before the aforesaid first day of *March*, and as he, on our behalf, shall command them to continue; so that they may be there the same day, at the farthest, to go from thence with our ships, and the ships of other faithful Subjects, for the safe-guard of the sea, and defence of you and yours, and repulse and vanquishing of whomsoever busying themselves to molest or trouble upon the sea our Merchants, and other Subjects and faithful people coming into our dominions for cause of merchandize, or from thence returning to their own Countries. Also we have assigned you, the aforesaid Mayor and Aldermen of the City aforesaid, or any thirteen, or more of you, within thirty days after the receipt of this writ, to assesse all men in the said City, and in the liberties, and members of the same, and the land-holders in the same, not having a ship, or any part of the aforesaid ships, not serving in the same, to contribute to the expenses, about the necessary provision of the premises; and to assesse and lay upon the aforesaid City, with the liberties and members thereof, viz. upon every of them according to their estates and substances, and the portion assised upon them; and to nominate and appoint collectors in this behalf. Also we have assigned you, the aforesaid Mayor, and also the Sheriffs of the City aforesaid, to levy the portions so as aforesaid assised upon the aforesaid men and land-holders, and every of them in the aforesaid City, with the liberties and members of the same, by distress and other due means; and to commit to prison all those whom you shall find rebellious, and contrary in the premises, there to remain until we shall give further order for their delivery. And moreover we command you, that about the premises ye diligently attend, and execute those things with effect, upon peril that shall fall thereon: But we will not that under colour of our aforesaid command, more should be levied of the said men, than shall suffice for the necessary expenses of the premises; or that any, who have levied money for contribution, to raise the aforesaid charges, should by him detain the same, or any part thereof; or should presume, by any manner of colour, to appropriate the same to other uses; willing, that if more than may be sufficient shall be collected, the same may be paid out among the contributors, for the rate of the part to them belonging."

Witness myself, at Westminster the 20th day of October, in the tenth year of our Reiga.

The Lord Mayor of London having received this writ, asssembled the Common-Council, who agreed to present the following petition to the King.

To the King's most excellent Majesty.

The Humble Petition of your faithful Subjects, the Mayor, and Commonalty, and Citizens of your City of London, most humbly shewing,

The City of London's Petition to the King, Decem. 2. Ruthw. T. II. p. 206. Annals.

THAT where your Majesty by writ, bearing teste 20 October last, commanded your Petitioners at their charge, to provide seven ships of war, furnished with men, victual, and all warlike provisions, to be at *Perfurnish* by the first of *March* next, and to continue from thence by the space of twenty six weeks in your Majesty's service, upon the defence of the seas and other causes in the said writ contained:

"Your petitioners do, in all submissive humbleness, and with acknowledgement of your sacred Majesty's many favours unto your said City, inform your Majesty, that they conceive, that by ancient privileges, grants, and Acts of Parliament (which they are ready humbly to shew forth) they are exempt, and are to be freed from that charge, &c."

But the pretensions of the City of London were not capable of causing the King to desist from his resolution. We shall see on the contrary, that in time this tax, which was at first peculiar to the maritime towns, was imposed upon the whole Kingdom (1).

After *Laud's* promotion to the Archbishoprick of *Canterbury*, his zeal for the Church of England and against the Presbyterians, seemed to be much increased. He kept by the King's order a private correspondence with the Bishops of *Scotland*, concerning the Liturgy and Canons designed to be introduced into the Kirk, and of which I shall speak more fully presently. It suffices to say here, that it

was he that was charged with the conduct and execution of this project. But he did not confine his labours to the conversion of the *Scots*, nor even of the *English* Presbyterians. The *Dutch*, the *Wallons*, the *French*, who had taken refuge in England, since the Reign of *Edward VI.*, had obtained sundry privileges from the former Kings, and particularly the liberty of celebrating divine service after their manner, that is, the Presbyterian, and formed several congregations, both in London and other parts of the Kingdom. But *Laud* could not bear they should enjoy this privilege any longer. And therefore sent them these two injunctions, having first secured the King's approbation;

"1. That all the natives of the *Dutch* and *Wallon* Congregations, in his Grace's Diocese, should repair to their several Parish-Churches of those several Parishes where they inhabited, to hear Divine Service and Sermons, and perform all duties and payments required in that behalf.

"2. That the Ministers, and all other of the *Dutch* and *Wallon* congregations, which were not natives and born Subjects to the King's Majesty, or any other Strangers that should come over to them, while they remained Strangers, might have and use their own discipline, as formerly they have done; yet it was thought fit, that the *English* Liturgy should be translated into *French* and *Dutch*, for the better settling of their children to the *English* Government."

Besides that, by these injunctions, he imposed upon these foreign Churches a Liturgy which they did not approve, he reduced these Congregations almost to nothing, since he excluded all that were born in the Kingdom, that is, all the descendants of such as had fled hither in the Reign of *Edward VI.*, and consequently there could be but very few left of those born out of the Kingdom.

Upon this, the *Dutch* [and *Wallon*] Churches at *Norwich* presented a Petition to the Bishop of that Diocese, remonstrating, that the Archbishop's injunctions were contrary, not only to several orders of the Council heretofore given in favour of their Congregations, but also to the privileges granted them when they first settled in England, and continued to them during the Reigns of *Edward VI.*, *Queen Elizabeth*, and *James I.*, and confirmed also by his present Majesty's royal word. The Bishop of *Norwich* not returning a favourable answer to their Petition, they applied to the Archbishop himself, who answered them by letter. That his Majesty was refused, his instructions should hold, and that obedience should be yielded to them by all the natives, after the first descent; Concluding his letter with these words: *And thus I have given you answer fairly in all your particulars, and do expect all obedience and conformity to my instructions, which if you shall perform, the State will have occasion to see how ready you are to practise the obedience which you teach: And for my part, I do not but yourselves, or your posterity at least, shall have cause to thank both the State and the Church for this care taken of you; but if you refuse, (as you have no cause to do, and I hope you will not) I shall then proceed against the natives, according to the Laws and Canons ecclesiastical(?).*

Thus the Archbishop alleged, in vindication of the breach of the privileges granted to these Congregations, and confirmed by four Kings, of whom his present Majesty was one, the King's sole will, or rather his own. It was evident, that the King's good pleasure on which he laid so much stress, was rather an approbation of what the Archbishop had undertaken, than a warrant to undertake it. The Presbyterians having no other way to be revenged of the Archbishop, published several libels against him, taking notice of all the innovations he had brought into the Church, pretending they were so many steps towards Popery. They forgot not to upbraid him with the pictures he had placed in the windows of his chapel at *Lambeth*, particularly that of God the Father in the form of a little old man. They observed several other things, of which the Archbishop was afterwards accused by the House of Commons. But this is not the proper place to speak of this impeachment, or of the Archbishop's defence.

The King being always in want, his Ministers were continually employed in devising means to raise money. In the beginning of the Year 1635, the Attorney-General presented an information in the Star-Chamber against several hundreds of persons, Lords, Knights, Gentlemen, Ladies, and others, for disobeying his Majesty's Proclamation, by which they were commanded not to reside in *London*. I do not find the sentence given upon this information, but, very probably, considering the Star-Chamber's zeal to support the King's authority, the parties accused were punished by fine.

Arch. Pab. XIX. 398.

Feb. 27. Ruthw. II. II. Annals.

Aug. 19.

1635.

Represented against the Archbishop, Ruthw. T. II. p. 206.

Information against such as refuse to reside in London contrary to the King's Proclamation, Ruthw. T. II. p. 206. Annals.

1534-5. Laud's Institution to the Bishop of London, and French Clergy. Ruthw. T. II. p. 206. 274, 291, 316, 317. Annals. Clarendon. T. I. p. 13.

(1) This year, six *Sandwich* Doves brought into England the seed of Chastity carried by two Men. *Roman's* F. d. T. XIX. p. 272.
(2) About one hundred and forty Families at that time went into Holland, where they were kindly received, and exempted from Ecclesiastical and paying of House-rent for seven years; They taught the Dutch the way of managing the woollen Manufacture, which has been of very bad consequence to England. The children of families retired also into New England. *Clerk*, p. 310, 312.

1635. The tax to provide and maintain a certain number of Ships to guard the seas, was imposed in 1634, for the year 1635, only upon the maritime towns. But in 1635, the King sent his Writs for Ship-money all over the Kingdom for the year 1636 (1). The reason or rather pretence of this general tax was, that the Kingdom was in great danger, on account of the league lately concluded between France and the Low-Countries. Though it did not appear how this league, which was not against England, could put the Kingdom in danger, the King however inferred, that the two most powerful States in naval forces being united, it was absolutely necessary that England should have a strong fleet to preserve the dominion of the seas, otherwise he might be insulted, and her trade disturbed. This tax being imposed by virtue of the Prerogative royal, several private persons refused to pay the sums they were rated at. Nay some there were who sued the Magistrates and other officers appointed to levy the money, alleging, that the Subject could be taxed only by act of Parliament. This opposition was the reason, that in the year 1636 Ship-money amounted to not above two hundred thousand pounds, though the King had expected a much larger sum. Mean while, the King considering, that by means of this tax he should have a fertile revenue, besides that it would be a precedent to make use of his Prerogative on other occasions, resolved to support his project at any rate. But to guard it against all objections of being illegal, and contrary to his answer to the *Petition of Right*, he had a mind to shew he was authorized on this occasion to exert his Prerogative. To that end he sent to the Judges of the realm, and required their opinion concerning his right to levy this tax. As the Judges wholly depended upon the Court, they very readily decided in favour of the King, and gave him their opinion in writing (2). But the King thought not proper to publish their determination, being satisfied with keeping it private till there should be occasion to use it. This will hereafter appear. But I must first speak of some other things which passed in this interval.

This year 1635 the King renewed a former commission to confirm their defective Titles, to such as held lands of the Crown. He pretended it was an act of grace, and that his only aim was to secure the possession of Lands to those who held them by disputable titles. But notwithstanding this, the commission was looked upon as a manifest oppression. For, under colour of examining defective Titles, all the proprietors were obliged to produce their titles, to which, how valid soever they might be, the commissioners made objections. So, to avoid a law-suit with the King, wherein they were sure to be cast, considering the disposition of the Judges, the proprietors were forced to compound, and give money to secure their lands, which were otherwise in danger of being re-united to the Crown.

Shortly after, the King published a proclamation, commanding all persons, except soldiers, mariners, merchants, and their factors, not to depart the Kingdom without his licence. Several Kings of England had ordered the same thing on some particular occasions, but it was doubted whether such a prohibition was necessary when the proclamation was published.

The abuses of the Informers, that is, persons who watched people's actions, in order to accuse them, in case they infringed the Laws, were grown so excessive, that the King was forced, if not to abolish them entirely, at least, to qualify them by certain directions which he ordered to be observed.

The office of Lord-Treasurer, which had been executed by commissioners, since the death of the Earl of Portland, was conferred on Dr. William Juxton, Bishop of London, who discharged it worthily. No Churchman had enjoyed this post since Henry VIIIth's time (3).

The same year was presented to the King [by the Earl of Arundel] an old man called Parr, who was a hundred and fifty two years of age, and in perfect health. He was born the last year of the Reign of Edward IV.

The Elector Palatine and Prince Rupert, [or Robert] his brother arrived in England about this time, and were lodged in the King [their uncle's] Palace (4).

The Presbyterians were still molested upon every occa-

sion, or whenever they gave their enemies an advantage, through an excess of zeal which was not always well regulated. Samuel Ward, a Minister in Ipswich, boldly preached against the King's Book of Sports, and also said, *That the Church of England was ready to ring changes in Religion.* For which he was suspended by the High Commission, and afterwards committed to prison for refusing to make a public recantation. The Church-wardens of Beckington in Somersetshire refusing to place the Communion-Table otherwise than it had been for sixty years, were excommunicated by the Bishop of Bath and Wells. They appealed to the Archbishops, but their appeal was rejected. Then they petitioned the King, but with no better success. So the Church-wardens stood excommunicated a whole year, and were afterwards thrown into the Common-Goal, from whence at length they were released by the Bishop, upon their public submission and Penance. It would be too tedious to relate all the Actions which were entered in the High-Commission upon the two Articles I have been speaking of. It suffices to observe, that the number was very great, and the High-Commission always punished very severely such as dared to swerve from what was prescribed by the Church.

On the other hand, the Archbishop of Canterbury, ever zealous for the Church of England, considered as Puritan, all who neglected the least rite or ceremony of that Church. This Prelate being informed of some remissness in that respect in the two Universities, could not suffer such an abuse. There were at Cambridge three Chapels where Divine Service was daily celebrated, though they had never been consecrated. This neglect, which to him seemed to be blamable, exciting his zeal, he resolved to visit the Universities as Metropolitan. He met with some opposition, the Universities maintaining that he had not the right of visiting as Archbishop, though they did not deny he might visit by the King's commission, if his Majesty was pleased to appoint him. But not being satisfied with a borrowed power, he brought the case before the King, who decided it in his favour, after having himself supported the Archbishop's reasons with arguments, and answered the objections of the Universities. The Archbishop being so well supported, could not fail of obtaining the victory (5).

The King being determined, as I said, to continue the tax for the maintenance of the Ships designed to guard the seas, and having the last year given orders for levying it for the year 1636, was obliged to seek a pretence for a fleet. This tax, called by the English, Ship-money, and which for shortness I shall term so for the future, was grounded upon the necessity of guarding the seas. But none could perceive the danger, which, according to the King, England was exposed to by the alliance between France, and Holland. To this pretence therefore was to be added that of preserving the Dominion of the narrow Seas. To this end he publishes a proclamation, declaring, "Whereas King James did, in the seventh year of his reign, let forth a proclamation touching fishing; whereby all persons of what nation or quality soever (being not his natural-born Subjects) were restrained from fishing upon any of the coasts and seas of Great-Britain, Ireland, and the rest of the Isles adjacent, until they had orderly obtained licences in that behalf. Since which time, neither the King his Father, nor himself have made any considerable execution of the said Proclamation, but have expected a voluntary conformity thereto. But now finding by experience, that all the inconveniences which occasioned that Proclamation, are rather increased than abated; and his Majesty well knowing how far he is obliged in Honour to maintain the Rights of his Crown, has thought it necessary to renew the aforesaid restraint of Fishing, and to declare, that his refusal is to keep such a competent strength of shipping upon his seas, as may be sufficient both to hinder farther encroachments upon his Regalities, and assist and protect those his good Friends and Allies, who shall henceforth with license endeavour to take benefit of fishing upon his coasts.

These friends were the *Hollanders*, who came every year and fished for Herrings on the Coast of Scotland. It

1636.
Dr. Juxton made
Treasurer.
March 6.
Land's Diet.
Annals.
Parr was
Presented to
Sept. 11th.
Sept. 11th.
Annals.
The Elector
Palatine and
Prince Rupert
arrived at
London.
1636.
Dr. Juxton made
Treasurer.
March 6.
Land's Diet.
Annals.
Parr was
Presented to
Sept. 11th.
Sept. 11th.
Annals.

(1) The Reader may see in *Rushworth*, Tom. II. p. 335. the distribution of Ships, [in all forty five] to the several Shires, together with the sum set on for the corporate Towns in each County. For Example,

| Effra one Ship of | | Town | Men | Charge |
|-------------------|---|---------------------------|-----|--------|
| Corporate Towns. | { | Borough of Taunton | 800 | 310 |
| | | Town and Parish of Walsin | | 640 |
| | | Town of Colchester | | 610 |
| | | Borough of Malden | | 400 |
| | | Borough of Norwich | | 680 |

(2) *I have taken pains, after much Solicitation by the Chief Justice Finch, procuring permission to some, and highly threatening others whom he found doubting, to get from them, in answer to the King's Letter and Calf, their Opinions, as will be seen hereafter.* *Wentworth*, p. 24.

(3) *Wentworth* gives him this Character, "He was a prison of great Parts and Temper, had much command of himself, was full of Integrity and Modesty, was not apt to give offence to any, and willing to do good to all." p. 24. In less than five years he lodged 900,000*l.* in the Exchequer. *Cobb*, p. 312.

(4) Charles the Elector Palatine, came to solicit his Uncle to promote his Restoration; their Father, Frederick Elector Palatine died November 19. 1632. *Rushworth*, Tom. II. p. 143.

(5) About this time the New Statutes for the University of Oxford were finished, and published in Convocation. *Rushworth*, Tom. II. p. 324. See *Annals*, 4. 2.

The Archbishop
of Canterbury
visited the
Universities.
Rushworth,
T. II. p. 324.
Land's Diet.
Annals.

The King
visited the
Universities.
Rushworth,
T. II. p. 324.
Land's Diet.
Annals.

The Proclamation
for fishing
was issued.
Rushworth,
T. II. p. 324.
Land's Diet.
Annals.

The King's
Fleet sent to
the Dutch
Fishes.
Rushworth,
T. II. p. 324.
Land's Diet.
Annals.

The King's
Fleet sent to
the Dutch
Fishes.
Rushworth,
T. II. p. 324.
Land's Diet.
Annals.

The King's
Fleet sent to
the Dutch
Fishes.
Rushworth,
T. II. p. 324.
Land's Diet.
Annals.

1655. was therefore manifest, that after thirty years forbearance he fought a quarrel with the *Dutch*, only to have occasion to fit out a fleet, which served for pretence to impose the tax of Ship-Money. This quarrel produced the two famous Treaties, entitled, *Mare Liberum*, and *Mare Clausum*, the former penned by *Grotius*, the latter by *Selden*. But the King regarded not arguments drawn from History, or ancient treaties between the two Nations; he made use of a more effectual method, namely, a fleet under the command of *Algermon Earl of Northumberland*. This fleet attacking the dispersed fishermen, who little expected it, and lusting some, compelled the rest to retire into the *English Harbours* as the safest retreat, and in short, to give the King thirty thousand Florins, for permission to continue their fishing that summer (1).

Soon after, the King raised thirty thousand pounds by a Commission, to enquire concerning depopulations and conversions of arable Lands to pasture, since the 10th year of *Queen Elizabeth* (2). There were many offenders of this kind, and so heavy a fine was imposed in the Star-Chamber on *Sir Anthony Reppe*, that the rest, to avoid the same treatment, speedily compounded with the King.

But Ship-Money was the most important thing, and as such regarded by the Court. The King neither would nor could depart from it, for three principal reasons. First, because he should be deprived of a very considerable aid, which he meant to render fixt and customary. Secondly, in desisting from this tax, after levying it two years successively, he would have given cause to believe he had no power to impose it, and consequently had acted contrary to Law. Thirdly, having refused never more to call a Parliament, it highly concerned him to establish his prerogative in such a manner, that none should dare to contest it. So the City of *London* having petitioned the Board, that the twenty Ships they were rated at might be reduced to ten, received a very sharp answer to this effect:

"That the tax of Ship-Money was necessary for the preservation of the State; and the charge was not immoderate: That his Majesty would admit of no excuse, but expected a ready compliance: That the precedents alleged in favour of the City, ought to induce them to obey, rather than to contradict and direct the King."

Notwithstanding all this, there were some that ultimately refused to pay their share of this tax, imagining, no Court of Justice would be so bold as to compel them. As these examples were of dangerous consequence, the King thought proper to publish the opinions of the Judges. To that end, the Lord-Keeper having assembled all the Judges in the Star-Chamber, told them, the King was very well pleased for their endeavours in their several Circuits, to persuade his Subjects to pay Ship-Money; but however, his Majesty bearing that some refused to pay this tax, had thought fit to have recourse to their advice for his direction in this case, and had commanded him to publish their opinions for the satisfaction of his Subjects. Then he caused the King's Letter to the Judges on this subject to be read as follows:

"TRUSTY and well-beloved, we greet you well. Taking into our princely consideration, that the honour and safety of this our realm of *England*, (the preservation whereof is only entrusted in our care) was, and is now more nearly concerned than in former times, as well by divers counsels and attempts, to take from us the dominion of the Sea, of which we are the sole Lords, and rightful owners, the loss whereof would be of great danger and peril to this Kingdom, and other our dominions; We, for the avoiding of these and the like dangers, well weighing with our selves, that where the good and safety of the Kingdom in general is concerned, and the whole Kingdom in danger, there the charge and defence ought to be borne by all the Realm in general; did, for prevention of so publick a mischief, relieve with our selves to have a royal navy provided, that might be of force and power, with Almighty God's blessing and assistance, to protect and defend this our realm, and our Subjects therein, from all such perils and dangers; and for that purpose we issued forth Writs under our Great Seal of *England*, directed to all our Sheriffs of all our several Counties of *England* and *Wales*, commanding thereby all our said Subjects of every City, Town, and Village, to provide such a number of ships well furnished, as might serve for this our royal purpose, and which might be done with the greatest equality that could be, in performance whereof, though generally throughout all the Counties of this our Realm, we have found in our

"Subjects great cheerfulness and alacrity, which we graciously interpret, as a testimony as well of their dutiful affections to us and our service, as of the respect they have to the publick, which well becometh every good Subject. Nevertheless, finding that some few, haply out of ignorance what the laws and customs of this our Realm are, or out of a desire to be eased, and freed in their particulars, (how dangerous forever the charge ought to be) have not yet paid and contributed the several rates and assessments that were set upon them, and foregoing in our princely wisdom, that from hence divers suits and actions are not unlikely to be commenced and prosecuted in our several Courts at *Westminster*: We, desirous to avoid such inconvenience, and out of our princely love and affection to all our People, being willing to prevent such errors as any of our loving Subjects may happen to run into, have thought fit, in a case of this nature, to advise with you our Judges, who we doubt not are all well studied and informed in the right of our Sovereignty; and because the trials of our several Courts, by the formality of pleading, will require a long protraction, we have thought expedient by this our Letter, directed to you all, to require your Judgment in this case, as it is set down in the inclosed paper, which will not only gain time, but also be of more authority to over-rule any prejudicate opinions of others in the point." Given under our Signet, at our Court at *Whitehall*, the second day of February, in the twelfth year of our Reign, 1636.

The King's Letter being read, the Lord-Keeper commanded the case inclosed to be read, being as follows.

Carolus Rex,

WHEN the good and safety of the Kingdom in general is concerned, and the whole Kingdom in danger, whether may not the King, by Writ under the Great Seal of the Kingdom of *England*, command all the Subjects of our Kingdom, at their charge, to provide and furnish such a number of Ships, with men, victuals, and munition, and for such time as we shall think fit for the defence and safe-guard of the Kingdom from such danger and peril, and by Law compel the doing thereof, in case of refusal and refractoriness? And whether, in such a case, is not the King the sole Judge both of the danger, and when, and how the same is to be prevented and avoided?

The Judges Answer.

May it please your most excellent Majesty,

"WE have, according to your Majesty's command, every man by himself, and all of us together, taken into serious consideration, the case and question signed by your Majesty, and inclosed in your royal letter; and we are of opinion, that when the good and safety of the Kingdom in general is concerned, and the Kingdom in danger, your Majesty may, by Writ under the Great Seal of *England*, command all your Subjects of this your Kingdom, at their charge, to provide and furnish such a number of Ships, with men, victuals, and munition, and for such time as your Majesty shall think fit, for the defence and safe-guard of this Kingdom from such danger and peril: And that by Law your Majesty may compel the doing thereof, in case of refusal or refractoriness: And we are also of opinion, that in such case your Majesty is the sole judge, both of the danger, and when, and how the same is to be prevented and avoided (3)."

After the reading of the case and answer, the Lord-Keeper said, "The King had commanded him to publish the Judges determination, and to give order that it should be entered in all the Courts of *Westminster*. That moreover, his Majesty enjoined the Judges to declare the same in their circuits throughout the Kingdom, that no man might plead ignorance. That however, it was not his Majesty's purpose to stop the actions or suits which have been, or should be brought concerning this matter, but only to prevent such as should bring their action, from being surprized." He concluded with saying, "If any contrary opinion should yet remain among men, it must proceed from those that are Sons of the Law, or from some not towards the Law. Of this

(1) The *Dutch* agreed to give the King thirty thousand pounds for this Summer, which was paid accordingly; and expressed their willingness to obtain a Grant from the King, for their permission to fish for the time to come, paying a yearly Tribute. *Bayleworth*, Tom. II. p. 320.

(2) This was only for four Counties. But the like Commissions were granted for other Counties. This was strenuously promoted by *Archbishop Laud*. *Bayleworth*, Tom. II. p. 320. *Clarendon*, Tom. I. p. 76.

(3) The King's Letter, the Case and Judges opinion being distinctly read in Court, in the presence of all the Judges, except *Crooke*, who at that time was out of town as to his Health, this same public Reading seemed a surprise to some of the Judges present. *Bayleworth*, Tom. II. p. 326.

"Latter

1636. "hatter I will say, *Felices demum essent artes si de illis solum judicaret artifices*. And as to the former, you, the Judges of the Realm, are and ever have been accounted the Fathers of the Law, then will it ill-become the Son to dispute against, or take upon him to be wiser than the Father."

Remark on this matter.

It is easy to perceive, that the artifice of the question proposed to the Judges, lay in the supposition of some imminent danger to the Kingdom, for instance, a sudden and unexpected invasion, which most certainly was not the case then. And yet, upon the bare possibility of such an extraordinary case, the King established a principle, which gave him power to impose not only Ship-Money, but any other tax he should please for the future. The prevarication of the Judges confided in that, feigning not to see the artifice of the question, they admitted, without examination, the King's supposition, and decided the present case, upon the foundation of an extraordinary and unforeseen emergency, which was not impossible. Two of the Judges however, namely, *Hutton* and *Craike*, were not of the same opinion: but they were persuaded to sign, like the rest, by the consideration, that it was the opinion of the whole Body. Let it be farther observed, that the order to enter the Judges determination in the Courts of Justice, and to publish it through all parts of the Kingdom, was very extraordinary, since thereby the King pretended to make it a sort of Law, by which the Courts were to proceed in judging the suits, which might afterwards be brought upon this affair. This had never been practised, but with regard to Acts of Parliament.

Hampden's Proposition. Rushworth, II. p. 432, 436.

State-Trials. Vol. I. Annot. p. 432, 437.

After these precautions, the King thought himself sufficiently authorized to order such to be prosecuted, as refused to pay Ship-Money. He imagined, none would be so hardy and obstinate as to maintain a refusal before Judges, that had already declared their opinion, and could not give a contrary judgment, without making themselves ridiculous. Nevertheless, there was a Gentleman, who being persuaded, notwithstanding the Judges determination, that Ship-Money was illegal, and contrary to the Petition of Right, resolved to stand the shock, and refuse to pay the tax. Mr. *Hampden of Buckinghamshire* was the man, who being rated at twenty (1) Shillings, chose rather to be condemned than pay voluntarily. This case was argued in the Exchequer Chamber, before all the Judges of England, who were sent for to render the judgment more solemn and authentic. Though the point was only to decide, whether Mr. *Hampden* should pay twenty Shillings or not, it was however, the most important case that had ever been argued in any Court of Justice. The thing in question was, to determine, whether the King had power to tax the Subject, without the concurrence of the Parliament, and whether the people were obliged to pay taxes imposed in that manner. Accordingly Mr. *Hampden's* and the King's Council displayed on this occasion, all that wit, learning, knowledge of the Laws, solidity of reasoning, subtlety, chicanery, are able to produce. There were some who pleaded four days together. I do not suppose it is expected, I should insert here all the arguments alleged on both sides in this famous case. I shall content my self therefore with briefly giving a general Idea of the thing.

Summary of the Argument on each side.

The King's Council maintained, That the King was the head of the State, and obliged to protect it when in danger: That this danger might be such as required an immediate remedy. From whence they inferred, that what was alleged in favor of the Laws was not to the purpose, since cases might happen where it was impracticable to observe them: consequently their execution was restrained by necessity, and in these cases of necessity, the King had an absolute power to impose taxes for the defence of the Realm, for which they urged sundry precedents in former Reigns. They added, as the People were not called to the King's Council to give their opinion, whether there was a necessity or not, to impose taxes for the defence of the Kingdom, it followed, that the King, by the advice of his Council, was the sole judge: That his Majesty having deemed it necessary in the present case, he might lawfully impose Ship-Money, and his Subjects could not refuse to pay it, without incurring the guilt of disobedience.

The Council for Mr. *Hampden* owned the King was head of the State, and that it was incumbent on him to defend it, but withal maintained, that the law had provided the means to put the Kingdom in a state of safety, by investing the person of his Majesty with several privileges which were intended for that purpose. For instance, the right of being assisted by the possessors of the fees of the

Crown, of arming the Cinque-ports, fines, confiscations, Tunnage and Poundage, and other customs of which he was actually in possession, and which he had himself declared to be defused for the defence of the seas. Lastly, supposing and allowing all these means to be exhausted, the King had another infallible way, which was to call a Parliament, and demand a supply for all extraordinary occasions.

But the King's Council chiefly insisted upon the possibility of such sudden and unforeseen cases as would not afford time to call a Parliament. This was their main argument, and the sole foundation of the advantages they pretended to draw from the precedents of former Reigns. Though the principles they would have established tended to put it in the King's power to impose taxes whenever he pleased, they durst not however assert it in plain terms, but limited his power to cases of necessity, of which however they would have the King to be the sole judge, which came to the same thing.

To this Mr. *Hampden's* Council replied: 1. These cases were very rare, and granting the King had a power in such cases to impose extraordinary taxes, this necessity ought to be very evident. 2. The King, upon such a supposition, having exacted loans from his Subjects, the Parliament had declared them void, and the King in his answer to the Petition of Right, acknowledged he had no power to demand them. 3. At this present time there was no reason to fear any sudden invasion, since his Majesty was in peace with all his neighbours. 4. The King himself did not think the danger to be imminent, since the writs sent to the Counties to fit out ships being dated the 7th of August, these ships were not to be at *Perismouth* till the first of March following, and consequently the King himself was of opinion, that there was seven months time to prevent the danger, in which space a Parliament might easily be called.

I shall insist no longer upon this subject which would lead me too far, if I should relate the objections, answers, and replies of both sides. It suffices to make this general remark, that the Council for Mr. *Hampden* pleaded express laws, *Magna Charta*, the subsequent Statutes, and the Petition of Right. The King's Council insisted chiefly upon precedents and instances taken from some of the former Reigns, and upon the impossibility in certain cases, of strictly observing the laws, from whence they inferred, that the laws were not so general, but that they were limited by extraordinary cases, and the King being bound to defend the State, ought to be the sole judge of such cases. I don't find they endeavoured to prove that the Kingdom was actually in one of these extraordinary cases, or in imminent danger.

After the cause had been argued many days, from the beginning of November till Christmas, and in the following terms, till May and June, judgment was given against Mr. *Hampden*, and he was condemned to pay the sum he was taxed at. From thenceforth no one would have recourse to the Law, since it would have been in vain after so solemn a Judgment (2).

Whilst endeavours were using in England to carry the Prerogative-Royal higher than ever, the King resolved to execute at last the project he had formed with regard to Scotland, namely, to reduce the Kirk to a perfect Conformity with the Church of England. This project was formed by King *James* at his accession to the Crown of England. Nay, he had found means before he left Scotland to restore Episcopacy, as will presently appear. From that time, the Bishops were always protected and countenanced by *James I.* and *Charles I.* who gained the Parliaments to their interest, and moreover exerted their Prerogative in favour of the Prelates; for with them the execution of their design was to begin. As the troubles this affair occasioned in Scotland, were the principal cause of the misfortunes and ruin of *Charles I.* I think it indispensably necessary to trace them to their origin, and the rather, as they had great influence upon the affairs of England. Besides, though many foreign Authors have spoken of the differences between *Charles I.* and his Subjects of Scotland, I don't know any that has undertaken to explain this matter clearly, or spoken of it impartially.

The Reformation was received in Scotland by public authority, in the reign of Queen *Mary* 1560, just before the death of *Francis II.* and whilst the Queen his widow was yet in France. The first that embraced the reformed Religion in Scotland under the former reigns, were much persecuted, even to the time I have been speaking of, and

Hampden is capt. The King's design was to subject to Scotland.

The State of Scot. from the Reformation in 1560.

(1) Rep. a. by mistake, Guyton.

(2) This Case was not only argued by the King's, and Mr. *Hampden's* Council, but afterwards by the Judges at the Bench, and all of them (except *Hutton* and *Craike*) agreed, and gave their judgment for the King. Judge *Craike* (says *Whitelock*, at his own Knowledge) was related to declare his opinion for the King, and to that end had prepared his Argument a few days before, upon discourse with some of his Relations, and most secret thoughts of the People, and being betrayed by his Lady, who told her Husband upon this occasion, that she hoped he would do nothing against his Country, for fear of any danger or prejudice to her Family; and that she would be content to suffer Want or any Misery with him, rather than to be an occasion for him to do or say any act of against his Country. Upon this, I say, and the like Encouragements, but chiefly upon his better thoughts, he suddenly altered his purpose and agreed and declared his Opinion against the King. *Whitelock's* Mem. p. 24.

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yet, their number did not fail daily to increase. The Bishops thought themselves bound in conscience to persecute the Reformed. They were at once their adversaries and judges, and consequently it was almost impossible, but this conduct should draw on them the enmity of the sufferers. Accordingly, the decree of the States to admit the Reformation, was no sooner made, than the Bishops lost all their credit and authority. 'Tis certain, the plan on which the Government of the new Church was at first settled, was not favorable to Episcopacy, but it was resolved to conform to the Discipline of the Churches of Switzerland. The Reformed had too great an aversion for the Bishops, to remain under their yoke, especially as there were but very few Prelates that agreed to the late change in Religion. All that was done in their favour was, that the Council ordered, such as would embrace the Reformation should enjoy their revenues, on condition they would maintain Ministers. This plainly shows, that though their revenues were left them, there was no intention to continue the Government of the Church in their hands. It was not the same in England, when the Reformation was received in the reign of Edward VI. Far from being prejudiced against the Bishops, the English, on the contrary, could not but own it was by means of the principal Prelates that the Reformation was established. There was therefore no motive either of hatred or policy to incline the English to throw off Episcopal Government, though they should be supposed to consider it as a thing indifferent. But in Scotland, passions, policy and reason itself required a deliverance from the yoke of the Bishops, who, for the most part, opposed the Reformation to the utmost of their power. So Presbyteries, National Synods, or General Assemblies, were established, to whose care the settling of the Discipline was committed.

These general Assemblies at first had, or, perhaps, usurped, a very great authority. 'Twas even necessary their power should be great, to enable them to defend the Reformation against the perpetual attacks of its enemies. Queen Mary, who arrived soon after in Scotland, was a zealous Catholic, and many of the principal Lords were in the same sentiments. So, the Popish-Party was still very strong, and in condition to obstruct the progress of the Reformation. On the other hand, the general Assembly, which then consisted wholly of Ministers, vigorously supported the new Religion, notwithstanding the efforts of the Catholic-party. Mean while, though they ardently laboured to abolish Episcopacy by public authority, they could not obtain of the Parliament an express Act for that purpose. At last, in 1566, the general Assembly solemnly approved of the Discipline of the Church of Switzerland, and of a parity among the Ministers. This was sufficient to overthrow at once the spiritual Power of the Bishops, but not to deprive them of their temporal privileges. So, from the year 1561, to the deposing of Queen Mary in 1567, the state of the Bishops was very uncertain. They enjoyed their revenues, sat in Parliaments, but their spiritual Jurisdiction was acknowledged by few, though they strove to preserve it. The general Assembly had declared for the Presbyterian Government, but the Parliament had not yet made any decision. Mean while the Bishops were in a very melancholly situation, since the People, who had a great veneration for the general Assembly, could not, after they had been condemned there, acknowledge them for Pastors. So, though their spiritual Authority was not expressly abrogated by the Parliament, it was, as I may say, reduced to nothing, since they could not exercise it, the general Assembly directing all the affairs of the Church. This has occasioned warm disputes concerning Episcopacy, some affirming, it was entirely abolished in Scotland, and others, that it was always continued. One cannot but wonder at a dispute about a fact of this nature, and it is no less surprizing that the Parliament of Scotland should delay above thirty years to settle the Government of the Church by their authority. Wherefore it is absolutely necessary to explain the reasons. Otherwise it would be difficult to understand the causes of the troubles of Scotland, of which we must necessarily speak. But before I descend to particulars, it will be requisite to observe, that we must carefully distinguish the Benefice from the Office of a Bishop.

By the Benefice, I mean the revenues, lands, honours, privileges, in a word, all the Temporalities annexed to the quality of Bishop. By the Office, I understand the Spiritual jurisdiction and functions of the Bishops. If this distinction is not continually remembered, it will be impossible to understand the disputes concerning this matter.

It is certain that from the year 1560, when the Reformation was established in Scotland, to the year 1609, the Church of that Kingdom was governed by Presbyteries, Diocesan and Provincial Synods, General Assemblies, and that even Superintendents were appointed, who continued till the year 1575. It is no less certain, that the general Assemblies condemned and rejected Episcopal Government above thirty years, and, during that time, constantly demanded and earnestly solicited the abolition of Episcopacy, with respect both to Temporal and Spirituals. Nevertheless, from the beginning of the Reformation till 1592, no express Act of Parliament could be obtained, whether for or against Episcopacy, or to approve or reject the Presbyterian Government, if we except the interval between the years 1571 and 1575, of which I shall speak hereafter (1).

Had the general assemblies confined their demands to the abolishing of episcopacy as to the spiritual functions, very likely, they would have easily obtained it. But after the abolition of the episcopal office as far as in them lay, they were not contented with desiring that their Acts might be confirmed by the Parliament, but demanded also that the name of Bishop might be abolished, and the Bishops deprived of all sorts of temporal honours and privileges, as the right of sitting in Parliament and the like. But the Court always opposed it strenuously, because the Bishops and Abbots being filled by the King, he could almost depend upon as many votes in Parliament as there were Bishops and Abbots. For the same reason, the Court, by secret practices, hindered the Parliament from passing any Act to establish Presbytery, and to abrogate the spiritual jurisdiction of Bishops, because it was perceived that this would tend to deprive them of their temporal honours. Not but that, in the actual practice of the Church, Episcopacy was really abolished, and Presbytery established; but however, as long as there was no express Act to abolish Episcopacy, the Bishops and Abbots could not be prevented from voting in Parliament, which was a great advantage to the Court. So the name and title of Bishops and Abbots still subsisted. They held the lands annexed to their benefices, and enjoyed the same temporal privileges with their predecessors, though the office was ceased. This is so true with respect to the Abbots, as to admit of no dispute. The Abbies were in the possession of Laymen, who sat in Parliament by the name and title of Abbots. As to the Bishops, the thing is not so clear, because the title of Bishop was conferred on Churchmen. Had the Court bestowed the Bishops on Laymen, it would have given the general Assembly too great an advantage, who desired nothing more than a plausible pretence to press the abolition of the temporalities of the Prelates. This demonstrates that a man may justly say, there were, and there were not at the same time Bishops in Scotland. There were Bishops, if it is considered that there were persons so called, who held the lands and revenues of the Sees, and who, as such, had a seat in Parliament. There were none, with respect to the spiritual functions, which were really abolished by the decrees of the general Assembly, and by actual practice, though the Parliament had not expressly repealed them. Upon the confusion of the spiritual and temporal States of the Bishops, all the objections and answers in this dispute wholly turn. Some prove very plainly that Episcopacy subsisted in Scotland, provided they confine the meaning of that word to temporalities: but their proofs are very defective with regard to Spirituals. Others evidently show, that Episcopacy was abolished as to the spiritual functions, by virtue of the Acts of the general Assembly. But they cannot prove, it was abolished with respect to the temporal privileges, since the Parliament had not yet made any decision. As neither can produce any express Act of Parliament, at least till such a time, they allege some from whence they endeavour to draw inferences to their advantage. But this requires a further explication. For the better understand-

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T. 1. p. 140.

(1) For the better understanding of the sequel of the Scotch affairs, it will not be superfluous to give a brief account of the present Government of the Kirk of Scotland. In Scotland are eight hundred and ninety Parishes, each of which is divided in proportion to its extent, into particular districts, and every district has its own ruling Elders, (that is, Men of the principal quality and intends in the Parish) and Deacons, (that is, one who has a competency, and is of a good character for manners and understanding.) A Consistory of Ministers, Elders, and Deacons, is called a Kirk Session, the lowest Ecclesiastical Jurisdiction, which meets once a week, to consider the affairs of the Parish. The Minister is always Moderator, but without a negative. Appeals lie from house to house into their Presbyteries, which are the next higher Jurisdictions. Scotland is divided into Sixty-two Presbyteries, each consisting of, from twelve to twenty-four contiguous Parishes. The Ministers of these Parishes, with one ruling Elder, choose half-yearly out of every Kirk Session, compose a Presbytery. They meet in the head Town, and choose their Moderator, who must be a Minister, half-yearly, he is only Moderator, From hence Appeals lie to Provincial Synods, which are composed of several adjacent Presbyteries, two, three, four, to eight. There are fifteen in all. The Members are the Ministers, and a ruling Elder out of every Parish. These Synods meet twice a year, at the principal Town of its bounds. They choose a Moderator, who is their President. The Acts of the Synods are submitted to the review of the General Assembly, the senior minister of the Kirk of Scotland. It consists of Commissioners from each Presbytery, Royal Burghs, and Universities. A Presbytery of twelve Ministers, sends two Ministers, and one ruling Elder. Of between twelve and eighteen, it sends three, and one ruling Elder. Of between eighteen and twenty-four, sends four, and two ruling Elders. Of twenty-four, sends five, and two Elders. Every Royal Burgh sends one Elder, and Edinburgh two. Every University sends one Commissioner, usually a Minister. The Assembly meets once a year.

1636. ing this matter we must necessarily distinguish the various circumstances of Scotland, from the beginning of the Reformation; namely, in the Reign of Mary; in that of James VI. during his minority; under the same Prince after assuming the Government, according to the several Ministers or Favorites, by whose advice he was directed; and lastly, under the same Prince after his accession to England. The state of the Bishops depended all this time on the interests of those who were in the administration.

The Reign of Mary lasted till the year 1567. This Queen was a zealous Catholic, and yet, so long as the Earl of Murray her natural brother had any credit with her, the Reformation was not attacked. But towards the end of her Reign under *Bathurst's* administration, the general Assembly lost ground. However, in 1566, they made the forementioned decree, to approve of the discipline of the Churches of Switzerland, and of a purity among the Ministers, which entirely destroyed Episcopacy. But the Queen regardless of this decree, openly restored the Archbishopric of St. Andrew's, notwithstanding the opposition of the Assembly.

The interval from the deposing of Queen Mary in 1567 to 1573, was a time of troubles and discord, under the administration of several Regents, whose authority was not firmly established: so that it was very difficult for the Parliament effectually to settle the discipline of the Church. All that can be said is, that they rejected not what was established by the general Assembly, though they gave not their actual consent to it. On the other hand, in 1572 and 1573 the Regent, for some private views, caused some Acts to be passed in favour of Episcopacy, but which were afterwards repealed. These Acts were as follows:

By the first, which is the 40th of the Parliament holden in 1572, it is declared, *The Archbishops and Bishops have the authority, and are ordained, to convene and deprive all inferior persons being Ministers, who shall not subscribe the Articles of Religion, and give their oath for acknowledging and recognizing of our Sovereign Lord and his authority, and bring a testimonial in writing thereupon, within a month after their admittance.*

By the 45th Act of the same Parliament, it is declared, *That Archbishops and Bishops have authority at their visitations to design Ministers' places.*

By the 54th of the said Parliament, *Archbishops and Bishops were authorized to nominate and appoint at their visitations, persons in every Parochin for making and setting of the taxation, for upholding and repairing of Kirks and Kirk-yards, and to convene, try, and condemn all persons that shall be found to have applied to their own use the Stones, Timber, or any thing else pertaining to Kirks demolished.*

By the 55th of the Parliament in 1573, *Archbishops and Bishops were authorized to admonish persons married, in case of desertion, to adhere, and in case of disobedience, to direct charges to the Minister of the Parochin to proceed to the sentence of Excommunication.*

There appears in these four Acts some signs of the Episcopal jurisdiction, or at least, that the Parliament did not look upon episcopacy as entirely abolished. But on the other hand, if the Bishops actually exercised their functions at that time, where was the necessity of the Parliament's authorizing them to act in most of the things specified in these Statutes? But there is here a stronger objection still against the Bishops. And that is, they who have thus cited these Acts, have curtailed them, and passed over in silence the Superintendants who were joined with the Bishops, from whence it is inferred, that the Bishops were empowered only as commissioners of the Parliament.

I proceed now to the time of King James's majority, or at least, of his assuming the Government, though he was not really of age. The Earl of Morton having lost his head in 1581, the Duke of Lenax and Earl of Arran ruled the young King as they pleased. They were expelled afterwards by the *Ruthens*, but the King recalled the Earl of Arran, who became more powerful than ever. It is certain, this Favorite's design was to disengage the King his master from the interest of England, and to countenance the Duke of Guise's project to invade Elizabeth by Scotland. It was the Favorite's business therefore to curb the too great power of the general Assembly, who strongly opposed the execution of this project. The best way to succeed, was not only to protect the Bishops, but also to give them authority over the Ministers, that these might be more humble. To that end, he procured the four following Acts in the Parliament of 1584.

The 130th ran: *That none of his Majesty's Lieges and Subjects presume or take upon hand to impugn the dignity and authority of the three Estates of this Kingdom, whereby the honour and authority of the King's Majesty's supreme Court of Parliament, past all memory of man, hath been continued, or to seek or procure the innovation or diminution of the power and authority of the same three Estates, or any of them in time coming, under the pain of Treason.*

By the 131st, *All judgments and jurisdictions, as well in spiritual as temporal causes, in practice and custom, during the twenty-four years by-past, not approved by the king and three Estates in Parliament, are discharged; and it is defended, That none of his Highness Subjects of whatsoever quality, estate or condition they be of, spiritual or temporal, presume, or take upon hand to convene, convene, or assemble themselves together for holding of Councils, Conventions, or Assemblies, to treat, consult, or determine in any matter of Estate, civil or ecclesiastical, (except in the ordinary judgments) without his Majesty's special commandment, or express licence had and obtained to that effect.*

By the 132d, *Bishops are authorized to try and judge Ministers guilty of crimes meriting deprivation.*

The 133d ordains, *That Ministers exercising any office, beside their calling, be tried and adjudged culpable by their Ordinaries.*

It is manifest, that the intent of these four Acts was to abolish the general Assemblies with the Presbytery, and restore the Episcopal Government. But it must be observed,

1. These Acts were made during the tyranny of the Earl of Arran, who had formed the project of admitting into Scotland a popish army, and it is no credit to the Bishops, that he should think them proper to countenance that design. 2. The general Assembly solemnly protested against these Acts, maintaining, it was not in the power of the King and Parliament to settle or alter the Government of the Church, without the Church's consent; that it could not be justly pretended, that four Bishops, who were present in this Parliament, and whose spiritual power was long since abolished, and four Laymen, under the name of Abbots, were lawful Representatives of the whole Church, or that their consent to these Acts should be considered as the consent of the national Church. 3. These four Acts were repealed by the Parliament of 1592.

I must proceed now to another juncture, when King James, freed from the Earl of Arran's tyranny, having relinquished the chimerical projects suggested by that favorite, was better acquainted with his true interests. I mean the year 1587. Though, at the beginning of this year, Elizabeth had beheaded Mary, King's James's mother, he was soon comforted by the hopes of possessing one day the Crown of England, which he was afraid of losing, in case he continued to form projects against Religion, as he had done during the Earl of Arran's minority. This same year, therefore he gave the royal assent to the Act of Annexation, whereby were annexed to the Crown, all Lordships and Barinies pertaining to whatsoever Archbishops, or Bishops, Abbots, Priors, Nuns and Monks; reserving always to Archbishops, &c. and others possessors of great benefices of the estate of Prelates, and which before had or hath been in Parliament, the principal castles and fortresses.

It may be inferred from this Act, that the depriving the Bishops of their Lands, was depriving them withal of the right of sitting in Parliament, since that right was founded entirely upon the possession of the Baronies. Nay, it seems that the title of Bishop began now to be conferred on Laymen, which gave them only the possession of the chief Castle belonging to the See. At least we find, that shortly after, the Bishopric of *Cathness* becoming vacant, by the death of Robert Earl of March, the King's Uncle, the general Assembly prayed his Majesty to give that See to a Clergyman.

At last, in 1592, the Parliament repealed and annulled all, not only the fore-mentioned Acts of 1581, but also such as were contrary to the Discipline established, approving, ratifying, and confirming the Assemblies, Presbyteries and Synods, with the discipline and jurisdiction of the Kirk, as most just and godly, notwithstanding whatsoever Statutes, Acts, Canons, civil or municipal Laws made to the contrary. Further, they abrogated all Acts, granting commission to Bishops, and other Judges constitute in ecclesiastical Causes; and ordained presentation to Benefices, to be directed to Presbyteries, with power to give Collation thereupon.

This Act was confirmed in 1593, and the power of Presbyteries solemnly acknowledged by the Parliament in 1594, Act 129.

Was not this sufficient to abolish Episcopacy entirely? By the Act of 1587, the Bishops were dispossessed of their Lands; and by that of 1592, they lost all manner of jurisdiction. For how could the power of the Presbyteries and general Assemblies, be consistent with the Episcopal jurisdiction? And yet, there were persons who still bore the name of Bishop, by reason of their holding Castles formerly belonging to the Sees: for it does not appear, upon what other account they could be called Bishops: Nay, very likely, several of these sorts of Sees were in Layhands; at least, the Abbies and Priories were certainly so.

But things remained not long upon the same foot. Whether the general Assemblies usurped too much authority, after they were freed from the Bishops, or for some other reasons, the King formed new projects, and resolved to re-

Restore

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1636. fore the Bishops. At that time, as at many other junctures, the Court had so great an influence over the Parliament, that almost whatever was desired, was enacted.

Nelson, T. I. p. 163. The King therefore so ordered it, in 1597, that the privilege of a voice in Parliament was granted to the whole Kirk; and under that name to Bishops and Abbots, even at in times of Popistry. As to the office and spiritual Government of Bishops, the Parliament remitted them to the King and the Assembly, intending not to derogate from the provincial and general Assemblies, and other whatsoever Presbyteries and Sessions, nor from the Discipline established in the Kirk.

The Act shows, the Bishops had lost their right of seat in Parliament, since there was occasion to give it them again. By virtue of this Act, they resumed their places in Parliament, and even Sir Robert Spotswood a Layman took his seat there, as Abbot of New-Abbey. The King desired nothing more at that time, than to introduce the Bishops and Abbots again into the Parliament. But he did not stop there, as will be seen presently.

Mean while, as the general Assembly still continued to oppose strenuously the promotion of Churchmen to posts of authority in the State, and as the People seemed more inclined to follow the determinations of the general Assembly, than those of the Parliament, it was to be feared, this disposition would at last raise disturbances in the Kingdom. To prevent this inconvenience, the King caused the general Assembly, held at *Montrose*, in the year 1600, to be pressed so earnestly to consent to what the Parliament of 1597 had granted to the Bishops, that they were obliged either to comply, or break entirely with him. They approved this Act therefore, but upon certain conditions, the substance whereof was, that the Bishops should act in Parliament only as Commissioners or Deputies of the Kirk, and should be subject to the general Assembly. The conditions laid upon them were these:

They shall obtain a commission from the general Assembly, to act in their name in Parliament, and shall swear to observe the following articles.

They shall move nothing, without having an express order from the Kirk, on pain of being deprived of their office.

They shall not consent, nor not by their silence, to any thing against the liberties of the Kirk, under the same penalty.

They shall be accountable to each general Assembly, for their behaviour in the discharge of their commission, since the last Assembly; be obliged to demand the approbation, and submit to the determination and censure of the Assembly without any appeal, on pain of being pronounced infamous and excommunicated.

They shall be satisfied with that portion of their Benefices, the King shall please to allot them for their subsistence, that they may not be a burden to the Ministers that are already, or shall be hereafter settled in their Benefices.

They shall not suffer their Benefices to go to decay, or dispose of any thing belonging thereto, without the consent of the King and the general Assembly, and shall allow that inhibitions be directed to them for that purpose.

They shall exercise the functions of Pastors in their own Congregations, and be subject to the censure of their own Presbyteries and the general Assembly, like the rest of the Ministers that are not commissioned.

In the administration of Discipline, and in every thing relating to the Government of the Kirk, they shall usurp no power or jurisdiction beyond what is adjudged to other Ministers, on pain of forfeiting their office.

In Presbyteries and general and provincial Assemblies, they shall demean themselves in the same manner as other Ministers, and shall be liable to their censure.

None of those that sit in Parliament shall be members of the general Assemblies, unless they be expressly deputed by their Presbyteries.

It is plain from these conditions, inserted in the Act of Parliament made to confirm that of 1597, what was the intention of the *Montrose* Assembly, in agreeing out of compliance to the King, that the Bishops should sit in Parliament. The Bishops embraced what was for their advantage, namely, the Assembly's consent to the privilege that was granted them; but never performed any of the conditions. The Court was then favorable to them, but it was still more so, after the King's accession to the Crown of England.

As soon as James I. became King of England, he formed, as I said, the project of establishing in the Kirk of Scotland, the Discipline and Hierarchy of the Church of England. To accomplish this design, it was necessary to restore the Bishops to all the rights they had enjoyed before the Reformation, and accordingly he resolved to begin with this restoration. His power in the Parliament was very great, during the last years of his being in Scotland; but it was nothing in comparison of what it was after his access-

1636. sion to the throne of England. It suffices to say, that this influence was in proportion to the means he had of dispensing to his Scotch Subjects favours, which he had not been able to grant them in their Country. We have seen, in the History of his reign, how he showered his bounties upon them, which the English could not forbear to complain of. It is not therefore very strange, that the Members of the Parliament of Scotland should be at his devotion. He made use of his credit in the year 1605, and obtained the following Act of Parliament:

“The ancient and fundamental policy, consisting in the maintenance of the three Estates of Parliament, being of late greatly impaired, and almost subverted, especially by the indirect abolishing of the Estate of Bishops by the Act of Annexation: albeit it was never meant by his Majesty, nor by his Estates, that the said Estate of Bishops, being a necessary Estate of the Parliament, should any way be suppressed; yet by dismembering and abstracting from them of their Livings, being brought in contempt and poverty, the said Estate of Bishops is hereby restored, and reintegrated to their ancient and accustomed honour, dignities, prerogatives, privileges, lands, teindres, rents, as the same was in the reformed Kirk, most amply and free, at any time before the Act of Annexation; rescinding and annulling all Acts of Parliament made in prejudice of the said Bishops in the premises, or any of them, with all that hath followed, or may follow thereupon, to the effect they may peaceably enjoy the honours, dignities, privileges and prerogatives competent to them or their Estate since the Reformation of Religion.”

Thus far however it concerned only the Temporalities, there not being in the Act a single word from whence it might be inferred that the Parliament restored the Bishops to their Spiritual functions, or ancient jurisdiction. The general Assembly pretended indeed, that the King and Parliament could make no alterations in the Spirituals, without the Kirk's consent: but they had no power to hinder the King and Parliament from giving the Lands of the Crown to whom they pleased, and from admitting into the Parliament such as they thought proper. But the King did not intend to stop there.

In 1609 the King, under colour of confirming the Act of 1606, obtained of the Parliament another Act, which in confirming the other, added a clause, whereby the Bishops were restored to all their former Authority, Privileges and Jurisdictions. By virtue of this last Act it was that the Bishops took possession of the Government of the Kirk, notwithstanding the conditions of the *Montrose* Assembly, which they little regarded, and supposed to be annulled by this Act. But the general Assembly protested in form against this Act, affirming the Parliament had not power without the Kirk's consent, to restore a Spiritual office that had been abolished. They protested also against the promotion of Churchmen to civil Posts, as pernicious to Religion. Their protestation was rejected: but however it was printed and dispersed throughout the Kingdom.

The general Assembly's opposition had a great effect upon the people, who loved not the Bishops, and for fifty years had been used to the Presbyterian Government. They complained, the Parliament had been gained to impose upon them Episcopal Government, which was odious to the whole nation, not only without consulting the Kirk, but even against her will. This opposition convinced the King, that notwithstanding the authority of the Parliament, he should find it very difficult to reduce the people of Scotland to obedience, so long as the general Assembly opposed the restoration of the Bishops. He resolved therefore to cause a general Assembly to be held at *Glasgow* in 1610, where he took care to gain a majority of votes, and of which the Bishops were the chief Directors. The Assembly thus disposed, agreed that the Bishops should resume all their Spiritual functions, with the Government of the Church. After that, in 1612, the King called a Parliament, who, upon the consent of the *Glasgow* Assembly, passed an Act, whereby the Bishops were restored to all their Spiritual rights.

The adversaries of the Bishops, astonished at this proceeding, were forced to be silent, the torrent being too strong, to be opposed. Besides, the general Assemblies being grown less necessary, since the Bishops had the Government of the Church, the King very seldom gave them leave to meet, and when he did, it was after he had taken all necessary precautions to be assured that the Bishops would be the directors and managers. In 1617, he moreover obtained of the Parliament an Act, whereby it was ordained, that the Bishops should be elected by the Chapters, and consecrated with the accustomed rites, that is with those introduced of late years. As during the troubles in Scotland on account of Religion, the people, as will presently appear, loudly complained of the restoration of the Bishops, the consent of the *Glasgow* Assembly in 1610

1636. was continually objected to them. For this reason the first general Assembly that King Charles was obliged to grant in 1638, found no better method to evade this objection, than to declare the *Glasgow* Assembly void from the beginning.

Such was the state of Episcopacy in *Scotland*, from the beginning of the Reformation to the reign of *Charles I.* who, at his accession to the throne, found it fully established, though contrary to the bent of the Nation in general, as it plainly appeared afterwards. *James I.* as I observed, had formed the design of putting the Kirk of *Scotland* upon the same foot with the Church of *England*. He had made great progress therein, and *Charles I.* pursued the same design with still more ardor than his Father. But as hitherto I have related only what concerns the Bishops, it is necessary, before we speak of the troubles of that Kingdom, which first commenced in 1637, to mention the measures successively taken by the two Kings to accomplish their Design.

After *James I.* had entirely restored Episcopacy in *Scotland*, he resolved to finish his work by degrees. To that purpose, he began with the five articles mentioned in the History of his Reign, which he caused to be approved by the general Assembly of *Perth*, by means as illegal perhaps as violent (1). The Bishops governed the Presbyteries, by making themselves Moderators, so that it was not possible to chuse any for Commissioners to the Assembly general, but such as they thought proper. However this be, the five articles being approved, the King, who by long experience was well acquainted with the genius and character of the *Scots*, thought it necessary, before all things, to curb the petulancy and boldness of the Ministers, for fear they should raise disturbances in the Kingdom. The People had for them a great veneration, which was even increased after the restoration of the Bishops, because these last were more careful to maintain their grandeur and power, than gain the love of their Flocks. To compass his ends, the King set up in *Scotland* a High-Commission, like that in *England*, but which, till then, was unheard-of in *Scotland*. As the *Scots* had never given their King the title of supreme head of the Church, as was done in *England*, there had been no occasion to establish a High-Commission in *Scotland*, to exercise the Supremacy in the King's name. But *James I.* who was very apt to stretch his Prerogative, readily believed, he had no less right to exercise the Supremacy in *Scotland* than in *England*, though till now he had never thought of any such thing. Be this as it will, by means of this new Court, which was at first very severe, and excommunicated and deprived the Ministers for the least offence, he kept them so in awe, that not a man dared to stir. This, with the favours bestowed upon such as showed a readiness to countenance his designs, made him almost secure of success in his undertaking, which daily advanced. Nothing was wanting to complete it, but the causing the *English* Liturgy and Canons to be received in *Scotland*, after which, there would be no difference between the Churches of the two Kingdoms. This was as easy to be accomplished, as what had been done already. So the King having convened a general Assembly at *Aberdeen*, it was represented to them, that divine service was performed in the Kirk of *Scotland* after an indecent manner, every Minister having liberty to compose publick prayers, and use what expressions they pleased, which was liable to great inconveniencies: That it would therefore be proper to compile a Liturgy to be used in every Church in *Scotland*, to the end the people might everywhere pray with one heart and one mouth. It must be observed, that it was not moved to receive the *English* Liturgy, but only to compile one proper for the Kirk of *Scotland*. Whereupon several members of the Assembly believed, they might without danger agree, that a Common-Prayer-Book should be used, and the rather, as the reformed Churches of *Geneva*, *Switzerland*, *France* and *Germany*, had their several Liturgies, though very different from that of the *English*. This motion being approved, the Assembly appointed Commissioners to compile the new Liturgy, and it may well be imagined, this nomination was agreeable to the King's desire. These Commissioners, most of whom were Bishops, after spending a considerable time in framing this Liturgy, only copied that which was

set forth in *England* in the reign of *Edward VI.* and sent it to the King for his approbation.

The affairs of the *Palatinate*, and the Spanish marriage so engrossed King *James* during the last years of his life, that he could not effectually think of finishing the work he had undertaken in *Scotland*. As he knew the *Scots* pettishly, and their strong prejudice for Presbyterianism, he doubtless thought proper to defer the execution of his design till he had ended his two principal affairs. He was apprehensive, that if any troubles should unfortunately happen in *Scotland* on account of the Liturgy, they might divert him from what was then the principal object of his care. I have related in the history of his reign, how he was amused for many years, and therefore he could not, before his death, finish what he had begun, but left it to the care of his successor.

Charles I. was no less eager than his Father, to establish in *Scotland* the Discipline of the Church of *England*. But his circumstances in the beginning of his Reign, did not allow him to apply himself to the finishing of this affair with all the speed he desired. He was at *Spain*, and afterwards with *France*, his projects with regard to his Prerogative, his continual quarrels with the Parliaments, required his whole application. Besides, it was not proper in these junctures to rouse the *Scots*, who indeed seemed quiet and submissive, but however were very discontented as the King well knew. He stayed therefore till he had concluded a peace with *France* and *Spain*, and rendered himself as it were, absolute by the dissolution of three Parliaments, by his resolution never to call any more, and by establishing his Prerogative concerning taxes, without the concurrence of the Parliament. Then it was that he seriously thought of completing the reduction of the Kirk of *Scotland* to a perfect conformity with the Church of *England*. He had not however been idle with respect to *Scotland* during these first years of his reign. Though he had delayed the execution of his design, it was ever in his thoughts, and he had taken some measures which seemed to warrant success. 1. He had either continued or renewed the High-Commission, introduced by the King his Father. 2. He had almost abolished the general Assemblies, by not allowing any since his accession to the throne. 3. He had so supported and countenanced the Bishops, that they had the Clergy entirely in their power, whom they ruled with a very heavy hand. 4. He had gained a great number of the Ministers by means of Benefices and ecclesiastical Offices or Dignities, which were granted only to those whose compliance he could depend upon. 5. He had so filled the Council of *Scotland*, in whose hands the administration of affairs is lodged in the King's absence, that there was scarce a Privy-Counsellor but what was engaged to promote his designs. 6. There was in this Council several Bishops, and the Archbishop of *St. Andrews* was vested with the Chancellorship, the prime office of the Kingdom (2). 7. He had secured the Lords of Session, that is, of the College of Justice (3), and in a word, all who had places depending upon the Court. 8. He had charged *Lord Archbishop of Canterbury*, to hold continual correspondence with the Bishops and Council of *Scotland*, and take with them the necessary measures to accomplish the design. It seemed therefore impossible, that the King should meet with any opposition from a dispersed people, without leaders, without support, and destitute of the assistance of their Magistrates.

With all these advantages, *Charles* undertook to finish what still remained to be done in *Scotland*. To that end, after a revival of the Liturgy transmitted to the late King, he sent it back into *Scotland*, with orders to have it received in the Kirk. But upon the objection, that this Liturgy being word for word the same with that of the Church of *England*, the *Scots* might take offence at the imposing upon them the Liturgy of another Kingdom, he thought proper to make some alterations, and ordered, that instead of the *English* Version of the *Psalms*, and of the *Epistles* and *Gospels*, the *Scotch* translation should be inserted in the Liturgy of *Scotland*. After that, he believed it could not be complained of, with the least shadow of reason, that he had a mind to impose the *English* Liturgy upon the Kirk of *Scotland*, though there was no other difference between them, than what I have mentioned (4).

(1) See p. 193, where *Rapin* calls them four. The Articles were, Kneeling at the Sacrament, Communicating the Sick, Private Baptism, Confirmation, Keeping some Festivals. Many *Scotch* Presbyterians, it seems, were so weak as to believe, that these were the five Articles condemned at the *Synod of Dort*. See the five Articles of *Dort*, p. 230.

(2) This Office had never been in the hands of a Churchman since the Reformation. He made likewise nine Bishops Lords of Session, or Privy Counsellors. *Clarendon*, Tom. 1. p. 67. *Rushworth*, Tom. 2. p. 356.

(3) This Court was instituted by *James V.* (after the form of the supreme Sovereign Court or Parliament of *Paris*) who gave it great Privileges and immunities. The Lord Chancellor claimed a right to preside in this as in all the King's Courts. But this was much disputed by the Court of Session, and therefore he held in some there. This Court sits from the first of November, to the last of February, and from the first of June, to the last of July. From hence lies no Appeal. It consists of fifteen Members.

(4) See a particular account of the differences between the two Liturgies in *Collier's Eccl. Hist.* Tom. 2. p. 768, 769.—King *Charles*, in his Declaration about the *Scotch* Liturgy, says, "That it was compiled in substance on different from that of *England*, that the *Scotch* Priests might not be troubled with two Nations with any differences in their Liturgies, and yet in some few alterations differ from it, that it might not be regarded as a kind of the *Scotch* Church's own complicity." *Rushworth*, Tom. 2. p. 377.

1637.
The King
finds the
Book of Canons
into
Scotland,
Clerodene.
T. I. p. 84.

During the revival of the Liturgy, the King sent into Scotland a book of Canons, for the government of the Kirk, and these Canons enjoined a conformity to the Liturgy, though it was not yet published, nor so much as known to the people. This was so gross an error, that it must be surprising, the King and his Ministers could be guilty of it. The pretence to introduce these new Canons was, that the Acts of the general Assemblies not being printed, but contained in many large manuscript volumes, remained unknown to the people. For this reason the King imagined, they would be obliged to him for his care in extracting the most material and principal things, in a little Book which might be in every one's hands. It seems sometimes, that certain Princes imagine they have a sovereign power, not only over the bodies, but also the understandings of their Subjects, to make them believe the greatest absurdities. We have here two remarkable instances. Charles undertakes to persuade the people of Scotland, that he does not pretend to impose the English Liturgy upon them, though it is the very same, not only in substance, but word for word, because the version of the Epistles and Gospels is different. On the other hand, he would have them believe, that the book of Canons is only an abridgement of the Acts of their general Assemblies, though the contrary be evident. From the beginning of the Reformation, to the Glasgow Assembly in 1610, that is, during the space of fifty years, the general Assemblies had always condemned and rejected Episcopacy, and all their Acts, without exception, supported the Presbyterian Government. The book of Canons, on the contrary, supported, in every article, the ecclesiastical Hierarchy, and episcopal Government. How then was it possible to persuade the Scots, that this book of Canons was an abridgement of the Acts of their general Assemblies? This was imposing upon them in a strange manner (1).

The Liturgy being ready, the King sent it into Scotland, and appointed it to be read in all the Churches of Edinburgh on Easter-day this year 1637. But upon farther consideration, this order was revoked. The King was told, it might be dangerous to surprize the People with the reading of the Liturgy before they were prepared. That it was more proper to defer it some months, in order to see whether, in that interval, the Male-contents would attempt to oppose it. In that case, they might be opposed before they had time to take just measures, and the ill-success of their attempt would only serve to promote the King's design. This reason appeared so plausible, that the King ordered the reading of the Liturgy to be deferred till Sunday the 23d of July the same year. During this whole interval, there was no unusual motion in Edinburgh, nor the least appearance that the King's orders would meet with opposition (2). To be still more secure, the Council caused it to be published eight days before, in all the Churches of the City, that the Liturgy would be read the Sunday following. No person stirred the whole week, and all was so quiet in the City, that the Council doubted not of success.

The Liturgy
ordered to be
read in the
Churches of
Edinburgh.

Nevertheless, the next Sunday the Lord-Chancellor, most of the Lords of the Council, some Bishops, the Lords of Session, or Judges of the Realm, and the Magistrates of Edinburgh, repaired to St. Giles's Church, the Cathedral of the City; when the Dean opened the Book to read the Liturgy, the manner fort of People, with clapping of hands, execrations and outcries, raised so hideous a noise, that it was not possible to hear a word. Whereupon the Bishop of Edinburgh, who was to preach, stepping into the pulpit, with thoughts to appease the people, was received with the same clamours and imprecations, and if a flood, thrown at his head, had not been diverted by the hand of one present, would have been in danger of being killed. The Lord-Chancellor and Judges found no more reverence. At last, the Provost and Bailiffs of the City came from their places, and with much difficulty thrust out of the Church the enraged populace, and shutting the doors, the Dean read the Liturgy, though continually interrupted by the noise without, and the Stones thrown in at the windows. There were the same tumults in all the rest of the Churches of Edinburgh, and yet no one was killed or wounded. Only the Bishop of Edinburgh ran some risk both in the Church and in retiring to his lodging. This first tumult was raised only by the rabble, no person of condition or name appearing in it. The Magistrates of Edinburgh openly disavowed these disorders, and promised the Council to use their endeavours to discover and punish the

authors and abettors. They offered likewise to take order for the security of the Ministers who should be appointed to read the Liturgy another time, and writ to the Archbishop of Canterbury to clear themselves, desiring him to represent their innocence to the King.

Harvest approaching, many people left Edinburgh, and went into the Country. Mean while, the Magistrates of the City prayed the Council that the Liturgy might not be read, because they had observed the people were not yet disposed to receive it. But in October, after harvest, to great concurrence of people flocked to Edinburgh, that it was easy to see a fresh tumult was preparing. Wherefore the Council published three Proclamations. The first, to order all Strangers to depart the City within twenty four hours. A second, for removing the Session (3) from Edinburgh to Dundee (4). A third, for calling in and burning a seditious book, intitled, *A Dispute against the English Popish Ceremonies, abstracted upon the Kirk of Scotland*. The first and last were not much regarded.

On the morrow, the 18th of October, the people came together in a tumultuous manner in the streets of Edinburgh, and seeing the Bishop of Glasgow as he was going to the Council, a great multitude followed him all the way with continual curings, but however did him no hurt. They even beset the Council-house, demanding the Bishop's person, though it was in their power to have seized; nay, to have killed him whilst he was in the street. The Council finding themselves thus beset, sent to the Magistrates to come to their relief; who answered, they were themselves surrounded in their Town house by their own Citizens, who threatened to tear them in pieces, if they did not immediately sign a Paper, which far fear of their lives they were forced to do. The paper contained these three things: First, That the Magistrates should join with the people in petitioning against the Liturgy: Secondly, That by their authority they should presently restore to their pulpits Ramsay and Rollock, two [silenced] Ministers, very much beloved by the people: Thirdly, That they should restore to his place one Henderson a silenced Reader. Upon this the Earls of Traquair and Wigton, the first of whom was Lord-Treasurer, came to the Town house to advise with the Magistrates, what was best to be done for the safety of the Bishop of Glasgow, who was still beset. After this consultation, the two Earls returning to the Council were insulted by the populace. The Earl of Traquair was thrown down, his hat, cloak, and White-Stuff taken from him, the people crying out, *God defend all those who will defend God's cause, and God confound the service-book and all the maintainers of it*. Presently after the Provost came to the Council, and declared, that though he had used his utmost endeavours, it was not possible to appease the people: At last, the Lords of the Council applied themselves to some of the [Nobility and] Gentry and others who were now assembled to sign the Petition against the Service-book: These men had more credit with the populace than the Magistrates, and prevailed with them at length to retire. This second tumult, wherein no person was killed or wounded no more than the first, seemed however to be more important and dangerous, because in the first, none but the rabble were concerned, whereas in this it plainly appeared, the mutineers were countenanced by several Lords and Gentlemen, as well as by the better sort of Citizens.

The tumult being appeased, a Proclamation was published forbidding any meetings in the streets or elsewhere: a Proclamation of no use, at a time when the Council could not be ignorant how much their authority was contemned by those whom they would have inspired with fear. Accordingly, so far were the Male-contents from being terrified, that they sent their Commissioners to the board, to require that the silenced Ministers might be restored to them, and that they might have assurance for the punctual performance of what had been lately promised them by the Magistrates. The Council could easily see by this conduct, that the Male-contents had no design to stop here. And indeed, shortly after, the Lord-Chancellor received two Petitions, one in the name of all the men, women, children, and servants of Edinburgh against the Liturgy: The other from the noblemen, gentry, (ministers) and burgesses of the same City, against the Liturgy and Book of Canons.

The first alleged, "That they had a long time winked at some alterations, being put in hope that no farther innovations should follow. But now seeing that they were like to be constrained to embrace another Service-book, not approved by Church and Kingdom, and which had

1642.
August 19.
Rushworth, T. II. p. 393.

Preparation
after another
tumult.
T. I. p. 400.

The Council's
Proclamation
of no use.
October 27.
T. I. p. 403.
402.

A second
tumult at
Edinburgh.
T. I. p. 403.
402.

Rushworth,
T. II. p. 403.
402.

T. I. p. 18.

Tumult at
Edinburgh.
Cuthbertson,
T. I. p. 85.
Rushworth,
T. II. p. 393.
Nelson,
T. I. p. 6.
402.
403.
Cuthbertson,
T. I. p. 6.

Another Proclamation
of no use.
T. I. p. 404.
Nelson,
T. I. p. 18.
402.

The second
tumult at
Edinburgh.
T. I. p. 403.
402.

(1) The Lord Clerk of justiciary, as something strange, That neither the Canons, nor the Liturgy, were communicated to the Scotch Clergy, nor passed their approbation. They were compiled by some English Bishops, and transmitted from Scotland to Archbishop Laud, James, Bishop of London, and Henry, Bishop of Dover, who revised, and put the finishing hand to them. *Clarendon, Tom. I. p. 83, 84, 85.*

(2) We (says the Lord Clerk of justiciary) was very thing done but the better adjusting things in the time of this sedition, but every thing left in the time first of a sedition, and it was better to let it go, as much as the Council's duty, better informed of it, as if they had been sure all men would have submitted to it for Communion. *The Earl, the Lord of Traquair, agreed this story. Vol. I. p. 83.*

(3) The Council, as it is known, was removed for the present to Dundee, and after much variation to Dundee. But the Council, first set at Dalkeith. See the *Proceedings in Edinburgh, Tom. II. p. 404.*

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it little regarded, he imagined, his declaration and proclamations, worded, for the most part, in ambiguous terms, would be sufficient to reduce the *Scots* to their duty. But he did not consider, that before the breach, the People were in a manner obliged to shut their eyes, and seem not to see what they saw: but that, when the breach was once made, the Male-contents were too wise to be taken in his snare, and too bold or insolent to refrain from publishing the artifices that were intended to amuse them. The King deceived himself also in another thing. As the *Scots* perpetually pleaded their Laws, he thought to silence them, by alleging on his side, the Laws enacted within forty years, not considering that these same Laws were the principal cause of their complaints, and what they desired to be annulled. So, in producing these Acts of Parliament, whereby the innovations had been approved, he only confirmed their belief, that he designed to support them, and consequently, it was necessary to use some violent means to make him desist. The King had for him the Laws in force, since they were never repealed; and the People believed, they might rightfully cause to be abolished those Laws, imposed on them by corruption, artifice, and violence, complaining, that these new Laws were enacted in violation of the old. Thus, both sides complained of the breach of the Laws.

The Male-contents
Resolves.
Annals,
p. 460, &c.
Nation,
T. I. p. 174.
&c.

The Male-contents said, "James and Charles had established Episcopal Government in the Kirk, contrary to her consent, who ought to have been consulted in such an affair, which concerned Religion alone, and could be decided only by the general Assembly. But instead of following the settled rules of the Kirk, the Bishops were first introduced into the Parliament, and then, by means of the Bishops, whatever was desired, was enacted, tho' the King and Parliament had no right to appoint new officers, and new jurisdictions in the Kirk, without the consent of the Kirk herself, represented by the general Assembly, and not by five or six Bishops, with as many Lay-abbots, who were allowed a seat in Parliament. To accomplish this design, several other artifices were used, as bribing the *Glasgow* Assembly, abolishing general Assemblies, erecting a High-Commission, inconsistent with the liberties of the Kingdom. In a word, the King had exercised, and still did exercise a power repugnant to the privileges of the Subjects, in imposing upon them a Liturgy and Canons, dictated by almost the whole nation, without asking the consent of Kirk or Parliament. By this management, no less violent than artful, the Government of the Kirk was entirely altered, not only without the People's advice, but against their will, as plainly appeared by the great number of subscribers to the Covenant, and the few that refused to sign it. They thought themselves therefore authorized, by virtue of their privileges, to demand the reformation of Religion in its purity, such as it was in 1580, and the abolition of all innovations. If the King complained that this covenant was made without his participation and consent, he ought to blame none but himself, since he had reduced them to this necessity, by refusing to hearken to their most humble Petitions. This Covenant seemed contrary to Law, only because it was supposed, the People's privileges were not invaded, tho' the contrary was evident. *Scotland* was a Monarchy, consisting of a happy mixture of the King's prerogatives and the People's privileges. This union was so absolutely necessary, that it was not possible to separate these two things, without destroying the constitution of the Government. It was very true, if the People would enjoy their privileges, they were to pay all due obedience to the King: but it was no less true, that the King could require this obedience, only as he protected the People in their liberties. If they should be so senseless, as to pay a punctual obedience to Laws advantageous to the Crown, whilst the King made no scruple to subvert the Constitution, by assuming an absolute power, they should only supply him continually with arms, to reduce them to perfect slavery. In short, the design of their Covenant was not, as it was industriously intimated, to rob the King of his just rights, but to hinder him from stretching his Prerogative beyond the limits of the Law."

The King's
Reasons.
Annals,
p. 450, &c.
Nation,
T. I. p. 169.
&c.

The King alleged on his side, "The *Scots*, under the false pretence that their privileges were violated, were running into open rebellion, by refusing to pay the King due obedience. In signing a League directly contrary to the rights of the Crown, they usurped a power which was so far from being legal, that it was even repugnant to the Laws. Their complaints in general about the breach of their privileges were groundless, since there was but one article in question concerning Religion, that is, not the Doctrine, but only the Discipline of the Church. Episcopacy had been immemorially established in the Church of *Scotland*. It had indeed been under a sort of eclipse since the Reformation, at a time when the

regulation of the Discipline was more considered, than the reformation of the Doctrine. Presbyterian Government had been established in the Church of *Scotland* by the authority of general Assemblies only, who were not Sovereigns, and whose decrees were of no force, till approved and confirmed by Parliament. From 1604 to 1602, the Parliament never approved of it, and if the Parliament, held that year, had their sense to confirm it, the following Parliaments had stronger to abolish it, and restore Episcopal Government. Herein nothing was done contrary to law or custom, since no man could be ignorant that the Parliament, which represents the whole nation, has power to annul and repeal all former Acts. The Male-contents could not question this maxim, without grossly contradicting themselves, since their Presbyterian Government could be founded only on the Act of Parliament made in 1592, whereby were repealed all the ancient Laws in favour of Episcopacy. How then was it possible to them, that the Parliament of 1592 had power to abolish Episcopacy, and that of 1612 no right to abolish Presbyterian Government? As to the general Assemblies, to which was ascribed an absolute power in matters of Religion, this power was either natural or acquired. If natural, whence was it, that before the Reformation, such Assemblies, consisting of Presbyters only, without Bishops, were never heard of? If it was an acquired power, they must have received it from the Nation, that is, from the King and Parliament. Consequently they were subject to the Parliament, and their Acts could be valid but as confirmed by the Parliament. If they had received the unlimited power ascribed to them, where was the Act that granted it, and why was it not produced? Nay, though such an Act should be produced, that would not be sufficient, unless it was shewn vital to be irrevocable; otherwise it would still be evident, they depended upon the Parliament, and consequently their Acts had not the force they pretended to give them, unless approved by the Parliament, and the approbation unrevocable. These general Assemblies were first instituted at the Reformation, for the direction of affairs, and the care of the King and Parliament, in the examination of what was to be changed or altered with respect to Religion. But it was too true, they had usurped by degrees an authority very prejudicial to the Crown, and improper for Subjects. As to the Liturgy, mentioned by the Male-contents in so contemptuous a manner, as if it was intended to be introduced on purpose to lead the People gradually to Popery, he had but one thing to plead in its favour, namely, that it was composed by Bishops, who suffered martyrdom for the Protestant Religion, and therefore it was very impertinent to say, such persons had a mind to restore Popery, when they were manifestly using their utmost endeavours to purge the public worship of every thing tending that way. If the King his Father and himself had desired to introduce the Liturgy into the Church of *Scotland*, it was because they believed it conducive to the edification of the Faithful, and to the banishing of the indecency with which divine Service was performed in that Church, where every Minister made what prayers he pleased, and often, without any premeditation, which was liable to great inconveniences. Herein he had nothing in view but the good and benefit of his Subjects of *Scotland*, and it was injuring him in the highest degree, to impute to him a design of introducing Popery, which on the contrary he abhorred." As to the book of Canons, he defended himself, in the manner before-mentioned, and therefore it is needless to repeat it.

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After seeing the reasons of both parties, it will not be difficult to conceive the motives of their conduct, without my being obliged hereafter to display them. I shall only add, that the Male-contents having resolved to improve the weakness of the King's party, and the advantage given them by their Covenant, to abolish the innovations complained of, used not so much the most just and legal means, as those they believed most proper for their ends. On the other hand, the King constantly adhered to the Acts of Parliament, by which these pretended innovations were established, feigning not to see, in that respect, the least cause of complaint against himself, or the King his Father.

Things being come to the point above-mentioned, by the almost universal subscription of the Covenant, the King resolved to send the Marquis of Hamilton into *Scotland*, to represent his person under the title of his High Commissioner. He imagined this Scotch Lord, being invested with so eminent a character, would by his credit and industry reduce the people to obedience, without giving them any real satisfaction, being still very unwilling to desert from his project. The Tables having notice of this, doubted not but the King's aim was to amuse and surprise them, and therefore they used all possible means to divert the im-

The King
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sioner.
Annals
p. 450, &c.
Nation,
T. I. p. 174.
&c.

1638. pending danger. I shall not defend to particulars; but content my self with saying, that the High-Commissioner was received by the male-contents with great coldness and little respect, and that they prepared, on the contrary, to withstand him vigorously, in case he offered to assert his authority.

Mean while, the King having sent to *Scotland* a ship laden with arms (1) for *Edinburgh* Castle, the Tables resolved to seize them, fearing, the King intended to surprize them, whilst he should amuse them with negotiations. This Resolution could not be executed, because the King's party, having notice, instantly unladed the vessel, and carried the arms to *Dalkeith*, where the Council then was. For this reason the Tables set a guard near the gate of the Castle, to prevent these arms from being carried in. At the same time, the male-contents received two ships freighted with arms for their service. The King would hardly digest this affront. But the male-contents did not think it prudent to be exposed to a surprize, on pretence that the rupture between the King and them was not yet intire.

The High-Commissioner being come to *Edinburgh*, offered these three propositions to the consideration of the Male-contents.

1. What they should expect to hear in the King's name for accommodating their grievances?

2. What might be expected from them for returning to their former obedience?

3. That they should renounce and deliver up their late Covenant.

To which they answered,

1. That they insisted upon a general Assembly, and a Parliament.

2. That they could not return to his Majesty's obedience, since they had never departed from it.

3. That they would sooner renounce their Baptism than the Covenant (2).

The Marquis had brought with him a Declaration, which however he was to make use of but in case of necessity, because the King was unwilling to promise the least concession to the *Scots*, unless forced. But the Marquis soon perceived it was not possible to bring the male-contents to obedience, without amusing them at least with the hopes that the King would have some regard to their grievances. He therefore thought proper to publish the Declaration, though it evidently appeared by the very expressions, that the King would not properly be obliged to any thing. What follows is the most material part of the Declaration, and shows wherein consisted the King's concession:

"And for further clearing of scruples, we do hereby assure all men. That we will neither now, nor hereafter, press the practice of the Service-Book, or the forefaid Canons, nor any thing of that nature, but in such a fair and legal way, as shall satisfy all our loving Subjects, that we neither intend innovations in Religion or laws; and to this effect have given order to discharge all Acts of Council there ancient. And for the High-Commissioner, we shall to rectify it, with the help and advice of our Privy-Council, that it shall never impugn the Laws, nor be a just grievance to our loyal Subjects; and what is further fitting to be agitated in general Assemblies and Parliament, for the good and peace of the Kirk, and peaceable government of the same, in establishing of the Religion at present possessed, shall likewise be taken into our royal consideration, in a free Assembly and Parliament, which shall be indicted and called with our best convenience."

The King must have been ill-informed of the disposition of the *Scots*, to imagine that a Declaration with so many restrictions and ambiguous expressions should be capable of contenting them. This Declaration was no sooner proclaimed at the market-cross of *Edinburgh*, but the Tables caused an answer in form of a Protestation to be publicly read in the same place, the substance whereof was:

1. That no Proclamation or Declaration could settle their fears, nor secure them from the re-entry of any evil or innovation.

2. That they positively insisted upon a general Assembly and a Parliament, which the King did not promise to call.

3. That the Proclamation did not mention their complaints and grievances, but under the name of disorders, faults, and misdemeanours, &c.

4. That the King took it for granted he had abundantly and sufficiently satisfied their fears, by his two former Proclamations, and by his present Declaration.

5. That this Proclamation supposed them guilty of an unlawful combination, or rebellion.

6. That it did not dissolve nor discharge any of the innovations complained of, but left liberty to any Prelate or person to practise the same.

7. That it plainly evidenced his Majesty's intentions of pressing the practice of those innovations in a legal way, that is, according to those Laws which were the subject of their complaints.

8. That his Majesty did not promise to abolish, but only to rectify the High-Commission, with the advice of his Privy-Council, implying the King's power, with consent of his Council, to establish any judiciary within his Kingdom, without consent of the three Estates convened in Parliament.

The High-Commissioner being better informed of the affairs of *Scotland*, by what he had seen with his own eyes, thought it necessary to go himself and acquaint the King. He made therefore a journey to Court, and returned shortly after, with a power to call a general Assembly, and a Parliament. But as for the Assembly, he would know be beforehand what persons it should be composed of, and what was to be debated. The Tables rejected this limitation, as tending to render the Assembly useless. They likewise told him, if the King refused to convene a general Assembly, they believed they were sufficiently authorized to call one themselves.

Probably, the King's High-Commissioner had orders to grant a general Assembly, if it could not be avoided, but however to use his utmost endeavours, either that the Tables should desist from their demand, or at least, if he granted an Assembly, to clog the favour with conditions that should prevent the King's designs receiving any prejudice.

It was doubtless in obedience to this order, that he presented to the Tables eleven (3) Articles, as is many conditions on which he was willing to call an Assembly. As he had very likely good spies, he knew pretty well what the Tables intended to do in order to reap great advantages by a general Assembly, and these eleven conditions solely tended to render their measures ineffectual. The Tables being composed of the most able persons in *Scotland*, easily discovered the High-Commissioner's aim. They replied therefore to these eleven Articles, as to show him it would be very difficult to surprize them. Nevertheless he was not discouraged, and under colour of complying with the male-contents, reduced the eleven conditions to these two, which however contained the substance of the eleven, and tended to the same end.

1. That no Laymen should have voices in choosing the Ministers to be sent from the several Presbyteries to the general Assembly, nor any but the Ministers of the same Presbytery.

2. That the Assembly should not go about to determine things established by Act of Parliament, otherwise than by remonstrance or petition to the Parliament.

To understand the end and motive of the first of these conditions, it must be observed, that it was very plainly perceived in *Scotland*, since the *Glasgow* Assembly in 1616, how easily the King could secure a majority of votes among the Ministers, whether by fears or hopes, or by present and real favours. For this reason the Male-contents had resolved not to let the Ministers have the sole direction of the Affairs of Religion, and therefore had erected four Tables, whereof that of the Minister which was but the third, could not determine of any thing without the concurrence of the other three, and the approbation of the General-Table. Moreover when the Tables had demanded a general Assembly, they had at the same time resolved, that this Assembly should be composed not only of the Ministers, but also of Lay-Elders, who should be persons of authority, and whose number should exceed that of the Ministers. In short, they designed the Ministers who were to be sent to the Assembly, should be elected not only by the Ministers themselves of each Presbytery, but also by the Lay-Elders. The Marquis of *Hamilton*, who had intelligence of their intention, laid therefore a double fire for them in the former of his two conditions. The firstasure consisted in that, feigning to be ignorant of their design to send Lay-Elders to the general assembly, he supposed it was to be composed of Ministers only. The second consisted in that he pretended, the nomination of these Ministers for the Assembly should be made by the Ministers alone without the participation of the Lay-Elders. He thereby endeavoured to break the measures, the Tables had judged necessary to secure themselves from the Articles of the Court.

As to the second condition, it was evident that by things

(1) Two hundred Mockets, and so many Pikes, with a small quantity of Powder. *Annals*, p. 639.

(2) After this, they set new Guards upon the Castle of *Edinburgh*, doubled the Watch; and hearing that the Lord Commissioner was to have the next Sunday, Divine Service in the King's Palace at *Half-acre* House, they sent him word, That whosoever should read the *Book of Service* in that Chapel, should never enter more, and that there were a thousand Men ready to disturb it. *Ibid.* p. 639.

(3) Ten days *Whitlock*, and *Rushworth*. p. 25. 764.

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already established by Acts of Parliament, he understood all the innovations complained of, which had been introduced since the year 1603, and which for the most part were, as I said, founded upon Acts of Parliament. So, by this second condition, he broke still more directly than by the first, the measures the Tables might take, to cause these innovations to be examined and declared such by the general Assembly. Wherefore the Tables rejected these two conditions, regarding them as so many snares to surprize them, since they could not accept them without being at the King's mercy. This affair was come to that point, that the Tables were satisfied, the innovations complained of were really innovations, and of their right to require their abolition. The thing was only to devise the properest means to procure the satisfaction they demanded. On the other hand, the King did not in the least doubt the validity of the Acts of Parliament, whereby they pretended innovations were established. And perhaps he still less questioned his power to introduce the Liturgy and Canons. But his concern was, to find the properest means to maintain his own and the Parliament's authority, and to dispel the storm that was gathering in Scotland.

The High-Commissioner clearly perceiving, he had to deal with men who were upon their guard, and that it would be difficult to surprize them, resolved to take a second journey to England, to inform the King of the state of affairs. By putting the male-contents in hopes the King would grant such a general Assembly, as they desired, he obtained with great difficulty, that the election of Commissioners should be delayed till his return, which was fixed to the 21st of September. During his absence, the Tables expecting only new snares, or fresh delays from the Court (1), resolved that a general Assembly should be held, either with the King's permission, if he would grant it, or without his consent, and that the election of Commissioners should be the 22d of September. In this interval, they sent to all the Presbyteries, directions in eight Articles, not to chuse any suspected Minister, and to elect every where Lay-Elfers, who should be persons of authority, and more numerous than the Ministers. In a word, they took all possible measures to have an Assembly at their devotion, wherein they perfectly succeeded, the King's party being every where so weak, that they were not in condition to oppose it successfully.

The High-Commissioner being returned to Scotland with new instructions, immediately ordered a Proclamation to be published, containing in substance these three principal articles:

1. That his Majesty revoked the Service-book, the book of Canons, the High-Commission, and the five Articles of Perth.
2. That for the future none of his Subjects, whether ecclesiastical or civil, should be liable to the trial and censure of the Parliament, or general Assembly.
3. That persons of all ranks should be required to sign the Confession of Faith of 1580, with the oath he had annexed, but very different from that of the Covenant.

After publishing this Proclamation, the High-Commissioner summoned a general assembly to meet at Glasgow the 21st of November this year 1638, and a Parliament at Edinburgh the 15th of May the next year 1639.

'Twas not without reason that the male-contents expected some new snare from the King. Though the Confession of Faith which the King ordered to be signed, was exactly the same with that prefixed to the Covenant, the oath (or General-Band) annexed by the King, imposed, that they swore to maintain the Religion at present professed, which was utterly destroying the oath of the Covenant, whereby the subscribers were bound, to reject all the innovations introduced since 1580. This snare was so palpable, and so very injurious to the King's affairs, that the Council, to prevent its ill effects, were forced to publish a Declaration, that the meaning of the oath was, that they swore to maintain the Religion professed in 1580. But notwithstanding this, the Tables caused a protestation against the Proclamation to be publicly read, to show, as they pretended, that the King acted not with sincerity; that by certain ambiguous clauses, restrictions, and additions, he took away with one hand, what he gave with the other; and referred to himself a liberty to maintain at a more convenient season, the innovations he seemed to deplore.

During the interval between the publishing of the Proclamation, and the general Assembly, the High-Commis-

sioner and Council used all possible endeavours to make all sorts of people sign the Confession of Faith as sent by the King, and the Tables on their part forgot nothing to oppose it. But there passed at this time, a thing of great importance, which must not be omitted. Many Lords, Barons, Gentlemen, Ministers, Burgesses, who were not Commissioners to the general Assembly, presented to the Presbytery of Edinburgh, an information against David Lindsay Bishop of Edinburgh, and at the same time against all the rest of the Bishops. The substance of this information, which contained several articles, some whereof doubtless were much aggravated, was, that Lindsay and his brethren had not performed the conditions required of them by the Montrose Assembly. The design of this information was to prevail with the Presbytery to summon, as they did accordingly, the Bishops to appear before the Assembly which was to be held at Glasgow. For as the abolition of Episcopacy was now resolved, it was necessary that the general Assembly should have some ground or pretence to prosecute and try the Bishops. And for this the information was intended.

The general Assembly met at Glasgow on the day appointed, consisting of such members as the Tables had desired or rather prescribed (2). The King's party was so weak that they durst not make any opposition, and the matters to be debated had been directed by the Tables, who had sent their instructions to the Commissioners: In a word, as in the Assembly of 1610, and the following ones, King James had so managed as to have every thing transacted as he pleased, the Tables had now taken the same precautions to cause whatever they did not approve to be annulled. Wherefore the Marquis of Hamilton's grand aim, was visibly to raise contests and disputes which should afford him occasion to dissolve the Assembly.

The first day was spent in reading the King's Commission. The second day, a Letter from the King containing nothing extraordinary was read (3). Then the Assembly proceeded to the choice of a Moderator: but at the same time Dr. Hamilton presented from the Bishops a Declarator, that is, a Protestation against the legality of the Assembly, and the High-Commissioner would have this Declarator read first. But it was objected, there was no Assembly without a Moderator, and consequently it was necessary to begin with his election. The High-Commissioner seeing he could not prevail, protested against the refusal to read the Declarator before the choice of a Moderator, and ordered his protestation to be entered. Before the Moderator was chosen, the High-Commissioner entered a second protestation, that this choice should prejudice neither the King's Prerogative, nor any Law of the Kingdom, nor bar the King from taking legal exceptions, either against the person elected, or the election it self. After that, they unanimously chose Mr. Alexander Henderson a Minister for Moderator.

The third day, the High-Commissioner urged, that the Bishops Declarator might be read. But he was told, the Assembly was not formed till the Commissions of Elections were examined, and the Commissioners that were present, known to be duly authorized. This affair was of more importance than it seems at first sight. As the Declarator contained reasons to show that the election of all the Commissioners, or at least of the greatest part, was null, it was easy to perceive, that these reasons would come too late after the power of the Commissioners should be allowed, and they admitted for members of the Assembly. The High-Commissioner not being able to obtain his desire, entered a third protestation on that head, and a fourth, the same day, against the choice of Mr. Archibald Johnston, for Clerk-Register of the Assembly (4), because he had been Clerk of the General Table at Edinburgh.

The fourth day, the Commissions of elections were examined. But the High-Commissioner first entered a fifth protestation, to take exception against their elections in his own due time.

The examination of the Commissions not being ended the fourth day, was continued the fifth. It may be imagined, that the elections which were agreeable to the instructions of the Tables, were generally approved, and that means were not wanting to weaken or entirely reject those which were otherwise.

The sixth day, the 27th of November, was read at first the Bishops Declarator, wherein they pretended to prove by several reasons the illegality of the Assembly. After the reading of the Declarator, the High-Commissioner caused to be read some other protestations, sent him from

(1) This it seems was the grand design of the Court, as appears by one of the King's Letters to the High-Commissioner. "In a word, says his Majesty to him, *give time by all the good means you can, without breaking your promises.*" Burnet's Mem. of Hamilton, p. 56.

(2) It consisted of about two hundred and sixty Commissioners. Some of these Members could neither read nor write, and yet these were to judge of Holy Scripture, and condemn or excuse his Tenets. Burnet's Mem. of Hamilton, p. 56.

(3) As yet then the Members of Hamilton made a speech, and after that, tendered to the Assembly, the King's Commissions, which were much the same with those already mentioned above. See R. H. p. 246.

(4) Upon his Motion he made a short speech, declaring that he did not intend to accept the charge, yet would not be wanting to contribute his part toward the defence of the King's service. See R. H. p. 246.

1638. several places, against the Lay Elders right of voting in the general Assemblies, and Elections of the Ministers by Laymen.

The High Commission
differs in the
Assembly.
Nelson
T. 1. p. 115.
Barnes's
Mean of
Hamill.
Hamill.

The seventh day, the 25th of November, it was moved in the Assembly, to debate, whether the Bishops cause should be judged, notwithstanding their Declinator. As after several Speeches on this subject, the Moderator was going to put the question, the High-Commissioner rose up and said, since they pretended to assume a right to judge the Bishops, he could not give his consent, nor stay any longer with them. Then after a long Speech, wherein he represented his Majesty's gracious concessions in his last Declaration, he dissolved the Assembly in the name, and by the authority of the King, alleging these four principal reasons.

Mr. Russell
Rutherford
II. p. 249.
C. C.
Nelson.
T. 1. p. 117.

1. Lay-Elders were introduced into the Assembly to vote there [which was not warranted by the Laws, practice or custom of the Church or Kingdom, and] which supposing there were such a law, or custom, had been discontinued for above forty years.

2. The Ministers chosen Commissioners, were elected by Lay-Elders, contrary to custom and practice.

3. The few Commissioners chosen contrary to the instructions of the Tables, had been thrown out by mere cavils.

4. The cited Bishops were to be tried by persons who had already declared against them.

Remark on this matter.

It may be observed concerning these reasons, that the High Commissioner was not ignorant, before the meeting of the Assembly, of the manner of electing the Commissioners, or that the Bishops cause was to be brought before the general Assembly. Consequently these reasons would have been as strong to hinder the Assembly from meeting, as they were to dissolve it the seventh day. But he was unwilling to give the male-contents the advantage of justly complaining, that he had amused them with the hopes of an Assembly, which he intended not to hold. He expected to find in the proceedings of the Assembly, causes or pretences to dissolve it, and his frequent Protections were so many expedients to use, which he intended at a proper season. But as, in all appearance, he had the King's positive order to dissolve the Assembly, in case they should take upon them to try the Bishops, and as this was properly the first thing that was moved, it was not in his power to stay for other pretences. He was forced therefore to use the same reasons for dissolving, as might have served to hinder the meetings, of the Assembly.

The Assembly refuse to break up, and continue their Session by their own Authority.
Nelson.
T. 1. p. 120.
Rutherford, II. p. 265.
Barnes's
Mean of
Hamill.

The King found not in the Assembly the obedience he expected, though with little reason, considering how the Scots stood affected. It was easy to foresee, that the Covenanters who had refused to hold an Assembly, though the King should not have given his consent, were not disposed to break up after a seven-days-session, without having finished any affair. They had a mind to abolish Episcopacy entirely, with all the innovations introduced into the Kirk since the last forty years, and after all the steps they had taken, it was not likely they would suddenly relinquish their projects, and return to Petitions and Supplications which hitherto had proved fruitless. They saw moreover, that the King used all sorts of means to prevent his consenting to their desires, or if he feigned to have any concession for them, it was only to gain time, and that he reserved to himself the power of maintaining the innovations at a more favorable opportunity. This was their belief at least, and the sudden dissolution of an Assembly so earnestly desired, confirmed them in it. Wherefore they were unwilling to neglect so fair an opportunity. They had the whole Kingdom on their side, and knew that the great discontents which reigned in England, would not suffer the King to make any considerable efforts against Scotland. Upon these accounts it was that the Assembly of Glasgow continued their session by their own authority, notwithstanding their dissolution in the King's name, and a Proclamation published the next day (1), to which they were contented to answer as usual by protestation. Thus the King had the mortification to see his authority contemned, and the Acts of Parliament procured by his Father to introduce the Hierarchy into the Kirk, serve for foundation to a Scotch rebellion. Hence Sovereigns should learn not to introduce any innovations but what are absolutely necessary. 'Tis certain, the Reformation had been established in Scotland upon the Presbyterian plan, in the same manner as in Switzerland, Geneva, France, Germany, the Low Countries: that this same Government subsisted there till James VI, became King of England: that this Prince was possessed with the design of introducing episcopal Government, and that Charles his son and successor was no less eager to pursue the same project. The question is not to know, whether episcopal Government be good or bad in itself; but supposing it good and

even excellent, the point is to know, whether the Church of Scotland could not be without it, and whether Charles I. had sufficient reason to hazard the Peace of that Kingdom and his own, in order to support a design, the execution whereof was not absolutely necessary.

The general Assembly, having continued their session themselves, contrary to the King's order, lost no time to begin and finish what had been resolved in the Tables. Here follows a short list of some of their Acts, which will show how much they endeavoured to abolish, as far as in them lay, all innovations.

"An Act bearing the Assemblies Protestation against the dissolution thereof."
"An Act annulling the six Assemblies holden at Linlithgow 1606, and 1608, at Glasgow 1610, at Aberdeen 1611, at St. Andrews 1617, at Perth 1618."
"An Act declaring the nullity of the Oath, exacted by Prelates, from such as are instituted to Benefices."

"An Act condemning the Service Book."
"An Act condemning the Book of Canons."

"An Act condemning the High-Commission."
"Two Acts containing the Deposition and Excommunication of fourteen Bishops."

"An Act clearing the meaning of the Confession of Faith, made Anno 1580, as abjuring and removing Episcopacy."

"An Act declaring the five Articles of Perth to have been abjured, and to be removed."

"An Act restoring Presbyteries, provincial and general Assemblies to their constitution of Ministers and Elders, and their power and jurisdiction contained in the Book of Policy."

"An Act concerning the power of Presbyteries, admission of Ministers, and chusing of their Moderators."

"An Act against the prophaneation of the Sabbath, for want of afternoon's exercise."

"An Act against those who speak or write against the Covenant, or the Assembly."

"An Act condemning Chapters, Arch-deans, preaching Deacons, and such like popish traff."

"An Act condemning all civil Offices in the persons of Ministers separate to the Gospel, as to be Justices of Peace, sit in Session or Council, to vote or ride in Parliament."

"An Act appointing the Commissioners to attend the Parliament, and Articles, which they are to represent in the name of the Kirk to the Estates."

"An Act discharging Printers to print any thing about the Acts of the proceedings of the Assembly, without a warrant under the Secretary's hand."

"An Act ordaining the Covenant to be subscribed, with the Assemblies declaration."

"An Act discharging all subscription to the Covenant, subscribed by his Majesty's Commissioner, and the Lords of the Council."

"An Act renewing the privileges of yearly general Assemblies, and other (pro re nata) and appointing the third Wednesday in July 1639, in Edinburgh, for the next general Assembly."

"An Act that none be chosen Ruling-Elders to sit in Presbyteries provincial, or general Assemblies, but those who subscribe the Covenant."

"These Acts show, the King was not in the wrong when he said, the general Assemblies of Scotland had usurped a kind of sovereignty in religious affairs, since this is seen boldly to annul, by their authority, things established by Acts of Parliament. But, as I said, in the dispute between the King and his Scotch Subjects, the concern was not to examine the right of the parties, but to use the most effectual means to attain their respective ends. This was the course taken by the general Assembly of Glasgow. As the Parliament was to meet the next May, and they knew they should be supported, they were willing to give the Parliament an occasion to abolish all the innovations complained of, upon the foundation of its being the general sentiment of the Kirk. It must be farther remarked concerning this Assembly, that before the Sessions began, the Tables had used their utmost endeavours to hinder the signing the confession of Faith of 1580, with the obligatory clause annexed by the King. But as this did not prevent its being subscribed by many, the Assembly of Glasgow declared to the Parliament, that they intended to be satisfied by the Council, the Bishops were not mentioned. So by this expedient, which they who had signed the Confession by the King's order, had subscribed to the abolition of Episcopal Government. The High-Commissioner, hearing the Assembly of Glasgow were upon this expedition, made haste and published a quite different one, wherein he endeavoured to prove, that Episcopacy subsisted in 1580, and consequently, the signing of

(1) Which made their sitting any longer Treason. Nelson, p. 123.

the Confession of that year, could not be deemed an abjuration of Episcopacy. A very long and particular answer was made to this explication. But without entering into a discussion of the facts alleged on both sides, I shall only observe, that what I said heretofore, concerning the ambiguity in the name of *Bishops*, must be chiefly applied to these two Papers. The Marquis proved very well, that the name, title, temporal rights of the Bishops, were not abolished by the Parliament, till the year 1580; but he very lamely proved, that till then the Kirk of *Scotland* had been governed by Bishops. The Benefice had subsisted till that year, but the Office was abolished, if not by Act of Parliament, at least by the custom and practice of the Kirk. On the other hand, the authors of the answer evidently showed, that Episcopacy, as to the Office, was abolished by the general Assembly, as far as lay in their power, and by the practice of the Kirk: but they could not prove that the order of Bishops was abolished till the year 1592.

Hitherto I have endeavoured to show the rise of the troubles of *Scotland*, to the end it may be the better conceived, how far the *English* ought to have been concerned in the war which broke out presently after, between the King and his Subjects of *Scotland*. There were two parties in *England*, the Courtiers and rigid Episcopals, who being religiously attached to the Hierarchy, verily believed, the *Scots* were in the wrong to reject so obstinately this Hierarchy, established thirty years by Acts of Parliament.

These looked upon the *Scots* as rebels, and wished to see them punished as such. The other party consisted of Puritans: under which name were included not only the Church-Puritans, but also the State-Puritans, that is, all those that were dissatisfied with the Government, and thought the King assumed a power which belonged not to him. This party, though without posts or employments, and continually oppressed, was however much superior in number to the other, as plainly appeared afterwards. These, far from disapproving the conduct of the *Scots*, said, that the Kings, *James* and *Charles*, having manifestly introduced innovations into the Kirk, the *Scots* could not be justly blamed for desiring, things might be restored to their former state. When, therefore, the history of these troubles is read, the Authors are to be distinguished. Some represent the conduct of the *Scots* as a real rebellion, flowing from a settled design of breaking all the bands of subjection and obedience to the King, and of utterly destroying monarchical Government. Others, on the contrary, speak of the King's behaviour to the *Scots* as really tyrannical, and pretend he had no less design to render himself absolute in *Scotland* than in *England*.

The King's party in *Scotland* was extremely weak, and consequently he had no other way left, than to use the forces of *England* to reduce the *Scots* to obedience. Accordingly, he took this course (1). As soon as he heard that the general Assembly of *Glasgow* continued their session by their own authority, and that the people approved of their conduct, he resolved to levy an army in *England*, to reduce the Male-contents of *Scotland* to their duty. But as the *English* might naturally ask, by what reason were they bound to venture their lives, in defence of the interests of the King in *Scotland*, he thought this objection should be obviated, by supposing the *Scots* to have already levied an army for the invasion of *England*. From thence he inferred, it was incumbent upon him to provide for the defence of the Kingdom, by raising sufficient forces to repel the attacks of his enemies. There was little probability that the *Scots* should think of invading *England*, if they were left unmolested, but it was necessary to excite the *English* with the dread of an imaginary danger.

The King thought not proper to call a Parliament to enable him to raise the forces he wanted. Experience had taught him, that he was not to expect any great assistance from the Parliament, unless he would alter his maxims, and redress the People's grievances, which he did not intend. On the contrary, he flattered himself that he should easily reduce the *Scots*, and then be still more absolute in *England*. He chose therefore to suppose a defensive war, and on that supposition summoned the Nobility to attend him at *York* the 1st of *April* following, each with as many Horses as he could raise, and to inform the Court within a fortnight, of the number that could be brought. In this manner, the Kings of *England* formerly prepared to withstand the invasions with which they were threatened. But the ancient manner and this differed very much in two respects. First, there were certain Crown-lands, the possessors whereof were obliged to find the King Troops, ac-

cording to the frontiers that were like to be invaded. Most of these lands lay in the northern Counties, because of the neighbourhood of *Scotland*, which was the only place from whence invasions were to be feared by land. But the tenants of such lands lying in *Hert* or *Stafford*, were not bound to furnish troops for the defence of the northern borders against the *Scots*, or the tenants in the North, to defend the southern frontiers when threatened by the *French*. Whereas *Charles* I., without making any distinction of Counties, or putting any difference between those that did, and those that did not hold these Crown-lands, directed his summons to all the Nobles in general. Again, this method of raising troops was antiently used, only when the Kingdom was actually invaded, or in danger of being so, or at least, when there was a war proclaimed, and judged necessary for the defence of the Kingdom. But *Charles* I. was contented to suppose only, though contrary to all appearance, that the *Scots* intended to invade *England*, and under colour of defending the Kingdom, his real design was to attack the *Scots*, on account of his own interests.

But, as having troops was not sufficient without money *The King* to furnish them, the King used two ways, besides those already used, to increase his revenues. The first was to demand voluntary contributions of the Clergy, by means of the Archbishop of *Canterbury*. *Laud* writ for that purpose a circular Letter to the Bishops and all the Clergy, to exhort them to contribute liberally for the defence of the Kingdom, which was in extreme danger of a *Scottish* invasion. He added, by way of postscript, that his Majesty expected from the Clergy a larger sum than what they were wont to give in the usual way. The second means used by the King was, to put the Queen upon writing to the Catholics, to incite them to aid the King on this urgent occasion. These two means brought in very near what the King expected.

Besides the Horse to be brought by the Nobility to *York*, all the Counties were obliged to find such a number of Foot, Horse, Dragoons, Artillery-Horses, and a certain quantity of Ammunition. The whole amounted to nineteen thousand four hundred and eighty three Foot, twelve hundred and thirty three Horse (2), besides the troops of the Nobility, and thirteen hundred and fifty Horses for the carriages. Moreover, the King equipped a Fleet of sixteen men of war, the command whereof was given to the Marquis of *Hamilton*, who was come back to his Majesty.

The King departed for *York* the 27th of *March*, [his Coronation-day] and on the 9th of *April* published a Proclamation, to revoke sundry monopolies, licences, and commissions, which he had granted by his Letters-Privates. But very likely, this was only to amuse the People, and the Proclamation was not executed, since, the next year, he published another, to revoke the same monopolies, which should have been abolished by this. On the 29th of *May* the King reviewed his army, which consisted of nineteen thousand six hundred and fourteen men, besides five thousand on board the Fleet, his own guards, and the garrisons of *Berwick* and *Carlisle*.

Whilst the King was making his preparations, the *Scots* too were not idle. They had also drawn forces together (3), but their hopes were not so much built on their army as on their friends in *England*, and even at Court. Some have suspected the Marquis of *Hamilton*, one of the King's Favourite, of not having, at this juncture, faithfully served his master. As it was the King's interest to exasperate the *English* against the *Scots*, and persuade them that these last were in manifest rebellion; it was the *Scots* interest on the contrary to show, they had never any ill design against *England*, and if they took arms, it was only in their own defence. They knew the success of the war depended upon the assistance *England* should freely give the Kings, and not upon the aid he should exert by force in virtue of his prerogative. And therefore their friends in *England* had advised them to mind two things especially. First, to clear themselves as fully as possible from the crime of rebellion, which the King laid to their charge. Secondly, to avoid every thing that might excite the *English* to engage in the war, for fear of giving the King the advantage of being able to say, they were undertaking an offensive war. They punctually followed these two advices, the former, by dispersing in *England*, by means of their families, a great number of Papers, wherein they set forth with all possible clearness the causes of their discontent, and the King's intentions. They forgot not to insinuate, that the concerned *England* no less than *Scotland*, to oppose the arbi-

(1) This was the course the Marquis of *Hamilton* had from the beginning advised him to take; namely, To send his Fleet quickly with two thousand Land Soldiers in it, and send down Arms to the Northern Counties of *England*; to garrison *Berwick* with fifteen hundred Men, and *Carlisle* with five hundred; and to come himself in person with a Royal Army. *Burnet's Mem. of Henry*, p. 42, 43, 98.

(2) Upon the review taken afterwards by the King, the Foot were found to be in all 19014. The Horse 1200, and the Dragoons 1460. *Thomas Howard Earl of Arundel* was General, *Robert Drexler* Earl of *Essex*, Lieutenant-General, and *Henry Ruse* Earl of *Holdess*, General of the Horse. See *Rushworth*, Tom. 1. p. 916. *Nelson*, Tom. 1. p. 207.

(3) And indeed *Edinburgh* and *Dundee* Castles; and applied to the King of *France*, *Nelson*, p. 197, 201. *Warwick*.

1639. trary power assumed by the King, as well in ecclesiastical as civil affairs. They followed the second advice, by obeying with entire submission a Proclamation published by the King in *Scotland*, to forbid the *Scotch* army to approach within ten miles of the borders of *England*. By this obedience they evidently shewed, the war was not offensive on their side. It is not unlikely, that some of their friends had counselled the King to publish this Proclamation, on purpose to afford them an opportunity to give this proof of it.

But this was not the only advantage the *Scots* reaped from the counsels given the King by their secret friends. He was persuaded, that their obedience to his Proclamation was the effect of their fear; and was thereby induced to send another Proclamation to *Edinburgh*, commanding the *Scots* to lay down their arms on pain of being declared guilty of Treason, offering however pardon to all who should comply with his orders, and return to their duty. Nothing could be more prejudicial to him in *Scotland*, than such a Proclamation, which shewed he required a speedy obedience without any conditions; but the Magistrates of *Edinburgh* would not suffer it to be published. The same notion, that the *Scots* were intimidated, caused him to commit another error, in detaching the Earl of *Holland* with three thousand foot and a hundred horse into *Scotland* by way of *Kelso*. *Leffry*, General of the *Scots*, being informed of the Earl of *Holland's* march, sent five or six thousand foot and five hundred horse against him, who made him halt on a sudden. He sent however a Trumpet to command them to retire according to their promise. It was answered, he would do much better to withdraw himself; and indeed, he found it proper to take their advice. The Earl of *Holland's* march, which came to nothing, freed the *Scots* from their promise of not approaching the borders, and on the morrow, *Leffry* marched towards *Kelso*, with about twelve thousand men.

The King began then to perceive that the obedience of the *Scots* was not owing to their fear, and that hitherto he had followed wrong counsels. Wherefore he took a sudden resolution to stand upon the defensive, and that very day writ to the Marquis of *Hamilton*, who was in the *Frith* with the fleet, to order him not to begin hostilities, tho' he had been sent there to take all possible advantages upon the *Scots*. But this resolution was taken a little too late, after what he had just done, at least if he had no other design than to make the publick believe he had undertaken the war only in his own defence. But he had a stronger reason not to engage too far. For, upon notice of the *Scots* approach, most of his Generals had advised him not to give battle, though he was much superior in number of Troops, which he could ascribe only to their unwillingness to venture their lives in his service.

The two armies were so near one another, that a battle was expected every day, though, in truth, both sides were alike resolved to stand upon the defensive. But when it was least expected, the Lord *Dumfries*, a *Scotchman*, came to the King's camp with a Trumpet, and presented to his Majesty, in the name of the *Scots*, a very humble Petition, intreating him to appoint Commissioners to negotiate a Peace. The King answered, he had sent a Proclamation to *Edinburgh*, whereby he offered his Subjects of *Scotland* the free enjoyment of their Religion and Laws, with a pardon to such as should return to their duty: that this Proclamation had been rejected with contempt; but he desired it might be published in the *Scotch* army, after which, he would be graciously pleased to hear their Petitions. The Lord *Dumfries* returning with this answer, the *Scotch* General ordered the Proclamation to be publickly read in the army, which done, the King appointed six Commissioners to treat with the *Scots* (1).

In the conference held the 11th of *June*, between the Commissioners of both parties, the *Scots* desired three things; namely,

- "1. That the Acts of the late Assembly at *Glasgow* should be ratified in the ensuing Parliament.
- "2. That all matters ecclesiastical might be determined by the Assemblies of the Kirk, and matters civil by Parliament.
- "3. That his Majesty's ships and forces by land be recalled; that all persons, ships, and goods arrested be restored; And that all excommunicate persons, incendiaries and informers against the Kingdom, who had caused these commotions for their own private ends, might be returned to suffer their deserved censure and punishment."

Upon this the King desiring the *Scots* to give in writing the reasons and grounds of their demands, the Lord *Leven*, one of the *Scottish* Deputies, said, Their desires were

only to enjoy their Religion and Liberties according to the ecclesiastical and civil Laws of the Kingdom, and that they would not insist upon any point that was not warranted; humbly offering all civil and temporal obedience to his Majesty, which could be required or expected of loyal Subjects. The King replied, If this was all that was desired, the Peace would soon be concluded: And indeed, he granted immediately what the Lord *Leven* demanded, in the very same words, and on the same terms.

Then the *Scottish* Deputies gave in writing the reasons and grounds of their three demands, and added, it was also desired that Parliaments might be held at set times, once at least in two or three years, by reason of his Majesty's absence, which hindered his Subjects in their complaints and grievances to have immediate access to his Majesty. They took occasion likewise to declare in this paper, that it had always been far from their thoughts to refuse due obedience to their native King, or to make an invasion upon *England*. They said, these were calumnies, the authors whereof they most humbly desired might be made a publick example.

It was the 15th of *June* before the King returned his answer, which must have embarrassed him. He had filled all *England* with complaints concerning the horrible rebellion of the *Scots*, and yet these same people whom he would have to be deemed Rebels, desired only to enjoy their Religion and Liberties. On the other hand, he had levied a great army, and prepared a fleet on pretence to defend *England* against the invasion the *Scots* were meditating; but they solemnly declared, they never intended any such thing. At last, he gave his answer to this effect.

- "1. That he could not ratify or approve the Acts of the general Assembly at *Glasgow*."
- "2. That notwithstanding he was pleased to confirm and make good whatsoever his Commissioner had granted and promised in his name."
- "3. That according to the Petitioners desire, all matters ecclesiastical should be determined by the Kirk, and matters civil by the Parliament."
- "4. That a free general Assembly should be held at *Edinburgh* the 6th day of *August*, and a Parliament at the same place the 20th of *August* next ensuing."
- "5. That upon the *Scots* disarming and disbanding their forces, dissolving and discharging all their pretended Tables and Conventions, and restoring to every one whatsoever had been taken and detained from them since the late pretended general Assembly, his Majesty would presently after recall his fleet, and retire his land-forces, and cause restitution to be made to all persons of their ships and goods, detained and arrested since the aforesaid Assembly."

Upon this answer the seven following Articles were at last agreed on, the 17th of *June*, wherein however there was no mention of the principal reasons of the quarrel, because these matters were to be examined by the general Assembly and Parliament of *Scotland*. So, though these Articles were called Articles of Pacification, it could not but be a very doubtful Peace, since there was nothing yet decided concerning the grounds of the war.

Articles agreed upon.

- "1. The forces of *Scotland* to be disbanded and dissolved, within eight and forty hours after the publication of his Majesty's Declaration being agreed upon."
- "2. His Majesty's Castles, Forts, Ammunitions of all sorts, and Royal Honours to be delivered after the said publication, so soon as his Majesty can send to receive them."
- "3. His Majesty's ships to depart presently after the delivery of the Castles, with the first fair wind, and in the mean time no interruption of trade or sailing."
- "4. His Majesty is graciously pleased to cause to be restored all persons, goods and ships, detained and arrested since the first day of *November* last past."
- "5. There shall be no meetings, treatings, consultations, or convocations of his Majesty's Lieges, but such as are warranted by Act of Parliament."
- "6. All fortifications to be dismantled, and no farther working therein, and they to be remitted to his Majesty's pleasure."
- "7. To restore to every one of his Majesty's good Subjects their liberties, lands, houses, goods and means whatsoever, taken or detained from them by whatsoever means since the aforesaid time."

Pursuant to these Articles the *Scots* disbanded their troops, but in such a manner, if we may believe the King's friends, that they could easily reassemble them in case of necessity.

(1) The King's Commissioners were, the Earl of *Arundell* Lord-General, the Earl of *Essex* Lieutenant-General, the Earl of *Holland* General of the Horse, the Earls of *Salisbury* and *Buckingham*, and Mr. Secretary *Cole*, and Sir Henry *Paine*. The *Scotch* Deputies were, the Earls of *Roxburgh*, and *Dumfries*, the Lord *Leven*, Sir *William Douglas* Sheriff of *Trinity*, Mr. *Alexander Henderson*, and *Archibald Johnston*. *Nelson*, Tom I. p. 215, 234.

1639. ty (r). This seems to me very probable, since it is certain, the readiness shewn by the two parties to conclude a Peace, was an occasion of mistrust to both (2).

The King nominates the Earl of Traquair for his High Commissioner.
As the general Assembly and Parliament were to meet in August, the King appointed the Earl of Traquair to represent his person in quality of High Commissioner. This Lord, who was Treasurer of Scotland, was entirely devoted to him, and it was with him that the Scottish Bishops and Archbishop of Canterbury held, before the war, a strict correspondence, in order to accomplish the King's designs. The King gave him the following Instructions, signed with his own hand.

Instructions given to the Earl of Traquair, Lord High-Commissioner for Scotland.

Lord Traquair's Instructions.
Nelson, T. I. p. 245.
Redworth, III. p. 939.
Annals, P. 745.
“ AT the first meeting of the Assembly, before it be brought in dispute who shall preside, you shall appoint him who was Moderator in the last Assembly, to preside in this till a new Moderator be chosen.

“ We allow that Lay-elders shall be admitted members of this Assembly; but in case of the election of Commissioners for Presbyteries, the Lay-elders have had voice, you shall declare against the informality thereof; as also against Lay-elders having voice in fundamental points of Religion.

“ At the first opening of the Assembly, you shall strive to make the Assembly sensible of our goodness, that notwithstanding all that is past, whereby we might have been justly moved not to hearken to their Petitions, yet we have been graciously pleased to grant a free general Assembly; and for great and weighty considerations, have commanded the Archbishops and Bishops not to appear at this Assembly.

“ You shall not make use of the assensions in publick, except you find you shall be able to carry their having vote in the Assembly.

“ You shall labour to your utmost, that there be no questions made about the last Assembly; and in case it come to the worst, whatever shall be done in ratification, or with relation to the former Assembly, our will is, that you declare the same to be done as an act of this Assembly, and that you consent thereto only upon these terms, and no ways as having any relation to the former Assembly.

“ You shall by all means shun the dispute about our power in Assemblies; and if it shall be urged or offered to be disputed, whether we have the negative voice, or the sole power of indicting, and consequently of dissolving, except you see clearly that you can carry the same in our favour, stop the dispute; and rather than it be decided against us, stop the course of the Assembly until we be advertised.

“ For the better facilitating of our other services, and the more peaceable and plausible progress in all businesses recommended to you, we allow you at any time you shall find most convenient, after the opening of the Assembly, to declare, that notwithstanding our own inclination, or any other considerations, we are contented, for our People's full satisfaction, to remit Episcopacy, and the estate of Bishops to the freedom of the Assembly; but so, as no respect be had to the determination of the point in the last Assembly.

“ But in giving way to the abolishing of Episcopacy, be careful that it be done without the appearing of any warrant from the Bishops; and if any offer to appear for them, you are to enquire for their warrant, and carry the dispute so, as the conclusion seem not to be made in prejudice of Episcopacy as unlawful, but only in satisfaction to the People for settling the present disorders, and such other reasons of State: But herein you must be careful that our intentions appear not to any.

“ You shall labour, that Ministers deposed by the last Assembly, or commissions flowing from them, for no other cause but the subscribing the Petition or Declinator against the last Assembly, be upon their submission to the determination of this Assembly, reposed in their own places; and such other Ministers as are deposed for no other faults, that they be tried of new; and if that cannot be, strive that commissions may be directed from this Assembly, for trying and censuring them, according to the nature of their process.

“ That immediately upon the conclusion of this Assembly, you indit another at some convenient time, as near the expiring of the year as you can, and if you find that Aberdeen be not a place agreeable, let Glasgow be the place; and if that cannot give content, let it be elsewhere.

“ The general Assembly is not to meddle with any

“ thing that is civil, or which formerly hath been established by Act of Parliament, but upon his Majesty's special command or warrant.

“ We will not allow of any Commissioner from the Assembly, nor so much act as may give ground for the continuing of the Tables or Conventicles.

“ In case Episcopacy be abolished at this Assembly, you are to labour that we may have the power of chusing of so many Ministers, as may represent the fourteen Bishops in Parliament; or if that cannot be, that fourteen others whom we shall prefer be agreed to, with a power to chuse the Lords of the Articles for the Nobility for this time, until the business be further considered upon.

“ We allow that Episcopacy be abolished, for the reasons contained in the Articles; and the Covenant 1580, for satisfaction of our People be subscribed, provided it be so conceived, that thereby our Subjects be not forced to abjure Episcopacy, as a point of Popery, or contrary to God's Law, or the Protestant Religion; but if they require it to be abjured, as contrary to the constitution of the Church of Scotland, you are to give way to it rather than to make a breach.

“ After all Assembly-business is ended, and immediately before Prayers, you shall in the fairest way that you can, protest, that in respect of his Majesty's resolution of not coming in person, and that his instructions to you were upon short advertisement, whereupon many things may have occurred, wherein you have not had his Majesty's pleasure; and for such other reasons as occasion may furnish, you are to protest, that in case any thing hath escaped you, or hath been condempned upon in this present assembly, prejudicial to his Majesty's service, that his Majesty may be heard for redress thereof in his own time and place (3).

At Berwick the 27th of July 1639.

Further Instructions to the Earl of Traquair.

Right Truly,

“ WE have hitherto commanded Hamilton to answer several of your Letters, but that of the 16th of August being of more weight than any of your former, we have thought fit to answer it ourself.

“ And whereas you say, that nothing will satisfy them, except in *terminis*, the last Assembly be named and ratified, or that way be given to the discharging of Episcopacy, as abjured in that Church, as contrary to the Confession of Faith 1580, and the Constitutions of the same, you being yet in some hope that the word abjured may be got changed, and that in drawing up the words of the Act, it be only condemned as contrary to the Constitution of the Church: We in this point leave you to your instructions, they being full, if you consider what we have said concerning Episcopacy, and subscribing the Confession of Faith 1580, we thinking it fit to declare hereupon unto you, that let their madnes be what it will, further than we have declared in our instructions, in these points we will not go.

“ For the Service-Book, and Book of Canons, though we have been and are content they be discharged, yet we will never give our voice nor assent that they be condemned, as containing divers heads of Popery and Superstition; in like manner, though we have been and are content that the High-Commission be discharged, yet we will never acknowledge that it is without Law, or destructive to the civil and ecclesiastical judicatories of that our Kingdom: Nor that the five Articles of Perth, though discharging with our approbation, be condemned, as contrary to the aforesaid Confession. As concerning the late Assemblies, we cannot give our consent to have them declared null, since they were so notoriously our Father (of happy memory) his Acts; it seeming strange that we having condescended to the taking away of these things that they complained of, which were done in those Assemblies, they will not be content therewith, without laying an aspersion on our Father's actions. Wherefore if the Assembly will, in despite of your endeavour, conclude contrary to this, you are to protest against their proceedings in these points, and be sure not to ratify them in Parliament.

“ Concerning the yearly Indiction of general Assemblies, and the Confession of Faith, we commanded Hamilton, in his of the 16th, to answer that Point to this effect, that we think it infinitely to our prejudice that we should consent to the ourself for the keeping yearly of their Assemblies, not needing to repeat the reasons, they being well enough known to you; seeing at

(1) The King justly performed the Articles on his part; but the Scots kept part of their Forces in body, and all their Officers in reg. 1639, Vol. I. p. 31.

(2) During his stay in Scotland, the King granted James Earl of Argyll to his life, and much lentured the Earls of Argyll and Lennox. *Nelson*, Tom. I. p. 344.

(3) Hence 'tis plain, the King had a mind to relieve a means to dissolve his Commissioners. *Rejoins*.

1639. " *Berwick* it was conceived upon debate of that point, that your having Power to indict a new one within the year, would save that dispute, which you are by all means to eschew. But if this will not give satisfaction, you are by no means to give your assent to any such Act, nor to ratify the same in Parliament.

" The article in your Instructions, which is only that the Covenant 1580, shall be subscribed, you must have an especial care of, and how you proceed therein; that the bond be the same which was in our Father's time, *mutatis mutandis*; and that you give your assent no other ways to the interpretations thereof, than may stand with our future intentions well known to you; nor is the same otherwise to be ratified in Parliament.

" Thus you have our pleasure fully signified in every particular of your Letter; which you will find no ways contrary to our resolution taken at *Berwick*, and our instructions given to you there. But if the madness of our Subjects be such, that they will not rest satisfied with what we have given you power and authority to confederate to, notwithstanding all their insolencies we shall allow you to make good to them, we take God to witness, that what misery forever shall fall to that Country hereafter, it is no fault of ours, but their own procurement. And hereupon we do command you, that if you cannot compose this business according to our instructions, and what we have now written, that you prorogue the Parliament till the next spring; and that you think upon some course how you may make publicly known to all our Subjects, what we had given you power to confederate to. And because it is not improbable, that this way may produce a present rupture, you are to warn and assist *Ruthven* for the defence of the Castle of *Edinburgh*; and to take in general the like care of all our houses and forts in that Kingdom; and likewise to advertise all such who are affected to our service, that timely they may secure themselves; and so we bid you heartily farewell."

" It is plain from these instructions, that the King had some private intentions, but which were known to the Earl of *Traquair*. The following Letter may help to discover part of these intentions, at least with respect to the Bishops.

His Majesty's Letter to the Archbishop of St. Andrews.

Right trusty, and well-beloved Counsellor, and Reverend Father in God, we greet you well.

Ruthven, 1639. " OUR Letter, and the rest of the Bishops (sent by the Elect of *Gainsburgh*) to my Lord of *Conterbury*, hath been by him communicated to us: And after serious consideration of the contents thereof, we have thought fit our self to return this answer to you for direction according to our promise, which you are to communicate to the rest of your brethren.

" We do in part approve of what you have advised, concerning the proroguing of the Assembly and Parliament, and must acknowledge it to be grounded upon reason enough, were reason only to be thought on in this business: but considering the present state of our affairs, and what we have promised in the articles of Pacification, we may not (as we conceive) without great prejudice to our self and service, confederate therewith; wherefore we are resolved (rather necessitated) to hold the Assembly and Parliament at the time and place appointed; and for that end we have nominated the Earl of *Traquair* our Commissioner, to whom we have given instructions, not only how to carry himself at the same, but a charge also to have a special care of your Lordships, and those of the inferior Clergy, who have suffered for their duty to God, and obedience to our commands. And we do hereby assure you, that it shall be still one of our chiefest studies, how to rectify and establish the government of that Church aright, and to repair your losses, which we desire you to be most confident of.

" As for your meeting to treat of the affairs of the Church, we do not see at this time how that can be done; for within our Kingdom of *Scotland* we cannot promise you any place of safety; and in any other of our Dominions we cannot hold it convenient, all things considered; wherefore we conceive, that the best way would be for your Lordships to give in, by way of protestation or remonstrance, your exceptions against this Assembly and Parliament to our Commissioner, which may be sent by any mean man, so he be trusty, and deliver it at his entering into the Church; but we would not have it to be either read or argued in this meeting, where nothing but partiality is to be expected, but to be represented to us by him; which we promise to take

1639. " into consideration, as becometh a Prince sensible of his own interest and honour, joined with the equity of your desires; and you may rest secure, that though perhaps we may give way for the present, to that which will be prejudicial both to the Church and our own Government, yet we shall not leave thinking in time how to remedy both.

" We must likewise intimate unto you, that we are so far from conceiving it expedient for you, or any of my Lords of the Clergy to be present at this meeting, as we do absolutely discharge your going thither; and for your absence, this shall be to you, and every of you, a sufficient warrant: In the interim, your best course will be to remain in our Kingdom of *England*, till such time as you receive our farther order, where we shall provide for your subsistence; though not in that measure as we could wish, yet in such a way as you shall not be in want.

" Thus you have our pleasure briefly signified unto you, which we doubt not but you will take in good part: You cannot but know, that what we do in this, we are necessitated to; so we bid you farewell."

Whitehall, Aug. 6. 1639.

C. R.

I have already observed, that the late peace between the King and his Subjects of *Scotland*, did not properly consist in the seven articles of Pacification, since there was no mention there of the true ground of the quarrel, but only of what passed after the breach. Indeed both parties agreed to lay down their arms; but the Peace could not be said to be concluded, so long as the motives of rupture still subsisted. If the demands of the *Scots*, and the King's answer be considered, such ambiguity on both sides will appear, that the Peace must have been deemed very doubtful. The *Scots* reduced their demands to this, *That they might enjoy their Religion and Liberties, according to the ecclesiastical and civil Laws of the Kingdom, offering in return all obedience to his Majesty, which could be required or expected of loyal Subjects.* The King granted this their desire in the same words, and on the same conditions. But there was a palpable ambiguity as well in the demand, as in the answer. The *Scots* understood by the Laws of the Kingdom, those that were in force before King *James's* accession to *England*, and all the innovations by them complained of; but the King meant such as were enacted since that time. The condition was no less equivocal, for the obedience promised by the *Scots*, related to the observance of the ancient Laws, but that expected by the King, was founded upon the late Laws. Both parties must have perceived the equivocation in what was to be the foundation of the Peace, since neither of the parties could be ignorant of the occasion of the breach. But however, both sides feigned not to perceive it, in order to be freed from their embarrassment in taking arms. The *Scots* had flattered themselves, that considering the discontents which reigned in *England*, the King would not be able to raise an army to reduce them to obedience. But contrary to their expectation, they saw him near their borders, at the head of twenty thousand men, whilst they had not above twelve thousand, without reckoning his fleet, which interrupted their Trade. It was therefore their interest, to endeavour by all means to avoid a decision of the quarrel by arms. The loss of a battle would have certainly reduced them to slavery. Besides, their friends in *England* dissuaded them from running any hazard, and made them hope, they should, very shortly, put it out of the King's power to hurt them. For these reasons, they were contented with the general demand of their Religion and Liberties, in order to gain time, knowing, that when matters came to be discussed, they should find means to include all their pretensions in this general demand. The King, on his side, was no less embarrassed. Tho' he had an army superior in number of troops, he was apprehensive of treacheries, or at least, that his *English* Subjects would not cheerfully venture their lives for his sake: So that the loss of a battle would not only have occasioned the loss of *Scotland*, but even put his affairs in *England* in a very ill situation. Therefore, though he could not possibly be ignorant of what the *Scots* meant by their Religion and Laws, finding they did not explain themselves more clearly, he took them at their word, in a belief, that at a more convenient season, it would be in his power to give these terms the sense that to him seemed most natural. It may therefore be affirmed, that this peace, which yet decided nothing, was concluded upon very uncertain foundations, and that both parties, when they laid down, were in much the same state as when they took up their arms. But it was easy to foresee, a time would come, when it would be necessary to explain what hitherto remained in obscurity.

The Bishops failed not, according to the King's advice, to present a Declinator or Protestation to the High-Commissioner (1), who receiving it publicly as he was going

The late Peace very uncertain.

Clarendon, T. I. p. 95, 96. Ruthven, III. p. 1019.

Ruthven, 1639. T. I. p. 95, 96. Ruthven, III. p. 1019.

The Bishops Declinator, Aug. 10, 1639. T. I. p. 95, 96. Ruthven, III. p. 1019.

(1) The Earl of *Traquair*. The King is always present in the General Assembly, by himself or Commissioner.

1639. into the Church, was contented with sending it to the King, without communicating it to the Assembly (1). The King was desirous to have such a Paper in his hands, that he might use it upon occasion, or at a more proper time.

Acts of the General Assembly, August 1639. T. I. p. 252.
In this general Assembly held at Edinburgh by the King's order, the High-Commissioner had sufficient interest to hinder any mention of the former Assembly at Glasgow. Nevertheless, there passed several Acts very disagreeable to the King, to which however the High-Commissioner gave his consent.

Rothworth, III. p. 938.
“ The first contained the causes of the evils that had lately happened in the Kirk of Scotland.” These causes, being six in number, were in substance: “ 1. The pressing of the Service-book, the books of Canons and of Consecration and Ordination, and the High-Commission. “ 2. The five articles of Perth. “ 3. The changing the Government of the Kirk into episcopal Government. “ 4. The civil places conferred on Kirkmen. “ 5. The keeping and authorizing the Assemblies in 1606, 1608, 1610, 1616, 1617, 1618. “ 6. The want of lawful and free general Assemblies.” It was therefore ordained by this Act, that all these things should be abolished, and the Kirk restored to its former state. To this Act the High-Commissioner consented verbally, and promised to have it ratified in the ensuing Parliament. “ Another Act also passed for the better keeping the Lord's-day.”

Id. p. 960. N. 11. p. 253.
After which followed a supplication of the general Assembly to the Commissioner, desiring that a Book called, *The large Declaration*; and written by [Dr. Buchanan] Dean of Durham, a Scotchman, against his Countrymen, might be called in. To this the Commissioner gave no other answer, but that he would impart the same to his Majesty.

Rothworth, III. p. 961, 962. Annals.
Then was presented to the High-Commissioner another supplication from the Assembly, and the Lords of the Privy-Council, wherein they petitioned, that it might be enjoined by Act of Council, that the Confession and Covenant should be subscribed by all his Majesty's Subjects in Scotland, of what rank and quality soever. The High-Commissioner answered, by advice of the Council, that he thought himself bound in conscience to approve of the Covenant, and as Earl of Traquair, would subscribe it as heartily as any subject in the Kingdom: but as the King's Commissioner he could not do it, unless a clause was added, that this Covenant was the same with that subscribed by King James VI. in the years 1586, 1581, and 1590. Whereupon the Assembly made a new Act, enjoining all the members of the Kirk to sign the Covenant, with this clause prefixed to the names of the subscribers:

Rothworth, III. p. 964.
We subscribe this Covenant according to the explanation it hath received from the general Assembly, that is, as declaring the five Articles of Perth, the Government of the Kirk by Bishops, and the bestowing of civil places on Kirkmen, to be unlawful within this Kirk.

Rothworth, III. p. 964. Annals.
After that, the Assembly resolved to present a Petition to the King, to pray him to cause these Acts to be ratified by the Parliament. That done, they appointed the last Tuesday in July 1640, for holding another general Assembly at Aberdeen, without consulting the High-Commissioner.

Rothworth, III. p. 955.
The Acts passed in this Assembly plainly shew what the Scots meant by their Religion, namely, that professed in 1580. The Assembly had also determined, contrary to the King's pretensions, that Episcopacy was abolished (2) by the Confession of Faith of the year 1580, though the Bishops were not so much as mentioned. Whereas, the King pretended, the Religion of the Kingdom was that which was actually professed since the year 1606, and since established by several Acts of Parliament, and general Assemblies. On the contrary, the Assembly of Edinburgh declared, that the Assemblies held from 1606, to 1618, were void, and thereby annulled the Acts of Parliament by which they were confirmed and ratified. As to the Covenant, the same Assembly, in pretending to admit of the clause annexed by the Earl of Traquair, had rendered it of no effect, by an additional explication. The Earl was much blamed for not stoutly upholding this interpretation; nay, when he came to give the King an account of his Commission, a Scotch Bishop (3) accused him of Treason, and offered to suffer as a traitor, if he did not make good his accusation.

By what had passed in the Assembly; the King saw plainly what he was to expect from the Parliament, which met presently after the separation of the Assembly. Before the ratification of the Acts of the Assembly was proposed, they presented to the High-Commissioner some Acts, which shewed they were not less bent to maintain the privileges of the People, and guard against the artifices by which the Court had for forty years caused the Parliament to pass what they pleased. I have mentioned elsewhere the manner of chusing the Lords of the Articles in the Parliament of Scotland, but it is necessary to explain it a little more fully, for the better understanding how advantageous to the King this method was grown. Ever since the Reign of David Bruce, that is, for about three hundred years, it had been customary in Scotland, that when the Parliament met, there were elected a certain number of Noblemen, Bishops, Barons, and Burghesses, who were called Lords of the Articles. The business of this select Committee was to examine and prepare the Bills which were to be moved in Parliament; and as they had power to reject such as they did not judge necessary or convenient, it seldom happened, that those they admitted were ever thrown out. The manner of Election, settled at a time when the inconveniences could not be foreseen, was thus: The body of the Nobility nominated eight Bishops, these Bishops named eight Lords, the sixteen elect Bishops and Lords chose eight Barons (4), these twenty four elected eight Burghesses (5). This custom subsisted without many inconveniences, till James VI. attempted to restore Episcopacy. That Prince, as we have seen, began with restoring the Bishops and Lay-Abbots, to their seats in Parliament; and thereby had the votes of all the representatives of the Church at his command. So the Nobility, in chusing eight Bishops, could name none but what were devoted to the King, from whom they received their Benefices. These eight Bishops made it their chief care to name eight Lords, on whom the King could depend. These sixteen never failed to chuse eight Barons of the same party, and consequently, the eight Burghesses elected by the twenty four, were likewise friends of the Court. By this means, the King obtained of the Parliament the fore-mentioned Acts, to restore episcopal Government in the Kirk, notwithstanding all the endeavours of the general Assemblies. This gave occasion also to the complaint publicly dispersed in writing, that Charles I. in his journey to Scotland, had used unlawful methods to obtain the two Acts concerning Religion, of which I have spoken. It is said, that among the eight Lords then chosen by the Bishops, there were three suspected of Popery.

As since that time the face of affairs had been much changed in Scotland, and the King had no longer any power there, the Parliament, which met by his Majesty's order at Edinburgh in the year 1639, resolved to prevent the inconveniences flowing from the election of the Lords of the Articles. To that purpose they presented to the High-Commissioner an Act, declaring null and void whatever should be done in Parliament, before the ancient way of electing the Lords of the Articles should be altered. This Act was founded not only upon the fore-mentioned inconveniences, but chiefly upon the Parliament's disposition to abolish entirely the order of Bishops, from whence followed an absolute necessity to alter the manner of chusing the Lords of the Articles. Besides, in all appearance, the Parliament was willing to obviate thereby the King's demand, that fourteen Ministers or Lay-Abbots of his chusing might supply the place of the Bishops (6).

Besides this Act, which was very material at this juncture, the Parliament presented also several others, all tending to lessen the King's prerogative.

“ 2. By the second it was enacted, that the Coin should not be meddled with, but by advice of Parliament. *Rothworth, III. p. 1027. Annals.*

“ 3. By the third, that no Stranger should be entrusted with keeping of any castles, nor other person put in them, but by advice of the Estates. This was because the King had lately made two Englishmen Governors of the Castles of Edinburgh and Dunbarton.

“ 4. That no patent of honour be granted to any stranger, but such as have a competency of Land-rent in Scotland.

“ 5. That no commission of Justiciary or Lieutenantcy may be granted but for a limited time.

“ 6. They protested against the precedence of the

(1) The King in his Letter to Archbishop *Spersford*, ordered him to give in a Protestation against the Assembly, but that it should not be read or argued in the meeting, where, as he says, nothing but posturing was to be expected. *Rothworth, Tom. III. p. 951.*

(2) They not only abolished it, but also determined, that it was unlawful in the Church of Scotland. *Rothworth, Tom. III. p. 955.*

(3) It was the Archbishop of St. Andrews, and the Bishops of Ripon and Brecon. *Annals, p. 790.*

(4) Or Lairds.

(5) These thirty two, with the eight Officers of the Crown, made up the select Committee, called, Lords of the Articles. *Whitelock, and after him Richard, 1793, the King chose the eight Noblemen.*

(6) The Parliament allowed the High-Commissioner to name the eight Lords, who should have been named by the Bishops, but provided it should be superseded in the future; and they went on resolutely to take away the Lords of the Articles entirely. When it was wanted about what was to be brought in, in lieu of the Bishops, the Commissioner urged for the King to have fourteen Lay-Abbots to represent the third Estate, but it was such, that the third Estate should be supplied by single Bishops, who were to represent the Commonalty. *Rothworth, Tom. III. p. 955.*

1639. "Lord-Treasurer, and Lord Privy-Seal, because, as they alleged, the same was not warranted by a positive Law.

There were others of the same nature, all prejudicial to the King, but which it is needless to infer. It may well be thought, the High-Commissioner did not believe himself sufficiently authorized to give his consent to all these Acts, without informing his Majesty.

The King feeling what course his affairs were taking in the Parliament of Scotland, plainly perceived by these first proceedings, that his Commissioner would be little able to follow his instructions, and therefore, ordered him by Letter only, to prorogue the Parliament till the 2d of June the next year 1640, and if he met with opposition, to declare that the Members who should continue to assemble, were guilty of High-Treason. This order being signified to the Parliament, met not with that compliance, the King perhaps had expected. They broke up however, but in such a manner as was no less disagreeable to the King, than if they had continued their session. Before they parted, they made a declaration, importing that the Earl of Traquair had not power to prorogue the Parliament upon the King's letter, without the consent of the Parliament itself. That this order was owing to misinformation, the Parliament not having given the King any offence, or cause of complaint. That hitherto the Parliaments were never prorogued without their own consent, and consequently this prorogation was contrary to the usage of the Kingdom. They complained moreover, that the Earl of Traquair and the Council had several ways violated the privileges of Parliament, during this present session. In short, they declared, that though they might lawfully remain assembled, notwithstanding the prorogation, they were willing to break up, in order to give the King a proof of their obedience; but however thought proper to leave a committee of some of each Estate, to present a Remonstrance to his Majesty, and attend his gracious answer, and to assure the King on all occasions of the Parliament's sincere intention to pay him all due obedience. The declaration concluded with a protestation, that if any outrages and insolencies should be committed, they could not be imputed to them, since they were constrained to use the properest means to secure the Kirk and State from the impending misery and confusion.

Pursuant to the power given them by the Parliament, the committee sent the Earl of Dunfermling and the Lord Leighton to present a remonstrance to his Majesty. But the King refused to give these deputies audience, as coming without warrant from the High-Commissioner, and without communicating to him the occasion of their journey. After their departure, the King sent for the Earl of Traquair, and ordered him to report to the Council what he had said in Scotland since the Pacification. It was upon this Lord's report, and without hearing what the Scots had to say in their defence, that the Council of England unanimously declared, it was absolutely necessary to reduce the Scots to their duty by force of arms. Mean while, as this resolution seemed a little too hasty, since it was not yet known what the Scots might plead in their vindication, the King, perceiving how prejudicial this precipitation might be to him, gave the committee of Edinburgh leave to send their deputies. But this was more for decency, than to see whether there would be any reason to alter the resolution already taken, the King not being ignorant of what could be said on this occasion.

Pursuant to the King's permission, four deputies came presently after, namely, the Earl of Dunfermling, the Lord Leighton, Sir William Douglas, and Mr. Robert Berkley, and presented to him two Petitions. The first was from the late general Assembly held at Edinburgh, who, after thanking him for being pleased to consent that ecclesiastical affairs should be determined in the Assembly of the Kirk, prayed him to ratify their constitutions by the Parliament. By the other Petition, the four deputies desired to be heard before some of the counsellors of both Kingdoms, and that the Earl of Traquair's report to the Council of England might be given them in writing under his hand. The King thought not proper to grant either of these articles. However, he appointed a committee of the Council to hear them, to which the deputies would not agree, saying, they were sent to his Majesty to justify the proceedings of the Parliament of Scotland, and not to the Council of England, who had no jurisdiction over the Scots. To remove this objection, the King was pleased to hear them himself, in the presence of the committee he had appointed. The Lord Leighton made a long speech in vindication of

their transactions in Scotland; for that was the sole motive of the deputation. But the King feigning to believe, and being very willing to suppose they were come to treat with him of an agreement, objected to them, that their Powers were insufficient, since they could neither offer nor accept any terms. A few days after, the Council of England declared, that the Scotch deputies had power only to justify the proceedings of their Countrymen. And indeed, they had been sent only for that purpose, and not to treat with the King (1).

It was resolved, as I said, in the Council of England, to reduce the Scots to obedience by force. It is necessary therefore to shew upon what this resolution was founded. Though the King was by no means pleased with the Acts of the general Assembly of Edinburgh, he had no reason however to complain, since they were approved by his High-Commissioner, authorized for that purpose by a commission under the Great-Seal. Wherefore being desirous to hinder these Acts from being ratified by the Parliament, he thought it more proper to ground the breach occasioned by the prorogation of the Parliament of Scotland, upon the proceedings of the Parliament than upon those of the Assembly. He complained therefore,

"1. That under pretence of his having promised a free Parliament, they had carried that freedom so far as to imagine, that it was not to be limited with their own conditions, subscribed by the Lord Leighton, which were to enjoy their Religion and Liberties, according to the ecclesiastical and civil Laws of their Kingdom. For it was evident, that the Parliament had far exceeded the bounds established by the Laws.

"2. If they object, that they assume this liberty by our allowing of the Covenant, and commanding our former High-Commissioner the Lord Marquis of Hamilton, and other our Subjects to subscribe it; the answer is very ready, that there is a great difference between the Covenant and Band subscribed by our commandment, and their Band; for that Covenant and Band was made by our late Father King James of blessed memory, Anno 1580, and obligeth those that swear to it, that they should mutually assist one another, as they should be commanded by the King, or any authorized by him. But this new Band was made without our consent, and by it they swear, mutually to assist one another, not excepting the King. Neither can the Earl of Traquair's subscription or allowance of the Covenant be any warrant for their rebellious courses, seeing they did humbly supplicate, that they might be allowed and warranted to subscribe it: Which clearly evinces, that what they did before, and of themselves, without warrant of authority, was neither laudable nor warrantable. Besides, it appears by what is prefixt to the Earl of Traquair's subscription, that by the Covenant he meant the same with that of 1580.

"3. Since the Parliament, they have, without any authority or commission from us, taken upon them to levy and raise forces in several parts of the Kingdom; and have assigned them a rendezvous, and a day to be in a readiness to march.

"4. They have made provisions of great quantities of artillery, munition and arms, from foreign parts, which they have ready in magazine to make use of against us their Sovereign.

"5. They have of themselves laid taxes and impositions of ten marks in every hundred upon all and every of our Subjects, according to their several revenues; and this they have exacted with the greatest rigour and tyranny that can be imagined.

"6. They have caused to be framed and published, sundry false, seditious and scandalous Papers and Pamphlets; and amongst others, one entitled, *An Information from the Estates of the Kingdom of Scotland, to the Kingdom of England, &c.* which we have caused to be burnt by the hand of the hangman.

"7. They have refused the Lord Esrick, Governor of our Castle at Edinburgh, timber, and other materials necessary for reparation of the works lately fallen down there, notwithstanding our express commandment by our letters to them, upon their allegiance to furnish them.

"8. They have committed sundry outrages and violences upon the persons of some of the Garrison at Edinburgh, that came out of the Castle to buy victuals.

"9. They have begun to raise works and fortifications against the said Castle, thereby to block up that our royal fort, and to render it unuseful. And they have

(1) During these Commissioners stay in England, many secret Councils were held with them by the dissatisfied English; chiefly by the favourers of Prelacy, and those who had suffered in the Star-Chamber, or High-Commission. Pym, and others of great interest and quality, were busy in with them. Whitelock, p. 32. The Lord Somers in particular, with great vehemence, pressed them to engage in a new War, and among other motives, brought them engagements in writing from most of the greatest Peers in England, to join with them, and assist them when they should come into England with an Army. But these engagements were discovered at the Treaty of Rippon to have been a bare forgery. Burnet's Mem. of His Majesty, p. 162. Hist. of the Times, p. 27. Hist. of the present, p. 141. &c.

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fortified sundry other places in that our King's cm, and particularly *Inghewry*, where they have mounted divers pieces of ordnance.

"10. They have lately imprisoned the Lord *Southesk*, and sundry others of quality, for not adhering to them, and for their fidelity to us.

"11. The Magistrates of *Edinburgh* have upon sundry occasions refused to yield us due obedience, alledging, "That they have delivered up the power of governing the town into the hands of the Committee of the pretended *Tables*, by which they have not only voluntarily disabled themselves to serve us, but have incurred the guilt of High-Treason, by conferring upon any that power of Government which they derive and hold from us alone."

Of these eleven articles, nine were inconsiderable. As after the prorogation of the Parliament, the *Scots* had great reason to fear the King intended to renew the war, the precautions they took for their defence, could not be deemed a just cause of invading them, though their fears had been vain. At least, all these proceedings could have been easily repaired by the conclusion of a good peace. But the most material article, on which the King chiefly insisted was,

"12. A Letter communicated to him by the Earl of *Traquair*, and which had been intercepted by his Lordship. It was written to the King of *France* by the chief of the male-contents to desire his assistance. The Letter follows, with this endorsement, *du Roy*, which, as his Majesty observed, is in *France* always understood from those Subjects only to their natural Prince.

S I R,

YOUR Majesty being the refuge and sanctuary of afflicted Princes and States, we have found it necessary to send this Gentleman, Mr. Colvill, to represent unto your Majesty the candour and ingenuity, as well of our affairs and proceedings, as of our intentions, which we desire to be engraven and written to the whole world with a beam (1) of the Sun, as well as to your Majesty. We therefore most humbly beseech you (Sir) to give faith and credit to him, and to all that he shall say on our part, touching us and our affairs; being most assured (Sir) of an assistance equal to your wonted clemency heretofore, and so often showed to this Nation, which will not yield the Glory to any other whatsoever to be eternally,

S I R,

Your Majesty's most humble,
Most obedient, and
Most affectionate Servants,

Rothes. Montrose. Lesly. Marre.
Montgomery.
Loudoun. Forrester.

The copy of the Letter made by the Clerk of the House of Commons.
T. 1. p. 103.

This Letter, though no date appears, was writ before the peace. At least, the Lord *Loudoun*, who was committed to the Tower on that account, affirmed it, and I don't find he was ever contradicted. On the other hand, the King who pretended to receive great advantages from this letter, never said it was penned since the signing of the articles of pacification. From whence it may be inferred, either the subscribers forgot to date it, or the date was not servicable to the King who produced it. However this be, tho' the letter was never sent to *France*, since it was put into the hands of the Earl of *Traquair* in *Scotland*, the Kings, who had resolved to renew the war, made great use of it to vindicate his conduct. He pretended, the *Scots* designed to introduce a foreign army into their country to invade *England*, and therefore he was indispensably obliged to defend his English Subjects. But it will be seen hereafter, that he reaped not from it all the advantages he expected.

The copy of the Letter made by the Clerk of the House of Commons.
T. 1. p. 103.

Upon this foundation however, he resolved to renew the war with *Scotland*. But though he alledged many reasons, as we have seen, it is certain, the chief motive was the abolition of Episcopacy, to which he could not consent. If this single point could have been adjusted, the rest were not considerable enough to oblige the two parties to take arms again. So, the whole question of right between *Charles* and the *Scots* was reduced to this: Whether *James* and *Charles* could alter the Government of the Kirk of

Scotland, notwithstanding the opposition of the Kirk itself; and whether the *Scots* might demand the abolition of Episcopacy, established upon the ruins of Presbytery, on pretence of the artifices practised by the Court to get these Acts passed.

The war being resolved, the King took all possible measures to have a numerous army, by taxing, as usual, each County to find a certain number of troops. On the other hand, a Sea-fight between the *Spaniards* and *Dutch*, near the coast of *England*, furnished the King with a pretence to renew his warrants for the payment of Ship-money. As on this occasion the *Dutch*, who were the aggressors, had shewn little regard to the Sovereignty of the Sea assumed by the King, his Majesty loudly complained of the affront he had received, and upon this foundation seemed bent to equip a powerful fleet to preserve the dominion of the sea, and defend the Kingdom. Wherefore he ordered Ship-money, as well as the arrears of that tax, to be levied with great severity. The Sheriff of *Northamptonshire* having sent to Court a Petition of the County against Ship-money (2), the Council reprimanded him very sharply, commanding him to do his office on pain of exemplary punishment. On the other hand, Sir *John Finch* being made Lord Keeper (3) upon the death of the Lord *Cowley*, made a Speech to the Judges, to exhort them to use in their circuits all their authority to promote this tax. So, it was evident the King was resolved to compass his ends, let what would be the consequence, and that this imposition was grown by degrees a standing tax upon the people.

At last, the King appointed [Algeron Percy] Earl of *Northumberland* for General of the army against *Scotland*, and gave him for Lieutenant-General *Thomas Lord Wentworth*, Deputy of *Ireland*, lately made Earl of *Strafford*. As he always dreaded the correspondents the *Scots* had in *England*, and for that reason durst not trust his Council with all his affairs, he appointed a secret Council, consisting of three persons only, namely, the Archbishop of *Canterbury*, the Marquis of *Hamilton*, and the Earl of *Strafford* (4). These three entirely directed the King's most important affairs, and were the persons, that after mature deliberation, advised him to call a Parliament. But as the King objected to them, that before the Subsidies, which the Parliament should grant, could be paid, he should be reduced to great straits; the secret Council provided against this inconvenience, by advising him to borrow of each of his Counsellors or others, who should be willing to lend, the sums he should want to supply his present occasions. The Earl of *Strafford* alone subscribed twenty thousand pounds. The example of the Counsellors being followed by some other Lords, the King was enabled to make preparations for the war, before he had received any aid from the Parliament. So, the Parliament was called for the 13th of April, and a few days after the King published a Proclamation, to revoke the same Patents which had served to establish Monopolies, tho' they had been revoked once before without any effect.

The Parliament being assembled at *Westminster*, on the day appointed, the King went to the House of Lords, and made the following Speech to both Houses.

My Lords and Gentlemen,

"HERE was never a King that had a more great and weighty cause to call his People together than my self: I will not trouble you with the particulars; I have informed my Lord-Keeper, and commanded him to speak, and desire your attention."

Then Sir *John Finch* Lord-Keeper, spoke thus:

My Lords, and you the Knights, Citizens, and Burgesses of the House of Commons,

"You are here this day assembled by his Majesty's gracious writ and royal command, to hold a Parliament, the general, antient, and greatest Council of this renowned Kingdom. By you, as by a select choice and abstract, the whole Kingdom is preferred to his Majesty's royal view, and made happy in the beholding of his excellent and sacred person. All of you, not only the Prelates, Nobles and Gracians, but in your persons that are of the House of Commons, every one, even the meanest of his Majesty's Subjects, are graciously allowed

(1) It is in the Original *Reyes* (which signifies a Thundershower) instead of *Rais* or *Rays*, for which reason it seems, after the Letter was signed by six of the accompanying Lords, it was rejected by the Lord *Marshall*, because it was said *French*; and so it was laid aside, and never again taken into consideration, but one taking up the Letter, brought it to *Traquair*. *Mem. of Duke Hamilton*, p. 161.—It was said, however, that the *Scots* were encouraged to take Arms from Cardinal *Buckley*, by his Chaplain, *Chamberlain* and *Con. Secs*; and by Letters which a Page of his brought to several in *England* and *Scotland*. *Whitelock*, p. 33. *Coke*, p. 235.

(2) Sir *Christopher Travers*, High-Sheriff of *Northamptonshire* (Raped by mistake says of *Northumberland*) sent, included in a Letter, a Copy (under the Hand of the Clerk of the Peace) of a Petition made by the Grand Jury, at a Quarter-Sessions concerning Ship-Money. *Raynworth*, Tom. III. p. 991, 992.

(3) He was created Baron of *Forrester* in *June*, April 7. *Raynworth*, Tom. III. p. 1103.

(4) The affairs of State were principally managed by the Archbishop of *Canterbury*, the Earl of *Strafford*, and the Lord *Corington*. To these were added the Earl of *Northumberland*, for ornament, the Bishop of *London*, for his Place, being Lord-Treasurer, the two Secretaries, *James* and *Widdowes*, for Service and Intelligence; only the Marquis of *Hamilton* by his Skill and Interest would not let Sir *John*, and so far, then he had a share. These Persons made up the Committee of State, especially after the death of the *James*, and eventually then in the Court, the Council General. *Clarendon*, Tom. I. p. 427.

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"In former Parliaments you have been advised with, for the preventing and diverting of those dangers, which by foreign and more remote counsels, might have tended to the dishonour and ruin of this nation; therein his Majesty's great wisdom and providence hath for many years eased you of that trouble, his Majesty having with great judgment and prudence, not only seen and prevented our danger, but kept up the honour and splendour of the English Crown, of which at this day we find the happy and comfortable experience, Almighty God having vouchsafed such success to his Majesty's counsels, that our Fleece is dry, when it raineth blood in all the neighbour States. But what availeth this the Kingdom? *Si foras hostem non inveniat, si modo domi inveniat.* You are now summoned to counsels and resolutions that more nearly concern you, to prevent a danger and a dishonour that knocks at our gates, and that moves from such, from whom we had little reason to suspect it. It is well known upon what happy and solid counsels one of our wisest Kings made a match with *Scotland* for his eldest daughter. We cannot forget (I am sure we should not) the blessed success that waited upon those counsels, when the Crown of *England* descended upon King *James* of ever blessed and famous memory, who with the fullness of joy to all true English hearts, made his entry not by bloodshed. The wall of separation was thereby taken away; and that glorious King, to make his word good, *faciam esse in Gentem unam*, made all *England* rejoice, and *Scotland* I am sure had no reason to be sorry for it: They participated of English honours, the wealth and revenue of this Nation they shared in, and no good thing was withheld from them, such was the largeness of heart in that most excellent King, and such was the comfort we took in this fraternity, or rather unity: When both of us had but one brazen wall of fortification to look unto, the sea, and all things so equally and evenly carried between us, that *Tros* *Tyriusque* nulla discrimine habebantur. His Majesty, our most gracious Sovereign, became heir, as well to his Father's virtues as to his Kingdoms, *Potatumpque regis*, &c. and in his gracious and tender affection to that Nation, hath given as many indulgent testimonies of love and benignity, as they could expect. Thus became we both like a Land flowing with milk and honey; peace and plenty dwelt in our streets, and we have had all our blessings crowned with the sweet hopes of perpetuity. God found out for my Lord the King a companion meet for him, his royal comfort, our most gracious Queen, who, as she is not to be paralleled for her person and virtue, so hath she made his Majesty and the whole Kingdom most happy and blessed in the sweetest pledges of their love, and our hopes, which ever flood like olive-branches about the throne or table: But which I sorrow for, *Civiles furres patrie nimia infelicitas*, and when his Majesty had most reason to expect a grateful return of loyalty and obedience from all the *Scottish* Nation, some men of *Belial*, some *Zebai*, hath blown the trumpet there, and by their infolencies and rebellious actions draw many after them, to the utter detraction of his Majesty's go-

vernment; his Majesty's and his kingly Father's love and bounty to that Nation quite forgotten, his goodness and piety unremembered.

"They have led a multitude after them into a course of disloyalty and rebellious Treason, such as former times have not left in mention, nor this present age can any where equal; they have taken up arms against the Lord's anointed, their rightful Prince, and undoubted Sovereign, and following the wicked counsels of some *Achitophel*, they have seized on the trophies of honour, and invested themselves with regal power and authority: Such, and so many acts of disloyalty and disobedience, as (let their pretences be what they will be,) no true English or Christian heart, but must acknowledge them to be the effects of foul and horrid treason.

"The last summer his Majesty, at his own charge, and at the vast expence of many of his faithful and loving Subjects of *England*, went with an army, and then they took upon them the boldness to out-face and brave his royal army, with another of their own raising; yet for all this, his Majesty's goodness was not lessened by that, nor could his gracious nature forget what he was to them, nor what they were to him; but considering with himself they were such *quos nec vincere, nec vinci gloriamur*, out of his piety and clemency, chose rather to pass by their former miscarriages, upon their humble protestations of future loyalty and obedience, than by just vengeance to punish their rebellions.

"But his Majesty (who is ever awake for the good and safety of all his Subjects) hath since too plainly discovered, that they did but prevaricate with him to divert the storm which hung over their heads, and by gaining time to purchase themselves more advantage, for pursuing their rebellious purposes.

"For since his Majesty came from *Berwick*, it is come to his certain knowledge, that instead of performing that loyalty and obedience, which by the laws of God, of Nature, and Nations, they owe unto him, they have addressed themselves to foreign States, and treated with them to deliver themselves up to their protection and power (as by God's great Providence and Goodness, his gracious Majesty is able to shew under the hands of the prime ring-leaders of that faction) than which nothing could be of more dangerous consequence to this and his Majesty's other Kingdoms. Whoever they be that do, or shall with *England* ill, they may know it to be of too tough a complexion and courage, to be assailed in the face, or to be set upon at the fore-door: And therefore it is not unlikely, but they may (as in former times) find out a postern-gate.

"There were heretofore two of them, *Scotland* and *Ireland*, and both of them had their several defences.

"*Ireland*, through his Majesty's just and prudent Government, is not only reduced from the distemper of former times, but settled in such a condition of Peace, and during his Majesty's happy reign so altered and civilized, that instead of being a charge to him (as it was to his predecessors) hath yielded to him some revenue, and his Subjects there do daily give very acceptable testimonies of their loyal and dutiful affections, both to his person and government. And now lately at the Parliament assembled, they have not only with full and free consent, made his Majesty a cheerful aid towards his present preparations, to reduce his disaffected Subjects in *Scotland* to their due obedience, but they have also professed and promised, that they will be ready with their persons and estates, to the uttermost of their ability, for his Majesty's future supply, as his great occasions, by the continuance of his forces against that distemper, shall require; so that the hopes of hurting *England* that way, are quite extinct.

"*Scotland* then only remains, whither (as to a weak and distempered part of the body) all the rheums and fluxes of seditious humours make way.

"His Majesty hath taken all these and much more into his princely consideration, and to avoid a manifest and apparent mischief, threatened to this and his other Kingdoms, hath resolved, by the means of a powerful army, to reduce them to the just and modest conditions of obedience.

"It is a course his Majesty takes no delight in, but is forced unto it; for such is his Majesty's grace and goodness to all his subjects, and such it is and will be to them (how undutiful and rebellious soever they now are) that if they put themselves into a way of humility becoming them, his Majesty's piety and clemency will soon appear to all the world: But his Majesty will not endure to have his honour weighed at the common beam: nor admit any to sleep between him and his virtue: and therefore as he will upon no terms, admit the mediation of any person whatsoever; so he shall judge it as high presumption in any person to offer it, and as

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"The charge of such an army hath been thoroughly advised, and must needs amount to a very great sum, such as cannot be imagined to be found in his Majesty's coffers, which, how empty soever, have neither yet been exhausted by unnecessary triumphs, or sumptuous buildings, or other magnificence whatsoever, but most of his own revenue, and whatsoever hath come from his Subjects, hath been by him employed, for the common good and preservation of the Kingdom. And like vapours arising out of the earth and gathered into a cloud, are fallen in sweet and refreshing showers upon the same ground. Wherefore his Majesty hath now at this time called this Parliament, the second means under God's blessing to avert these public calamities threatened to all his Kingdoms, by the mutinous behaviour of them.

"And as his Majesty's predecessors have accustomed to do with your forefathers, so his Majesty now offers you the honour of working together with himself, for the good of him and his, and for the common preservation of your selves and your posterity.

"Counsels and deliberations that tend to benefit or profit, may endure disputes and debates, because they seem only accompanied with persuasions; but deliberations that tend to preservation are waited upon by necessity, and cannot endure either debate or delay; of such nature are the bleeding evils, that are now to be provided against.

"This summer must not be lost, nor any minute of time foretold, to reduce them of Scotland, lest by protraction here they gain time and advantage, to frame their parties with foreign States.

"His Majesty doth therefore desire, upon these pressing and urgent occasions, that you will for a while lay aside all other debates, and that you would pass an Act for such and so many Subsidies, as you in your hearty affection to him, and to your common good, shall think fit and convenient for so great an action, and withal that you would hasten the payment of it, as soon as may be: And his Majesty assures you all, that he would not have proposed any thing out of the ordinary way, but that such is the straitsness of time, that unless the Subsidies be forthwith pass'd, it is not possible for him to put in order such things, as must be prepared before so great an army can be brought into the field.

"And indeed had not his Majesty upon the credit of his Servants, and security out of his own Estate, taken up and issued between three and four hundred thousand pounds, it had not been possible for his Majesty, to have provided those things to begin with, which were necessary for so great an enterprise, and without which we could not have secured *Berwick* and *Carlisle*, or avoided those affronts, which the infidelity of that faction might have put upon us, by injuring the persons and fortunes of his loyal Subjects, in the northern parts.

"To avoid all question and dispute that may arise, touching his Majesty's taking of Tunnage and Poundage, his Majesty hath commanded me to declare unto you, that he hath taken it only *de facto*, according to the example of former Kings, from the death of their past predecessors, until the Parliament had pass'd an Act for it themselves. That in like manner, his Majesty desires not to claim it, but by grant of Parliament; for this purpose his Majesty hath caused a bill to be prepared in the same form as it pass'd to his Royal Father of blessed memory, adding only words to give it him, from the gift of his Majesty's reign.

"This and the bill of Subsidies his Majesty expects (for the pressing reasons before delivered unto you) may be dispatched with all speed, which his Majesty commanded me to tell you he shall graciously accept, as the welcome pledges of your loving, happy, and dutiful affection to him, his person, and government.

"And his Majesty is graciously pleas'd to give you his royal word, that afterwards he will give you time, for considering of such petitions, as you shall conceive to be good for the Common-wealth, even now before you part, according as the season of the year, and the great affairs in hand will permit; and what is now omitted, his Majesty will give you time to perfect towards winter, when your own leisure and convenience may better attend it, he knowing well that these Subsidies can be of little use, without that more ample Supply which his Majesty expects upon the happy conclusion of this session, and therein his Majesty is graciously pleas'd (ac-

ording to the ancient way of Parliaments) to stay till 1640.

"your just grievances be heard and redressed.

"And his Majesty assures you, that he will go along with you for your advantage, through all the gracious expressions of a just, a pious, and gracious King, to the end there may be such a happy conclusion of this Parliament, that it may be a cause of many more meetings with you. I have now delivered what I have in command from his Majesty."

When the Lord-Keeper had ended his Speech, the King said,

My Lords,

YOU shall see he hath spoken nothing hyperbolically, or too King's nothing but what I shall make good one way or other, Speech.
And because he did mention a Letter by my Subjects in Scotland, who did seek to draw in foreign Power for aid, here is the original letter, which I shall command him to read unto you.

And because it may touch a Neighbour of mine, whom I will say nothing of, but that which is just (God forbid I should,) for my parts, I think it was never accepted of by him: Indeed it was a Letter to the French King, but I know not that ever he had it, for by chance I intercepted it as it was going unto him; and therefore I hope you will understand me right in that.

His Majesty delivering the Letter to the Lord Keeper, his Lordship began to read it, and observed as follows.

"The superscription of the Letter is this, *AU ROY*. The Lord- Keeper's Note.
For the nature of which superscription, it is well known to all that know the style of France, that it is never written by any French-man to any, but to their own King; and therefore being directed *(AU ROY)* it is to their own King, for so in effect they do by that superscription acknowledge.

Then his Lordship having read the letter both in French and English, the King added as follows.

Of these Gentlemen that have set their hands to this letter, here is one, and I believe you would think it very strange if I should not lay him fast; and therefore I have sign'd a warrant to lay him close prisoner in the Tower.

My Lords, I think (but that I will not say positively, because I will not say any thing here, but what I am sure of,) I think I have the Gentlemen, that should have carried the letter, fast enough; but I know not, I may be mistaken.

The King being withdrawn, the Commons returned to their House, and chose Sir *John Glavinie* for their Speaker.

The King imagined the Parliament would take fire at the letter written by the Scottish Lords to the King of France. And therefore immediately after the Commons had presented their Speaker, and appointed their Committees, the Lord *Cestington* reported to the Upper-House, that by his Majesty's Command, he and Secretary *Widdowbank*, with the Attorney-General, had examined the Lord *Leveson* in the Tower, and that *Leveson* owned the Letter to be his hand-writing, but alleged, it was penned before the pacification and never sent (1). However, neither the Lords nor Commons would interpose in this affair. Some days after the King sent a message to the Commons by Secretary *Widdowbank*, representing to them the affronts and indignities he had received from the Scots; but the Secretary's speech was heard with great coldness, without producing any apparent effect.

Instead of concerning themselves with the affairs of Scotland, the Commons eagerly received a Petition from the County of *Hereford*, complaining of sundry grievances, as Ship-money, Monopolies, Star-Chamber, High-Commission. Several Speeches not very favorable to the King were made on this occasion. The next day were read Petitions from divers Counties upon the same subject; after which Mr. *Pym* rose up, and reducing the Grievances of the People to three heads, namely, the privileges of Parliament, innovations in Religion, propriety of Goods and Estates, made a long Speech to shew, that in all these things the Nation's Rights had been violated.

On the 18th, it was moved to send for the Rolls of the Star-Chamber, to examine the process against Sir *Josiah Elliot* and others. Then, it was ordered that the Court-rolls, containing Mr. *Hampton's* trial for refusing to pay Ship-money, should be laid before the House. On the 19th, the Speaker being examined, answered, that he had refused to put the question by his Majesty's express command; whereupon it was immediately voted to be a breach of privilege. On the 21st, both Houses were ordered to attend the King at *Whitehall*, where the Lord-Keeper spoke to them in this manner, in the King's presence.

My Lords and Gentlemen,

YOU may well remember, upon the beginning of this Parliament, his Majesty commanded me to de-

(1) There were (say *Burns*) some ill-instruments about the King, who advised him to proceed capriciously against *Leveson*, which is believed went very far. However, the Marquis of *Hamilton*, with the King's Permission used to gain *Leveson* to the King, and finding him pliant, they came to a retrograde agreement, and *Leveson* was discharged, and permitted to go down to Scotland, having promised to do the King Service. See *Burns's* Memoirs, p. 170, 171.

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"live unto you the causes of calling of it, which was for the assistance and supply of his Majesty in so great, weighty, and important affairs, as ever King of England had to require at his Subjects hands.

"I am now to put you in mind what I then said unto you, and wishal to let you know that such and so great are his Majesty's occasions at this time, that if the Supply be not speedy, it will be of no use at all: For the army is now marching, and doth stand his Majesty in at least one hundred thousand pounds a month, and if there be not means used to go on with this as is fitting, his Majesty's design will be lost, and the charge all cast away. It is not a great and ample Supply for the perfecting of the work, that his Majesty doth now expect, but it is such a Supply, as without which, the charge will be lost, and the design frustrated, being built upon those weighty reasons which tend to the infinite good of the Kingdom, and preservation of you all.

"This done, his Majesty will give you scope and liberty to present your just Grievances unto him, and he will hear them with a gracious ear, and give them such an answer, as you and all the Kingdom shall have reason to joy therein.

"His Majesty taketh notice of one particular, and that is concerning Ship-money; wherein his Majesty hath commanded me to declare thus much unto you: First, his Majesty never had it in his Royal heart to make an annual revenue of it, nor ever had a thought to make the least benefit or profit of it: But whatsoever he did or intended in it, it was for the common good of you all; for the honour, glory and splendor of this Nation, and that every one of us are made sharers and partakers in the benefits, fruits, and success of it, which otherwise you would have felt the woes of it. He hath been so far from making the least benefit of it, that he hath expended great sums of money out of his own coffers to work with, to those necessary ends I have named unto you.

"The accoutments of such moneys so received, have been brought to the Council table, the moneys delivered to Sir William Ruffel the Treasurer of the Navy, and by them all it may appear, whether there hath been a usefulness and clearness of truth in the disbursements thereof, for the good and safety of the Kingdom.

"It is true, his Majesty had once intended this year not to have taken that course, but an Army, which his Majesty, so just a King, for the preservation of the Kingdom, hath now taken into consideration; and I must tell you, that his Majesty prizeth nothing more than his honour, and he will not live for any earthly thing, his honour in the least; they cannot make those expressions of love, duty and affection to him, which the graciousness of his nature will not exceed in.

"Of all his Kingdoms this ought to be the nearest and dearest unto him; yet for his Kingdom of Ireland, the last Parliament before this, the very second day of the Parliament they gave him six Subsidies, they relied upon his gracious words, the success was that before the end of the Parliament they had all that they desired granted, and had it with an advantage. This last Parliament there, it is well known unto you all, what a cheerful Supply they have given unto his Majesty, for their hearts went with it; and let it not be apprehended, that Subsidies there are of a small value; there is not a Subsidy that is granted, but it is worth fifty or sixty thousand pounds at the least: Consider that Kingdom, what proportion it holdeth with this of England, and you will find that it is a considerable gift, as hath been given in many years. It hath wrought this effect, that certainly his Majesty will make it apparent to all the world, what a good construction, and how graciously he doth esteem and interpret this act of theirs. I have directed hitherto my speech to you that are of the House of Commons; now I shall address myself to your Lordships.

"It is true, the proper and natural supply proceeds from the House of Commons, yet in aid at this time, his Majesty hath called you hither, and hopeth he shall not find the House of Commons backward to his desires, nor your Lordships to concur with them.

"To you of the House of Commons, I did forget one thing of an objection that might perhaps be made; that Tunnage and Poundage is given towards the maintenance of a Fleet at Sea, let me tell you that Tunnage and Poundage was never intended but for ordinary preservation of the Sea, not that that should be to defend the Dominion of the narrow Seas, when the navies of all the Princes of Christendom, are so increased as they are. It is fit for his Majesty (as things now stand) to

"have such a strength at sea, as may be a terror to others abroad.

"His Majesty was once resolved, that no Shipping-Writs should have issued out this year, but he was enforced for your good, and the good of the Kingdom, and for his honour, upon necessary and weighty reasons to send forth Writs, and those reasons were these.

"It was of necessity for his Majesty to prepare an army to reduce his disaffected Subjects of Scotland to their due obedience. This very year all the neighbouring Princes are preparing with great Fleets of ships, so as it is time for his Majesty to put himself into a strength that he may be able to preserve the Dominion of the narrow seas, without which this Kingdom will be lost, he not able to maintain his right of being the moderator of the sea, whereby there may be freedom and commerce of Trade, which adds exceedingly to the flourishing of this Kingdom. Another reason for Shipping-Writs this year is, that those of *Argier* are grown to that insolence, that they are provided of a Fleet of sixty sail of ships, and have taken divers ships, and one called the *Rebecca of London* (well known to the merchants upon the *Exchange*) taken upon the coast of Spain, worth at the least two hundred and sixty thousand pounds. And therefore the Writ having gone out upon those weighty reasons, before it was possible the Parliament could give any Supply to provide for those things, his Majesty cannot this year forbear it, but he doth expect your concurrence in the levying of it for the future. I shall speak that unto you by his Majesty's command, which may comfort any English heart: His Majesty hath no thoughts of enriching himself by the moneys coming in upon these Writs; he doth desire but to live as it becometh a King of England, able to defend you and this nation in honour and in lustre, which is famous abroad, and glorious at home, and to live but like such a King, as every true English heart desireth their King should be.

"Be masters of your own way, settle it so secure and so safe, that it may never come to the least benefit and advantage to himself, but for the common good and those necessary ends wherein you shall all share in your plenty, peace, honour, and whatsoever any Englishman can glory in. His Majesty commands me to tell you, you shall propound nothing wherein you may receive all security for the property of your goods, and nothing for securing your own liberties, wherein he will not most readily listen unto you; and be as willing to grant, as you to ask. His Majesty doth now offer unto you the reasons, occasions, and the way to make this the most blessed and most happy Parliament that ever was, and that may produce such effects, that the King may delight in his People, and the People in their King. And he layeth before you not only the counsel to do so; but he will tell you the ways, and that is, by putting an obligation of trust and confidence upon him, which shall more secure you than all that you can invent, or fears or jealousies can imagine to be provided for; it is a course that good manners, duty, and reason should require of you, to take into consideration."

This Speech was not capable of hindering the Commons from proceeding in the examination of the Grievances, and thereby they perverted the order prescribed them by the King. He was extremely troubled to see the time pass away to no purpose, and that the Commons should so little regard him, as not to rely on his promise, to hearken to their Grievances, when the affair of Supply should be ended. In short, perceiving, the Commons were not much moved by whatever he could represent to them, he so managed, that the Lords demanded a conference, where they endeavoured to show, that the affair of Supply ought to precede that of Grievances. This conference served only to retard the King's affairs. The Commons taking offence, that the Lords should meddle with what did not belong to them, voted it to be a breach of privilege (1). Several days were spent in this contest, and many conferences held, in which, contrary to the King's expectation, much time was lost. Wherefore, on the 2d of May, the King sent a message to the Commons for a positive answer concerning the Supply he expected. But as they made no haste to answer, on the 4th of May his Majesty sent Sir Henry Vane Secretary of State with the following message:

"His Majesty (the better to facilitate your resolutions) this 9th of May day has thought fit to let you know, that of his grace and favour he is pleased, upon your granting twelve Subsidies to be presently passed, and to be paid in three years, with a first T. 1. p. 331. viz, that it shall not determine the Session, his Majesty will therefore not only for the present forbear the levying any Ship-Money, but also

The King is attended at the Council-table of the Commons.

He sends the Lords to demand a Conference. 111. p. 1144.

111. p. 1144. Clarendon, T. 1. p. 306. April 29.

Rothworth. 111. p. 1157.

(1) So high a Breach [says the Lord Clarendon] that they could not proceed upon any other matter, until they first received satisfaction from the House of Commons. Clarendon, Tom. 1. p. 306.

1640. but will give way to the utter abolishing of it, by any consents that your selves shall like best.

The Commons having taken this offer into consideration, great debates ensued, many thinking the King's demand exorbitant (1). However, the Lord *Clarendon*, who was then a Member of the House, affirms, that notwithstanding the clamours of those who opposed the Court, the House was inclined by degrees to give the King some satisfaction. But as the House could not come to a resolution the first day, Sir *Henry Vane* was desired to acquaint his Majesty, that they hoped to return him an answer on the next. Mean while, the King was maliciously informed, that the Commons sought only to gain time, in order to vote on the morrow against the war with *Scotland* (2). The King, unfortunately, gave entire credit to this information, the falsehood whereof he perceived not till it was too late to repair his error. So, the next day, going to the House of Lords, and sending for the Commons, he made the following Speech, addressing himself only to the Lords :

My Lords,

THE King's Speech at the dissolving of the Parliament. Rushworth. 2. l. p. 343. A. 1640.

HERE can no occasion of my coming to this House be so unpleasant to me, as this at this time. The fear of doing that which I am to do this day, made me not long since come into this House, where I express as well my fears, as the remedy which I thought necessary for the eschewing of what is to follow.

"I must confess and acknowledge, that you my Lords of the higher House, did give me so willing an ear, and with such an affection did shew your selves, that certainly I may say, that if there had been any means to have given an happy end to this Parliament, you took it; so that it was neither your Lordships fault nor mine, that it is not so. Therefore, in the first place, I must thank you my Lords for your good endeavours.

"My Lords, I hope you remember what, the first day of the Parliament, my Lord-Keeper said to you in my name, and what likewise he said in the Banqueting-house in *Whitehall*, and what lately I said unto you in this place my self. I name all this unto you, not doubting that you do not well remember it, but to shew you that I never said any thing in way of favour to my People, but (by the grace of God) I will punctually and really perform it.

"I know that they have insisted very much on Grievances; I will not say but there may be some, though I will confidently affirm, that there are not by many degrees so many as the publick voice doth make them. Wherefore I desire you to take notice, now especially at this time, that out of Parliament I shall be as ready (if not more willing) to hear and redress any just Grievances, as in Parliament.

"There is one thing much spoken of, I mean as to matters of Religion. Concerning which, albeit I expressed my self fully the last day in this place, yet I think it fit again, on this occasion to tell you, that as I am concerned, so I shall be most careful to preserve that purity of Religion, which I thank God is so well established in the Church of *England*, and that, as well out of as in Parliament.

"My Lords, I shall not trouble you long with words, it being not my fashion; wherefore to conclude, what I offered the last day to the House of Commons, I think it is very well known to you all; as likewise how they accepted it, which I desire not to remember, but wish they had remembered, how at first they were told by my Lord-Keeper, that delay was the worst kind of denial; yet I will not lay this fault on the whole House of Commons; I will not judge so uncharitably of those, whom, for the most part, I take to be loyal and well-affected Subjects, but it hath been the malicious cunning of some few seditiously affected men, that hath been the cause of this misunderstanding.

"I shall now end as I have begun, in giving you thanks for your affections shewn to me at this time, desiring you to go on and assist me in the maintaining of that regal power that is truly mine. As for the liberty of the People, that they now so much startle at; knows, my Lords, that no King in the world shall be more careful in the propriety of their goods, liberty of their persons, and true Religion, than I shall.

"And now, my Lord-Keeper, do as I have commanded you."

The Lord-Keeper then added,

"My Lords, and you the Gentlemen of the House of Commons, The King's Majesty doth dissolve this Parliament."

Next day Officers were sent by the Council to search the Lord *Brook*'s pockets and study for Papers, he being suspected of holding intelligence with the Scots. *Henry Bellasis*, [Knight of the Shire for the County of *York*] and Sir *John Heigham*, were examined in Council, and committed to the Fleet, for refusing to answer to questions concerning things done in Parliament. *John Crew*, Esq. [afterwards Lord *Crew*] who had been Chairman of the Committee for the affairs of Religion, refusing to deliver to the Clerk of the House of Commons, such Petitions and Papers as he had received, was sent to the Tower.

The Lord *Clarendon* owns, the King had no sooner dissolved the Parliament, but he was heartily sorry for it (3). Nevertheless, he published the following Declaration to justify his conduct.

His Majesty's Declaration to all his loving Subjects, of the causes which moved him to dissolve the last Parliament.

THE King's most excellent Majesty well knoweth, that the calling, adjourning, proroguing and dissolving of Parliaments, are undoubted Prerogatives inseparably annexed to his Imperial Crown; of which he is not bound to render any account, but to God alone, no more than of his other regal actions.

"Nevertheless, his Majesty, (whose piety and goodness have made him ever to order and govern all things, that the cleanness and candour of his royal heart may appear to all his subjects, especially in those great and publick matters of State, that have relation to the weale and safety of his People, and the honour of his royal Person and Government,) hath thought fit (for avoiding and preventing all sinister constructions and misinterpretation, which the malice of some ill-affected persons to his Crown and Sovereignty, hath or may practice, to insule into the minds and ears of his good and faithful Subjects) to set down by way of Declaration, the true causes, as well of his assembling, as of his dissolving the last Parliament.

"It is not unknown to most of his Majesty's loving Subjects, what discouragements he hath formerly had, by the undutiful and seditious carriage of divers of the lower House, in preceding assemblies of Parliaments, enough to have made him averte to those ancient and accustomed ways of calling his People together; when instead of dutiful expressions towards his person and government, they vented their own malice and disaffections to the State, and by their subtle and malignant courses, endeavoured nothing more than to bring into contempt and disorder all Government and Magistracy.

"Yet his Majesty well considering, that but few were guilty of that seditious and undutiful behaviour, and hoping that time and experience had made his loving Subjects sensible of the displeasure the whole Kingdom was like to be put into, by the ill-governed actions of those men; and his Majesty being over-desirous to tread in the steps of his most noble progenitors, was pleased to issue forth his Writs under the Great Seal of *England* for a Parliament, to be holden the 13th day of *April* last. At which day his Majesty, by the Lord-Keeper of his Great Seal, was graciously pleased to let both Houses of Parliament know how delirious he was, That all his People would unite their hearts and affections in the execution of those counsels that might tend to the honour of his Majesty, the safety of his Kingdoms, and the good and preservation of all his People. And withal, how confident he was, that they would not be failing in their duties and affections to him and to the publick.

"He had lain open to them the manifest and apparent mischiefs threatened to this and all his other Kingdoms, by the mutinous and rebellious behaviour of divers of the *Scottish* Nation, who had by their examples drawn many of his Subjects there into a course of disobedience and disobedience, not fit for his Majesty in honour, safety, or wisdom to endure.

"How (to strengthen themselves in their disloyal courses) they had addrest themselves to foreign States, and treated with them to deliver themselves up to their protection and defence, as was made apparent un-

(1) *Whitehall* says, Sir *Henry Vane* escaped out without censure. That his Commission from the King was but to demand his Subsidies, and that his mistake in requiring revives Subsidies, was on purpose to raise the House to Anarchy. Which, adds he, took effect, but whether intended to or not, is hard to judge. *Whitehall's Mem.* p. 34. See *Nelson*, Tom. 2. p. 343.

(2) The Lord *Clarendon* says, Sir *Henry Vane*, and the Solicitor General, made a worse representation of the Humour and Affection of the House than it deserved, and undertook to know, that if they came together again, they would pass such a Vote against Ship-Money, as would blast that Revenue, and other Branches of the Receipt. Vol. 1. p. 110.

(3) He concluded, the same day, or the next, whether he might by his Proclamation, recall them to sit again. *Clarendon*, Tom. 4. p. 111. Though the Lord *Clarendon* has the blame upon Sir *Henry Vane*, yet *Whitehall* says, it was chiefly by *Land's*, and the secret Council's advice, that the Parliament was dissolved. *Whitehall's Memoirs*, p. 34. *Dugdale* says, the Queen was the cause of it. *Piece of the Trencher*, p. 84.

1640. " der the hands of the prime ringleaders of that rebellious faction.

" These courtes of theirs tending so much to the ruin and overthrow of this famous Monarchy, united by the defect of the Crown of England upon his Majesty and his Father of blessed memory : His Majesty (in his great wisdom, and in discharge of the trust reposed in him by God, and by the fundamental laws of both Kingdoms, for the protection and government of them) refused to suppress, and thereby to vindicate that Sovereign power intrusted to him.

" He had by the last Summer's trial found, that his grace and goodness was abused, and that, contrary to his expectation and their faithful promises, they had (since his being at *Berwick*, and the pacification there made) pursued their former rebellious designs : And therefore it was necessary now for his Majesty by power to reduce them, to the just and modest condition of their obedience and subjection, which whenever they should be brought unto, or seeing their own errors, should put themselves into a way of humility and obedience becoming them, his Majesty should need no other mediator for clemency and mercy to them, than his own piety and goodness, and the tender affection he hath ever born to that his native Kingdom.

" This being of so great weight and consequence to the whole Kingdom, and the charge of an army fit to master such a business amounting to such a sum as his Majesty hath no means to raise, having not only emptied his own Coffers, but issued between three and four thousand pounds, which he borrowed of his Servants upon security out of his own Estate, to provide such things as were necessary to begin such an action with ; his Majesty after the example of his predecessors, resorted to his people in their representative body the Parliament, whom he desired (with all the expressions of grace and goodness which could possibly come from him) that taking into serious and dutiful consideration the nature of these bleeding evils, and how dangerous it was to lose the least minute of time, left thereby those of *Scotland* should gain the opportunity to frame their parties with foreign States ; that they would for a while lay aside all other debates, and pass an Act for the speedy payment of so many Subsidies, as might enable his Majesty to put in readiness for this Summer's expedition those things which were to be prepared before so great an army could be brought into the field.

" For further supply necessary for so great undertaking, his Majesty declared, that he expected it not till there might be a happy conclusion of that session, and till their just grievances might be first graciously heard and relieved.

" Wherein as his Majesty would most willingly have given them the precedence before matter of supply, if the great necessity of his occasions could have permitted ; so he was graciously pleased for their full assurance and satisfaction therein, to give them his royal word, that without determining the session (upon granting of the Subsidies,) he would give them, before they parted, as much time as the season of the year, and the great affairs in hand would permit, for considering all such Petitions as they conceived to be good for the Commonwealth, and what they would not now finish, they should have full time to perfect towards winter : His Majesty graciously assuring them, that he would go along with them for their advantage, through all the expressions of a gracious and pious King, to the end there might be such a happy conclusion of that, as might be the cause of many more meetings with them in Parliament.

" From their first assembling until the 21st of April, the House of Commons did nothing that could give his Majesty any content or confidence in their speedy supplying of him : Whereupon he commanded both the Houses to attend him in the Banqueting-House at *Whitehall* in the afternoon of that 21st of April, where (by the Lord-Keeper) his Majesty put them in mind of the end for which they were assembled, which was for his Majesty's supplies ; That if it were not speedy it would be of no use unto him, part of the army then marching at the charge of above a hundred thousand pounds a month ; which would all be lost if his Majesty were not presently supplied, so as it was not possible to be longer forborn.

" Yet his Majesty then expressed, that the supply he for the present desired was only to enable him to go on with his designs for three or four months, and that he expected no further supply till all their just grievances were relieved.

" And because his Majesty had taken notice of some misapprehensions about the levying of Ship-money, his Majesty commanded the Lord-Keeper to let them know

1640. " that he never had any intention to make any revenue of it, nor had ever made any, but that all the money collected had been paid to the Treasurer of the Navy, and by him expended, besides great sums of money every year out of his Majesty's own purse.

" That his Majesty had once resolved this year to have levied none, but that he was forced to alter his resolution, in regard he was of necessity to send an army for reducing those of *Scotland*, during which time it was requisite the Seas should be well-guarded.

" And besides, his Majesty had knowledge of the great Fleets prepared by all neighbouring Princes this year, and of the infidelities committed by those of *Algiers*, with the store of ships they had in readiness.

" And therefore though his Majesty for this present year could not forbear it, but expected their concurrence in the levying of it, yet for the future, to give all his Subjects assurance, how just and royal his intentions were, and that all his aim was, but to live like their King, able to defend himself and them ; to be useful to his friends, and considerable to his enemies ; to maintain the Sovereignty of the Seas, and to make the Kingdom flourish in trade and commerce : He was graciously pleased to let them know, that the ordinary revenue now taken by the Crown, could not serve the turn : and therefore that it must be by Ship-money, or some other way, wherein he was willing to leave it to their considerations, what better course to find out, and to settle it how they would (so the thing were done) which so much imported the honour and safety of the Kingdom.

" And his Majesty for his part, would most readily and cheerfully grant any thing they could desire, for securing them in the propriety of their goods and estates, and in the liberty of their persons. His Majesty telling them, it was in their power to make this as happy a Parliament as ever was, and to be the cause of the King's delighting to meet with his People, and his People with him.

" That there was no such way to effect this, as by putting obligations of trust and confidence upon him, which as it was the way of good manners with a King, so it was a surer and safer course for themselves, than any their own jealousies and fears could invent ; his Majesty being a Prince that deserved their trust, and could not lose the honour of it ; and a Prince of such a gracious nature, that disdained his People should overcome him by kindness.

" He had made this good to some other Subjects of his, and if they followed his counsel, they should be sure not to repent it, being the people that were nearest and dearest unto him, and Subjects whom he did and had reason to value more than the Subjects of any his other Kingdoms.

" His Majesty having thus graciously expressed himself unto them, he expected the House of Commons would have the next day taken into consideration the matter of supply, and laid aside all other debates, till that was resolved of, according to his desire.

" But instead of giving an answer therein, such as the pressing and urgent occasions required, they fell into discourses and debates about their pretended grievances, and raised up so many and of so several natures, that in a Parliamentary way they could not but spend more time than his Majesty's great and weighty affairs could possibly afford.

" His Majesty foreseeing in his great wisdom, that they were not in the way to make this a happy Parliament, (which he so much desired and hoped) that nothing might be wanting on his part to bring them into the right way, for his honour, the safety of the Kingdom, and their own good, he resolved to desire the assistance of the Lords of the Higher House, as persons in rank and degree nearest to the royal throne ; and who having received honour from him and his royal progenitors, he doubted not would, for those and many other reasons, be moved in honour and dutiful affection to his Person and Crown, to dispose the House of Commons to express their duties to his Majesty, in expediting the matter of Supply for which they were called together, and which required so present a dispatch.

" For this purpose, his Majesty in his royal person came again to the Lords House on *Wednesday* the 24th day of April, where himself declared to the Lords the cause of his coming, which was to put them in mind of what had been by the Lord-Keeper in his name delivered to both the Houses the first day of the Parliament, and after at *Whitehall* : how contrary to his expectation, the House of Commons having held consultation of matter of Religion, property of Goods, and liberty of Parliament, and voted some things concerning those three heads, had thereby given them the pre-

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"cedence before the matter of his supply. That his necessities were such, they could not bear delay; that whatever he had by the Lord-Keeper promised he would perform, if the House of Commons would trust him.

"For Religion, that his heart and conscience went together with the Religion established in the Church of England: and he would give order to his Archbishops and Bishops, that no innovation in matter of Religion should creep in.

"For the Ship-money, that he never made, nor intended to make any profit to himself of it, but only to preserve the Dominion of the Seas; which was so necessary, that without it the Kingdom could not subsist. But for the way and means by Ship-money or otherwise he left it to them.

"For property of Goods and liberty of Parliament, he ever intended his People should enjoy them; holding no King so great, as he that was King of a rich and free People; and if they had not property of Goods and liberty of Persons, they would be neither rich nor free.

"That, if the House of Commons would not first trust him, all his affairs would be disordered, and his business lost. That though they trusted him in part at first, yet before the Parliament ended he must totally trust them; and in conclusion, they must for execution of all things wholly trust him.

"Therefore since the matter was no more, than who should be first trusted; and that the trust of him first, was but a trust in part, his Majesty desired the Lords to take into their considerations his and their own honour, the safety and welfare of this Kingdom, with the great danger it was in, and that they would by their advice dispose the House of Commons, to give his Supply the precedence before the grievances.

"His Majesty being departed, the Lords took into serious consideration what his Majesty had commended to their care, and forthwith laying aside all other debates, their Lordships delivered their votes in these words: *We are of opinion, that the matter of his Majesty's Supply should have precedency, and be resolved of, before any other matter whatsoever. And we think fit, there shall be a conference desired with the House of Commons, to dispose them thereunto.*

"Accordingly, the next day being Saturday, the 25th day of April, a conference was had in the Painted-Chamber by a committee of both Houses, where the Lord-Keeper (by the Lords command) told the House of Commons of his Majesty's being the day before in person in the Higher House, how graciously he had expressed himself in matter of Religion, property of Goods, and liberty of Parliament; and that he would therein graciously hear and relieve them, and give them what in reason could be desired, with the effect of what else had been graciously delivered unto them by his Majesty; as well touching his constant zeal and affection to the Religion established in the Church of England, as touching the Ship-money.

"By all the proceedings herein declared, it is evident to all men, how willing and desirous his Majesty hath been to make use of the antient and noble way of Parliaments used and instituted by his Royal predecessors, for the preservation and honour of this famous Monarchy: And that on his Majesty's part nothing was wanting, that could be expected from a King, whereby this Parliament might have had a happy conclusion, for the comfort and content of his Majesty's Subjects, and for the good and safety of this Kingdom.

"On the contrary it is apparent, how those of the House of Commons, (whole sinister and malicious courses enforced his Majesty to dissolve this Parliament) have violated and abused that antient and noble way of Parliament, perverting the same to their own unworthy ends, and forgetting the true use and institution of Parliaments.

"For whereas, these meetings and assemblies of his Majesty, with the Peers and Commons of this realm, were in their first original, and in the practice of all succeeding ages, ordained and held as pledges and testimonies of affection between the King and his People; the King for his part graciously hearing and redressing such grievances, as his People in humble and dutiful manner should represent unto him; and the Subjects on their part, (as testimonies of their duty) supplying his Majesty upon all extraordinary occasions, for support of his honour and sovereignty, and for preserving the Kingdom in glory and safety.

"Those ill-affected Members of the House of Com-

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"mons, instead of an humble and dutiful way of presenting their grievances to his Majesty, have taken upon them to be the guides and directors in all matters that concern his Majesty's government, both temporal and ecclesiastical: and (as if Kings were bound to give an account of their regal actions, and of their manner of government to their Subjects assembled in Parliament) they have, in a very audacious and insolent way, entered into examination and censuring of the present Government, traduced his Majesty's administration of Justice, rendered, as much as in them lay, odious to the rest of his Majesty's Subjects, not only the officers and ministers of State, but even his Majesty's very Government, which hath been so just and gracious, that never did this, or any other nation, enjoy more blessings and happiness, than hath been by all his Majesty's Subjects enjoyed ever since his Majesty's access to the Crown: Nor did this Kingdom ever so flourish in trade and commerce, as at this present, or partake of more peace and plenty in all kinds whatsoever.

"And whereas, the ordinary revenues of the Crown not sufficing to defray extraordinary charges, it hath ever been the usage in all Parliaments, to aid and assist the Kings of this realm with free and fitting supply, towards the maintenance of their wars, and for making good their royal undertakings; whereby the Kingdom, intrusted to their protection, might be held up in splendour and greatness.

"These ill-affected persons of the House of Commons, have been so far from treading in the steps of their ancestors, by their dutiful expressions in this kind, that contrarily they have introduced a way of bargaining and contracting with the King; as if nothing ought to be given him by them, but what he should buy or purchase of them, either by quitting somewhat of his royal prerogative, or by diminishing and lessening his revenues; which courses of theirs, how repugnant they are to the duty of Subjects, how unfit for his Majesty in honour to permit and suffer, and what hazard and dishonour they subject this Kingdom to, all men may easily judge, that will but equally and impartially weigh them.

"His Majesty hath been by this means reduced to such straits and extremities, that were not his care of the public good and safety the greater, these men (as much as in them lies) would quickly bring ruin and confusion to the State, and render contemptible this glorious Monarchy.

"But this frowardness and undutiful behaviour of theirs, cannot lessen his Majesty's care of preserving the Kingdoms entrusted to his protection and government, nor his gracious and tender affection to his People, for whose good and comfort his Majesty, by God's gracious assistance, will so provide, that all his loving Subjects may still enjoy the happiness of living under the blessed shade and protection of his royal Protector.

"In the mean time, to the end all his Majesty's loving Subjects may know how graciously his Majesty is inclined to hear and redress all the just grievances of his People, as well out of Parliament as in Parliament, his Majesty doth hereby further declare his royal will and pleasure, that all his loving Subjects, who have any just cause to present, or complain of any grievances or oppressions, may freely address themselves by their humble Petitions to his sacred Majesty, who will graciously hear their complaints, and give such fitting redress therein, that all his People shall have just cause to acknowledge his grace and goodness towards them; and to be fully satisfied, that no persons or assemblies can more prevail with his Majesty, than the piety and justice of his own royal nature, and the tender affection he doth and shall ever bear to all his People and loving Subjects."

After the reading of this Declaration, the inserting it here at length will perhaps be thought needless, since it contains nothing but what was related before. However, it is of use to show, that the King and his adversaries agreed as to facts, and disputed only upon the consequences and right.

Though the Parliament was dissolved, the King however continued the Convocation, under the title of Synod. Since the time of the Reformation, it had been always customary to assemble the Clergy, at the same time with the Parliament, and this Assembly of the Clergy, was called the Convocation, and always begun and ended with the Parliament. The King not thinking himself bound to a strict observance of this custom, dissolved the Parliament, and continued the Convocation, contrary to the opinion of several (1), who believed that he thereby exceeded his power. But the Judges of the Realm determined, that

The King continues the Convocation. Clarendon, T. 2. p. 110. R. Southwell, III. p. 1172. Nelson, T. 1. p. 384.

(1) Dr. Browne, Dr. Hales, and other Members of this Convocation, (in all thirty six,) protested against the continuance of its Session. Fuller, B. XI. p. 109.

1640. notwithstanding the dissolution of the Parliament; the Convocation subsisted, unless dissolved by the King's Writ (1). The Convocation therefore continued a month longer, and in that time did two things which gave occasion to great complaints in the ensuing Parliament. First, they made certain Canons, whereby all Clergymen and Graduates in the Universities, were enjoined to take the following Oath (2).

Nelson,
T. i. p. 374,
344, &c.

Oath ap-
proved by the
Convocation.
Id. p. 374.
Rushworth,
III. p. 1186.
Avalley,
p. 845.

I. A. B. do swear, That I approve the doctrine and discipline, or Government established in the Church of England, as containing all things necessary to salvation: And that I will not endeavour, by my self or any other, directly or indirectly, to bring in any popish doctrine, contrary to that which is so established: Nor will I ever give my consent to alter the government of this Church, by Archbishops, Bishops, Deans, and Archdeacons, &c. as it now stands established, and as by right it ought to stand; nor yet ever to subject it to the usurpations and superfluities of the See of Rome. And all these things I do plainly and sincerely acknowledge and swear, according to the plain and common sense and understanding of the same words, without any equivocation, or mental evasion, or secret reservation whatsoever. And this I do heartily, willingly, and truly upon the faith of a Christian. So help me God in Jesus Christ.

Objections
against the
Oath.
Nelson,
T. i. p. 396,
398.
Rushworth,
III. p. 1205,
&c.
Annals.

This Oath was thought very strange, for several reasons. 1. It was not liked that the Clergy should take upon them to enjoin Oaths, which, according to the general opinion, belonged to the Parliament only. 2. The *et cetera* after the word Archdeacons, offended many, because those that swore could not tell what they were to understand by this abbreviation. 3. The prescribing such an oath was affirmed to be a confinement, and tying down of the civil Legislature, since thereby the Government was deprived of the liberty of making any alteration in the discipline of the Church, which nevertheless might be altered without any danger to salvation. 4. 'Twas objected, that the person was to declare, he took the Oath *most willingly*, though he was constrained thereto under very severe penalties.

The Clergy
King the
Subsidy.
Nelson,
T. i. p. 362,
366.
Whitelock.

The second thing the Convocation did before they broke up, was the granting the King, for the Scotch war, a Subsidy of four Shillings in the pound for six years (3). This proceeding, which tended to diminish the Parliament's power, was no less disliked than the former. It is true, that to justify it, a precedent was alleged; for it must be observed, that in this Reign, examples or precedents in favour of the Crown, were looked upon as so many Laws.

Hoylin,
Olivier,
p. 197.

The Clergy, it seems, in the year 1585, after having granted *Elizabeth* a Subsidy approved by the Parliament, made of themselves an addition of two Shillings in the pound, which the Queen accepted without consulting the Parliament. But, besides that this was a single precedent, there was a great difference between the time of *Elizabeth*, and that of *Charles I.* In *Elizabeth's* days, every one was pleased with the Government. It was believed the Queen was not capable of making an ill use of these unusual favours, but employed the money given her solely for the good of the Kingdom. It was not the same in the time of *Charles I.* The King was not trusted at all; it was known by experience, that he would draw from the least precedent, consequences destructive of the liberties of Parliaments, and in fine, the number of the male-contents was infinite: Nay, the King seemed to do all that lay in his power to increase it, or at least, not to regard it. And what still more inflamed the People's discontent, was the seeing the popish Recusants not only tolerated, but moreover protected, countenanced, and considered as the best Subjects. They resorted publicly to masques to *Somerset-house*, and returned from thence in great multitudes, as if their Churches had been allowed by authority. A publick Agent from *Rome* resided at *London*, Count *Rozzini* by name, who openly went to Court in great pomp, and whose House was the general rendezvous of the Catholics. The Queen had prevailed with the King to receive this Agent as a for-

The People
are con-
tented.

The Papists
are con-
tented.
Clarendon,
T. i. p. 116,
117.

of Nuncio; and by that, as well as by the avowed protection she afforded those of her Religion, she drew upon herself the people's hatred, that they were even wanting in that outward respect they ought to have paid her.

All these discontents were fomented by the *Scots*, who seeing themselves upon the point of being attacked, were extremely diligent by means of their embassies, to incite the People against the King. In justifying their own conduct, they forgot not to insinuate to the *English*, that the tyranny which was intended to be established in *Scotland*, was in order to introduce the like into *England*. And that if the King laboured to support the Hierarchy erected in the Kirk of *Scotland* by his Father and himself, it was not so much for the sake of episcopal Government, as in order to establish in that Kingdom an arbitrary power, which would be one day fatal to the *English*. Nay, that there was great danger, that after the accomplishment of his designs, he would restore Popery in his Kingdoms, since he could refuse nothing to the Queen, to *Laurel*, and the other enemies of the Protestant Religion. The King himself, by his conduct, rendered those insinuations so plausible, that besides the *Presbyterians*, who were very numerous, there were many Church of *England* men, who could not forbear dreading, that the King's zeal for the Church was only to engage them to be subservient to his more hidden designs. Be this as it will, the Kingdom was full of factions, fears, jealousies, divisions, so that if the King had been well-informed, he might easily have seen there were but very few that served him willingly and cheerfully, in the war he was going to wage with *Scotland*. This he had cause to know presently after.

The King being engaged in a war with *Scotland*, without having received any supply from the Parliament, was in great straits. He even foresaw, that it would not be possible for him to maintain his army, unless he had recourse to extraordinary methods to raise money. Accordingly, he made use of the following expedients, to supply in part what he had exacted from the Parliament. 1. He ordered that the Counties should advance Coat and Conduct money for their respective troops (4). 2. He bought upon credit of the *East-India* merchants all their Pepper, and sold it again for ready money. 3. He took forty thousand pounds worth of the Bullion, which the merchants had brought into the mint to be coined, which sum was afterwards punctually repaid (5). 4. He would have borrowed two hundred thousand pounds of the City of *London*, but had the mortification to meet with a denial. He was so displeased at it, that he resolved to be revenged in this manner. The City, having some time before settled a Colony at *Londonderry* in *Ireland*, had obtained a Patent from the King for certain Lands in that Country. The *Londoners* had no sooner refused to lend the King money, but the Lord-Mayor and the Sheriffs were cited before the Star-Chamber, to answer to the charge of having abused the Patent, by usurping more Lands than the King had granted to the City. Upon this charge, whether well or ill-grounded, the *Londoners* were condemned to forfeit their rights, and grievously fined, but upon payment of the fine, their Patent was restored (6). They had but too many opportunities afterwards to be revenged of the King in their turn. On the other hand, the Writ to levy Ship-Money having been sent to the City of *London*, as well as to all the other towns in the Kingdom, it appeared that the Lord-Mayor and City Council had neglected to levy this tax, or at least, they had not distrained any one person for non-payment, according to the tenor of the Writ. For this reason, the Council sent the following order to the Attorney-General.

The Scots
were the
English
against the
King.
Nelson,
T. i. p. 378.

The King
was journey-
ing to raise
money.
Nelson,
T. i. p. 377,
389.

Id. p. 391.
Rushworth,
III. p. 1216.

Rushworth,
III. p. 1216.

Annals,
p. 349.

Nelson,
T. i. p. 374,
376.
Rushworth,
III. p. 1185,
1186, 1203.

An Order
from the
Council
against the
City of
London.
Rushworth,
III. p. 1209.

At Whitehall, July 6. 1640. Present, &c.

WHEREAS the Lord-Mayor of *London* and the two Sheriffs did this day appear before his Majesty and the Board, to give an account of their proceedings upon the Writ for the Ship-business this present year: Forasmuch as it did appear, that besides all former neglects in the execution of that Writ, his Majesty having

(1) This was the opinion of the Lord Keeper Finch, the Earl of *Straburgh*, Sir *John Bramhall*, Sir *Robert Littleton*, Sir *Robert Bacon*, Sir *Ralph Whitelock*, and Sir *John Bank*. However, the King granted a new Commission to continue the sitting of the Convocation, which lasted till May 29. *Nelson*, Tom. I. p. 364, &c. *Rushworth*, Tom. III. p. 1172. *Whitelock*.

(2) The Canons, severally in all, with the Oath, were voted, *namine contradietione*, except *Gedfrey Goddard* Bishop of *Gloucester*, who did not rellist the Oath. Wherein he was followed; but afterwards he submitted, took the Oath, and in a Letter to Archbishop *Land* live, he was accompanied to dissent by *Bishop Montagu*, though at that instant he could have proved that *Montagu* did vote, and hold correspondence, with the Pope's Agents, &c. *Rushworth*, Tom. III. p. 1187. *Nelson*, Tom. I. p. 372.

(3) The Convocation voted six Subsidies, payable in six years. Their Subsidies were rated according to the valuation of the Living in the King's Books. *Nelson*, Tom. I. p. 365. A Subsidy of four Shillings in the pound, amounted to above twenty thousand pounds. So the whole fit came to 120,000*l*.

(4) The *Troop* were pressed out of the Militia of each County. Their allowance was eight pence a day, and their whole number amounted to 16,000. There were Forces raised in the same manner to go by Sea. What number of these were furnished by each County, see in *Nelson*, Tom. I. p. 381, 382, *Clarendon* 1200. *Effox* and *Kent* 700 a piece, &c. In all 10,000. The first were to be at the Rendezvous the 10th of May, and the latter the 15th, or 16th.

(5) The Bullion of the Mint was ordered to be coined; but the Merchants representing to his Majesty and Council the great prejudice it would be to his Majesty's Honour, Reputation and Interest, both at home and abroad, the design was laid aside, and 40,000*l* taken up of the Merchants concerned in the Mint, upon credit of the Customs. There was likewise a design to debase the Coin, but it was laid aside by the remarks of *St Thomas Row*, in a Speech at the Council-Table. *Nelson*, Tom. I. p. 391. These several methods, and particularly a voluntary Loan of some Lords of the Council, and other Gentlemen, brought the King in 300,000*l*. *Clarendon*, Tom. I. p. 111.

(6) They refused, by way of compensation, to build for the King, a Barley Palace in *St. James's Park*, and to pull down *Whitehall*, and make a stately way by the *Thames* side, from *St. James's Church* to *Hyde-park* Hall. *Whitelock*, p. 35.

1640.

"sure for subscribing the Covenant, and be no more preferred with outis and subscriptions unwarrantable by your Laws, and contrary to their national oath and covenant approved by his Majesty.

"4. That the common incendiaries which have been the authors of this combustion may receive their just censure.

"5. That all our ships and goods, with all the damage thereof, may be restituted.

"6. That the wrongs, losses, and charges which all this time we have sustained, may be repaired.

"7. That the Declarations made against us as traitors, may be recalled in the end, by the advice and counsel of the States of England convened in Parliament. His Majesty may be pleased to remove the garrisons from the Borders, and any impediments which may stop free trade."

*They gain
the Good-
will of the
Londoners.
See, de
Nelson,
T. I. p. 435.
Rushworth,
III. p. 1239.*

It appears by this last article, how careful the *Scots* were to lose no opportunity to gain the people of England to their interest. Of this they also gave the following instance. As the *Londoners* had all their coals from *Newcastle*, and could by no means be without that trade, the *Scots* were no sooner masters of *Newcastle*, but they writ to the Lord-Mayor and Aldermen of *London*, That knowing how necessary the free traffick of Coals was for their City, and other places of England, they had, as a testimony of greatest respect and goodwill to the City of London, sent two Noblemen to declare to the masters of ships, who, possessed with needless fears, were boasting out of the River, that their purpose was not to stop, but to use their best means to continue that trade.

Nelson,

T. I. p. 436.

This Letter answered the expectations of the *Scots*. Presently after it was publicly talked at *London* of presenting a Petition to the King, to pray him to summon a Parliament. The Privy-Council, left by the King at *London*, having some notice of this design, endeavoured to prevent it by a letter directed to the Lord-Mayor and Aldermen: but they could not succeed. So a Petition was resolved, and sent to his Majesty at *York* by some of the Aldermen and Common-Council, which was as follows:

Most gracious Sovereign,

"BEING moved with the duty and obedience which by the Laws your Petitioners owe unto your sacred Majesty, they humbly present unto your princely and pious wisdom, the several pressing grievances following: viz.

"1. The pressing and unusual impositions upon merchandise, importing and exporting, and the urging and levying of Ship-money, notwithstanding both which, Merchants ships and goods have been taken and destroyed both by *Turkish* and other Pyrates.

"2. The multitude of monopolies, Patents and warrants, whereby trade in the City and other parts of the Kingdom is much decayed.

"3. The sundry innovations in matter of Religion.

"4. The Oath and Canons lately enjoined by the late Convocation, whereby your petitioners are in danger to be deprived of their Ministries.

"5. The great concourse of Papists, and their inhabitations in *London*, and the suburbs, whereby they have more means and opportunity of plotting and executing their designs against the Religion established.

"6. The seldom calling, and sudden dissolutions, of Parliaments, without the redress of your Subjects grievances.

"7. The imprisonment of divers Citizens for non-payment of Ship-money and impositions, and the prosecution of many others in the Star-Chamber, for not conforming themselves to Committees in Patents of monopolies, whereby trade is restrained.

"8. The great danger your sacred person is exposed unto in the present war, and the various fears that seized upon your petitioners, and their families by reason thereof, which grievances and fears have occasioned so great a stop and distraction in trade, that your petitioners can neither buy, sell, receive, or pay as formerly, and tends to the utter ruin of the inhabitants of the City, the decay of navigation and cloathing, and the manufactures of this Kingdom.

"Your humble petitioners conceiving that the said grievances are contrary to the Laws of this Kingdom, and finding by experience that they are not redrest by the ordinary course of Justice, do therefore most humbly beseech your most sacred Majesty, to cause a Parliament to be summoned with all convenient speed, whereby they may be relieved in the premises."

And your Petitioners, &c.

Within a few days, this Petition was followed by another from twelve Lords, in behalf of themselves and divers others.

Most gracious Sovereign,

"THE sense of that duty and service which we owe unto your sacred Majesty, and our earnest affection to the good and welfare of this your realm of England, have moved us in all humility to beseech your royal Majesty, to give us leave to offer unto your most princely wisdom, the apprehension which we and other your faithful Subjects have conceived of the great dangers and dangers now threatening the Church and State of your royal person, and the fittest means by which they may be prevented."

"The evils and dangers whereof your Majesty may be pleased to take notice are these:

"1. That your sacred Majesty is exposed to hazard and danger in the present expedition against the *Scotch* army, and by the occasion of the war your revenue is much wasted, your Subjects burdened with coat and conduct-money, billeting of Soldiers, and other military charges, and divers rapines and disorders committed in several parts in this your Realm, by the Soldiers raised for that service, and your whole Kingdom become full of fear and discontent.

"2. The sundry innovations in matters of Religion; the Oath and Canons lately imposed upon the Clergy, and other your Majesty's Subjects.

"3. The great increase of Popery, and employing of Popish Recusants, and others ill affected to the Religion by law established in places of power and trust, and especially commanding of men and arms both in the field and other Counties in this Realm; whereas by the laws they are not permitted to have arms in their own houses.

"4. The great mischief which may fall upon this Kingdom, if the intentions which have been credibly reported of bringing in of Irish forces shall take effect.

"5. The urging of Ship-money, and prosecution of some Sheriffs in the Star-Chamber for not levying of it.

"6. The heavy charges of merchandize to the discouragement of trade, the multitude of monopolies or other patents, whereby the commodities and manufactures of the Kingdom are much burdened, to the great and universal grievance of your people.

"7. The great grief of your Subjects by the intermission of Parliaments, in the late former dissolving of such as have been called, with the hoped effects which otherwise they might have procured.

"For a remedy whereof, and prevention of the danger that may ensue to your royal person, and to the whole State, we do in all humility and faithfulness beseech your most excellent Majesty, that you would be pleased to summon a Parliament within some short and convenient time, whereby the cause of these, and other great grievances which your poor petitioners now lie under, may be taken away, and the authors and Counsellors of them may be there brought to such legal trial and condign punishment, as the nature of the offence does require; and that the present war may be composed by your Majesty's wisdom without blood-shed, in such manner as may conduce to the honour and safety of your Majesty's person, and content of your people, and continuance of both of your Kingdoms against the common enemy of the Reformed Religion (1).

| | |
|-------------------|---------------|
| Francis Bedford. | Soy and Seal. |
| Ra. Essex. | Ed. Howard. |
| William Harsford. | Bullingbrook. |
| Warwick. | Mandeville. |
| Earl of Bristol. | Brook. |
| Malgrave. | Pageitt. |

Presently after the King having called the *Yorkshire* gentry together, proposed to them the payment of the Trained Bands for two months. This proposition being accepted, the gentlemen prepared an address to inform the King of their consent: but whilst they brought his Majesty to endeavour to compose the differences with the *Scots*, and to summon a Parliament. The Earl of *Stratford* being desired to present the address to the King, refused it, unless the clause about calling a Parliament was left out, alleging, he knew the King fully designed it. But the Gentlemen were unwilling to leave out these words, and delivered their address themselves.

The King perceiving by the Petitions which were presented to him, that it was the Nation's fervent desire, a Parliament should be called, did not doubt it would be the first advice, the Peers, when assembled, would give him. He resolved therefore to prevent this advice, by summoning a

(1) The King's answer to this Petition was: "That before the Receipt thereof, he well foresaw the danger that threatened himself and Crown, and therefore resolved to summon all the Peers to his presence the 24th of September, and with them to consult, what in this case is best to be done for his Majesty's most, and the safety of the Kingdom, where the Petitioners with the rest, might offer any thing conducing to their ends." *1640. track, 26. 1. 1. p. 36.*

1640. Parliament to meet on the 3d of November, for fear, if he delayed it any longer, he might be thought to be forced to it. The great Council of the Peers being assembled at York the 24th of September, the King spoke to them as follows:

The King's Speech to the Great Council of Peers assembled at York, Nilson, T. I. p. 442. Rushworth, III. p. 127.5. Annals.

My Lords,

UPON sudden invasions where the dangers are near and instant, it hath been the custom of my predecessors to assemble the great Council of the Peers, and by their advice and assistance, to give a timely remedy to such evils, which could not admit a delay so long as mult of necessity be allowed for the assembling of the Parliament.

"This being our condition at this time, and an army of Rebels lodged within this Kingdom, I thought it most fit to conform myself to the practice of my predecessors in like cases; that with your advice and assistance we might justly proceed to the chastisement of these insolencies, and securing of my good Subjects.

"In the first place, I must let you know, that I desire nothing more than to be rightly understood of my People. And to that end, I have of myself resolved to call a Parliament; having already given order to my Lord-Keeper to issue the Writs instantly, so that the Parliament may be assembled by the 3d of November next: Whether if my Subjects bring those good affections which become them towards me, it shall not fail on my part to make it a happy meeting. In the mean time there are two points wherein I shall desire your advice, which indeed were the chief cause of your meeting.

"First, What answer to give to the Petition of the Rebels, and in what manner to treat with them. Of which, that you may give a true judgment, I have ordered that your Lordships shall be clearly and truly informed of the state of the whole business, and upon what reasons the advices that my Privy-Council unanimously gave me, were grounded.

"The second is, How my army shall be kept on foot and maintained, until the Supplies of a Parliament may be had. For so long as the Scotch army remains in England, I think no man will counsel me to disband mine: for that would be an unfeignable loss to all this part of the Kingdom, by subjecting them to the greedy appetite of the Rebels, besides the unfeignable dishonour that would thereby fall upon this nation."

When the King had thus spoken to the Lords, he commanded to be read the reasons which had induced his Council to advise the levying an army against the Scots, and the Petition of the Scots presented to the King since their taking of Newcastle, as also the King's answer, and their particular demands. Then, the Earl of Traquair by the King's order explained these demands to the Peers, and endeavoured to shew, how some of them subverted the fundamental Laws of the Kingdom of Scotland, others the just Prerogative and Dignity of his Majesty, and of which many were to the detriment of the King's profit, and prejudice of divers good Subjects there. The result of the deliberations of the Peers was, that certain of themselves should be sent as commissioners to treat with the Scots, and endeavour to conclude a Peace. Pursuant to this resolution, sixteen Peers were chosen for commissioners (1), to whom were added by the King as assistants, the Earls of Traquair, Morton, and Lanercost Secretary of Scotland, [Sir Henry Vane] Sir Lewis Steward, and Sir John Burrough. It was farther agreed, that the Treaty should begin at Rippon (2) the 1st of October, and that the Earl of Lanercost should signify this resolution to the Scots.

This article being dispatched, the King desired the Lords to consider of means to maintain the army during the Treaty. It is strange, the King should undertake this war, without having any Supply from the Parliament, and should be so ill-provided for the payment of his army, that within a month after the opening of the campaign, he was unable to maintain it. For my part, I cannot devise any other reason of this conduct, except that, for the support of this war, he had depended upon such means as were no longer in his power to employ. However this be, the Earl of Strafford having informed the Peers of the number of troops the King had on foot, namely, about four and twenty thousand men, declared that the payment of this army amounted to threecore thousand pounds a month, and that to keep the army together for three months, no less would serve than the sum of two hundred thousand

pounds. He added, if the army should disband, all Yorkshire would be lost in two days, and the whole Kingdom endangered. Whereupon it was resolved, that a Letter, first subscribed by the Peers present, should be sent to the City of London for lending the two hundred thousand pounds, upon such security as should be agreed on, each of the Peers offering to become bound.

The Scots having appointed their Commissioners to treat with the English, the negotiation began at Rippon the 1st of October (3). But before the principal point of the Treaty was considered, certain preliminary Articles were to be settled, which the Scots proposed as absolutely necessary to a happy conclusion. They represented therefore, that their army had stopped at Newcastle by his Majesty's express order: That they furnished by means of the contributions raised upon Cumberland, Newcastle and Durham, and as the negotiation might last some time, it was necessary, before all things, to provide for the subsistence of their troops during the Treaty. This was the principal Article on which they insisted, as a preliminary to the Treaty. There were also other articles, which I do not think absolutely necessary to be mentioned, since it will appear presently what was the principal thing, by the preliminaries that were agreed on. I shall only add, that the Scots would never fulfil the Earl of Traquair to assist at the Treaty, because he was one of those they called Incendiaries, against whom they demanded severe justice. After many debates, the Commissioners of the two nations agreed at last, the 16th of October, on the following preliminaries.

"1. That the Scotch army shall have for a competent maintenance, the sum of 850 l. per diem; and that the payment thereof shall continue for two months, in case the Treaty shall so long last; which payment to be made weekly upon the Friday of every week.

"2. The days of the returning of the army to be numbered within the days of the allowed maintenance.

"3. That the Scotch army shall content themselves with the aforesaid maintenance, and shall neither molest Papists, Prelates, nor their adherents, nor any other persons of whatsoever quality.

"4. That the inhabitants of the said Counties shall also have liberty to return peaceably to their own dwellings, and shall be refused no courtesy, it being always presupposed, that the fit lodging of their army shall be allowed.

"5. That the army be furnished with coals in a regular way, and not at the pleasure of the Soldiers.

"6. That there be a provision of Forage, at the prices to be set down in a Table, which must also contain the particular prices of all sorts of victuals, and other necessities for the army, to be indifferently agreed upon by persons nominated on both sides.

"7. That free trade and commerce between both nations be restored, and not to be interrupted, but upon the warning of three months. But no victuals, arms, nor ammunition, to be imported into Newcastle, &c.

"8. That victuals and other necessities for the army be free of custom; and that his Majesty's custom of coals and other ware be left free to be levied by his own officers.

"9. That there be a freedom to furnish necessities for both armies, and liberty be granted for milling, brewing, &c.

"10. That the arrears of the contributions due to the Scotch army, be completely paid to October 16.

"11. That there be a cessation of arms, according to the particulars to be agreed upon.

"12. As for securing the sum of 850 l. per diem above specified, there is a committee appointed, who have power to treat with Northumberland, the Bishopric of Durham, Newcastle, and (if need require) with Cumberland and Westmoreland, about the payment of it.

"13. The Lords will, before their going from York, settle a committee, who shall have charge to see the contribution orderly raised and paid; and that there shall likewise be a committee nominated, to whom either the Scotch commissioners, or the committees of the country, may weekly give an account of the carriage of the business."

The Scots had the address to prolong the signing of these preliminaries till the 16th of October, after which, it still remained to agree on the conditions of the Truce. It was therefore almost impossible to enter into a discussion of the articles, which were to be the chief subject of the Treaty, before the 3d of November, the day appointed for the meet-

It is related to have been said by the Scots, Rushworth, III. p. 127.6. Annals.

Commissioners appointed, Nilson, T. I. p. 445.

Another Relation is given 100,000 l. of the Scots, Rushworth, III. p. 127.6. 1279, 1302.

(1) The Earls of Hertford, Bedford, Pembroke, Salisbury, Essex, Holland, Warwick, Bristol, and Berkshire; the Lord Viscount Mordaunt; the Lords Paget, Wharton, Denbigh, Brook, Savoy, Paoli, and Howard of Effingham, were chosen by the King. Walsingham, Tom. I. p. 122. Rushworth, Tom. III. p. 127.6.

(2) York was named first, but the Scots refused to treat there, as we feared for their Commissioners, so long as the Earl of Strafford commanded there in chief, who had just claimed their Treason in Ireland, before the King had done it in England. This was the first public appearance of the Scots Embassy against Strafford, and it is strange it should not be more regarded. H. 1640, p. 30.

(3) The Scotch Commissioners were, the Earl of Dunfermline, Lord Lindsay, Sir Patrick Hepburn, Sir William Douglas, Mr. Smith, Mr. Widdrington, Mr. Henderson, Mr. Johnstone, Rushworth, Tom. III. p. 128.

1640. ing of the Parliament. The Lords, as well those at *Rippon* as those at *York*, being indispensibly obliged to repair to *London*, it would have been needless to begin the negotiation at *Rippon*, where the time would scarce have allowed it to be opened. Wherefore the *English* Commissioners, whether of themselves, or by the suggestion of the *Scots*, proposed to the King the removal of the Treaty from *Rippon* to *London*; and the King was forced to consent to it, though he plainly perceived the *Scots* expected to find many friends at *London*, and even in the Parliament, as indeed was the case. One may venture to say, that on occasion of this Treaty, the King committed three capital errors. First, in summoning the Parliament to meet at *Westminster*, since he could not be ignorant how much the City of *London* was disaffected with the Government, and consequently, ready to countenance such resolutions as the Parliament might take against it. Whereas, had he summoned the Parliament to meet at *York*, or in any other place at a distance from *London*, he would thereby have broken in part the measures of the *Scots* and *English* male-content. He had but too much cause afterwards to be sensible of this error. The second was, the removal of the Treaty to *London*, where the *Scots* had their principal correspondents. The third, in taking so short a time for the meeting of the Parliament, so that he had only the month of *October* to conclude a Peace with the *Scots*, a space hardly sufficient to agree with them on the preliminaries and terms of the

cession, before the King and Peers would be obliged to leave *York* and go to *London*. If he had not been in such haste to fix the meeting of the Parliament to the 3d of *November*, he might have either concluded the Treaty with the *Scots*, by granting what he could not have helped, or at least, left them without excuse, if they had obstinately persisted in any unreasonable demands. Whereas, not being able to finish the negotiation at *Rippon*, he was forced to remove the conferences to *London*, a City well-affected to the *Scots*, and where they could better than any where else, take just measures, whether with the chief inhabitants, or with their friends in the Parliament. The King was sufficiently convinced of these errors, when it was too late to retrieve them.

Not to omit any thing, which to me seems material in this History, I thought proper to add here the Earl of *Bristol's* Process at the beginning of King *Charles's* reign. For, it is not foreign to the purpose. On the contrary, this Process, with the Earl's Answer, may be of great service to clear the latter part of the reign of *James I.*, as to the negotiation of the marriage of Prince *Charles* with the *Spanish* Infanta, and the restitution of the *Palatinate*. It may also give an idea of the character of *Charles I.*, and the Duke of *Buckingham*. But it could not be inserted in any other place, without a too great interruption of the thread of the History.

Proceedings against the Earl of BRISTOL.

THE Earl of *Bristol*, who had been Ambassador in *Spain*, to negotiate Prince *Charles's* marriage with the *Spanish* Infanta, was confined at his return to *England*, without being ever suffered to come into the King's presence. As long as King *James* lived, the Duke of *Buckingham*, who was the cause of the Earl's disgrace, pretended however to be willing to adjust his affair, if he would but answer to some questions or objections, before Commissioners appointed by the King. The Earl answered those questions, but his reconciliation was not advanced by it. On the contrary, he found himself much farther from it by the death of King *James*, and the accession of *Charles I.* to the Crown. The Earl of *Bristol* finding himself on very ill terms, wished to come off if possible, without injuring his honour. To this end, he applied to the Lord *Conway* Secretary of State, to desire him to intercede for him with his Majesty. There passed some Letters between these two Lords upon that subject, and at last, during the second Parliament of King *Charles* in 1626, the Earl received from the Lord *Conway*, the following Letter.

My Lord,

I Received a Letter from your Lordship, dated the fourth of this month, written in answer to a former Letter, which I directed to your Lordship by his Majesty's commandment. This last Letter, according to my duty, I have shewed unto his Majesty, who hath perused it, and hath commanded me to write back to you again, that he finds himself nothing satisfied therewith. The question propounded to your Lordship from his Majesty, was plain and clear, Whether you did rather chuse to sit still, without being questioned for any errors past in your negotiation in *Spain*, and enjoy the benefit of the late gracious pardon granted in Parliament, whereof you may have the benefit: Or whether, for the clearing of your innocence, (whereof your self, and your friends and followers are so confident) you will be content to wave the advantage of that pardon, and put your self into a legal way of examination for the trial thereof? His Majesty's purpose thereby, is not to prevent you of any favours the Law hath given you; but if your assurance be such as your words and letters import, he conceives it stands not with that publick and resolute profession of your integrity to decline your trial. His Majesty leaves the choice to your self, and requires from you a direct answer, without circumlocution, or bargaining with him for future favours beforehand; but if you have a desire to make use of that pardon, which cannot be denied you, nor is any way desired to be taken from you, his Majesty expects you should at the least forbear to magnify your service, and out of an opinion of your innocence, cast an aspersions upon his Majesty's justice, in not affording you that present fulness of liberty and favour, which cannot be drawn from him, but in his good time, and according to his good pleasure.

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Thus much I have in commandment to write to your Lordship, and to require your answer clearly and plainly, by this messenger sent on purpose for it, and so remain,

Your Lordship's humble Servants,

Edw. Conway.

Whitehall, 24.
March, 1626.

The Earl of *Bristol's* Answer.

My Lord,

I Have received your Letter of the 24th of *March*, the twenty eighth, and I am infinitely grieved to understand, that my former answer to yours of the 4th of *March*, hath not satisfied his Majesty, which I will endeavour to do this, to the best of my understanding; and to that end, shall answer to the particular points of your present Letter, with the greatest clearness I am able.

First, Whereas you say in your Letter, that the question propounded to me was plain and clear, viz. Whether I would chuse to sit still, without being questioned for any errors past in my negotiation with *Spain*, and enjoy the benefit of the late gracious pardon, whereof I may take the benefit? Or whether, being content to wave the advantage of that pardon, I shall put my self into a legal way of examination for the trial thereof, &c?

First, Your Lordship may be pleased to remember, your last Proposition was, Whether I desired to rest in the security I was in, which you now express, whether I will chuse to sit still?

Secondly, Your Proposition was, Whether I would acknowledge the gracious favour of his Majesty that now is, who had been pleased not to question my actions, when it is best known to your Lordship, That by a Commission of the Lords, I was questioned upon twenty articles, divers involving felony and treason. Although it be true, that when I had so answered, (as I am confident their Lordships would have cleared me) I was so unhappy, as their Lordships never met more about that business.

But now your proposition is, whether I will now chuse to sit still without being further questioned for errors past, whereas before it was required I should acknowledge that I have not been questioned at all, which is a different thing? But conferring both your letters together, and gathering the sense and meaning, by making the latter an explanation of the former, which I could have wished your Lordship would have more clearly explained, I return unto your Lordship this plain and direct answer.

That understanding by the security I am in, and sitting still, and not being further questioned, I am restored to the bare freedom and liberty of a Subject and Peer (for a man being called in question by his Majesty, if after his Majesty shall be pleased out of his goodness, that he rest quiet and secure, and that he shall not be farther questioned, I conceive that it is not apparent that his liberty naturally revolveth unto him, when by his Majesty's grace he

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is pleased to declare, he shall not be farther questioned, but may live in further security.) So that understanding your letter in this sort (for no direct answer can be made, until the sense of the question be truly stated,) I do most humbly acknowledge and accept his Majesty's grace and favour, and shall not wave any thing that shall come to me by the pardon of the 21 *Jac. Regis*, nor by the pardon of his Majesty's Coronation; and am so far from bargaining, as you are pleased to express it, for future favour (though I hope my humble and submissive courtes of petitioning his Majesty, neither hath, nor shall deserve so hard an expression) that I shall not presume so much as to press for any favour, until my dutiful and loyal behaviour may move his Majesty's royal and gracious heart thereunto, but receive with all humbleness, this my freedom and liberty; the which I shall only make use of in such sort, as I shall judge may be most agreeable to his Majesty's pleasure.

As for the second part of your letter, wherein you say, that if I desire to make use of that pardon, his Majesty expects that I should at least forbear to magnify my services; or out of an opinion of my own innocency cast an asperson upon his Majesty's justice. To this point I answer, That as I hope I shall never err in that sort of immodesty of valuing my services, which I acknowledge to have been accompanied with infinite weakness and disabilities; so I trust it shall not displease, that I make use to mine own comfort, and the honour of my posterity, of those many written testimonies which my late most blessed master hath left me, of his gracious acceptance of my services for the space of twenty years. So likewise I hope the modest avowing of mine innocency will not be thought to cast any asperson upon his Majesty's honour or justice. I must freely confess unto your Lordship, I am much afflicted to see inferences of this nature made, both in your Lordship's last letter and in this. For if it shall be inferred as a thing reflecting upon the King's honour, that a man questioned, shall not endeavour to defend his own innocency before he be convicted, it will be impossible for any man to be safe; for the honour of his Majesty is too sacred a thing for any Subject, how innocent soever to contest against. So likewise, God forbid that it should be brought into consequences, (as in your former letter) as a tax upon the Government and Justice of his late Majesty, and Majesty that now is, that I should have suffered so long time, not being guilty. For as I never have been heard so much as to repine of injustice in their Majesties in all my sufferings, so I well know, That the long continuance of my troubles may well be attributed unto other causes; as to my own errors of passion, or other accidents; for your Lordship may well remember, That my affairs were almost two years since upon the point of a happy accommodation, had it not been interrupted by the unfortunate mistaking of the Speeches I used to Mr. *Clark*.

I shall conclude by intreating your Lordship's favour, That I may understand from you, as I hope for my comfort, that this letter hath given his Majesty satisfaction; or if there should yet remain any scruple, that I may have a clear and plain signification of the King's pleasure, which I shall obey with all humility,

Your Lordship's humble Servant,

Bristol.

Not long after, the Earl of *Bristol* being informed that the House of Commons were ill-affected to the Duke of *Buckingham*, believed he ought to improve that juncture. For which purpose he petitioned the House of Lords, shewing that he being a Peer of this Realm, had not received a summons to Parliament, and desired their Lordships to mediate with his Majesty, that he might enjoy the liberty of a Subject, and the privilege of his Peerage, after almost two years restraint, without being brought to a trial. And if any charge be brought in against him, he prayed that he might be tried by Parliament.

Upon which petition, it was resolved in a Committee of the Upper-House. That their Lordships should humbly beseech his Majesty, that a Writ of summons might be sent to the Earl of *Bristol*.

Hereupon the Duke of *Buckingham* signified to the House, That upon the Earl of *Bristol's* petition to the King, his Majesty had sent him his writ of summons: And withal, showed the Lords a copy of a letter written from the King unto the said Earl, being as followeth:

We have received your Letter addressed unto us by Buckingham, and cannot but wonder that you should through forgetfulness, make request to us of favour, as if you stood evenly capable of it, when you know what your behaviour in Spain deserved of us, which you are to examine by the observations we made, and know you well remember, how at our first coming into Spain, taking upon you to be so wise as to force our intention to change our Religion, you were so far from dissuading us, that you offered your advice and secrecy to concur in it; and

in many other conferences pressing to show how convenient it was to be a Roman Catholic; it being impossible in your opinion to do any great action otherwise: And how much wrong, disadvantage, and disservice you did to the Treaty, and to the right and interest of our dear Brother and Sister, and their Children; what disadvantage, inconvenience, and hazard you intangled us in by your artifice, putting off and delaying our return home; the great estimation you made of that State, and the low price you set this Kingdom at; still maintaining that we under colour of friendship to Spain, did what was in our power against them, which they said, you very well knew: And lost of all, your approving of those conditions, that our Nephew should be brought up in the Emperor's Court, to which Sir Walter Aston then said, That he durst not give his consent for fear of his head: You replying unto him, That without some such great esteem, neither marriage nor peace could be had.

The Lord-Keeper to the Earl of *Bristol*.

My very good Lord,

BY his Majesty's commandment, I herewith send unto your Lordship your Writ of Summons for the Parliament; but wish to signify his Majesty's pleasure herein further, that howsoever he gives way to the awarding of the Writ; yet his meaning is thereby, not to discharge any former directions for restraint of your Lordship's coming hither, but that you continue under the same restriction as you did before; so as your Lordship's personal attendance is to be forborn, and therein I doubt not but your Lordship will readily give his Majesty satisfaction. And so I commend my service very heartily unto your Lordship, and remain,

Your Lordship's assured Friend and Servant,

Durlet Court,
March 31. 1626.

Tho. Coventry, C. S.

The Earl of *Bristol's* answer to the Lord-Keeper.

May it please your Lordship,

I Have received your Lordship's Letter of the 31st of *March*, and with it his Majesty's Writ of Summons for the Parliament; in the one his Majesty commandeth me, that all excuses set aside, upon my faith and allegiance, I fail not to come and attend his Majesty; and this under the Great-Seal of *England*. In the other, as in a Letter missive, his Majesty's pleasure is intimated by your Lordship, that my personal attendance should be forborn; I must crave leave ingenuously to confess unto your Lordship, that I want judgment rightly to direct my self in this case; as likewise that I am ignorant how far this may trench upon the privileges of the Peers of this land, and upon mine and their safety hereafter: For if the Writ be not obeyed, the Law calleth it a Misprision, and highly fineable, whereof we have had late examples; and a missive letter being avowed or not, is to be doubted would not be adjudged a sufficient discharge against the Great-Seal of *England*. On the other side, if the Letter be not obeyed, a Peer may, *de facto*, be committed upon a contempt, in the interim, and the question cleared afterwards; so that in this case it is above mine abilities. I can only answer your Lordship, that I will most exactly obey; and to the end I may understand which obedience will be, in all kinds, most suitable to my duty, I will presently repair to my private lodging at *London*, and there remain until in this, and other causes, I shall have petitioned his Majesty, and understand his further pleasure. For the second part of your Lordship's Letter, where your Lordship saith, That his Majesty's meaning is not thereby to discharge any former directions, for restraint of your Lordship's coming hither, but that you continue under the same restriction as before; so that your Lordship's personal attendance here is to be forborn: I conceive your Lordship intendeth this touching my coming to Parliament only; for as touching my coming to *London*, I never had at any time one word of prohibition, or colourable pretence of restraint; but on the contrary, having his late Majesty's express leave to come to *London*, to follow my affairs; out of my respect to his Majesty, then Prince, and to the Duke of *Buckingham*, I forbore to come until I might know, whether my coming would not be disagreeable unto them. Whereunto his Majesty was pleased to answer, both under the hand of the Duke, and of Mr. Secretary *Conway*, that he took my respect unto him herein in very good part, and would with me to make use of the leave the King had given me: Since which time I never received any letter or message of restraint; only his Majesty by his Letter, bearing date *June* the last, commandeth me to remain as I was in the time of the King his Father, which was with liberty to come to *London* to follow my own affairs as I pleased, as will ap-

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pear unto your Lordship, if you will afford me so much favour as to peruse them. I have writ this much unto your Lordship, because I would not, through misunderstanding, fall into displeasure by my coming up, and to intreat your Lordship to inform his Majesty thereof: And that my Lord *Cowsey*, by whose Warrant I was only restrained in the late King's time of famous memory, may produce any one word, that may have so much as any colourable pretence of debarring my coming up to *London*. I beseech your Lordship to pardon my desire to have things clearly understood; for the want of that formerly hath caused all my troubles; and when any thing is misinformed concerning me, I have little or no means to clear it; so that my chief labour is to avoid misunderstanding. I shall conclude with beseeching your Lordship to do me this favour, to let his Majesty understand, that my coming up is only rightly to understand his pleasure, whereunto I shall in all things most dutifully and humbly conform my self. And so with my humble service to your Lordship, I recommend you to God's holy protection, and remain,

Your Lordship's most humble Servant,

Shoborn, April
12, 1626.

BRISTOL.

The Earl of *Bristol's* second Petition presented to the House of Lords, April 19, 1626.

The humble Petition of John Earl of Bristol.

Humbly shewing unto your Lordships,

THAT he hath lately received his Writ of Parliament, for which he returneth unto your Lordships most humble thanks, but jointly with it a Letter from my Lord-Keeper, commanding him in his Majesty's name to forbear his personal attendance; and although he shall ever obey the least intimation of his Majesty's pleasure, yet he most humbly offereth unto your Lordships wife considerations as too high a point for him, how far this may trench upon the liberty and safety of the Peers, and the authority of their Letters Patents, to be in this fort discharged by a Letter misgive of any Subject, without the King's hand; and for your Lordships due information, he hath annexed a copy of the said Lord-Keeper's letter, and his answer thereunto.

He further humbly petitioneth your Lordships, That having been, for the space of two years, highly wronged in point of his liberty, and of his honour, by many sinister aspersions which have been cast upon him, without being permitted to answer for himself; which hath been done by the power and industry of the Duke of *Backingham*, to keep him from the presence of his Majesty and the Parliament, lest he should discover many crimes concerning the said Duke.

He therefore most humbly beseecheth, That he may be heard both in the point of his wrong, and of his accusation of the said Duke; wherein he will make it appear, how infinitely the said Duke hath both abused their Majesties, the State, and both the Houses of Parliament. And this he is most confident will not be denied, since the Court of Parliament never refuseth to hear the poorest Subject seeking for redress of wrongs, nor the accusation against any, be he never so powerful: And herein he beseecheth your Lordships to mediate to his Majesty, for the supplicant's coming to the House, in such sort as you shall think fitting; assuring his Majesty, that all he shall say, shall not only tend to the service of his Majesty and the State, but highly to the honour of his Majesty's royal person, and of his princely virtues: And your suppliant shall ever pray for your Lordships prosperity.

Hereupon the Lord-Keeper delivered this message from the King to the House of Lords.

That his Majesty hath heard of a petition preferred unto this House by the Earl of *Bristol*, so void of duty and respects to his Majesty, that he hath great cause to punish him; That he hath also heard with what duty and respectfulness to his Majesty their Lordships have proceeded therein, which his Majesty conceiveth to have been upon the knowledge they have, that he hath been restrained for matters of State; and his Majesty doth therefore give their Lordships thanks for the same, and is resolved to put the cause upon the honour and justice of their Lordships and this House. And thereupon his Majesty commanded him (the Lord-Keeper) to signify to their Lordships his royal pleasure, that the Earl of *Bristol* be sent for as a Delinquent, to answer in this House his offences, committed in his negotiations before his Majesty's being in *Spain*, and his offences since his Majesty's coming from *Spain*, and his scandalizing the Duke of *Backingham* immediately, and his Majesty by reflection, with whose privacy, and by whose directions the Duke did guide his actions, and without which he did nothing. All which his Majesty will

cause to be charged against him before their Lordships in this House.

The Lords appointed a Committee to attend the King, and to present their humble thanks to his Majesty, for the trust and confidence he had placed in the honour and justice of their House.

ON Monday the first of May, the Gentlemen-Usher brought the Earl of *Bristol* to the Bar, according to their Lordships order; and the Lord-Keeper acquainted him, that the King had commanded his Attorney-General, to charge the Earl of *Bristol* before their Lordships with high-Treason, and other offences and misdemeanours of a very high nature, that they might proceed in a legal course against him, according to the justice and usual proceedings of Parliament.

Articles of accusation against the Earl of *Bristol*, presented to the Upper-House by the King's Attorney-General.

I. Offences done and committed by the Earl of Bristol, before his Majesty's going into *Spain*, when he was Prince.

I. THAT the said Earl being trusted and employed by the said late King as his Ambassador to *Ferdinando*, then and now Emperor of *Germany*; and to *Philip* the IVth, then and now King of *Spain*, in *Annis* 1621, 22, 23. And having commision, and particular and special direction, to treat with the said Emperor and the King of *Spain*, for the plenary restoring of such parts of the Dominions, Territories, and Possessions of the Count *Palatine of Rhine*, who married with the most excellent Lady *Elizabeth* his now royal consort, the only daughter of the said late King *James*; which were then wrongfully and in hostile manner taken, and possessed with and by the armies of the said Emperor and King of *Spain*, or any other; and for the preserving and keeping such other parts thereof as were not then lost, but were then in the protection of the said late King *James*; and to the use of the said Count *Palatine* and his Children: And also to treat with the said King of *Spain* for a marriage to be had between the most high and excellent Prince *Charles*, then Prince of *Wales*, the only Son and Heir-apparent of the said King *James*, and now our most Sovereign Lord, and the most illustrious Lady *Donna Maria* the Infanta of *Spain*, Sister to the now King of *Spain*: He the said Earl, contrary to his duty and allegiance, and contrary to the trust and duty of an Ambassador, at *Madrid* in the Kingdom of *Spain*, to advance and further the designs of the said King of *Spain* against our said sovereign Lord, his children, friends, and allies; falsely, willingly, and traitorously, and as a traitor to our said late Sovereign Lord the King, by sundry letters and other messages sent by the said Earl from *Madrid*, in the year aforesaid, unto King *James* and his Ministers of State of *England*, did knowingly and resolutely inform, advise, and assure the said late King, that the said Emperor and King of *Spain*, would really, fully and effectually make restitution and plenary restitution to the said Count *Palatine*, and his children of the said Dominions, Territories and Possessions of the said Count *Palatine*, and of the said Electoral Dignity: And that the said King of *Spain* did really, fully and effectually intend the said Marriage between the said Lady his Sister, and the said Prince our now Sovereign Lord, according to articles formerly propounded between the said Kings: Whereas in truth, the said Emperor and King of *Spain*, or either of them, never really intended such restitution as aforesaid; and whereas the said King of *Spain* never really intended the marriage according to those Articles propounded, but the said Emperor and the King of *Spain*, intended only by those treaties, to gain time to compass their own ends and purposes, to the detriment of this Kingdom, (of all which, the said Earl of *Bristol* neither was nor could be ignorant) the said late King *James* by entertaining those Treaties, and continuing them upon those false assurances given unto him by the said Earl, as aforesaid, was made secure, and lost the opportunity of time, and thereby the said Dominions, Territories and Possessions of the said Count *Palatine*, and the Electoral Dignity become utterly lost; and some parts thereof were taken out of the actual possession of the said King *James*, unto whose protection and safe-keeping they were put, and committed to the said Count *Palatine*; and the most excellent Lady *Elizabeth* his wife, and their children, are now utterly dispossessed and bereaved thereof, to the high dishonour of our said late Sovereign Lord King *James*, to the dishonour of the said late King's children, and their posterity, of their ancient patrimony, and to the disadvantage and discouraging of the rest of the Princes of *Germany*, and other Kings and Princes in amity and league with his Majesty.

II. That the said Earl of *Bristol* being Ambassador for his late Majesty King *James* as aforesaid, in *Annis* supra-dictis, and having received perfect, plain, and particular instructions

instructions and directions from his said late Majesty, that he should put the King of Spain to a speedy and punctual answer, touching the treaties aforesaid: And the said Earl well understanding the effect of those instructions and directions so given unto him, and taking precise knowledge thereof; and also knowing how much it concerned his late Majesty in honour and safety (as his great affairs then stood) to put these Treaties to a speedy conclusion: Yet nevertheless, he the said Earl, falsely, willingly and traitorously, contrary to his allegiance, and contrary to the trust and duty of an Ambassador, continued those treaties upon generalities, without effectually pressing the said King of Spain unto particular conclusions, according to his Majesty's directions as aforesaid; and so the said Earl intended to have continued the said Treaties upon generalities, and without reducing them to certainties and to direct conclusions, to the high dishonour of his said late Majesty, and to the extreme danger and detriment of his Majesty's person, his crown and dominions, confederates and allies.

III. That the said Earl of Bristol, being Ambassador for his said late Majesty as aforesaid, in the years aforesaid, to the intent to discourage the said late King James, for the taking up of arms, entering into hostility with the said King of Spain, and for resisting him and his forces, from attempting the invasion of his said late Majesty's Dominions, and the Dominions of his said late Majesty's Confederates, Friends, and Allies; the said King of Spain having long thrived after an universal Monarchy in these western parts of the world, hath many times, both by words and letters, to the said late King and his Ministers, extolled and magnified the greatness and power of the said King of Spain, and represented unto his said late Majesty, the supposed dangers which would ensue unto him, if a war should happen between them; and affirmed, and insinuated unto his said late Majesty, that if such a war should ensue, his said late Majesty, during the rest of his life, must expect neither to hunt, nor hawk, nor eat his meat in quiet: Whereby the said Earl of Bristol did cunningly and traitorously strive to retard the resolutions of the said late King, to declare himself an enemy to the said King of Spain, (who, under colour of Treaties and Alliances, had so much abused him) and to resist his arms and forces, to the loss of opportunity of time, which cannot be recalled, or regained, and to the extreme danger, dishonour, and detriment of this Kingdom.

IV. The said Earl of Bristol, upon his dispatch out of this Realm of England, in his ambassage aforesaid, having communication with divers persons of London, within this Realm of England, before his going into Spain, in and about his ambassage concerning the said Treaty, for the negotiation whereof, the said Earl purposely was sent; and he the said Earl being then told, that there was little probability, that these Treaties would or could have any good success, he the said Earl acknowledged as much; and yet nevertheless, contrary to his duty and allegiance, and to the faith and truth of an Ambassador, he the said Earl said and affirmed, that he cared not what the success thereof would be; for he would take care to have his Instructions, and pursue them punctually; and howsoever the business went, he would make his fortune thereby, or used words at that time to such effect; whereby it plainly appeareth, that the said Earl, from the beginning herein, intended not the service or honour of his late Majesty, but his own corrupt and sinister ends, and for his own advancement.

V. That from the beginning of his Negotiation, and throughout the whole management thereof, by the said Earl of Bristol, and during his said ambassage, he the said Earl, contrary to his faith, and duty to God, the true Religion professed by the Church of England, and the Peace of this Church and State, did intend and resolve, that if the said Marriage so treated of as aforesaid, should by his ministry be effected, that thereby the *Romish* Religion, and Professors thereof, should be advanced within this Realm, and other his Majesty's Realms and Dominions, and the true Religion and Professors thereof, discouraged and discountenanced. And to that end and purpose, the said Earl, during the time aforesaid, by Letters unto his late Majesty, and otherwise, often counselled and persuaded his said late Majesty to set at liberty the Jesuits and Priests of the *Romish* Religion; which, according to the good, religious, and publick Laws of this Kingdom, were imprisoned or restrained, and to grant, and to allow unto the Papists, and professors of the *Romish* Religion, free toleration, and silencing of all the Laws made, and standing in force against them.

VI. That by the false informations and intelligence of the said Earl of Bristol, during the time aforesaid, unto his said late Majesty, and to his Majesty that now is, (being then Prince) concerning the said Treaties; and by the assurances aforesaid given by the said Earl, his said late Majesty, and the Prince, his now Majesty, being put in

hopes, and by the said long delay used, without producing any effect, their Majesties being put into jealousies, and just suspicion, that there was no such sincerity used towards them as they expected; and with so many answers from the Earl, had on their part been undertaken, the said Prince, our now gracious Sovereign, was enforced, out of his love to his Country, to his Allies, Friends, and Confederates, and to the peace of Christendom, who all suffered by those intolerable delays, in his own person to undertake his long and dangerous journey into Spain, that thereby he might either speedily conclude those Treaties, or perfectly discover, that on the Emperor's, and the King of Spain's part, there was no true and real intention to bring the same to conclusion, upon any fit and honorable terms and conditions, and did absolutely and speedily break them off. By which journey, the person of the said Prince, being then Heir-apparent to the Crown of this Realm, and in his person, the peace and safety of this Kingdom, did undergo such apparent, and such inevitable danger, as at the very remembrance thereof, the hearts of all good Subjects do even tremble.

II. Offences done and committed by the said Earl, during the time of the Prince's being in Spain.

VII. THAT at the Prince's coming into Spain, during the time aforesaid, the Earl of Bristol, cunningly, falsely, and traitorously, moved and persuaded the Prince, being then in the power of a foreign King of the *Romish* Religion, to change his Religion, which was done in this manner. At the Prince's first coming to the said Earl, he asked the Prince, for what he came thither? The Prince at first not conceiving the Earl's meaning, answered, You know as well as I. The Earl replied, Sir, Servants can never serve their Masters indifferently, although they may do it faithfully, unless they know their meanings fully. Give me leave therefore to tell you what they say in the Town, is the cause of your coming, that you mean to change your Religion, and to declare it here, and yet cunningly to disguise it. The Earl added further: Sir, I do not speak this, that I will persuade you to do it, or that I will promise you to follow your example, though you will do it; but as your faithful Servant, if you will trust me with so great secret, I will endeavour to carry it the discreetest way I can. The Prince being moved at this unexpected motion, again said unto him, I wonder what you have ever found in me, that you should conceive I would be so base and unworthy, as for a wife to change my Religion. The said Earl replying, he desired the Prince to pardon him if he had offended him, it was but out of his desire to serve him. Which persuasions of the said Earl was the more dangerous, because the more subtle; whereas it had been the duty of a faithful Servant, to God and his Master, if he had found the Prince staggering in his Religion, to have prevented so great an error, and to have persuaded against it, so to have avoided the dangerous consequence thereof to the true Religion, and to the State, if such a thing should have happened.

VIII. That afterwards, during the Prince's being in Spain, the said Earl having conference with the said Prince about the *Romish* Religion, he endeavoured falsely and traitorously to persuade the Prince to change his Religion, and to become a *Roman* Catholic, and to become obedient to the usurped authority of the Pope of Rome: And to that end and purpose, the said Earl traitorously used these words unto the said Prince, that the State of England never did any great thing, but when they were under the obedience of the Pope of Rome, and that it was impossible they could do any thing of note otherwise.

IX. That during the time of the Prince's being in Spain, the Prince consulting and advising with the said Earl, and others, about a new offer made by the King of Spain, touching the *Palatine's* eldest Son, to marry with the Emperor's Daughter, but then he must be bred up in the Emperor's Court; the said Earl delivered his opinion, that the proposition was reasonable; whereas, when Sir *Walter Aston* then present, falling into some passion, said, that he durst not for his head consent to it; the Earl of Bristol replied, that he saw no such great inconvenience in it; for that he might be bred up in the Emperor's Court in our Religion. But when the extreme danger, and, in a manner, the impossibility thereof was pressed unto the said Earl, he said again, that without some great action, the peace of Christendom would never be had; which was so dangerous, and so desperate a Counsel, that one near the Crown of England should be poisoned in his Religion, and become an unfriend to our State, that the consequences thereof, both for the present and future time, were infinitely dangerous; and yet hereunto did his dissimulation to our Religion, the blindness in his judgment, misled by his sinister respect, and the too much regard he had to the House of Austria, lead him

III. *Offences done and committed by the said Earl, after the Prince's coming from Spain.*

X. THAT when the Prince had clearly found himself and his Father deluded in these Treaties, and hereupon resolved to return from the Court of Spain; yet because it behoved him to part freely, he left the powers of the Desponsories with the Earl of *Bristol*, to be delivered upon the return of the dispensation from Rome, which the King of Spain insisted upon; and without which, as he pretended, he would not conclude the marriage. The Prince foreseeing and fearing, lest after the Desponsories, the Infanta that should then be his wife, might be put into a Monastery, wrote a Letter back to the said Earl from *Segovia*, thereby commanding him not to make use of the said powers, until he could give him assurance, that a Monastery should not rob him of his wife; which Letter the said Earl received, and with speed returned an answer thereto in England, persuading against this direction, yet promising obedience thereunto. Shortly after which, the Prince sent another Letter to the said Earl into Spain, discharging him of his Father's command. But his late Majesty, by the same messenger, sent him a more express direction, not to dispatch the *Desponsories*, until a full conclusion were had of the other Treaty of the *Palatinate* with this of the Marriage; for his Majesty said, That he would not have one Daughter to laugh, and leave the other Daughter weeping. In which dispatch, altho' there were some mistaking, yet in the next following, the same was corrected, and the Earl of *Bristol* tied to the same restriction, which himself confessed in one of his dispatches afterwards, and promised to obey punctually the King's command therein; yet nevertheless, contrary to his duty and allegiance, in another Letter sent immediately after, he declared, That he had set a day for the *Desponsories*, without any assurance, or so much as treating of those things which were commanded to him as restrictions; and that so short a day, that if extraordinary diligence, with good success in the journey, had not concurred, the Prince's hands might have been bound up; and yet he neither sure of a wife, nor any assurance given of the temporal Articles. All which, in his high presumption, he adventured to do, being an express breach of his instructions; and if the same had not been prevented by his late Majesty's vigilancy, it might have turned to the infinite dishonour and prejudice of his Majesty.

XI. Lastly, That he hath offended in a high and contemptuous manner, in preferring a scandalous Petition to this honourable House, to the dishonour of his Majesty of blessed memory deceased, and of his sacred Majesty that now is, which are no way sufferable in a subject towards his Sovereign; and in one article of that Petition specially, wherein he gives his now Majesty the lie, in denying and offering to falsify that relation which his Majesty affirmed, and thereunto added many things of his own remembrance to both Houses of Parliament.

Robert Heath, [Attorney-General.]

The Earl of *Bristol*, upon the Attorney-General's accusing him of High-Treason, thus express himself:

"That he had exhibited his Petition to the House, April 19, that he might come up and be heard in his accusation of the Duke of *Buckingham*, and that thereupon, he being a Peer of this realm, is now charged with Treason: That he had heretofore informed the late King of the Duke's unfaithful service, and thereupon the Duke laboured that he might be clapt up in the Tower, presently upon his return out of Spain: That he importuned the late King, that he might be heard before himself, and his Majesty promised it; I pray God (said he) that the promise did him no hurt, for he did shortly after. And for the King's promise, he vouched the Lord-Chamberlain for a witness; and he desired the Lords to take notice, that their House was possessed already of his said Petition, and of his accusation of the said Duke: And therefore desired first, that they would receive his charge against the Duke and the Lord *Conway*, and not to invalid his testimony against him by the King's charge against him; and that he might not be impeached, till his charge of so high a nature be first heard.

"So he tendered to the House the Articles against the Duke, which the Clerk received, and he withdrew, and his Petition exhibited the 19th of April was read; and the Lords resolved upon the question, That the said Earl's charge against the Duke of *Buckingham* and the Lord *Conway* should be presently read."

The Earl being shortly after called in again to the Bar of the Lord's House, concerning his Articles against the Duke, made this Speech.

First, He craved pardon of their Lordships for his earnest Speeches the other day, confessing them to have been in passion, saying, That unexpected accusation of Treason would warm any honest heart, but would hereafter amend it. Then he returned their Lordships humble thanks for their manner of proceeding against him; and desired to know, from Mr. Attorney, whether that was his whole charge or not. Mr. Attorney answered, That he had commandment to open no more against him; peradventure, upon the opening of the charge, some particulars might arise, and be urged, but no new matter should.

Then the Earl desired to know of Mr. Attorney, who was the relator to his charge, and that he might understand who was his accuser. Mr. Attorney answered, That the King himself, out of his own mouth, had given him directions for his own relation against him, and corrected many things that were added. Unto which the Earl answered, that he would not contest with the King, neither did it become him so to do; neither esteemed he his life or his fortunes so much, as to save them by contesting with his Sovereign; and therefore would make no reply or answer, were it not that his Religion and Honour were jointly questioned with his life; but that being to defend to his posterity, for their sakes he was an humble subject unto his Majesty, that he would not take indignation at his own just defence, yet would he be ready to make any humble submission to his Majesty; and heartily desired some means might be made, that he might make it personally to himself, wherein he would submit himself most willingly to some such act of humiliation and submission, (not wronging his innocence) that never subject did towards his Sovereign: And also that his Majesty would be pleased to set himself in his throne of Justice, and declare out of his royal Justice, that he would have the Duke and him upon equal terms, and that neither of their causes should be advanced before the other's.

These were his humble Petitions, which he besought their Lordships to present unto his Majesty, and to take it into their considerations, of how dangerous a consequence it would be, if the King should be accuser, judge, witness, and should have the confiscation. As touching the charge against him, he said, He had once answered it all, except that of his Petition; and he doubted not but to clear himself before their Lordships, of every particular of it. He said, He expected not to have heard of this again, having once answered it: He rather expected to have been charged with some practice with Spain against the State; or the receipt of ten or twenty thousand pounds, for the persuading and procuring of the delivery up of some Town, of which the Crown was in possession, as might be the town of *Flushing*, the *Brill*, or the like; or for being the means of lending the King's ships to a foreign nation, and that against those of our own Religion; or for revealing his Majesty's highest secrets, which none above two or three dare know; or for treating the greatest affairs (1), as it were by his own authority, without formal instructions in the points; for having taken rewards; or been corrupted by a foreign Prince; or to have broken his instructions in any ecclesiastical point; or, as the Law calleth it, to have committed an overt-act of disloyalty; and not to be charged, after seven ambassages, with discourses and inferences.

Then he desired their Lordships, that he might have a copy of his charge in writing, and time allowed him for his answer, and counsel assigned him to plead his cause; and said, There was a great difference between the Duke of *Buckingham* and him; for the Duke was accused of treason, and yet at large, and in the King's favour; and he being accused but of that which he had long since answered, was a prisoner: And therefore he moved, that they might be put in equal condition.

And as touching the Lord *Conway*, inasmuch as he had given in Articles against him, he desired his Lordships, he might not meddle in that particular business, or use the King's name against him, *ex officio*; he also besought their Lordships to be suitors to his Majesty on his behalf, that all the particular dispatches of his own ambassages, and Sir *Walter Aston's*, might be brought thither, and that he might make use of them for his defence, as his evidence: Then he desired their Lordships, not to think it tedious for him to proceed, and lay open his case unto them: Which being granted, he began as followeth.

He said, That he had the honour to serve the late King his Master, of happy memory, for the space of twenty years, and a long time as a counsellor, and in seven foreign ambassages: In all which time, in point of his negotiation, he had never received one check or rebuke, until the return of the Duke of *Buckingham* out of Spain; and therefore, from thence he would begin his present narration.

(1) Of all these things was the Duke of *Buckingham* accused by the Publick. *Repin.*

The very day that his Majesty departed from *Spain*, he was pleased to tell him, That he had no ways offended him, but did him the honour to trust him with the custody of the powers for his marriage; and after his return into *England*, wrote unto him some Letters, which did in no kind express any distrust or displeasure against him. About the same time, he wrote unto his Majesty several letters, as in duty he was bound, not for any earthly respect whatsoever, to conceal from him the true estate of his affairs; in which Letters he set down truly and honestly, That he conceived, that the distastes grown there betwixt the King of *Spain* and his Ministers, and the Duke of *Buckingham*, would disorder and utterly overthrow all his affairs, if his wisdom prevented it not; *hinc illa lacryma*: The Duke of *Buckingham* got a fight and knowledge of the Letters; and fearing, left the Earl at his return should discover unto his said late Majesty, his practices and misdemeanors in *Spain*, he resolved, That his access to the King was no ways to be admitted, and therefore laboured and endeavoured, that he might be committed to the Tower presently upon his arrival; and conceiving that the Lord *Marquis Hamilton*, in regard of his friendship with the Earl, and the alliance which was then intended between them, might oppose his course, he earnestly pressed him therein, and moved him to deal with my Lord-Chamberlain to the same purpose, vowing, That there was no hurt intended to the Earl, but only that he feared, that if he should be admitted to the King, he would cross and disturb the course of affairs. But they were so honourable, that neither of them would confound thereunto; and so that intention of his took no effect.

This design of the Duke not taking, he fell upon other things, indeed to have frightened the Earl out of his country and honour; and thereupon laid some great and sinister aspersions upon him in both Houses of Parliament, thinking thereby to have terrified him, that he should not return, saying, That if he kept not himself where he was, and laid hold of those great officers which he heard were made unto him in *Spain*, it would be worse with him.

Here the Earl desired my Lord-Chamberlain, that he would be pleased upon his honour, to deliver what he knew of the matter. Whereupon the Lord-Chamberlain attested the truth of what the Earl had said concerning the Duke of *Buckingham*, the *Marquis* of *Hamilton*, and himself.

Then the Earl of *Bristol* proceeded and said, That the knowledge of these aspersions cast upon him in the Parliament, came first unto him at *Bordeaux* in *France*, where he was coming home at leisure, in the company of his wife and family, having formerly sent a post of purpose to the Lord *Cromwell*, to know if his speedy return would be any way useful to his Majesty's service: Who answered him, That he might very well return at leisure with his family. And in the mean time, he was fallen upon by the Duke of *Buckingham* in Parliament, in such sort as your Lordships well remember, of whose declaration, he said, he would boldly affirm unto their Lordships, that there was scarce any one thing concerning him in it, which was not contrary to, or different from the truth.

From *Bordeaux* the Earl took post, making haste, for that he hoped to clear his honour in Parliament before it should break up; and being arrived at *Calais*, he sent over to have one of the King's ships, for which there was public order given: But although both wind and weather were as fair as could be, and the King's ships lay at *Bologne*, having carried over Count *Manfield*, and might every day within three hours have been with him, yet the ship came not in eight days expectation; so that the Earl, fearing the Parliament would be dissolved, was enforced to pass the sea in a boat with six oars, as he did, having with him thirty or forty thousand pounds of the King's Jewels.

Upon his landing at *Dover*, hoping that if his arrest should have been deferred till his coming to *London*, he might have gotten directly to the King's presence, which the Duke resolved was by no means to be admitted: The Earl was there, by a letter of the Lord *Cromwell*, delivered unto him by a servant of his, in his Majesty's name, commanded to retire himself to his house, and not to come to the Court, or the King's presence, until he should have answered unto certain questions, which his Majesty would appoint some of the Lords of the Council to ask him. Hereupon he sent presently to his Majesty, who sent him word, That his restraint was neither for any ill meaning unto him, nor that it should last long, but was intended for his good, to keep the Parliament from falling violently upon him. And the same reason the Duke alleged to some of his friends; and all those his troubles, which have followed upon his first restraint, have been procured by the Duke's art, under colour of favour. But the Earl having received his message from the King, became a most humble suitor unto his Majesty, that he would expose him to the Parliament; for that if he had not served him honestly in all things, he deserved no favour, but to be pro-

ceeded against with all severity. And in this particular he pressed the King, as far as could stand with duty and good manners; but received answer from his Majesty, That there should but few more days pass, before he would put an end to his affairs. And about this time the Parliament was dissolved.

He still continued his solicitation to be admitted to the King's presence, who sent him word, and confirmed it by oath: That as soon as he should have answered the questions which the Commissioners were to propound to him, he would both see him and hear him, and wondered that he should so much doubt thereof. He then solicited with all earnestness to have the questions sent unto him, which was promised should be within few days. In the interim, his Majesty being desirous that the business should have been accommodated, sent secretly to him by a Gentleman (who is ready to depose it) this message: That he should write a fair Letter to the Duke, and leave the rest to him. Hereupon the Duke sent a Gentleman (one Mr. *Clark*) with fair propositions, offering to procure him whatsoever he could reasonably pretend; only he must not be admitted to the King's presence for some time; and that the Duke would have the disposing of his Vice-Chamberlain's place, having been therein formerly engaged. The Earl told the Gentleman, That to descend to any such course, were jointly to confess himself faulty in some kind, which he would not do for any respect in the world; and let him know the great wrong that the Duke had already done him; and therefore it would be more honorable for him to procure him some reparation, than to press him farther. Moreover, not by way of message, but by way of information of the said Mr. *Clark*, he let him know, how fit it were for the Duke not to press these things, who could not but be conscious of his own faults, and know his innocence; and withal shewed him a Paper that he had made ready for the King, containing the particulars wherein the Duke had disparaged him.

Mr. *Clark* making the Duke acquainted herewith, the Duke wrote a letter the next day to the Earl, bearing date 7 *July*, telling him, that he had willingly intended the accommodation of his affairs; but by what he had now said to Mr. *Clark*, he was dissuaded, unless he should be pleased to relent it. Whereupon the Earl answered with that directness he thought befitting him in point of honour. The course of mediation was interrupted, and the Duke so far incensed, that he swore he would have him questioned for his life. In the interim (which the Earl desired might be known to the Lords) his late Majesty was so far from thinking him a delinquent, or any way dishonest, that he was often heard to say and swear, That he held him an honest man, and that he would answer for him that he had neither committed felony nor treason. And this divers are ready to depose. The which he well confirmed, for that he gave general leave to all Gentlemen of the Court, Privy-Counsellors, and to his Secretary of State, to have free access unto him; yea, even so far as to admit of visits and entercourses with *Spanish* ambassadors, and the *Papal* *Messengers*, as is best known to my Lord *Cromwell*, by whose letter he received his Majesty's leave in that particular.

Then he resumed the state of his business where he left it, which was in the hands of the Commissioners, and they were to frame interrogatories for him; the which, although they had promised should be sent within a few days, yet such art was used, that six or seven weeks were spent in the framing of them, to the end that his Majesty's progress beginning, there might be no means for the farther clearing of the business: And so supposing that for the answering of the twenty interrogatories of so high a nature, the Earl would take some time, they caused the said interrogatories to be delivered unto him within a few days before the beginning of the progress; but he used so much diligence, that he made ready to answer in *Person*, tho' it were in the nature of a delinquent. Unto which his Majesty answered most graciously, That out of his favour, and for that he would not do him wrong, he would not admit of it, but that he would send him answer, and he would instantly put an end to his business; as will appear by letters. Hereupon the Duke was put into a great strait how to keep him any longer from his Majesty, but desired that only a few questions more might be asked of him; which the King upon great urging and instance, condescended unto, so that the questions might be presently sent him: But herein were such artifices used, that the bringing of any was delayed until the King had begun his progress; and then within a day or two, the Lord *Cromwell* sent him word, That he had order indeed for the sending of him some more questions, but out of his affection to him he forbore the sending of them, unless he should press for them. Whereupon the Earl instantly wrote unto him, that they might be sent unto him. My Lord *Cromwell* made him answer by his letter, That he wished rather the

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course of mediation might be pursued, for that would but further exasperate; but if he would needs have the questions they should be sent to him. Whereupon he sent to follicite his Lordship for them with all earnestness, inasmuch as to petition his late Majesty twice, that the said questions might be sent: But when the turn was served of keeping him from the King's presence, the said questions were never more heard of till this day.

So likewise the Earl having sent his answer to all the Commissioners, who most of them made not nice to declare, that they were fully satisfied; and when it was perceived that the Commissioners would certainly clear him, and that he thereby should be referred unto his Majesty's favour, they were never more permitted to meet: A proceeding, which, as he conceived, their Lordships would think hardly to be paralleled, that a commission should be appointed to condemn, if there had been cause, but not to clear.

After the progress was ended, he began again to follicite his Majesty, and wrote particularly unto the Duke of Buckingham. Whereupon the Duke was pleased to send four or five propositions, which he desired he should acknowledge; the which propositions contained nothing but what hath been already propounded and satisfied in the former interrogatories: And if he would make his acknowledgement, he then promised to employ his force and power with the King and Prince, that he should be admitted to kiss their hands, and be received into their gracious favour; but otherwise, in a menacing sort, that he should lay his hands upon his breast, and so that would be left for him. And in the preface of the said propositions, he writeth these words which follow, *It is an assertion not granted, that the Earl of Bristol, by his answer hath satisfied either the King, the Prince, or me of his innocency.* A presumptuous commendation for any Subject.

But these propositions were so unjust, that he wrote unto the Duke, that instead of an acknowledgement, he had sent him an answer unto them; unto which, if either himself, or any man living was able to reply, he would submit himself to any thing that should be demanded. But this no way satisfied the Duke, although it did his late Majesty, who, in the Duke's presence, said, *I were to be accounted a tyrant, to enjoin an innocent man to confess faults, of which he was not guilty.* And thereupon sent him word, that he should make his answer, but acknowledge nothing he was not faulty in. And although he had received this message from the King's own mouth, as will be depoted, yet the Duke at the same time wrote unto him, that the conclusion of all that has been treated with his Majesty, was, that he should make the acknowledgement in such manner, as was set down in this paper. And at this time likewise it was that his Majesty sent him word, that he would hear him concerning the Duke of Buckingham, as well as he had heard the Duke concerning him. And this was not long before his Majesty's sickness; and in the interim, as he had heard by several ways the King suffered much, and was infinitely pained by the Duke concerning the said Earl and his affairs; and this he said, was the suffering he had spoken of to their Lordships the other day.

The Earl craved leave of their Lordships to specify some other particulars, whereby it should appear, that his Majesty was in no kind ill-opinion of him till his dying day, *viz.* That several persons will depote, that they have heard his Majesty say, that he esteemed him an honest man; and that he was pleased to accept of toys by way of present from him, graciously, and in good part; and at last was likewise pleased to give him leave to come to London, and to follow his own affairs; and that his pleasure was signified unto him by the Duke his own letter. Whereupon he determined to come to London, intimating to the Duke his intention of going to his lodgings in *White-hall*; but the Duke was therewith incensed again, and said, he mistook the King's meaning, which was, that he might privately follow his own business. And this he said, was the true state and conditions when it pleased God to take unto his mercy his late most gracious Majesty.

Upon his Majesty's coming to the Crown, he said, he wrote a most humble letter unto his Majesty, imploring his grace and goodness, and desiring the Duke's mediation. But he was pleased to answer by his Letter of 7 May 1625; That the resolution was to proceed against him, without a plain and direct confession of the point which he had formerly required him to acknowledge; and in a courtly manner of menace telleth him, that he would take the freedom to advise him, to bethink himself in time what would be most for his good. But in the interim, his Majesty was graciously pleased that his Writ of Parliament should be sent him; and thereupon he wrote unto the Duke of the receipt of the said Writ, but that he should do nothing but what he should understand to be most agreeable to his Majesty's pleasure. Whereunto the Duke an-

swered in his letter of May, in this manner: *I have acquainted his Majesty with your request towards him, touching our summons to the Parliament, which he taketh very well, and would have you rather make excuse for your absence, notwithstanding your Writ, than to come yourself in person.* Whereupon he sent humbly to desire a Letter of leave under his Majesty's hand for his warrant; but instead thereof, he received from the Lord Conway an absolute prohibition, and to refrain and confine him in such sort, as he hath been in the late King's time: And although he was indeed absolutely set free, he could never get cleared by the Lord Conway, though he sent him all the papers to examine; and when he could make no farther reply, he said, he conceived he was under restraint, and that his liberty expired with the late King's death; when indeed restraint may expire, but liberty is natural. After this he continued for the space of three quarters of a year in the country without moving, in which time he was removed from those places and offices he held during his late Majesty's life; and the greatest part of his Estate being laid out in their Majesties service, by their particular appointment, he could never be admitted so much as to the clearing of accounts. Yet hereof he never made the least complaint: But against the time of his Majesty's coronation, he thought it fit to lay hold of that occasion, when Princes do Acts of grace and favour, to be a most humble suitor to his Majesty for his grace and goodness; and addressed his Letters unto the Duke of Buckingham, from whom he received a Letter all written in his own hand, and therein a Letter inclosed from his Majesty, so different from some gracious message which he had received from his Majesty since the said Earl returned into England, upon the occasion of a great sickness; and likewise from his Speeches several times delivered to his wife, to wit, that he had never offended him, and that for his faults he no ways held them criminal, but to be expiated by any easy acknowledgement; that he confessed he knew not what judgment to make of the said Letter, neither hath presumed hitherto to make any answer thereto; although by reducing the occasion of speeches and circumstances to his Majesty's memory, he no ways doubteth but he shall be able to give unto his Majesty such satisfaction to every particular, that his Majesty would not remain with the least scruple in any one point.

After this, he said, that his Writ of Parliament was determined; whereupon he addressed himself to the Lord-Keeper, that he would be a suitor to his Majesty for him in that behalf: which diligences not taking effect, by petition he became a suitor to their Lordships for their honourable mediation to his Majesty, and thereupon his Writ of Parliament was awarded: But the Duke of Buckingham upon that took occasion, as he had published copies of the said Letter over all the Kingdoms, to read it likewise unto that honourable House, as was best known unto their Lordships, and the Writ was accompanied with a prohibition from the Lord-Keeper; whereupon he addressed himself for Justice to that honourable House, (being possessed of his cause by his petition) for both redress of his own wrongs, and likewise of complaints against the Duke for many crimes. And that honourable House being possessed of his cause by his petition, there is presented against him a succeeding complaint, amounting as high as treason, (as is pretended) although he for divers years hath not been questioned; yet since his complaint against the Duke he hath been fetched up like a prisoner, and brought into the House as a delinquent; and the Duke, of whom he hath complained for his great crimes, is admitted still to sit in the House as one of his Judges. The which, with all that he hath formerly said, together with his life, fortunes and honour, he did with all willingness, humility and duty, submit to the justice and honour of that House.

Then the Lords asked him, when he would bring in his answer? He promised to answer as soon as might be, but knew not how far he should have occasion to use his ancient dispatches. The Lord-Keeper told him, that Mr. Attorney might help him by letting him know it. The Attorney said, that his charge should in nothing look further back than to the year 1621, which he desired might be recorded.

Whereupon the Earl thanking their Lordships for their patience, he was carried away by Mr. Maxwell the Gentleman-Usher, in whose house and custody he remained.

Then were read the Earl's Articles against the Duke and the Lord Conway; *viz.*

Articles of the Earl of Bristol, whereby he chargeth the Duke of Buckingham, bearing date the first day of May, 1626.

I THAT the Duke of Buckingham did secretly combine with the *Comde of Gendemar*, Ambassador for the King of Spain, before his, the said Ambassador's, last return into Spain, in the Summer, Anno 1623, to carry his Majesty, (then Prince), into Spain, to the end

he might be informed and instructed in the *Roman* Religion, and thereby have perverted the Prince, and subverted the true Religion established in *England*: From which misery this Kingdom, (next under God's mercy,) hath by the wife, religious, and constant carriage of his Majesty, been almost miraculously delivered, considering the many bold and subtle attempts of the said Duke in that kind.

II. That Mr. *Porter* was made acquainted therewith, and sent into *Spain*; and such messages at his return framed, as might serve for a ground to set on foot this Conspiracy: The which was done accordingly, and thereby the King and Prince highly abused, and their contents thereby first gotten to the said journey, that is to say, after the return of the said Mr. *Porter*, which was about the end of *December*, or the beginning of *January* 1622, whereas the said Duke had plotted it many months before.

III. That the said Duke, at his arrival in *Spain*, nourished the *Spaniards* Ministers, not only in the belief of his own being piously affected, but did, (both by absenting himself from all exercises of Religion, constantly used in the Earl of *Bristol's* house, and frequented by all other Protestant *English*, and by conforming himself to please the *Spaniards* in divers rites of their Religion, even so far as to kneel and adore their Sacrament) from time to time give the *Spaniards* hope of the Prince his conversion: The which conversion, he endeavoured to procure by all means possible; and thereby cause the *Spaniards* Ministers to propound far worse conditions for Religion, than had been formerly by the Earl of *Bristol*, and Sir *Walter Allen*, settled and signed under their Majesty's hands, with a clause in the King of *Spain's* answer of *December* 12, 1622, that they held the Articles agreed upon sufficient, and such as ought to induce the Pope to the granting of the Dispensation.

IV. That the Duke of *Buckingham* having several times, in the presence of the Earl of *Bristol*, moved and pressed his late Majesty, at the instance of the *Count de Gondomar*, to write a Letter unto the Pope; and to that purpose having once brought a Letter ready drawn, wherewith the Earl of *Bristol*, by his Majesty being made acquainted, did so strongly oppose the writing of any such Letter, that during the abode of the said Earl of *Bristol* in *England*, the said Duke could not obtain it; yet not long after the Earl was gone, he procured such a Letter to be written from his said late Majesty unto the Pope, and to have him styled [*Sacrosanctissime Pater*.]

V. That the Pope being informed of the Duke of *Buckingham's* inclination and intention in point of Religion, sent unto the said Duke a particular Bull in parchment, for to persuade and encourage him in the perversion of his Majesty, then Prince.

VI. That the said Duke's behaviour in *Spain* was such, that he thereby so incensed the King of *Spain* and his Ministers, as they would admit of no reconciliation, nor further dealing with him. Whereupon the said Duke seeing that the match would be now to his disadvantage, he endeavoured to break it, not for any service to the Kingdom, nor dislike of the match in itself, nor for that he found, (as since he had pretended) that the *Spaniards* did not really intend the said match, but out of his particular ends, and his indignation.

VII. That after he intended to cross the Marriage, he put in practise divers undue courses; as namely, making use of the Letters of his Majesty (then Prince) to his own ends, and not to what they were intended; as likewise concealing divers things of high importance from his late Majesty, and thereby overthrew his Majesty's purposes, and advanced his own ends.

VIII. That the said Duke, as he had with his skill and artifices formerly abused their Majesties, so to the same end he afterwards abused both Houses of Parliament, by his sinister relation of the carriage of affairs, as shall be made appear almost in every particular, that he spake unto the said Houses.

IX. As for scandal given by his personal behaviour, as also the employing of his power with the King of *Spain* for the procuring of favours and offices which he bestowed upon base and unworthy persons, for the recompence and heir of his lust: These things, as neither fit for the Earl of *Bristol* to speak, nor indeed for the House to hear, he leaveth to your Lordships wisdom, how far you will be pleased to have them examined; it having been indeed a great infamy and dishonour to this nation, that a person of the Duke's great quality and employments, a *Privy-Counsellor*, and Ambassador, eminent in his Master's favour, and solely trusted with the person of the Prince, should leave behind him in a foreign Court so much scandal as he did by his ill-behaviour.

X. That the Duke hath been in great part the cause of the ruin and misfortune of the Prince *Palatine*, and his

Estates, inasmuch as those affairs had relation unto this Kingdom.

XI. That the Duke of *Buckingham* hath in his relations to both Houses of Parliament, wronged the Earl of *Bristol* in point of his honour, by many sinister aspersions which he hath laid upon him, and in point of his liberty by many undue courses, through his power and practices.

XII. That the Earl of *Bristol* did reveal unto his late Majesty, both by word and letter, in what sort the said Duke had differed him, and abused his trust: And that the King by several ways sent him word, that he should rest assured, he would hear the said Earl, but that he should leave it to him to take his own time. And thereupon, few days before his sickness, he sent the Earl word, that he would hear him against the said Duke, as well as he had heard the said Duke against him. Which the Duke himself heard; and not long after his blessed Majesty sickened and died, having been in the interim much vexed and pressed by the said Duke.

Articles of the Earl of *Bristol* against the Lord *Conway*, bearing date 1 May 1626.

I. THAT the Lord *Conway* is so great a Servant of the Duke of *Buckingham's*, that he hath not stuck to fend the Earl of *Bristol* plain word, that if busineses could not be accommodated betwixt him and the Duke, he must then adhere and declare himself for the said Duke; and therefore unfit to be a judge in any thing that concerneth the Duke or the Earl.

II. That the said Lord *Conway* professeth himself to be a Secretary of the Duke of *Buckingham's* creation, and so acknowledgeth it under his own hand: And although that he be the King's Secretary of State, and a *Privy-Counsellor*, he usually beginneth his Letters to the Duke, [*Most gracious Patron*.]

III. That as a creature of the said Duke's, the said Lord *Conway* hath been made the Instrument of keeping the Earl of *Bristol* from the King's presence, and of imprisoning of him by Warrants only under his own hand; for which he cannot (as the Earl conceiveth) produce any sufficient Warrant.

IV. That by the space of twelve months last past, the said Lord *Conway* hath been the cause of the Earl's restraint, only by misinforming his Majesty, and procuring a Letter of restraint upon undue grounds: And when it was made apparent unto him, that the said Earl was restored to his liberty, freely to follow his own affairs, by his late Majesty of blessed memory, he replied, that that liberty given him by his Majesty expired with the King's death.

V. That the Earl of *Bristol's* mother lying sick upon her death-bed, desired for her comfort to see her Son, and to give him her last blessing: Whereupon the Earl writ to the Lord *Conway*, to desire him to move the King for his leave; which he putting off from day to day, told the person employed, that by reason of the Duke's sickness, he could not find opportunity to get the Duke's leave to move the King: And having spoken with the Duke, he made a negative answer in the King's name. Whereupon when the Earl acquainted the King by some of his Bed-chamber, his Majesty was in a very great anger, swearing the Secretary had never moved him, and that to deny the said Earl leave, was a barbarous part; and thereupon sent him presently free leave, which the Secretary hearing of, sent afterwards a Letter of leave, but with divers clauses and limitations, differing from the leave sent him from the King's own mouth.

VI. That the having the busineses of the Earl of *Bristol* in his own hands, and the Earl being commanded by the King to address himself in his occasions unto his Lordship, he would never deliver any message from the said Earl, without acquainting the said Duke, and receiving his directions, and in a noble manner of freeness, stuck not to fend him word.

VII. That the Earl of *Bristol* having received from the Lord *Conway* twenty interrogatories in his late Majesty's name, drawn up by a commission of the Lords appointed to search into the proceedings and employments of the said Earl, in which search there was more than two months spent, divers of the said interrogatories involving felony and treason; and his Majesty having been pleased to assure the said Earl, both by message and letters, that upon satisfaction given to himself and the commissioners by his answers, he would presently put an end to the Earl of *Bristol's* busineses. The Earl of *Bristol* having fully answered, as would admit of no reply; and that many of the commissioners declared themselves to be fully satisfied: The said Lord *Conway*, (being the Secretary in the commission, to whom it properly belonged to call the Lords to assemble) perceiving the Earl of *Bristol* was like to be cleared, never moved for any further meeting, neither have they ever been

been permitted to meet until this day, whereby the troubles of the Earl of *Bristol* have been kept on foot till this present, and the said Earl's imprisonment hath been enlarged twenty months. And by the artifices of the said Duke of *Buckingham*, and the said Lord *Conway*, (as shall be made appear) the said Earl hath been infernally involved and stalked into the troubles he is now in, which he doubteth not but your Lordships will judge to be a very considerable case.

VIII. That for a colour of keeping the Earl from his late Majesty's presence, it being pretended, after the answer to the twenty interrogatories, that there were some few questions more to be added, whereunto when he should have answered, his Majesty swore solemnly, that without any delay he should be sworn to his presence, and that within two or three days he should have the said questions sent unto him; the Lord *Conway*, notwithstanding he acknowledged under his hand, that he had received his Majesty's directions for the sending of the said Articles, and was often thereunto sollicitous on the behalf of the said Earl, would never fend the said questions, and at last answered, That he had no more to do with the Earl's business.

IX. That the Earl of *Bristol* being set free by his late Majesty to come to *London*, to follow his own affairs as he pleased, and thereupon having his Writ of Parliament sent unto him, without any letter of prohibition; but the Earl of *Bristol*, out of his great desire to conform all his actions to that which he should understand would best please his Majesty, sent to know, whether his going or stay would be most agreeable unto his Majesty? Who was pleased to answer by a letter from my Lord Duke of *Buckingham*, That he took in very good part the said Earl's respect unto him; but wished him to make some excuse for the present: The which accordingly he did, and moved, That he might have a Letter under the King's hand to warrant his absence; but under colour of this Letter of leave, upon the Earl of *Bristol*'s own motion and desire, the Lord *Conway* sent a Letter from his Majesty, absolutely forbidding his coming to Parliament, and therein likewise was inserted a clause, That the Earl should remain restrained as he was in the time of his late Majesty; and so thereby a colour of restraint under his Majesty's hand was gotten, which could never be procured in his late Majesty's time; whereby the Earl of *Bristol* hath been unduly restrained ever since, without being able to procure any redress, or to make the Lord *Conway* willing to understand his case, although he sent him all the Papers, whereby he might clearly see that the Earl was not under restraint in his late Majesty's time; but never other answer could be procured from him, but that he judged the said Earl to be under restraint, and that his liberty was expired by the late King's death, as is aforesaid.

X. That the Lord *Conway*, knowing that the match for the marrying of the King of *Bohemia*'s eldest Son to the Emperor's Daughter, and being bred in the Emperor's Court, was allowed and propounded by his late Majesty: And that his Majesty, by his Letters unto his Son-in-law, declareth, That he thinketh it the safest and clearest way for the accommodation of his affairs, and that he will take sufficient care for his breeding in true Religion. And notwithstanding that the said Earl received a copy of the said Letter by the said late King's order, with other Papers, setting down all that had been done in the said business, and his Majesty's assent thereunto from the Lord *Conway* himself; yet hath he suffered all to be charged, as a crime against the Earl of *Bristol*, both in the twentieth interrogatory, and in his Majesty's last Letter, that he should consent to the breeding of the young Prince in the Emperor's Court. And further, in the interrogatory he alledgeth, it is an aggravation against the said Earl, That the breeding of the said Prince in the Emperor's Court, inferred to the perversion of his Religion, when he knew that the said breeding was never thought nor spoken of by the King, nor any other, but with that express clause and condition, That he should be bred in his own Religion, and have such tutors and servants as his Father should appoint.

XI. That the Lord *Conway* had been the cause of all the Earl of *Bristol*'s troubles, by his dubious and intrapping dispatches, and inserting, That the said Earl hath failed in his directions, when it shall be made appear, that his dispatches contained no such directions as he hath alledged were given.

The House not being satisfied to commit the Earl to the Tower, let him remain where he was before, with the Gentleman-Usher; and further ordered, That the King's charge against the Earl of *Bristol* be first heard, and then the charge of the said Earl against the Duke; yet so, that the Earl's testimony against the Duke be not prevented, prejudiced, or impeached.

The day following, the Lord-Keeper delivered a message from the King to the House of Lords,

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A Message from the King to the House of Lords.
 "THAT his Majesty taketh notice of the articles exhibited against the Duke of *Buckingham* by the Earl of *Bristol*; and he observeth, that many of them are such, as himself is able to say more of his own knowledge than any man, for the Duke's sincere carriage in them: That one of them, touching the narrative made in Parliament in the one and twentieth of King *James*, trencheth as far upon himself as the Duke; for that his Majesty went as far as the Duke in that declaration; and that all of them have been clofed in the Earl's own breast now for thide two years, contrary to his duty, if he had known any crime of that nature by the Duke; and now he vents it by way of recrimination against the Duke, whom he knows to be a principal witness to prove his Majesty's charge.
 "And therefore, that his Majesty gave them thanks; that they gave no way to the Earl of *Bristol*'s unreasonable motion, of putting the Duke under the same restraint that they had put the Earl, thereby eschewing what the Earl saith at, to alter their dutiful proceedings towards his Majesty: That thereby they had made his Majesty confident, that as they have, so they will put a difference between his Majesty's charge, against one that appeareth as a delinquent, and the recrimination of the Earl of *Bristol* against his Majesty's witness; and they will not equal them by a proceeding *pari passu*."

In the mean time, the King not being very fure of the Lords, endeavoured to take the Earl's cause out of the Upper-house, and to proceed by way of indictment in the King's Bench: But the Lords would not consent to it, for which they alledged several reasons, that were confirmed by the Judges, who declared, That a *Pier of the Realm*, impeached for Treason, was to be tried in Parliament.

The Upper-house being willing to secure the Earl of *Bristol* from being over-powered by the Duke of *Buckingham*'s exorbitant authority, asked the Judges opinion upon the two following questions:

1. Whether the King could be a witness in case of Treason?

2. Admitting that he could, yet whether he might be so in the present case, i. e. when the King is the informer?

Before the Judges brought in their answer, this message and command came from the King, to them, that in this general question they should not deliver any opinion, but if any point came in particular, they, upon mature deliberation, might give their advice.

About the middle of *May*, the Earl of *Bristol* gave in his answer to the articles brought against him; upon the delivering of which, he made the following Speech.

The Earl of Bristol's Speech, by way of Introduction, before he gave in his Answer.

"I AM not infernally upon what disadvantages I come to in this cause: For first, I am slain into his Majesty's heavy displeasure, and am to encounter with a potent adversary, highly in favour, and am accused for treason; for which all counsel and friends abandon me; as a man infected with the plague; I am become bound and under restraint; whereas a man who is to encounter for his life and honour, and with a strong adversary, had need to come upon equal terms.

"But as to the matter, I find myself charged with divers articles of High-Treason; but looking unto them with the eyes of my best understanding, with the opinion also of my counsel lately assigned me, and taking them apart one article from another, I find not any thing in them like treason, or that hath so much as the shew or countenance of a fault, either in act or words; only by laying all things together, and by wrestling the wreits with a strained construction, directly contrary to the true sense and meaning of them, and the occasion whereupon they were spoken, it is informed and that by way of inference only, that the intent was evil, and the matter to prove the intent to be evil, depends upon two props, viz. ill-affection to Religion, and too much affection to Spain; which if I shall clear, the inference grounded upon these props, will fall of itself.

"Therefore I crave leave of your Lordships, before I give my answer to the charge, that I may give you an account of these two particulars; and I humbly beseech you that what I shall speak in my just defence, may not be conceived to proceed of vain ostentation.

"And first for Religion: I was in my childhood bred in the Protestant Religion, and rather after the stricter manner than otherwise. When I grew in years fit, I travelled into France, Italy, and Rome itself: In all which travels, I can produce some that I comforted withal, who will witness with me, that I ever constantly used the Religion I professed without the least prevari-

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" cation, no man being able to charge me that so much as out of curiosity I ever was present at any of the exercises belonging to the *Roman* Religion, or did the least act of conformity to any their rites or ceremonies.

" Secondly, after my return home, I was received into the service of his late Majesty, of blessed memory, whom I served some years as a Gentleman of his Privy-Chamber, and Carver, in which time none of his Majesty's servants received the Holy Sacrament, frequented Sermons, and other exercises of our Religion more than I.

" Thirdly, in that time of my youth, not to avoid idleness, but out of affection to Religion, I translated that excellent book of our Faith, and great points of our Religion, written by Monsieur *Molina*; which his late Majesty having sometimes after seen, approved so well, that he would needs have it printed; which accordingly was printed in the name of Mr. *Sampford* my Chaplain, to whom I gave the honour: But it was my own act, as Mr. *Sampford* will not deny, though to this Hour I never had before spoken it.

" Fourthly, about seven or eight and twenty years of my age, I was employed Ambassador into *Spain*, in that great business of the treaty of the marriage; and whereas others before me carried with them but one Chaplain, I had two, viz. Mr. *Sampford* and Mr. *Heswel*; and at my arrival at the Court of *Spain*, I caused it to be published, that such a day (God willing) I purposed to have a communion, to the end that such *English* as were in the town, might resort thither. Whereas the Duke *de Lerma*, and other the great Ministers of *Spain*, took offence, and told me, they might well perceive I brought no good affection to the business I came about, that would so publicly and avowedly in that Court, where never the like was done, proclaim there a Communion; and with high expressions persuaded me to decline it. Whereunto I answered, I came to do my Master's service, which I would heartily and effectually endeavour, but would not omit my service to God, no tho' by my Master commanded. And at the Communion there were present one hundred persons, some of them brothers, kinsmen, and near dependants upon some of their Lordships, whom I see there in my eye. This I did in *Spain*; the like I did in *Germany*, in the Emperor's Courts, in my ambassage thither.

" Fifthly, I had in my several employments into *Spain* and *Germany*, above five hundred persons of all qualities attending upon me, and never one perverted in Religion; my children carefully instructed and bred in the same Religion. I had constantly every Sabbath a sermon in my house; and Sacraments, and other exercises of our Religion frequented.

" Sixthly, a foul-mouthed *Shimei* railed against our late King and Religion in *Spain*; how I caused that to be revenged by a near kinsman of my own, is well known.

" Seventhly, one of the *English* dying in the town of *Madrid*, of whose Religion there was some question made; and the King's Chaplains telling me, that they at the day of his death had been with him, and taken an account of his faith, and that he died a Protestant: I caused him to be brought home to my house, and there buried according to our rites; whereat much ado was made, and it was threatened, that the inquisitors and other officers, would come and fetch him out, and bury him after their manner: I stood upon it, and that it was the King of *England*'s house, and openly protested, that whosoever should come thither with such intent, I would shoot at him with a piece; and exhorted all my People, that if such an attempt should be, they should rather, than suffer such a dishonour to our Religion, die with me in that quarrel, and hoped such *English* as were in the town would do the like.

" Eighthly, there having been a Monastery for *English* Jesuits founded and settled at *Madrid* before my coming thither, and the *English* arms set up, I laboured to suppress it, and having written thereof to the late King, his Majesty advised me not to run my head against the rock, for it was an impossible thing for me to do: Yet I undertook it, and it pleased God so to bless my endeavours, that I absolutely dissolved and overthrew it. For which the Bishop of *Windsor*, *Mentague*, (now with God) wrote unto me by his Majesty's direction, a Letter of his Majesty's gracious acceptance of so great a service; telling me, besides the service I had done to the Church and Commonwealth, it should remain a trophy of Honour to me and my posterity for ever: And the King himself, with his own hand, wrote unto me, beginning his Letter, *Good Fortune Digby, your good luck in your service well deserves that style*.

" Ninthly, in all negotiations in *Spain*, in point of Religion, I ever straitened my instructions.

" Tenthly, the match with *Spain* was not moved by me; I ever advised a Protestant Match, and shewed

" many reasons both of conscience and state; but if with a Catholic, then rather with *Spain* than *France*, so as good conditions might be made for Religion, as appears by a letter I wrote, and delivered to the Prince, at his first going upon the employment; for which I had like then to have been ruined for being a Puritan, as I am now for being a Papist, and all by one and the same hand.

" Eleventhly, and I appeal to the testimony of Dr. *Mason* and Dr. *Wren*, the King's Chaplains with me in *Spain*; and to Mr. *Sampford*, Mr. *Heswel*, and Mr. *Frevin* my own Chaplains there. And that such Papists as have been my antient acquaintance and friends, being men of worth, well known to many of their Lordships, may be examined upon oath, whether I have not in all places, as well in *Spain* as in *England*, and at all times upon fit occasions, avowed myself a Protestant, without the least prevarication? Or whether I did ever any the least act that was not fuitable to the same profession? And that Mr. *Frevin*, Mr. *Wake*, my own Chaplains, may give their testimonies, whether in the time of several dangerous sicknesses, which I had of late years fallen into, I have not in the time of such my sicknesses (when no man can be supposed to dissemble with the world, being ready to leave it,) made before them a confession of my Faith, and made my peace with God, resolving to die as beheaded a Protestant, and good Christian. This I tell your Lordships, with my Religion I was bred in, have ever professed and lived in, and was resolved by God's grace to die in; and yet was so unhappy, by reason of employment, to be distasteful to many good men, that I have been suspected even by them, not well knowing me: And this hath been the rise the Duke hath now taken against me.

" Then for my love to *Spain*, I wonder from whence that opinion should grow, since I was there hated and shamed, as the man whom, of all others, they desired to have the least to do withal, having stood ever stricter in point of Religion, than by my instructions I might have done; as after the capitulation concluded on, they understood by some intelligence, which caused their hatred towards me.

" Sure I am, I shewed it not by the service I did them; for divers years together there was not a letter sent by that King to any other State, that the King my Master had not a copy of before, or by that time it came to the place whither it was directed. There was not any great action on foot, whereat I had not the private instructions, and sent them hither: not any expedition by sea or land, wherein I had not some ministers or intelligencers, that gave me from time to time advertisements of their actions, and most private intentions, whereof I advertised his Majesty from time to time. I used such industry, as to get all the Papers of that King's private cabinet into my hands; took copies and notes of such of them as I thought useful; and upon every of them set my private mark before they were conveyed back again, to the end, that if I should have had an occasion to have charged him with any thing mentioned in the same Papers, I might have let him see I knew it, by telling him in what Paper it was, and mark'd with such a mark.

" There was not a port in *Spain*, that I had not caused the depth of it to be sounded, not a fort whereof I knew not the strength, both for the garrison, munition, and other matters of advantage and disadvantage; inasmuch as if it should please the King to appoint a Committee of the Lords to take an account of me, I should, by the stores I gathered there, and brought with me, make it appear, I was as useful a servant to his Majesty in a war, as in a peace. Whereas at his Majesty's coming out of *Spain*, the powers of the desponsories were to be deposited in some man's hands; and the Duke, upon pretence of doing me honour, but intending to break my neck by it, moved they might be left with me, and the King of *Spain* was contented; and so they were put into my hands, not as an Attorney only for the Prince: But the King of *Spain* having taken the substitution of them by his Secretary of State, entered in legal form; whereby that King was then become interested in them by their occupation, as well as the Prince by granting of them. And becoming the *Instrumentum stipulatum*, wherein they were both interested, they were deposited into my hands, as an indifferent person, trusted between the King of *Spain* and the Prince with a declaration of the trust. And now the Duke was returned out of *Spain*, he plotted my ruin, and put it in execution in this manner. He concealed that the powers were to expire at *Christmas*, and procured his Majesty to write a letter, (not a direct command) but expressing a desire, that the desponsories should not be till one of the days in *Christmas*, intending thereby to draw

"draw me into a dilemma, That if I proceeded in the match, this letter should, as now it is, have been enforced against me, as a breach of instructions: If I had not proceeded, then I had broken my trust between the Prince and King of Spain, overthrown the marriage so long fought and laboured, it being the main scope of my ambassage, contrary to express warrant, and that upon a letter I must needs know to be a mistake. And when I had written into England, to have a direct warrant in the point, the Duke then seeing that plot would not take, he dealt with divers great Lords, as was well known to some of their Lordships these present, to have me upon my arrival in England, committed to the Tower, before I should ever come to speak with the King; which the Spanish ambassador here in England, having gotten private notice of, gave advertisement thereof to that King; who thereupon foreseeing my danger, and consulting with his Council and Divines, what were fit for him in honour and confidence to do in that case, they resolved, That seeing my sufferings grew by being an honest man, and endeavouring to perform the trust reposed in me by that King as well as the Prince; That King was bound both in honour and confidence, not only to preserve me from ruin, but to make me a reparation for any loss I should sustain by occasion of the trust: Whereupon, at his departure going to Court to take his leave, the *Conde Olivares* told me, what was plotted against me in England; and in respect of the danger, by reason of the greatness of my adversary, persuaded me to stay there, and in his master's name made an offer, not in secret, but in the presence of Sir Walter Aston."

Here the Earl of Bristol explained wherein those offers consisted, namely, in a blank signed by the King of Spain, wherein the Earl might let down his own conditions, both in point of title and fortune. But all this he refused, as well as a large sum of money offered by the King. Then the Earl concluded in the following manner.

"Upon what grounds and hope came I to encounter with those dangers? Not upon hope of my greatness in Court, and strength of friends there to bouldier out an ill cause; no sure, my strength was too weak, and my adventures too powerful. But I knew my conscience was clear, and my cause good, and trust in God Almighty. And to him now, and to their Lordships judgments, I recommend myself and my cause."

The Answer of the Earl of Bristol, to the Articles of Accusation brought against him by his Majesty's Attorney-General.

THE first Article he denieth; and because the matters contained in the said Article consist of several parts; viz. the loss of the said Palatinate, and the match with the said Lady of Spain, and of the several employments, as of one extraordinary ambassage to the Emperor, and another to the King of Spain, in the years 1621, 22, and 23. He humbly craves leave of this most honorable Court to separate the businesses, and distinguish the times.

And beginning with the Palatinate first, to give an account of his ambassage to the Emperor, and so to make as brief a deduction as he could of the whole carriage in that business, from the beginning of his employment, to the time he left it. In his ambassage to the Emperor, he propounded all things faithfully according to his instructions, and the answers which he returned to his late Majesty of blessed memory, were the very fame, and no other, than such as were given by the Emperor under his hand and imperial seal; the which, according to his duty, he faithfully sent unto his said Majesty, and withal did honestly and truly advertise his said Majesty, what he understood and thought then upon the place; but was so far from giving to his Majesty any ill-grounded hopes in that behalf, that he wrote unto the Lords of the Council here in England from Vienna, 26 July 1624, in such sort as followeth.

I Am further to move your Lordships, that there may be a dispatch made presently into Spain to his Majesty's ambassador Mr. Cottington, that they deal effectually for the repairing and ripening of the business against my coming; that they use some plain and direct language, letting the Ministers there know, that the late letter sent by the King of Spain to the Emperor, was colder and more reserved than his Master had reason to expect. I shall conclude with telling your Lordships, That although I despair not of good success in that knotty business, yet I hope his Majesty and your Lordships lay not aside the care of all fitting preparations for a war, in case a peace cannot be honorably had. And amongst other things, I most earnestly commend unto your Lordships, by your Lordships unto his Majesty, the continuing yet abroad, for some small time, of Sir Robert Mansfield's fleet upon the Coasts of Spain; which, in case his Majesty should be ill used, will

prove the best argument we can use for the restitution of the Palatinate.

And thus his advice, he faith, was wholly intended by his actions, by being the cause, as he returned homeward out of Germany, to bring down Count Mansfield, whereby the town of Frankendale was relieved, by supplying of his Majesty's army, when in great distress, with moneys and plate, to the value of ten thousand pounds merely out of his zeal and affection to the good of the King and his Children, having no warrant or order, but that his heart was ever really bent in effects more than in shews, to serve the King's Son-in-law and his cause, as by the discourse of this business will appear. And how acceptable their services were, will more appear, by the letters of the Queen of Bohemia, in these words following:

My Lord,
Having understood from Heidelburgh, how you have shewed your affection to the King and me in all things, and in the help of money you have lent our Soldiers; I cannot let so great obligations pass, without giving many thanks for it by these lines, since I have no other means to shew my gratefulness unto you: Nevertheless, assure your self, that I will never be forgetful of the testimonies you give me of your love, which I intend you to continue, in doing the King and me all good offices you can to his Majesty. You have been an eyewitness of the miserable estate our Countries are in; I intend you therefore to sollicit his Majesty for our help. You having given me an assurance of your affection; I intend you now to shew it, in helping of us by your good endeavours to his Majesty, and you shall ever bind me to continue, as I am already,

Your very affectionate Friend,

ELIZABETH.

Which Letters were seconded with others about the same time, both from the King of Bohemia and Council of Heidelburgh, to the same effect, and how much satisfaction his late Majesty received in that behalf, and touching that business, will plainly appear several ways, and particularly by his Speech in Parliament. And the said Earl likewise appealeth to both Houses of Parliament, to whom, by his late Majesty's order, he gave a just and true account of that employment, with what true zeal he proceeded; and how he pressed that single treaty, and promises no longer to be relied on, but that a fitting preparation for war might go along hand in hand with any treaty of accommodation. And, for a conclusion, among many of his late Majesty's approbations of his carriage in this employment, he humbly desired that a Letter of the Duke of Buckingham's under his own hand, bearing date the eleventh of October 1621, may be produced, being as followeth:

My Lord,
I Am exceeding glad that your Lordship hath carried your self so well in this employment, that his Majesty is infinitely pleased with your service you have done, for which he commanded me to give your Lordship thanks in his name, until he see you himself. You, of all men, have cause to commend his Majesty's choice of such a man, that unless your heart had gone with the business, you could never have brought it to so good a pass. Amongst other things, his Majesty liketh very well the care of clearing his honour, wherof he will advise further with your Lordship, at your next coming over. I hope you will not find your Negotiation with the Infanta of such difficulty as you seem to fear in your Letter, seeing my Brother Edward hath brought with him a Letter from his Majesty's Son-in-law, whereby he putteth himself fully to his Majesty's advice and pleasure for his submission, as you will perceive by the copy of the Letter itself, which I here send your Lordship; wherein, though there be many things impertinent, yet of that point you may make good use for the accomplishment of the business, wherein I have written to the Spanish Ambassador to use his means and credit likewise; which I assure myself he will effectually do, especially seeing the impediments are taken away by Count Mansfield's composition, and the conformity of his Majesty's Son-in-law to this submission. For the money your Lordship hath so seasonably laid forth, his Majesty will see you shall sustain no loss, holding it very unconscionable you should suffer by the care of his service; which you have shewed so much to his contentment, to the great joy of your Lordship's faithful servants,

Geo. Buckingham.

Having given this account of his employment with the Emperor, he humbly craveth leave to make it known, in what sort, before this his employment, he endeavoured to serve the Prince Palatine, and his cause, which will best appear by his Majesty's own testimony, upon the going of Sir Francis Netherfild to the Prince Palatine; at which time his Majesty being, out of his royal and just heart,

desirous to do a faithful servant right, commanded Sir Francis Netherfale to let the Prince Palatine understand, how good a servant the said Earl had been unto him, and how active in his affairs, as will best appear by a dispatch of Sir Francis Netherfale, written all with his own hand to Sir George Calvert, dated in Prague, Aug. 11. 1620, and sent by his late Majesty to the said Earl for his comfort, being as followeth

Right Honourable,

THAT you may be the better assured that I have neither forgotten nor neglected the commandments received from his Majesty by your honour; you will be pleased to have the patience to hear me report what I said to this King upon the delivery of my Lord Deputy's Letters to his Majesty; which was, That the King my Master, whose justice is so renowned over the world, did use to shew it in nothing more, than in vindicating his servants from wrongful opinions wherof he knew noble hearts more sensible, than of injuries done to their persons or fortunes; That out of his royal disposition, his Majesty having found my Lord Digby mistaken by some of his own people at home, by occasion of his being by him employed in the affairs with Spain, having thereupon received a jealousy, that the same noble Lord might be also misreported; whereto his Majesty's hands in that respect gave me a particular commandment, to assure his Majesty, he had not a more truly affectionate servant in England: And for proof thereof, to let his Majesty understand, That whereas the Baron of Doncaster, now his Majesty's Ambassador for England, had, since his coming hither, obtained but three great burs for his Majesty's service; viz. the loan of money from the King of Denmark, the contribution in England of the City and Countreys, and the sending Ambassadors to the contrary parties, that my Lord Digby had been the first propounder of all these to the King my Master, before his Majesty's Ambassador, or any other of his Majesty's Servants in England; although his Lordship were contented, that others, who were but set on, should carry away the thanks and prayers, because his Lordship, being known to be the first mover therein, might possibly weaken the credit he hath in Spain, and to render himself the more valuable to serve both his own Master and his Majesty; in which respect I humbly prayed his late Majesty to keep this to himself.

By which testimony it may appear, as the said Earl conceiveth, how he, the said Earl, bestowed himself before his ambassage, and in his said ambassage with his said late Majesty's approbation thereof. Now he humbly craved leave to give your Lordships account how he proceeded after his return from the Emperor's Court.

As soon as he came into England, he discovered unto his Majesty, and the Lords of the Council, in what great want he had left the forces in the Palatinate, and solicited the present sending away of money; thereupon thirty thousand pounds was borrowed of Sir Peter Vanlers, Sir Baptist Hicks, and Sir William Cortine, and presently sent unto the Palatinate, besides the ten thousand pounds which he lent, for which he paid the interest out of his purse for six months, having also given, not long before, five hundred pounds, by way of benevolence, to the service of the said Palatinate.

Now in the interim, betwixt his return from the English Coasts, which was in November 1621, and his going into Spain in May 1622, he first gave his account as aforesaid, of his ambassage to both Houses of Parliament, and moved them effectually, as was possible, for the supplying of his Majesty, and that the money might wholly be employed for the succour of the Palatinate.

The Parliament being dissolved, he solicited with great care and industry the settling of some course for the supplying of the Palatinate, and his Majesty was persuaded to maintain eight thousand foot, and sixteen hundred horse, under his own standard, and at his own purse, in the Palatinate, to establish a certain course for due payment of the said Army: The Lord Chichester was, upon the said Earl's motion, sent for out of Ireland, and the said Earl, by his Majesty's command, took order for his dispatch. In this estate the said Earl left his affairs at his departure towards Spain in May 1622, nothing doubting but that all things would have effectually and constantly been pursued, according to the order which was settled and resolved on at his departure.

At his arrival at the Court of Spain, he presently proceeded according to his instructions, pressing the business of the Palatinate as effectually as he could, and faithfully laboured and effected from time to time (as far as to the point of negotiation) all particulars that were given him in charge, as it will appear by his late Majesty's letter upon every particular occasion; and if by the accidents of war for that summer, the Marquis of Baden, the Count Mansfield, and the Duke of Brunswick, received each of them an overthrow, (the ordering of whose affairs his Majesty so far complained of to his Son-in-law, as to give order

for the withdrawing of his forces, as will appear by his Majesty's letters on the third of June 1622, and also by his letters unto Sir Horace Vere, and the Lord Chichester of the same date, if there was not a speedy redress) if by any of those accidents those businesses have miscarried, the said Earl hopes he shall not be liable to the blame, it having no relation to him, or to his employment, having so far and so honestly, with his best affections, employed his care and utmost services in the businesses, as his Majesty was pleased, by many several letters upon several occasions, to signify his gracious acceptance of his service, as in his letters of November 24. 1622, written as followeth, viz.

Your dispatches are in all points so full, and in them we receive so good satisfaction, as in this we shall not need to enlarge any further, but only tell you, we are well pleased with this diligent and discreet employment of your endeavour, and all that concerneth our service; so we are likewise with the whole proceedings of our Ambassador, Sir Walter Aston.

New Market,
Nov. 24. 1622.

Thus we bid you heartily farewell.

And afterwards his Majesty was likewise pleased in his letters of January 8. 1622, a little before our gracious Sovereign Lord the King, then Prince, his coming into Spain; as followeth,

Concerning that knotty and unfortunate affair of the Palatinate; to say the truth, as things stand, I know not what you could have done more than you have done already.

And whereas it is objected, the Palatinate should be lost by the hopes, he, the said Earl, gave, by his letters out of Spain, it is an objection of impossibility; but there was nothing left but Mannheim and Frankendale, when his first letters out of Spain could possibly come to his late Majesty's hands; for he did not begin to negotiate that business until August 1622, and about that time Heidelberg, and all but Mannheim and Frankendale was lost; and Mannheim he had saved by his industry, had it not been so suddenly delivered, as is by his Majesty acknowledged by letter of 24 November 1622, written thus, viz.

And howsoever the order given to the Infanta, for the relief of Mannheim, arrived too late, and after the town was yielded to Tilly; yet must you acknowledge it to be a good effect of your negotiation, and an argument of that King's sincere and sound intention.

And Frankendale being by the said Earl's means once saved, was again the second time saved merely by the said Earl's industry; and procuring a letter from the King of Spain, dated the 2d of February 1623. Whereupon followed the treaty of Sequesteration, which hath since continued. And he, the said Earl, was so far from hindering succours by any letter or counsel of his, that he was the solicitor, and in great part the procurer of most of the succours that had been sent thither, as is formerly set down. And when his Royal Majesty that now is, and the Duke of Buckingham arrived at the Court of Spain, they found the business of the Palatinate in so fair a way, that the Spanish Ministers told them, the King should give his late Majesty a blank, in which we might frame our own conditions; and the same he confirmeth unto us now; and the like touching this blank was likewise acknowledged by the Duke of Buckingham, in his Speech in Parliament, after the return of his Majesty out of Spain. And it will appear by the testimony of Sir Walter Aston, and by his, and the said Earl's dispatches, that the said Earl wanted not industry and zeal in the business: Inasmuch as the last answer the said Earl procured herein from the King of Spain, was fuller than he the said Earl was ordered by his late Majesty's latest Letters to insist upon. So, as by that which hath been alleged, the said Earl hopeth your Lordships will be satisfied, not only that he wanted neither will nor industry, but that he hath, with all true zeal and affection, and with his own means, faithfully served their Majesties, and the Prince Palatine in this cause: And for assurance in that affair, he had all that could be between Christian Princes; and if in the said assurances there hath been any deceit, as by the said Articles is intimated, which he never knew nor believed, he referred it to God to punish their wickedness; for betwixt Princes there can be no greater tie, than their words, their hands and seals, all which he procured in that behalf; and both the said Earl, and Sir Walter Aston were so confident that the business would be ended to his late Majesty's satisfaction, that in a joint dispatch to his late Majesty of 24 November 1623, after his own Majesty's return into England, they wrote as followeth, viz.

We hope that your Majesty may, according to your desire signifyed to me the Earl of Bristol, by the letters of Octob. 8. give to your Majesty's Royal Daughter this Christmas the comfortable news of the near expiring of her great troubles and sufferings, as unto the Prince your Son in the congratulation of being arrived to a most excellent Prince.

And having thus given your Lordships an account of his proceedings touching the Palatinate, he will, by your Lordships

Lordships good favours, proceed to the other part of that charge concerning the marriage.

And first, touching his hopes and assurances, that he is charged to have given to his late Majesty, and his Ministers of State here in *England*, of the *Spaniards* real proceedings in the said match, when, he said, he knew he never meant it: He saith, he never gave any hopes of their real proceedings, but such, and the very same that were first given to him, without adding or diminishing; neither could he have done otherwise, either with honesty or safety. And he further saith, that the hopes he gave were not upon any intelligence; but as well in that of the match, as the other of the *Palatinats*, his advertisements were grounded upon all the assurances both of word and writing, that could possibly pass between Christians, as will be made evidently appear by his dispatch of 9 September 1623, which he humbly desires may be read, if the length of it may not displease. The substance being to shew all the engagements and promises of the King of *Spain*, that he really intended the match. And the causes why the *Conde Oliveras* pretended to the Duke of *Buckingham*, that the match was not formerly meant, was only thereby to free himself from treating any longer with the said Earl, to the end that he might treat for larger conditions, in point of Religion with the said Duke: The said *Conde Oliveras* taking advantage of having the person of his Majesty, then Prince, in his hands. And with this dispatch the said Earl acquainted his Majesty that now is, in *Spain*, before he sent it.

And by this dispatch the Earl doubted not, but that it will appear to this honourable Court, that whilst the treating of this business was in hand, he proceeded in that, not only with care and industry, but with some measure of vigilancy. And for clearing an objection that hath been alleged, that the match was never meant before the Duke's coming into *Spain*, nor after; the Earl craveth leave to set down some few reasons of many, which caused him to believe that the said match was, and hath been really meant, and that it was so conceived by both their Majesties, and the King of *Spain*, and their Ministers on both sides.

For 1st, The Duke of *Buckingham* certified his late Majesty, that the business of the marriage was brought to a happy conclusion; whereupon his late Majesty was pleased to give order to the Duke and Earl, to proceed in the business; which his said Majesty would not have treated till the said marriage was concluded, as will appear by a Letter of his said late Majesty, jointly to the Duke of *Buckingham*, and the said Earl, of the 23 July 1623.

2^{dy}, It will appear by Letters of the said Lord *Conway* to the Duke of *Buckingham*, bearing date September 4, 1623. That the said Duke had good assurance of the conclusion of the said match; and upon this confidence were all things put in due execution in *England*, as had been capitulated; and the Lord *Conway* and others faithfully agreed and settled all the points of immunity and liberty for the *Roman Catholics*, and for the use of their Religion, as was set down in their Declaration, August 9, 1623, hereafter mentioned in the answer to the fifth Article of this charge.

3^{dy}, The very day his now Majesty and the Duke of *Buckingham* departed from the *Escurial* in *Spain*, towards *England*, the said Duke solemnly swore to the Treaty of the said Marriage, and the furtherance of it all that should be in his power, upon the holy Evangelists, in the presence of the said Earl and Sir *Walter Aston*.

4^{thly}, The treaty of the said Marriage had been formerly signed, sealed, and solemnly sworn by the King of *Spain*: And when his Majesty, and that King took their leave, he did solemnly, in the words of a King, faithfully and punctually protest to perform all that had been capitulated in the treaty of Marriage; and thereupon embraced his Majesty at his departure, and sent the very next day a Letter, written all with his own hand to his Majesty, vowing and protesting to make all good that he had capitulated or promised unto his Majesty at his departure the day before. So that if there were no true meaning on the part of *Spain* to make the Marriage, as by Mr. Attorney is pretended, yet certainly the Earl hath not been slightly deceived; neither can it be, at he conceiveth, any fault in him, since not only his late Majesty, but also his Majesty that now is, and the Duke of *Buckingham*, being then both upon the place, did confidently believe, and that upon other grounds than misinformations, suggestions, and persuasions of the said Earl, that the Marriage was really intended: And to that effect, both his late Majesty of blessed memory, and his most excellent Majesty that now is, after his return into *England*, wrote unto him, the said Earl, several Letters, assuring him, that their intents and pleasures, were to have the said match proceeded in, and thereupon the proxies of his Majesty, then Prince, were again

inrolled and sent unto the said Earl. So that the said Earl having so many and so great causes to be assured, that the match was really intended on both sides, he conceiveth it will be hard for Mr. Attorney to make good that part of his charge, wherein he affirmeth, that the Earl should know the contrary, or the assurance to be upon false grounds, as in the said Article is alleged.

II. To the second article, he directly denieth all the supposed offences wherewith he is charged by the said Article. And for a clear declaration and manifestation of the truth and manner of his proceedings, he saith,

First, As to the continuing the treaties upon generalities, that the temporal Articles were by agreements on both sides not to be treated or settled until such time as the articles of Religion were fully agreed on; for that it was held most proper and honourable for both sides, to see if the difficulty of Religion might be removed, before they passed to any further engagements. And the said articles of Religion, by reason of the Pope's new demands sent into *England* by Mr. *Gage*, were not signed nor defended to by his late Majesty, nor his Majesty that now is, then Prince, till January 5, 1623, and were then sent away in post out of *England* to the said Earl by Mr. *Simon Digby*, who arrived with them at *Madrid* in *Spain*, about the 25th of the same month. But the Earl's care was such, to have no time spent in the settling of the temporal Articles, that before he would consent so much as *de bene esse* unto the articles of Religion, that they should be sent back to *Rome*, he procured the King of *Spain* to promise, that within the time limited for procuring the *Dispensories*, which was by *March* or *April* following at the furthest, all temporal Articles should be settled and agreed, to the end that the Infanta might be delivered at the springs, as by the King of *Spain* his answer in writing was declared to be the King's intention; and accordingly Sir *Walter Aston* and the said Earl did not deal in general, but did most industriously labour to settle all in particular, viz. That the portion should be two millions, it appearing, that it was so agreed by the late King of *Spain* (1); that the dispensation coming, the *Dispensories* should be within forty days after; and that Don *Duarte de Portugal* should be the man that should attend the Infanta in the journey. And all other particulars necessary for the conclusion of the said treaties, were, by Sir *Walter Aston* and the said Earl, and the *Spanish* commissioners, drawn up into heads, in writing, and after many debates, they were consulted with that King; and 2 *March* 1623, *Alfo* vet. the *Conde Gondomar*, and the Secretary *Don Andreas de Prada*, were appointed to come home to the house of the said Earl, to signify unto Sir *Walter Aston* and himself, as they did, that the King of *Spain* had declared his resolution in all the particulars, and given them order to come to a speedy conclusion with them in all things: And that King's answer to that conclusion, the Earl saw, and read, all written with the King of *Spain*'s own hand.

On the seventh day of the said month of *March* 1623, the King's Majesty, then Prince, and the Duke of *Buckingham*, arrived at *Madrid*; and the *Spaniards* took new laws, and the negotiation was put into a new form. So that whereas it is objected against the Earl, that he entertained and continued the treaties so long upon generalities, he conceives it is not meant upon the spiritual Articles; for they were such as were sent from *Rome* into *England*, from thence they came to the Earl: And for the temporal Articles, they were not to be settled and treated till the articles of Religion were concluded. He conceiveth it cannot be alleged with any colour, that his Majesty was entertained with generalities, since the time that the said articles of Religion were brought unto the said Earl by Mr. *Simon Digby*, being about the 25th of *January*, there were but six weeks until *March* 7 following, when his Majesty, then Prince, arrived in *Madrid*; and in the interim, all the above-mentioned particulars were settled: And the time that hath been spent in this treaty, hath not been through his, the said Earl's, default, in continuing upon generalities, without pressing to particulars, but hath been caused, as well by difficulties which the business brought with it, as also with exterior accidents, viz. The wars of *Bohemia*, the death of two Popes, and the late King of *Spain*, without the least fault of the said Earl, as is acknowledged by the late King of blessed memory, in the said Earl's instructions, on the 14th of *March* 1621.

Neither could any delay therein be attributed to him the said Earl; for he was employed in those times into *Germany* and *Flanders*, and Sir *Walter Aston* and Sir *Francis Cottington*, for the space of three or four years, were resident in *Spain*; from whence the hopes they gave were upon all the discreet grounds that ministers can expect from a state: But the Earl re-assumed his business six months before his Majesty's coming into *Spain*; and he

(1) Philip III.

was so desirous to see his Majesty, then Prince, bestowed, that he pressed nothing so much, both to the King and Prince, as that the Prince might lose no more time, and rather to break the match with Spain, than suffer any further delays; as will appear by his dispatches from his first arrival at the Court of Spain, until his Majesty, then Prince, his coming. For in his letters of June 20, 1622, being the first he wrote after his first audience, he was so desirous that no time might be lost, that in them he craved leave of his Majesty, that in case he should find any delays in Spain, he might without expecting any order, take his leave, and come home.

Upon the return of Sir Francis Cottington, in September following, he wrote both to the King, and his Majesty then Prince. To the King, as followeth:

I shall presume to add to that which Mr. Cottington shall deliver unto your Majesty by word of mouth, of the present state of the match, what I conceive to be the right way to bring it to a speedy issue: That your Majesty will be pleased positively to declare, what you will do in point of Religion, and that you will appoint me a certain limited time, by which this King should procure the dispensation, or conclude the match without it; and in case there shall be any further delay therein, that I may then declare your Majesty to be free and disengaged, to bestow the Prince in such sort as you shall judge most convenient.

And to the Prince, at the same time wrote in these subsequent words, viz.

That which will be necessary for his Majesty presently to do on his Majesty's part, is, to declare himself, how far he will be pleased to yield in point of Religion, as Mr. Cottington will approve unto your Highness: And that be set a prefixed time to break or conclude the match, either with the dispensation, or without the same. And for the rest, it may be left to my negotiation. But your Highness may be pleased to hasten his Majesty's resolution with all possible speed.

And the said Earl faith, that having received from his said late Majesty his resolution in point of Religion, and a limited time according to his desire, he was so precise and punctual therein, that although the making or breaking of the marriage depended upon it, he would not give one month's respite longer time for the procuring of the dispensation, until he had first acquainted his late Majesty therein, and received his directions under his own hand; as will appear by his Majesty's letters of October 25, 1622, as followeth:

Right trusty and well-beloved Cousin and Counsellor, we greet you heartily well. Whereas by your last Letter written to our Secretary, dated September 29, you are desirous to have our pleasure signified unto you under our own hand: whether we will be content or not to grant a month's time longer, for the coming of the dispensation from Rome, than we have already limited unto you, in case they shall there conclude all things else for your contentment, with a resolution to send the Infanta hither the next spring: we do hereby declare unto you, that in that case you shall not break with them for a month's longer delay. We also wish you not to trouble yourself with the rash counsel of other men, in case your business should not succeed; resting in that full assurance of our justice and wisdom, that we will never judge a good and faithful servant by the effect of things so contingent and variable. And with this assurance we bid you heartily farewell.

And he further faith, That when he had agreed to the articles of Religion, and that a certain time was set for the coming of the dispensation, and a conclusion of the match, although he would bind himself to nothing, without his Majesty's approbation, yet for that no time might be lost, he agreed to the propositions, *de bene esse*, sent by Mr. Perier, December 10, 1622, to the end the articles might be immediately sent to Rome, without losing so much time as to hear first from England: And humbly moved, that in case his Majesty should like of the said articles, he would send his approbation directly to Rome for the gaining of time; which his Majesty was pleased to do. And at the same time he wrote both to his said late Majesty, and his Majesty then Prince, as followeth, viz. to his Majesty,

This is the true state of the business as it now standeth. If your Majesty approve of what is done, I hope it will be a happy and a short conclusion: If your Majesty think it not fit to allow and commend to the said Articles, I have done the uttermost of my endeavours, and shall humbly persuade your Majesty not to lose a day longer in the Treaty; so much it importeth your Majesty and your Kingdoms that the Prince were bestowed.

And to the Prince, in letters of the like date, in this fort. I have presumed to write to his Majesty, that which I think my duty to say to your Highness, That in case you shall not approve of what is now conditionally agreed, you permit not a day more to be lost in this Treaty: For it is of so great

consequence that your Highness were bestowed, that in importeth almost as much that you were special, as fully matched. But I hope his Majesty, and your Highness, will in such sort approve of this last agreement, as you will speedily bring this long Treaty to a happy conclusion. I am out of hope of bringing things to any better Terms; therefore I deal clearly with your Highness, and do not only most humbly persuade but on my knees beg it of you, that you either resolve to conclude this match as you may, or speedily to break it, and bestow yourself elsewhere; for no less than the happiness of your Kingdom, and the security of the King your Father, and yourself, depend upon it.

All which things being considered, the Earl most humbly submitted himself to the judgment of that most high and honorable Court, whether the delays which accidents have brought forth in this business, can be attributed to his fault; since on the one side it will evidently appear to your Lordships, that he never moved his Majesty and the Prince to admit of delays, but rather to think of some other course; and it will on the other side appear by all the dispatches, that he pressed things with the Ministers of Spain to as speedy a conclusion, as the utmost terms of fair negotiation and good manners would bear. And whereas it is pretended, that the Spaniards should take occasion, by entreating the said Treaty, to abuse his said late Majesty (which he knoweth not) yet, he faith, he used all the vigilancy and industry that a careful Minister could do, and had from the Spaniards, all the assurances by oaths, words, and writings, which could be expected from Christians; the which, without adding or diminishing, he faithfully presented unto his said late Majesty; and his said late Majesty was pleased in those times, to conceive upon those assurances, that they dealt really with him: And he conceiveth that his Majesty that now is, then Prince, and the Duke of Buckingham, were pleased to write as much to the late King's Majesty, at their first coming into Spain, and that all which the Earl had written touching that employment, was there avowed by the *Conde Olivares* and *Conde Gendomar*, to the said Prince and Duke, at their arrival at Madrid; and he hopeth, that if that dispatch may be perused, it will as well appear and be adjudged, that he served his Majesty with some measure of vigilancy, as well asfulness of fidelity.

III. To the third article the said Earl faith, That he did not either by words or by letters to his late Majesty or his Ministers, extol, or magnify the greatness and power of the King of Spain, nor represented to his late Majesty the supposed danger that might ensue unto him if a war should happen between him and the King of Spain, nor affirmed, nor insinuated the same, as in the said article is mentioned; but if he did at any time speak or write of the power and greatness of the King of Spain, or represent any danger to his said late Majesty that might ensue by entering into hostility with the said King of Spain, it was as a faithful Counsellor and servant to his Majesty, by way of his advice and opinion, which he ever delivered sincerely, faithfully and truly, according to the present occasion, and in no wise with such an intent as in the said articles is mentioned, nor to any other evil intent or purpose whatsoever.

But he hath been so far from dissuading his late Majesty to take arms, that he hath upon all just occasions advised, that all fitting preparations for war might be made, as beginning with the year 1621, from which time he is only charged, will appear by his Speech in Parliament presently after his return out of Germany; and that he hoped his Majesty would no longer rely upon single treaties, but make all fitting preparations for war; and that the Parliament would enable his Majesty thereunto; and by the care he took before his going again upon his embassy into Spain, that the establishment of an army under his Majesty's own standard of horse and foot, and under his own pay, might be settled and provided for; as likewise his advice to the Lords of the Council, that his Majesty might have a curb upon the King of Spain upon all occasions, by continuing of Sir Robert Mansel's fleet on the coasts of Spain, as will appear by his letter written from Vienna, 26 July 1621, mentioned in the answer to the first article. By all which it appeareth, that he laboured and endeavoured as much as in him lay, that his Majesty might be well prepared for any occasions of war that should happen. And he no way remembered to have discouraged, or to have spoken or written any thing, that might have been understood to have tended to the discouraging of his said late Majesty for the taking of arms, and entering into hostility with Spain, or for resisting of him and his forces, from attempting the invasions of his late Majesty's Dominions, or the Dominions of his late Majesty's confederates, friends or allies, as by the said articles is charged against him; neither remembereth that he had any cause so to do. But if he have in any kind spoken or written of Spain, or the power thereof, it may have been to his late Majesty, or to his

his Majesty that now is, by way of discourse, speaking of the foliowne of the *Spanish* proceeding, of their serious and deliberate debating of buinesse before they resolve on them, of the constant pursuing of them when they are once resolved, wished that *England* and other Nations would therein imitate them: For he supposeth the right way to impeach their greatness was to grow as wife as they, and to beat them at their own weapons. But otherwise he is confident never to have been heard to speak or write any thing, that might have any terror or discouragement to his late Majesty or his chief Ministers, knowing that *England* well ordered, need to take little terror at the power of *Spain*, having almost in all attempts and enterprizes won honour upon them. And as for the preventing of dangers that might ensue upon a war, though he knew not what is aimed at in that particular: Yet he is most confident, out of the integrity of his own conscience, that he neither said, nor advised any thing but what befit a faithful Counsellor and Ambassador, which was truly to deliver his opinion as he understood it upon the present occasion: And as for affirming that his Majesty's quiet should be disturbed, and he not be permitted to hawk or to hunt, he remembereth not what discourse he may have had, or written to any person, how fit it might be upon the being broiled in a great war, seriously to intend it, and make it our whole work. But as he is confident will it appear, that what discourse forever it might have been, it wanted not true zeal and affection which he hath ever born to the King's service, and he hopeth it will not be found to want due respect and reverence on his part, which he ought to shew to so gracious a master. Neither can it be conceived, that the considerations of hunting and fowling, should be considerations worthy so great and prudent a King, to withhold from a war for the good of Christendom, and his Kingdom, if he should have been justly provoked thereunto.

IV. To the fourth Article the said Earl saith, That he did not any thing contrary to his duty or allegiance, or contrary to the faith and duty of an Ambassador, as by this article is alleged; but did intend the service and honour of his late Majesty; and no corrupt and sinister ends of his own advancement; as by this article is so alleged. And as for the conference, which is pretended he should hold concerning the Treaty, that being told there was little probability that the said treaties would or could have good success, he should acknowledge as much; and yet said, he cared not what the success thereof might be, but that he would take care to have his instructions perfect, and to pursue them punctually, and would make his fortune thereby, or words to that effect; he doth not ever remember to have held such discourse. Though it be true, the time hath been many years since, when he thought the match very unlike to be effected, in regard unequal answers were given in Prince Henry's days, and of the unlikelihood of accommodating the differences of Religion; and faith further, That the reviving of the Treaty of the said match for his Majesty that now is, was not by his means, for he ever declared his opinion clearly, both to his late Majesty, and to his Majesty that now is, That in the first place, he wished and advised a Protestant match, but in the duty of a servant, understanding, that both their Majesties desired the match really with *Spain*, he did really and faithfully intend the service and honour of their Majesties, and effectually endeavoured to procure their ends. And it is very likely he might say, he would get his instructions perfect, and pursue them punctually, as he conceiveth was lawful and fit for him; but the latter part of this conference, that he should say he would make his fortune by it, or any other words to that effect, he was in *Anno* 1621, and ever since, of that rank and quality, both in regard of his employments, fortunes, and his Majesty's favour, that he assureth himself he did not, and dares answer so far for his discretion, that it was impossible for him to hold so mean and unworthy discourse.

V. To the fifth article he saith, That what is therein alleged, is so far from being so, that contrarily upon all occasions to the uttermost of his power, he did labour to prevent all the inconveniences in point of Religion, that might come by matching with a Princess of a different Religion, as well appeareth by the Paper of his opinion, that his Majesty should marry with a Lady of his own Religion, hereafter mentioned in his answer to the seventh article. And for further proof thereof, he saith, That in the whole treaty with *Spain*, he stood more strict in points of Religion, than by his instructions he needed to have done, as will appear by the testimony of Sir *Walter Aston*, and his dispatches of the twelfth of *December* 1622, and other dispatches, which he desireth may be read. And as for concealing or persuading to set at liberty the Priests or Jesuits, he utterly denieth to have done any such thing, as before he hath answered. Although it be true, that the ambassage in *Spain* be far different from the employment of other places, where there is a body of our reformed Religion, and

where his Majesty hath kindred and allies; whereby his Majesty's Ministers may be informed of the necessary occurrences of State, without the helps of Priests or Jesuits. But in *Spain* there being none but *Roman* Catholics, not any manner of correspondency or intelligence but by them, the Ambassadors must make use of all sorts of people, especially of Jesuits and Priests, and to that end Ambassadors sent thither have a large and particular Warrant under the King's hand, to treat and make use of Priests and Jesuits, and all other sorts of men, unless it be such as are proclaimed rebels. And divers times the Ministers employed in *Spain*, to gratify some whom there they employed for the King's service, have, as he believeth, at their particular suit, moved his Majesty to extend grace and favour to some particular friend and kinsman of his, being a *Roman* Catholic, and imprisoned in *England*; and that he remembereth to have happened to others, but doth not remember himself to have written to his late Majesty in that kind: And as concerning his advice and counsel, to set at liberty Jesuits and Priests, and the granting to the Papists a toleration, or the silencing of the Laws against them, he said, That his late Majesty was engaged by the treaty of *Madrid* 1517, in divers matters concerning Religion; likewise by promise to *Casde Gondomar*, and his letters to the King of *Spain*, *April* 1620, wherein he is pleased to promise some particulars in favour of *Roman* Catholics, as by the said letters will appear: And understanding the said Earl had sufficient warrant under the King's own hand, to assure the King of *Spain*, whatsoever was agreed in the said article, or in the said letters, his Majesty would faithfully perform; yet the said Earl was so cautious in that point, that when, for the conclusion of the match, the other articles of Religion being allowed, it was pressed by the *Spanish* Ministers, that a clause of convenience might be inserted, with protestation, That the form and way thereof should be wholly left to his Majesty's wisdom and clemency, and that his Majesty's *Roman* Catholic subjects should acknowledge this grace to have come from the King's Majesty's mercy and goodness: Yet the said Earl would not consent hereunto, *de bene esse*, as by his letters to Master Secretary *Calvert*, 8 *October* 1622, will appear, hereby to give his Majesty time to have recourse unto his second consultation, and to take it into consideration before he would engage or bind himself in this point: But his late Majesty, and his Majesty that now is, were pleased to consent hereunto, by signing the said articles with their own hands, and likewise by writing their private letters of the 8th of *January* 1622, to that effect to the King of *Spain*, as by the said letters will appear. Neither did the said Earl, by letters or otherwise, ever counsel or persuade his late Majesty, to grant or allow unto the Papists or professors of the *Romish* Religion a free toleration, and silencing of the Laws made and standing in force against them, but ever protested against any such toleration; and when any such provision hath been offered to be made in *Spain*, he ever refused so much, as to give ear to it, or to suffer it to be propounded; although it be true, that he hath since seen a paper touching pardons, suspensions, and dispensations for the *Roman* Catholics, bearing date the 7th of *August* 1623, signed by the Lord *Conway* and others, which in effect is little less than a Toleration; which paper is that which followeth.

Salisbury, 7 *August* 1623.

The Declaration touching the Pardons, Suspensions, and Dispensations of the *Roman* Catholics.

This Declaration having been inserted, in the Reign of King James I, under the year 1623, there is, I think, no occasion of repeating it here.

But this declaration, the said Earl faith and affirmeth, was the effect of the Duke of *Buckingham's* negotiation, and treated and concluded by the Lord *Conway*, with the *Spanish* Ambassador here, whilst the Prince was in *Spain*; neither was his privacy or advice in it: For if he had known it, he should have protested against it. All which, together with the difference between the conditions of Religion agreed at the treaty of *Madrid*, 12 *December*, 1622, by the said Earl, and the said Sir *Walter Aston*, being by their Lordships considered, the said Earl doubteth not but that it will manifestly appear, whose endeavour it was to advance the *Romish* Religion, and the professors thereof; and judges the said Earl most unfortunate to be charged with an article of this kind.

VI. To the sixth article the said Earl faith, That the assurances which he gave his late Majesty, and his Majesty that now is, concerning the treaties, were such, That it had been dishonestly and breach of his duty and trust for him to have held them back, being the same that were given him by the Emperor, and the King of *Spain*, and their Ministers, upon as great assurances as can pass between Ministers of Princes in the like case. And for the delays

of Spain, they could never be so ill, and with so little colour complained of, as at the time of his Majesty's coming thither; for that a certain time was before then prefixed for the coming of the dispensation, viz. in April 1623, at the furthest, which was next month after the Prince's arrival at Madrid; the depositions were to be within four days following, and the Infanta begin her journey into England twenty days after: So as three months patience longer would have shewed the illuse of the business without putting of the person of the Prince, being heir-apparent to the Crown, in imminent a hazard for the trying of an experiment. And it is an argument of great suspicion, because the Spaniards were supposed to have dealt falsely, and to the less to be trusted with the person of the Prince, to be put into their hands to try conclusions: But the truth is, though that were made the pretended ground, and the occasion of the journey, it was neither the assurances of the said Earl, nor the jealousies of Spain, but other motives that were the original cause of his Majesty's said journey, as shall be sufficiently made apparent in due time. And the said Earl having got an inkling of it by something that was let fall from the *Conde Gondomar* to that purpose, instantly dispatched away by Mr. *Griffy* to his late Majesty, to have his journey prevented; who upon the confines of France, met with his Majesty and the Duke of Buckingham on his journey towards Spain, and told them as much. So that although he conceiteth what is laid in the charge to be true, viz. That by the said journey the person of the Prince, the peace and safety of the Kingdom did undergo further danger, (at the remembrance thereof the hearts of all good subjects do tremble) yet the blame is due to the authors and advisers of the same journey, and not to the said Earl; and although it pleased God, to the exceeding great joy and comfort of the said Earl, and of all good men, to send his gracious Majesty home with safety, yet never was the person of any Prince, upon such grounds, exposed to so great an hazard; and in such cases, not the success, but the counsellors are considerable.

VII. To the seventh Article the said Earl saith, that he did not move or persuade his Majesty, then Prince, to change his Religion, neither in the manner in the said Article mentioned, nor in any other manner whatsoever: Neither doth he conceive, that the charge in itself as it is laid, will in any reasonable construction bear any such inference as is made therein; so as he conceiveth, he needeth not make any further or other answer thereunto. Yet that it may appear, that the manner he used to the same Prince was not traitorously, falsely, or cunningly, nor without ground, or to any such intent, as in the said Article is supposed. And to manifest upon this most high and honourable Court, how far he was from all such intention, he saith, that he doth acknowledge, that within few days after his Majesty's coming into Spain, whilst he had the great honour to have his Majesty lodged at his House, and to have so Royal a guest, finding by the Spanish Ministers, that there was a general opinion, that his Majesty's coming thither was with an intention to become a Roman Catholic; and the *Conde Gondomar* having that very morning pressed the Earl not to hinder so pious a work (as he termed it) of his Majesty's conversion, and seeming to be assured of the Duke of Buckingham's assistance therein, his Majesty being all alone in a withdrawing room in the said Earl's House, the said Earl kneeled unto him, and told him, that he had a business to impart unto him, which highly imported his Majesty to know, so that he might be assured his boldness therein might be pardoned; which his Majesty graciously promised. And thereupon the said Earl told his Majesty, that the general opinion of the Court was, that his Majesty's coming into Spain was with an intention to be a Roman Catholic, and there to declare it. And he conceiteth, that at the same time, in regard of those things he had heard, he humbly besought his Majesty to deal freely with him as a servant, of whose fidelity he might be confident, or words to that effect: But he was so far from persuading his Majesty to be a Roman Catholic, that without respecting his Majesty's answer, he declared himself to be a Protestant, and so should always continue; yet he said, he should always serve his Majesty, and labour to advance him, and the King his Father's, affairs with as much fidelity and honesty, as any Catholic whatsoever: And his Majesty was pleased then to make unto the said Earl a full and clear declaration of his Religion, and of his constant resolution therein; and seemed to be much displeased, that any should have so unworthy an opinion of him, as to think he would for a wife, or any other earthly respect whatsoever, so much as waver in his Religion. Whereupon the said Earl besought his Majesty to pardon his boldness, and then intreated him not to suffer his business to be overthrown, by permitting that conceit of his conversion any longer to remain in the Spaniards, not to any thing that might give them hope therein, alleging, that it was impossible the marriage could be without a Dis-

penfation; and so long as the Spaniards, who were to procure the Dispensation, should have hope of his Majesty's conversion, they would never content themselves with a part; to which they were tied by the Articles agreed upon with the said Earl and Sir *Walter Aston*. At which time his Majesty was pleased to approve of his opinion, and said, he would expect the Dispensation, and did thereupon afterwards send Mr. *Andrews* to Rome to hasten it; and the next day the said Earl dealt very roundly with the *Conde Oleario*, and *Gondomar*, telling them it was a discourteous manner of proceeding, to press his Majesty to further conditions than were formerly agreed upon in point of Religion, and to make his conditions the worse for the great obligation he had put upon them, by putting himself into their hands; whereas they took such great offence, that they estranged themselves from him for a long time after. And that the said Earl did thus proceed with the said *Conde*, and that it was not a new-framed answer to satisfy present objections; but that which really and indeed passed, will really appear by his dispatches unto his late Majesty of blessed memory; and before his Majesty that now is, came out of Spain, they were there shewed unto his Majesty, bearing date the 9th of September 1623. So that although it be true, that he the said Earl did not disavow his Majesty, for that there was no cause for it; yet without expecting his Majesty's answer, he first made a clear and true profession of his own Religion; and when his Majesty had declared to him his zeal and constancy, he humbly besought him, that the Spaniards might not for any respect be longer held in hopes of that point. And because point of Religion is that which all men of honour and honesty would chiefly desire to clear, especially having an imputation of that nature laid upon him, as the said Earl hath in the said article; he humbly beseecheth your Lordships, that he may not seem to digress from his charge; intending your Lordships satisfaction in that particular, not by the aforesaid verbal discourse only, which he professeth was in much zeal to Religion and dutiful care to the Prince in that kind, but by some written testimony of his former opinion both of the Match and Religion. When he was first employed into Spain for the treaty of his Marriage 1617, his late Majesty having commanded him to give an account thereof unto his Majesty that now is, he at his departure towards Spain, presumed to give unto his Majesty that now is, his opinion in writing signed with his own hand, to be kept as a testimony of future action, the copy whereof is this as followeth.

SIR,
THE opinion which I have ever presumed humbly to offer unto his Majesty concerning your Highness's marriage, hath been, that both in regard of conscience and satisfaction unto his Majesty's people and allies; likewise for the security and quiet of your Majesty's states, your Highness might take for wife some Protestant Prince, although she neither were daughter to a King, nor had so ample a portion as might relieve the King's present necessities and wants; for then there might be many ways found to help the King's wants, either by some few years providence, and frugality, or by winning the affections of the People, to the supporting of his Majesty by way of Subsidies in Parliament; whereas contrariwise, if the number and power of the Papists shall be increased, as undoubtedly they will be by your Highness's matching with any Catholic Prince, through the concession which must be of necessity for the exercise of her Religion for herself and Family, within your Highness's Courts, and thereby by degrees these two different Religions shall grow to an equality of power; it will be great hazard and disquiet to the State, and not to be redressed without great danger, and courses of more violence than is usual for this State to put in practice. But in case his Majesty, out of his wisdom and consideration hath known to himself, hold it fittest that your Highness match with France, or Spain, or any other Catholic, either for that the present time affordeth no Protestant Prince, who is far years or blood suitable for your Highness, or that can in any considerable measure by the portion, supply his Majesty's present wants, I then conceive that the match by which this State shall suffer least inconvenience and damage, and whereby his Majesty's necessities shall by the greatness of the portion be the most relieved, is with Spain, if such a match may be made with such conditions of Religion, as either Catholic Prince will contract themselves unto.

Thus much I thought fit humbly to present unto your Highness, for that I see my employment liable to the censure of many worthy persons, with whom though I concur in my opinion, yet I seem much to differ from them many ways; for that it is more proper to me to be true to my Majesty's ends and services, than by the declaring this, to procure their justification: Only to your Highness I thought fit to make this declaration, and shall be a faster to you for your favour, as you shall see me ready labour to put this in effect. And if

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his Majesty shall, either upon motion of Parliament, or any other proposition that can be made unto him, think fit to proceed with a Protestant Match, as I shall wish as well unto it as any man living, so I hope in such sort to manage the present business that I have in hand, that it shall rather much further, than any way criss or hinder it. But in case his Majesty shall not be drawn to any proposition for a Protestant Match, I then conceived, that your Highness both doth, and will approve, that I really and effectually labour to procure a Match for your Highness in Spain, upon such conditions, in point of Religion and Pertin, as to his Majesty shall seem fit.

Besides which declaration of his opinion, he hath all the days of his life, and in all places, lived and allowed himself to be a Protestant, never having done any the least act that was not suitable to that profession: And in all his former employments, for the space of fourteen years, of more than five hundred persons of all qualities that attended on him, there was never one perverted in his Religion, saving two Irish footmen, who in Ireland had been bred Papists. And he humbly desired the testimony of Doctor Moun, and Doctor Wren, his Majesty's Chaplains, who were with his Majesty in Spain; and of Mr. Sampford, one of the Prebends of Canterbury, Mr. Bewell, Parson of St. Lawrence in London, and Mr. Freuden, Divinity-Reader in Magdalen College in Oxford, and now one of his Majesty's Chaplains, who were his Majesty's Chaplains in Spain; as well for the frequent use of the Sacrament, as constant profession and exercises of Religion, and the testimony of such Catholics as are known to have been his ancient acquaintance and friends, to examine them upon oath, whether publicly or privately, in Spain or in England, they had known him in any kind to make shew, or so much as to forbear, upon all occasions, to declare the Religion he professeth. And that the said Mr. Freuden and Mr. Wake may be also examined, whether in extremity of several ficklenesses, wherinto he hath of late years fallen, he hath not ever settled his conscience with them towards God, and made a confession of his Faith; resolving, as becometh a Protestant or good Christian.

VIII. To the eighth article the said Earl, That he did not at any time, or in any place, endeavour to persuade the Prince, touching his Religion, to become a Roman Catholic, and to be obedient to the usurped authority of Rome; neither did the said Earl, to that end, and purpose, or otherwise, use unto his Majesty, then Prince, the words in the article mentioned. But the said Earl acknowledgeth, That upon occasion of a Letter that came to his Majesty, then Prince, putting his Majesty in mind of the great actions of his royal progenitors in the Holy War, that the great Kings of their times did not only employ their forces, but in their persons went into the Holy Land; the Earl believeth, that by way of discourse only, and not otherwise, he may have said, That in regard of the difference in Religion, it was of more difficulty to undertake such great actions now, than in former ages; and it might well be inflamed in the present treaty of the marriage, wherein the Pope's consent was to be obtained. And to this effect, and upon the like grounds, he is confident there was very many that have, nay, few of nearness about his late Majesty, that have not often heard his Majesty say, That he was the true martyr, that suffered more for his Religion than all the Princes of Christendom besides; instancing in divers particulars, but especially in this, That he could not match his Children with Kings of his own rank, without the Pope's leave.

But the said Earl saith, He never alleged any such thing to any other purpose, than to shew, that only conscience, and love to truth, (in which regard Protestants suffered much) not any temporal respects, made men constant and zealous to the profession of our Religion. By which discourse he ever attributed much to the honour and security of the Protestant Religion; but never used it as an argument to persuade to the contrary, as in the accusation is insinuated.

Besides, he conceiveth, by way of answer therunto, the said question may be asked, which his Majesty was pleased to ask of the Earl in the seventh article, viz. *What the said Earl saw in his Majesty, that he should think him so unworthy, as to change his Religion for a wife, or any earthly respect whatsoever?* To what he should it be thought, that being more fit to undertake great actions in the world, (being a mere moral and temporal respect) should be an argument to persuade in conscience to religious and wife a Prince, and so well instructed as his Majesty is, as though the soul of a Christian Prince was to be wrought upon, in point of truth and belief, by temporal and worldly respects of conveniences and greatness? It were necessary, for the proving, that the said Earl persuaded his Majesty touching Religion, to produce some arguments that he used out of Scripture, to satisfy him in point of conscience in some tenets of the Roman Church, or that

he produced any conference with learned men for his satisfaction in point of Religion: Otherwise, the articles used in this against the said Earl, do (as he conceiveth) carry little strength to prove the charge of persuading his Majesty, either in regard of itself, or in regard of his Majesty's piety.

IX. To the ninth article, the said Earl saith, That there was a discourse in Spain of the way of accommodating the Prince Palatine his affairs; and by way of discourse it was moved, That the marriage of his eldest Son, with a Daughter of the Emperor, and his Son to be bred in the Emperor's Court, would be the fairest way for the pacifying of, and accommodating those business. And the Earl, by way of discourse, and not otherwise, did say, That he thought his late Majesty could not be adverse, either to the said match, or to the breeding of the Prince Palatine his Son with the Emperor; so as thereby, the whole patrimonial estate of the Prince Palatine, and the Dignity Electoral might be fully restored, and that his Son might be bred in his own Religion, and have such preceptors, and such a family, as his late Majesty and his Father, meaning the Prince Palatine, should appoint; and they to have free exercise of Religion: For to his late Majesty hath often declared himself to the said Earl, and wished him to lay hold on any occasion for the entertaining of any such proposition. And other wise than so, and upon the terms aforesaid, and by that way of conference and discourse only, he delivered not any opinion to his Majesty, at his Majesty's being in Spain: For the said Earl is very confident, that his Majesty was returned out of Spain before any proposition was made for the said marriage, other than by way of discourse, as aforesaid; the same as the said Earl believeth, being first moved and debated on by way of proposition, between Mr. Secretary Calvert, and the Ambassador of the King of Spain, October 2, 1623. His late Majesty, upon a relation made unto him by a letter of Mr. Secretary Calvert, approved of the said proposition, and declared the same to be the only way, as he conceived, to accommodate with honour those great businesses: And wrote to that purpose to his Son-in-law the Prince Palatine, by his letters dated 9 November 1623, a copy of which he, together with Mr. Secretary Calvert's relation, and the Lord Conway, by his late Majesty's commandment, sent unto the said Earl, the tenor of which translated out of French, is as followeth.

We have thought good, that we may provide best and most soundly for your affairs, not only to procure, but also to assure your peace, were to cut up by the very roots that evil, which hath been settled in the heart of the Emperor, by the great displeasure and enmity he hath conceived against you. For the removing and quite extinguishing of which, it seems to us no better or more powerful means can be used, than a good alliance, which may be proposed by us, between your eldest Son, and the Daughter of the said Emperor, upon the assurance we have, we shall not be refused in this matter, if you on your part will give your consent. And for the more surety of the good success thereof, we are determined, before any such proposition be made to the Emperor, to interst the King of Spain with us in the business, who, we trust, will lend us his helping hand, as well for the effecting of it, and bringing it to a good conclusion, as in procuring likewise, that the condition be duly observed. Amongst which conditions, if it happen that the Emperor should demand, that your Son, during his minority, should be brought up in his Court, we shall tell you, that we, for our own part, see no reason why you should stick at it, upon such conditions as he might be tied unto, to wit, That the young Prince should have with him such Governor as you shall please to appoint him, although he be no Roman Catholic; and that neither he, nor any of his, should be any way forced in matter of their conscience. And our meaning is, so to order our proceeding in this treaty, that before your said Son be put into the hands of the Emperor, we will have a clear and certain assurance of an honourable, entire, and punctual restitution of all whatsoever belonging to you: As also we will take care to provide accordingly, as fully and exactly for the assurance requisite for the liberty of conscience, for him and his Descendants, as they have done here with us, touching those that have been granted them for the Infanta. And therefore seeing there is no inconvenience at all, that may cause your averiness or backwardness in this business, which we for our parts think to be the best, shortest, and most honourable way that you can take, for the compassing of the entire restitution, and making your peace sure with the Emperor, we hope your opinion will concur with us therein, and shall instruct you, by the first, to send us your answer.

By which letters, after his Majesty's coming out of Spain, it appeareth to your Lordships, that there was no proposition of the marriage betwixt the Son of the Prince Palatine, and the Emperor's Daughter, when that letter was written; for therein his Majesty saith, he was determined to interst the King of Spain in the business, before any such proposition should be made to the Emperor. And

it will also thereby appear, that his late Majesty's inclination was of the convenience thereof, which the said Earl hopeth will acquit him, if by way of discourse only he declared what his Majesty's opinion was, which, with honesty he could not have concealed. And the said Earl faith, he doth not remember what answer Sir Walter Aston made upon that discourse which he then delivered, nor what replies the said Earl made; but sure he is, whatsoever the said Earl said, or what answer or reply soever was made, as it was by way of discourse, and not otherwise, so it was according to that which he truly conceived to be the best and easiest way to accommodate the business and to be his Majesty's pleasure, (which the said Sir Walter Aston may be ignorant of, as he is confident that he was) and not out of any dissimulation to our Religion, or for any sinister respect or regard to the House of Austria, as by the said article is intimated: For he did conceive the breeding of the Prince Palatine's Son with the Emperor, having a Governor appointed by his late Majesty and his Father, and he and his Domesticks to have free use of their own Religion, to be a matter of impossibility, or such dangerous consequence in point of Religion, as to imply his conversion, as by the article it is intimated; well knowing that in the Emperor's Court, all Princes there, tho' his prisoners, and others his Counsellors and Servants about his person, and so great command in his armies, being avowed Protestants, have the free use of their Religion: And it is not to be supposed, the Son of the Prince Palatine, Grandchild to the King of Great-Britain, should be matched, and no care taken to capitulate for the use of his Religion, being ever granted to the meanest Prince that is bestowed. And his Majesty's special care in this point, is fully seen in the said letter.

X. To the tenth article he faith, That by comparing of this article of his too much forwardness, with the second article, whereby he is charged with continuing the Treaty upon generalities, without reducing them to certainties, and direct conclusions, your Lordships will perceive how impossible it was for him to avoid an exception. But for direct answer to the present charge, he faith he did not presumptuously, nor yet to his knowledge, break his instructions nor let a day at all for the Desponsories; but was therein merely passive, in admitting the day nominated by the King of Spain, according to the Capitulation before made: Nor did he presumptuously, wilfully, or willingly disobey any commandment or direction of his Majesty that now is, then Prince, which he could understand not to be countermanded, either by present or future instructions otherwise explained.

And for the better manifestation of the truth of his proceedings in, and concerning the same, he faith, That on the day of the departure of his Majesty, then Prince, from the *Escurial* in Spain, his Highness delivered unto him, in presence of the Commissioners, his proxies powers, with publick Declaration, taken in writing by the Secretary, to the King of Spain, of the Prince his pleasure, and how the said Earl should use them, viz. That he should deliver them to the King of Spain, upon the coming of the dispensation cleared from Rome, according to that which hath been agreed, which was to be within ten days after the coming of the dispensation. And he farther faith, That it is true, that the Prince afterwards by his letters sent by one Mr. Clark, commanded him the said Earl not to deliver the said proxies till he should have received security, that the Infanta, after her being betrothed, should not enter into any religious order, and that before he proceeded, he should send to his Majesty, then Prince, such securities as should be offered, that he might judge whether it were sufficient or not.

Whereupon the said Earl, as became a faithful servant, presented unto his Majesty that now is, then Prince, such assurances as were offered unto him, for securing of that point, together with such reasons as he conceived were fit to be offered to their considerations; which gave unto his late Majesty, and his Majesty that now is, then Prince, such satisfaction, as they were pleased to dispatch a Post presently unto him, absolutely discharging him of that commandment, as by their several letters, dated *Octob. 8. 1623*, will appear as followeth:

We have received your letters by Grelley, and the copy of them to our dear Son; and we cannot forbear to let you know how well we esteem that dutiful, discreet, and judicious relation, and humble advice to our Son: Whereupon, having fully deliberated with our self, and communicated with our dear Son, we have resolved, with the good liking of our Son, to rest upon that security in point of doubt, for the Infanta's taking a religious order, which you in your judgment shall think meet.

And by that other letter of his Majesty that now is, then Prince, as followeth, viz.

Your letter to the King and me, concerning that doubt I made after I came from St. Laurence, hath so satisfied us

both, that we think it fit no longer to stick upon it, but leave it to your discretion to take what security you shall think fitting.

Whereby he was absolutely freed of that command; and being so freed thereof, he then remained under the order which his Majesty, then Prince, had left with him at his departure, which was to proceed according to the capitulations, and his Highness's declaration, when he delivered the said proxies unto him: And he to intend to have done, till by his Highness's letters, *November 13. 1623*, he was directly commanded the contrary, which commandment he directly and punctually obeyed.

And for such his intentions, till he was countermanded, he conceived he had not only sufficient warrant, but had highly offended if he had done otherwise. For first, for his proceedings to consummate the match, he had warrant and instruction under his late Majesty's hand. Secondly, it was the main scope of his ambassage. Thirdly, he was enjoined by the King and Prince his commission, under the Great-Seal. Fourthly, he had positive order under his Majesty's hand, by letters since. Fifthly, It was agreed by capitulation, that it should be within so many days after the coming of the dispensation. Sixthly, his late Majesty, and his Majesty that now is, then Prince, signified by their letters unto him, at the same time, when they discharged him of his commandment touching the Infanta's entering into Religion, that they intended to proceed in the marriage, as by his Majesty's letters, *October 8. 1623*, will appear. Seventhly, The Proxies were to that end left in his hands, and after again renewed, after his Majesty's return into England. Eighthly, He had overthrown the marriage without order: For although Sir Walter Aston and himself used all possible means for the gaining of time, and deferring the desponsories; yet the King of Spain caused it to be protested, That in case he the said Earl should insist upon the deferring of the Desponsories, he would free himself from the Treaty by the said Earl's infringing of the capitulations: And in truth, although the King of Spain should have condescended to have prolonged the Desponsories, until one of the days of *Christmass*, as by the letter was required; yet the Prince's proxies had been before that time expired, and he durst not, without a precise warrant, put such a scorn upon so noble a Lady, whom he then conceived was likely to have been the Prince his Wife, as to nominate a day of marriage when the proxies were out of date, and he was himself sworn to the Treaty. And lastly, he could not in honour and honesty, but endeavour to perform that publick trust reposed in him, when the proxies were deposited in his hands, with publick and legal declaration, with an instrument by a Secretary of State to the King of Spain, leading and directing the use of them, and the same being then *Instrumentum stipulatum*, wherein as well the King of Spain was interested by the acceptance of the substitution, as the Prince by granting of the Proxies, he could not in honesty fail the publick trust, without clear and undoubted warrant; which as soon as he had, he obeyed. So as the case standing thus, the said Earl is very confident, that the supposed countermands, directions, and restrictions, when they should be perused and considered of, will appear to have been very slender and insufficient warrant against the aforesaid orders and reasons before specified: And is also as confident, That what is assured out of his, the said Earl's dispatches, will also appear to be misunderstood; and that if he had proceeded to the execution of the Desponsories, before he received direct and express commandment to the contrary by the aforesaid Letters, *November 13. 1623*, which he readily and punctually obeyed, he had not, under favour, broken his instructions, or deserved any blame for lack of assurance of the restitution of the Palatinate, and temporal articles.

And first, of the Palatinate, his said Majesty did not send to the said Earl express directions not to dispatch the desponsories, until a full conclusion were had of the other treaty of the Palatinate, together with that of the marriage, as by the said article is alleged; only his late Majesty, by the aforesaid letters of *October 8*, required the said Earl so to endeavour, that his Majesty might have the joy of both at *Christmass*. Whereas his instructions of *May 14. 1621*, were express, that he should not make the business of the Palatinate a condition of the marriage. And his late Majesty's letters of *December 30. 1623*, were fully to the same effect. Yet did the said Earl, according to what was intimated by the said letter of *October 8*, so carefully provide therein, as that before the proxies were to be executed, he had an absolute answer in the business of the Palatinate, the same should be rather restored according to his late Majesty's desire; and the *Conde Olivarez*, both in his Majesty's name, and in his own, desired the said Earl and Sir Walter Aston, that they would assure his Majesty of the real performance of the same, and intreated, if need were, they should engage their honour and life for it, as by their joint dispatches of *November 23. 1623*, will appear;

appear; and so much the said Sir *Walter Aston* and the said Earl agreed should be delivered to them in writing, before they would have delivered their proxies, and so the said Earl declared it; the which answer in writing should have been the same, which since was given them of *January 8, 1623*. And both Sir *Walter Aston* and the said Earl were content therein, as they, by their said letters of *November 23*, wrote to his late Majesty as followeth; viz.

That his Majesty might, according to his desire, signifyed to the said Earl, by his letters of October 8, give, as well to his Majesty's daughter that Christmase, the comfortable news of the expiring of her great troubles and sufferings, as to his Son the Prince, the congratulation of being married to a most worthy and excellent Princess.

By which it will evidently appear, he meant not to leave the business of the *Palatinate* loose, when he intended to proceed to the marriage; but he confessed, that he was ever of opinion, that the best pawn and assurance his late Majesty could have of the real proceeding of the *Palatinate*, was, that they proceeded really to the effecting of the match; and of the same opinion was his late Majesty also, and the Lords Commissioners herein *England*, as appeareth by his instructions, dated *March 14, 1621*, which opinion still continued in them, as appeareth by his late Majesty's letters of *January 7, 1622*. And as for the temporal articles, the said Earl faith, when the depositions were formerly appointed to have been, as he remembereth, on *Friday, August 20*, before the departure of his Majesty, then Prince, out of *Spain*, which was only hindered by the not coming of the dispensation, the Prince appointed him and Sir *Walter Aston* to meet with the *Spanish* commissioners, wherewith the Prince and the Duke of *Buckingham* were acquainted; and in case the dispensation had come, and the depositions being performed on that day, there had been no other provision made for them before the marriage; but presently, upon the Prince his departure, he, the said Earl, caused them to be drawn into form, and sent them to his late Majesty, *September 27, 1623*, desiring to understand his Majesty's pleasure with all speed, especially if he disapproved any thing in them; but never received notice of any dislike thereof, until the aforesaid letters of *November 13, 1623*, which put off the depositions. So as it appeareth, the said Earl was so far from breaking his instructions, or from having any intention to have proceeded to the execution of the depositions, before his Majesty and the Prince were furnished with this point of the Infanta entering into Religion, or before convenient assurance, as well for the restitution of the *Palatinate*, as performances of the temporal articles, that he desired, as he conceiveth under favour, no blame, so much as in intention; but if he had erred in intention only, (as he did not) the same being never reduced into act, the fault (as he conceiveth) was removed by his obedience before the intention was put into execution: For so it is in cases towards God. And as to the matter of aggravation against him, that he appointed so short a time for the depositions, as that without extraordinary diligence the Prince had been bound, he thereto faith, as he said before, that he set no day at all thereunto, nor could defer it after the dispensation came from *Rome*, without a direct breach of the match so long laboured in, and so much desired; yet he and Sir *Walter Aston* having used all possible industry to discover how the motion of deferring the match would be taken; and finding an absolute resolution in the King of *Spain* to proceed punctually, and to require the proxies according to the capitulation, within ten days after the coming of the dispensation; and that time also getting advertisement from *Rome*, that the dispensation was granted, and would presently be there; he, the said Earl, to the end, in so great a cause, he might have a clear and undoubted understanding of his late Majesty's pleasure, sent a dispatch of *November 1*, with all diligence unto his Majesty, letting his Majesty know, that it could not be possible for him to protract the marriage above four days, unless he should hazard the breaking, for which he had no warrant.

But that this was now no new resolution, nor the King so straitened in time, as by the said article is pretended, will appear by the said Earl's dispatch of *September 28, 1623*. In which, upon scruple that was then made of the Infanta's entering into Religion, he wrote to the same effect, viz. *That if the dispensation should come, he knew no means how to detain the Princess above twenty or twenty four days*. So that although no difficulty happened until the midst of *November 1623*, yet it was foreseen, that it must of necessity happen whenever the dispensation should come; and then was warning of two months given thereof; viz. from *September 24*, until *November 20*, which was the time appointed for the depositions.

So as he most humbly submits himself unto your Lordships, which of the two ways was the safer or dutifuller

for him to take; whether upon inferences and conjectures, to have overthrown so great a business; or, on the other side, first, to have presented unto his Majesty the truth and sincerity as he did, the true estate of his affairs, with his humble opinion therein, with an intimation, that if his Majesty should resolve to break the match, that for the said Earl his honest discharge of the publick trust reposed in him, when the proxies were deposited in his hands, and for his sufficient warrant in so great a cause, his Majesty would be graciously pleased to give clear and express order, (which he had not) and in the interim, whilst his Majesty might take into consideration the great inconveniences that might ensue, the said inconveniences might be suspended, and the business kept upon fair terms, that his Majesty might have his way and choice clear and unfolded before him.

And as to the evil consequences which are pretended would have followed, if the said Earl had proceeded to the consummation of the match, before he had express order and warrant to the contrary; he supposed his Majesty should speedily have seen the marriage, which he so long sought to have effected; that the Prince should have had a worthy Lady whom he loved; that the portion was much greater than ever was given in money in *Christendom*; that the King of *Spain* had engaged himself for restitution of the *Palatinate*; for which the said Earl conceived a Daughter of *Spain*, and two millions, had been no ill pawn; besides many other additions of advantage to the Crown of *England*: Whereas on the contrary side, he foresaw that the Prince would be kept a year longer unmarried, a thing that so highly concerned these Kingdoms; he doubteth, that the recovery of the *Palatinate* from the Emperor, and Duke of *Bavaria*, by force, would prove a great difficulty, and that *Christendom* was like to fall into a general combustion: So that desiring that his Majesty should have obtained his ends, and have had the honour and happiness, not only to have given peace, plenty, and increase, unto his own Subjects and Crowns, but to have propounded the greatest differences that had been these many years in *Christendom*: And by his piety and wisdom, to have prevented the shedding of so much *Christian* blood, as he feared would ensue, if these business were disordered. These reasons, he confessed, and the zeal unto his Majesty's service, made him so earnestly desire the effecting of this business, and cannot but think himself an unfortunate man, (his Majesty's affairs being so near fetters to his Majesty's content, as he conceiveth they were, and hoping to have been to his Majesty, not only a faithful servant, but a successful servant) to see the whole estate of his affairs turned upside down, without any the least fault of his; and yet he, the only Minister on the *English* and *Spanish* side, thus remained under disgrace.

XI. To the eleventh Article the said Earl faith, that the Article is grounded upon a petition by him preferred to this honourable House, (supposed to be scandalous; which your Lordships (as he conceiveth) according to the customs and privileges of the House of Peers, would have been pleased first to have adjudged so to have been, either for matter appearing in itself, or upon hearing the said Earl; for if the matter appearing in the petition itself be not to be excepted unto, it cannot, as he conceiveth, by collateral accidents, be taken for a scandal, till it be examined and found false. For a plain and direct answer thereto he faith, that the said petition is such, as will not warrant any such inference, as by the said Article is inferred. And that he hoped to justify the contents of the said petition in such sort, as shall not displease his Majesty, nor deserve that expression which is used in the charge; but contrarily what he hath said, or shall say therein in his defence, shall in all things tend to the honour and service of his Majesty, by reducing into his memory divers circumstances, and laying before him the passages of divers particulars, whereby by undue practices have been either concealed from his Majesty, or mis-related unto him.

Having thus offered to this high and honourable Court, such proofs and reasons as he hoped shall, in your Lordships wisdom and justice, clearly acquit him of any capital crime, or wilful offence; it it shall appear, that out of errors of judgment, too much serventness of zeal to his Majesty's service, or the ignorance of the Laws of this Realm, (wherewith he hath not been able to be so well acquainted as he ought, by reason of foreign employments by the space of many years) or by any other ways or means he hath fallen into the danger of the Laws for any thing pardoned in the general Pardon, made in the Parliament holden at *Westminster, Anno Vicessimo Primo Regni Imp. Jacobi Angliæ*, &c. of blessed memory, he humbly prayeth allowance of the Pardon, and the benefit thereof, (with this clause, that he doth and will aver, that he is none of the persons excepted out of the same) although he is very confident, he shall not need the help of any Pardon, having received many

"signification, as well from his Majesty's own mouth, that he had never offended his Majesty, as lately, by several letters of the Lord Conway, that he might rest in the security he was in, and sit still, and should be no farther questioned. But he hopes your Lordships will not only find him so far from blame, but that he hath served his late Majesty of blessed memory, and his most gracious Son, the King's Majesty that now is, with that fidelity, care, and industry, that your Lordships will take course, as you, in your wisdoms, shall think fit, not only for upholding the honour and reputation of a Peer in this Realm, but for many employments, but likewise become humble and earnest suitors to his Majesty on his behalf (which he humbly prayeth) that he may be restored to his Majesty's good favour, which, above all worldly things, he most desireth."

This defence of the Earl of *Bristol* seemed to me worthy to be transcribed to posterity, in a Language more generally known than the English. Truth is visible throughout: the whole is perfectly coherent: nothing appears disguised, and the Earl's innocence is so clearly seen, as to be almost beyond doubt. But on the other hand, there appears a furious persecution against this Lord, from those who must have been convinced of his innocence. In this persecution is seen the extreme weakness of *James I.* who contrary to his own knowledge, not only permitted the Earl of *Bristol* to be oppressed, who had served him very faithfully, but also was induced to tell the Parliament, in 1624, two things equally distant from the truth. The first, that when the Prince and Duke of *Buckingham* came to *Madrid*, they found the affair with which the Earl of *Bristol* was charged, as untouched, as if it had never been mentioned before. And yet, he had himself signed the Articles of the Treaty, and nothing was wanting but the Pope's Dispensation to celebrate the marriage, as manifestly appears in the Earl of *Bristol's* answer. The second, that the affair upon which he consulted the Parliament, namely, whether he should break the Treaties with *Spain*, was yet, *Res integra*, though these Treaties had been entirely broken two months before. But *Charles I.*'s prejudice against the Earl of *Bristol* is so surprising, that after having seen the Earl's defence, one can hardly believe, a Prince, so judicious in other respects, could be induced to declare to his Attorney-General, an accusation so full of calumnies against a Lord, whom certainly he could not think guilty, since no man knew more of the affair than himself. This is a character which does not redound to his honour. He would have been more excusable, if he had caused the Duke of *Buckingham* to act alone, whose reputation ought not to have been more dear to him than his own. In short, we see in the Earl of *Bristol's* defence, a clear and full explanation of what passed in *Spain*, in the negotiation of the two Treaties for the marriage, and for the restitution of the *Palatinate*, which is the principal subject of the Reign of *James I.* The Earl's defence undeniably shews also, what all the good writers affirm, that the Duke of *Buckingham's* narrative to the Parliament in 1624, was all false. And therefore I thought, this narrative of the Duke's would not be ill placed after the Earl of *Bristol's* defence, that the Reader, by comparing the one with the other, may be satisfied with his own eyes, how unworthy King *James*, the Prince his Son, and the Duke of *Buckingham*, acted with the Parliament, in order to cause them to advise a rupture with *Spain*, on which advice King *Charles* afterwards so strenuously insisted.

The Duke of Buckingham's Narrative (1) of the Transactions in Spain, delivered to both Houses of Parliament, by order of King James I. in the year 1624.

A.3. Pub.
XVII. 556.
Rushworth,
T. E. p. 119.
&c.

THE Duke in his narration, observed six distinct and several parts. I. The motives of the Prince's journey to *Spain*. II. The treaty of the marriage let on foot in *Spain*, severally and by itself. III. The treaty of the marriage and restitution, united together by a reciprocal subordination. IV. The Prince's return from *Spain*. V. His Majesty's subsequent proceedings in both Treaties, since the return. VI. The stating of the question, *super totam materiam*, wherein both the Houses were to offer to his Majesty their advice and counsel.

ARTICLE I.

The Motives of the Prince's Journey to Spain.

The negotiation of Sir Richard Wyllm Chancellor of

the Exchequer, with the Archduchess of *Brussels*, ministered unto his Majesty the first occasion of jealousy, and made a kind of discovery of the *Spaniards* indirect dealing with this State.

After the Duke had spoken these few words, there was read a letter of the third of October 1622. from the King to the Earl of *Bristol*, wherein *Bristol* was required to let the King of *Spain* know, how sensible King *James* was of the Emperor's proceeding towards him; and that he should demand of the King of *Spain* a promise, under hand and seal, that *Heidelberg* should be delivered within seventy days after audience, and the like for *Manheim* and *Frankendale*, if they be taken; and if this be denied, to press to have leave to march through the King of *Spain's* territories with an army, for the recovering of his Children's patrimony; and that the King of *Spain* should assist us with his forces.

Then the Duke desired the Houses to take for truth whatever he should say, granted and attested by the Prince's presence; and shewed, that this Letter was not put home to the utmost by the Earl of *Bristol*. Hereupon a dispatch was sent away to my Lord of *Bristol*, expressly commanding him to press his directions more home than yet he had done, and in case he should be denied or delayed by the King of *Spain*, then to take his leave and come away: This was not so fully exacted by my Lord of *Bristol*.

Porter, that carried these letters, was commanded not to stay above ten days, who after he had been there some four or five days, and saw nothing towards a dispatch, went himself to the *Conde Olivares*, (having been his creature) and desired him that he would speed his dispatch. *Olivares* asked him what he would have? Who replied, no more than what had been formerly promised, that in case the Emperor should deny the restitution of the *Palatinate*, the King of *Spain* should assist our King by arms to recover it, or else give way to our forces to march thither through his country. *Olivares* replied, that this was a preposterous demand; and that, to assist with arms against the King's uncle, and the Catholic League! *Porter* (speaking to him of the marriage of our Prince with the Infanta of *Spain*, he told him, that he understood not a word of it).

Porter acquainted *Bristol* herewith: he said, he would call *Olivares* to an account, if he held this language with him, and would make him understand, that an Earl of *England* was as good a man as a *Conde* of *Spain*. But tending for *Porter* the next morning, he changed his resolution, and concluded to carry the business more calmly, and said, the *Conde* was so reserved, because he was shy and dainty to report those mysteries with that freedom to him, who was not qualified as a public Minister. The *Conde* was angry with *Porter* for communicating what he said to *Bristol*. Mr. *Porter* returned with a dispatch fraught with generalities, and without any one particular or certainty at all, made his relation to the Prince's Highness; who thereupon took his resolution to go in person to *Spain*, and gave himself these reasons for the enterprise.

He saw his Father's negotiation plainly eluded; matters of Religion gained upon, and extorted (4); his Sister's cause more and more desperate; and that this was the way to put things off or on; and that in this particular, delay was worse than a plain denial; and that according to the usual proverb, *A desperate disease must have a desperate remedy* (4).

Hereupon the King commanded the Duke to accompany his Highness in his journey.

ARTICLE II.

The Treaty of the Marriage severed, and by itself.

When the Prince had arrived at *Madrid*, the *Conde* gave him a visit; magnified exceedingly the Prince's journey; amplified the obligations his Highness had put upon that King; and said, that now without all peradventure, it must be a match, and we must part and divide the whole world betwixt us.

The next day the *Conde* taking the Duke into his coach, and Mr. *Porter* for his interpreter, falling into discourse of the match, he said unto the Duke, let us dispatch this match out of hand, and strike it up without the Pope: The Duke answered, he liked the manner very well, but desired to understand the means. The means, quoth the *Conde*, is very easy; it is but the conversion of the Prince; which we cannot conceive but his Highness intended upon his resolution for this journey.

(1) This Narrative has been collated with the Record in *Blymer*, Tom. XVII. p. 556, &c. by means whereof, several mistakes that were in *Reph.* are rectified.

(2) The Marriage had been now six years negotiating at *Madrid*. There were some Articles signed, which *Gregory XV.* had sent back with his answers. Either therefore *Conde Olivares*, or *Porter*, or the Duke of *Buckingham*, did not speak the truth. *Reph.*

(3) These matters became much worse after the Prince was in *Spain*. *Reph.*

(4) All these Reasons are extremely weak. For supposing them to be true, they only prove at most the necessity of a Rupture with *Spain*, but not of the Prince's Journey thither. *Reph.*

The Duke answered forthwith, that with freedom they came; thither, and with freedom they would return again: they were no jugglers, neither came they to *Spain* to make new bargains (1); that the Prince was settled in his Religion; his conscience was troubled with no scruples in that kind: If they struck any more upon that string, they would mar all the harmony. Then said the *Conde*, there is no way but to send to *Rome* to hasten the dispensation; to which the Duke assented. Hereupon the *Conde* wrote his Letter to the Cardinal *Ludovico* the Pope's nephew; which being shewed to the Duke, seemed to him to be very heavy; the Duke therefore desired to quicken it with this postscript: *That now the Prince being arrived, must not be sent back without a wife; That delay to a suitor is a kind of refusal; that clogging instructions would amount to a denial, and new conditions, to an absolute breach.* The *Conde* fell into choler, and said directly it could not be done. This the Prince affirmed to be acted in his presence: But the Earl of *Bristol* made a more benign construction thereof, the Duke a right down conclusion, that this people never intended either match or restitution; and so wished his Highness fairly at home again: However the messenger was dispatched to *Rome*.

Four or five days after his Highness was placed to see his Mistress in her passage through the streets, as she made her visits from church to church: But pressing for access, he was delayed, but at last obtained a visit; but a very strange one. He was not suffered to speak unto her, but as they had set it down in words and syllables in writing, saying, they were no astrologers, and could not foresee the event of this marriage: And therefore they resolved to admit him as a Prince only, and not as a suitor. But the *Conde* valued this up with a complement, That if the dispensation were once returned, he should live with her even that very night; nay, have her he should upon any terms. If he could not be qualified to enjoy her as a wife, yet he should have her as a mistress.

Soon after, riding in a coach, it was urged by the *Conde*, That the Infanta was of a tender conscience, and if she should come into *England*, and find the Prince an enemy to her Religion, it would quite dishearten her. His Highness consented to hear her upon this subject, because he was as like to convert her, as she was to pervert him. A conference with Divines was pressed upon his Highness, which he refused, and said, If after disputation with them, they should not prevail against a young man, they would remain much disgusted, and ill-affected to the whole negotiation; this kind of importunity was still used towards the Prince, till the return of the dispensation.

Six weeks after the Prince's arrival came the dispensation; but his Highness understood from *Rome*, by Mr. *Gage*, that the dispensation was returned, much clogged in matter and manner, especially with the annexed new condition. The King of *Spain*, before the receiving of the dispensation, was to take an oath to see all the articles performed; whereupon faculty was issued, really performed, or else to make war, in case of any failure, upon the King of *England*.

His Highness signified his resolution unto them, that he neither could nor would add or alter any thing of the first articles sent to *England*.

A *Juncto* of Divines are appointed to meet and consider, whether the King might safely take the oath. By this time the Prince had gone through all the articles, sitting in person with the Committee; only leaving three undecided, That of the Church, that of the Nurse, and that of the education of the Children; which his Highness reserved till he should speak with the King. Then said the *Conde*, Now business is in a better way than ever it was, a match, and without more ado she was his wife.

But the next day came *Gondomar*, and spake unto the Prince of the same match, as of a new thing, and told him plainly, That unless his Highness came to all the conditions of the dispensation as they were sent from *Rome*, clearly and entirely, nothing would be done; for they had no power to remove or alter a word of false *Latin*. Whereupon his Highness was justly disaffected, and offered to break. Then they pressed the Prince, that he would be pleased to stay twenty days, until the King of *Spain* might receive an answer from *England*. The Prince resolved to stay, upon condition that Sir *Francis Cottington* might be dispatched away within two days, and some messenger that might overtake him with the articles that should be sent after, as soon as ever they could be made ready: But the two days of their hammering spun out to twenty; at the end thereof they brought him with new additions.

The articles being at last sent to *England*, the *Juncto* of Divines delivered their opinions, that the Infanta could

not be sent over before the spring; at which his Highness was offended, but the *Conde* prevailed with him to stay, until their Ambassador should certify out of *England*, that the articles were assented unto by King *James*, and put in execution, and then the Lady should go with the Prince.

The Bishop of *Sevevia* was pleased to say to the Duke, That he had heard something of the estate of our Kingdom, and had received it from good hands; that our King could not make a Toleration without a rebellion, and he easily believed it; because the King of *Spain* is not able in his Dominions, to effect the like enterprise, without incurring the like danger; therefore he concluded, it was unsafe to send the Lady thither at this time, because we having granted as much in effect as a Toleration, it was very probable she should be welcomed with a rising and rebellion. To which the Duke replied, That if the favours which the King his Master had exhibited to his Catholics, at the mediation of that King, and the advice of that very Committee, of which that Bishop was one, be of so dangerous a consequence; it seems their Lordships, who gave the advice for that article, though they pretended Religion, intended plain and open rebellion. But you must know, quoth the Duke, if his Highness had been of my Lord Bishop's opinion, That these connivances had amounted to a Toleration; he had never accepted of these articles to have gained any alliance: For what was agreed unto, was but a temporary suspension of penal Laws, but no Toleration; for that could not be done, but by consent of Parliament. Then *Gondomar* hereupon said, that for his part, he did not hold it fit to send the Infanta thither, before the articles be perfectly put in execution. And *Gondomar* privately insinuated to the Prince his Highness, being incensed against the Duke, That the Duke was in heart (as he said all his kindred were) a *Roman Catholic*; and he said to a Jesuit of great account and zeal in those parts, That the Duke was a most obstinate, perverse, and refractory Puritan.

About this time it was reported, that the Prince intended to steal away; whereupon they laid wait to intercept him: Hereupon the Duke was sent to tell them, That although they had stolen thither out of love, they would never steal thence out of fear.

About this time the Prince sent a message to his Father, That if he should receive any advertisement, that he was detained by that State as a prisoner, he would be pleased, for his sake, never to think upon him any longer as a Son, but reflect upon the good of his Sister, and the safety of his own Kingdoms.

ARTICLE III.

The Treaty of the Match and Restitution reciprocally subordinated.

It is fit to observe this passage, which is the hinge whereupon all his Highness's subsequent actions are turned and moved. He had never staid a sevennight longer in *Spain*; he had never left any proxy with *Bristol*; he had never taken any oath at the Escorial; or so much as ever written a letter of complement to the Lady; but that he had still before his eyes, as his cynosure (2), the promise made by the *Conde*, for the restitution of the *Palatinate*.

To hasten the delivery of the Lady, the Duke presented unto the *Conde*, how his Master was now in years; the Prince his only Son; and he would suffer in honour and reputation, to return home without his wife. The *Conde* consented hereunto, and desired the Prince would name a day for his departure.

This news came to the Infanta, who seemed to be apprehensive of the Prince's going away, and prevailed with his Highness to return this complement unto her, That rather than he would give her *Alteza* any disgust, he would stay for seven years.

By this time Sir *Francis Cottington* is arrived with all things perfected by the King, and letters from the Ambassadors of good satisfaction, and a command from the King to his Highness, to make his return within one month.

Now began the *Conde* to enter into the treaty for the restitution of the *Palatinate*, saying, The Lady should by no means go to *England*, before that business was accommodated. And it was projected, That there should be a restitution of the Land to the Prince *Palatine*, upon a condition of marriage with the Emperor's Daughter, and that he should be bred in the Emperor's Court (3). The Prince demanded of the *Conde*, whether, in case the Emperor proved refractory, the King his Master would assist him with arms, to reduce him to reasonable terms? The *Conde* answered negatively (4), because they had a maxim of State, that the King of *Spain* must never fight against the

(1) They however made new terms. *Rope.*

(2) It appears by the Earl of *Bristol's* defence, which is confirmed by a Letter from King *James*, that this proposal was not actually made till after the Prince's departure from *Madrid*. *Rope.*

(3) Either the Earl of *Arundel*, or the Duke of *Beckingham*, must in this point not have spoken the truth. *Rope.*

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Emperor;

Emperor; for they would not employ their forces against the House of *Austria*.

Henceupon his Highness made his protestation to the *Corte*: Look to it, Sir, for if you tell your self to that, there is an end of all's; for without this you may not rely upon either marriage or friendship.

By this time the Prince is grown cheap and vulgar in the Court of Spain, so that they will scarce bestow a visit upon him, and the *Corte* came very seldom to him; and two letters came to the Duke's hands, which shewed, that all that the *Corte* did, was nothing but flashes and lightning; notwithstanding, he seemed at this time to be in a good humour, and told the Duke, That now certainly it must be a match, and the devil could not break it: The Duke replied, He thought so, and the match had need be very firm and strong, it had been seven years in faduring. The *Corte* denied it, and said plainly, It had not been really intended seven months; and said, I will fetch that out of my desk, that shall assure you thereof; and so produced two letters; the first was written with the King of Spain's own hand, dated the fifth of November 1622; and the other from the *Corte Olivers*, of the eighth of November 1622, being an answer to that letter (1).

These Letters having been inserted in the History of King James I, page 219, there is no need of repeating them here over again.

ARTICLE IV.

The Prince's return from Spain.

And now the Prince returning for England, being engaged to leave his proxy, did despite the same in the hands of the Earl of *Bristol*, who was to keep it, and use it as his procurator; that is, as he should receive his Highness's directions from time to time: His order for the present was, (said the Duke) That if the confirmation came from Rome clear and entire (2), (which it did not) then within so many days he should deliver it to the King of Spain.

The second direction sent him, was by a letter which his Highness sent him between his departure from the Escorial, and coming to the Sea-side, to this effect: That for fear a Monastery should rob him of his wife, he should stay the delivery of the powers until the doubts were cleared; and that his Highness would send him in the premises some further directions: Here because my Lord of *Bristol* in his letter of the first of November 1623, doth prett to vehemently the Prince his Highness concerning this proxy, and the Prince vowed openly before both Houses (3), that he had never by oath or honour engaged himself not to revoke the powers more than by the clause, *De non revocanda Procurations*, inserted in the instrument itself, and that he conceived the clause to be matter of form; and although essentially of no binding power, yet usually thrust into every such instrument; and that the *Civilians* do hold, That it is lawful by the civil and canon Law, for any man to revoke his proxy of marriage, notwithstanding it hath the clause, *De non revocanda Procurations* inserted in it: Therefore as to this point the Duke concluded, That the Earl of *Bristol* in charging this matter so highly on the Prince, had much forgot himself (4).

ARTICLE V.

The subsequent Proceedings of his Majesty in both the Treaties, since the return of his Highness.

The Prince, by the mercy of God, came to *Reysson*, and made his relation to the King of all that had passed. His Majesty was glad, and told him, That he had acted well the part of a Son; and now the part of a Father must come upon the stage, which was to provide with all circumspection, That his only Son should not be married with a portion of tears to his only daughter. And therefore his Majesty commanded by an express dispatch, the stay of the proxy in the Earl of *Bristol*'s hands, until he

had some better assurance of the restitution of the *Palatinate*.

Then was read his Majesty's letter to the Earl of *Bristol*, dated the 8th of October 1623, wherein the Earl of *Bristol* was required by the King, *to endeavour, that he might have the joy of both Treaties at Christmases*; namely, those about the marriage, and the restitution of the *Palatinate*. This the Duke would have had looked upon as a positive order, not to deliver up the procurator, till the restitution of the *Palatinate* was actually promised; concerning which matter, see the Earl of *Bristol*'s answer to the tenth Article of his accusation.

After that the Duke went on in the following manner: You would perceive that by this dispatch, *Bristol* would lay hold on all hints and emergent occasions, to put off the Desponsories without this required assurance by arms first obtained; but the truth is, he did not so.

For first, the confirmation came from Rome, clogged and mangled; and instead of challenging thereupon, he labours with no small strength of wit, to hale and pullate the same (5).

2. In the temporal Articles the portion was altered, from six hundred thousand pounds in ready cash, to some eighty thousand pounds in money, and a few jewels, and a pension of twenty thousand pounds per Annum. Instead of quarrelling with this main alteration, he seems to approve and applaud the payment (6).

3. For the assurance of restitution of the *Palatinate*, the main foundation, both of match and friendship, he is so far from providing for it before, (which was the method prescribed by the King) that he leaves it to be mediated by the Infanta after the marriage.

Lastly, Instead of putting off the contract, as any man in the world (upon the dispatch from *Reysson*) would have done, he comes to prefix a precise day for the Desponsories.

Now from this rash fixing of the day for the Desponsories in Spain, which was controlled again by an express (7), from hence issued an unnecessary discourtesy put upon the King, and in a manner upon the Infanta, by the Earl of *Bristol*: From that proceeded a greater affront put upon the Prince, the taking away the title *La Principessa* from the Infanta, and the debarring of our Ambassadors from any further access to her person.

Then was produced an answer of the King of Spain, to the memorial of the English Ambassadors, implying a refusal to assist by arms for the recovery of the *Palatinate*, in case the Emperor consented not to a restitution.

ARTICLE VI.

The stating of the Question, super totam materiam.

This question the Duke stated after this manner: Whether this being the full effect and product of all the negotiation, which I have opened unto you, be sufficient *super totam materiam*, for his Majesty to rely upon with any safety; as well for the marriage of his only Son, as for the relief of his only Daughter? Or, that these treaties set aside, his Majesty were best to trust to his own strength, and to stand upon his own feet? So the Duke ended with this conclusion, that if the bringing us from darkness to light, did deserve any thanks, we owe it, and must wholly ascribe it to the Prince his Highness.

It is needless, I think, to make upon this narrative, reflections which may occur to every Reader, after having seen the Earl of *Bristol*'s defense. I shall content my self therefore with observing, how little proper this narrative was to afford sufficient information to the two Houses of Parliament, to enable them, upon good grounds, to form their resolutions concerning the question proposed to them by the King. And yet upon this alone it was that they resolved to advise the King to break with Spain, and this hasty advice was the principal cause of the differences afterwards between Charles I, and his Parliaments.

(1) The Earl of *Bristol* pretended, these Letters were written with no other intent but to get the Negotiation out of his hands, because the Court of Spain was in hopes of obtaining better Conditions from the Duke of Buckingham. *Reps.*

(2) It is very doubtful, whether this Condition was inserted in the Prince's Declaration. *Reps.*

(3) About five months after. *Reps.*

(4) See the Earl of *Bristol*'s Defense, Article X. *Reps.*

(5) This could not be true. For the Dispensation did not come from Rome till the beginning of December 1623, and the King's subsequent Order not to deliver the Dispensation, was dated November 23. Therefore the Earl of *Bristol* had not time to write to England, to pullulate the delay of the Dispensation, supposing it to have bid say. *Reps.*

(6) This must be misinterpreted: For if the Earl of *Bristol* had been guilty of such peraversion, the King would not have failed to bring it in as an Article of Accusation against him, which alone would have been sufficient to condemn him. *Reps.*

(7) It was the Prince himself, and the Duke, who had agreed with the King of Spain on the day the Marriages should be solemnized, viz. Ten days after the coming of the Dispensation, which the Earl of *Bristol* altered not. *Reps.*

Considerations on the Authors who have writ the History of CHARLES I.

THE Civil War between *Charles I.* and the Parliament, gave birth to two parties, who contended for victory till the battle of *Marston*. By this battle, the Parliament acquired a superiority, which enabled them to hold the King's party, or the Cavaliers, in a sort of slavery, from which they were not delivered till 1660, by the Restoration of *Charles II.* After the Restoration, the Royalists in their turn became so superior, that the other Party durst no longer hold up their heads. This continued till the end of the reign of *James II.* during the space of twenty-seven or twenty-eight years. In one or other of these two intervals were penned most of the works, wherein the authors undertake to give an exact account of the troubles of *England*, in the reign of *Charles I.* with the grounds and causes of the same. From the conclusion of the war, to the Restoration of *Charles II.* the friends of the Parliament had free scope to write and publish whatever they pleased, whilst the King's Adherents durst not set their names to their writings. In this interval, were published numberless polemical writings, with such animosity, so many reproaches and invectives, that it is not easy for a man, who is in search after truth, to discern, in all these writings, the proofs which may have some solidity, and separate them from the presumptions, false consequences, artful suppositions, and invectives, wherewith they abound.

One of the most considerable writings of those days was *Eikon Basilike*, or the *King's Portraiture*, published in 1649. It can hardly be doubted, that *Charles I.* was himself the author (c). He undertakes in this work to vindicate himself upon all the Articles laid to his charge. It is properly an abstract of the reasons he had before published in several papers printed by his order, or addressed to both Houses of Parliament. I have not quoted this book in the History of his Reign, because it contains nothing with regard to the facts or proofs, but what is more fully expressed in the King's messages, answers, and declarations. An answer was published to this book, pretending to show, the King had not spoken with sincerity; and presently after appeared a reply to this answer. This Treatise has been highly esteemed, because it contains all the principal arguments in favour of the King. It may be easily presumed, the King forgot nothing material, since no man could know his affairs better than himself. Accordingly, this book has served for foundation to whatever has been since writ in his favour.

Another very considerable work, published a little after the death of *Oliver Cromwell*, and dedicated to his Son *Richard* whilst Protector, was *Rushworth's Collections*. This work may very justly be considered as a continuation of *Rymer's Fœdera*, of which I have made great use in this History. It is a collection of all that passed with respect to the publick affairs, from the year 1618, to the death of *Charles I.* not by way of narration, but affording materials to compose a regular History. It contains all the transactions at Court and in the Parliament; the King's Proclamations upon sundry matters; his Speeches to both Houses, and those that were made by his order; the Addresses or Petitions presented to the King by the Parliament; his Majesty's answers; the Petitions presented to both Houses; the Speeches in the House of Commons, as well as in the Courts of Justice; the votes or resolves of the two Houses, and their conferences upon divers subjects; the King's messages to the Parliament, with the answers; the impeachments of the Commons brought before the Lords against several illustrious persons; the answers of the Parties accused; the Sentences; the Petitions of the Commons and both Houses to the King, concerning Religion, Tunnage and Poundage, the affairs of the Militia, breaches of Privilege, the affair of *Hall*; the King's answers and his several messages upon these affairs; the King's and the Parliament's Manifestoes; all the events of the War; the accounts of the skirmishes, sieges and battles; the negotiations for Peace; a great number of Papers, which give a perfect knowledge of the differences between the King and his Scotch Subjects, and of those between the Army and Parliament, with the negotiations between the King and both Houses, after his Majesty's imprisonment; the violence exercised by the army upon the Parliament; the

King's condemnation and death. These materials are the more valuable, as the author draws no consequence from what he relates, and very seldom endeavours to prejudice his Reader by reasonings. So that every man is free to make what use of them he thinks fit, according to his own principles. I shall speak a little more fully of these collections hereafter.

From the Restoration of *Charles II.* to the end of his reign, two other works were published upon the same subject, I mean, upon the reign of *Charles I.* and a third was composed at the same time, though published later.

The first is entitled, *The Annals of King James and King Charles I.* It is said to be composed by *Dr. Franklin*, who has not thought fit to put his name to it. He begins his *Annals* at the year 1612, and continues them through the rest of the Reign of *James I.*; and from the death of that Prince to the year 1642, during the first eighteen years of the reign of *Charles I.*

The second, published in 1682, was composed by *John Nalson* Doctor in Law. It is entitled, *An impartial Collection of the great affairs of State, from the beginning of the Scotch Rebellion to the murder of King Charles I.* This collection begins only at the year 1639, and though probably the author intended to continue it to King *Charles's* death, as appears by the title, he left it imperfect, and brought it no lower than *January 1641-2*, in two volumes in folio.

The third is, *The History of the Rebellion and Civil Wars in England*, written by the Earl of *Clarendon*. This History was penned before *Nalson's*, though it appeared not till *Queen Ann's* reign. It begins properly with the Parliament of *November* the 3d, 1640, the whole first book being a sort of Introduction, where the author gives a general account of what passed from the last years of *James I.* to that Parliament. This History reaches to the Restoration of *Charles II.* in 1660.

These three last works were composed in the reign of *Charles II.* at a time when that Prince had carried the Royal authority much higher than the King his Father had ever done: at a time when those who had been adherents of the Long Parliament, or were in the same Principles, were cruelly persecuted, and when it was more dangerous to be a Presbyterian than an Atheist.

I shall not speak here of many less considerable writings, most of which ascribe to the King an unlimited power, and consequently represent the last war of the Parliament against *Charles I.* as the blackest and most evident rebellion.

Whoever intends to write the History of the reign of *Charles I.* must take his materials from some one of the works I have mentioned, or from all. For this reason I think myself obliged to speak a little more fully of them, to the end it may not be thought strange that I have not adopted without examination whatever they contain. Was there among the *English* some good neutral Historian, it would be he that should be taken for guide: but I know not any. He therefore that undertakes to write at this time the History of *Charles I.* must endeavour to discover the truth in even the most partial Historians, and be extremely careful to avoid the continual snares they lay for their Readers, to favour the cause they maintain. One must know what was their design in writing, what system they followed, and the artifices they used to engage in their principles such as make but few reflections in reading a History, and are apt to be easily drawn into the prejudices of the Historian. I shall begin with *Rushworth*, who was the first writer.

There is no Historian that can appear at first sight more impartial than he that contents himself with furnishing materials for a History, without drawing any consequences himself, and without reasoning upon the Papers he exhibits, either for or against what they contain. It is however certain, that even in this he may show very great partiality, as for instance, in giving forged Papers, in curtailling or altering those that are true, in giving such only as may be advantageous to the Party he would favour. *Rushworth*, who was most certainly a friend to the Parliament, Clerk-Assistant to the House of Commons, and Secretary to General *Fairfax*, is accused of three things

(c) This seems to be said without sufficient ground, for whoever reads what *Dr. Walker* and *Toland* in his *Amyntor*, have published on this subject, will be inclined to believe, that the King could not possibly be the Author. Indeed it is almost undeniable, that *Bishop Gauden* wrote that Treatise. See on this subject, the statement *Dr. Walker*, and *Toland*; and also *Lawson*, and *Burnet's Hist. of his own Time*; and on the other side, *Dr. Hildesworth*, *Mrs. Widdowes*, *Mrs. Widdowes*, &c.

by the contrary party. 'Tis pretended, 1. That he has given false Papers. 2. That he has curtailed others, under colour of abridging them. 3. That he has affected to give all those that are favorable to the Parliament, and to omit several which might serve to show the King's innocence. 4. Lastly, that not declaring, from whence he received his materials, we have only his authority for what he relates. This is a general accusation, which, were it well proved upon any important and decisive facts, is sufficient to shake the credit of the collector. The Reader will judge, whether this charge is made good with regard to the particular cases on which he is accused, and whether these cases are of such a nature, that they ought to determine the disinterested to neglect the generality of his Collections. I shall take these particular accusations from *Nalson's* Introduction, wherein his chief aim was to discredit *Rushworth*, and persuade his Readers that they ought not to believe any thing he advances. 'Tis very likely, *Nalson* has forgot nothing upon this subject. I shall begin with the false Papers he accuses *Rushworth* of inserting in his Collections.

The first Paper forged by *Rushworth*, according to *Nalson*, is a Speech of King *James* to the Parliament, the 30th of January 1620. Instead of giving this Speech entire, *Rushworth* inserts only an abstract. And therefore *Nalson* takes care to print the true Speech, and *Rushworth's* abstract in separate columns, that they may be more easily compared. He adds, that the whole Speech was communicated by *William Sancroft* Archbishop of *Canterbury*. Upon comparing *Rushworth's* abstract with the entire Speech, there appears but one material passage which could give occasion to charge *Rushworth* with unfaithfulness. And that is where 'tis said in the Speech, *A Parliament is an Assembly composed of a Head and a Body, the Monarch is the Head, and the three Estates the Body*. Whereas it is said in the abstract, *the Parliament is a thing composed of a Head and a Body, the Monarch and the two Estates*. This induces *Nalson* to exclaim against *Rushworth*, for reducing by his own authority the three Estates, namely, the Lords Spiritual, the Lords Temporal, and the Commons, to two Estates, meaning thereby, that the House of Peers made but one Estate.

This question was debated with great warmth, when the exclusion of the Bishops out of the Upper-House was in agitation. For if the Bishops were one of the three Estates of Parliament, it was evident they could not be excluded without altering the constitution. But this opinion was not generally received. The Commons pretended, that the Bishops with the Peers made but one Estate. *Nalson* pretends therefore, that *Rushworth* out of countenance the Commons opinion, and justify the exclusion of the Bishops, makes King *James* say what he did not. To prove this, besides the whole Speech, communicated by the Archbishop of *Canterbury*, he alleges several things to show, there have always been three Estates acknowledged in the Parliament besides the King. He answers the objection drawn from *Charles* the first's confession, after the exclusion of the Bishops, that himself was one of the three Estates of Parliament, and concludes that *James* I. could not speak in his Speech of two, but of three Estates.

A second instance of *Rushworth's* unfaithfulness is, that he gives only an abstract of a Letter to the King from an unknown Land, tending to show, that the Parliament attacked the King himself, in attacking the Duke of *Buckingham*. This charge consists wholly in the Supposition that *Rushworth* abridged this Letter to hinder his Readers from perceiving all its force.

The third instance of *Rushworth's* unfaithfulness, is, that he has published in his Appendix a scandalous Paper, called, *A Proposition for his Majesty's service to bridle the impertinence of Parliaments*. 'Tis true *Rushworth* says, this Paper was questioned in the Star-Chamber. But *Nalson* pretends, this is not sufficient to excuse *Rushworth*, who, he says, ought to have shown upon what grounds it was questioned, which he does himself very largely.

A fourth instance of *Rushworth's* unfaithfulness, is, that he inserts in his Collections, a pretended letter of Archbishop *Abbot* to *James* I. to dissuade him from granting a Toleration to the Papists, when he was upon the point of concluding the Prince his Son's marriage with the Spanish Infanta. *Nalson* says upon this subject, that the Archbishop being then out of favour, and having nothing to do with the management of counsels, could have no other foundation, but either his own conjecture, or the common rumour, both equally liable to deceive and to be deceived. He does not positively say however, that the Letter is forged, but contents himself with insinuating it, because *Rushworth* not having said how he came by the letters, the credit of it rests solely upon his fidelity.

But the fifth and most crying unfaithfulness of *Rushworth*, according to *Nalson*, are the private articles of

Prince *Charles's* marriage with the Infanta of Spain. He pretends they are all forged, on purpose to blacken the King and Prince, by intimating that their design was to restore the Catholic Religion in England, and alleges several arguments to prove the forgery.

1. It is not probable, the King and Prince should promise what they knew was not in their power to perform, considering the strength and constitution of the English Laws against Popery, and that the English nation would never have suffered it. This is not one of the most convincing arguments.

2. The Parliament never taxed *Charles* I. with these private articles, not even in the declaration, where they collected all the reasons which could justify their resolution of not presenting any more addresses to his Majesty. This is a much stronger argument than the former.

3. In the Memoirs of *Desmaize* it is said, the King of France hearing of King *James's* death, says to the Archbishop of *Ambrun*, *All our hopes of England are lost*. Which shows, that *Charles* had no intention to restore the Catholic Religion. One would think *Nalson* should not have alleged this reason, which, in clearing this Prince, casts a great blemish on *James* I.

4. He says, *Rushworth*, by insinuating that *Charles* I. intended to restore the Catholic Religion, contradicts himself, since he tells us in another place, that the Prince being in Spain, remained steadfast in his Religion, what endeavours soever were used to seduce him.

5. *Rushworth* produces no other authority for the truth of these private articles, but his own, and, in all appearance, the *French Mercury* is his author.

The sixth instance of unfaithfulness laid by *Nalson* to *Rushworth's* charge, is, the Pope's letter to the Prince when in Spain, and the Prince's answer. 1. Because it was a thing of mere ceremony. 2. In his circumstances it was no more than what common prudence and policy obliged him to, in order to get cut of the King of Spain's hands. This excuse shows *Nalson* was not thoroughly convinced of the forgery of these letters. He insinuates, however, that they might be counterfeited, by reason *Rushworth* alleges no other authority than his own. It is true, he says the copies of these letters were preserved by some who were then at *Madrid*, but names no body. This made *Nalson* believe, *Rushworth* took the letters out of the *French Mercury*.

I come now to the charge against *Rushworth*, of inserting in his Collections only what was advantageous to the Parliament, omitting whatever was favorable to the King. *Nalson* gives three instances in three particular cases.

The first is, that in the affair of imprisoning the Members of Parliament, several of the Judges gave their opinions, to show that the King's conduct was not against Law. *Nalson* says, *Rushworth* is contented to mention the Speeches of two Judges, namely, *Whitelock* and *Dederige's*, which were in favour of the King, and to say that *Hild* and *Jenar* delivered their opinions to the same purpose. This charge therefore consists, in that *Rushworth*, after giving the Speeches of two of the Judges, thought not proper to insert those of the rest who were for the King upon the same principles. But *Nalson* pretends, he should likewise have given *Hild's* and *Jenar's* Speeches, and does it himself. Indeed *Rushworth* may be guilty of some partiality in omitting the two last, if it be true that they are stronger, and better supported than the others, of which I cannot judge.

The second case is, that *Rushworth*, speaking of Sergeant *Abley's* Speech in the House of Lords, says, he advanced the following proposition, for which he was committed to custody, and afterwards recanted: *That the Lords must allow the King to govern by acts of State, otherwise he is a King without a Council, or a Council without power*. *Nalson* makes it a crime in *Rushworth*, not to have given *Abley's* whole discourse, which would have shown that the Sergeant's fault was rather stemming the popular tide, than any other offence; that is, according to *Nalson*, *Abley* very justly maintained this maxim, that the King might be allowed to govern by acts of State. Such a charge can do no great injury to *Rushworth*.

The third case relates to the famous Sir *Eduard Coke*, who, when Judge, was of opinion, that if the Privy Council commit a man, he is not liable by any Court of Justice. But afterwards, being turned out of his office, and chosen Member of Parliament, he maintained the contrary opinion. *Nalson* accuses *Rushworth* of concealing this change in *Coke*, by calstrating and abridging his Speeches, for fear his Readers should perceive that *Coke*, who was odious to the Court, acted out of revenge, in maintaining an opinion contrary to his assertion when Judge.

This is all *Rushworth* has been charged with. But I question whether the equitable and disinterested will be convinced, that these particular accusations ought to make him forfeit all his credit. His work is in eight volumes in folio,

folio, and contains in great a number of facts, votes, public speeches, and papers of all kinds, that it would be a fort of miracle, to meet with nothing to censure. Nevertheless, all possible endeavours have been used to discredit him, by general charges of partiality, unfaithfulness, and insincerity. And it was this that induced me to say what I have said, in order to shew that these general accusations amounted to, when reduced to particular cases.

It is however very certain, that *Rushworth's* aim and design, in publishing his Collections, was to disparage the King's conduct, and favour the Parliament's cause. But *Rushworth's* intention signifies nothing, to the knowing whether a man may safely make use of his Collections. The only question is, whether his Papers are true or false. If they are true, however injurious they be to the King's cause, whoever will write an impartial History of this reign, is not obliged to reject them for that reason. This is so true, that even the most devoted Historians to *Charles I.* have been forced to make use of these Papers (1), and take them for granted, because otherwise it would be impossible to compose the History of this Reign, which consists only of the Materials furnished by *Rushworth*. Had he begun his Collections no higher than with the affairs of the Parliament, of November the 3d 1640, the King's friends would doubtless have readily forgiven him. But the Papers of the twenty foregoing years are too hard of digestion, because they ill-agree with the hypothesis of the royal party, of which I shall speak presently, and too clearly discover, that *Charles I.* designed to introduce arbitrary power, and consequently, the long Parliament had strong reasons to hinder the entire execution of such a design.

I do not see therefore any reason for rejecting the Papers inserted by *Rushworth* in his Collections, especially as both Parties have equally made use of them, though in a very different manner. Some produce them in favour of the Parliament, and others, to support the King's cause. But even in this, both have owned, they were not only useful, but absolutely necessary. If there are any passages combed as forged, they are very few; and it is strange, that after so many exclamations against *Rushworth's* concealments and omissions, there appear in the writings of the King's favourers, so few material Papers, that are not in his Collections.

I proceed now to those who write in vindication of the King's cause, as *Franklin*, *Nelson*, and the Earl of *Clarendon*, omitting the other authors of less note, to avoid being tedious.

These, in compiling the History of this reign, have formed two Systems, directly contrary to those of the friends of the Parliament, though they have made use of *Rushworth's* materials. As these books were composed at a time when the regal authority was higher than ever, they have not scrupled to build upon the supposition of the King's having an absolute power. Though they use not the word, there is hardly a page in their writings where this principle is not maintained or supposed. Hence it follows, that on the Parliament's side, the civil War was a manifest rebellion. So, the proceedings of the Parliament, which some represent as absolutely necessary for the preservation of the Government, are accounted by others as rebellions and treasons, and tending to the subversion of the constitution of the State, without any necessity of discovering the facts.

The second System of the King's party is no less contrary to that of the favourers of the Parliament. These last pretend, that the Parliament being sufficiently convinced by undeniable proofs, of the King's design to establish arbitrary power, and alter the Constitution, thought themselves obliged to use their utmost endeavours to prevent the execution of that project. This was their System. The King's Adherents form another entirely different. They call the King's pretended efforts to establish an arbitrary Government, a chimera, affirming what was termed absolute power, was precisely what the Laws allowed the King. Indeed this was the principle of *James I.* *Charles I.* *Charles II.* and *James II.* Consequently, they pretended, that to hinder the King from exercising such a power, was opposing the Laws of the Land. But as it evidently appeared in the reign of *Charles I.* that the Parliament and the people were not of this opinion, it was necessary to give some

plausible reasons for the troubles caused by this dispute in that Reign. To this end, they have established a System, which with the principle of the King's absolute power, is the basis and foundation of whatever they have writ. And that is, the opposition, King *Charles* met with, proceeded not from the people's belief, that the King had exceeded the bounds of his power, but from a project long since formed, to alter the constitution of the Church. That the Presbyterians, authors of this project, knowing the King's steadfastness upon that head, judged there was no other way to execute it, than by ruining the King, and depriving him of his prerogative. That to arrive at this point, they intilled into the rest of the Parliament and Nation, groundless suspicions and jealousies, which they took care to cherish by all imaginable means, till they came at length to an entire breach, and to a war which proved so fatal to the King, and gave them opportunity to establish Presbyterianism, on the ruins of the Church of England.

The fault in these two Systems is, that neither contains the whole truth. The Parliament's System ascribes all the proceedings of both Houses, solely to the design of redressing past grievances, and preventing an arbitrary Government. 'Tis however certain, that several Members of both Houses joined, with that design, the intention of altering the Government of the Church, which could not be done but by the King's ruin. The System of the Royalists has the same fault; they impute to the Parliament but one single view, namely, to alter the government of the Church; and counting as nothing the design to prevent the establishing of absolute Power, they pretend it was only a contrivance, or excuse, to arrive with more ease to the principal end, which was to establish Presbyterian Government.

After having thus shewn these two different Systems, I think it needless to explain particularly, in what manner *Franklin*, *Nelson*, and the Earl of *Clarendon*, apply theirs to the facts agreed on by all. I shall content myself with observing, that they miss no occasion to combat the principles of the Parliament, or to impute to them, motives entirely different from those they pretended to act by. Herin their aim was to hinder their Readers from being prepossessed with a belief, that the Parliament intended the good of their Country, or had any other views than those they ascribe to them.

It is easy to perceive by what has been said, how the Historians of the Reign of *Charles I.* may be different, nay, contrary, according as the authors have closely followed one or other of these two Systems. And this is what has actually happened. The Histories of the two Parties, though founded upon the same facts, are so opposite to one another, that a Reader, who is not very attentive, or wants leisure to examine what is propoed to him, knows not where he is, when he sees this disagreement.

For my part, who am not engaged in either of the parties, and aim only at truth, I don't think my self obliged blindly to follow one or other of the two Systems; but have established a third, composed of both, by supplying their defects. I leave it to the Reader to judge, whether it be sufficiently coherent, to give him a distinct knowledge of the affairs of this Reign. If I sometimes seem to incline to one side, it is because I have no reason to swerve from the truth, and am persuaded, that the King and the Parliament were both very much in the wrong, though not always, nor on the same occasions.

This has induced me to cite, throughout the History of this Reign, scarce any author but *Rushworth*, though no Reign has more writers. My reason was, because *Rushworth* has formed no System, but contented himself with furnishing materials common to both parties, and of which both have made great use. But though I have carefully read and collated the works of *Franklin*, *Nelson*, and the Earl of *Clarendon*, I did not think proper to quote them, because they scarce let fact or paper pass, without applying it to their System, which is not always agreeable to mine. It would therefore very much embarrass the Reader, to quote, in proof of what I advance, facts or papers that are always followed with reasonings, often directly contrary to my System. I thought proper to say thus much in justification of the manner in which I have composed the History of this Reign (2).

(1) As particularly *Nelson* himself, and *Franklin*; the main of whose Collections is taken out of *Rushworth*.

(2) It does not appear that *Rushworth* ever saw *Whitelock's Memorials*, of which doubtless, he would have made great use, since they contain many things that never would have come to light, at least, not without some preparation and adjustment. For as the author never intended his work for the publick, nor meant otherwise by it, than as a Book for his memory and private Use, he had not any temptations to prevaricate, nor can he be well suspected of a design to represent things otherwise than faithfully to himself. All is naked there, and the Party more likely to suffer by the truth, than the truth to have any violence in favour of a Party. His Book is entitled, *Memorials of the English Affairs, as an Historical Account of what passed from the beginning of the Reign of Charles I. to King Charles II. his happy Restoration, containing the publick Transactions Civil and Military, together with the private Conjunctions, and Secrets of the Cabinet*. It is writ by way of Diary, though so much was the Author upon the stage during all the time of action, that the particulars of his Diary go very far towards a perfect History of those times.



THE HISTORY of ENGLAND.

BOOK XX.

The Second Part of the Reign of CHARLES I.

1640.
Nov. 3.
State of
the King's
Affairs.



THE King's affairs, at the meeting of the Parliament, were in a very ill-situation. Instead of subduing the *Scots*, as he flattered himself, he had the mortification to see them enter *England*, force the passage of the *Tyne*, defeat a considerable body of his army, and render themselves masters of *Newcastle*. Moreover, he saw his own troops not very ready to serve him. They consisted, for the most part, of soldiers lifted against their wills, in the several Counties, and prejudiced, like the rest of the nation, against the Government. Besides, the valour of the *Scots* being magnified by those who had been routed, and by the King's private enemies, inspired the *English* troops with some terror. Moreover, the King wanted money to pay them. His whole resource was the two hundred thousand pounds borrowed of the city of *London*, till it should please the Parliament to furnish him with the necessary supplies. But he could hardly expect that the Parliament would be favorable to him. It was universally believed, he had called it against his inclination, and because he could find no other way to free himself from his present circumstances. What had passed in the four Parliaments held since the beginning of his reign, the dissolutions of these Parliaments, with heat and animosity, the imprisonment of their Members, the discontinuance of Parliaments for twelve years, the taxes imposed by the King's sole authority during that space, the monopolies upon all sorts of goods and commodities, the decay of trade; the open protection granted by the King to the Papists and *Arminians*, the severities exercised upon the *Presbyterians*, the innovations in Religion, the almost universal suspicion of a design to introduce Popery, the excessive authority usurped by the Council and Star-Chamber, the corruption of the

Judges, in a word, the principles of arbitrary Power asserted by the Court, bred a general discontent. The King was not ignorant of it, and till now had disregarded it. But he began to dread the consequences, when he saw himself upon the point of being exposed to the ill humour of a new Parliament, who, probably, would not lose the opportunity of labouring the redress of grievances, which the former Parliaments had in vain demanded. Nevertheless, he was so prejudiced and exasperated against the *Scots*, that he still hoped the new Parliament would look upon their entrance into *England* as an invasion, as a war made, not upon the King, but the Kingdom, and would furnish the means to drive them into their country, and chastise their audaciousness. But it was not long before he perceived his hopes were ill-grounded.

The Parliament met the 3d of November, according to the King's writs. There had never been a more numerous assembly, very few members being absent (1). Every one looked upon this as the fairest opportunity that could possibly offer, to cure the evils of the Kingdom; and all the Members, except such as were entirely devoted to the King, were ready to contribute to the restoring of the Government to its true and antient constitution. Accordingly this was what the People expected. On the first day, the King made the following Speech to both Houses.

My Lords,

THE knowledge I had of the desires of my *Scottish* Subjects, was the cause of my calling the last assembly of Parliament: wherein had I been believed, I sincerely think that things had not fallen out as now we see. But it is no wonder, that men are so flow to believe that so great a sedition should be raised on so little ground. But now, my Lords and Gentlemen, the honour and safety of this Kingdom lying so near at

(1) Dr. *McLachlan* & *Harris*, That no Age ever produced greater Men than those that sat in this Parliament. *Admiral*, p. 41.

1640.

"stake, I am resolved to put myself freely and clearly on the love and affection of my *English* Subjects, as these of my Lords that did wait on me at *York*, very well remember I there declared.

"Therefore, my Lords, I shall not mention my own interest, or that support I might justly expect from you, till the common safety be secured; though I must tell you, I am not ashamed to say, those charges I have been at have been merely for the security and good of this Kingdom; though the success hath not been answerable to my desires: Therefore, I shall only desire you to consider the best way both for the safety and security of this Kingdom; wherein there are two parts chiefly considerable. First, the chafing out of Rebels (1). And secondly, that other, in satisfying your just grievances, wherein I promise you to concur so heartily and clearly with you, that all the world may see my intentions have ever been and shall be to make this a glorious and flourishing Kingdom. There are only two things that I shall mention to you: The one is to tell you, that the loan of money which I lately had from the City of *London*, wherein the Lords that waited on me at *York* assisted me, will only maintain my army for two months, from the beginning of that time it was granted. Now, my Lords and Gentlemen, I leave it to your considerations, what dishonour and mischief it might be, in case for want of money my army be disbanded before the rebels be put out of this Kingdom. Secondly, the securing against the Calamities the northern people endure at this time, and so long as the treaty is on foot: And in this I say, not only they, but all this Kingdom will suffer the harm: Therefore I leave this also to your consideration, for the ordering of those great affairs, whereof you are to treat at this time. I am so confident of your love to me, and that your care is for the honour and safety of the Kingdom, that I shall freely and willingly leave to you where to begin. Only this, that you may the better know the state of all the affairs, I have commanded my Lord-Keeper to give you a short and free account of those things that have happened in this interim, with this protestation, that if this account be not satisfactory as it ought to be, I shall, whenever you desire, give you a full and perfect account of every particular. One thing more I desire of you, as one of the greatest means to make this a happy Parliament, that you on your parts, as I on mine, lay aside all suspicion one of another; for, as I promised my Lords at *York*, it shall not be my fault, if this be not a happy and good Parliament."

The Lord-Keeper's Speech to the Parliament, 14. p. 12. N. 10. T. I. p. 282.

After the King had done speaking, the Lord-Keeper Finch made his Speech. He began with encomiums of the King and Queen, and then endeavoured to persuade the two Houses, that the calling of the Parliament was wholly owing to his Majesty, who had resolved it, before he received any Petition on that subject (2). After that, he strove to shew, though in a very general manner, that the *Scots* had violated the late treaty, and the King, against his will, taken arms by the unanimous advice of his Council, to reduce them to obedience. He concluded with informing both Houses, of what had passed as well in the beginning of the war as in the conferences at *Rippon*.

The Commons being returned to their House, chose for Speaker *William Lenthall*, a Bench of *Lincoln's-Inn*, who was proposed by Sir *Henry Vane*, Secretary of State (3). This choice being approved by the King, they appointed, according to custom, a committee to examine all questions that might arise about elections, returns, or other Privileges of the House. Then it was resolved, that a Committee of the whole House should meet on certain days of the week, for these five principal heads, namely, for Religion, Grievances, Courts of Justice, Trade, and *Ireland*. These were the articles which chiefly occasioned the Nation's complaints and murmurs, and the Commons thereby evidently discovered their intentions.

As from the 3d of November 1640, to the 25th of August 1642, the History of this Reign wholly consists of Parliamentary transactions, I think it necessary before all things to give a description of this Parliament, and of the different Parties into which it was divided. It will afterwards be more easy to perceive the motives of its acts and resolves, and withal, the true grounds of the Civil War that afflicted *England*.

First, it is certain there was hardly a Member of either House but what was disposed to procure the redress of the grievances so long complained of. These grievances were

so manifest, that it was almost impossible, without subverting the constitution of the Government, to find plausible reasons to justify the King's and the Ministry's conduct, during the fifteen foregoing years. They were of such a nature, that no man was free from them, not even those who served for instruments to impose them on the people, though they were in great measure indemnified some other way. In short, they were of such consequence, that admitting the principles whereon they were founded, the necessary result was a total subversion of the Government, and an arbitrary Power unknown to the *English* for many ages. It may therefore be affirmed, that from the very beginning of this Parliament, the general sentiment of both Houses was, that the present opportunity of applying proper remedies to the evils of the Kingdom was not to be neglected.

But the Members were divided upon a principal point, which however flowed from the general disposition. Some were of opinion, that after all the grievances were redressed, the Government should be restored to its natural state, such as it was before the reigns of *James* and *Charles*, without any additions or alterations. Others, on the contrary, thought, that after the redress of grievances it would be necessary to use some effectual method, to put it out of the King's power ever to invade the liberties of the People, and the Privileges of the Parliament. But these carefully concealed their intentions, lest they should give occasion to the others to suspect a design to alter the established Government, and cause them to oppose even the most reasonable things, out of fear of the consequences. They hoped to find or start in time opportunities enough to inspire the whole Nation with a distrust of the King, and by that means to accomplish their ends.

Such being the general disposition of the Parliament, it is evident, the entrance of the *Scots* into *England* was to be deemed a very considerable advantage, granted to the *English* by Providence, to hinder the King from breaking the measures which might be taken against him. The King was under an absolute necessity to maintain an army for his defence against the *Scots*, without having for that purpose other means than the assistance of the Parliament. For the times being changed, the imposing of arbitrary taxes could not be practised any longer, upon which, probably, he had depended in the beginning of the war, since, in a month after taking the field, he was destitute of money to pay his troops. So, it was the Parliament's interest to keep the King in this necessity, that he might not be able to oppose the resolutions of the two Houses. It is not therefore to be thought strange, that the Parliament did not much attend to what the King most desired, namely, to be enabled to drive the *Scots* out of the Kingdom, since, on the contrary, the presence of the *Scots* gave the two Houses a superiority they were unwilling to lose.

The sentiments of the Parliament were also very various with respect to Religion. There were in the Houses rigid Episcopalians, who believed Bishops essential to Religion, and that without them there was no lawful Ordination, nor consequently any valid administration of the Sacraments. Of this number were the Bishops, and almost all the King's party. There were moderate Episcopalians, who being sincerely attached to the Church of *England*, had however different ideas of Episcopacy. They had a veneration for Episcopal Government, as being very ancient in the Church, and what they most liked. But though they had no design to alter it, they did not think it, however, so absolutely necessary, but that Religion might well subsist under any other kind of Government. This was the prevailing opinion, and espoused by a majority in both Houses. Wherefore it may be said, that in the beginning of this Parliament, the Members in general had no intention to attack the government of the Church, established in *England* since the Reformation.

But there was in the two Houses another party more powerful by the ability of their Leaders than by their number. I mean that of the Presbyterians, who were divided also into moderate and rigid. The former had no other view, than to obtain some liberty and security against persecution. The latter were of a different stamp. They considered Episcopal Government as repugnant to the word of God, and the jurisdiction of the Bishops as a real tyranny. These were the particular objects of the hatred of the King, Ministry, Bishops, and most of the Clergy, because their principles tended to the utter ruin of the Church of *England*. For that reason, they believed there was no safety for them, but in an entire change of Episcopal into Presbyterian Government. But they easily

1640.

Lenthall chosen Speaker.

The Commons first joined with the King, 14. p. 12. N. 10. T. I. p. 151.

Disposition of the Parliament with respect to Grievances, 14. p. 137. Rushworth, 11. p. 135. N. 2.

(1) That is, the *Scots*. Some exception being taken at the King's calling them Rebels, he explained and justified that expression in a Speech to the Lords, November 3. See *Baynes's*, Tom. IV. p. 17. *Widdick*, p. 38.

(2) And yet the Lord *Clarendon* accuses the calling the Parliament to the advice of the great Council of *Piers* at *York*. *Regis*.
(3) The Lord *Clarendon* says, the King desired Sir *Thomas Gardiner*, Recorder of *London*, to be Speaker. But he could not get himself elected for *London*, nor any other Burrough. And so matters, it is to be regretted, that such a spirit of opposition to the Court prevailed, was in the House and sections of men of the People, that very few of that Party had the honour to be chosen Members of this Parliament. *Clarendon*, Tom. I. p. 135. *Widdick*, p. 37.

1640. perceived, that to attain their ends, the King was to be disabled to oppose them, knowing, that as long as it was in his power, he would never consent to this change. Their number was however so inconsiderable, that they would have made no figure in the Parliament, had they not been supported by the *Sect*, whose aid they could not be without. Moreover, among these rigid Presbyterians, lay concealed a certain set of men, known afterwards by the name of Independents, who held concerning civil, as well as ecclesiastical, Government, uncommon opinions, which they took care not to explain, till they found occasion to publish them. They were contented for some years, to conceal themselves among the rigid Presbyterians, in order, at a proper time, to accomplish their designs more effectually. It was the particular interest of these men so to manage, that the government of the State should be changed, or rather overthrown, well knowing their party could never subsist but in anarchy. And therefore, without discovering their intentions, they improved all occasions to sow and cherish discord between the King and the Parliament. The whole Presbyterian party was directed by the heads of the Rigids and Independents, men of great parts, who, without discovering themselves more than was necessary, seemed to confine their designs to the redress of grievances, which was the general aim of the Parliament, and wherein almost all were united. They found a double advantage in this conduct. First, they removed all suspicion of their intending to change the government of Church or State, and withal preventing the union of the other Members, who would not have failed to unite, in order to oppose such a change. The second advantage was, that by being solely intent at first upon the redress of grievances, they had frequent occasions of exclaiming against the King's former administration, and fomenting the Parliament's distrust and jealousy of him. For it was by that chiefly they hoped to be able to execute their projects.

Redworth,
IV. p. 20.
III. p. 1336.
See
Nelson,
T. II. p. 49.
See.

Such being the disposition of the Parliament, it is easy to perceive the reason why the Commons were so intent at first upon the redress of grievances, as well publick as private. A great number of Petitions upon that subject were presented to them, within a few days after their meeting. Many Members were likewise charged with the like Petitions from their Burroughs and Shires, and several very mortifying Speeches to the King and his Ministers were made in the House (1). Of all these Speeches, I shall insert only one, wherein are enumerated all the publick grievances, of which the People thought to have reason to complain. It is that of Mr. Pym, Member of Parliament for *Tavistock* in the County of *Devon* (2).

Mr. Speaker,

Pym's
Speech about
Grievances.
Redworth,
IV. p. 21.

" I redress grievances will not hinder, but further the service of the King: To take away the weights, does as much advantage motion, as to add wings.

" I shall, 1. instance several heads of those grievances we labour under. 2. Demonstrate them to be as hurtful to the King, as to the People. 3. That the remedies will prove equally good to both of them.

" The King can do no wrong; the Law casts all mis-carriages upon the Ministers: Thus the influence of heaven conveyeth vigour into sublimary creatures; but the malignity of all epidemical diseases, proceedeth from the ill-affected qualities of the earth or air.

" There are a threefold sort of grievances: 1. Some against the privilege of Parliament: 2. Others to the prejudice of Religion: 3. Some against the liberty of the Subject. For the first, the Members are free from arrests; to have liberty of Speech; a legislative, judiciary, and conciliatory Power; being the same to the body politic, as the faculties of the soul to a man.

" These privileges have been broken: 1. In restraining the Members from speaking. 2. In forbidding the Speaker to put a question; both of these practised in the last Parliament. 3. By imprisoning divers Members for matters done in Parliament. 4. By proceedings against them for the same in the inferior Courts. 5. Enjoying them to give security for their good behaviour, and continuing them in prison, even to the death. 6. In abrupt dissolutions of Parliament; the great grievance; like the execution of a man, without being heard: It receives a being by the fummons, and a civil death by dissolution; not only thereby to die, but to be made *in-establis*, incapable of making their wills, the good acts that they were about.

" The second is, encouragement of Popery: 1. By

1640. " suspension of Laws against them: Now it is certain, there can be no security from Papists, but in their disability; their principles are incompatible with any other Religion; Laws will not restrain them; nor Oaths; for the Pope dispenseth with both; and his command sets them against the realm in spirituals and temporals, in *ordine ad Spiritualia*. Henry the Third, and Henry the Fourth of France, were no Protestants, yet were murdered because they tolerated Reformation. 2. By allowing them places of trust and honour in the Commonwealth. 3. Their free resort to London, and to the Court; to communicate their counsels and designs, dividing into the secrets of State. 4. That as they have a congregation of Cardinals at Rome, for advancing the Pope's authority in England; so have they a Nuntio here, for the execution thereof.

" Then as to Innovations of Religion introduced: 1. Maintenance of Popish Tenets, in books, sermons, and disputations. 2. Practice of popish Ceremonies countenanced and enjoined, as altars, images, crucifixes, bowings, &c. These I may in some respect compare to the dry bones in *Ezekiel*; which first came together, then sinews and flesh came upon them, afterwards the skin covered them, and then breath and life was put into them; so first the form, then the spirit and life of Popery was to come amongst us. 3. Preferment of persons popishly affected. 4. The discouragement of Protestants, by over-rigid protections of the scrupulous for things indifferent: No vice made so great as Inconformity; by punishing without law, for not reading the Book for Sunday recreations; for not removing the Communion-table otherwise; for not coming to the Rails to receive the Communion; for preaching on the Lord's-day in the afternoon; for Catechising otherwise than as in the short Catechism in the Common-Prayer-Book. 5. By encroachment of ecclesiastical Jurisdiction; particularly, 1. In fining and imprisoning without law. 2. Challenging their jurisdiction to be appropriated to their order *Jure divino*. 3. Contriving and publishing new articles of visitation, new Canons; and the boldness of Bishops, and their subordinate officers and officials.

" As to the third sort of grievances, I shall observe rather the order of time when they were acted, than the consequence; but when we come to the cure, it will be best to begin with the most important.

" There is first, Tunnage and Poundage, and the late new book of Rates taken by prerogative, without grant of Parliament; from whence these inconveniences follow: 1. Mens goods are seized, their suits stop. 2. Mis-employment of the sums of money imposed; for though intended for the guard of the Seas, they are disposed to other uses, and a new tax raised for the same purpose. 3. The burthen excessive, trade hindered, home-commodities abated, and foreign inhandled; by which means the stock of the Kingdom is diminished, especially insupportable to the poor planters in America, by the tax upon Tobacco.

" There is Composition for Knighthood; which though it refers to a former custom, yet upon the same grounds, the King may renew it by a new one, immoderate multiplication of distress and illness, and enforce them to compound with the commissioners. An inundation of Monopolies undertaken by Papists, and full of mischief. 1st. By impairing the goodwills, and inhanding the price of Salt, Soap, Beer, Coals, &c. 2dly, under colour of which, trade was restrained to a few hands, 3dly, Many persons thereupon illegally imprisoned.

" But the great and unparalleled grievance is the Ship-Money, being aggravated, not supported by the judgment, which is not grounded upon law, custom, precedent or authority: It being improper for a case of necessity, and abounding in variety of mischief. As 1st, The general extent to all persons, all times, and the Subject left remediless. 2dly, The arbitrary proportion without limit. 3dly, Imposed by writ, and disposed by instructions. Improper, for the office of a Sheriff in the Inland Counties, and inconvenient for the inhabitants; without rule or suitable means for the levying or managing of it.

" The enlargements of Forests, beyond the bounds of the Statutes, 27 and 28 *Edw. I.* which perambulations then were the cause of that famous *Charta de Foresta*; And now reviving these old questions, new distempers may follow, and particular obliquities we may already observe, and surreptitious proceedings, as in *Essex*; yet

(1) *Arthur Capel* (afterwards Lord Capel), presented a Petition for *Hertfordshire*, Sir *John Packington* for *Worcestershire*, Sir *John Culpeper* for *Kent*, Sir *Philip Aldridge* for *Wiltshire*, Sir *Francis Seymour* for *Wilt*, (these turned afterwards for the King) Henry *Bullock* and *Fordmund* Lord *Essex* for *Yorkshire*, Sir *Edmund Mansfield* for *Nottingham*, Sir *Thomas Barrington* for *Essex*, William *Purport* for *Yorkshire*, Sir *Gay Palmer* for *Nottingham*, &c. *Redworth*, Tom. IV. p. 21.

(2) Repetition by mistake has inserted in his History Mr. Pym's Speech, which he spoke the 17th of April, in the last Parliament, and of which mention is made above, p. 216. Wherefore the Translator has inserted here the true Speech, as it is found in *Redworth*, Tom. IV. p. 21.

" that

1640. "that verdict was enforced in other Counties, and a judgment upon the matter after three or four hundred years quiet possession of the Subject, who thereupon is forced to compound for great fines.

"The felling of nufance: The King as a father of the Commonwealth, is to take care of the public commodities and advantages of the Subjects, as rivers, highways, and common-sewers, by ordinary writs, *Ad quod damnum*: But now by a course extrajudicial, by enforcing compositions: so then, if really it be a nufance that is compounded for, 'tis an hurt to the People; if no nufance, then 'tis a grand prejudice to the party.

"The Commission for buildings about London, was presented as a grievance in the time of King James; now much more encreased, and much more prejudicial.

"The Commission for Depopulations began some few years since; by both these Commissions, the Subject is restrained from disposing of his own; demolishing their houses, punishing and fining their persons for that, for which they are still liable by law; for the King cannot licence a nufance; and altho' these are not nufances, yet it is of ill-consequence to be compounded for, and may make a precedent for Kings to licence such things as are nufances indeed.

"Military charges ought not to be laid upon the People by warrant of the King's hand, nor by letters of the Council-table, nor by order of the Lords Lieutenants of Counties, nor their deputies. It began to be practised as a loan for supply of Coat and Conduct Money in Queen Elizabeth's time, with promise to be repaid it, as appears by a Constat-warrant in the Exchequer, and certain payments: But now a-days never repaid. The first particular brought into a Tax was, the Murther-Master's Wages; which being but for a small sum, was generally digested: Yet in the last Parliament, it was designed to be remedied. But now there follows pressing of men against their wills, or to find others. 2dly, Provisions for publick magazines for powder, spades, and pickaxes. 3dly, Salary of officers, cart-horses, carts, and such like.

"The extrajudicial declarations of Judges without hearing of counsel or argument: A teeming grievance, productive of many others.

"Monopolies countenanced by the Council-table, and the clause in their patents of monopolies, commanding the Justices of Peace to assist them; whereby the great abilities of that honourable Board, receive a stain by such matters of so mean a report in the estimation of the law, so ill in the apprehension of the People.

"The High-Court of Star-Chamber, called in the Parliament Rolls *Magnum Concilium*, to which the Parliaments were wont to refer such matters as they had not time to determine: A court erected against oppression, a court of councils, and a court of justice, now an instrument of erecting and defending monopolies, to fet a face of publick good on things pernicious.

"That great and most eminent power of the King in Edicts and Proclamations, called *Leges Temporis*, used heretofore to encounter with sudden and unexpected danger, till the Great Council of the King could be called, hath of late been exercised for injoining and maintaining monopolies. But the last and greatest grievance leads us a step higher, even as high as heaven, as the throne of God, his word and truth. The ambitious and corrupt Clergy, preaching down the laws of God, and liberties of the Kingdom; pretending divine authority and absolute power in the King, to do what he will with us; and this preaching is the highway to preferment; as one *Memouring* sentenced in the former Parliament for this doctrine, then a Doctor, is now become a Bishop. The intermission of Parliaments contrary to the statute, whereby they are to be called once a Year, is the main cause of all these and other mischiefs, to which Parliaments give remedy.

"These grievances are as well hurtful to the King as to the Subjects, by interrupting their communion; they have need of his general pardon, and to be secured from Projections and Informers; to be freed from obsolete laws, and from the subtle devices of such who seek to strain the Prerogative to their own private advantage, and the publick hurt; and the King hath need of them for Council, for support. Queen Elizabeth's victorious attempts, were for the most part carried on upon the Subjects purses, and not upon her own; though the honour and profit were hers. These discontents at

"home diminish the King's reputation abroad; and disadvantage his treaties, and weaken his party beyond sea; by encouraging Popery; by forcing the Subjects to leave the Kingdom, to the prejudice of the King's customs and subsidies. As for instance, divers Clothiers followed away, who set up their manufacture abroad to the hurt of the Kingdom.

"The King hath received upon the monopoly of Wines, thirty thousand pounds *per Ann.* The vintner pays forty shillings *per tun*, which comes to ninety thousand pounds; the price upon the Subject by retail is increased two-pence a quart, which comes to eight pounds a tun, and so forty five thousand tun brought in yearly, amounts to three hundred sixty thousand pounds; which is three hundred and thirty thousand pounds lost to the Kingdom, above the King's receipt.

"Now the remedies, and removing these grievances, consist of two main branches, in declaring the Law where 'tis doubtful, and in providing for the execution of the Law where it is clear. But these I refer to a farther time, and for the present advise speedily to desire a conference with the Lords touching grievances; and always to humble our selves for God's assistance."

As Mr. Pym, who spoke this Speech, was one of the leading men in the House of Commons, he was extremely applauded, and the more, that in giving a summary of all the publick grievances, he had not used any disrespectful terms against the King or his Ministers. This Speech was followed with another by Sir Benjamin Rudyard, who, to intimate that there was a settled design to introduce Popery and arbitrary Power into England, expressed himself after this manner:

They have so brought it to pass, that under the name of Expulsion of Puritans, all our Religion is branded; and under a few hard words against Jesuits, all Popery is countenanced. Whosoever squares his actions by any rule either divine or human, he is a Puritan; whosoever would be governed by the King's Law, he is a Puritan; he that will not do whatsoever IV. p. 34. either men would have him do, he is a Puritan: their great work, their master-piece, now, is to make all those of the Religion, to be the suspected party of the Kingdom.

These Speeches were seconded with so great a Number of Complaints and Petitions concerning grievances both publick and private, that the House was divided into above forty Committees upon this single article, according to the different nature of the complaints. But before the particular examination of these grievances was begun, the Commons thought fit to desire the concurrence of the Lords to move the King, that he would be pleased to appoint a Fast, which met with no opposition either from the Lords or the King (1). Then they appointed a Committee to examine what number of Papists were in and about London, and how they were armed. As the King [by a message] had acquainted them with his design to publish a Proclamation against Recusants, this Committee was empowered to examine the same after the publication, and see how it was executed.

Two days after, on the 9th of November, the House going upon the grievances, the Lord Digby, son of the Earl of Bristol, made on that subject a Speech, which he concluded with this motion, *That a select Committee may be appointed to draw out of all that has been complained of, such a Remonstrance as may be a faithful and lively representation to his Majesty of the deplorable state of the Kingdom* (2). Very probably, this motion had been resolved among the Leaders, because they were apprehensive of the King's opposing the redress of grievances, and because in that case it was requisite to shew the People the necessity of this redress, by informing them wherein consisted the grievances of the Nation. The Lord Digby's motion being approved, the House appointed a Committee of twenty-four to prepare the Remonstrance. But because the King shewed greater condescension than was expected, this Remonstrance was not drawn till above a year after, and upon another occasion.

[Sir John Culpeper] one of the Members who had spoken upon the grievances, having chiefly insisted on Monopolies, it was voted, that all such Members as directly or indirectly had any share in, or benefit from any project or monopoly, should be disabled to sit in the House, and that Mr. Speaker should issue out writs to chuse others in their room. There were afterwards four expelled the House upon that account (3).

(1) Dr. Corbush, and Stephen Marshall, preached on that day before the House of Commons, and preached and prayed at least seven Hours: see *Journal of the House of Commons*, p. 4.

(2) In this Speech he mentions among other things, the new Canon-Oath, and says, "My opinion of this Oath is, that it is a Covenant against the King and Bishops, only to much worse than the *Scotch*, as they admit not of the Supremacy of the Church, and we are sworn to it." *Rushworth*, Tom. IV. p. 31. *Whitelock*, p. 38.

(3) *Whitelock* says, many Members thereupon withdrew themselves, and new Elections were made in their rooms. p. 38.

1640. During the four or five first days, the House of Commons was almost wholly employed in receiving Petitions and Complaints, as well from private persons, as from boroughs and shires. Amongst the private Petitions, the most remarkable were those of *Baifwick, Barton, Pryn* (1), *Lilburn, Leighton, Jennings, Smart* (2). These men complained of the exorbitant pains and penalties inflicted on them by the Star-Chamber and High-Commission. As I intend not to dwell upon the affairs of private persons, I shall only say, that within the space of about a year, the Commons found time to examine all these sentences one after another, and to punish the Members of the Star-Chamber, who had given their votes, by condemning them to pay all the costs and damages to the parties. The reparations to *Baifwick, Pryn, and Barton*, were fixed to above four thousand pounds each (3). All the other complaints of private persons, whether against the Courts of Justice, or the Star-Chamber and High-Commission, or certain Bishops and Deans, who laboured more than the rest, to introduce innovations in Religion, were heard. The Commons took a pleasure to mortify in their turn, those who had stretched the Prerogative Royal, in persecuting the Puritans, or rather such as did not bear the yoke patiently, who were confounded, under that name, with the Presbyterians.

If the Commons endeavoured to do justice to private persons, who had suffered any injury during the first fifteen years of this Reign, it may well be imagined, they neglected not to redress the grievances of the whole Nation. This was their principal business during the first year of their Session. Though the Parliament was composed of several parties, who had not all the same views, they were, however, united with respect to the redress of grievances. Even those Members who were most devoted to the King, durst not oppose the general sentiment, some because they thought the thing just, others, not to lose their labour, and for fear of rendering themselves too suspected.

Among those who had most contributed to the publick mischief, the Archbishop of *Canterbury* was considered as one of the chief and most worthy of punishment, as being author of the innovations in the Church, promoter of the war with *Scotland*, persecutor of the Presbyterians, and head of the *Arminians*. The Earl of *Strafford* was likewise of this number, because he had so entirely devoted himself to the King, that in his two great offices of President of the Court of *Tierk*, and Lord-Lieutenant of *Ireland*, he had no other view than to stretch the Prerogative Royal, and increase the King's revenues. His proud and haughty carriage had no less offended the publick than his actions, whereby he strove to establish an arbitrary power. He was accused of advising the King to transport his *Irish* army into *England*, to subdue the opposers of his will. Though he was highly in the King's favour, he had nevertheless made himself many enemies at Court, and in the Kingdom, who earnestly sought occasions to ruin him. The Lord-Keeper *Finch*, was looked upon also as a pernicious Counsellor, wholly devoted to the King, and ready for any attempt, to establish a despotick Government. It was not doubted, but he was the man that had corrupted the Judges in the business of Ship-Money. Sir *Francis Windebank*, Secretary of State, was reckoned the patron of the Catholics, and it was by his means that the condemned Priests and Jesuits escaped one way or other the sentence passed upon them. In short, the Judges of the realm had rendered themselves extremely odious to the People, as well by the judgment they had given in *Mr. Hampden's* affair, as by numberless other acts of injustice to private persons. These were the principal authors of the grievances, whom the Commons intended to bring to exemplary punishment.

The Earl of *Strafford* was the first on whom the form fell. The 11th of November, eight days after the opening of the Parliament, Mr. *Pym*, having desired, and obtained his desire

of the Commons, that the doors of the House might be lock'd, and the outward room cleared of strangers, informed them, that there were several complaints against the Earl of *Strafford*, which afforded good ground to accuse him of High-Treason. Upon this information, the House immediately appointed a Committee of seven (4), who withdrawing into another room, and conferring together, reported, presently after, that it was their opinion, there was just cause to impeach the Earl of *Strafford*. Then Mr. *Pym* was ordered to go to the House of Lords, and accuse the Earl of High-Treason, in the name of all the Commons. He had orders likewise to tell the Lords, that in due time the Commons would produce the articles of accusation, and in the mean time, desired the accused might be put into safe custody. The Earl of *Strafford* was that very day came from the army, and had taken his place in the House of Lords. Before his departure from the army, he had received notice that there was a design to attack him. But whether through pride, or a belief that having done nothing without the King's warrant, he was secure, he slighted the advice, and would be present in the Parliament. Indeed, some months before, the King's protection was more than sufficient to screen him from all danger. But the face of affairs was altered, and it is strange a person of so great a genius, and so good sense, could imagine the King was able to protect him in such a juncture (5). However this be, upon the Commons impeachment, the Lords committed him to the custody of the Black-Rod, and some days after sent him to the Tower. As this affair was prolonged till May the next year, I shall not speak of it, till I come to the time of this famous trial, and shall continue to relate, without interruption, what concerns the redress of grievances, and the punishment or accusation of their authors.

Secretary *Windebank* was attacked next. Several Petitions were presented against him to the House, whereof he was Member, complaining, that as Secretary of State, he had issued out warrants under his own hand, for the discharge of prosecutions against Priests, and for their release out of prison. All these Petitions tended to shew, that he lost no opportunity to countenance the Papists, and gloried in being reckoned their patron. I do not know whether he professed the Roman Catholic Religion. Be this as it will, he was summoned several times to come to the House, and answer what was laid to his charge. But he believed it more proper to avoid the impending storm, and withdrew into *France*. When he was out of danger, he sent the Earl of *Pembroke*, Lord-Chamberlain, a letter, lamenting his misfortune, and intimating, that if he was guilty, it was only for having served the King faithfully, and obeyed his orders (6).

The Convocation, their Canons, Oath, and the Tax they had laid upon the Clergy to aid the King in his war with *Scotland*, were next taken into consideration by the House. This affair was debated with great warmth. Several Members made, on this occasion, Speeches, tending to shew, the King could not, by his authority, turn the Convocation into a Synod. They alleged for reason, that the Clergy who composed it, could act but as members of the Convocation, because to act as Members of a Synod, they ought to have been elected by the People, and it did not belong to the King to make this election as he pleased. That the Convocation or Synod had no power to make Canons for the whole Nation, without the consent of the People themselves, nor consequently without the intervention of the Parliament. That most of the Canons were unjust in themselves, and tended to increase the Clergy's power, to the prejudice of the King's authority, and the People's liberties. That by these Canons the Convocation assumed a power above the Parliament. That the Oath they had imposed was strange, doubtful, contrary to the privileges of the Parliament, and the rights of the People,

(1) See an account of the severe punishment of these three Persons above, p. 308. Note (4). They were now, by order of Parliament, brought from their several places of Confinement to *London*. *Pryn* and *Barton* landing at the first time, viz. November 25, at *Southampton*, were received with extraordinary demonstrations of esteem, had their Charges bore, and liberal presents given them. This Method and Ceremony kept them Company all their Journey, and to many people met them upon their approach to *London*, at which they were carried into the City by above ten thousand persons, with Boughs and Flowers in their hands. *Clarendon*, Tom. I. p. 486. *Nelson*, Tom. I. p. 520.

(2) *Leighton* a Physician, Father of Dr. *Leighton*, Archbishop of *Gloucester*, for writing a Book called *Sin's Plague against Prelates*, (wherein he desired the Parliament to kill all the Bishops, by putting stones under the Fifth step, and raised against the Queen, called her a *Conscienceless Libertine*), was thrown into the stocks, *Pryn*, fined ten thousand pounds, and laid in the Pillory twice, having one Nuttall hit, and one Check-fred, with thirty six Lashes each time. *Windebank*, p. 15. *Alexander Jennings* of *Buckinghamshire*, for refusing to pay Ship-Money, was imprisoned in the Fleet, by Warrant of the Council, without any Cause expressed, and the Court of King's Bench had reason to discharge or bail him when he brought thither by *Hales* Co-pet.

(3) *Peter Smart*, Canon of *Durham*, having in 1628, printed two Sermons against Innovation in the Church of *Durham*, by Dr. *Edmon*, was by the High-Commission at *Tierk* deprived of his Prebend and Living, fined 5000*l*. and imprisoned many years. *Rushworth*.

(4) *Nelson* observes, that the Sentence in the Star-Chamber against *Baifwick* was not only just, but that he deserved even death, if he had not had to do with the most merciful of Kings. *Rapin*.

(5) Mr. *Pym*, Mr. *Stewart*, Mr. *John*, the Lord *Digby*, Sir *John* *Clemens*, Sir *Robert* *Earl*, and Mr. *Hampden*, *Rushworth*, Tom. IV. p. 43.

(6) *Windebank* says, it was concluded at *Tierk*, whether the Earl should repair to the House, or continue in the North with the Army. The Earl humbly desired his Majesty to excuse his going to the Parliament, alledging, He would not be able to do so any longer, but rather be a martyr to his Majesty's Affairs, and submit, to see if he should fall upon him, he being at a distance, might the better serve him from danger, &c. The King, notwithstanding all his could say, insisted upon the Earl's coming to Parliament, and told him, As he was King of England, he was able to force him from any danger, and the Parliament should not touch one hair of his head. So in obedience to the King's Commands, the Earl came to *London*, but not, as *Rapin* says, the same day he was impeached, but a few days before, *Windebank*, p. 57. The Lord *Clarendon* says, it was believed he came to the House that day, to answer the Lord *Digby*, and some others, at having induced the *Stem* to invade the Kingdom, Vol. I. p. 139. *Nelson's* Observations, p. 526.

(7) Sir *Francis Windebank* had been *Lord's* *Peep*, and was by his recommendation, made Secretary on *June* 15, 1619. *Lord's* *Diary*. In his Letter to the Earl of *Pembroke* are these words, What I am guilty of now known to all as his Majesty, whom I have served faithfully, &c. &c. &c. and with as true and loyal a heart, according to my poor abilities, as any other whatsoever, *Nelson*, Tom. I. p. 525.

1640. and obliged men to swear as necessary, things that were alterable, without any danger to Religion. For instance, supposing it true, that Bishops are *Jure divine*, which the Church of England never acknowledged (1), it could not be affirmed, that Archbishops, Deans and Archdeacons, are of divine or apostolical institution, and yet people were made to swear, never to consent to the altering of the government of the Church by Archbishops, Bishops, Deans, Archdeacons, &c. That by this oath, the representatives of the Nation would be tied up, that though the Parliament should have power to alter the government of the Church, they could not even debate upon that subject, by reason of their oath. Upon these and many other reasons, which I omit, to avoid tediousness, the Commons voted unanimously, 1. That the Clergy of England convened in a Convocation or Synod, or otherwise, have no power to make any Constitutions, Canons, or Acts whatsoever, in matters of Doctrine or Discipline, or otherwise, to bind the Clergy or Laity of the land, without common consent in Parliament. 2. That the Canons treated upon by the late Convocation, do contain matters contrary to the King's prerogative, to the fundamental Laws and Statutes of the realm, to the rights of Parliament, to the property and liberty of the Subject, tending to sedition, and of dangerous consequence (2).

Immediately after these resolutions, the House appointed a Committee of thirty six, to examine, who were the chief promoters of these Canons, and how they had been executed: to consider how far, in particular, the Archbishop of Canterbury had been concerned, in the great design of subverting the Laws of the Land and Religion; and to draw up a charge against him and such others, as should appear guilty of the same crime. The Scotch Commissioners who were sent to London to continue the treaty begun at Rippon, were, as I said, in good understanding with the leading Members of the Commons, and in all appearance, had been informed of the design to prosecute the Archbishop. And therefore, to make the blow fall the heavier on this Prelate, by joining their complaints with those of the Commons, they presented next day to the Lords, a charge against him, to this effect:

"That he was the cause of all the troubles in Scotland, and the author and author of introducing into Scotland the book of Canons, and the Liturgy, as appeared by fourteen letters which they offered to produce: That the Scotch Prelates having sent to him a book of Canons, written upon the one side only, with the other side blank, he had made several interlinings, and filled up the blank pages with several directions; which changes and supplements were taken from the *Remij's* Rituals, that varied from the book of England: That they were contrary to the King's intentions, who in his large declarations had professed, That all the variations in the Scotch service from that of England, should be only in such things as the Scotch humours would better comply with. But that the Archbishop had no regard to this. On the contrary, the Scotch Prelates having petitioned the suppression of some of the English Ceremonies, as the Cross in Baptism, the Ring in Marriage, and some other things, he was so far from consenting, that he had added several others: That in the order of the administration of the Communion in the book of England, he had made several alterations, which plainly shewed his design of introducing Popery into Scotland: That he had kindled war between the King and the Scots; and been one of the chief causes of breaking the last Pacification, and renewing the war: That he had interfered into the divine service a prayer against their Nation, by name of *traitorous subjects, having cast off all obedience to their anointed Sovereign, and coming in a rebellious manner to invade England: that shame might cover their faces as enemies to God and the King.*"

I have very much abridged these articles, which are very particular: but what is here said, suffices to shew their design.

On the morrow, Sir Harbottle Grimston made in the

House a Speech against the Archbishop, pretending to shew, that all those who were concerned in the evils of the State, as the Earl of Strafford, the Bishop of Chester, Oxford (3), Ely, Bath and Wells, had been raised by his means, and that there was not a single grievance but what flowed from him. Whereupon the Commons impeached [by Mr. Denzil Holles] the Archbishop of High-Treason, and the Lords committed him to the custody of the Gentleman-Usher. Some time after he was sent to the Tower.

Then the Commons sent a message to the Lords, to let them know, they had received informations of a very high nature against Matthew Wren Bishop of Ely; and having heard that he intended to make an escape out of the Kingdom, they desired them to think of some way to prevent it. Whereupon, the Lords ordered the Bishop to give ten thousand pounds bail for his forth-coming, to which he consented.

Of those whom the Commons considered as the chief authors of the public grievances, there remained only the Lord-Keeper Finch, and the Judges. The first was declared a traitor by a vote of the House of Commons, notwithstanding the [eloquent] Speech he was permitted to make at the Bar of the House in his vindication. But before he was accused in form, he fled into Holland. However, he was impeached afterwards, *tho' absent*. Presently after his flight, the King made Sir Edward Littleton Lord-Keeper.

In fine, the Commons sent word to the Lords, that they had received informations against three Judges, Sir John Brampton, Lord-Chief-Justice of the King's Bench; Sir Humphrey Davenport, Lord-Chief-Baron; and Justice Gravely (4); and desired the House, that they might put in good security for their appearance. Whereupon, the Lords obliged these three Judges, each, to give ten thousand pounds bail. The other Judges were also accused afterwards.

Thus they who were considered by the Commons as the principal authors of the public grievances, were disabled not only to continue to advise the King, but also to escape punishment, except the Lord Finch and Sir Francis Windbank, who saved their persons, by leaving their estates in England. I shall not stay to speak of many others of an inferior rank, who were variously punished, whether for exercising monopolies, or inventing means to raise the King money, whether for introducing or countenancing innovations in Religion, or lastly, for prevaricating in the exercise of their offices.

Whilst the Commons were employed in securing those, they intended to punish, they also prepared whatever was necessary to free the nation from all their grievances. The same method was used to this end, as had been employed against the persons. That is, Petitions from all quarters were presented to the House upon Grievances. These Petitions being read, several Speeches were made in the House, to shew how prejudicial these Grievances were to the Publick; and the principles which gave them birth, were particularly insisted on, as being directly contrary to the Constitution, and tending to the subversion of the Government. Whereupon, it was voted that such a thing was illegal, and ordered that a Bill should be prepared to abolish it. This was the subject of divers acts, which were presented to the King for the Royal assent from the 3d of November 1640, to the 10th of August 1641. The principal were these:

An Act for a Triennial Parliament: That is, to ordain that a Parliament should be held at least every three years tho' the King should neglect to call it, in order to prevent the inconveniences arising from a too long intermission of Parliaments.

An Act to abolish the Star-Chamber and High-Commission.

An Act to reduce the Forests to the same state as under Edward I.

An Act to repeal the Statutes made in the Reign of Edward II. concerning Knighthood.

An Act to permit any Subject to make Salt-petre and Gun-powder throughout the Kingdom.

An Act to abolish Ship-money (5).

The necessity of these Acts was so manifest, that the

Grimston's Speech at the House of Commons, IV. p. 112.

(1) The words of Mr. Nathaniel Ferris's Speech are, "Whether Bishops be *Jure Divine*, we know is a dispute among the Papists, and never held by Protestant hold it but of late years. But that Archbishops, Deans, Archdeacons, &c. should be *Jure Divine*, I do not know that ever any Christian held it before, and yet he that takes this Oath must swear so." Raynolds, Tom. IV. p. 109.—Sir Edward Dering began his Speech about the Canons, in this effect: "The Pope (for 'tis he) has a Triple Crown, inferrible thereto he pretends to a thousand Laws: That he'll be, *Jure Divino*, and this he would have you think is to be the closest next his head, that which secures his power. The second is, *Jure humanum*, Constantine's Donation, the gift of individual Persons, Temporal-Power; that is his middle Crown: Out of these two the Pope frames his third Crown himself, and sets it upon the top; that is, *an canonum*, the Canon Law, of more use to his Popishity than both the other.—Just our Princes, from the pretended Divinity of their Episcopacy, and from the Temporal Power granted by their Princes, would now create a new Canon-Law upon us." He concludes with saying, "No Canon can bind the Laity, where we have no voice of our own, nor clause of the Clergy Persons who do found them, nor assent in the Subscription of them after they are framed; *sed omnes tenent, ad omnes tenentur debet.*" Raynolds, Tom. IV. p. 109.—Mr. Bagshaw, in his Speech, affirmed, that the Clergy who had held the late Synod, were fallen into a *Premature* upon that account. Dering, Occur. p. 5.

(2) It was voted likewise, *Quod* *Conventus*, that the several Grants of the Benefices or Contribution granted to his most excellent Majesty by the Clergy in their late Convocation, are contrary to the Laws, and ought not to bind the Clergy. Raynolds, Tom. IV. p. 112.—Some printed these votes were very unjust; if so, it is strange no one Member should oppose them.

(3) John Henshaw Bishop of Chester was punished with such fine of this Parliament, that he died about this time with little or no sickness. The other Bishops here spoken of, were, John Bridgman of Chester, Matthew Wren of Ely, and William Pierce of Bath and Wells.

(4) As also against Justice Littleton. Raynolds, Tom. IV. p. 110.

(5) At the same time Tonnage and Poundage, and other duty of Money upon Merchandises imported and exported, were granted to the King. See *State-Book*.

1640. Last is added and set to the Tower. M. p. 113. Nollis, T. I. p. 69; Camden, T. I. p. 141.

The Lord Finch was a traitor, and first sent to the Tower, Dec. 22. Raynolds, IV. p. 114. T. I. p. 699. Dering, Occur.

Method of the Commons to punish Grievances.

Act passed in 1640, and 1641, for redress of Grievances. Statute-Book. Clarendon, T. I. p. 112. Coke.

1640. King must have either consented to them, or plainly declared he would govern with an absolute power. But he was not so unwise as to oppose them in his present circumstances. An illustrious Historian makes no scruple to say, that *these Acts will be acknowledged by an incorrupt Posterity, to be everlasting monuments of the King's fatherly affection to his People; and such an obligation of respect and trust from his Majesty in the hearts of his Subjects, that no expressions of duty and confidence from them could have been more than a sufficient return on their parts.* The King himself afterwards would frequently have had these concessions to be considered as Acts of pure grace, for which the Publick ought to have been thankful. But unhappily for him, neither Parliament nor People believed them to be the effect of his justice or affection to them, but rather of the necessity he was under, of giving his assent.

Proceedings
of the Com-
mons by
Votes.

Besides these Acts, the Commons passed many general Votes upon several other articles. Indeed, these Votes are not considered as Laws, neither do the Judges proceed by them in their determinations. Nevertheless, such is their effect, that few persons are so hardy as to act directly contrary to these decisions of the Commons, since it is in some measure to oppose the sentiment of the People whom they represent. Besides, an action directly contrary to a vote of the House, is liable to be questioned, when least expected, and draws upon the actor the indignation of the House, who have but too many opportunities to make him feel the effects of their resentment.

The design of the Commons was not only to stop the evil by means of these Votes, but also to terrify all those who had been concerned in the grievances, in order to take from the King all hopes of support in his People. For after the House had voted, for instance, that such a monopoly was illegal, if any person concerned in that monopoly, behaved in a manner disagreeable to the Commons, or appeared too much attached to the King, an accusation against him was the certain consequence of such a behaviour. By that means, the King's most devoted friends chose rather to relinquish his interest than be liable to a charge, from which, they plainly saw, it was not in the King's power to secure them. This had very clearly appeared by the great examples of the Earl of *Stratford*, Archbishop *Land*, Lord-Keeper *Finch*, and Secretary *Windebank*, after whom no private person could hope for any protection from the King. Thus the Commons rendered themselves so formidable at the very beginning of the Parliament, that the King was suddenly deterred by all, without having other refuge than to consent to whatever was proposed by the Parliament. He hoped however, that when all the grievances were redressed, he should be, if not in the same state he had been for fifteen years, at least in the natural state of a King of England, according to the Laws and the Constitution of the Government. But it will hereafter appear, how much he was mistaken in his conjecture. His former administration had made too deep impressions in the minds of his Subjects, for the majority ever to believe, he would for the future be contented with the power allowed him by the Law. This distrust was the immediate cause of the war between the King and the Parliament. But it is not yet time to descend to these particulars.

Answer Mr.
had to de-
clare People
Delinquents.
Rushworth,
IV. p. 58;
Bee.
Clarendon,
T. I. p. 143;
144;
Coke.

The Commons used also another expedient to make themselves feared. As there were many people who, in conformity to the intentions of the Court, had been concerned in the monopolies, or countenanced the innovations, or been subservient to introduce and support the occasion of any grievance, the Commons, upon the Petitions presented to them against these men, sent for them to London, and examining them by a Committee, declared them Delinquents. As much as to say, that according to the opinion of the House, they were guilty of faults or offences for which they deserved to be prosecuted and punished according to law. This word Delinquent, was very much in use during this Parliament. Thus, a great number of those who had been most noted for their adherence to the maxims of the Court, or the principles of the Archbishop, were voted Delinquents, and thereby kept in awe by the Commons, who according as they behaved well or ill to them, could prosecute or leave them unmolested. But the number of those who were declared Delinquents was nothing in comparison of such as had reason to fear the like declaration, upon the least Petition against them. From hence there followed an unanimous approbation of whatever was done by the House; some consenting because they thought the things just, and others out of fear of chastisement. This is what rendered the redress of grievances very easy to the Commons, and would have made it impracticable for the King to oppose it, though he should

have had such a thought. The King reaped at least this advantage from his consent to the redress of grievances, that he gave occasion to many to believe he sincerely concurred in that work. But his enemies drew from thence a very different consequence. They said, as the Parliament's measures were so well laid, that it would have been in vain for the King to oppose them, he was not to be thanked for a consent, to which necessity forced him, since, whilst it was in his power to hinder the redress of grievances, he had always refused to hearken to the instant desires of his Parliaments.

I am now to warn my Readers, that we are come to a *Warning* time wherein they must be very much upon the guard with respect to the partiality of the Historians, each of whom does his utmost to prejudice his Readers in favour either of the King, or the Parliament. This partiality consists not so much in disguising the facts, (wherein both parties are agreed;) as in the principles they establish. Those for the King, exalt, as high as possible, the Prerogative Royal. Nay, some stretch it even to a sort of despotick power, as we have seen instances in the writings and sermons of *Sibbels*, *Montague*, *Mumwaring*, mentioned in the first part of this reign. According to this principle, they think and maintain, that the Parliament's aim was not to restore the Government to its natural state, as was pretended, but rather to overturn the Constitution both of Church and State. That therefore the objects were so much magnified, by aggravating some acts of authority done by the King, as tending to subvert the Government, though they might have been justified by the Prerogative Royal, if any but the Commons had been judges. But though they manifestly declared themselves parties against the King, they however made themselves judges, voting such and such actions of the King, to be contrary to the laws. Nothing shews more plainly, according to these men, the Parliament's secret design to overthrow the Government, nor a stronger proof of it can be desired than the experience of what afterwards happened, when the Government of the State and Church were actually changed.

The favorers of the Parliament say, that without examining the extent of the Prerogative Royal, it may at least be affirmed, that it cannot be contrary to the laws: that if the King has his Prerogatives, the Parliament have their Privileges, and the People their Liberties, which the Prerogative cannot invade without destroying the constitution of the government, which consists in a happy mixture of the rights of King and People. That, before this Parliament, the King had manifestly stretched his Prerogative to the prejudice of the nation's rights, which the most attacked to his interests did not dare to deny. That this being the case, nothing was more just, nothing more necessary, than to restore the Government to its natural state. That it is therefore preposterous to have recourse to a secret design of subverting the Church and State, since the necessity of redressing the grievances is undeniably evident: That supposing it true, that the Commons used sundry artifices to render themselves formidable, and more easily accomplish their design, namely, the redress of grievances, these artifices were not blameable, considering how impracticable the former Parliaments had found it to execute the same design.

I am persuaded, that most of the Readers for whom I write this History, such, I mean, as are not *Englishmen*, would not require of me a particular account of all that passed in the House of Commons, concerning the redress of grievances. It would be too tedious a work, which, after all, would inform them of nothing more material than what has hitherto been said. Nevertheless, for the satisfaction of those who are unacquainted with the manner of Parliamentary proceedings, I shall give here a brief relation of what was done with regard to Ship-money, the grievance most complained of, and by that will be seen the method taken with respect to the rest.

During the first whole month of this Session, scarce a day passed, but the House received Petitions from divers Counties, concerning grievances, amongst which, that of Ship-money was never forgotten. At last, on the 7th of December, the day appointed to debate upon that affair, the Lord Falkland (1), afterwards Secretary of State, made the following Speech to the House.

Mr. Speaker,

"I Rejoice very much to see this day; and the want I hath not lain in my affection but my lungs, if to all that hath been past, I have not been as loud with my voice as any man in the House; yet truly my opinion is, we have yet done nothing, if we do no more; I

Lord Falk-
land's Speech
December 7.
Rushworth,
IV. p. 58.
Nelson,
T. I. p. 634.

(1) There are Lords who are not Peers, as all the Sons of a Duke and Marquis, and the eldest Son of an Earl, who may be chosen Members of Parliament, as may also Bishops and Scotch Peers. The Viscount Falkland was a Scotch Peer, and Member for Newport in the 1st of Charles. *Rep.*

"shall

1640. "shall add what I humbly conceive ought to be added, as soon as I have said something with reference to him that says it.

"I will first desire the forgiveness of the House, if I ought I say seem to trench upon another's profession, and enter upon the work of another robe. Since I have been intrusted by the report of a learned Committee, and confirmed by the uncontradicted rule of the House; since I shall nothing of this kind, but in order to something further, and, (which moves me most to venture my opinion, and to expect your pardon) since I am confident, that History alone is sufficient to shew this judgment contrary to our laws, and Logic alone sufficient to prove it destructive to our property, which every free and noble person values more than his profession. I will not profess I know my self, but all those who know me, know that my natural disposition is to decline from severity, much more from cruelty. That I have no particular provocation from their persons, and have particular obligations to their calling, against whom I am to speak; and though I have not so much knowledge in Law, yet far more than I have use for; so I hope it will be believed, that only publick interest hath extorted this from me, and that which I would not say, if I conceived it not so true, and so necessary, that no undigested meat can lie heavier upon the stomach, than this unaid would have lain upon my conscience. Mr. Speaker, the constitution of this Commonwealth hath established, or rather endeavoured to establish to us the security of our goods, and the security of those Laws which would secure us and our goods, by appointing for us Judges so settled, so sworn, that there can be no oppression, but they of necessity must be accessory; since if they neither deny, nor delay us justice, which neither for the great nor little Seal they ought to do, the greatest persons in this Kingdom cannot continue the least violence upon the meanest; but this security, Mr. Speaker, hath been almost our ruin, for it hath been turned, or rather turned itself into a battery against us: And those persons who should have been as dogs to defend the sheep, have been as wolves to worry them. These Judges, Mr. Speaker, to instance not them only, but their greatest crime, have delivered an opinion and judgment in an extrajudicial manner, that is, such as came not within their cognizance, they being Judges, and neither Philosophers nor Politicians; in which, when that which they would have for absolute and evident takes place, the Law of the land ceases, and that of general reason and equity, by which particular Laws at first were framed, returns to his throne and government, where *salus populi* becomes not only supreme, but *lex*, at which, and to which end, whatsoever should dispense with the King to make use of any money, dispenses with us, to make use of his, and one another's. In this judgment they contradicted both many and learned acts, and declarations of Parliament; and those in this very case, in this very reign, so that for them they needed to have consulted with no other record, but with their memories.

"2. They have contradicted apparent evidences, by supposing mighty and imminent dangers in the most serene, quiet, and halcyon days, that could possibly be imagined, a few contemptible pyrates being our most formidable enemies, and there being neither Prince nor State, with whom we had not either alliance, or amity, or both.

"3. They contradict the Writ itself, by supposing that supposed danger to be so sudden, that it would not stay for a Parliament, which required but forty days stay; and the Writ being in no such haste, but being content to stay forty days seven times over.

"Mr. Speaker, it seemed generally strange, that they saw not the Law, which all men else saw, but themselves; yet though this begot the more general wonder, three other particulars begot the more general indignation. The first of all the reasons for this judgment was such. That there needed not any from the adverse party to help them to convert those few, who before had not the least suspicion of the legality of that most illegal Writ, there being fewer that approved of the judgment, than there were that judged it legal, for I am confident they did not that themselves.

"Secondly, when they had allowed to the King the sole power in necessity, the sole judgment of necessity, and by that enabled him to take both from us, what he would, when he would, and how he would, they yet continued to perswade us, that they had left us our Liberties and Properties.

"The third and last is, and which I confess moved most, that by the transformation of us from the state of free Subjects (a good phrase, Mr. Speaker, under Dr. Heylin's favour) unto that of Villains, they disabie us

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by legal and voluntary supplies to express our affections to his Majesty, and by that to cherish his to us, that is, by Parliaments. Mr. Speaker, the cause of all the miseries we have suffered, and the cause of all our jealousies we have had, that we should yet suffer, is, that a most excellent Prince hath been most infinitely abused by his Judges, telling him, that by policy he might do what he pleased; with the first of these we are now to deal, which may be a leading to the rest. And since in providing of these Laws, upon which these men have trampled, our ancestors have shewn their utmost care and wisdom for our undoubted security, words having done nothing, and yet they have done all that words can do, we must now be forced to think of abolishing of our grievances, and of taking away this judgment, and these Judges together, and of regulating their successors by their exemplary punishment.

"I will not speak much; I will only say we have accused a great person of High-Treason, for intending to subvert our fundamental Laws, and to introduce arbitrary Government; which we suppose he meant to do, we are sure these have done it, there being no Law more fundamental than that they have already subverted, and no Government more absolute, than that they have really introduced.

"Mr. Speaker, not only the severe punishment, but the sudden removal of these men, will have a sudden effect in one very considerable consideration, we only accuse, and the House of Lords condemn; in which condemnation they usually receive advice (though not direction) from the Judges; and I leave it to every man to imagine, how prejudicial to us, that is, to the Commonwealth, and how partial to their fellow malefactors, the advice of such Judges is like to be. How undoubtedly for their own sakes, they will think it may conduce to their power, that every action be judged to be a less fault, and every person to be less faulty, than in justice they ought to do: Amongst these, Mr. Speaker, there is one I must not lose in the crowd, whom I doubt not but we shall find, when we examine the rest of them, with what hopes they have been tempted, by what fears they have been assayed, and by what, and by whose importunity they have been pursued, before they consented to what they did; I doubt not, I say, but we shall find him to have been a most admirable Solicitor, but a most abominable Judge; he it is, who not only gave away with his breath, what our ancestors had purchased for us by so large an expence of their time, their care, their treasure, and their blood; and employed his industry, as great as his injustice, to perswade others to join with him in that deed of gift: But strove to root up those Liberties which they had cut down, and to make our grievances immortal, and our slavery irreparable, least any part of our posterity might want occasion to curse him; he declared that power to be so inherent to the Crown, as that it was not in the power even of Parliaments to divide them.

"I have heard, Mr. Speaker, and I think here that common fame is ground enough for this House to accuse upon; and then undoubtedly there is enough to be accused upon in this House; he hath reported this so generally, that I expect not that you shall bid me name him whom you all know, nor do I look to tell you news, when I tell you it is my Lord-Keeper; but this I think fit to put you in mind of, that his place admits him to his Majesty, and trusts him with his Majesty's confidence; and how pernicious every moment must be, which gives him means to infuse such unjust opinions of this House, as are express in a libel, rather than a declaration, of which many believe him to be the principal Secretary, and the other puts the most vast and unlimited power of the Chancery into his hands, the safest of which will be dangerous: For my part, I think no man secure, that he shall think himself worth any thing when he rises, whilst all our estates are in his breast, who hath sacrificed his Country to his ambition, whilst he who hath prostrated his own conscience, hath the keeping of the King's, and he who hath undone us already by wholesale, hath a power left in him by retail.

"Mr. Speaker, in the beginning of the Parliament he told us, and I am confident every man here believes it before he told it, and never the more for his telling, though a sorry witness is a good testimony against himself, that his Majesty never required any thing from any of his Ministers but justice and integrity. Against which, if any of them have transgress'd, upon their heads, and that deservedly, it all ought to fall; it was full and truly said, but he hath in this saying pronounced his own condemnation; we shall be more partial to him than he is to himself, if we be slow to pursue it.

"It is therefore my just and humble motion, that we
X x x x may

1640. "may chuse a select Committee to draw up his and their charge, and to examine their carriage in this particular, to make use of it in the charge, and if he shall be found guilty of tampering with Judges against the public security, who thought tampering with witnesses in a private cause worthy of so great a fine (1), if he should be found to have gone before the rest in this judgment, and to have gone beyond the rest in this judgment, that in the punishment of it, the justice of this House may not deny him the due honour both to precede and exceed the rest."

After this Speech, the affair of Ship-money having been debated, it was resolved upon the question *namine contradicente*,

1. That the charge imposed upon the Subjects for the providing and furnishing of Ships, and the assessments for raising of money for that purpose, commonly called Ship-money, are against the laws of the realm, the Subjects right of property, and contrary to former resolutions in Parliament, and to the Petition of Right.

2. That the extrajudicial opinions of the Judges published in the Star-Chamber, and enrolled in the Courts of *Windsor* in these words,----- in the whole, and in every part of them, are against the laws of the realm, the Subjects right of property, and contrary to former resolutions in Parliament, and to the Petition of Right.

3. That the writ following----- and the other writs commonly called the Ship-Writs, are against the Laws of the realm, the right of Property, and the liberty of the Subjects, and contrary to former resolutions in Parliament, and to the Petition of Right.

After these resolutions, the House appointed a Committee of sixteen, at the head of whom was the Lord Falkland, to go forthwith to the several Judges, to know in what manner, and by whom they were solicited or threatened to give their extrajudicial opinion concerning Ship-money. It was ordered, that every one of the Judges should be examined at the same time by two of the Committee, and be told what had been voted in the House concerning Ship-money, and that the Committee should ask such questions as they should think material, to the execution of this order.

Next day, the House ordered that the Committee appointed to consider of the Property of the Subjects in their Goods, should take into consideration some way of seeing the entering upon record, the King's several commissions for Loans and Excise, and the resolutions of former Parliaments thereon, and the addition that was offered by the Lords to the Petition of right, with the resolution of the House; and also the resolutions of the questions proposed in the House concerning Ship-Money, that they might remain fair to posterity. It was also referred to the same Committee to make a preparation of the vote passed about Ship-money, to be sent to the Lords; to draw up a charge against the Lord Finch, and the rest of the Judges that gave their opinion upon that tax; and likewise to take into consideration their extrajudicial opinions and the judgments in the case of Ship-money; to inquire of the several denials of *Habeas Corpus*, and prohibitions, their extrajudicial Proceedings and opinions concerning ecclesiastical Jurisdictions, and the Court of Admiralty; their denial of legal and ordinary proceedings in cases of Justice, and the binding of the whole Kingdom by any one man's particular case. The same Committee had power to send for parties, witnesses, papers, records, or any thing else that might conduce to this business, and were to present the state of the whole matter to the House.

On the other hand, the 26th of February 1640-41, the Lords ordered to be brought to their House the record in the Exchequer of the Judgment in *Mr. Hampden's* case, and also the Rolls in the Star-Chamber and other Courts, wherein the extrajudicial opinions of the Judges were entered, and caused them to be annulled in their presence. They ordered moreover, that a copy of what they had done should be delivered to the Judges to be published at the Affizes in every county within their circuits, and that an Act of Parliament should be prepared concerning this matter.

All this produced at length charges against the Lord-Keeper, and each of the Judges, with an Act to abolish Ship-money, to which the King gave the royal assent the 17th of August 1641.

Much the same method was taken with regard to the other grievances, and in the end, there was not one, public or private, but what was redressed within the nine first months of this session.

I intend not to include in these grievances, those concerning Religion. Besides that these were not generally acknowledged for grievances, this matter requires a more

particular explication of what passed in the Parliament. I shall therefore show in the first place, the disposition of the Parliament, with respect to Religion, and then relate what passed concerning this subject.

Since the beginning of the reign of *James I.* the Bishops had rendered themselves much more powerful than before. The opposition of the Presbyterians, who never ceased to exclaim against the Hierarchy, though they were not in condition to overthrow it, had greatly contributed to the increase of the Episcopal power. Their impetuous zeal caused the King to think it proper to humble them, least in the end they should occasion some disturbance in the Church, and the Bishops were charged with the care of executing this resolution. The endeavours to reduce them to obedience, served only to inflame the evil. Instead of trying to convince them by arguments, they were treated without moderation, and, if I may venture to say it, without charity. It was resolved at any rate to compel them to conform to the Church of England, not only in things considered as necessary, but also in others regarded by most people as indifferent. Moreover, divers ceremonies were added to the Divine Service, which many persons well affected to the Church thought too near allied to Popery. *William Laud* Archbishop of Canterbury was the principal author of these Ceremonies, as well before, as after, he was Archbishop. His chief aim was to mortify the Puritans. But in proceeding too briskly, or rather too rigorously, he gave them room to accuse him that his design was to favour Popery, on pretence of forcing the Puritans to conform to the worship of the Church of England. No man was ever more wedded to ceremonies, and the more he was reproached with it, the more he urged them as necessary. This chiefly gave occasion to the Puritans, and even to some Church of England men to suspect he had a design to introduce the *Romish* Religion; this extreme attachment to ceremonies seeming to them as a means whereby he intended to compass his ends. As for *Arminianism*, all agree that *Laud* was not only *Arminian*, but also head of that party in England, from the time he was received into favour by *King James I.* through the Duke of Buckingham's means. As the knowledge of what passed in the reign of *James I.* may be of great service to the understanding the affairs of Religion, which I have undertaken to explain, I shall briefly relate what I think most necessary, though mentioned before in *King James's* reign.

When the disputes concerning grace arose in *Holland*, *James I.* espoused the opposite party to *Arminius*, and used even threats to oblige the States of *Holland* to condemn *Voetius* his successor. After that, he sent Bishops and Divines to the synod of *Dort*, to strengthen the *Contraremonstrants*. Mean while the *Arminians* in England were forced to lie dormant, because the Court was not their friend. *Laud*, then only a private Doctor in the University of *Oxford*, had yet no credit, though shortly after the Duke of Buckingham procured him the Bishoprick of *St. David's* in *Wales*. At the same time *King James* was vigorously pushing his design to stretch the Prerogative royal, to which he met with great opposition, chiefly from the Puritans, who concerning Grace were directly contrary to the *Arminians*. For this reason the King and Duke thought fit to care for and support the *Arminians*, in order to oppose them to the Puritans, the King's grand aim being to weaken that party, which was always ready to obstruct the execution of his designs. From that time the *Arminian* party became powerful. The heads were *Neil Bishop of Winchester*, and *Laud Bishop of St. David's*, who found means to gain the King's confidence, and to have the disposal of the Church-preferments. They improved this advantage to strengthen their party, by promoting to the Benefices such as were most averse to the *Calvinists*, for to these began now to be called who embraced *Calvin's* opinion concerning Grace, whether Presbyterians or Church of England men. There were therefore three principal causes of the animosity of the Court and its friends, against the Presbyterians.

The first was, that they rejected the Ecclesiastical Hierarchy.

The second, that they were entirely against the King's design to stretch his Prerogative, knowing the more power he had, the more they should be persecuted.

The third, that they were all *Calvinists* as to the notions of Grace. Though the King had not, perhaps, altered his opinion concerning that point, he deserted however the *Calvinists*, because they were in other respects, for the most part, Presbyterians and Puritans. From that time the Court and their agents counted among the Puritans, those who refused to conform to the Church of England; all the *Calvinist* Presbyterians or others; all who

(1) This alludes to a fine of 10,000*l.* which *William Bishop of Lincoln* was condemned to pay for tampering with a Witness. See above, p. 302. Note (1). *Rapin.*

1640. opposed the King's designs with regard to the Prerogative; and they were all, under the name of Puritans, equally obnoxious to the hatred of the King and his Ministers. So, by this policy, many people who had no inclination for Presbyterianism, were made to become Puritans. At least, they were forced to join with the Puritan party, to hinder the Court, on pretence of destroying Puritanism, from establishing by degrees an arbitrary Power, which would have been fatal to the whole Nation. For the King pretended, his will could be opposed but upon puritanical principles.

The reign of Charles I. was still more violent in this respect, than that of James, as has been shown in the first part. Laud being made Bishop of London, and afterwards, Archbishop of Canterbury, and one of the King's prime Ministers, used all his industry and credit to humble the Puritan party, that is, not only the Presbyterians, but also the Calvinists, and such who would not patiently bear the yoke of servitude. Matthew Wren Bishop of Norwich, and afterwards of Ely, the Bishop of Bath and Wells, Caspar Prebendary of Durham (1), being all of the same principles, seconded him in this design. And as if the difference between the Church of England and Presbytery, had not been sufficiently marked, they added to the worship sundry innovations, and represented as absolutely necessary, things indifferent, which Religion might well have dispensed with. Hence pretences were found to persecute the Puritans, by reckoning among that party, all whom the Court was pleased to call by that name.

The wisest part of the Nation had long since perceived the King's and the Court's policy, and their artifices to pave the way to arbitrary power. But it had not been possible to avoid the effects of it, because the King had dissolved the Parliaments, the moment they were bent to examine the Grievances. Thus the regal power had gained ground by degrees, no one being in a capacity to resist its progress. But as soon as the King's affairs had taken a new turn, by the entrance of the Scots into England, and the taking of Newcastle, and when the King saw himself under an absolute necessity of calling a Parliament, most of the Members resolved not to lose the opportunity of abolishing the persecution, introduced under the specious pretence of stopping the progress of Puritanism, but in reality for the better advancement of arbitrary power. Above all, the House of Commons considered the innovations, and the rigour wherewith people were made to observe them, as so many artifices of the Court-party, for the more easy attainment of their end. It must not therefore be thought strange, if most of the Members being united with regard to the Grievances, were so likewise for the abolishing of innovations, and punishing the authors, as having served for instruments to the King in the execution of designs, wherein Religion was not solely concerned. This is what produced the charges against the Archbishop of Canterbury, the Bishops of Ely, Bath and Wells, and against Caspar, besides the brand of Delinquents given by the Commons to a great number of Ministers and others, who had countenanced the innovations.

Most of the Members, as I said, were united as to this point, because there was not one but what considered it as a branch of the design to subject the Realm to the King's will and pleasure. But among this great number, there were real Presbyterians, who had more extensive views, and thought, no doubt, of altering the Government of the Church, on pretence of the ill use, the Bishops had made of their power. These, though not very numerous in the Parliament, were supported by a great party in the Kingdom, and particularly by the Scots, whose assistance was then absolutely necessary. But they took care not to discover their intentions. They were contented at first to join with those who only intended the redress of Grievances, and to restore the Government to its natural state. They hoped, as it happened indeed, that the strict examination of the grievances and innovations, would convince most of the Members of the necessity to abolish the Hierarchy, of which the Court had made so great use in the execution of their designs. They proposed to shew on all occasions, that it was almost impossible to restore the Civil Government, whilst the King had in the Clergy of the Church of England, a support capable of raising insuperable obstacles to the reformation of the Government. For this reason, on all occasions, the Leaders of the Presbyterians were the most forward to speak against the Grievances. They aggravated chiefly those that concerned the innovations in Religion, which they openly ascribed to the design of introducing the Romish Religion. All this was done with a view to cast upon the Hierarchy, and the Bishops in general, the faults and ill conduct of some particular persons.

The other Members who were of the Church of Eng-

land, though very opposite to the King, saw what was the intention of the Presbyterians. But they were kept in awe by the fear of losing the assistance of the Scots, who supported this party, and rendered it very considerable. Wherefore they durst not dispute the Presbyterian party, for fear of causing in the Parliament a division, which must be fatal to the common cause, and consequently very advantageous to the King. Besides, the men I am speaking of, did not believe the Hierarchy to be absolutely necessary in the Church, or that Religion could not subsist without Bishops. Only the rigid Episcopians, and the King's party were of this opinion, but they made not a majority. Those therefore who had only in view the reformation of the State, and not that of the Church, could not however, without great inconveniences, help having some concession for the Presbyterians, for the reasons just mentioned. Perhaps they had no other view in their policy, than to gain time, till the Civil Grievances were redressed, without any design to go farther. But they had to deal with very able heads, who artfully led them beyond their first resolutions.

On the other hand, the Bishops perfectly knew the intention of the Presbyterians, and that in lessening the King's power, their design was to render him unable to oppose the change they were meditating. Wherefore they adhered the more firmly to the King's interest, and often, by the number of their Voices, so managed it, that the Upper-House voted directly contrary to the resolutions of the Lower. But thereby they procured the Presbyterians a considerable advantage. For these last took occasion from thence, to represent how advantageous it was for the King to have at his devotion so great a number of Voices among the Lords, and consequently, how impossible it would be to succeed in the intended reformation, so long as the Bishops had votes in the Upper-House. This led them at length to bring in a Bill for the exclusion of all Ecclesiastics from civil employments, and the Bishops in particular, from a right of sitting in the House of Lords.

Those who had only in view to restore the Civil Government, without meddling with the Hierarchy, and whom I shall call the Politicians, though I don't know, they were ever so termed, were greatly embarrassed. They plainly saw, that sundry abuses had crept into the Church, and would have readily agreed to their abolition, provided nothing more had been required. But it was proposed to go one step farther, and exclude the Bishops from the Upper-house, in which they saw several inconveniences, with regard to the interest of the Church of England, to which they were attached. Though the Presbyterian party did not entirely discover themselves, and seemed to have no other view than to facilitate the redress of all abuses after the exclusion of the Bishops, it was easy to perceive, their projects reached farther, and that their aim was to undermine the Hierarchy. It is certain, there was no less inconveniences in rejecting than consenting to, the Bill. By leaving the Bishops in the Upper-house, the King would be always secure of so many votes. As the Lords were not so numerous as at present, as some were absent or otherwise employed, and some also were Roman Catholics, the Bishops and the rest of the King's party greatly influenced the resolutions of the Upper-house, as was daily experienced. Consequently the work of the reformation of the Government could not but meet with great obstacles. On the other hand, by rejecting the Bill proposed, the Presbyterian party would be displeased, which was very considerable in the Kingdom, chiefly by the support of the Scots, of whom there was great occasion, since it was by their means that the Parliament was enabled to labour effectually the redress of the grievances.

Then began to be debated the famous question, By what title do Bishops sit in Parliament? It was not denied, they had enjoyed this privilege from the beginning of the Monarchy; but some pretended, they sat in Parliament as Barons only, on account of the Crown-lands granted them by the Anglo-Saxon Kings, for which they did homage to the King like the rest of the Barons. Others maintained, they had a Seat there as Representatives of the Clergy, who could not be bound by the Laws made in Parliament, without giving their consent to them, according to the constant maxim of the Kingdom, and the undeniable privilege which all English Subjects had ever enjoyed. That the Lords gave their consent to the Laws, for themselves, and the Commons for all the Commons of the Kingdom, and therefore it was necessary, there should be in the Parliament Representatives of the Church and Clergy, otherwise the maxim would be false, that no man can be bound by the Laws to which he has not consented. They added farther, that the Parliament had always been thought to consist of three Estates, of which the Clergy had been always

The Presbyterian party persecuted.

The Persecution of the Puritans is looked upon as an Artifice of the King's to arrive at despotism, &c.

Views of the true Presbyterians.

The Bishops are accused, more and more to the King.

Views of the Politicians

Question by what title Bishops sit in Parliament.

Reasons for the Bishops.

(1) Caspar was never Dean of Durham, as Rapin by mistake calls him. He was Prebendary of Durham, and Dean of Peterburgh.

considered

1640.

considered as one, whence they inferred, that to exclude from the Parliament one of its three Estates, would be to subvert the constitution of the Government.

Reply to their Reason.

To these arguments it was answered : That it should be true, that the Clergy were an Estate of Parliament distinct from the rest of the People, which was contested, it did not follow, that the Bishops represented the whole Church: That there were in the Parliament two Houses, one of the Lords, and the other of the Commons ; and two Houses in the Convocation, the upper of the Bishops, and the lower of the inferior Clergy ; and therefore, according to this rule, the inferior Clergy should likewise have Representatives in the Parliament, that they might be deemed to give their consent to the Laws, which however, was never pretended. Hence it was inferred, the Bishops did not represent the Clergy, and added, that this supposed Representation was a new thing, unheard of before, and that a few months since, the Bishops would have been very angry to be counted only bare Representatives : That though it was necessary, the Clergy should be represented in the Parliament, it would not follow, that they ought to be represented by the Bishops, as all the people of England were not represented by the Lords. That the Abbots had formerly a seat in Parliament, not as Representatives, but as being *Trants in chief*, and when they were excluded, it was not said, that a breach was made in the constitution of the Parliament, either by the exclusion of the Abbots, or dissolution of the Monasteries.

These, if I am not mistaken, are the principal arguments alleged for and against the Bishops, with regard to their seat in Parliament. This question was the more difficult, as it had been never determined by what right the Bishops sat in Parliament. Very probably, from the beginning of the Monarchy, till about the end of the reign of Henry III, the Parliaments consisted only of Lords, who were in possession of all the Lands of the Kingdom, for which they did homage to the King. And indeed it appears, the Lords, before that time, granted the King the money necessary for the support of the Government, without any mention of the Commons. It may therefore be said, that the Lords sat in Parliament by a double title, namely, for themselves, and as Representatives of the Nation. But after the Commons were introduced into Parliament, and had a separate House, the Lords lost the last of these titles, and sat only for themselves, the rest of the People having other Representatives. The Bishops and Abbots, who belonged to the body of the Lords, had probably their feat too by a double title, as possessors of Baronies, and as Representatives of the Clergy, secular and regular. But as in introducing Representatives of the Commons into the Parliament, Representatives of the inferior Clergy were not also introduced, the Bishops and Abbots may be said to preserve their double title to sit there, as possessors of Baronies, and as Representatives of the Clergy. The dissolution of the Monasteries in the reign of Henry VIII, rendered needless the representation of the Regulars, who no longer subsisted ; but it made no alteration in the Bishops right, who, according to this supposition, represented the secular Clergy, and continued to sit in Parliament, though the Abbots were abolished. But after all, it must be owned, this representation of the secular Clergy by Bishops, is only a supposition, which, though probable, cannot be said to be so evident as not to be opposed (1). But it seldom happens, that in disputes of this nature, justice and right are solely regarded. Though the reasons which may be drawn from the thing itself are not neglected, yet those are much more strenuously urged, which are founded in interest and policy.

Representations of the Presbyterians to the Parliament.

The heads of the Presbyterians never ceased to represent to the Politicians the impossibility of restoring the Government to its natural state, so long as the Bishops should sit in the House of Peers ; that the King had found means to gain the Clergy to his interest, by expressing a great zeal for the Church of England ; and an extreme aversion to the Presbyterians ; that the Clergy, and especially the Bishops, were entirely devoted to the King, in the belief that he was their protector and only support ; that therefore they were persuaded he could not be too powerful, since this power would be so advantageous to the Clergy ; that there were convincing proofs of this truth in the conduct of *Leud, Wren*, and other Clergy-

men, particularly *Sisbopps, Montague, Manwaring*, who had used their utmost endeavours to procure the King an unlimited power ; that the Clergy in general were full in the same dispositions, and could do for the future as much mischief as formerly, if care was not taken to humble their pride and power, by confining them within the bounds of their calling.

The Politicians granted all these things, and besides, *The Policy* were not very well pleased with the Bishops and the rest of the Clergy. But they were loth to yield, for fear the alteration proposed might produce others in Church and State, which they did not care to meddle with. Mean while, after long weighing the inconveniencies which might flow from their acceptance or refusal, they resolved at last to sacrifice the Bishops Right, rather than run the risk of seeing all their projects fall to the ground, by the obstacles which the Bishops might raise. Whether this resolution was taken by the Leaders at the beginning of the Parliament, which I think not unlikely, or whether it came to be publicly debated, it was convenient to breed prejudices against the Bishops in the minds of the People, and to cherish those already entertained. The House wanted not opportunities to execute this design. The Bill to take from the Bishops their seat in Parliament was not voted in the House of Commons till the 11th of March 1640-1, and passed not the House of Peers till the 27th of May following. But before the moving of this Bill, the Lower-House had taken several steps tending to incense the People against the Bishops. The great number of Petitions against the Bishops in general, against Episcopal Government, against some particular Prelates and Clergy-men, against innovations, against the late Convocation, served them for foundation to examine the conduct of the Bishops with all the Rigour, their design required. Several pretend, all these Petitions were begged, and I won't affirm the contrary, though I know nothing particular concerning it (2). There is no clearer evidence of the Commons design with regard to the Bishops, than their resolution on the 20th of November, seventeen days after the opening of the Parliament, namely, that on Sunday the 21st of the same month (3) every member should be obliged to receive the Communion, and bring with him a ticket of his name and the place for which he served, and that after the Communion-day none should sit in the House but those that had first received the Sacrament. This resolution could be with no other view, than to prevent the Commons from being esteemed Presbyterians, and their resolutions disparaged on that pretence. Thus in the reign of Henry V, the House of Commons intending to give a mortal Blow to the Clergy, began with passing an Act for burning Heretics, lest the Clergy should pretend that the House consisted only of such.

To show now all the preparations that were made in the House of Commons, before they proceeded in the Bill I have been speaking of, I shall only briefly mention the Petitions that were presented, the Speeches that were made on this subject, and the several resolutions that were taken.

On the 10th of November, seven days after the opening of the Parliament, Sir Edward Dering made a speech in the House, to persuade them to enter upon matters of Religion. He took occasion to present a Petition from one *Willow* a Minister against the Archbishop who had suspended him, and concluded with saying, *Our manifold Grievs do fill a night and woful circumstances, yet so that from every part our lives of sorrow do lead unto him, and point at him the Centre, from whence our miseries in this Church, and many of them in the Commonwealth do flow.*

The same day was read the Petition of *Peter Smart*, prisoner in the King's Bench, complaining of *Dr. Cyprian*'s innovations in the Church of *Durham*, and his prosecution of the prisoner in the High-Commission at *York*, where he was sentenced and deprived of his Living, and Prebend of *Durham*. Whereupon it was ordered that he should have liberty to go abroad in safe-custody, to prosecute his Petition, which was referred to a Committee who were to consider by whose motion and means *Dr. Cyprian* was preferred to his late dignity (4). It was Archbishop *Land* they had a mind to meet with. On the

(1) It seems to be plain, that the Clergy never thought themselves represented by the Bishops, seeing that after the Restoration, when the Convocation dropped the Privilege of taking themselves, the inferior Clergy had in lieu of that Privilege, a right to vote for Members of Parliaments, and so have, ever since the year 1665, been represented by the Commons, like the rest of the Freeholders. However, Mr. Hyde, afterwards Lord Clarendon, and others, made use of this Argument, of the Bishops being the Representatives of the Clergy, in their Speeches against the taking away the Bishops Votes in the House of Peers, which certainly was no Argument at all, the Prelates, doubtless, as well as mitred Abbots, sitting in Parliament on account of their Baronies, like the rest of the Nobility.

(2) The *Lord Clarendon* says, they way was to prepare a Petition very modest and painful for the Form ; and for the Matter, not very unreasonable ; and to communicate it at some public meeting, where care was taken it should be received with approbation : The Subscription of very few hands filled the Paper itself, where the Petition was written, and therefore many more Shirts were annexed, nor the reception of the number, which gave all the Credit, and procured all the Continuance in the undertaking. When a multitude of hands was procured, the Petition it self was cut off, and a new one framed suitable to the design in hand, and presented to the long List of Names which were subscribed to the former. *Tom. I. p. 181.*

(3) *Reynolds* says, on the day appointed for the Fast, but he forgets that the Fast was on the Friday before, namely, the 17th, as he had noted in the *Marginal*.

(4) The *Diocese of Peterborough*, and not *Durham*. *Rothworth, Tom. 4. p. 64.*

1640. 21st, Dr. *Cofins* was sent for as a Delinquent by the Sergeant at arms.

Rothworth, IV. p. 35. Nalf. m. T. L. p. 333. The same day Sir *Edward Dering* made a Speech, complaining, that there was a severe High-Commission established in *England*, worse than the Popish Inquisition; that the Archbishop of *Canterbury* affected the title and power of a Patriarch, and acted like a sovereign; that he allowed of the imposition of books in favour of Popery, of which he named several, and refused the same license for printing orthodox writings. He moved that there might be a Committee to inquire into the great number of oppressed Ministers under the Bishops' tyranny, [for ten years last past,] and to examine the licences granted for bad books, and refused for good books.

Rothworth, IV. p. 64. p. 66. On the 23rd the Town of *Barbury* presented a Petition against innovations.

On the 30th it was reported from the Committee for Mr. *Wilton's* petition, that he had been sequestered four years from his Living, only for not reading the *Book of Sports* on the Lord's-day: That after he was absolved, he was prosecuted for not reading the prayer commanded to be read by the Archbishop against the *Sects*.

On the 1st of December was read a Bill for reformation of abuses in Ecclesiastical Courts.

Three days after, the House received a Petition from two of the inhabitants of *Chyfter*, complaining of their having been inhumanly treated by the High-Commission at *York*, for visiting Mr. *Pryn* when he was going to his prison in *Carnarvon* Castle. Upon this Petition the House appointed a numerous Committee to examine the jurisdiction of the two Commissions of *Canterbury* and *York*, and the abuses committed in the Courts.

On the 9th a Committee was appointed to examine the proceedings of the late Convocation, as well as the Convocation-Writs, whether they were the same with the Writs of former times, and the opinions of the Judges in that affair, and enquire how and by whom the Commission that enabled the Clergy to give and take the new oath was withdrawn.

On the 11th, the House received a Petition subscribed by a great number of the inhabitants of *London* (1) and several Counties, containing twenty-eight grievances against Episcopal Government, the substance whereof was as follows:

The London Petition against Bishops, containing twenty-eight Grievances. Rothworth, IV. p. 39. Nalf. m. T. L. p. 666.

1. Grievance. The Bishops subjecting and enthraling all Ministers under them and their authority, and so by degrees exempting them from the temporal power.

2. The faint-heartedness of Ministers to preach the truth of God, and oppose the progress of Arminianism, lest they should displease the Prelates.

3. The encouragement of Ministers to despise the temporal Magistracy, and to live contentiously with their neighbours, knowing that they, being the Bishops' creatures, shall be supported.

4. The restraint of many godly and able men from the Ministry, and thrusting out of many Congregations their Ministers, because they could not in conscience submit unto, and maintain the Bishops' needless devices.

5. The supplanting of the buying of impropriations, and placing of able Ministers in their stead.

6. The great increase of scandalous men in the ministry, who, if they but wear a canonical coat, a surplice, a hood, and bow at the name of Jesus, think they have fully discharged their duty.

7. The discouragement of many from bringing up their children in learning; the many errors and strange opinions which are in the Church; great corruptions in the Universities; the want of preaching Ministers in many places; the loathing of the Ministry, and the general detestation to all manner of profane men.

8. The swarming of lascivious and unprofitable books, in disgrace of Religion; as namely, *Ovid's Fitts of Love*, *The Parliament of Women*, &c.

9. The hindering of godly books to be printed; the blotting out or perverting in those which they suffer, whatever strikes either at Popery or Arminianism; the adding of what pleases them, and the restraint of re-printing Books formerly licensed, without re-licensing.

10. The publishing of Popish, Arminian, and other dangerous books and tenets; as namely, *That the Church of Rome is a true Church, and in the worst times never erred in fundamentals; that the Subjects have no propriety in their Estates; but that the King may take from them what he pleases; that all is the King's, and that he is bound by no Law*, &c.

(1) Twenty thousand, says Lord *Clerendon*, Tom. I. p. 161.

(2) How *Ovid's Met.* can be a consequence of a Bishop's Government?

(3) This refers to an Oath signed by the Bishop of *Wichster*, *Repts.*

(4) Book of *Booksgods*, *Wills*, and *Interrogation in Semiphrase*, *Watts*, Tom. I. p. 666.

(5) The Paper was first a libel on the King, and recommended by him to the Consideration and Justice of the House of Peers. *Neffs*, Tom. I. p. 437.

(6) They said likewise, "That the King could not make a perfect Law, for that he was not a perfect Man; That they ought not to obey him, but in Civil things, &c." *Rothenbury*, Tom. IV. p. 144.

11. The growth of Popery, and increase of Papists, Priests and Jesuits; the frequent venting of crucifixes and popish Pictures both engraven and printed, and the placing of such in Bibles.

12. The multitude of Monopolies, and impositions upon all kinds of commodities, &c. (2).

13. That the Church-government in *England* was upheld the same way as in the Romish Church. Hence it was that the Prelates maintained, that the Pope is not Antichrist, and forbade praying in the Church for the conversion of the Queen.

14. The great conformity of vestures and ceremonies with those of the Church of *Rome*.

15. The standing up at the *Gloria Patri*, and at the reading of the Gospel; praying towards the East; the bowing at the name of Jesus; the bowing to the altar; towards the East; cross in Baptism; the kneeling at the Communion.

16. The turning of the Communion-table altarwise; the setting images and tapers upon them; the reading of the second service at the altar, which is termed the Mercy-Seat; the forcing people to come up thither to receive the Sacrament.

17. The consecrating of Churches, Chapels, Fonts, &c. and the re-consecrating of them upon pretended pollution.

18. The Liturgy for the most part taken out of the *Romish* Breviary, and the book of Ordination framed out of the *Roman Pontifical*.

19. The multitude of Canons; abuse of excommunication; denying of appeals; the Canons of the last Synod.

20. Plurality of Benefices; prohibiting of marriages without licence at certain times, and licensing of marriages without bans asking.

21. Profanation of the Lord's-day, the suspending and depriving Ministers for not reading a declaration for tolerating sports on that day.

22. The pressing of the strict observation of the Saints days, and drawing great sums of money out of mens purses for giving them leave to work on them.

23. The great increase of adulteries, &c. occasioned by the Prelates corrupt administration of Justice in such cases, who taking upon them the punishment of it, so turn all into moneys for the sining of their purses.

24. The general abuse of Excommunication, which was inflicted for trivial matters; and the abolition whereof could not be obtained without money, &c.

25. The Prelates claiming their office and jurisdiction to be *Jure Divino*; their taking upon them temporal dignities, &c.

26. The forcing people to take Commissions out of their own Courts.

27. The imposing of oaths upon Church-Wardens and Stewards, which they cannot take without perjury (3).

28. The great abuse of Ecclesiastical Courts, and the Bishops' Usurpations.

This Petition ended with some considerations, the last whereof was, that the Bishops having occasioned the war with *Scotland*, this war could be terminated only by the suppression of Episcopacy.

The next day, several Ministers (4) were declared Delinquents, for introducing innovations into the Church, &c. Rothworth, IV. p. 97. and a Committee was appointed to examine the complaints exhibited against the Bishop of *Bath and Wells*.

On the 15th, the House proceeded to take into consideration the new Canons of the late Convocation, and voted what has been related. After that, *Land* was accused, and *Wren* obliged to give bail. P. 99, 112, 113, 115.

On the 12th of January 1640-1, Petitions were presented from four several Counties against the Hierarchy.

On the 16th, a complaint was brought to the House (5), p. 135. against a Conventicle held in the Parish of *St. Saviour's* in *Southwark*, where at least sixty persons were seized, who upon being asked why they did not resort to their Parish-church, according to the Law of the 35th of *Elizabeth*, answered, that the Law of *Elizabeth* was not a true Law, for that it was made by the Bishops (6). The Lords contented themselves with ordering, that Divine Service should be performed as appointed by the Acts of Parliament; and that the Ministers should forbear to introduce any innovations.

On the 19th, the city of *Gloucester* presented a Petition against the Bishops. p. 149.

On the 23d was read a Petition of several Ministers, in behalf of themselves and many others their brethren,

1640. praying a redress of certain irregularities in the government of the Church. To which was annexed a remonstrance, setting forth these pretended irregularities, and the great revenues and the little use, of Deans and Chapters.

All these Petitions, which were very graciously received by the House of Commons, being plain indications that the House had some ill design against the Bishops, his Majesty sent for both Houses to attend him at the Banqueting-House at *Whitehall*, where he made the following Speech.

My Lords, and you the Knights, Citizens, and Burgesses,
 "THE principal cause of my coming here at this time, is by reason of the slow proceedings in Parliament, touching which is a great deal of inconvenience. Therefore I think it very necessary to lay before you the state of my affairs as now they stand, thereby to hasten (not to interrupt) your proceedings.

"First, I must remember you, that there are two armies in the Kingdom, in a manner maintained by you, the very naming of which doth more clearly shew the inconvenience thereof, than a better tongue than mine can express. Therefore, in the first place, I shall recommend unto you the quick dispatch of that business. In the next place, I must recommend unto you the state of my Navy and Forts; the condition of both which is so well known unto you, that I need not tell you the particulars, only thus much; they are the walls and defence of this Kingdom, which if out of order, all men may easily judge what encouragement it will be to our enemies, and what disheartening to our friends. Last of all (and not the least to be considered) I must lay before you the distractions that are at this present occasioned through the connivance of Parliament; for there are some men that, more maliciously than ignorantly, will put no difference between reformation, and alteration of Government. Hence it cometh, that divine service is irreverently interrupted, and Petitions in an ill way given in, neither disputed nor denied.

"But I will enter into no more particulars, but shew you a way of remedy, by shewing you my clear intentions, and some rocks that may hinder this good work.

"I shall willingly and cheerfully concur with you for the reformation of all innovations both in Church and Commonwealth, and consequently that all Courts of Justice may be reformed according to Law. For my intention is clearly to reduce all things to the best and purest times, as they were in the time of Queen Elizabeth. Moreover, whatsoever part of my revenue shall be found illegal, or heavy to my Subjects, I shall be willing to lay it down, trusting in their affections.

"Having thus clearly and shortly set down my intentions, I will shew you some rubs, and must needs take notice of some very strange (I know not what term to give them,) Petitions given in the name of divers Counties, against the present established Government, and of the great threatenings against the Bishops, that they will make them to be cut cyphers, or at least their voices to be taken away. Now I must tell you, that I make a great difference between reformation and alteration of Government; though I am for the first, I cannot give way to the latter.

"If some of them have overstretcht their power, and incroached too much upon the temporality, if it be so, I shall not be unwilling these things should be redressed and reformed, as all other abuses, according to the wisdom of former times; so far I shall go with you, nay farther, if upon serious debate you shall shew me, that Bishops have some temporal authority, inconvenient to the State, and not so necessary for the government of the Church, and upholding episcopal jurisdiction; I shall not be unwilling to desire them to lay it down; but this must not be understood, that I shall any way consent that their voices in Parliament shall be taken away; for in all the times of my predecessors since the Conquest, and before, they have enjoyed it; I am bound to maintain them in it, as one of the fundamental constitutions of this Kingdom. There is another rock you are on, not in substance but in form; yet the form is so essential, that unless it be reformed, it will mar the substance.

"There is a Bill lately put in concerning Parliaments. The thing I like well, to have frequent Parliaments, but to give power to Sheriffs and Conitables, and I know not whom, to use my authority, that I cannot yield unto. But to shew you, that I am desirous to give you content in forms which destroy not the substance, you shall have a Bill for this purpose; so that it trench nei-

ther against my honour, nor against the ancient Prerogative of the Crown, concerning Parliaments, to which purpose I have commanded my learned Council to wait upon you, my Lords, with such propositions as I hope will give you content, for I ingenuously confess, that frequent Parliaments are the best means to keep a right understanding between me and my People, which I so much desire.

"To conclude, I have now shewn you the state of my affairs, my own clear intentions, and the rocks I wish you to elchew; in all which you may perceive the desire I have to give you content, as you shall find also by those Ministers I have, or shall have, about me for the effecting of these my good intentions, which, I doubt not, will bring peace and happiness to my Subjects, and contentment to you all.

"Concerning the conference, you shall have a direct answer, which shall give you satisfaction."

This Speech produced not the effect, the King expected: First, because probably the exclusion of the Bishops was already resolved, and there was nothing in the King's Speech capable of altering that resolution. Secondly, the great concern expressed by the King for the Bishops right, was precisely the principal cause that made their exclusion to be desired. Thirdly, the King seemed to banter the Parliament, when he said, "if they would shew him that the Bishops have any temporal authority inconvenient to the State, he should not be unwilling to desire them to lay it down." As if the Parliament ought to have expected, from the pure condescension of the Bishops, the reformation of an authority prejudicial to the State, a maxim directly contrary to the principle, the Parliament was then of.

The next day, a complaint was brought to the Commons against *Matthew Wren*, for having, whilst Bishop of *Norwich*, by oppressions, innovations, and requiring certain oaths, compelled above fifty families of that City to withdraw out of England.

On the 1st of February, the Commons examined [part of] the *London Ministers Remonstrance* against the Bishops. In the debate upon this subject, some smart repartees passed between *Mr. Grimston* and *Mr. Selden*. *Mr. Grimston* argued thus: *That Bishops are Jure divino, is out of question; That Archbishops are not Jure divino, is out of question. Now that Bishops which are questioned whether Jure divino, or Archbishops, which out of question are not Jure divino, should suspend Administrators that are Jure divino, I leave to you to be considered.* To which *Mr. Selden* answered, *That the Convocation is Jure divino, is a question; That Parliaments are not Jure divino, is out of question; That Religion is Jure divino, there is no question. Now, Sir, That the Convocation, which is questionable whether Jure divino, and Parliaments, which out of question are not Jure divino, should meddle with Religion, which unquestionably is Jure divino, I leave to your consideration.*

I own these two arguments do not seem to me of equal force. The first supposes, that for the particular act of suspending a Minister, there must be an authority derived from God, a supposition seemingly very natural. The other supposes, that there is occasion for the like authority, to meddle with the affairs of Religion, a supposition which to me appears a little too general, and which should be reduced to particular acts, to render this argument like the first.

On the 5th, upon the complaint of the inhabitants of *Wood-Church in Kent*, against *Mr. Bowen* their Minister, *IV. p. 109.* who being also a Justice of Peace, had, by colour of that office, done several things contrary to the Laws, the House ordered, that the Lord-Keeper should be desired to leave out the Clergy of *England and Wales*, at the renewing of the Commission of the Peace.

On the 8th and 9th, the House resumed the debates concerning the Bishops, and many Speeches were made for *T. I. p. 724.* and against them (1), but they are too long to be inserted. I shall content myself with observing, that though the point in question seemed to be only to know, whether the Bishops ought to be excluded from the House of Peers, yet the arguments against them tended much farther, even to the entire abolition of Episcopacy.

I shall also remark, that among those who spoke for the Bishops, there was not one that denied, the Prelates had abused their power. But they maintained, that these were personal faults, which might be punished and prevented for the future, without any necessity of attacking Episcopacy itself. The adventures of the Bishops intimated on the contrary, that there was no reforming Episcopacy, but by changing the government of the Church. They said, whilst there were Bishops there would be so many tyrants, who would think more of establishing their grandeur, than

(1) Those that spoke in favour of the Bishops, were, the *Ld. Digby*, *Sir Benjamin Rudyerd*, the *Lord of Island*, *Mrs. Fyfield*, and *Mr. Grimston*; and those that spoke against them, were, *Mr. Nathaniel Fiennes*, *Mr. Bagshaw*, &c. See *Essequior*, *Tom.* IV. p. 170—187.

1640-1. of the People's salvation. Unhappily, they had but too many instances to confirm their opinion. The Lord Falkland, who spoke that day against the Bishops, said, among other things,

W^e shall find them to have tyed mint and anise, and have left undone the weightier works of the Law; to have been left eager upon those who damn our Church, than upon those, who upon weak confessions, and perhaps as weak reason, (the diljects of some commanded garment, or some uncommanded posture) only abstained from it. Nay, it hath been more dangerous for men to go to some neighbour's parish, when they had no fear of their own, than to be obdurate and perpetual Recusants; while masses have been said in security, a conventicle hath been a crime; and which is yet more, the conforming to ceremonies hath been more exacted, than the conforming to Christianity; and whilst men for scruples have been undone, for attempts upon solemnity they have only been admonished.

The opposition which the enemies of Episcopacy then met with in the execution of their designs, was strong enough to retard it, but not capable to make them desist. What they had just done was properly but an effort, in order to take more effectual measures hereafter. They were contented, therefore, with having prevailed with the House, that the Petition of the inhabitants of London should be taken into consideration, contrary to the opinion of those who would have it rejected without reading. Besides, what had been said on this occasion against the Bishops, promoted the execution of the project, to take away their votes in the House of Lords, which most of the Commons had already resolved in private. They continued therefore to receive Petitions against Episcopacy, and to take several steps tending to inspire the People with an aversion for the Bishops, and the rest of the Clergy.

The 13th of February, a Bill was brought in for abolishing superstition, in the supposition, that Bishops had introduced into the Church sundry superstitious practices.

The 1st of March the Commons appointed a Committee to prepare reasons to be offered to the Lords, that all Clergymen in England and Wales, should be put out of the Communion of the Peace.

The 9th, it was moved in the House, that a Bill be drawn against Pluralists [and Non-residents.]

The same day were presented, from the Committee for the Ministers Remonstrance against the Bishops, three heads for the debate and consideration of the House. The first concerned their secular employments, namely, their legislative and judicial power in Parliament; their judicial power in the Star-Chamber, and Commissions for the Peace; their employment as Privy-Counsellors, and temporal Offices. The second related to their sole power in ecclesiastical things, as ordination and censures. The third concerned the greatness of the revenues of Deans and Chapters, the little use of them, and the inconveniences thence arising. The House having debated upon the first of these heads, came to these resolutions:

I. That the legislative and judicial power of Bishops in the House of Peers, is a great hindrance to the discharge of their spiritual function, prejudicial to the Commonwealth, and fit to be taken away by Bill, and that a Bill be drawn to that purpose.

II. That for Bishops, or any other Clergymen, to be in the Commission of the Peace, or to have any judicial power, in the Star-Chamber, or in any civil Court, is a great hindrance to the discharge of their spiritual function, prejudicial to the Commonwealth, and fit to be taken away; and that a Bill be brought in to that purpose.

The same day, the Lords ordered to be burnt two books, written by Dr. Packington, entitled, *Sunday no Sabbath, and Altare Christianum.*

The 15th, the Commons sent up to the Lords articles against Dr. Coffin, who was accused of introducing into the Church of Durham divers innovations, tending to restore Popery.

The 21st of April, Petitions against the Hierarchy were presented by Nottinghamshire and Lancashire.

The 26th of the same month was read [a second time] a Bill, for punishing and fining the Members of the late Convocation. The Archbishop of Canterbury's fine was of twenty thousand pounds. There were others of ten thousand pounds, of five thousand, three thousand, two thousand, and the least of a Bishop was of a thousand. The rest of the Members were rated, each in proportion to his ecclesiastical revenues (1).

The same day was read a Bill, for regulating abuses in ecclesiastical Courts.

It was evident, that the Commons were projecting some

great reformation in the ecclesiastical State, and probably, 1640-1. the Deans and Chapters were first to be attacked, because their use did not appear so manifest. For this reason, Dr. Hacker desired leave to speak before the House, on the behalf of Deans and Chapters, which was granted him. But after he had done, Dr. Burgess was permitted also to answer his reasons. The two Universities presented likewise Petitions to the House on the same account, but to no manner of purpose.

At last, the Bill against the Bishops and Clergy exercising temporal jurisdiction, passed in the House of Commons, and was sent up to the Lords for their concurrence. But this Bill meeting with great opposition in the House of Peers, who put off the debate from day to day, the Commons caused a new Bill to be brought into their House, for the taking away of Archbishops, Bishops, Deans, Archdeacons, &c. which was read the first time. Whilst they were debating whether it should be read again or laid aside, a message came from the Lords, signifying, that they were ready to concur with them as to the former Bill, except only taking away the Bishops votes in Parliament. But the Commons, without taking any notice of this offer, ordered the new Bill to be read a second time.

The second of June, at a conference between the two Houses, the Lords gave reasons why they did not judge it unlawful for the Bishops to sit in Parliament, shewing, that for their right to vote there, they conceived by the Common and Statute-Law, and ancient practice, there was no question of it. As for any inconveniences, they did not yet understand any such as might induce them to deprive the Bishops and their Successors of their right. But for removing them from the Star-Chamber, Council-table, or any office in secular affairs, they would fully concur with the Commons.

Next day, heads for a conference with the Lords were reported, containing nine reasons why Bishops ought not to have votes in Parliament (2).

1. Because it is a great hindrance to their ministerial function.

2. Because they do vow and undertake at their ordination, when they enter into holy orders, that they will give themselves wholly to that vocation.

3. Because Councils and Canons in several ages, do forbid them to meddle in secular affairs.

4. Because the twenty-four Bishops have dependance on the two Archbishops, and take their oath of canonical obedience unto them.

5. Because they are but for their lives, and therefore are not fit to have legislative Power over the honours, inheritances, persons, and liberties of others.

6. Because of Bishops dependancy and expectancy of translation to places of greater profit.

7. That the several Bishops have of late much encroached upon the consciences and liberties of the Subject; and they and their successors will be much encouraged still to encroach; and the Subject will be much discouraged from complaining against such encroachment, if twenty-five of that order be to be judged upon that complaint. The same reason extends to their legislative Power in any Bill to pass for the regulation of that power, upon any emergent inconvenience by it.

8. Because the whole number of them are interested to maintain the jurisdiction of Bishops; which hath been found so grievous to the three Kingdoms, that Scotland hath utterly abolished it.

9. Because the Bishops, being Lords of Parliament, it letteth too great a distance between them and the rest of their brethren in the Ministry; which occasioneth pride in them, discontent in others, and disquiet in the Church.

And as to their having votes a long time, the answer is, if it be inconvenient, time and usage are not to be considered with Law-makers: Some Abbots voted as antiently in Parliament as Bishops, yet are taken away.

Among these reasons, the Commons only insinuated the principal in the sixth article, which however was universally known, namely, that the Bishops had been too much devoted to the King, and countenanced arbitrary power.

Mean while the Commons ordered a Bill to be prepared against the late Convocation, and another to abolish the High-Commission.

The 7th of June the Lords voted for maintaining the Bishops right to sit in Parliament.

The 11th, the affair of Episcopacy coming again into debate, lasted from seven in the morning, till night (3), and

(1) The Reader may see the Draught of the intended Fine at large in Raynworth, Tom. IV. p. 255, 56.

(2) To these Reasons there was an Answer in print, called, *De Afflictis*, &c. (said to be done by the Archbishop of York) and to that presently came forth a Reply. To which the curious Reader is referred. Raynworth, Tom. I. p. 282.

(3) In this long debate, the Authority of that very ancient Parchment-Manuscript-Copy of the Bible in his Majesty's Library at St. James's, sent first to King

1610-11. seven or eight years there had been seventy four Letters of Grace (1). Then they defended to particular circumstances, concerning the discharge of several persons condemned for treason, all by the order of *Windbank*: They said moreover, that they had discovered sixty four Letters of Grace to stay the prosecution against Papists, directed to several Counties and Judges. It was added, that indeed the King had power to pardon the condemned: but to command no further prosecution, was contrary to Law.

The 10th of *November*, the Commons desired the General of the army to dismiss all popish officers (2); and moved his Majesty, that all commanders and other officers in any town or garrison that were Papists, might be removed. The King answered, he knew of no Papist that had the command of any place, but however, had given orders to be more particularly informed.

The 11th of *December*, the House ordered the preparing of a Remonstrance to his Majesty, concerning the Pope's [pretended] Nuncio. This was Count *Rosetti*, who exercised in *England* the function of Nuncio, under colour, that it was necessary to the Queen for matters of conscience.

The 5th, the House sent an order to all the Justices of Peace of *Wiltshire*, *London* and *Middlesex*, enjoining them to proceed against Recusants according to Law, notwithstanding any inhibition or restraint.

In *January* following, there was a sort of dispute between the King and Commons, on account of *John Goodman* a Jesuit, who had been condemned to die, but was reprieved by the King. The Houses had several conferences upon this subject, and at last agreed to join in a Remonstrance to his Majesty, to move him, that the Laws might be executed against Priests and Jesuits, and particularly against *Goodman*. The King, who desired to save this Jesuit, alleged, That he had been condemned merely for being in orders of a Priest, and had never been condemned or banished before. But the two Houses represented to him, that this Priest and Jesuit had been a Minister in the Church of *England*, and had been formerly twice committed and discharged. In short, the King replied, That if *Goodman* were put to death, the Protestants abroad, in Catholic Countries, might suffer for it; but however, would leave it to both Houses to do as they thought fit. Next day, *Goodman* sent a Petition to the King, which was immediately communicated to the House of Lords, wherein he said, That he was content to die, rather than live the subject of so great discontent between him and his People. As it does not appear that the Parliament insisted any more upon this matter, it is likely, the King obtained his desire, and saved the Jesuit's life. But this sort of victory failed not to do him some prejudice, in that his enemies took occasion from thence to represent, that there was no depending upon his proclamations or promises, with respect to the Papists, since they were never executed. It is not doubted but the Queen solicited strongly in *Goodman's* behalf.

The 11th of *February* 1610-1, notice was given to the Commons, that the Papists were preparing to execute some great design (3), and that by the Queen's order, all *Roman* Catholics fasted every *Saturday*, for the prosperous success of the same. Whereupon an order was made, that all Judges in their Circuits should effectually put the Laws in execution against Priests and Jesuits (4).

The 17th of *May*, the Commons ordered the Lord-Mayor of *London*, [and the Justices of Peace for *London*, *Wiltshire*, and *Sussex*] to prevent Papists from resorting to Ambassadors houses, and the Queen's Chappels.

The 14th, the Members of the House had orders to bring in, by such a time, the names of all Recusants convicted in each County.

The 2d of *June*, was read in the House of Commons a Bill, for disarming all the Papists in the Kingdom.

In *January* last, the Commons had begun to take into consideration the contribution raised among the *Roman* Catholics, for carrying on the late war against the *Scots*, at the instance of the Queen, who wrote a circular letter to exhort them to it. *Walter Montague* and Sir *Kennel Digby*, [who had writ on the same occasion to some of the principal of the popish party] were sent for and examined, and the Commons seemed resolved vigorously to push this affair. But the Queen found means to appease them by a message, wherein she said, That she was moved to raise money in that manner for the King's assistance, merely out of her tender affection to him, and if it were illegal, was ignorant of the Law, but promised to be more cautious for the future. She said moreover, That under-

standing, the having one sent to her from the Pope was disfaulst to the Kingdom, she was desirous to give the Parliament satisfaction, and in convenient time would remove him. This convenient time was not yet come in *June* following, when the Nuncio *Rosetti* was still with the Queen. But at last, the Commons having ordered him to be brought to the Bar of their House to be examined, he hid himself, and on the morrow departed for *Rome*. *Montague*, *Winter*, and Sir *Kennel Digby*, withdrew into *France*.

Father *Phillips*, the Queen's Confessor, was also examined by the Commons, who afterwards brought an accusation against him to the Lords, and against the superior of the *Capuchins* belonging to the Queen. Probably, this accusation was only to frighten, and oblige them to retire.

These are all the material transactions concerning the Catholics, before the King's journey to *Scotland*, which will be mentioned hereafter. It is time to return to the *Scotch* army, which we left at *Newcastle*.

The King had flattered himself, that the Parliament would espouse his cause against *Scotland*, and furnish him with means to drive the *Scots* out of the Kingdom. This was the first, or rather the only thing he recommended in his first Speech to both Houses. But to perceive how vain this hope was, it needs only to be considered, that the leading men of the party against the King, were the persons that encouraged the *Scots* to enter *England*, and that this party was so superior in the Parliament, that but few of the King's friends durst open their mouth to support his interest. It was this *Scotch* invasion that compelled the King to call a Parliament, and enabled the Parliament to break all the King's measures, and oblige him to suffer the redress of grievances. In a word, it was solely by means of the *Scots*, that the Parliament had it in their power to restore the Government to its ancient and natural state. They would therefore have acted against their own interest, and directly contrary to the end they proposed, if they had supplied the King with means to drive the *Scots* out of the Kingdom. Accordingly, they took not one step tending to that purpose. On the contrary, it evidently appeared, that they considered the *Scots* as brethren, who, having the same interest as the *English*, were come to assist them, and act in concert with them.

The 9th of *November*, six days after the opening of the Parliament, Sir *William Widdrington*, Knight of the Shire for *Northumberland*, speaking concerning the matter of a Petition, presented by that County, on account of the oppressions they laboured under from the *Scotch* army, called the *Scots*, invading rebels. The House was so offended at the expression, that *Widdrington* escaped imprisonment only by recanting, and promising to call them rebels no more. Nothing was more capable to show the King, how averse the Commons were from aiding him against the *Scots*. But this was not the only mark they gave of their intention: In the first place, they thought proper to give the *Scots* the sum of three hundred thousand pounds, in reward for their brotherly assistance to *England*. In the second place, they found means to prolong the negotiation of Peace till the 7th of *August* 1641, that is, till almost all the grievances were redressed, the *Triennial Bill* passed, and another, that the Parliament should not be dissolved, but by an Act for that purpose. All this was very remote from the hopes the King had flattered himself with, that he should have a sufficient supply to compel the *Scots* to return home. As the troubles of *Scotland* were the fountain and origin of all that passed in this Parliament, I am persuaded, the Reader will not take it ill, to see here a brief account of the negotiation of Peace between the King and the *Scots*, and between *Scotland* and *England*. What follows is the substance of the Earl of *Bristol's* Speech to both Houses, when he was chosen by the Lords Commissioners, to give them an account of what had passed hitherto in that affair.

"The Commissioners employed by his Majesty intend not to look further back into the business, than the acts of their own employments; they intend to give no account of the pacification interrupted, nor war renewed; no account how the armies in *England*, *Ireland*, and by sea were deluged; they purpose not to lay fault upon any man, nor to enquire into the cause why the *Scots* (as they pretended from necessity) were drawn to enter this Kingdom; nor why the King's army, when service was to be done, was out of the way; but that the those through whose hands these have passed, may hereafter give their own account.

"His Majesty having called his Great Council at

(1) The Author having made some mistakes in this Paragraph, they are corrected from the Report at large in *Robinson*, Tom. 4. p. 68. The nature of these Letters of Grace was this, they were directed to Archbishops, Bishops, Judges, and all other the King's Officers, to stay all Proceedings against the Persons therein named. See the Report before mentioned.

(2) The General's Answer was, That as soon as possible he could, she would return an Answer in writing. *Robinson*, Tom. 4. p. 77.

(3) Particularly that there were fifteen hundred in *Leicestershire*, eight thousand in *Ireland*, and several thousands in *South* and *North Wales*, well furnished with Arms, and well paid and provided for. *Robinson*, Tom. 4. p. 118.

(4) *March* 16, both Houses agreed to petition the King to remove the *Popish* from Courts. *Id.* p. 121.

1640-1. "York, made to them two propositions. The first was, how his army should be relieved and maintained? To this the Lords resolved to engage themselves, and to send deputies to London to negotiate a supply. The second proposition was, that after the Scots had passed Northumberland, taken Newcastle, and possessed the Bishoprick of Durham, they sent a petition to his Majesty, which contained in general terms a desire to have their grievances taken into consideration. Upon receipt of his Majesty's answer, the Scottish Lords sent his Majesty a second petition, in which they made their particular demands, and declared, that according to his Majesty's command they would advance no further into England. So his Majesty asked the Lords what answer should be made to that petitionary letter? The Lords replied, that it was impossible for them to give any well-grounded advice, unless the true state of his affairs, and the condition of his army were laid before them. Whereupon his Majesty commanded the Earl of Traquair to make the narration of the Scots business, and their late Acts of Parliament, and the Earl of Strafford Lord-Lieutenant-General to give an account in what condition the army stood.

"The Scots army had passed Northumberland without resistance. They had disputed the passage of the River Tyne at Newburn, where the English Horse retired in disorder. His Majesty's Foot Army consisting of twelve or fourteen thousand men in Newcastle, likewise retired to York, whereby the town of Newcastle, a place of great consideration, was fallen into the Scots hands, and the Bishoprick of Durham brought under contribution.

"In this state the Gentry of the Bishoprick repaired to his Majesty: from whom they were referred to the Earl of Strafford, who gave them this answer positively, that they could look for no help nor protection from the King, and therefore they might use the best means they could to preserve their lives and estates. Whereby they were forced to consent to a very heavy contribution, though such without which the Scottish army could not subsist. This contribution was eight hundred and fifty Pounds a day for the Bishoprick of Durham, Northumberland, and Newcastle. These Gentlemen much lamented their Estates, that the Scots should be irritated by being proclaimed traitors.

"The Scots on the other hand represented to the King's Commissioners, that being threatened with an army of thirty or forty thousand men, another of ten thousand out of Ireland, and by proclamation declared Traytors and Rebels; and having heard of another army providing, of eight or ten thousand by shipping to hinder their trade, at least their commerce with England, that they were drawn together by necessity, as they pretended, of defence. They further alleged, that it was a common discourse, of which they had seen Papers that they should be reduced into a Province, which would be but one summer's work. Therefore they had drawn their power together, and being assembled, and their Country poor; taking advantage of the time, while all those armies that should oppose them were out of the way, they were forced to enter into England.

"Thus the Great Council of the Lords found that the Scots had increased their confines near fourscore miles in England, and had passed the rivers of Tyne and Tyne; and that the river of Trent, the boundary of Yorkshire, was not to be defended, being fordable in many places by forty Horse a front. That if the Scots should pass that river, there was no possibility to hinder them from coming to York, without hazarding a battle, which the Earl of Strafford declared unto them he would not advise, because the King's army consisted of troops that were untrained, and unused to arms.

"This being the case, the Lords advised his Majesty that the Scots, and their grievances might be heard. And whereas their complaint had been, that their Petitions to his Majesty had been conveyed by conduits of an evil relish, that there might be chosen such Lords Commissioners, of whose integrity they could not doubt. The King was pleased to refer the choice of these Commissioners to the Great Council: And to them power was given, under the Great-Seal of England, to hear whatsoever the Scots could lay before them, and to enter into treaty with them.

"When this was proposed to the Scots Commissioners, they represented, that the countries where they lay were become poor; that they could not think, as their affairs stood, of returning home; that his Majesty had restrained them from passing further into England; so that a

1640-1. treaty in this exigent was worse than a war, unless means might be thought upon how they might subsist, while the treaty was on foot; otherwise they should be obliged to plunder the country.

"The Commissioners having dispatched some of their company to acquaint his Majesty with the Scots demands, a commission was given them by the King to treat with the Scots for a maintenance, and the Commissioners thought, that instead of giving them any allowance, they should be left to their proportion of that contribution of eight hundred and fifty Pounds a day, already agreed upon by the Counties, as less dishonourable than to assign them maintenance. Accordingly the preliminaries were agreed upon; the treaty of cessation concluded, and the Commissioners advised his Majesty to ratify it, which was accordingly done. The Parliament approaching, their Lordships advised his Majesty to transfer the treaty from Rippon to London, to which his Majesty consented.

"To execute the preliminaries agreed on at Rippon, the Earl of Bristol added, that it was indeed hard to pay the Scots a contribution of eight hundred and fifty Pounds a day, and that there was already some doubt that the Countries were not able to bear it: But that on the other side it was objected by the Scots, that it was impossible, if the payment should fail, to keep their promise, or to obey his Majesty, but that they should be necessitated against their will to plunder the country. For which reasons the Earl of Strafford had declared, that the Counties of Cumberland and Westmerland being under the Scots power, it was reasonable that in Subsidium they should contribute some help to their neighbours: But he added, that the Commissioners left at Durham had written, that it was impossible for them to proceed in the agreement; which if it were broken on their part, the Scots would allege an impossibility to consent to serve; so that if some means were not found, by which those Counties engaged might be relieved, he was afraid all their labour and treaty would come to nothing. Therefore the Commissioners, and all the Lords, engaged themselves faithfully and truly, to declare all these things to the Parliament.

"The Earl of Bristol declared further, that it was far from the Lord-Commissioners purpose to move any supply of money from the House of Commons, but to lay the cause before them. Averring certainly, that if some course were not taken, the whole Kingdom would be put into disorder. Armies would not starve; retreating was not yet in the thoughts of the Scots; therefore they must plunder and destroy, or advance into Yorkshire, and so farther into England, to seek subsistence; the prevention whereof did highly import the King and Kingdom.

"Lastly, the Earl proposed to the Parliament another thing, no less worthy of consideration, viz. That if the Scots army were provided of a competency, it were very strange there should not an equal care be had for maintaining the King's army. He said the Scots army was strong and powerful, and little other resistance against it, but the impediments of an army marching in winter; but whether it were fit for a Kingdom to be trusted to accidents of frosts, with a people bred in Swedenland (1), and cold countries, he left to their discretion. He confessed, that the Scots had made great protestations, and with great execrations, avowed, that they had no intent to advance forward, but return when they shall have received satisfaction: yet the Commissioners did not conceive that the Kingdom should rely upon promises and protestations. Many accidents might happen, when a nation come from a far country to a better, should be told, the business they came about was just, and their quarrel good; who finding themselves in a fat pasture, may pick quarrels with their leaders, if they should go about to prevent them. Upon these grounds his Lordship presented to the general consideration, the supply of his Majesty's army, that it be not disbanded; which if it should come to pass, Yorkshire, and other parts of England were left to the Scots discretion. His Lordship said, he durst not say the Scots would not come forward, but that it was in their power if they would; and therefore he recommended this representation to the whole body of the Kingdom, to prevent future dangers.

"There was no occasion to use many arguments to induce the Parliament to allow that the Scottish army should be maintained in England. Upon the Earl of Bristol's report, it was resolved, "that the Commons approve of IV. p. 54. the persons of the Lords that were Commissioners in the late Treaty, to be Commissioners now to treat with

(1) This alludes to the six thousand Scots sent by King Charles to the King of Sweden, under the Command of the Marquis of Hamilton. Their Troops served in Germany, and never in Sweden. Rippon.

1640-1. "the Scots Commissioners in this declaration, that no conclusion of theirs should bind the Commons, without their consent in Parliament." Though the Scotch army was very expensive to England, the negotiation however lasted till the 7th of August 1641, when the treaty was at length signed. I shall insert here a summary of the articles, that it may be seen, first, wherein consisted the differences between the King and the Scots, and the difficulties of the Peace; and secondly what the King's grand project came to, of reducing the Kirk of Scotland to a perfect conformity with the Church of England, and perhaps of rendering himself absolute in Scotland, as he was almost in England, when he formed this Enterprize.

The Substance of the Treaty concluded between England and Scotland, the 7th Day of August 1641.

Treaty with Scotland.
Ridmouth.
IV. p. 368, 69.

FIRST, the Scots declare, that by their treating with the English Parliament, they do not acknowledge any dependence of Scotland upon England, &c.

1. The Scots first Demand.

"That his Majesty would be graciously pleased to command that the Acts of the late Parliament of Scotland, may be published in his Majesty's name, with consent of the Estates of Parliament convened by his Majesty's authority, the 2d of June 1640.

Answer. *His Majesty deth in the word of a King, promise the publishing of the said Acts, with the Acts to be made in the next session of the same Parliament; and that all the said Acts heretofore in all time coming the strength of Laws, &c.*

2d Demand. "That the castle of Edinburgh, and other strengths of the Kingdom should be furnished, and used for defence and security of the Kingdom.

Answer. *Agreed unto.*

3d Demand. "That Scots men within his Majesty's dominions of England and Ireland, may be freed from censure for subscribing the Covenant, and be no more pressed with oaths, and subscriptions, unwarranted by their Laws, and contrary to their national Oath, and Covenant approved by his Majesty.

Answer. *Granted with regard to the Subjects of Scotland, who shall be Sojourners only in England or Ireland. But such shall be excepted as are settled Inhabitants in either of the two Kingdoms. The English and Irish shall have the like Privilege in Scotland.*

4th Demand. "That whosoever shall be found, upon trial and examination, by the Estates of either of the two Parliaments, to have been the authors and causers of the late and present troubles and combustion; whether by labouring to make and foment division betwixt the King and his People, or betwixt the two nations, or any other way, shall be liable to the censure and sentence of the said Parliaments respectively, the English to the Parliament of England, and the Scots to that of Scotland.

Answer. *His Majesty believeth to be both none such, as incendiaries, about him; and therefore he can make no other declaration, than that all his Courts of Justice are free and open to all men. His Parliament in this Kingdom [of England] is now sitting, and the current Parliament of Scotland near approaching the time of their meeting. To either of which, he doth not prohibit any of his subjects: to present their just grievances and complaints, of whatsoever nature.*

And whereas it was further demanded, that his Majesty would be pleased not to employ any person or persons in office or place, that shall be judged incapable by sentence of Parliament, his Majesty agreeth thereto; nor will he make use of their service, without the consent of Parliament, nor grant them access to his person.

5th Demand. "That their Ships and Goods, and all damage thereof may be restored.

Answer. *This is considered unto, on condition it be reciprocal. And the Scottish Commissioners having informed, that about fourscore Ships of Scotland are yet stayed in the English Ports, and are like to suffer much further loss and damage, it is agreed, That warrants shall be presently granted for the delivery of them, and that four thousand pounds be presently advanced, for helping the present setting forth of the said ships.*

6th Demand. "That for the losses which the Kingdom of Scotland hath sustained, and for the vast charges they have been put unto, reparation be made.

Answer. *The Parliament of England grants to the Scots for this purpose, the sum of three hundred thousand pounds.*

And whereas it was desired by the Scottish Commissioners, that the English Commissioners would let them know the security, manner, and terms of payment, of the aforesaid sum, and of the arrears due for relief of the northern Counties; it was agreed by order of the Parliament, that they should have

fourscore thousand pounds, with the whole arrears due to the army, before the disbursing thereof. And for paying the remnant of the said sum, an Act of Parliament of publick faith, shall pass for security thereof; and that one moiety shall be paid at Midsummer 1642, and the other moiety a year after, in 1643.

And in like manner, whereas it was desired by the Scottish Commissioners, that they might know to whom they should address themselves for payment of the aforementioned sum, the Parliament hath appointed Commissioners; and resolved that the place of payment shall be the Chamber of London. And lastly, that a safe conduct shall be granted for the secure transporting of the monies to Scotland.

7th Demand. "That all such Declarations, Proclamations, Books, Libels, &c. as have been made against the Subjects of Scotland, may be suppressed and destroyed.

Answer. *It is agreed, that all such Declarations, &c. be reciprocally suppressed in England, Ireland, and Scotland.*

8th Demand.

Containing several Articles.

"1. That all tokens and shews of hostility upon the borders of the two Kingdoms may be taken away; and particularly, that not only the Garisons of Berwick and Carlisle may be removed, but that the works may be slighted, and the places dismantled (1).

Answer. *His Majesty is desirous, that all things between the Kingdoms of England and Scotland, be reduced into the same state they were in before the beginning of the late troubles.*

"2. That there be unity in Religion, and uniformity of Church-government between the two nations.

Answer. *His Majesty, with the advice of both Houses of Parliament, doth approve of the affection of his Subjects of Scotland, in their desire of having a conformity of Church-government between the two Nations; and as the Parliament hath already taken into consideration, the reformation of Church-government, so they will proceed in due time, as shall best conduce to the glory of God, the peace of the Church, and of both Kingdoms.*

"3. That the King's Majesty and the Prince come and reside sometimes in Scotland,

Answer. *His Majesty will repair thither, as he shall find the urgency of their affairs require his presence, and his other conveniencies here permit.*

"4. That the officers of State, Counsellors and Sessions within the Kingdom of Scotland, be placed by advice of Parliament.

Answer. *His Majesty promises to give ear so far to the informations of his Parliament, and when the Parliament is not sitting, of his Council and College of Justice, as that he shall neither make choice of such as they shall recommend unto him; or if he thinks another person fitter than any of those recommended, he shall make the same known to the Parliament, or in the time between Parliament, to the Council and Session, that if there is just exception against the life and qualification of the said party, he may timely nominate some other, against whom there shall be no just exception. His Majesty declares also, that the places in the College of Justice, shall be provided unto the Judges, Quamdiu se bene gesserint. If this answer cannot content the Scottish Commissioners, his Majesty remits the whole answer to be considered by him, or his Commissioners, at the Parliament, at the next sitting thereof.*

"5. That his Majesty would be pleased to place about his own person, in places of greatest nearness and trust, some of his Scottish Subjects.

Answer. *His Majesty shall continue the same care which hitherto he hath done for their satisfaction in this particular; and not only so, but shall also recommend the same to the Prince his Son.*

"6. That none may have place about his Majesty, and the Prince, but such as are of the reformed Religion.

Answer. *His Majesty doth conceive, that his Subjects of Scotland have no intention by this proposition, (especially by way of demand) to limit, or prescribe unto him the choice of his Servants, but rather to shew their zeal to Religion; wherein his own piety will make him do therein, that which may give just satisfaction to his people.*

"7. That the Copper-coin, which hath passed in Scotland this long time, for seven times, and above as much as the true value and worth thereof, be newly re-lated; and that no Copper-money be coined hereafter without consent of the Estates convened in Parliament.

Answer. *His Majesty recommends this matter to the ensuing Parliament of Scotland, not only concerning the Copper-*

(1) This Clause was usually inserted in Treaties between England and Scotland, that neither of the two Nations should take possession of Berwick or Carlisle. Rapin.

1640-1. coin to be coined hereafter, but also the Copper-money already coined, how the same shall pass in payment for the time to come.

Rushworth. IV. p. 370. After these Articles, there was added to the Treaty, the draught of an Act of Oblivion, the most ample that could be, which was to pass in all the Parliaments of the three Kingdoms, but of which the benefit was not to extend to the Scottish Prelates, the Earl of Traquair, Sir Robert Spotswood, Sir John Hay, and Mr. Walter Balcanquhall.

M. p. 373. The Lord Leighton having carried this Treaty to Scotland, to communicate it to the Parliament of that Kingdom, now assembled, returned some time after with twelve Articles, explaining certain passages of the Treaty, and to which the English Commissioners returned answers that were approved. These Articles with the answers were added to the Treaty. In fine, the Treaty was confirmed and ratified by an Act of Parliament inserted at the end, to this effect :

P. 374. " Be it therefore enacted by his Majesty, with the assent of the Lords and the Commons in this present Parliament assembled, that the said Treaty, and all the Articles thereof assented to, as aforesaid, be and stand forever ratified and established, and have the force, vigour, strength, and authority of a Law, Statute, and Act of Parliament. . .

(The same thing for Scotland.)

" And his Majesty for himself, and his Successors, doth promise in *verbo Principis*, never to come in the contrair of this Statute and Sanction, or any thing therein contained ; but to hold the same in all points firm and stable, and shall cause it to be truly observed by all his Majesty's lieges, according to the tenor and intent thereof, for now and ever. Like as the Parliament of both Kingdoms give full assurance, and do make publick faith in the name of both Kingdoms respectively, for the true and faithful observance of this Treaty, and whole Articles thereof inviolably, *hinc inde*, in all times to come."

As afterwards the King thought he had reason to complain, that the Scots had violated this Treaty in two of the principal Articles, I imagine the Reader will be glad to see these two Articles at large, on which this complaint was grounded. They are contained in the Act of Oblivion in these words :

A particular Clause concerning the War between the Kingdoms. In. p. 374. It is agreed, that an Act be passed in the Parliament of England ; That the Kingdoms of England or Ireland, shall not denounce war upon the Kingdom of Scotland, without consent of the Parliament of England ; And, on the other part, it shall be enacted there, That the Kingdom of Scotland shall not denounce war upon the Kingdom of England, or Ireland, without consent of the Parliament of Scotland.

And in case any of the Subjects of any of the Kingdoms shall rise in Arms, or make war against any of the Kingdoms and Subjects thereof, without consent of the Parliament of that Kingdom whereof they are Subjects, or upon which they do depend, That they shall be held, reputed, and deemed, as Traitors to the State whereof they are Subjects.

It happened afterwards, that the King and Parliament making war upon each other, the Scots sent an Army to the assistance of the Parliament of England, against the King, from whence he inferred, that to make war against him, was to make war against England. The Scots on the contrary pretended, that very far from making war against England, they sent their Troops thither on purpose to assist that Kingdom. It is easy to perceive, that from the diversity of the principles, proceeds the diversity of the consequences.

To finish in a word what relates to Scotland, I shall only say, that the King went thither in August 1641, stayed there till the 19th of November, assisted in person at the Parliament, and gave the Royal assent to all the Acts presented to him. To this came the projects he had formed with regard to Scotland, from the beginning of his reign (1).

What has hitherto been said of the Parliament's behaviour to the King, is sufficient to show, how sensible the King must have been of the mortifications he daily received. He had passionately desired to be revenged of the Scots, or at least to drive them out of the Kingdom ; and he saw that the Parliament made them a present of three hundred thousand pounds, to reward them for their coming. He hated the Presbyterians, and would have been glad to have had it in his power to root out Presbyterianism : but he saw, that on the contrary, the House of Commons openly took their part, and laboured to destroy Episcopacy. His two principal Ministers in whom he most confided, were in the Tower, and he easily perceived the Commons intended not to stop there, since with regard to

the Earl of Strafford, they were daily seeking means to make good their charge. Two other of his Ministers had been forced to fly, and the appearing to be still well affected to him, was sufficient to render any person the object of the persecution of the Commons.

It has already been seen after what manner the King governed for fifteen years, and the Reader must be convinced, that he intended to alter the Government, and procure for himself and Successors, a power much more extensive than what was allowed him by the Laws, and to which none of his Predecessors, except Richard II, had ever pretended. I except not even Henry VIII, the most absolute of all the Kings of England, since William the Conqueror. But there was this difference between Henry VIII, and Charles I. Henry did whatever he pleased by way of Parliament ; whereas Charles pretended to rule without Parliaments, looking upon them as little necessary to the Constitution of the Government. Since the meeting of this Parliament, (since a day had passed, but the Commons attacked the King's project, by declaring illegal, what he had done during fifteen years, and by rigorously prosecuting the instruments he had used to execute his designs. It is therefore easy to see, how much all these mortifications must have touched the King, and with what impatience he bore the haughty manner in which the Parliament acted with him. Nothing was more contrary to his inflexible temper, than to be forced to stoop to a House of Commons, for whom he had before shown the utmost contempt. It is therefore no wonder, that in his sad situation, he should think of some way to free himself from this bondage. But a slight attempt to compass this end, served only to throw him into irretrievable ruin.

I mean the project of gaining the Army, and causing the King to declare for the King. The King approved of the project, without perceiving the consequences, having no Minister about him, that had either the inclination or ability to give him good counsel. I am sensible, this is a place full of dangerous rocks, on which a Historian can very hardly escape splitting. This plot to gain the Army, was by some looked upon as a chimera, a mere fiction, to render the King odious. But on the other hand, the Parliament considered it as a very real Conspiracy, and pretended to draw from thence an evident proof, that the King's compliance with respect to the redress of Grievances, was all diffimulation, in expectation of an opportunity to restore himself by force, to the state he was in before this Parliament. This bred in the Parliament an invincible distrust of the King, and a resolution to put it out of his power to break his word, and the means they used to execute this resolution, occasioned the Civil Wars, of which I shall speak hereafter. It is therefore absolutely necessary to examine this Conspiracy, in order to know, whether it was real or invented ; for from hence flow all the ensuing proceedings of the King and Parliament, and upon this it is that the judicious and disinterested Reader may blame the one or the other. But before I proceed to this plot, it will be requisite to say something of the Earl of Strafford's affair, with which this has some connexion.

The Earl had been impeached by the Commons the 11th of November 1640 ; but his process could not be ready to be tried till the 22d of March 1640-1. This trial lasted till the 15th of April, and then the Commons, who had been always present, perceiving, doubtless, that the sentence would not be so rigorous as they wished, refused to proceed against the Earl by way of Bill of Attainder. They voted therefore, on the 16th and 19th of April, that it was sufficiently proved, that the Earl of Strafford had endeavoured to subvert the fundamental Laws of the Kingdom, and introduce an arbitrary and tyrannical Government into the Realm of England and Ireland, and that this was High-Treason. On the 21st of the same month, the Bill of Attainder passed, with the majority of 204 against 59.

The Bill met with so great opposition in the House of Peers, that it was very doubtful whether it would pass, or be thrown out. For which reason, on the 21st was presented to both Houses a Petition, subscribed by above forty (2) thousand inhabitants of London, setting forth the causes of their suspicions and fears. And amongst others, that Justice was not yet executed upon the Earl of Strafford, and that there was reason to dread some secret plot against the Parliament. The 26th of April, the Commons sent [by Mr. Hyde] a message to the Lords, that they had received information, that the Earl of Strafford had a design to make an escape out of the Tower : that the guard about him was weak, and therefore they desired he might be close Prisoner, and his guards strengthened, to which the Lords consented. The 28th of May the King came to the Parliament, and in a Speech to both Houses,

(1) May 2. was celebrated at Whitehall the Marriages between William Prince of Orange, and the Lady Mary King Charles's sixth Daughter. Rushworth. IV. p. 340.

(2) Rushworth says, twenty thousand, said to be of good rank and quality, published this petition. Tom. 4. p. 232.

1641. The Rabble
to King's
speech in
the House.
The Rabble
at Westminster.
p. 247.
Dunton.
Occurs.
Pym's dis-
covery of the
Rabble's in-
tentions.
p. 248.
Clarendon.
T. I. p. 106.

said to this effect:—"That having been present at the trial of the Earl of *Strafford*, he could not in conscience condemn him of High-Treason, tho' he thought him guilty of misdemeanors. Therefore he desired the Lords to find some way to bring him out of this great strait."

"The Commons were much troubled and discontented with this Speech, and immediately adjourned till *May* the 3d, on which day great multitudes of people (1) repairing to *Westminster*, insulted and threatened the Lords, as they were going to their House, crying out, Justice, Justice."

"The same day Mr. *Pym* made known to the House, That there were divers informations given of desperate designs both at home and abroad, against the Parliament, and the peace of the Nation; and that the persons engaged therein were under an oath of secrecy:

"That there was an endeavour to disaffect the army, not only against the Parliament's proceedings, but to bring them up against the Parliament to over-awe them:

"That there was also a design upon the Tower; and endeavours used for the Earl of *Strafford* to escape: That these combinations at home, had a correspondence with practices abroad; and that the French were drawing down their forces again to the sea-side; and there was a cause to fear, their intent was upon *Portsmouth*: That divers persons of eminency about the Queen were deeply engaged in these plots: That it was necessary that the ports should be stopp'd; and his Majesty desired to command, That no person attending upon the King, Queen, or Prince, should depart without leave of his Majesty, with the humble advice of his Parliament."

Whereupon the House fell into a serious debate of this matter, and were generally of opinion, that it was necessary to enter into a common resolution for the safety of the Kingdom.

When it is considered in what juncture this conspiracy was discovered to the House, tho' Mr. *Pym* was informed of it long before; that it was at a time, when the Peers were, in some measure, to be compelled to pass the Bill of Attainder against the Earl of *Strafford*, and when the rabble were also using violence for that purpose, there seems to be ground to suspect, that it was only an artifice to stir up the People, and induce the Lords to do as the Commons desired, from a fear of the imminent danger the Kingdom was threatened with. At least, there is reason to believe, this conspiracy was greatly aggravated. But this is only a conjecture, which ought not to be relied on, till the arguments *pro* and *con* are examined. However this be, the Commons, after a debate, came to a resolution of taking the following Protestation.

I. A. B. do in the presence of Almighty God, promise, vow and protest, to maintain and defend, as far as lawfully I may, with my life, power, and estate, the true reformed Protestant Religion, expressed in the Doctrine of the Church of England, against all Popery and Papiſt innovation within this realm, contrary to the said doctrine; and, according to the duty of my allegiance, I will maintain and defend his Majesty's royal person, honour and estate.

Also the power and privilege of Parliaments, the lawful rights and liberties of the Subjects, and every person that shall make this Protestation, in whatsoever he shall do in the lawful pursuance of the same; and to my power, as far as lawfully I may, I will oppose, and by all good ways and means, endeavour to bring condign punishment on all such, as shall by force, practice, counsels, plots, conspiracies, or otherwise, do any thing to the contrary, in this present Protestation contained: And farther, That I shall, in all just and honourable ways, endeavour to preserve the union and peace betwixt the three Kingdoms of England, Scotland, and Ireland: And neither for hope, fear, or any other respects, shall relinquish this Promise, Vow, and Protestation.

It must be observed, this Protestation was taken on Mr. *Pym's* bare assurance of the discovery of a plot, and before there was any proof of it. Hence it may be conjectured, that the thing had been determined among the leading men in the House. After that, the Commons came to several resolutions, to provide for the safety of the Kingdom, and the town of *Portsmouth* in particular. They communicated to the Lords the informations they had received, the votes they had passed, and their Protestation, desiring that every Peer might be ordered to take it.

It was very difficult for the Lords to refuse the Commons desire. In the first place, they had inspired the Nation with such a terror, that no man durst oppose their resolves, for fear of being looked upon as having ill-designs, and exposed to inevitable ruin. Secondly, the People still continued to flock to *Westminster*, and openly

threatened the Lords. Thirdly, the multitude presented the same day a Petition to the Lords, demanding Justice upon the Earl of *Strafford*, and that their Lordships would please to free them from the fears of the conspiracy. Fourthly, on the morrow, being the fourth of *May*, the people repairing to *Westminster* in greater numbers than the day before, some incendiaries posted up against a wall in the Old Palace-Yard, the names of fifty-six Members, calling them *Straffordians*, and betrayers of their Country. Lastly, the same day the multitudes presented to the Lords another Petition, saying, "That they understood the Tower was going to receive a garrison of men, not of the *Hamlet*, (as usually) but consisting of other persons under the command of a Captain, a great confidant of the Earl of *Strafford*, and that this was done to make way for the Earl's escape."

Upon this Petition, the House sent six Peers to examine Sir *William Balfour*, Lieutenant of the Tower, concerning the truth of this fact. *Balfour* answered, it was true, he had his Majesty's order to receive one hundred men (2) into the Tower, and Captain *Billingly* to command them, and to receive only such men as the Captain should bring to him; but understanding now their Lordships pleasure, he would receive no other guard into the Tower but the *Hamlet* men.

The Lords did farther declare, at a conference with the Commons, that they were drawing to a conclusion of the Bill of Attainder, but were so encompassed with multitudes of People, that they might be conceived not to be free, and therefore desired the Commons to join with them, to find out some way to send the people to their homes. Then they debated the Protestation, passed it, and took the same. It was taken by four hundred and thirty three Commons, and one hundred and six Lords, including the Bishops and Judges. The Commons having ordered Dr. *Burgess* to acquaint the multitude with the Protestation taken by both Houses, and that they were desired to return to their homes, they forthwith departed.

There are then two things which manifestly appear in this affair. The first, that there was a project on foot to favour the Earl of *Strafford's* escape, which will be seen more clearly hereafter. The second, that the concourse of the people was privately procured, by some of the leading men of the Commons, since, the day before, the House had taken no step towards dispersing the multitudes, tho' they were desired by the Lords, and since they found means to cause the people to retire, as soon as they knew the Lords had resolved to take the Protestation.

But the Protestation was not the only effect of the conspiracy. The same day, the Commons ordered a Bill to be prepared for the continuance of this present Parliament, that it might not be dissolved without the consent of both Houses. They ordered likewise the Protestation to be tendered to the whole Kingdom.

The same day, *May* the 4th, the House was informed, that six or eight of the conspirators were fled, of whom Mr. *Henry Jermin*, and Mr. *Henry Percy*, Members of the House, were two, and that they were gone towards *Portsmouth*. At the same time, information came that the Queen was preparing to go to the same place. These two successive informations causing strong suspicions, the Houses dispatched to *Portsmouth* one Lord and two Commons, to propose certain queries to the Governor, and take care for the security of the town and haven. They agreed withal, to move the Queen to defer her journey to *Portsmouth*, alleging several reasons which were not the true, [particularly the safety of her Majesty's person.] They desired also the King to publish a proclamation, for calling in *Jermin*, *Percy*, and other fugitives, which the King promised to do. The same day, the Speaker sent, by order of the House, the following letter to Sir *Jacob Ashby*, with a charge to communicate it to the army.

S I R,

WE have had cause to doubt, that some ill-affect'd persons have endeavour'd to make a misunderstanding in the army, of the intentions of the Parliament towards them. To take away all misunderstanding in that kind, the House of Commons have commanded me to assure you, that they have taken the affairs of the army into their serious care: And though, for the present, their monies have not come in as they wished, and as was due, by reason of the many distractions, and other impediments which this House could no ways avoid: yet they rest most assured, that they shall not only have their full pay, but the House will take their merits into their farther consideration, in regard they take notice, that notwithstanding their want, and endeavours of those ill-

(1) A rabble of about six thousand out of the City, with Swords, Cut-throats, and Staves, pretending decay of Trade, and want of bread. *Widdow's* p. 45.
(2) *Widdow's* says, it was two hundred Men; and that *Balfour* confessed two thousand pounds had been offered him, to consent to the Earl's escape. He adds, That this design was discovered by three Women, who bargained at the Key-hole of the Earl's door, and heard his discourse with Captain *Billingly*, p. 46.

1641 *off these persons, they have not demeaned themselves otherwise than as men of honour, and well-affected to the Commonwealth; which this House takes in so good part, that we have already found out a way to get money for a good part of their pay, and will take the most speedy course we possibly may for the rest. So I remain,*

Your very loving Friend,

William Lenthall.

Report concerning the plot.
Rushworth, IV. p. 253.
Mean while, the Committee, appointed to inquire into the conspiracy, made their report in the following manner.

"That this plot consisteth of three heads: The first was, the design upon the Tower. The second, to engage the army. The third, to bring in foreign forces. For the Tower, it appeared to be thus: Captain Billingsly being examined upon oath, confessed, that he was acquainted with Sir John Suckling: That the said Sir John lately offered him employment in one of the King's ships, then at *Perthmouth*; afterwards employment for Portugal: That this deponent having notice to meet at the Privy-Lodgings at *Whitehall*, did there receive orders to get an hundred men to serve in the Tower, under him. And if he did fail, he should answer it with his life. And afterwards meeting with Sir John Suckling, and acquainting him therewith, he told him he would furnish him with the said number. Sir William Balfour, Lieutenant of the Tower, being examined, said, that he had command to receive Captain Billingsly with an hundred men into the Tower, who should be under his command. That the Earl of *Stratford* at that time expostulating with him about his escape, told him, he would attempt nothing in that kind without his privacy; and that he should have the King's warrant for his indemnity; and that the warrant should be to command him to remove the Earl of *Stratford* from the Tower, to some other castle; and he would then take his opportunity to escape; that the Lieutenant of the Tower not giving any complying answer therunto, the said Earl fell again to intreat him to come to him, and would have persuaded him to let him make an escape; saying, *Without your concurrence it cannot be done; and if you will consent thereto, I will make you present payment of twenty-two thousand pounds, besides you shall have a good marriage for your Son.* To which the Lieutenant of the Tower replied, he was so far from concurring therein, that he was not to be farther moved in such a thing. Thus much the Lieutenant of the Tower delivered upon his oath.

"Colonel *Goring*, upon his examination in the House of Commons, did confess, that Sir John Suckling was the first person that ever made any overture unto him, concerning the army's marching towards *London*: Afterwards being in the Queen's Lodgings, he met with Mr. *H. Percy*, which was about the beginning, or middle of *Lent* last, and Mr. *Percy* told him, there was a consultation of Officers to be had, concerning the good of the army; and desired him to go along with him to his chamber, where the meeting was to be. There were present at the same meeting, Commisary *Wilmet*, Colonel *Aylburnham*, Captain *Pollard*, Sir John *Barkly*, Daniel O'Neal, Mr. *Jermin*, and himself: That Mr. *Percy* said, there were propositions to be made which were of great concernment; and that it was necessary there should be an oath of secrecy taken before any thing was propounded: That the oath should be to this purpose: That we should neither directly nor indirectly discover any part of the consultation, nor ever to think our selves dissolved from that oath, by any other oath which might be imposed upon us hereafter: Which oath was read out of a Paper, when it was tendered unto them; and thereupon they were sworn, by laying their hands upon the bible; that he and *Jermin* were sworn together, for the rest had taken the oath before."

"Then three propositions were made to them, namely:

As these Propositions are expressed in a Letter which will be seen presently, they are omitted here for brevity's sake.

"He farther said, that the whole number there met, were of opinion, that the army should not march towards *London*, till a declaration had been first sent up to the Parliament: That he the said *Goring* answered, it was a nice point to interpose in the proceeding of the Parliament; and did propound some difficulties to allay the business, to divert Commisary *Wilmet*, and those other persons from so dangerous a business: And said, that he did think it was a design of folly to un-

dertake it; for they must think the *Scots* would take the advantage upon the army's removal Southwards, whose correspondence was so great with the city; and for them to begin to fiew their teeth, and not be able to bte, would argue little prudence; that they should either undertake it so as to go through with it, or let it alone: That he did ask them what ammunition they had to accommodate so great an army; and whether they could command the ammunition in the Tower: That *Wilmet*, *Pollard*, and *Aylburnham*, then made answer, they had no purpose to go to *London*; but to surprize the Tower, was to conquer the Kingdom: That this, amongst other passages, was part of the discourse at the first meeting.

"That shortly after there was another meeting of the same persons, and in the same place, in Mr. *Percy's* chamber, where there were propositions of another nature, desperate and impious on the one hand, and foolish on the other; and that he endeavoured by argument to divert them, by propounding an impossibility to effect the same: For how could the army, lodged in several quarters, unpaid, and at such a distance, march on a sudden to *London*, and surprize what they had in design?

"That Mr. *Jermin* was the person that first proposed the marching of the army towards *London*: that for his part he declared himself absolutely against it. That Mr. *Jermin* replied to him in private, *You do not dislike the design, for you are as ready for any wild, mad undertaking, as any man I know; but you dislike the temper of those persons who are engaged in the business.*

"He did farther confess, that he propounded that *Suckling* might be admitted to the consultation: But *Wilmet*, *Aylburnham*, and *Pollard*, would not hear of it. And they three did then declare themselves against the army's marching towards *London*.

"Then he took occasion to say, that he did acquaint some Members of both Houses, whom he could name, that there were some of the army whom they did not think so well of, were more faithful and serviceable to the Parliament than they were aware of, which time would produce; and named them: And they did accordingly give testimony of his integrity, so far as general terms could discover the design. He confessed, that Mr. *Jermin* did make some offers unto him, to relinquish the Government of *Perthmouth* upon some terms of advance: But he said, he did not conclude any thing, for he would first see the performance of what was offered; so he no farther discourse with him concerning that business. But he doth believe that *Suckling* and *Jermin* did confer together about the design. He said, they did desire his opinion about a General; some were for *Essex*, some for *Holland*; but he, with Mr. *Jermin*, were for *Newcastle*.

"Being again examined upon his oath before the Committee of Lords and Commons, and pressed more particularly to answer questions not before proposed unto him, he did confess, that meeting with Mr. *Jermin* in the Queen's withdrawing Chamber, her Majesty came and told him, the King would speak with him; and meeting with his Majesty, he told him, he was minded to let his army in a good posture, being advised thereto by the Earl of *Bristol* (as he said) and his Majesty then commanded him to join with Mr. *Percy*, and some others in that business.

"As for the designs from beyond the seas, the Committee did make report to the House, that it was cleared unto them, that *Jermin* endeavoured to have got the possession of *Perthmouth*; that the King of France had drawn down great forces to the sea-side; that the Governor of *Calice* had examined some Englishmen, whether the Earl of *Stratford's* head was cut off? And this was in point of time, the first of *May*, according to the English Style, and Sir *Philip Cartwright*, Governor of *Guerney*, wrote letters also, which came in great haste, that he understood the French had a design upon that Island, or some part of *England*. It also appeared to the Committee, by divers of the letters which were opened coming from beyond sea, that they expected the Earl of *Stratford* there; and that they hoped the Horse-Leeches should be starved for want of blood; and in some of those letters there was advice to the Cardinal to bestir himself betimes, to interrupt the height of the proceedings here in *England*. Also examinations of some Priests were taken in *Lancashire*, and sent up to *London*, which were there taken the third of *May*, which did testify, that the Priests did say, the Parliament should be suddenly dissolved; For the army was to march up thither with all speed, and they would be seconded by forces out of France; and that *Montague* did write out of France to Mr.

"*Percy*

1641. "Percy (which was also intercepted) that if he did perform what he had undertaken, he would be made a Knight of the Garter."

Upon these depositions, the House of Commons passed the following votes against *Percy*, *Jermyn*, and *Suckling*.

Vote against
Percy, &c.
Rothw. 173.
IV. p. 233.
Nelson.
T. II. p. 402.

"1. That in the months of *March* and *April* last, they did conspire to draw the army together, and employ the same against the Parliament, and by force and dread thereof, to compel the Parliament to agree to certain propositions by them contrived, and to hinder and interrupt the proceedings of the Parliament.

"2. That in pursuance of the said design, they did endeavour to persuade divers Members of the House of Commons, and others, being Officers of the said army, that is to say, *Wilmot*, *Abburnham*, *Berkley*, *Pollard*, and *O Neal*, that they were disobliged by the Parliament, thereby to incite them against the Parliament; and did hold divers consultations with the said Parties, to effect the said wicked design; and to that purpose did set down in writing, certain propositions to the effect as followeth, viz. 1. The preserving of Bishops in their functions and votes. 2. The not disbanding of the *Irish* army, until the *Scots* were disbanded. 3. And the endeavouring to settle the King's revenue to the proportion it was formerly.

"3. That for the more secret carriage of this Plot, they did administer to the said parties a wicked and unlawful oath, whereby they did swear upon the holy Evangelists, not to reveal any thing that was spoken concerning the business.

"4. That they did propound and endeavour to persuade the persons before-named, and other officers of the army, to put the said army into a warlike posture, to bring them up to *London*, to make themselves sure of the Tower, and by force to compel the Parliament to conform to their will: And they did endeavour to work a belief in the said army, that the King and Parliament would disagree; and that all the *French* about the city of *London* would assist them: And to the great scandal of the King, that the Prince and the Earl of *Newcastle* were to meet the army at *Nottingham* with a thousand Horse; that *Suckling*, to compass the design of gaining the Tower, did contrive that an hundred men, under Captain *Billingly*, should be designed for that purpose, when the opportunity was offered, to the end the city of *London* should not be able to make any resistance, when the said army should come up, and *Suckling*, by the means and plot aforesaid did thereby endeavour, that the Earl of *Stafford*, then prisoner in the Tower, might the better compass his escape."

Besides the fore-mentioned depositions, here is a testimony of one of the chief conspirators, of which the Parliament made great use. It is *Percy's* Letter after his flight into *France*, to his Brother the Earl of *Northumberland*.

Mr. Percy's
Letter to the
Earl of
Northum-
berland.
Rothw. 173.
IV. p. 255.
Durn.
Oxford
Nation,
T. II. p. 386.

"WHAT with my own innocency, and the violence I hear is against me, I find myself much distressed. I will not ask your counsel, because it may bring prejudice upon you; but I will with all faithfulness and truth tell you what my part hath been, that at least it may be declared by you, whatsoever becomes of me.

"When there was fifty thousand pounds ready, designed by the Parliament for the *English* army, there was, as I take it, a sudden demand by the *Scots* at the same time of twenty five thousand pounds, of which there was fifteen thousand pounds ready; this they pressed with such necessity, as the Parliament, after an order made, did think it fit for them to deduct ten thousand pounds out of the fifty thousand pounds formerly granted: Upon which the Soldiers in our House were much scandalized; amongst which I was one, and sitting by *Wilmot* and *Abburnham*, *Wilmot* stood up, and told them, if that the *Scots* could thus procure money, he doubted not but the Officers of the *English* army might easily do the like. But the first order was reversed notwithstanding, and ten thousand pounds given to the *Scots*. This was the cause of many discourses of dislike amongst us, and came to this purpose, that they were disobliged by the Parliament, and not by the King: This being said often to one another, we did resolve, *Wilmot*, *Abburnham*, *Pollard*, *O Neal*, and myself, to make some expressions of serving the King in all things he would command us that were honourable for him and us, being likewise agreeing to the fundamental Laws of the Kingdom, that so far we would live and die with him; this was agreed upon with us, not having any communication with others, that I am coupled now withal: And further, by their

joint consent, I was to tell his Majesty thus much from them; but withal, I was to order the matter so as the King might apprehend this as a great Service done unto him at this time, when his affairs were in so ill a condition, and they were most confident, that they would engage the whole army thus far; but further they would undertake nothing, because they would neither infringe the liberties of the Subjects, nor destroy the Laws; to which I and every one consented; and having their sense, I drew the heads up in a Paper, which they all approved when I read it; and then we did, by an oath, promise one another to be constant and secret in all this, and did all of us take that oath together: Then, I said, well, Sirs, I must now be informed what your particular desires are, that so I may be the better able to serve you; which they were pleased to do; and so I did very faithfully serve them therein as far as I could. This is the truth, and all the truth upon my soul, in particular discourses.

"After that we did fall upon the petitioning to the King and Parliament for moneys, there being so great arrears due to us, and so much delays made in the procuring of them; but that was never done.

"1. Concerning the Bishops functions and votes. 2. The not disbanding of the *Irish* army, until the *Scots* were disbanded too.

"3. The endeavouring to settle his Majesty's revenue to that proportion it was formerly (1).

"And it was resolved by us all, if the King should require our assistance in those things, that as far as we could, we might contribute thereunto, without breaking the Laws of the Kingdom; and in case the King should be denied these things being put to them, we would not fly from him: All these persons did act and concur in this as well as I. This being all imparted to the King by me from them, I perceived he had been treated with by others, concerning some things of our army; which agreed not with what was purposed by me, but inclined a way more sharp and high, not having limits either of honour or law. I told the King, he might be pleased to consider with himself, which way it was fit for him to hearken unto; for us, we were resolved not to depart from our grounds; we should not be displeased, whosoever they were, but the particular of the designs, or the persons, we desired not to know; though it was no hard matter to guess at them. In the end, I believe the danger of the one, and the justice of the other, made the King tell me, he would leave all thoughts of other propositions but ours, as things not practicable; but desired, notwithstanding, that *Goring* and *Jermyn*, who were acquainted with the other proceedings, should be admitted amongst us. I told him, I thought the other gentry would never consent to it, but I would propose it; which I did, and we were all much against it: But the King did press so much, as at the last it was consented unto; and *Goring* and *Jermyn* came to my chamber; there I was appointed to tell them, after they had sworn to secrecy, what we had proposed; which I did. But before I got into the debate of the way, I must tell you, *Jermyn* and *Goring* were very earnest *Suckling* should be admitted; which we did all decline, and I was desired by all our men to be resolute in it, which I was, and gave many reasons: Whereupon Mr. *Goring* made answer, he was engaged with Mr. *Suckling* his being employed in the army; but for his meeting with us, they were contented to pass it by: Then we took up again the ways which were proposed; which took great debate, and theis differed from ours in violence and heat; which we all protested against, and parted, disagreeing totally, yet remitted it to be spoken of by me and *Jermyn* to the King, which we both did; and the King, constant to his former resolutions, told him, these ways were all vain and foolish, and he would think of them no more. I omit one thing of Mr. *Goring*, he desired to know how the chief Commanders were to be disposed of; for if he had not a condition worthy of him, he would not go along with us. We made answer, That no body thought of that; we intended, if we were sent down, to go all in the same capacity we were in. He did not like that by any means, and by that did work to with Mr. *Chudleigh*, that there was a letter sent by some of the Commanders to make him Lieutenant-general: And when he had ordered this at *London*, and Mr. *Chudleigh* had his instructions, then did he go to *Portsmouth*, pretending to be absent when this was working: We all desired my Lords of *Essex* and *Holland*; but they said, if there were a General, they were for *Newcastle*: They were pleased to give report, that I should be General of the House. But I

(1) The word *formerly* is very ambiguous; for it may signify either the King's lawful Revenues, or that he enjoyed just before the Parliament. *Rayn.*

1641. "protest, neither to the King, or any else, did I ever so much as think of it. My Lord of *Holland* was made General, and so all things were laid aside. And this is the truth, and all the truth I know of these proceedings: And this I will and do protest unto you upon my faith. And *Wilmot*, *Aylbarnham*, and *O Neal*, have at several times confessed and sworn, I never laid any thing in the business, which they did not every one agree unto and justify. This relation I sent you, rather to inform you of the truth of the matter, that you may the better know how to do me good; but I should think myself very unhappy to be made a betrayer of any body. What concerned the Tower or any thing else, I never meddled withal, nor ever spoke with *Goring*, but that night before them all; and I said nothing but what was consented unto by every party: I never spake one word with *Suckling*, *Carnarvon*, *Davenant*, or any other creature. Methinks, if my friends and kindred knew the truth and justice of the matter, it were no hard matter to serve me in some measure" (1).

This letter shews plainly, there was really a project to gain the army, and engage them to serve the King against the Parliament, and that the King knew and approved of the same.

The 16th of June, the Committee appointed to examine the affair of the plot to seduce the army, made a second report to the House, and caused several depositions to be read.

The first was Captain *Billingby's*, who confessed, that Sir *John Suckling* had invited him, to take upon him the command of the hundred men that were to be sent to guard the Tower.

The 2d Mr. *Nutt's*, whereby it appeared, that the Earl of *Stratford's* escape was projected.

The 3d, Lieutenant Colonel *Ballard's*, who said, That Captain *Chudleigh* brought down to the army many propositions; some of which were, that Colonel *Goring* should be Lieutenant-general, and that the Prince and the Earl of *Newcastle* would be in *Nottinghamshire* with a thousand Horse ready to join with the army.

The 4th was *Willis's*, who declared, That the *French* were to favour the enterprise; that the Clergy would, at their own charge, send two thousand Horse, and that the Prince was to come down to the army.

The House was further informed, That the officers who had undertaken to serve the King, had communicated to him the draught of a Petition, which was to be directed to the King and Parliament from the army: that they hoped to get it subscribed by most of the officers, and that the King, after reading it, had approved of the same, and writ at the bottom these two Letters, C. R. in token of his approbation.

These are the grounds whereon was built the reality of this plot, which was extremely injurious to the King, by the distrust it bred in the minds of most of the Members of Parliament, and of the Nation in general. But it must be added, that King *Charles's* favorites call it a mere chimera, even to this day. For my part, I cannot help saying, that I believe there was some truth in it; but I am of opinion, that the heads of the contrary party to the King, greatly aggravated the circumstances and consequences, in order to cause to pass the more easily, the Bill of Attainder of the Earl of *Stratford*, and the Act for the continuance of the Parliament, to which the King gave the royal assent the same day, and in this same juncture. And what confirms me the more in this opinion, is, the very arguments themselves alleged by the King's friends, to shew that it was a fiction to render the King odious. For they cannot help owning, there was a project to engage the army to declare for the King. They say only, that the end proposed by the authors of this project, was to hinder the army from being seduced to espouse the interest of the Parliament. But first, there appears not the least sign of this pretended false end, either in the depositions of the witnesses, or in *Percy's* letter, or in the reports of the Committee appointed to examine this affair. Secondly, the King, whom the Parliament so often reproached afterwards with this plot, never used this reason to excuse the Authors. In the third place, it is not probable, the officers should have any such purpose, since at that time the army was too much displeased with the Parliament, to afford any ground to fear, they should be seduced to declare against the King. The most plausible thing they say, is, that there was never any express design to march the army to *London*, upon which however the Commons chiefly insisted. The denial of this circumstance was what the King solely adhered to, as will hereafter appear. He called God to witness, he never knew of any such design. But he never denied positively his having been in-

formed of a design to engage the army to his side. We must therefore carefully distinguish two things in this conspiracy, namely, the design of gaining the army, which clearly appears, and the design of marching the Army to *London*. It appears by the depositions, that this design was proposed in the assembly of Officers, but was not approved. So the King could affirm he knew not of it, because indeed it was never resolved, though he was not ignorant of its having been proposed.

In *Percy's* Letter there is a circumstance which may very much conduce to clear this affair. There were, as he says, two sets of people, who formed at the same time a design to engage the Army for the King, without having communicated their thoughts to one another. The first were, *Percy*, *Wilmot*, *Aylbarnham*, and *Pollard*. The second, *Termin* and *Goring*, whose views reached much farther, and who proposed to march the Army to *London*. For though *Goring* in his deposition affirmed, he had done his utmost to dissuade the rest from this design, he is said however to be the first mover of it. If *Percy's* letter is to be credited, the King had at first listened to *Termin* and *Goring*; but upon *Percy's* representation, had rejected their project as impracticable, and laid aside all thoughts of it. The King's friends confound these two projects, and all their proofs are directed against that of *Termin* and *Goring*, without meddling with *Percy's*. And because the Parliament could not fully prove, there was an express resolution to bring the Army to *London*, they conclude, that the Conspiracy in general was only a fiction and imposture. But though there had never been a settled design to march the Army to *London*, it may be true, however, that endeavours were used to gain them, and that the King approved of the design. In short, the King's friends do not deny that the draught of the Petition was communicated to him, before it was recommended to the Officers of the Army for their subscription. Of this Petition I am still to speak, in order to clear this point fully.

It is strange, this Petition, which has made so much noise, should never be produced, either by the Parliament, in support of their charge, or by the King, for his own vindication. It is true, the King afterwards pretended he had recovered a copy, but thought not fit to produce it, though he affirmed it to be very innocent. This gives occasion to suspect, there was something prejudicial to him. The Earl of *Clarendon* has inserted in his History, a Petition, which he assures to be word for word the same as was signed by the King with C. R. But it is evident, this cannot be the Petition in question, as the Reader will perceive.

To the King's most excellent Majesty; the Lords Spiritual and Temporal; the Knights, Citizens, and Burgesses, now assembled in the High-Court of Parliament. The humble Petition of the Officers and Soldiers of the Army.

"Humbly sheweth, that although our wants have been very pressing, and the burthen we are become unto these parts (by reason of those wants) very grievous unto us; yet so have we demeaned ourselves, that your Majesty's great and weighty affairs in this present Parliament have hitherto received no interruption, by any complaints, either from us or against us; a temper not usual in armies; especially in one destitute not only of pay, but also of martial discipline, and many of its principal officers; that we cannot but attribute it to a particular blessing of Almighty God, on our most hearty affections and zeal to the common Good, in the happy success of this Parliament, to which, as we should have been ready hourly to contribute our dearest blood, so now that it hath pleased God to manifest his blessing so evidently therein, we cannot but acknowledge it with thankfulness; as likewise his great mercy, in that he hath inclined your Majesty's Royal heart so to co-operate with the wisdom of Parliament, as to effect so great and happy a reformation upon the former distempers of this Church and Commonwealth: as first, in your Majesty's gracious condescending to the many important demands of our neighbours of the *Scottish* nation: Secondly, in granting so free a course of Justice against all delinquents of what quality soever: Thirdly, in the removal of all those grievances, wherewith the Subjects did conceive either their liberty of persons, property, or estate, or freedom of conscience, prejudiced: And lastly, in the greatest pledge of security that ever the Subjects of *England* received from their Sovereign, the Bill of Triennial Parliament.

"These things so graciously accorded unto by your Majesty, without bargain or compensation, as they are more than expectation or hope could extend unto, so

(1) Upon the reading of this Letter *Commissary Wilmet* was committed to the Tower, *Colonel Aylbarnham* to the King's Bench, and Captain *Pollard* to the Gate-house. *Diurn. Occur.* p. 128.

1641. "now they are certainly such, as all loyal hearts ought to acquiesce in with thankfulness; which we do with all humility, and do at this time; with as much earnestness as any, pray and wish, that the Kingdom may be settled in peace and quietness, and that all men may, at their own homes, enjoy the blessed fruits of your wisdom and justice."

"But it may please your excellent Majesty, and this High Court of Parliament, to give us leave, with grief and anguish of heart, to repent unto you, that we hear that there are certain persons stirring and pragmatical, who instead of rendering glory to God, thanks to your Majesty, and acknowledgment to the Parliament, remain yet as unsatisfied and mutinous as ever; who, whilst all the rest of the Kingdom are arrived even beyond their wishes, are daily urging new and unreasonable demands; who, whilst all men of reason, loyalty and moderation, are thinking how they may provide for your Majesty's honour and plenty, in return of so many graces to the Subject, are still attempting new diminutions of your Majesty's just regalities, which ever must be no less dear to all honest men, than our own freedoms; in fine, men of such turbulent Spirits, as are ready to sacrifice the honour and welfare of the whole Kingdom to their private fancies, whom nothing else than a subversion of the whole frame of Government will satisfy: Far be it from our thoughts to believe, that the violence and unreasonableness of such kind of persons can have any influence upon the prudence and justice of the Parliament. But that which begets the trouble and disquiet of our loyal hearts, at this present, is, that we hear those ill-affected persons are backed in their violence, by the multitude and the power of railing tumults; that thousands flock at their call, and beset the Parliament, and *Whitehall* itself; not only to the prejudice of that freedom which is necessary to great Councils and Judiciaries, but possibly to some personal danger of your sacred Majesty, and the Peers."

"The vast consequences of these perfidious malignity, and of the Licentiousness of those multitudes that follow them, considered in most deep care and zealous affection for the safety of your sacred Majesty, and the Parliament; our humble petition is, that in your wisdom you would be pleased to remove such dangers, by punishing the Ringleaders of these tumults, that your Majesty and the Parliament may be secured from such insolencies hereafter. For the suppressing of which, in all humility we offer our selves to wait upon you (if you please) hoping we shall appear as considerable in the way of defence to our gracious Sovereign, the Parliament, our Religion, and the established Laws of the Kingdom, as what number soever shall audaciously presume to violate them: So shall we, by the wisdom of your Majesty and the Parliament, not only be vindicated from precedent innovations, but be secured from the future, that are threatened, and likely to produce more dangerous effects than the former."

And we shall pray, &c.

Diagrams to show that this is not the story which was communicated to the King.

Give me leave to make some remarks on this Petition, in order to shew, that it cannot be the same that was communicated to the King, and subscribed by him with the letters *C. R.* in token of his approbation.

In the first place, it evidently appears, this was drawn up at *London*, at the very time when the multitudes repaired to *Whitehall*, which happened not till the third and fourth of *May*, there having been no such concourse of people before, and this lasting only two days. But it will be seen hereafter, that the King himself said, that this Petition, which he signed with *C. R.* was brought to him from the army, and that after having read it, he approved of it, as being very innocent. If the Petition communicated to the King, had been prepared in the army, it cannot be this, since those that penned it, could not foresee the riotous alienations at *Whitehall* on the third and fourth of *May*, which however they speak of as then being. And if it was drawn at *London*, as 'tis very likely, it cannot be that which was communicated to the King, since he affirmed, it was brought to him from the army.

It will be said perhaps, that this Petition might be prepared at *London* the third or fourth of *May*, at the time of the concourse, that it was sent to the army, and then brought back to *London* to be communicated to the King.

(1) *Whitehall's* account of this matter is thus: The Officers put themselves into a Junta of sworn Security, drew up some heads by way of Petition to the King and Parliament, for Money for the Army. And to defend before the Scots. To preserve Bishops' Votes and Functions. To settle the King's Revenue. The Army being taught from hence, met, and drew up a Letter, or Petition, which was showed to the King, and approved and signed by him with *C. R.* and a direction to Captain *Lev.* that none should see it but Sir *Josh. Aubrey*, the main drift was, That the Army might be called up to attend the safety of the King's Person, and Parliament's Security, or that both Armies might be dissolved. *Memorials*, p. 46.

(2) The Lord *Clarendon* says, That *Goring*, who proposed the marching of the Army to *London*, being dissuaded at having that proposal received and disallowed, did, the same, or the next day, whereon he had proposed it, discover all, and more than had passed, to the Earl of *Bedford*, and the Lords *Jay*, and *Kimbolton*, but as dangerous as the design was afterwards alleged to be, it was not however communicated to the Parliament till about three Months after. *Clarendon*, *Tome* I. p. 195.

(3) Mr. *Palmer* when took upon him to justify the King against the false Accusations of his Enemies, as he says himself in his Introduction, passes over this Article very lightly. see the end of Vol. I. of his *Call. State*. *Regis*.

But allowing only a fortnight for those Journeys from *London* to *York*, and from *York* to *London*, and for communicating it to the officers dispersed in different quarters about the country, the Petition would have come too late to the King, and have been entirely useless, since the riots were ceased, the Earl of *Stratford* dead, and the King had passed the Bill for the continuance of the Parliament. It would have been therefore very preposterous for the King to approve of this Petition at such a juncture.

Secondly, the Earl of *Clarendon* intimates, this Petition T. I. p. 199. was projected and drawn long before the third and fourth of *May*, by the very officers who were afterwards accused of the conspiracy. He says, after the King had subscribed it, it was carried down to the army; and figured by some officers, but was suddenly quashed, and no more heard of till the discovery of the pretended plot, of which more in its place. This is a clear evidence, that the Petition the King subscribed with *C. R.* had been communicated long before the third or fourth of *May*, the day of the discovery of the plot. But if this be so, how could the authors of the Petition speak of the riots on the third and fourth of *May*, as actually in being? The Petition subscribed by the King cannot therefore be the same that the Lord *Clarendon* has inserted in his History.

In the third place, the officers who intended to gain the army to the King, and who, according to the Lord *Clarendon*, projected likewise the Petition to the King and T. I. p. 197. Parliament which was approved by his Majesty, proposed as their end, to preserve the Bishops' votes and functions, to hinder the disbanning the Irish army till that of the Scots was disbanded too, and to settle the King's revenues. But in the petition above, there is no mention of any of these articles (1).

Lastly, it will hereafter be seen, that the King to justify his signing the Petition, said, nothing more was required in it, than the setting of the Government upon the same foot as under Queen *Elizabeth*. But in the Petition given us by the Lord *Clarendon* as subscribed by the King, there is nothing like it, *Elizabeth* not being named in it (2).

Before I conclude this matter, I must not forget what *Doubts* concerning *Percy's* letter to his brother the Earl of *Northumberland*. 'Tis pretended that *Percy*, endeavouring to escape into *France*, was known at the seaside, and wounded by some persons who would have stopped him: That getting from them, and flying to the Earl of *Northumberland's*, that Lord prevailed with some of the leading Men of the Commons, [particularly Mr. *Pym*] that his brother's escape should be connived at, on condition he would write the letter above-mentioned, as if it was writ in *France*. It is easy to perceive, that hereby the relation in that letter is designed to be rendered suspected of falshood. But I don't find, it is positively affirmed, or that any proofs are produced to discover the forgery. The whole amounts to a bare assertion, that the Plot in question was a fiction, a chimera, an imposture: That the Parliament curtailed the depositions of the witnesses, omitting every thing that served to justify the King: That the conferences in *Percy's* chamber, were free conversations between friends, of whom some were Members of Parliament: That the depositions of the witnesses were hit to demonstrate there was never any conspiracy to seduce the army, than to prove there was really any such thing. But upon the whole, we must take, as good proofs the bare assertion of those who relate these facts, which they have not cleared in the least (3).

As the King was frequently reproached with this conspiracy afterwards, I thought it necessary to give a just idea of the thing, that the Reader may be the better able to judge of the objections and answers I shall have frequent occasion to mention. It is time now to proceed to the Lord *Stratford's* Trial.

If it is not supposed, that *Charles I.* from the beginning of his reign to the time of this last Parliament, had formed a design to establish in *England* an arbitrary Government, it will be almost impossible to understand his History, and particularly this second part. But, upon this supposition, which to me appears incontestable, all difficulties vanish. It is not surprizing to see the King's Council, his Ministers, Favorites, the Star-Chamber, High-Commission, Judges of the realm, in a word, all persons in publick employments, intent upon one single point, I mean, the stretching of the Royal authority as far as lay in their power. It is not surprizing to see the implacable hatred

The Earl of *Stratford's* Trial.

1641. of the House of Commons to the King's Ministers, and particularly to those who were most trusted by his Majesty, and believed the chief authors of the publick evils. Among these, the Earl of *Strafford* was considered as the most dangerous, because the most able, and because his two high posts of President of the Court of *York*, and Lord-Lieutenant of *Ireland*, afforded him frequent occasions to serve the King effectually, and assist him to execute his designs. Accordingly he was the first the Commons attacked, eight days after the opening of the Parliament. The impeachment and trial of this Lord, contains many remarkable things, some whereof are, as I may say, above the comprehension of foreigners, by reason of the great difference between the Laws and Customs of *England*, and those of other States. It would therefore be too difficult a task for me to undertake to give a particular account of all the circumstances of this famous Trial, which have been collected in a large volume in Folio. For this reason I shall content myself with giving a general idea of it, such as I shall think proper to satisfy the Reader's curiosity.

Rothwells,
T. VIII. of
the new
Edition.
Nelson,
T. II. p. 1.
— 106.
Clarendon,
T. I. p. 159.
&c.
Article.

There is, no doubt, when the Commons impeached the Earl of *Strafford*, his ruin was resolved by the leading men of that House. The Earl being looked upon as the most powerful, and most in favour of all the King's Ministers, and as the principal author of the miseries of the Kingdom, this was sufficient to make it thought requisite to sacrifice him to the publick. I do not think it necessary to seek other motives of this resolution, or to ascribe it to more secret causes. Since the Parliament undertook to redress grievances, and restore the Government to its ancient state, nothing was more natural than to punish such as had helped to unhinge it, and among these the Earl of *Strafford* was the principal, and consequently, the fittest to serve for example to those, who should in time to come, engage in the like enterprize. But besides this, he had made himself many enemies, by his imperious behaviour, to which great Ministers, who are secure of their master's favour, are generally too liable. Moreover, he had deserted the People's interests, after having strongly supported it whilst a Member of the House of Commons, and devoted himself entirely to the King. This sufficed to render him odious, and the Commons, when they impeached him, knew they could not do any thing more grateful to the People. He was therefore accused of High-Treason, not that in the short time, since the opening of the Parliament, the Commons could have any certainty of his being guilty of that crime, but upon a certain publick evidence, and the inward conviction of most of the Members. After his being sent to the Tower upon this impeachment, the House considered of the articles on which they were to ground his accusation, and when they were brought to the Lords, proofs were fought to support them (1).

These articles, to the number of twenty eight, tended to prove in general, that the Earl of *Strafford* had endeavoured to subvert the fundamental Laws of the State, and establish an arbitrary power. So, though each of the pretended crimes, whereof he was accused, could not be accounted High-Treason, the House pretended, that all together manfully shewed his design, and the means he had employed to accomplish it. The substance of the twenty eight articles, is as follows (2):

Articles of
Accusation
against the
Earl of
Strafford.
January 30.
1640-1.
Rothwells,
T. VIII.
Nelson,
T. II. p. 10.

"I. That he being President of the King's Council in the north parts of *England*, had procured to himself a commission, with instructions annexed, whereby power was given to him, to determine all offences, suits, &c. within certain precincts therein specified, and in such manner as the said instructions did appoint, according to the proceedings of the Star-Chamber. By virtue of which commission, he had exercised an exorbitant and unlawful jurisdiction over the persons and estates of his Majesty's subjects in those parts, to their ruin.

"II. That at the Assizes held for the County of *York*, he did publicly declare and publish before the people, that some of the Justices were all for law, and nothing would please them but law; but they should find, That the King's little finger should be heavier than the horns of the law.

"III. That being Lord-deputy of *Ireland*, he did say in a publick Speech, That *Ireland* was a conquered nation, and that the King might do with them what he pleased; And speaking of the Charters of former Kings of *England*, made to the City of *Dublin*, he further then

"said, That their Charters were nothing worth, and did bind the King no farther than he pleased.

"IV. That *Richard*, Earl of *Cork*, a Peer of *Ireland*, having sued out process in course of Law, for recovery of his possessions, from which he was put, by colour of an order made by the Lord *Strafford*, and the Council; he, the said Lord *Strafford*, threatened the said Earl to imprison him, unless he would surfease his suit, and said, that he would have neither law nor lawyers dispute or question his orders.

"That the said Earl of *Cork* having contested the validity of an order of Council made in *Ireland*, in the time of King *James* I, the Lord *Strafford* had said, That he would make the said Earl and all *Ireland* know, that so long as he had the government of that Kingdom, any act of State there made, or to be made, should be as binding to the Subjects of that Kingdom, as an act of Parliament. And that he did sundry other times, and upon sundry other occasions, by his words and speeches, arrogate to himself a power above the fundamental laws, and established government of that Kingdom, and scorned the said laws and established government.

"V. That he did give, and procure to be given, against the Lord *Mountmorris*, (then a Peer of *Ireland*, Vice-Treasurer, and Receiver-general of that Kingdom, and Treasurer at war, and one of the principal Secretaries of State, and keeper of the Privy-Signet of the said Kingdom,) a sentence of death by a Council of war, called together by the said Earl of *Strafford*, without any warrant, or authority of law, or offence deserving any such punishment.

"And he the said Earl, did also at *Dublin*, without any legal or due proceedings, or trial, give, and cause to be given, a sentence of death against one other of his Majesty's subjects; and caused him to be put to death in execution of the same sentence.

"VI. That without any legal proceedings, and upon a Paper-petition, he did cause the said Lord *Mountmorris* to be delized and put out of his manor of *Tymore* in the Kingdom of *Ireland*; the said Lord *Mountmorris* having been eighteen years before in quiet possession thereof.

"VII. That he did cause a case, commonly called the case of *Tenures upon defective Titles*, to be made and drawn up, without any jury or trial, or other legal process, and without the consent of parties, and did then procure the Judges of the realm of *Ireland* to deliver their opinions and resolutions to that case, and by colour of such opinion, did, without any legal proceeding, cause *Thomas* Lord *Dillon*, and many others, to be put out of the possession of divers Lands and Tenements, whereby many of his Majesty's subjects, and their families, were utterly undone.

"VIII. That without any legal process, he had made a decree or order against *Adam* Viscount *Leinster*, a Peer, and Lord-Chancellor of *Ireland*, and did cause the said Viscount to be imprisoned, on pretence of disobedience to the said decree or order. That afterwards, without any authority, he required and commanded the said Lord Viscount to yield up unto him the Great Seal of the realm of *Ireland*, which was then in his custody, by his Majesty's command, and imprisoned the said Chancellor for not obeying such his command.

"That he did imprison *George*, Earl of *Kildare*, thereby to enforce him to submit his title to the manor and lordship of *Castle-lis* in the *Queen's* County, being of great yearly value, to the said Earl of *Strafford*'s will and pleasure, and kept him a year prisoner for the said cause; and refused to enlarge him, notwithstanding his Majesty's letters for his enlargement to the said Earl of *Strafford* directed.

"That upon a Petition exhibited to him against *Dame Mary Hibbert*, Widow; the said Earl of *Strafford* recommended the said Petition to the Council-table of *Ireland*, where the most part of the Council gave their vote and opinion for the said Lady; but the said Earl finding fault herewith, caused an order to be entered against the said Lady, and threatened her, that if she refused to submit therunto, he would imprison her, and fine her five hundred pounds; that if she continued obstinate, he would continue her imprisonment, and double her fine every month; by means whereof she was enforced to relinquish her estate in the lands questioned

(1) The Committee appointed to draw the Articles of Accusation against him, were, Mr. *Whitlock* the Chairman, the Lord *Digby*, Sir *Walter* Earl, Mr. *Pym*, *Hamden*, *Hall*, *Strode*, *Selden*, *Dr. Juxon*, *Almon*, *Palmer*, *Glyn*, *Whitlock*, p. 19.

(2) These Articles used two hundred Sheets of Paper. As some of the Treasons charged upon him were of fourteen years standing, the Earl desired three months time to make his defence, but was allowed only six days of *February*. *Whitlock*, p. 21. — The chief managers during the whole Trial was Mr. *Pym*, of whom *Dr. Whitlock*, tells the following story. When the Earl, then only Sir *Thomas Wentworth*, was upon making his peace with the Court, he gave *Pym* some obscure intimation of it. *Pym* understanding his drift, kept him there with this expression, "You need not stir all this dirt to tell me, that you have a mind to leave us: but remember when I tell you, you are going to be undone; and remember, that though you leave us, you will never leave you while your head is upon your shoulders." *Whitlock*, p. 21.

1641. " in the said Petition, which shortly after were conveyed to Sir Robert Meredith, to the use of the said Earl of Strafford.

" That the said Earl, in like manner, did imprison divers others of his Majesty's subjects, upon the like pretences, &c.

" IX. That the said Earl, assuming to himself a power above and against law, took upon him, by a general warrant under his hand, to give power to the Lord Bishop of *Down and Connor*, his Chancellor, &c. to attach and arrest the bodies of all such of the meaner and poorer sort, who after citation should either refuse to appear before them, or appearing, should omit or deny to perform, or undergo all lawful decrees, sentences, and orders imposed, or given out against them, and them to commit and keep in the next goal, until they should either perform such sentences, or put in sufficient bail, to shew some reason before the Council-table, of such their contempt and neglect.

" X. That he had procured the customs of the merchandize exported out, and imported into *Ireland*, to be farmed to his own use. And, to advance his own gain and lucre, did cause and procure the native commodities of that Kingdom, to be rated in the book of rates for the customs, according to which the customs were usually gathered, at far greater values and prices than in truth they were worth; that is to say, every hide at twenty Shillings, which in truth was worth but five Shillings, every stone of wool at thirteen Shillings and four-pence, tho' the same were really worth but five Shillings, at the utmost nine; by which means the custom, which before was but a twentieth part of the true value of the commodity, was enhanced sometimes a fifth part, and sometimes to a fourth, and sometimes to a third part of the true value.

" XI. That the said Earl did restrain the exportation of the commodities of the Kingdom of *Ireland*, without his licence; and then raised great sums of money for licences of exportation of those commodities, and dispensation of the said restraints imposed on them, by which means those commodities were raised above half in half.

" XII. That under colour to regulate the importation of Tobacco into *Ireland*, he did issue a Proclamation, prohibiting the importation of Tobacco into that Kingdom; after which restraint, the said Earl caused divers great quantities of Tobacco to be imported to his own use: That if any Ship brought Tobacco into any port there, the said Earl and his agents used to buy the same to his own use, at their own price; and if the owners refused to let him have the same at undue values, then they were not permitted to vent the same there; by which undue means, the said Earl having gotten the whole trade of Tobacco into his own hands, he sold it at great and excessive prices.

" That by a Proclamation he commanded, that none should put to sale any Tobacco by wholesale, but what should be made up into rolls, and the same sealed with two seals by himself appointed, one at each end of the roll: And such as was not sealed to be seized, appointing six-pence the pound for a reward to such persons as should seize the same. Which Proclamation was rigorously put in execution, by seizing the goods, fining, imprisoning, whipping, and putting the offenders in the pillory. And though he enhanced the customs, where he concerned the merchants in general, yet he drew down the impost formerly taken on Tobacco, from six-pence to three-pence the pound, it being for his own profit so to do.

" That he raised several other monopolies and unlawful exactions for his own gain, viz. on starch, iron-pots, glasses, tobacco-pipes, &c.

" XIII. That flax being one of the principal and native commodities of *Ireland*, the said Earl having gotten great quantities thereof into his hands, and growing on his own lands, did issue out several Proclamations, prescribing and enjoining the working of flax into yarn and thread, and the ordering of the same in such ways wherein the natives of that Kingdom were unpractised, and unskilful; and the flax wrought or ordered in other manner than as the said Proclamation prescribed, was seized and employed to the use of him and his agents, and thereby the said Earl did gain, in effect, the sole sale of that native commodity.

" XIV. That the said Earl, by Proclamation, did impose upon the owners, masters, purfers, and boatwains of every ship, a new and unlawful oath, viz. That they, immediately after the arrival of any ship within any port or creek in the Kingdom of *Ireland*, should give in a true invoice of the outward bulk of wares and merchandizes first laden aboard them, together with the several marks and number of goods, and their qualities

and condition, the names of the several merchants, proprietors of the said goods, and the place from whence they were freighted, and whether they were bound, &c.

" XV. That by his own authority, without any warrant or colour of Law, he did tax and impose great sums of money upon divers towns and places in *Ireland*; and did cause the same to be levied upon the inhabitants of those towns by troops of soldiers, with force of arms, in a warlike manner; and sent such numbers of soldiers to lie on the lands and houses of such as would not conform to his orders, until they should render obedience to his said orders; and this he did at several times, and in divers places, by which means he levied war within the said realm against his Majesty and his liege people of that Kingdom.

" XVI. That the said Earl did make a proposition, and obtained from his Majesty an allowance thereof, That no complaint of injustice or oppression done in *Ireland*, should be received in *England* against any, unless it appeared, that the party undue first his address to him the said Earl. And to prevent the subjects of that realm of all means of complaints to his Majesty, and of redress against him and his agents, he did issue a Proclamation, thereby commanding all the nobility, undertakers and others, who held estates and offices in the said Kingdom, to make their personal residence in the said Kingdom of *Ireland*, and not to depart thence without licence of himself; which Proclamation the said Earl had by several rigorous ways, as by fine, imprisonment, and otherwise, put in execution; by means whereof the subjects of that realm were restrained from seeking relief against the oppressions of the said Earl.

" XVII. That speaking of the army in *Ireland*, he did declare, That his Majesty was so well pleased with the army of *Ireland*, and the consequences thereof, that his Majesty would certainly make the same a pattern for all his three Kingdoms.

" XVIII. That, in order to draw dependency upon himself, of the Papists in both Kingdoms of *England* and *Ireland*, during the time of his Government in *Ireland*, he restored divers Frieries and Mass-houses, (which had been formerly suppressed by the precedent Deputies of that Kingdom; two of which houses are in the City of *Dublin*, and had been assigned to the use of the University there) to the pretended owners thereof.

" That in the months of *May* and *June* last, the said Earl did raise an army in *Ireland*, consisting of eight thousand foot, all of which, except one [thousand] or thereabouts were Papists; and the said one thousand were drawn out of the old army there, and in their places there were a thousand Papists put into the said old army by the said Earl.

" That the more to engage and tie the said new army of Papists to himself, and to encourage them, he did provide, That the said new army of Papists were duly paid, &c. but the said old army were, for the space of one whole year and upwards, unpaid.

" That being appointed a Commissioner within eleven several Counties of the northern parts of *England*, for compounding with Recusants for their forfeitures due to his Majesty; and being also receiver of the composition money thereby arising, he did compound with them at low and under rates, and provided, That they should be discharged of all proceedings against them in all his Majesty's Courts, both temporal and ecclesiastical, contrary to the laws and statutes of this realm.

" XIX. That he did of his own authority contrive and frame a new and unlawful oath, by the purport whereof, the party taking the said oath, was to swear that he should not protest against any of his Majesty's royal commands, but submit himself in all due obedience thereto. Which oath he enforced on the subjects of the *Scottish* nation, inhabiting in *Ireland*; and compelled divers of his Majesty's said subjects there, to take the said oath against their wills; and of such as refused to take it, some he grievously fined and imprisoned, and others he destroyed and exiled; namely, he fined *Henry Stewart* and his wife, who refused to take the said oath, five thousand pounds a-piece, and their two daughters and *James Gray*, three thousand pounds a-piece, and imprisoned them for not paying the said fines.

" That he did upon that occasion declare, That the said oath did not only oblige them in point of Allegiance to his Majesty, and acknowledgment of his Supremacy only, but to the ceremonies and government of the Church established, and to be established by his Majesty's royal authority, and said, That the refusers to obey he would prosecute to the blood.

" XX. That he was the chief incendiary of the late war against the *Scottish* nation, by inciting and provoking his Majesty against his subjects of *Scotland*; and had de-

1641. declared and advised his Majesty, that the demands made by the Scots in their Parliament, were a sufficient cause of war against them: That he said, that the nation of the Scots were rebels and traitors; and he being then about to come to England, further said, That if it pleased his Majesty to send him back again, he would root out of the Kingdom of Ireland the Scottish nation both root and branch: That he had caused divers of the ships and goods of the Scots to be stayed, seized, and molested, to the intent to set on the war between the two nations.

"XXI. That at his arrival into England, finding that his Majesty had composed the troubles in the North, and made a pacification with his subjects of Scotland, he laboured by all means to procure his Majesty to break that pacification. And having incited his Majesty to an offensive war against his Scottish subjects, he counselled his Majesty to call a Parliament in England, yet he intended, that if the proceedings of that Parliament should not be such, as would stand with his mischievous designs, he would then procure his Majesty to break the same; and by ways of force and power, to raise monies upon the Subjects of this Kingdom. And for the encouragement of his Majesty to hearken to his advice, he did before his Majesty and his Privy-Council, then sitting in Council, make a large declaration, that he would serve his Majesty in any other way, in case the Parliament should not supply him.

"XXII. That before the beginning of the last Parliament, the said Earl of Strafford went into Ireland, and procured the Parliament of that Kingdom to declare their assistance in a war against the Scots, and gave directions for the raising of an army there, consisting of eight thousand Foot, and one thousand Horse, being for the most part Papists, as aforesaid. And confederating with one Sir George Ratcliff, did together with him traitorously conspire to employ the said army, for the ruin and destruction of the Kingdom of England, and of altering and subverting of the fundamental Laws, and established Government of that Kingdom.

"Shortly after, the said Earl returned into England, and to sundry persons declared his opinion to be, that his Majesty should first try the Parliament here, and if that did not supply him according to his occasions, he might use then his Prerogative as he pleased, to levy what he needed; and that he should be acquitted both of God and Man, if he took some other course to supply himself, though it were against the wills of his Subjects.

"XXIII. That upon the thirteenth day of April last, the Parliament of England met, and the Commons House did enter into debate and consideration of the grievances of this Kingdom; he the said Earl of Strafford, and the Archbishop of Canterbury, did procure his Majesty, by sundry speeches and messages, to urge the said Commons House, to enter into some resolution for his Majesty's Supply, for maintenance of his war against his Subjects of Scotland, before any course taken for the relief of the grievances wherewith this Kingdom was then afflicted; whereupon a demand was then made from his Majesty of twelve Subsidies, for the release of Ship-money only. And while the said Commons were in debate and consideration concerning some Supply, before any resolution by them made, the said Earl of Strafford, with the help and assistance of the said Archbishop, did procure his Majesty to dissolve the said Parliament; and upon the same day, the said Earl did endeavour to incense his Majesty against his Subjects, who had been Members of the said House of Commons, by telling his Majesty, they had denied to supply him; and afterwards upon the same day, did advise his Majesty to this effect, that having tried the affections of his People, he was loathe and absolved from all rules of Government; and that he was to do every thing that power would admit; and that his Majesty had tried all ways, and was refused, and should be acquitted towards God and man; and that he had an army in Ireland, which he might employ to reduce this Kingdom.

"XXIV. That in the same month of May, he declared before others of his Majesty's Privy-Council, That the Parliament of England had forsaken the King, and that in denying to supply the King, they had given him advantage to supply himself by other ways; and that he was not to suffer himself to be maltreated by the forwardness and undutifulness of the People.

"And having so maliciously slandered the said late House of Commons, he did, with the help and advice of the said Archbishop of Canterbury, and the Lord Finch, late Lord-Keeper of the Great-Seal of England, cause to be printed and published in his Majesty's name, a false and scandalous book, full of bitter and malicious

investives, entitled, *His Majesty's Declaration of the* 1641.

Cause that moved him to dissolve the last Parliament.

"XXV. That not long after, he the said Earl of Strafford did advise the King to go on vigorously in levying the Ship-money, and did procure the Sheriffs of several Counties to be sent for, not for levying the Ship-money, divers of which were threatened by him, to be sued in the Star-Chamber.

"And a great loan of one hundred thousand pounds was demanded of the city of London, and the Lord-Mayor, and Sheriffs, and Aldermen of the said city, were often sent for by his advice to the Council-table, and required to certify the names of such inhabitants of the city as were fit to lend; which they with much humility refusing to do, he the said Earl of Strafford did use these and the like Speeches, viz. That they deserved to be put to fine and ransom; and that no good would be done with them, till an example were made of them, and that they were laid by the heels, and some of the Aldermen hanged up.

"XXVI. That the said Earl having brought his Majesty into excessive charge, without any just cause, did counsel and approve the two following dangerous and wicked projects, viz.

"To seize upon the bullion, and the money in the mint: And to imbase his Majesty's coin, with the mixture of brass.

"And accordingly he procured one hundred and thirty thousand pounds, which was then in the mint, and belonging to divers merchants, strangers and others to be seized on, and staid to his Majesty's use. And when divers merchants of London, owners of the said bullion and money, came to his house, to let him understand the great mischief that course would produce here and in other parts; he the said Earl told them, That the city of London dealt undutifully and unthankfully with his Majesty; and that they were more ready to help the Rebels than to help his Majesty; and that if any hurt came to them they may thank themselves; and that it was the course of other Princes to make use of such moneys to serve their occasions.

"And when the Officers of his Majesty's mint came to him, and gave him divers reasons against the imbasing the said money; he told them, That the French King did use to send Commissioners of horse, with commission to search into men's Estates, and to peruse their accounts, that so they may know what to levy of them by force, which they did accordingly levy; and turning to the Lord Cottington then present, said, That this was a point worthy of his Lordship's consideration.

"XXVII. That he was made Lieutenant-general of all his Majesty's forces in the North; and being at York, did, by his own authority, impose a tax on his Majesty's Subjects in the County of York of eight pence per diem, for maintenance of every soldier of the trained-bands of that County; which sums of money he caused to be levied by force. And to compel his Majesty's Subjects out of fear to pay the same; he did declare, that he would commit them that refused the payment thereof; and they that refused it, were in very little better condition than of High-Treason.

"XXVIII. That being Lieutenant-general of his Majesty's army, he did not provide for the defence of the town of Newcastle as he ought to have done, but suffered the same to be lost, that so he might the more incense the English against the Scots.

"And for the same purpose he did write to the Lord Conway, the General of the horse, that he should fight with the Scottish army at the passage over the Tyne, whatsoever should follow; notwithstanding that the said Lord Conway had formerly by Letters informed the said Earl, that his Majesty's army, then under his command, was not of force sufficient to encounter the Scots."

The Parliament of Ireland hearing the Earl of Strafford's Committee was in the Tower, immediately sent a Committee of both Houses to England, to lay before the Parliament Remonstrances concerning the grievances endured by the Irish, under that Lord's administration. But as these Remonstrances contained little but what is mentioned in the twenty eight articles, I do not think it necessary to insert them. Reason for the Parliament of Ireland of Strafford's Committee, Rushworth, p. 220.

This process was not ready to be tried till the 22d of March 1640-1, and lasted till the 12th of April. It would be too tedious to give a particular account of the proofs, depositions of the evidences, answers of the party accused upon each article, and replies of the Commons. To give a general idea of the thing, it will suffice to say in two words, that the impeachment running wholly upon the Earl of Strafford's pretended intention to subvert the fundamental Laws of the Kingdom, the greatest part of the crimes he was accused of, could be accounted High-Treason but on supposition of this same intention. And therefore

1641.

This Speech has a quite contrary effect to the King's intention.
Clarendon, T. I. p. 204.
Rushworth. Vit. 725.

The Lords
pass the Bill
of Attain-
der.
P. 744, 7554
Clarendon,
T. I. p. 201.

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1641. The King was then in the most uneasy situation. He loved the Earl of *Strafford*, and was convinced the Earl had done nothing but what was agreeable to his intentions and his maxims of Government. He might be guilty with regard to the People on many accounts, but certainly he was not so with respect to the King, who had always approved of his conduct. Besides, the King had protested in full Parliament, that he neither could nor would do any thing against his conscience, and that he did not believe in his conscience, the Earl was guilty. On the other hand, if he consented to the Bill of attainder, after such a declaration, he would show that he was reduced to this extremity by the necessity of his affairs, he would not be thanked for it, and for the future would have nothing more to deny his Parliament. But in case he rejected the Bill, he plainly perceived the consequences of his refusal, and that at least he should be accused of denying his People justice, contrary to the advice of both Houses of Parliament.

It is not unlikely that in this extremity some one advised the King to dissolve the Parliament. At last, the Commons imagined he had no other way to free himself from his present embarrassment. And therefore to deprive him of this refuge also, the same day, the 4th of *May*, they ordered the bringing in of a Bill for the continuance of the Parliament, that it might not be dissolved without the consent of both Houses, which Bill was read three times in two days (1), and passed three days after in the Upper-House, with the Bill of attainder of the Earl of *Strafford*. In these two or three days the Commons, as hath been said, vigorously pushed the affair of the Plot, to fill the People with tears, and force the Lords to pass the two Bills.

The Bill of attainder having passed the House of Lords, the King assembled his Privy-Council, and sent for his Lawyers. He laid before them his scruples and reasons for not consenting to the Bill. But *Juxon* Bishop of *London* was the only person that ventured to advise the King, to reject a Bill presented to him by both Houses. All the rest endeavoured to persuade him to satisfy his People, and that the life of any one person ought not to be put in the balance with the safety of the Kingdom. As to his scruples, they told him, he might consult his Bishops, who would give him the properest advice. The King met meeting with the satisfaction he expected from his Council, sent for some Bishops to advise with. It is affirmed, that *William* Archbishop of *York* said to him on this occasion, "That there was a private and a public Conscience; that his public Conscience as a King, might not only dispense with, but oblige him to do that which was against his private Conscience as a man." And therefore in plain terms advised him, "even for confidence sake to pass the Act (2)." But what contributed most to determine him, was a letter from the Earl of *Strafford*, who hearing of the flights the King was in, humbly besought him himself to pass the Bill, to remove him out of the way towards a blessed agreement, which he doubted not God would for ever establish between him and his Subjects. Adding, That his constant would more acquit his Majesty therein to God, than all the world could do besides. "To a willing man there is no injury. At last the King no longer able to withstand the pressing instances of the Parliament and his own counsellors, or rather the fear of the calamities he foresaw would befall both himself and posterity, if he refused to consent to the Bill, signed a Commission to four Lords (3) to pass it in his name (4).

By the same commission he empowered these Lords to give the Royal assent to the Bill for the continuance of the Parliament, which was of much greater importance to him than the Earl of *Strafford's* life, but which however it does not appear that he much regarded, so full was he of the other. This Bill, which was of such consequence to the King, was brought in the 6th of *May*, and in five days passed both Houses, and received the King's approbation, [on the 10th] as if it had been but a trifle.

On the 12th of *May*, the second day after the Royal assent to the Bill of Attainder, the Earl of *Strafford* was executed, and suffered death with great constancy. It was then, and is still at this time a subject of dispute, whether

he deserved to lose his head or not. Those who are for him, say there needs only to examine the articles of accusation, the evidences produced against him, and his answers, to be convinced that he was not guilty of High-Treason. That the conviction of his accusers themselves is a further proof, who perceiving they could not expect from the Lords a sentence according to their wish, used so many extraordinary means, to compass their ends. First, the change of the judicial accusation into a Bill of Attainder. Secondly, the tumultuous concourse of the people. Thirdly, the discovery made to the House of Commons of the pretended conspiracy, precisely at this juncture, though it had been long neglected (5). In the fourth place, the Protestation, the sole design whereof was to terrify the people, and incense them against the King and his party. Lastly, the violence used to the Lords, to extort their consent to the Bill, and which obliged many to absent themselves, to avoid being exposed to the fury of the people. It is pretended, all this shows that the Commons themselves did not believe him guilty, since they used so many artifices to take away his life.

They who are against him, say, It cannot be denied, that the King had formed a design to establish an arbitrary Government, and assumed to himself a power contrary to law. That he had made choice of such Ministers and Counsellors as he thought most proper to serve him in the execution of his design. That from the King's Council had proceeded all the oppressions so long complained of by the People, and consequently the King's Ministers and Counsellors could not be innocent, unless these oppressions, which were as clear as the sun, were denied. That the Earl of *Strafford* was universally known to be the chief of these Ministers, and the person in whom the King most confided, and to hold the first place in the secret Council, called the *Jante*, consisting of four or five persons only, where all the resolutions were taken for the oppression of the Subjects. That he could not be supposed to be against all these resolutions, since his arriving to so high a degree of favour, was entirely owing to his attachment to the King's will. That it was no less evident, that in his three great posts of Privy-Counsellor, President of the *North*, and Lord Deputy of *Ireland*, he had always carried himself agreeably to the King's principles and maxims, though he knew these principles were contrary to the law. That all his endeavours tended to increase the King's revenues, and extend his Prerogative, by all methods, even the most irregular. That in *England*, obedience to the King's orders does not excuse the Ministers in illegal proceedings. That therefore it must either be denied that the King ever did any thing contrary to law, or be confessed, that his Ministers, and especially the chief, were not innocent of these violations. That the stress of the Commons accusation did not lie so much upon each particular article, as upon all together, to show that the Earl of *Strafford* really intended to establish an arbitrary Government. That every article was a proof of this intention, and it was a delusion to represent them as being each singly a separate charge of some particular crime. That this intention, joined to the manner of exercising the power given him by the King, was an unpardonable crime, since it tended to subvert all the Laws, and alter the Constitution. That it was not the same with the intention of subverting the laws, as with the intention of committing any other offence, even Treason itself. That therefore, when committed, may be punished by the Laws: but if the intention of subverting the Laws be not punishable till put in execution, there is no remedy; abolished Laws not being of any use. That upon these grounds, Parliaments had at all times, punished several Ministers for this reason. In short, that an example being necessary to deter Ministers for the future from devoting themselves so entirely to the King's will, to oppress the Subject, there could not be a fitter for that purpose than the Earl of *Strafford*, whose power had made every one tremble, and who besides was the object of the public hatred, the whole nation considering him as the chief author of their miseries.

I shall add here, to finish what relates to the Earl of *Strafford*, that not long after his death, this same Par-

9th Cent.
may be
passed by
the Lords.
Rushworth,
IV. p. 257.
Clarendon,
T. I. p. 204.

Confession
of the King
about the
Bill of At-
tainder.
May 9.
Clarendon,
T. I. p. 204.
Rushworth,
IV. p. 257.
Nelson,
VII. 755.
T. II. p. 191.

Clarendon,
T. I. p. 204.

Letter from
Strafford to
the King.
May 4.
Rushworth,
IV. p. 253.
Nelson,
VII. 743.
T. I. p. 190.

The King
passes the
Bill.
May 4.
Rushworth,
IV. p. 253.
Nelson,
VII. 755.

The Earl of
Strafford is
executed.
Id. IV.
p. 267, 68.
Rushworth
and Nelson
him.

(1) This Bill was brought into the House of Commons, the next Morning after it was proposed, and the same day it was perfected, and passed the House. The full motion for this Bill was made by a *Longford* Knight, who offered to procure the King 600,000 *l.* till the business should be settled, if he would pass such a Bill. *Whitelock*, p. 45. The borrowed means of making such a Law was, That the great Sums of Money which the King were to have, could not suddenly be raised; and that being to be returned for their present residence, London would hardly be found, unless they law a certain way to secure their Money, which the danger of dissolving this Parliament would hazard. *Daydale's View*, p. 70. *Clarendon*, Tom. 1. p. 204.

(2) Bishop *Wickham* gives a different account of this particular. See Part II. p. 195. *Whitelock* was not made Archbishop of *York* till some months after this.

(3) To the Earl of *Arundel*, the Lord Privy Seal, and two other Lords. *Rushworth*, Tom. 4. p. 262. Tom. 8. p. 755. *Nelson* says, that it was to the Lord Privy Seal, the Lord Chamberlain, Lord Steward, or any two of them. Tom. 1. p. 195.

(4) Notwithstanding his Letter to the King, whom his Knightly ten Secretary *Carleton* to the Earl, to acquaint him with what was done, and the Motives of it, the Earl secretly asked the Secretary, Whether his Majesty had passed the Bill or not? As not heaving, without some allowance, that the King would have done it. And being again assured that it was only, he rose from his Chair, & it up his Eyes to Heaven, laid his Hand on his Heart, and said, *Per me regis in Preces, non in Senes of Men, for in them there is no Salvation*. *Whitelock*, p. 46. The same Author adds, it was reported, that in order to bring the King to sign the Bill, he was promised, the Earl's life should be spared.

(5) From the middle of *April*, till *May* 3. See *Clarendon*, Tom. 1. p. 198.

1641. Parliament passed an Act for restoring his children in blood and honour, and for settling his estate upon his heirs (1); and that the Act of Attainder was repealed in the reign of Charles II. I do not believe that ever any English Subject has had so many praises bestowed on him as the Earl of *Strafford*. Several, in speaking of him, have not been able to forbear adding always to his name, some honorable epithet, to show their esteem for him. In a word, he is represented as one of the greatest men, one of the most accomplished Ministers England ever produced. I do not pretend by any means to question his natural or acquired abilities. But I own, when I consider his life and actions, I do not see what can serve for foundation to such exalted encomiums. In the first place, after he was in favour, the King had no quarrel with any foreign State. So, he had no opportunity to display his talents in negotiations and embassies. As to war, he was employed but once, in the late war with *Scotland*, in quality of Lieutenant-general, commanding the army in the absence of the General. On this occasion he may be said, to commit a very great error, in not being ready to oppose the Scots passage of the *Tyne*, and in suffering them to take *Newcastle*, if perhaps it was not designedly done, to engage inevitably the two nations in a war, which certainly can be matter of no great commendation. It must therefore be owned, that his talents were confined to the discharge of his Posts or Employments. As to that I find he was accused of having perjured, and entirely devoted himself to accomplish the King's design of setting up an arbitrary Government. Suppose this were a slander, and he had never any such thought, I do not see, however, that his innocence can be matter of praise to him, any more than to many others who had been in the same posts before him. What then did he perform in the administration of his offices, to deserve the character of an accomplished Minister, and the name of a great Man, which is generally given him? If it is said, that he made use of his great talents to serve the King faithfully, and promote his designs, which doubtless in the sole foundation of the encomiums bestowed on him, it is to be feared, many will not allow that he ought to have served the King in that manner, or that he did him any real service, as the event has shown. The great praises therefore given to the Earl of *Strafford*, must be considered only as a sensible proof of the principles of his panegyrist, who perhaps are very sorry he succeeded no better.

The death of the Earl of *Strafford* was a great, though not the only, mortification to the King. After the Commons had made this trial of their strength, they resolved to complete the reformation of the Government, which till now was but commenced. The King, on his part, endeavoured, though in vain, to cool the great ardour of the Commons, by granting or promising places to such as were most agreeable to them. He had made Sir *Eduard Littleton* Lord-Keeper, in the room of the Lord *Finch*, who was forced to fly. For the same reason, Dr. *Juan Bishop* of *London* resigned his Treasurer's Staff, which was to be given to the Earl of *Belford*. But the Earl died, whilst he was earnestly labouring to procure an agreement between the King and Commons. *Oliver St. John*, a leading man in the House of Commons, had been made Solicitor-general. The Lord *Cottingham* was to surrender the office of Chancellor of the *Exchequer* in favour of Mr. *Pym*, and the place of Master of the *Wards* in favour of the Lord *Say*. The office of Secretary of State exercised by *Windebank*, was designed for *Denzil Holles*. The Earl of *Essex*, the Lord *Kimbolton*, and Mr. *Hampden*, were likewise to have places (2). But the Earl of *Belford*'s death put an end to most of these projects. The King ceased not, however, after the death of the Earl of *Strafford*, to gratify the Commons, by making the Earl of *Essex* Lord Chamberlain, having first removed the Earl of *Pembroke*; for the Earl of *Essex* was a great favorite of the Commons. But all this produced not the great alterations expected by the King. The wound was too deep to be cured by such lenitives.

The general aim of the Parliament was not only to redress past grievances, but also to free the Kingdom from the fear of being exposed hereafter to the like calamities. The King, on the contrary, imagined, that by giving or promising good places to the Leaders of the opposite party, he should stop their mouths, and render them dumb dogs. But they were too wise to fall into the snare. They were very sensible, these places which the King gave or offered to give them, would be always at his disposal, and that when the motive of his giving them should cease, it would be ever in his power to turn them out. Besides, many of them were too conscientious to sacrifice the good of their Country to their private interest. This disposition of the Leaders manifestly appeared, in that the King's

favours were not able to cause them to relinquish their project, so great was their distrust of him. They could not believe that a Prince, who had so openly discovered an intention to establish an arbitrary Government, had suddenly changed his principles and maxims. Nay, what he did in their favour, convinced them of the necessity of firmly adhering to their project, perceiving his aim was to divide them.

This project consisted, as I said, first, in redressing all the grievances: Secondly, in taking measures to prevent the King from returning to his former course. This they laboured with great diligence, after the Earl of *Strafford*'s death. Hitherto, they had only prepared matters by votes, which plainly showed their design, and by the Protestation subscribed by both Houses. But they expected to meet in the House of Peers, with obstacles so much the greater, as the King had there a strong party.

The House of Peers consisted of one hundred and twenty Lords, the two Archbishops, and twenty four Bishops. Among the first, the two Princes *Charles* and *James*, the Duke of *Buckingham*, and seven or eight others, were yet minors; and there were some, whose age, or infirmities, or affairs, hindered them from being present in this Parliament. The Archbishop of *Canterbury*, the Lord *Finch*, the Earl of *Strafford*, were no longer there at the time I am speaking of: so that the Bishops would have made a fifth part of the House, had it been complete. But as, according to the Lord *Clarendon*, there were not above four-score Peers at the Earl of *Strafford*'s trial, a third part may be reckoned absent; and as, on the other hand, there were vacant Sees, the Bishops and popish Lords may, without a very wrong calculation, be counted about a quarter part of the Upper-house. As they were all devoted to the King, it is easy to perceive, they rendered the King's party very powerful among the Lords. Accordingly, this was the reason which obliged the Commons to use their utmost endeavours to take away their votes in Parliament. Most of them had now made themselves odious, by promoting the King's designs with all their power, and persecuting the Puritans, and they still continued to obstruct the design of redressing the grievances, by the number of their voices in the House of Peers.

This was the reason made use of by the leading Presbyterians, who had more secret and extensive designs, to induce such Members of the Church of *England* as were against the King, to sacrifice the Bishops privilege of sitting in Parliament. They intimated to them, that whilst the King had so many votes in the Upper-house, it would be almost impossible effectually to labour the redress of grievances. That after all, to deprive the Bishops of this privilege, would, instead of being detrimental, be rather advantageous to Religion, since they would thereby be more attached to their spiritual functions. That it would be no less beneficial to the State, since the King would be deprived of a means he had always used with success, to break the Parliament's measures.

The opposite party to the King in the Parliament, consisted indeed of Puritans, but there were two sorts, as I observed. Some were true Presbyterians. Others were State-Puritans, that is, persons whom the Court had always considered as Puritans; not that they were enemies to the Church of *England*, but because their maxims concerning civil Government were thought to be founded upon Puritan principles. These two sorts of Puritans had been equally oppressed the first fifteen years of this reign, as well by the Court as by the Clergy, so that the Hierarchy was become very odious to the one, and very suspicious to the other. The true Presbyterians earnestly desired the utter extirpation of Episcopacy. The other Puritans were extremely incensed against the Bishops and the rest of the Clergy, who had always supported and countenanced the King's designs. Wherefore they were easily persuaded, that it would be a great service to the State, to clip the wings of the Clergy, to the end they might be less useful to the King. Besides, though Church of *England* men, they were not of the opinion of those who believed that Religion could not subsist without Bishops, and that Episcopacy was so closely united with the Monarchy, that the one could not be abolished without the destruction of the other. So far was the Hierarchy from giving them any uneasiness, that they would have been very glad to preserve it, provided the Clergy could have been confined to their spiritual functions. But they were grieved to see the Clergy invested with a secular power, which they abused. It must be further added, that being thus disposed, they saw the Presbyterians, who were numerous in the Kingdom, and supported by the *Scots*, strenuously insist upon taking away the Bishops votes in the House of Lords. It was dangerous to displease them, for a very strong reason. For

(1) The Bill was brought in June the 22th this year. *Reliance*, Tom. 4. p. 284.

(2) The Earl of *Essex* was to be Governor, and Mr. *Hampden* Tutor to the Prince of *Wales*. And the Lord *Kimbolton* Privy-Seal. *Hyde's* Hist. p. 326.

Clarendon, Tom. 1. p. 200.

1641. though the Presbyterians affected to speak of the State only, it was well known, that Religion was the principal thing they had in view, and that their transactions concerning the civil Government, tended only to disable the King from oppressing them; if he remained too powerful. Had the King therefore tried to gain the Presbyterians, by offering them reasonable terms, they might have accepted them, and relinquished the design of reforming the civil Government, and then the State-Puritans would have been at the King's mercy. Union between the Puritans was therefore absolutely necessary. For, it was no less dangerous for the Presbyterians, than the King should content the State-Puritans, in which case they would have infallibly abandoned the Presbyterians.

Both these parties therefore stood in great need of each other, and it was their interest to support one another, for fear the King should take advantage of their division. But he could never resolve either to grant any terms to the Presbyterian party, or to satisfy the Politicians. He therefore formed, himself, to stick an union between these two parties, that they became one and the same. The Politicians chose rather, out of condescension to the Presbyterians, to sacrifice the Bishops' privilege, than be exposed to the danger of seeing themselves again subject to an arbitrary Government.

According to these dispositions, and the consequent resolutions, the House of Commons equally laboured the redress of grievances, and the execution of the design against the Bishops. Thus the affairs of Church and State went hand in hand, so that scarce a day passed, but the Commons gave the King some mortification, one while by passing Bills or Votes against the King's former proceedings, another while by prosecuting the authors of the grievances or innovations; sometimes by exclaiming against the forementioned conspiracy, and sometimes by increasing the yoke of the Papists.

All this tended to the end proposed by the opposite party to the King. It was supposed as a thing publicly known, that there had been a settled design to introduce Popery, and that some of the Bishops were concerned in the plot. Thus, by accusing the Papists of having ill designs, and by rigorously prosecuting them, this accusation was made, in some measure, to reflect on the Bishops and Clergy. It was pretended, that the innovations introduced into the divine service, were a consequence of this design, and for that reason, by condemning them, the Clergy, who had countenanced them, were rendered odious to the People. The accusations against particular persons, who had been most zealous to support these innovations, produced also the same effect. In short, nothing was omitted that could contribute to show the people the necessity of reforming the Government to its natural state, and convince them, that the Ecclesiastical Hierarchy was more prejudicial than necessary to the Church and State. With these two things the Commons were taken up for the space of three months, from the death of the Earl of *Stratford*, to the King's journey to *Scotland*.

First, with respect to the State, in this interval it was, that Bills were brought in to abolish the Star-Chamber and Court of *Wick*, to regulate the Council-table, to abolish Ship-money, and prevent vexatious proceedings concerning Knight-hood, against illegal imprisonments, and for ascertaining the bounds and limits of Forests. Each Judge in particular was accused. The tax imposed by the King on the Shires, for the wages of the Muter-master, was declared contrary to Law. The conspiracy to seduce the army was likewise examined, and *Wilmot*, *Abbott*, *Ham*, and *Pellars*, were expelled the House, and committed to prison. All the Patents for monopolies, of which most were suppressed, were brought before the House. It was also examined, by what means a certain clause had been inserted in the Petition of Right, concerning Tonnage and Poundage, and care was taken to register a declaration on that head, to hinder posterity from being deceived by that superstitious clause. I pass over in silence several votes flowing from all these articles, or which concerned particular persons.

As to Religion, besides what was done with respect to the Papists, and of which I have already spoken, the Commons declared illegal the oath by which Ministers were bound to maintain the Hierarchy in the Church. A Bill was brought in against Pluralities. The Canons made by the late Convocation were condemned. A Bill was passed to abolish the High-Commission. The suppression of Deans and Chapters was voted. *Matthew Wren* Bishop of *Ely*

was impeached. The Protestation was ordered to be subscribed by the whole Nation. An accusation was brought to the Lords against thirteen Bishops, who had assented at the Convocation.

I have but just mentioned these Articles, because a particular account of each seemed to me needless. I shall only add, that there was some difference between the two Houses concerning the Protestation. The Lords would have left every man at liberty to sign it: but did not think proper to use compulsion. The Commons, on the contrary, looked upon the Protestation as a *Shibboleth*, to distinguish the *Ephraimites* (1), and at last the Lords agreed to what the Commons desired.

One of the articles of the Protestation occasioning some disputes, the Commons explained more fully that Article, which was thus worded: *I swear to defend the true reformed Protestant Religion, expressed in the Doctrine of the Church of England, against all Popery and Popish innovations within this Realm, contrary to the same Doctrine*. Some persons insisting upon the first part of this clause, pretended, that there was no other Doctrine of the Church of England than what is contained in the thirty nine Articles drawn up in the Reign of *Elizabeth*, of which one is to preserve the Government of the Church by *Archbishops, Bishops, Deans*, &c. Hence they inferred, that those who should take the Protestation were bound to maintain Episcopacy. But the Commons considering the whole clause as expressed in the Protestation, declared, "That by these words was, and is meant, only the publick Doctrine professed in the said Church, to far as it is opposite to Popery and Popish innovations; and that the said words are not to be extended to the maintaining of any form of worship, discipline or government, not of any rites or ceremonies of the said Church of England." This clearly showed what was their intention with regard to the Hierarchy.

There was also another dispute between the two Houses, concerning the Star-Chamber. The Lords were willing to agree, it should be reformed, but refused to consent to its abolition. Mean while, the Commons vigorously supporting the Bill, they had sent up to the Peers, it passed at last, and the King gave his assent the 5th of July.

In this same interval, I mean, from the death of the Earl of *Stratford*, to the King's journey to *Scotland*, there were some other transactions which it is necessary to mention.

The Customs, who had collected the duties imposed on Merchandises by the King's sole authority without consent of Parliament, finding they were like to be attacked, offered of their own accord one hundred and fifty thousand pounds for an Act of oblivion, and their offer was accepted (2).

The Lord *Digby*, son of the Earl of *Bristol*, and Member of the House of Commons, was called by Writ to the House of Lords the 10th of June (3). In the beginning of this Parliament, he had distinguished himself by his zeal for the redress of grievances: but his Speech against the Bill of Attainder of the Earl of *Stratford*, made him forfeit the good will of the Commons. Whether he was already gained by the King, or on this occasion first joined his party, his Majesty thought proper to screen him from the resentment of the Commons, by calling him to the House of Peers. He will hereafter appear the King's chief Minister and Counsellor, great enemy to the Commons, as they on their part never forgave his defection.

The Irish army ought to have been long since disbanded, as there was no occasion to keep it on foot, and the Commons had frequently desired it of the King. Nevertheless, this army furnished the last, though the Commons had taken care for their payment. When they came to be disbanded, the King acquainted both Houses, that the *Spaniards* having desired to take this army into his service, and intimated the same by his Ambassador, he had promised to send him four thousand men. The Lords made no scruple to agree to the King's engagement. But the Commons, ever full of fears and suspicions, thought not proper, that the King should keep these troops in the Kingdom of *Spain's* name, who would make them serve in the Low Countries, from whence the King might draw them whenever he pleased. Besides, the French Ambassador had desired the rest of the army for his Matter, to which the King had also consented. They thought it was an artifice of the King's, to keep this Popish army which was devoted to him, and on which he could much better rely than on that of England. Wherefore they prayed the King

The Commons labour to rectify the Bishops and redress Grievances.

Rushworth, IV. p. 257, 258, 259.

Nelson, T. II. p. 355.

Proceedings of the Commons as to Religion. Rushworth, IV. p. 278, 279, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

(1) They declared, That whosoever should not take the Protestation, was unfit to bear Office in Church or Commonwealth; and ordered this Vote to be printed, and sent down to every County, City, and Borough. *Rushworth*, Tom. 4. p. 357.

(2) This Petition was delivered to the House by the great Farmers of Tonnage and Poundage, namely, *Sir Paul Pinder*, *Sir Abraham Drury*, *Sir John Popham*, and *Sir John Yare*. The petty Customs had the liberty likewise to come in upon Compulsion, and then have the benefit of the Act of Oblivion. *Nelson*, Tom. II. p. 346.

(3) The King called the Lord *Digby* to the House of Lords, at the time the Commons expelled him their House. His Writ was dated the 9th, and he was voted out of the House the 10th. Upon his coming to the House of Lords, he was added to all the Reading-Committees. *Nelson*, Tom. II. p. 275.

1641. to call in his word. They had on this occasion several conferences with the Lords, where they alleged sundry reasons to support their opinion, without expressing the true one: but it was easily perceived. The King was much displeased with the Commons opposition, whether he thought himself bound in honour to keep his promise, or really intended to preserve this army, by lending it to the Kings of France and Spain, in order to use it himself in case of necessity. What gives cause to suspect he had formed such a project is, that it does not appear the Kings of France and Spain had then any great occasion for these troops. Be this as it will, the King, without regarding the Commons opposition, shewed that his intention was to perform his promise, and this affair was not yet ended when the King departed for Scotland. Some time after, he sent a message to the Lords dated from Edinburgh, wherein he appeared resolved to stand to his engagement, let what would be the consequence. But the two Houses found means to render his resolution ineffectual, by publishing an Ordinance, declaring, that whoever should assist in transporting these Irish troops into any foreign Country, should be deemed an enemy to the State. This Ordinance broke all the King's measures, not one owner of ships being willing to hazard inevitable ruin for his sake.

The King
will find
his words
Nelson,
T.H. p. 477.
Rushworth,
IV. p. 384.

Ordinance
against trans-
porting Irish
troops into for-
eign Parts.
Sims, p.
Nelson,
T.H. p. 477.
— 478.

The King
refuses to
grant every
thing to the
Scotts.

His Reasons
for so doing.

Rushworth,
IV. p. 364.

The King
promises to
go into
Scotland.

The Commons
are jealous of
his Journey.

They move
to King the
King's Journey,
Rushworth,
IV. p. 361.
Nelson,
T.H. p. 320.
Dum.,
C. 129.

Rushworth,
IV. p. 375.
Nelson,
T.H. p. 430.
— 439.

desired a farther delay of a fortnight, alleging still the People's jealousies. But the Lords refused to concur with them, and the King departed the 10th of August, as had been agreed (3).

The Commons distrust of the King still subsisting, they desired the concurrence of the Peers, that a Committee of Lords and Commons might be sent to the Parliament of Scotland to remain there, and inform them from time to time of their proceedings, to which the Lords consented. The persons named to go Commissioners into Scotland, were the Earl of Bedford, the Lord Howard of Effrick, Nathaniel Fiennes, Sir William Annes, Sir Philip Stapleton, and John Hampden, and a draught of a Commission was sent by an express to the King to sign. But the King refused it, because he saw no necessity for such a Commission. He contented however, that the Committee should come and attend him in Scotland, to see the ratification of the Treaty. As the Committee were properly designed only for spies upon the King's actions, both Houses thought fit to send them into Scotland, on some other pretence. But the Earl of Bedford did not go on this service.

1641.
The King
sets out for
Scotland.
The Parlia-
ment sends a
Committee
into Scotland
to inform the
Peers.
T.H. p. 471.
— 472.
Rushworth,
IV. p. 372.
Nelson,
T.H. p. 220.
— 225.
Rushworth,
IV. p. 374.

Peter again-
st the Attorney-
General,
IV. p. 377.
Nelson,
T.H. p. 488.

Some days after, the House of Commons came to several resolutions, against the monopoly of soap, which was declared illegal. Moreover they voted, that the sentence in the Star-Chamber against certain soap-boilers of London, should be reversed, and the Judges of that Court, who had given their votes in the sentence, should pay the parties costs and damages. It was ordered also, that inquiry should be made what Members of the Privy-Council had given their consent to the illegal orders made at the Council-table, about the soap-monopoly.

As the Commons had undertaken to redress all grievances, that of the city of London, concerning the Plantation of Lenderrary was likewise considered, whilst the King was in Scotland. The House passed several votes upon this Subject, and declaring illegal all the proceedings of the Star-Chamber, reversed the sentence against the City of London, as unjust and given by incompetent Judges. They declared, that when the King should be pleased to repay to the city the money he had received, the Patent thereupon granted should be cancelled or surrendered.

Peter against
the plantation
of Lenderrary,
Aug. 26.
Nelson,
T.H. p. 461.
Rushworth,
IV. p. 379.

After that, both Houses resolved to adjourn from the 9th of September, to the 20th of October, that the Members might go to their homes, from whence they had been absent ten months. As soon as this resolution was taken, a great number of both Houses retired into the country, to gain a little more time to repose themselves, so that there remained but twenty-two Lords in the Upper, and a hundred and fifteen Members in the Lower-House. Then some one, who was doubtless Presbyterian, willing to improve for favourable an opportunity, moved, that it was necessary to make some alterations in the Common-Prayer-Book. This motion occasioned a very warm debate. Mr. Hyde, afterwards Earl of Clarendon, strenuously defended the Liturgy, so that, contrary to the expectation of the person who had raised the debate, nothing was resolved.

Refusal of
both Houses
to adjourn
for more
time.
Rushworth,
IV. p. 385.
Nelson,
T.H. p. 469.

Debate about
the Liturgy.
Rushworth,
IV. p. 385.
Nelson,
T.H. p. 487.

But some days after, the affair of Innovation in the Church was debated, and the House passed several votes, declaring, that certain innovations ought to be abolished. At the same time, the Lords seeing, that in the Lower-House, the authenticity of the Common-Prayer-Book was questioned, voted, that it should be observed as before in all the Churches, without any omission or alteration. This begot a conference between both Houses, wherein the Commons desired the Lords to consent to the following Declaration, and join with them in the publication thereof.

Peter against
Innovation,
Rushworth,
IV. p. 385.
Nelson,
T.H. p. 488.

Declaration of September 8. 1641.

W Hereas divers innovations, in or about the worship of God, have been lately practised in this Kingdom, by enjoining new things, and prohibiting others, without warrant of Law, to the great grievance and discontent of his Majesty's Subjects. For the suppression of such innovations, and for preservation of the public peace, it is this day ordered by the Commons in Parliament assembled, that the churchwardens of every parish-church and chapel respectively, do forthwith remove the Communion-table from the east-end of the church, chapel, or chancel, into some other convenient place, and that they take away the rails, and level the chancel, as heretofore they were before the late innovations.

(1) There were four Reasons delivered to Mr. H. to move the King to stay his Journey into Scotland. The third of which is that referred to here by our Author, namely, *The Differences and Jealousies of the Kingdom are such, that they cannot be composed by parties from either, with his Majesty's stay the longer time.* Which words are one term to imply for much as our Author explains. *Rushworth, T.H. IV. p. 384.*—It is likely, that the Commons intended, that the King might be desired to appoint a *Cypher regis*, because many convenient occasions might happen in Parliament, where use would be made of the King's Authority. *Idem, p. 360.*

(2) They were both dissolved together, *August 6. Whitlock, p. 47.* The coming of the Scots into England, cost the Nation 1100,000 L. before the battle. *Rushworth, T.H. IV. p. 360.*

(3) And came to Scotland, *Aug. 14. Gentry's Memo. p. 82.* Before his departure he passed several Bills, particularly one for the Judges, to hold the s. places during life, which was before during pleasure. *Idem, ibid.*

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That all crucifixes, scandalous pictures of any one or more persons of the Trinity, and all images of the Virgin Mary, shall be taken away and abolished; and that all taper, candlesticks, and basins, be removed from the Communion-table.

That all corporal bowing at the name (Jesus) towards the east-end of the Church, Chapel, or Chancel, or towards the Communion-table, be henceforth forbidden.

That the orders aforesaid be observed in all the several Cathedral Churches of this Kingdom, and all the Collegiate Churches or Chapels in the two Universities, or any other part of the Kingdom; and in the Temple-Church, and the Chapels of the other Inns of Court, by the Deans of the said Cathedral Churches, by the Vice-Chancellor of the said Universities, and by the Heads and Governors of the several Colleges and Halls aforesaid, and by the Benchers and Readers in the said Inns of Court respectively.

That the Lord's-day shall be duly observed and sanctified: All dancing, or other sports, either before or after divine service, be forbidden and restrained; and that the preaching of God's word be permitted in the afternoon, in the several Churches and Chapels of this Kingdom, and that Ministers and Preachers be encouraged thereunto.

That in case these orders be not observed, complaints thereof shall be delivered in Parliament before the 30th of October next.

The Lords renew their Order of the visit of Jezebel, concerning Divine Service. Rushworth, IV. p. 387.

The Commons refuse their concurrence. Ibid.

Declaration of the Commons without the Lords Concurrence. September 9.

Remarks on these Differences.

The Lords regarded not the desire of the Commons. But on the morrow, September the 9th, the day appointed for the adjournment, they communicated to the Commons, in a conference, an order dated January the 16th, 1640-1, enjoining that divine service should be performed without any alteration, as appointed by Acts of Parliament, and a confirmation of the same order, pursuant to a resolution taken on the present 9th of September, desiring the Commons to concur with them in the publishing thereof.

The Commons absolutely refused to join in the publication of this order, thinking it unreasonable at such a juncture, to press the rigorous observance of the Laws concerning divine service, when a great part of the People called for a reformation. Besides, they knew, this last order, which confirmed that of the 16th of January, was made when there were but twenty Lords in the House, and by a majority of two voices only, eleven against nine. Then they drew up a declaration, inserting that of the day before, to which the Lords had returned no answer, with the order of the Peers of the 16th of January, and the confirmation of the same order of the 9th of September, with the refusal of the Commons to concur with them, and ordered, that their declaration should be printed and published.

I imagine it will not be amiss to remark, concerning this difference between the two Houses, first, that passion reigned on both sides, since the time of making these two motions was by no means convenient, there not being above the fifth part of the Members present in each House.

Secondly, That there was a great difference in the two points in question, with respect to their importance. One concerned the preservation of the public worship, and book of Common-Prayer, appointed by the laws since the Reformation, but wherein, however, many people ardently wished great alterations might be made; nay, desired they might be entirely suppressed, whilst the rest of the nation believed them absolutely necessary. This was a thing of high consequence, that, it seems, nothing ought to have been decided for or against it, but upon mature deliberation, and when both Houses had their usual number of Members. For this reason, if the motion for making alterations in the Liturgy had been approved in the Lower-house, doubtless the Lords would have justly opposed it, and refused their concurrence. But on the other hand, as the Commons had taken no resolution, there does not seem to have been any necessity for the Lords to renew their order of the 16th of January, which remained in force, and wanted not this confirmation: Nay, it appeared that this order was renewed only out of spleen, because the Commons had made a declaration against innovations. Had the Lords been satisfied with refusing their consent to the Commons declaration of the 8th of September, there would have been nothing to object. But in refusing to return any answer to the Commons, and renewing withal their order of the 16th of January, they discovered that they acted out of spleen and revenge, and it was not doubted, but the Bishops were the chief authors of the renewal of this order.

The second point, which concerned the innovations, was not of the same importance. The question was only to know, whether they were really innovations, and if so, whether illegal or dangerous to Religion. But this was a thing not to be debated in such a juncture, when both Houses were going to be adjourned, and most of the Members already returned into the Country. So the Lords might have refused their consent to the votes of the Commons,

though it had been only on pretence of the thinness of both Houses. But in returning no answer to the Commons, they shewed in some measure that they approved of these innovations, which had so long been an occasion of complaints and murmurs in the Kingdom.

The same day, before the adjournment, the Commons appointed a Committee of forty three (1), to take care, during the recess, of the most weighty and urgent affairs. The Lords appointed a Committee also, consisting but of seven Peers, which done, both Houses adjourned to the 20th of October.

During the recess, the Committee, which had followed the King into Scotland, sent word to the Committee of the House of Commons, that there was a fort of conspiracy in Scotland, and that the aim of the parties concerned, seemed to be, to interrupt the proceedings of the Parliament of that Kingdom, and to destroy the Marquis of Hamilton, the Earl of Argyll, and the Earl of Lanrick. As the Committee received this notice but two days before the meeting of the Parliament, they only ordered the Lord-Mayor of London to place convenient guards in several places of the City, fearing that the conspirators of Scotland might have correspondents in England, to disturb at the same time the peace of the Kingdom.

The Parliament being met the 20th of October, Mr. Pym made a report to the House, of what the Committee had done during the recess. Whereupon the Commons desired a conference with the Lords, where they represented to them:

“1. That a letter from the Committee in Scotland, gave ground to think, that when there was a design in England, to seduce the King's army, and interrupt the Parliament, that there was the like design at that time in Scotland.

“2. That the principal party named in that design in Scotland, the Lord Crawford, is a person suspected to be popishly affected; and therefore may have correspondence with the like party in England.

“3. That it has been lately published in England, that some things were to be done in Scotland before it broke out there. Therefore we may suspect some correspondence here.”

Upon these grounds the Commons propounded to the Lords, that a strong guard should be kept in the Cities of London and Westminster, and care taken for the defence of the whole Kingdom, and that an express messenger be sent to the Committee of both Houses in Scotland, to acquaint them, that the Parliament of England was ready to give the Scots all necessary assistance against those who should disturb the peace.

The Lords approving of these proposals, instructions were sent to the Committee agreeable to the Commons desires.

The same day, the 20th of October, both Houses desired the Earl of Essex, whom the King had made General on the South of the Trent, to place a guard at Westminster, for the security of the Parliament, which was accordingly done. This Scottish conspiracy made a great noise at that time: but it was not possible to discover it fully. See what T. I. p. 422. Mr. Burnet says of it, in his *Memoirs of the Duke of Ha-*

“A Gentleman, not known to the Marquis of Hamilton, brought him and the Earl of Argyll, the discovery of a Plot; which, he said, was laid for their lives, and the Earl of Lanrick's, which he said he could justify by one witness who was invited to the execution of it: He told also a long formal story of the persons to be actors, of the time, place, and manner; And said it was to be executed that very night. This the Marquis carried to the King, without naming particulars; which could not be done safely by the law of Scotland, since he had but one witness to prove them by. The King desired him to examine the thing to the bottom, and bring him what further evidence he could find: In the evening other presumptions were brought to the Marquis, but no clear evidence: However, the matter was got abroad, and in every body's mouth, so that all who depended on these Lords, came about them in great numbers: And those on whom the design was fastened, gave out, it was a forgery to make them odious, and gathered also together. The Marquis hearing this did not stir out of doors, lest some of their too officious followers should raise tumults; and next day in the evening, he, with the Earl of Argyll, and his Brother the Earl of Lanrick, and half a dozen Servants went out of town to his house of Knael, twelve miles from Edinburgh, and sent his excuse to his Majesty, with an account of the reasons. Upon this many discourses went about, people of all sides passing construction as they were affected: But the Parliament took the whole mat-

1641. "ter into consideration. Those who had given the information, owned what they had said, and those on whom the Plot was fixed, did as positively deny all; so that no clear proof being brought, the Parliament could come to no other decision, but that the Lords had good reason to withdraw themselves; and so they were invited to return to their place in Parliament (1)."

Remark on this Complaint.
Clermont,
T. II. p. 316.

There is however in the Lord Clarendon's History a particular, which may give some light to this affair. The Earl of *Montrose* told the King, that the Marquis of *Hamilton* was false to him, and even offered to rid him of this secret enemy; but the King abhorred the expedient. Perhaps the Earl of *Montrose* thought he should do the King a pleasure in having the Marquis assassinated, and mentioning it to some person, the secret was divulged. However this be, the Commons of *England*, it seems, were extremely jealous of the King, or at least they did their utmost to inspire the people with distrust. For their fear was grounded but upon very slight presumptions, and a bare possibility, that this pretended plot against three *Scotch* Lords, could have any influence in *England*.

Complaint to the Commons concerning the New-Order of the Disturbances.
Rothworth, IV. p. 393.
Droit, Occur.

The next day, a complaint was made to the Commons against some persons for not obeying the Declaration of the ninth of *September*, published by order of the House. As this affair was debated with great warmth, Sir *Edward Dering* made a Speech, which I think proper to insert, to shew that it was not without ground that the Commons were accused of exceeding their power, in publishing their Declaration, without obtaining the concurrence of the Lords.

Mr. Speaker,

Sir Edward Dering's Speech.
Rothworth, IV. p. 393.
Nailon, T. II. p. 610.

"IT is very true (as is instanced unto you) that your late order and declaration of the 8th and 9th of *September*, are much debated and disputed abroad; perhaps it may be a good occasion for us to re-dispute them here. The intent of your order to me seems doubtful, and therefore I am bold, for my own instruction, to propound two queries.

"1. How far an order of this House is binding?
"2. Whether this particular order be continuant, or expired?"

"Your orders (I am out of doubt) are powerful, if they be grounded upon the Laws of the Land: Upon that warrant we may, by an order, enforce any thing that is undoubtedly so grounded, and by the same rule we may abrogate whatsoever is introduced contrary to the undoubted foundation of our laws. But, Sir, this order is of another nature, another temper, especially in one part of it, of which (in particular) at some other time.

"Sir, There want not some abroad, men of birth, quality and fortune, such as know the strength of our Votes here as well as some of us, (I speak my own infirmities) men of the best worth, and of good assistance in us, and no way obnoxious to us: They know they sent us hither as their trustees, to make and unmake Laws; they know they did not send us hither to rule and govern them by arbitrary, revokable, and disputable orders, especially in Religion. No time is fit for that, and this time as unfit as any: I desire to be instructed herein.

"Mr. Speaker, in the second place there is a question, whether this order (whereupon the present complaint is grounded) be permanent and binding, or else expired, and by our selves deferred? I observe, that the order being made the 8th of *September*, in hope then of concurrence therein by the Lords; that failing, you did issue forth your last resolution by way of declaration, wherein thus you express your self; That it may well be hoped, when both Houses shall meet again, that the good propositions and preparations in the House of Commons, for preventing the like grievances, and reforming the disorders and abuses in matters of Religion, may be brought to perfection; wherefore you do expect that the Commons of this realm do in the mean time (what, obey and perform your order made the day before? No such thing, but in the mean time) quietly attend the reformation intended.

"These are your words, and this my doubt upon them, whether by these words you have not superseded your own order? Sure I am, the words do bear this sense, and good men may think and hope it was your meaning.

"My humble motion therefore is this, I beseech you to declare, that upon this our reconvention, your order of the 8th of *September* is out of date: and that the Commons of *England* must (as you say) quietly attend

"the reformation intended; which certainly is intended to be perfected up into Acts of Parliament. And in the mean time, that they must patiently endure the present Laws, until you can make new, or mend the old."

The 23d of *October*, the Bill for disabling persons in Holy Orders to exercise temporal jurisdiction was again debated, and several Speeches made *pro* and *con*. At last, it was resolved to prosecute the Bishops who had assisted at the late Convocation, and to push the Bill for excluding the Bishops from their Votes in Parliament. To that end, the House desired a conference with the Lords, where Mr. *Pym* and Mr. *St. John* explained the demands of the Commons, with the reasons to support them. Mr. *Pym* spoke first in this manner:

My Lords,

"THE Parliament, the fountain of justice, ought to be preserved pure from corruption and free from partiality, which will add not only lustre, reputation and honour, but authority to what is due in Parliament: All mens estates and liberties are preferred under the safe-custody of Parliament; this moveth us to be careful of any thing that may prejudice the Parliament in point of freedom and integrity.

"Therefore, the Knights, Citizens, and Burgesses of the House of Commons have commanded me, with my colleague, to represent unto your Lordships two propositions, which they hold of very great importance and necessity to be put in execution at this time.

"First, that those thirteen Bishops which stand accused before your Lordships, for making the late book of Canons, and putting them in execution, may be excluded from their votes in Parliament.

"Secondly, that all the Bishops may be excluded from having any vote in that act, come from the House of Commons to your Lordships, entitled, *An Act to take away the Bishops votes in Parliament*, &c.

"That which concerneth the thirteen Bishops falleth to my charge to open, as I am commanded to tell you your Lordships, that it standeth not with honour and with justice, that these Bishops should have votes, standing thus charged with the breach of trust, and of the highest trust, against the prerogative of the King, against the privilege of the Parliament, against the property of the Subject, and against the peace of the Kingdom; these are the jewels that are depoled under the trust and safeguard of Parliament, and all these have been broken; and this appeareth by the making of the new Canons voted by your Lordships to be against all these trusts.

"That these persons have been parties to the breach of this trust, that will appear by the journals of the Convocation, which are now in the country, and may be sent for; the entry of the Book is, that all the thirteen Bishops were parties, and did confirm and subscribe these Canons; therefore it is hoped by these Canons, that those that have assumed to themselves a legislative power, whereby they have, as much as in them lies, rooted out the foundation of Parliament, that they should have no interest in the legislative Power at all in Parliament.

"Next, that those that have deprived the Subjects of those good Laws that are already made for them, that they should have no interest or part of making future Laws for the Subject; this they conceive standeth with a great deal of equity and justice, which is one reason to desire they should be excluded from their votes in Parliament.

"Next is, the heinousness of their offence. It is very fit they should be innocent men, and faithful men, that should have the exercise of so great a thing as it is; much less then should they be Delinquents of so high a nature, actors in the subverting of the Laws of the realm, that they should continue their votes and places in Parliament: And that their delinquency may the better appear, you are desired to read the votes passed in the House of Commons, (*Nulle Contradictio*) and with which the Lords have concurred and agreed."

Then the votes concerning the making of the said Canons, were read by Mr. *Godwin*.

And then Mr. *Sollicitor St. John* proceeded to this effect: "That he was in the next place to present some reasons and precedents concerning the Bishops not having their votes touching the Bill, entitled, *An Act to take away the Bishops votes in Parliament*, &c.

"1. Because they have no such inherent right and liberty of being there, as the Lords temporal, and Peers of the realm have; for they are not there representative of any body else; No, not of the Clergy; for if so,

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The Commons carry on the Bill against the Bishops.
Rothworth, IV. p. 394.

T. II. p. 596.

Nailon, T. II. p. 610.

(1) Bishop *Gauzy* says, That this was but a pretended Plot; and that the design of the Earls of *Argyle*, *Hamilton*, and *Lowrie*, was only to make a pretence of a conspiracy, pretending, that, upon their removal, the Parliament should presently have broken up, which therefore the King took care to prevent. *Account*, p. 46.

1641. " then the Clergy were twice represented by them, viz. in the Lords-House, and in the Convocation: For their writ of election is to send two Clerks, *Ad Consecrationem*, &c. Besides, none are there representative of others, but those that have their suffrages from others; and therefore only the Clerks in the Convocation do represent them.

" 2. They have not the inherent right of Peerage as the Lords have, because in some things they cannot do that there, which the Lords may do in case of Treason and matter of Blood. Upon trial of any Peer they have no liberty of vote, which could not be taken away by any Canon, if their right of voting there were inherent.

" If they were representative of the Clergy, as a third Estate and degree, no Act of Parliament could be good, if they did wholly dissent; and yet they have dissented and the Law good and in force, as in the Act for establishing the Book of Common-Prayer in Queen Elizabeth's time; they did dissent from the confirming of that Law, which could not have been good, if they had been a third estate and dissented.

" 4. The King may hold his Parliament without calling the Bishops at all to it, as hath been adjudged by all the Judges of England, 7 Henry VIII, occasioned by the Convocation's citing one Dr. Standish, for speaking of words against their power and privilege, as they conceived: In that case all the Judges of England, in the presence of the King, declared, That the King might hold his Parliament without calling them at all.

" So 5. Edward I, in respect the Prelacy would not agree with the rest of the Kingdom, in granting a reasonable and necessary aid and supply, they were excluded in the Parliament at Carlisle: And before that Parliament, an Act passed against several oppressions of the Abbots, Priors, and Bishops, upon the inferior Clergy of the Kingdom, by purveyance, and setting of high prices, &c. to be collected; and six or seven Acts more, all to this purpose, concerning the carriage of the Prelates to the inferior Clergy; so that when themselves were concerned, they were excluded their votes.

" In all these records of the matter concerning the Clergy, the entry is, That the King, *habito tractatu*, &c. with the Earls, the Barons, and others the Nobles, &c. hath agreed to this Act, or by the assent of the Earls, Barons, and other Lay-People: which shews, that the Bishops did not consent, for if they had, they should have been first named before the Earls and Barons: For the order of naming the degrees of Nobility in all ancient records, is Prelates, Earls, and Barons.

" Thus 3 Richard II. there being provision, the Pope should not make presentation, &c. it is said, that the petition of the Commons was assented unto by the King, and the Lords temporal, and was always esteemed a firm Act of Parliament, notwithstanding the Bishops opposed the same.

" This affair was carried no farther at that time, doubtless, by reason of the obstacles which occurred in the Upper-house, where the Bishops gave their votes, to decide whether they were to vote or not. But it was reserved for another time (1).

" The grievances being almost redressed, the Parliament seemed to have little more to do. But the distrust with regard to the King being very great, the leaders of the opposite party to the King believed, the redressing of past grievances was not sufficient. They had a mind also to prevent the like for the future, by disabling the King to abuse his power. It can hardly be denied, that this design was founded upon reasons very plausible, and apt to gain the consent of those who had only the welfare of their Country in view. For if the King, whilst he was invested with all the Privileges allowed him by the Laws, had abused his power to establish an arbitrary Government; if he had pursued the execution of this design fifteen years together; if he had defisted but by a superior force obliging him to call this Parliament, how could it be thought that he would change his principles and maxims, if left in possession of the same power which had served him to execute his project? Now there were scarce any of the Members of both Houses, I say, even of those who were most attached to the King, but were convinced, that the constitution had been greatly endangered of late years. See what the Lord Clarendon says on this occasion, in his History of the civil Wars:

" For the better support of these extraordinary ways, and to protect the agents and instruments, who must be employed in them, and to discountenance and suppress all bold enquiries and opposers, the Council-table and Star-Chamber enlarge their

jurisdiction to a vast extent. The Council-table by Proclamations, enjoying to the People what was not enjoyed by the Law, and prohibiting that which was not prohibited; and the Star-Chamber enjoining the breach and disobedience to these Proclamations by very great fines and imprisonment; so that any disrespect to any acts of State, or to the persons of State-men, was in no time more penal; and their foundations of Right, by which men valued their security, to the apprehension and understanding of wise men, never more in danger to be destroyed.

" If the persons most devoted to the King, as was the Earl of Clarendon, had such sentiments, we may easily judge what others thought, and whether they had reason to believe, that the redress of past grievances was a sufficient security for the time to come.

" But on the other hand, it cannot be denied, that there were in the Parliament, men, who were brooding secret designs against the Government of the Church, and that these men thought, the diminution of their regal power was absolutely necessary to the execution of their designs, knowing the King would ever oppose them, as long as he was clothed with his usual authority. But it cannot be inferred, from their using the forementioned reasons, to inflame the Parliament's distrust of the King, for a private end of their own, that therefore these reasons were bad. On the contrary, we may venture to assert, it was solely by the weight of these reasons, that the Presbyterians, whose number was inconsiderable in the Parliament and Kingdom, prevailed at last to persuade the rest of the Parliament, of the necessity to restrain the King's power. If these reasons had not been capable of convincing the least prejudiced minds, they would never have succeeded in causing the Parliament to take the resolutions that will hereafter appear. For what interest could the major part of the Members of Parliament have, to alter the constitution of Church and State, if the past had not afforded them a just occasion to fear for the future?

" From what has been said, there result two opinions, which have divided, and still do divide all England. The first ascribes to the Commons in general, and to several Peers, the private end designed by the Presbyterians. The followers of this opinion will not allow, that most of the Members proposed to themselves a juster end in all their proceeding against the King. Those who embrace the second opinion, refuse also to admit of this distinction of ends and principles. They pretend, that the opposite party to the King always acted upon motives of equity, justice, and love of their Country. For my part, I shall make no scruple to say, that I think both these opinions very groundless. I can never believe, that the greatest part of the Members of this Parliament, who, even by the confession of the King's friends, had at first no desire to make any alterations in the constitution of the Church or State, should suffer themselves to be corrupted by a small number of other Members, whose views and designs they were not so ignorant of, as to be wholly guided by their directions. Neither can I think that they run into the project of subverting Church and State, out of laziness, ignorance, stupidity; or that they fell into all the snares the others were pleased to lay for them, as the Lord Clarendon insinuates. I rather believe, they weighed the reasons which were to engage them to maintain the civil and ecclesiastical Constitution, with the danger of leaving it in its natural state, and that this danger appeared to them so great, that, to prevent it, they resolved to agree to the alterations intended by the Presbyterians.

" On the other hand, I can as hardly believe, that they who took so much care to cherish distrust between the King and Parliament, who were always ready to give an ill turn to all the King's words and actions, who instead of healing, inflamed the wound; that these men, I say, should have in view only justice and the good of their Country. Especially as they were seen to practise all methods to accomplish their private end, I mean, the change of the Government of the Church, in which the rest of the Parliament had no interest. Nay rather, it would have been their interest to oppose it, had they not dreaded a greater mischief.

" If therefore a man blindly follows either of these two opinions, without any limitation, he will never be able to give a just notion of this Parliament's conduct. It is as difficult to believe, that a whole Parliament, or at least, the greatest part of the Members, may combine together to subvert the Government of the Church and State, as it is to conceive, that all these same Members may have acted only upon disinterested motives, and with the sole view of procuring the welfare of the State in such a juncture. This, however, is the error into which almost all the

The Bishops
could remain
in possession

Designs of
the King's
Enemies

Clarendon,
T. I. p. 15.

(1) July 9, it was proposed by some of the Commons, That the Bishops Lands might be put into the hands of Feeless, nine of the Laity, and three of the Clergy in every Diocese; and the rest of the Lands belonging to Bishops, &c. might be employed for the advancement of Learning, and the Bishops to pay a small stipend during life. *Clarendon*, Tom. IV. p. 146.

1641. English Historians have fallen. They have all embraced one or other of the two opinions, the spirit of party not suffering them fairly to consider the several motives, on which the Members of this Parliament proceeded, and this has begot great obscurity in all they have said upon this subject. The truest and most probable Hypothesis, in my opinion, is briefly this:

The King had given great occasions of complaints to his subjects, during the first fifteen years of his reign. It is no wonder, therefore, that he had made himself many enemies, who earnestly wished to have the Government restored to its natural state. Among these enemies, the Presbyterians, who, besides the common, had their private grievances, were the most eager. They desired not only to diminish the King's power, that he might not be able to hurt them, but also to subvert the Ecclesiastical Hierarchy, and establish the Presbyterian Government in its place, in which they were supported by the *Scots*. The King being obliged to call this Parliament against his will, there were few Members but what were disposed to redress past grievances, and prevent the like for the future. Even they who were not enemies to the King, were in this disposition, and it may be affirmed, that this was the general sentiment of the Members at the beginning of the Parliament. But even, among those who desired the redress of grievances, there were two different sentiments. Some were for stopping at the redress of grievances, without proceeding any farther, believing, that would be sufficient to hinder the King from attempting a second time so unsuccessful an enterprise. This was the King's sentiment, as well as of many Members of both Houses. Others were not only for redressing grievances, but also for taking proper measures to prevent the like mischiefs for the future. The Presbyterians were of this number: but they had also more extensive views, and more hidden designs, namely, to introduce the Presbyterian Government into the Church. To accomplish this end, it was necessary to deprive the King of a power, which they foresaw he would not fail to exert, in opposition to their design; and there was no better way, than by cherishing the Parliament's distrust, to which the Members, for the most part, were already but too much inclined. They had therefore only to gain a sufficient number of those, who were willing to stop at the redress of grievances, and nothing was more proper to obtain their concurrence than to fill them with fears and suspicions. This was the reason that such care was taken to aggravate the plot for seducing the army, to dwell continually upon the pretended design of bringing them to London, to spread a report, that a French army was going to land and seize *Paris-mouth* with the King's consent, and I know not how many other rumours, equally improbable. This was the cause of so many efforts to exclude the Bishops from the Upper-house, in order to lessen, as much as possible, the party of those who were for stopping at the redress of grievances. This likewise was the reason, that so many mortifications were given the King, to induce him to take some measures, which should give an advantage against him, and be apt to convince the more moderate, that it was dangerous to leave him in possession of his whole power. It is not therefore very strange, that many of those who were against carrying things to extremities, should in the end be prevailed on, by the fears and suspicions they were continually inspired with. To confirm themselves in their sentiment, they had no other ground than their confidence in the King's word, against which there were unanswerable objections, as for instance, the violation of the Petition of Right.

By these direct and indirect means, the Presbyterians at length succeeded in gaining a sufficient number of votes to give them the superiority in the House of Commons, at least, as to the design of diminishing the King's power. When this party was grown superior, their opposers endeavoured in vain to curb their fury. On the other hand, the King himself fell into the snares laid for him, and took measures, which, as will hereafter appear, made him lose a great number of those who had hitherto appeared the most moderate. The following passage of the *Lord Clarendon's History*, will serve to illustrate this matter.

T. I. p. 253. I knew not how these men have already answered to their own consciences, who having assumed their Country's trust, and it may be, with great earnestness laboured to procure that trust, by their supine laxness, negligence, and absence, were the first inlets to those inundations; and so contributed to those licences which have overwhelmed us. For by this means a handful of men, much inferior in the beginning, in number and interest, came to give Laws to the major part; and to show that three diligent persons are really a greater and more significant number than ten unconcerned, they, by plurality of voices, in the end, converted or reduced the whole body to their opinions. It is true, men of activity and faction in any design, have many advantages that a composed and settled

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Council, though industrious enough, usually have not; and since that gallant men cannot give themselves leave to entertain, even for the prevention of all the mischief the others intend.

The Earl of Clarendon grants, that a handful of men, at first much inferior in number and credit, converted in the end the whole House to their opinions. But as he was a zealous advocate for the King, he took care not to ascribe the success of this handful of men, to the weight of the reasons which they alledged to the others to reduce them to their sentiments. It was requisite, however, to give some reason of it, and he found no better, than the laziness, negligence, and unconcernedness of the King's friends, and the vigilance of the others. I do not know whether this reason will be capable to satisfy the impartial.

This, as I verily believe, is the true hypothesis which ought to be established, in order to give a clear idea of the conduct of this Parliament; and I hope this digression will not be unserviceable for the better understanding of the sequel.

The Parliament seemed to have nothing more to do, all the grievances being in a manner redressed, and the armies disbanded. But after what has been said, it will not doubtless be thought strange, that the House of Commons should order the Committee, which, at the beginning of the Parliament, was charged with preparing a Remonstrance of the state of the Kingdom, to resume and finish that work. Nothing would have been more needless than such a Remonstrance, after the grievances were redressed, if it had not been intended on purpose to quarrel with the King, and afford a pretence to defer to another time the settling his revenues, which was the only thing that remained to be done, and which the King expected. I have already observed, there was a party in the Parliament, who meant not to stop at the redress of grievances. It was this party that caused the Remonstrance to be resumed, in expectation the King would be displeased with it, and take some step that should promote the execution of their project.

But whilst this Remonstrance was preparing, an affair of such consequence unexpectedly happened, that the Commons were obliged for a time to lay aside all other business. I mean the *Irish Rebellion*, the news whereof came to London the 1st of November 1641.

Since the end of Queen Elizabeth's reign, when *Tyrone's* rebellion was happily quelled, the *Irish* had lived peaceably under the dominion of *James I.* and *Charles I.* Not but that the Lords Deputies had always an eye over them, considering them as men, whose fidelity was very suspicious: however, they had at least no occasion to complain, that they were worse used than in the former reigns. As to their Religion, it is easy to imagine, they had suffered no new troubles under these two Princes, who thought of nothing less, than of persecuting the Catholics. Nevertheless, in March or April this year 1641, the *Irish* formed the project of calling off the *English* yokes, of seizing upon all the fortified places, and of cutting the throats of all the *English* throughout the whole Kingdom. The day appointed for executing this bloody design, was the 23d of October, on which day, they were to rise all over the Island. This design was really executed, as projected, and it is said, on that and the following days, above forty thousand *English* Protestants were massacred by the *Irish*. But the project of seizing the same day upon the castle of *Dublin*, where was a great magazine of provisions and stores, was discovered [by *Owen O Conally*] the night before, and prevented by the diligence of the Lords Justices of *Ireland*, who governed in the absence of [Robert Sidney] Earl of Leicester, who had been appointed Lord-Lieutenant some months before, and was yet in *England*.

This news being communicated to the Commons by the Lords of the Privy-Council, filled the House with consternation and terror, and at the same time with indignation against the Rebels. They immediately turned themselves into a grand Committee, and passed the following resolves: That 50,000 l. shall be forthwith provided for the service of *Ireland*.

That a conference be had with the Lords to move them, that a select Committee of the Members of both Houses may be appointed to go to the City of London, and propose unto them the loan of that sum.

That a select Committee of both Houses may be named to consider of the affairs of *Ireland*, and of the sending of men and ammunition from hence into that Kingdom.

That *Owen O Conally*, who discovered this great Treason in *Ireland*, shall have 500 l. presently paid him, and 200 l. per Annum pension, until provision be made for an inheritance of greater value.

That the custody of the Isle of *Wight* be taken for the present from the Lord *Wyllon*, suspected of being a Catholic, and sequestered into another hand:

g E

That

1641.

The Committee for the relief of the State of the Kingdom. *Robt. Clarendon*, IV. p. 442. G.

The Irish Rebellion. *Robt. Clarendon*, IV. p. 397. Sir John Temple's Hist.

Nov. 1. *Robt. Clarendon*, IV. p. 349. T. II. 523. The Vote of the Commons about Ireland. Sir John Temple, p. 43. *Robt. Clarendon*, IV. [404] D. m. Occur. Nalson, T. II. p. 324.

1641. That the Persons of Papists in the several Counties of this Kingdom, where ever they reside, may be secured.

That the Lords be desired to join concerning the dissolution of the House of Capuchins, and the speedy sending them away, according to the former desires of this House. That the Ambassadors may be sent to from both Houses to deliver up such Priests of the King's Subjects as are in their Houses.

That a list be brought in of the Queen's Priests, and other her servants.

That a Proclamation be issued forth, commanding all strangers that are not of the Protestant Religion, to deliver in tickets of their names, and an account of their stay here, within two days after the issuing forth of the said Proclamation, or else to depart the Kingdom forthwith, &c.

Rushw. 1641. IV. [403.] The Lords agreed to the proposed loan, and named some of their Members to form a Committee of both Houses. Whereupon the Commons appointed fifty two to meet the Lords, and to be a standing Committee for the affairs of Ireland.

Order 1641. Nov. 4. 5. J. Temple. 1641. IV. [403.] Two days after the Commons voted again, That the House holds fit that 20,000 l. be forthwith supplied for the present occasions of Ireland.

That a convenient number of Ships shall be provided for the guarding of the Sea-Coast of Ireland.

Order 1641. Nov. 4. 5. J. Temple. 1641. IV. [403.] That six thousand foot, and two thousand horse shall be raised with all convenient speed for the present expedition into Ireland. And that the Lord-Lieutenant shall present to both Houses of Parliament, such officers as he shall think fit to send into Ireland, to command any forces to be transported thither.

That the Magazines of victuals shall be forthwith provided at *Wex-Chapter*, to be sent over to Dublin, as the occasions of that Kingdom shall require.

That the Magazines of arms, ammunition, powder, now in *Carlsruhe*, shall be forthwith sent over to *Knockfergus* in Ireland.

That it be referred to the King's Council to consider of some fit way, and to present it to the House, for a publication to be made of rewards to be given to such as shall do service in this expedition into Ireland, and for a pardon of such of the rebels as shall come in by a time limited, and of a sum of money to be appointed for a reward of such as shall bring in the heads of such principal rebels as shall be nominated.

That letters shall be forthwith sent to the Justices in Ireland, to acquaint them how sensible this House is of the affairs of Ireland.

That the Committee of Irish affairs shall consider how, and in what manner this Kingdom shall make use of the friendship and assistance of Scotland in the business of Ireland.

That directions shall be given for the drawing of a Bill for the pressing of men, for this particular of Ireland.

Rushw. 1641. IV. [406.] Some days after both Houses published a Declaration, to acquaint the publick that they had resolved to assist the King with all their power to reduce the Irish Rebels.

The King, who was still in Scotland, had received intelligence of what had passed in the North of Ireland (1), but did not know that the Irish had miscarried in their design upon the Castle of Dublin. He immediately communicated his intelligence to the Parliament of Scotland, and demanded their assistance.

Order 1641. Nov. 4. 5. J. Temple. 1641. IV. [407.] The Parliament replied, "that Ireland being dependent on the Crown of England, and his Majesty having already writ to the Parliament of England, and sent to Ireland for farther information, no other course could be taken, and the rather as the Parliament of England might conceive jealousies; but that after fuller information, if the English should think the assistance of Scotland necessary, it should be ready, as soon as England."

Order 1641. Nov. 4. 5. J. Temple. 1641. IV. [410.] The Rebellion daily increased. The English themselves of the Pale joined with the Irish, having pretended for some time to be attached to the interest of England. These English of the Pale were descendants of the ancient Conquerors of Ireland, who settled there in the Reign of Henry II. and who at the time of the Reformation continued in the Roman Catholic Religion. It was therefore necessary to send a strong force into Ireland to reduce the rebels to obedience. And yet, though the letters from the Lords Justices for assistance were frequent and pressing, though the rebels continually increased in number and strength, though the King most earnestly pressed both Houses to send

men, money, and ammunition to Ireland, though the Parliament showed an extreme desire to reduce that Kingdom, it is certain that the succours sent thither, were but small and fitter to continue than end the war. It would doubtless be thought strange to see so much ardour in words, and so little desire to show it in deeds, if the reason of this conduct was not known. And therefore it will be requisite to explain it.

The disposition of the House of Commons, whilst the King was in Scotland has been before shown. A resolution was taken to divest him of part of his power. The views of some were only to hinder him from abusing it for the future. Others added to this motive, the design of rendering him unable to oppose the change they were meditating, with respect to the Government of the Church. The order of the House to the Committee to prepare the Remonstrance of the state of the Kingdom, was a clear evidence, they had some secret design which would show it self in due time. Whilst measures are taking to execute this design, the Irish rise in rebellion, at a time when they seemed to have the least reason, since the government had never been more gentle to them than in the present Reign. They massacre in cold blood above forty thousand English Protestants (2), and unfortunately for the King, spread a report that they had his authority for what they did. They call themselves the Queen's army, and disperse all over the Kingdom, copies of a supposed Commission under the Great-Seal, which they pretend to have from the King to authorize them to take arms. It cannot be denied that all this was capable of making impressions on the minds of those who were already ill-affected to the King, and believed him capable of any thing to avoid the servitude that was preparing for him. Indeed, the sober and most considerate did not think it possible, or even probable, that the King should be willing to have his Protestant Subjects of Ireland massacred. But they suspected however that this Rebellion, raised at such a juncture, was not wholly owing to the discontent of the Irish, and that very possibly the King had excited it, to find the Parliament employment, and divert them from the project they had formed. As to the massacre of the Protestants, they did not believe the King had any hand in it, but imagined it very possible, that after raising the Rebellion, it was not in his power to refrain the Irish. The King on his part not knowing what was said against him in England, used his utmost endeavours to clear himself from this black imputation, by pressing the Parliament to send a speedy aid into Ireland. But these solicitations had a quite contrary effect, because it was believed that his aim was to leave England unprovided with troops, and to engage the Parliament in an Irish war, which must have been very expensive. This was the reason that the Commons proceeded with deliberation, and sent but inconsiderable succours into Ireland, being apprehensive, the Irish Rebellion was a snare laid for them by the King, to cause them to consume the English troops and money.

As several have spoken of this pretended Commission from the King to the Papists of Ireland to authorize them to take arms, and as some have represented it as true, or others, as doubtful, but most as an evident forgery, I thought it would not be unacceptable to insert it. I shall add a circular letter sent with the copy of the pretended Commission from the leaders of the rebel, to those of their party.

Order from the heads of the Rebels to publish the King's pretended Commission. 1641.

From our Camp at the Newry, this 4th of November, 1641.

Phelim O Neel, Rory Mac Guire, &c (3).

To all Catholics of the Roman party, both English and Irish, within the Kingdom of Ireland, we wish all happiness, freedom of conscience, and victory over the English heretics, who have for a long time tyrannized over our bodies, and usurped by extortion our estates.

Rushw. 1641. IV. p. 400. **B**E it hereby made known unto you all, our friends and countrymen, that the King's most excellent Majesty, for many great and urgent causes therunto moving, reposing trust and confidence in our fidelity, has signified unto us, by his Commission under the Great-Seal of Scotland, bearing date at Edinburgh the first day of this instant October 1641, and also by Letters under his Sign manual, bearing date with the said Commission, of divers great and heinous affronts, that

(1) The Lords Justices sent him an account of it, by Sir Henry Sparrowood, who went by Sea directly to Scotland; but, before that, the King received notice of it by a Letter from the Lord-Captain, from Belfast, dated October 24. *Rushw. 1641. IV. p. 407.*

(2) Above one hundred and fifty thousand Protestants, were massacred in that Kingdom, from the 23d of October 1641, to the 28th of March following, according to the computation of the Priests themselves that were present. *Rushw. 1641. IV. p. 407.* But, according to Sir J. Temple, three were more; these the Rebellion first broke out, upon the Celebration made September 25, 1641, above three hundred thousand British and Protestants cruelly massacred in cold blood, delivered four other ways, as expelled out of their habitations. *Irish Rebel. p. 6.* See also *Temple's* *Irish Rebel. p. 6.* See also *Temple's* *Irish Rebel. p. 6.*

(3) The rest of the Confederates were, Turlough O Neel, Philip O Neel, Mulrooney O Neel, Sir Charles Macgonnell, Colonel Mac Neel, &c. *Temple's* *Irish Rebel. p. 6.*

1641. "the English Protestants, especially the Parliament there, have published against his royal person and prerogative, and also against our Catholic friends, within the Kingdom of England; the copy of which Commission we have here sent unto you to be published with all speed in all parts of this Kingdom, that you may be assured of our sufficient warrant and authority herein, viz.

"**CHARLES** by the grace of God King of England, Scotland, France, and Ireland, defender of the Faith, &c. To all Catholic Subjects within our Kingdom of Ireland, greeting. Know you that we, for the safeguard and preservation of our person, have been forced to make our abode and residence in our Kingdom of Scotland, for a long season, occasioned by reason of the obdurate and disobedient carriage of our Parliament of England against us, who have not only presumed to take upon them the government, and disposing of those princely rights and prerogatives that have justly defended unto us from our predecessors, both Kings and Queens of the said Kingdom, for many hundred years past, but also have possessed themselves of the whole strength of the said Kingdom, in appointing governors, commanders, officers, in all parts and places therein, at their own will and pleasure without our consent; whereby we are deprived of our Sovereignty, and left naked without defense: And for as much as we are in our selves very sensible, that these storms blow aloft, and are very likely to be carried by the vehemency of the Protestant party into our Kingdom of Ireland, and endanger our royal power and authority there also; Know ye therefore, that we, resolving much care and trust in your duty and obedience, which we have for many years past found, do hereby give unto you full power and authority to assemble and meet together, with all the speed and diligence that a business of so great a consequence doth require, and to advise and consult together by a sufficient and discreet number, at all times, days, and places, which you shall in your judgment hold most convenient and material for the ordering, settling, and effecting of this great work, mentioned and directed to you in our letters, and to use all politic ways and means possible to possess your selves, for our use and safety, of all the forts, castles, and places of strength and defence within the said Kingdom, except the places, persons and estates of our loyal and loving Subjects the Scots: And also to arrest and seize the goods, estates, and persons, of all the English Protestants within the said Kingdom to our use; and in your care and speedy performance of this our will and pleasure, we shall perceive your wonted duty and allegiance unto us, which we shall acknowledge and reward in due time.

Witness our self at Edinburgh, the 1st day of October, in the 17th Year of our Reign.

Arguments
that the
King cannot
have granted
this Com-
mission.

Though for many reasons it be more than probable that the King never granted a Commission to the Irish to take arms, it is however certain they boasted of having such a thing. But it is no less certain, that it cannot be the same with what has been just read, nor can this be the Commission published by the leaders of the Irish rebels. My reason is, because in this Commission, the King is made to say things which happened not till several months after the day of the date, and which those who are supposed to have published it the 4th of November could not foresee. The King is made to say on the 1st of October 1641, that the Parliament had possessed themselves of his Sovereignty, and appointed governors, commanders and officers, in all places, which certainly was not done before the month of October 1641. It must be therefore that *Rushworth*, who has inserted this Commission in his Collections, had had memoirs and little judgment, not to see in this pretended Commission of the 1st of October 1641, things which happened not till the next year 1642. However it is true, the Irish boasted of having the King's Commission. But it is pretended they forged it themselves, and fastened it to an impression of the Great Seal, taken from some grant or patent (1).

Be this as it will, the pretension of the Irish that they had the King's and Queen's authority, was of very ill consequence to the King. There were but too many who had an ill opinion of his zeal for the Protestant Religion, and thought him capable of being induced by the Queen's solicitations to refore the Catholic Religion in England.

The former Parliaments had discovered their suspicions, and the King instead of undeceiving them, had given them words only, which were followed with no effects. When therefore the news came, that the Irish Papists were in arms, and had massacred the Protestants, it was very natural to dread the like plot in England, which could not but be extremely prejudicial to the King. Though the Parliament did not seem to regard much the calumny spread against the King, they were however full of distrust, and this distrust made them think it not proper to leave England without troops, money, and ammunition, in order to assist Ireland, lest England should be unprotected, in case the same plot was contriving there. Nay, it was the interest of the leading men in the Parliament to feign a greater distrust than they really had, to strengthen the suspicions and fears of such Members as were not fully persuaded. This served to convince them how necessary it was to curb the King's power, and render him incapable to execute his designs.

But though the party of those who were for lessening the royal power was numerous in the Parliament, they were not yet in condition to proceed as they pleased. Matters were to be prepared by degrees, one while by cherishing suspicions and fears, another while by engaging the House to take proper steps to lead them to their end, which was not known to all the Members.

With this view it was, that under colour of thanking the Scots for their promised assistance to suppress the Rebellion in Ireland, and of treating with them about it, they engaged the House to send to the Committee in Scotland new instructions very mortifying to the King. The House said, in these instructions.

"That they had just cause to believe, that the conspiracies and commotions in Ireland, were but the effects of the counsels of those who continued in credit, authority and employment about his Majesty; therefore they feared that the great aids which should be raised for subduing the rebellion in Ireland, would be applied to the fomenting of it there, and encouraging some such like attempt in England. And therefore the Commons besought his Majesty to change those Councils, from which such ill courses had proceeded, and to employ such Ministers as should be approved of by his Parliament, who were his greatest and most faithful Council. But if his Majesty did not condescend to their supplications, they should be forced to resolve upon some way of degrading Ireland from the rebels, and of securing themselves from mischiefous counsels and designs; and command those aids and contributions which should be raised for the reducing of Ireland to the custody and disposing of such persons of honour and fidelity, as they had cause to confide in."

These instructions conclude with the following article.

You shall represent to his most excellent Majesty this our humble and faithful Declaration, that we cannot without much grief remember the great miseries, hardships, and discontent, which have for divers years afflicted all his Kingdoms and Dominions, and brought them to the last point of ruin and destruction; all which have issued from the cunning, false, and malicious practices of some of those who have been admitted into very near places of counsel and authority about him, who have been favourers of Popery, superstition and innovation; subverters of Religion, honour, and justice; factors for promoting the designs of foreign Princes and States, to the great apparent danger of his Royal person, crown, and dignity, and of all his people; authors of false scandals and jealousies between his Majesty and his loyal Subjects; enemies to the peace, union and confidence between him and his Parliament, which is the surest foundation of prosperity and greatness to his Majesty, of comfort and hope to them: that by their counsels and endeavours, those great sums which have been lately drawn from the People, have been either consumed unprofitably, or in the maintenance of such designs as have been injurious and destructive to the State; and whilst we have been labouring to support his Majesty, to purge out the corruption, and restore the decay both of Church and State, others of their faction and party have been contriving by violence and force to suppress the liberty of Parliament (2), and endanger the safety of those who have opposed such wicked and pernicious courses.

This was properly a preparative to the Remonstrance of the State of the Kingdom, which was to be brought into the House the first opportunity, and which was indeed read the 22d of November. It met with so strong opposition, that the debates lasted from three in the afternoon till three

1641.

The King's
Factions are
seen there.
Facts by de-
scribing de-
signs.

Instructions
to the Com-
mittee on
Scotland
mortifying to
the King.

Rushworth,
IV. p. 432.
Nelson,
T. II. p. 166.

Rushworth,
IV. p. 432.
Nelson,
T. II. p. 579.
The effects of
this Rumour
on the King's
Nation,
T. II. p. 432.
Gardner,
T. I. p. 373.

Great De-
signs, trait-
ing the Re-
monstrance,
Rushworth,
IV. p. 433.
Nelson,
T. II. p. 665.

(1) It was an Impression of the Broad Seal, which being to a Patent, issued by O. Neal, to the Castle of Charlemont, at the taking of it. Nelson, Tom. II. p. 219. To these reasons to prove the forgery of this Commission, may be added another, which seems demonstrative. The Commission is supposed to be under the Great Seal of Scotland, and yet in the enumeration of the King's Titles, *Presert* is named before *Scotland*, which doublet, never was done in any writings, published by Authority in that Kingdom. Before the late Union in Queen Anne's Reign, the King's constant Title in all the Scotch Publick Acts was of Scotland, England, &c. King. This Observation was communicated by Mr. Arbuckle of Dublin. — Rushworth observes, That the words of the Commission are enough to show the villainous practice of the Authors, and its bare recital a sufficient relation and detection of the unsparingly Forgery. Tom. II. p. 400. See *Rushworth*, p. 28.

(2) According to the Conjecture to seize the Army. *Rapin*.

1641. in the morning (1). Many thought it needless to reproach the King with grievances, to the redress whereof he had without sollicitation given a full consent, and that besides the uselessness of the Remonstrance, it would serve only to open old wounds, to which a cure had been applied, and infallibly make the breach wider between the King and Parliament. But this very reason was precisely that which excited the others to cause the Remonstrance to be approved, because they wanted a dilution between the King and Parliament, in order to obtain the consent of both Houses to the diminution of the Regal Power. I do not pretend to determine, whether the design of disabling the King from governing for the future as he had done during fifteen years, was in itself just, or necessary for the welfare of the Kingdom. But it can hardly be denied that the reasons by which it was supported were very plausible. I will not affirm that they who formed it or pressed the execution had only in view their Country's good; as on the other hand, I do not see what security they could have, who were for leaving the King in possession of the same power he had before enjoyed. However this be, the Remonstrance was as a sort of criterion which was to shew which of the two parties should prevail, and withal to decide in some measure the fate of the King's affairs. In short, after a debate of twelve hours, it was carried by a plurality of nine voices only that the Remonstrance should be presented to his Majesty. The Lord Clarendon says, "It was carried by the hour of the night, which drove away a greater number of old and infirm opposers than would have made those of the Negative superior in number." But this reason to me appears weak. For it might be alledged to shew the Remonstrance would have passed by more than nine voices, if several of those who were for it had not left the House. For how could infirmity or fatigue produce a greater effect upon one party than upon the other (2)?

It passed by nine Voices only.
T. I. p. 247.

It is ordered to be presented.
Clarendon.
T. I. p. 246.

Id. p. 248.
Rushworth.
IV. p. 428.

The King returns from Scotland, and is received with great respect at London.
Rushworth.
IV. p. 429.
Id.
T. II. p. 675.
Id.

The Earl of Essex, &c.
p. 431.
Clarendon.

The Commons desire the continuance of the Guards.
Id.

The King returns from Scotland, &c.
Rushworth.
IV. p. 434.
Id.
T. II. p. 680.
Id.

Id. p. 681.
Id.

The Commons desire the continuance of the Guards.
Id.

Id. p. 682.
Id.

presented a memorial to the King, containing the reasons why they desired a Guard, adding, they would not have it under the command of any person not chosen by themselves. But as their reasons were founded upon very improbable suppositions, they were ineffectual.

The Commons insisted no farther on this subject, but within a few days, sent a Committee, to present to the King, then at Hampton-Court, the Remonstrance, with a Petition. This was, as it were, the Alarm of the discord between the King and the Parliament, as his enemies had plainly foreseen. I think it necessary to insert here what passed with respect to this Remonstrance, which was attended with such consequences, the Report of the Committee sent to the King, the Petition of the House, with the Remonstrance itself, on which I shall make some remarks, to enable the Reader to judge of what is just and true, and what disguised or aggravated.

Sir Ralph Hopton's Report to the House of Commons, of what passed at his presenting the Petition and Remonstrance to the King. Dec. 1. 1641.

"HE said, that the last night, in the evening, he, and those that accompanied him, came into Hampton-Court, where meeting with Sir Richard Hopton, he went in to his Majesty, and gave him notice of our being there; and within a quarter of an hour, the King sent a Gentleman Usher to call us in, with directions for none to come in but ourselves; whereupon I did, according to your order, and the rest with me, upon our knees, present the Petition and Remonstrance, and began to read it kneeling, but his Majesty would not permit that, but commanded us all to rise, and so I read it."

"The first thing that his Majesty spoke at the reading thereof, was to that part of the Petition, that charges a malignant party to be about his Majesty, with a design to change Religion; to which his Majesty with a hearty fervency said, *The Devil take him, whosoever he be, that has a design to change Religion.* Then I proceeded to read on; and when I came to that part of the Remonstrance, of reserving the Lands of the Rebels in Ireland toward the suppressing them: his Majesty said and said, *We must not dispose of the Bears-skin, till the Bear be dead.*"

"After the Petition was read, his Majesty said, he desired to ask us some questions; but I answered, We had no power to speak to any thing, but wherein we had Commission; then said his Majesty, Doth the House intend to publish this Declaration? We said, we could not answer to it: *Well then,* said his Majesty, *I suppose you do not expect a present answer to so long a Petition; but this let me tell you, I have left Scotland well in peace; they are well satisfied with me, and I with them; and though I staid longer than I expected, I think if I had not gone, you had not been so far rid of the Army: I shall give you an answer to this business, with as much speed as the weight thereof will permit.* And so was pleased to give us his hand to kiss; and thereupon we took our leave, and afterwards Mr. Comptroller came to us with this message, that the King desired there should be no publishing of this Declaration, till we had received his answer: We were all that night treated by Mr. Comptroller at supper, and entertained with great respect, and lodged by the King's harbingers."

The Petition of the House of Commons, which accompanies the Remonstrance of the State of the Kingdom, when it was presented to his Majesty at Hampton-Court. Dec. 1. 1641.

Most gracious Sovereign,
YOUR Majesty's most humble and faithful Subjects, the Commons in this present Parliament assembled, do, with much thankfulness and joy, acknowledge, the great mercy and favour of God, in giving your Majesty a safe and peaceable return out of Scotland, into your Kingdom of England, where the pressing dangers and dangers of the State, have caused us with much earnestness to desire the comfort of your gracious presence, and likewise the unity and justice of your Royal authority, to give more life and power to the dutiful and loyal counsels and endeavours of your Parliament, for the prevention of that imminent

(1) The Debate, says *Windsor*, lasted till ten a Clock the next Morning. The Lord Clarendon says, from nine in the Morning, till after twelve at Night. The sitting up all Night, caused Sir R. H. to compare it to the *Prodigium of a Burned Yew*, which, p. 51. Oliver Cromwell told the Lord Edward.

(2) That if the Remonstrance had been rejected, he would have told all he had the next Morning, and never have been England more. Clarendon, *Ton.* 1. p. 246; 247.

(3) *Windsor* says indeed, that sitting up all Night caused many through weakness or weariness to leave the House; but does not say they were of this or that Party. p. 51.

(4) Before his departure from that Kingdom, he conferred the following Honours. Archibald Campbell was created Marquis of Argyll; General Leslie Earl of Leven; Lord Lindsey, Earl of Lindsey; Lord London, Earl of London; Alexander Livingston, Earl of Colmar; the Ladies of Leven and Archibald, made Viscounts; and Andrew Murray, Lord Balward. *Gentry's Mem.* p. 90. Clarendon, *Ton.* 1. p. 246.

1641. "ruin and destruction wherein your Kingdoms of *England* and *Scotland* are threatened. The duty which we owe to your Majesty, and our Country, cannot but make us very sensible and apprehensive, that the multiplicity, sharpness, and malignity of those evils under which we have now many years suffered, are fomented and cherished by a corrupt and ill-affected Party, who, amongst other their mischievous devices for the alteration of Religion and Government, have fought by many false scandals and imputations, cunningly insinuated and dispersed among the People, to blemish and disgrace our proceedings in this Parliament, and to get themselves a party and faction amongst your Subjects, for the better strengthening themselves in their wicked courses, and hindering those provisions and remedies, which might by the wisdom of your Majesty, and counsel of your Parliament, be opposed against them.

"For preventing whereof, and the better information of your Majesty, your Peers, and all other your loyal Subjects, we have been necessitated to make a declaration of the state of the Kingdom, both before and since the assembly of this Parliament, unto this time, which we do humbly present to your Majesty, without the least intention to lay any blemish upon your Royal person, but only to represent how your Royal authority and trust have been abused, to the great prejudice and danger of your Majesty, and all your good Subjects. (1.)

REMARK (1.). The design of this Declaration or Remonstrance was not to inform the King, as the Commons assured him, but solely to make their apology, and exasperate the People against him. First, the Remonstrance is not directed to the King, and he is always mentioned in the third person. Secondly, the Commons voted that the Remonstrance should be printed, before they had received any answer from the King, and published it against his will. So what they say at the close of this article is all a flourish, without one word of truth.

"And because we have reason to believe, that those malignant parties, whose proceedings evidently appear to be mainly for the advantage and increase of Popery, are composed, set up and acted by the subtle practice of the Jesuits, and other engineers and sutors for *Rome*; and to the great danger of this Kingdom, and most grievous affliction of your loyal Subjects, have so far prevailed, as to corrupt divers of your Bishops and others in prime places of the Church (2.), and also to bring divers of these Instruments to be of your Privy-Council (3.), and other employments of trust and nearness about your Majesty, the Prince, and the rest of your Royal children.

REM. (2.). The Commons pointed at *Laud* Archbishop of *Canterbury*, *Neil* (a) Bishop of *Winchester*, *Wren* Bishop of *Ely*, *Cyfus* Dean of *Peterburgh*.

REM. (3.). As *Windban* Secretary of State, and some others.

"And by this means have had such an operation in your Council, and the most important affairs and proceedings of your Government, that a most dangerous division, and chargeable preparation for war betwixt your Kingdoms of *England* and *Scotland*, the increase of jealousies betwixt your Majesty and your most obedient Subjects, the violent distraction and interruption of this Parliament, the insurrection of the Papists in your Kingdom of *Ireland*, and bloody massacre of your People, have been not only endeavoured and attempted, but in a great measure compassed and effected.

"For preventing the final accomplishment whereof, your poor Subjects are enforced to engage their persons and estates, to the maintaining of a very expenceful and dangerous war, notwithstanding they have already, since the beginning of this Parliament, undergone the charge of 150000 *l.* Sterling, or thereabouts, for the necessary support and supply of your Majesty in these present and perilous designs. And because all our most faithful endeavours and engagements will be ineffectual for the peace, safety, and preservation of your Majesty and your People, if some present, real, and effectual course be not taken, for suppressing this wicked and malignant party,

"We your Majesty's most humble and obedient Subjects, do with all faithfulness and humility beseech your Majesty: 1. That you would be graciously pleased to concur with the humble desires of your People in a parliamentary way (4.), for the preserving the peace and safety of the Kingdom from the malicious designs of the popish party.

REM. (4.). That is to say, by consenting to the Bills which should be presented to him.

"For depriving the Bishops of their votes in Parlia-

ment (5.), and abridging their immoderate power usurped over the Clergy, and other your good Subjects, which they have perniciously abused, to the hazard of Religion, and great prejudice and oppression of the Laws of the Kingdom, and just liberty of your People.

REM. (5.). The Commons were not satisfied with desiring that the Bishops, whom they supposed guilty of the design to countenance Popery, should be punished, but took occasion from thence to inflict a penalty on the whole Bench, by depriving them of the privilege of sitting in Parliament.

"For the taking away such oppressions in Religion, Church-government and discipline, as have been brought in and fomented by them. For uniting all such your loyal Subjects together, as join in the same fundamental truths against the Papists, by removing some oppressions and unnecessary ceremonies, by which divers weak consciences have been scrupled, and seem to be divided from the rest (6.), and for the due execution of those good laws, which have been made for securing the liberty of your Subjects.

REM. (6.). The meaning of which was, in the language of the Commons or of their leaders, that he should abolish the Hierarchy and Book of Common-Prayer; but they did not yet dare to speak out, and therefore covered their intention under this expression, by removing unnecessary ceremonies.

"2. That your Majesty will likewise be pleased to remove from your Council, all such as persist to favor and promote any of those pressures and corruptions wherewith your People have been grieved; and that for the future, your Majesty will vouchsafe to employ such persons in your great and publick affairs, and to take such to be near you in places of trust, as your Parliament may have cause to confide in; that in your princely goodness to your People, you will reject and refuse all mediation and solicitation to the contrary, how powerful and near soever. (7.)

REM. (7.). Meaning the Queen.

"That you will be pleased to forbear to alienate any of the forfeited and echeated Lands in *Ireland*, which shall accrew to your Crown by reason of this rebellion; that out of them the Crown may be the better supported, and some satisfaction made to your Subjects of this Kingdom, for the great expences they are like to undergo in this war.

"Which humble desires of ours being graciously fulfilled by your Majesty, we will, by the blessing and favour of God, most cheerfully undergo the hazard and expences of this War, and apply our selves to such other courses and counsels, as may support your royal estate with honour and plenty at home, with power and reputation abroad, and by our loyal affections, obedience and service, lay a sure and lasting foundation of the greatness and prosperity of your Majesty, and your royal posterity in future times.

A Remonstrance of the State of the Kingdom, presented to the King from the House of Commons, the first of December, 1641.

THE Commons in this present Parliament assembled, having with much earnestness and faithfulness of affection and zeal to the publick good of this Kingdom, and his Majesty's honour and service, for the space of twelve months, wrestled with great dangers and fears, the pressing miseries and calamities, the various distempers and disorders which had not only assaulted, but even overwhelmed and extinguished the liberty, peace, and prosperity of this Kingdom, the comfort and hopes of all his Majesty's good Subjects, and exceedingly weakened and undermined the foundation and strength of his own royal throne,

"Do yet find an abounding malignity and opposition in those parties and factions who have been the cause of those evils, and do still labour to cast aspersions upon that which hath been done, and to raise many difficulties for the hindrance of that which yet remains undone, and to foment jealousies betwixt the King and Parliament, that so they may deprive him and his People of the fruit of his own gracious intentions, and their humble desires of procuring the publick peace, safety, and happiness of this realm: For the preventing of those miserable effects, which such malicious endeavours may produce, we have thought good to declare (1.):

REMARK (1.). This was all flourish, and a pretence used by the Commons, to have an occasion to publish this Remonstrance, which was resolved upon at the very beginning of the Parliament, before any one thought of blaming their conduct.

(a) *Neil* was translated from *Windsor* to *Tork* in 1631, in which honour he died, three days before the Long-Parliament was opened.

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"The root and growth of these mischievous designs.

"The maturity and ripeness to which they have attained before the beginning of the Parliament.

"The effectual means which have been used for the extirpation of those dangerous evils; and the progress which hath therein been made by his Majesty's goodness, and the wisdom of the Parliament.

"The ways of obstruction and opposition, by which that progress hath been interrupted.

"The courses to be taken for the removing those obstacles, and for the accomplishing of our most dutiful and faithful intentions and endeavours of refforing and establishing the antient honour, greatness and security of this Crown and Nation.

"The root of all this mischief we find to be a malignant and pernicious design of subverting the fundamental laws and principles of Government, upon which the Religion and Justice of this Kingdom are firmly established. The authors and promoters hereof have been,

"1. The Jesuited Papists, who hate the laws, as they are the obstacles of that change and subversion of Religion, which they so much long for.

"2. The Bishops, and the corrupt part of the Clergy, who cherish formality and superstition, as the natural effects, and more probable supports of their own ecclesiastical tyranny and usurpation.

"3. Such counselors and courtiers, as, for private ends, have engaged themselves to further the interests of some foreign Princes, or States, to the prejudice of his Majesty, and the State at home.

"The common principles by which they moulded and governed all their particular counsels and actions were these:

"First, to maintain continual differences and discontents betwixt the King and the people, upon questions of prerogative and liberty, that so they might have the advantage of siding with him, and under the notions of men addicted to his service, gain to themselves and their parties the places of the greatest trust and power in the Kingdom (2).

REM. (2.) It is certain, this was the way Archbishop Laud, and the Arminian Party grew powerful at Court.

"A second, to suppress the purity and power of Religion, and such persons as were best affected to it, as being contrary to their own ends, and the greatest impediment to that change which they thought to introduce.

"A third to conjoin those parties of the Kingdom which were most propitious to their own ends, and to divide those who were most opposite, which consisted in many particular observations.

"To cherish the Arminian party in those points wherein they agree with the Papists to multiply and enlarge the difference between the common Protestants, and those whom they call Puritans, to introduce and countenance such opinions and ceremonies as are fittest for accommodation with Popery, to increase and maintain ignorance, looseness, and prophaneities in the people. That of those three parties, Papists, Arminians, and Libertines, they might compose a body fit to act such counsels and resolutions, as were most conducive to their own ends.

"A fourth, to disaffect the King to Parliaments by slanders and false imputations, and by putting him upon other ways of supply, which in shew and appearance were fuller of advantage than the ordinary course of subsidies, though in truth they brought more loss than gain both to the King and people, and have caused the great distractions under which we both suffer.

"As in all compounded bodies the operations are qualified according to the predominant element, so in this mixt party, the jesuited counsels being most active and prevailing, may easily be discovered to have had the greatest sway in all their determinations, and if they be not prevented, are likely to devour the rest, or to turn them into their own nature.

"In the beginning of his Majesty's Reign, the Party began to revive and flourish again, having been somewhat damp by the breach with Spain, in the last year of King James, and by his Majesty's marriage with France; the interests and counsels of that state being not so contrary to the good of Religion, and the prosperity of this Kingdom, as those of Spain; and the Papists of England having been ever more addicted to Spain than France; yet they still retained a purpose and resolution to weaken the Protestant parties in all parts, and even in France, whereby to make way for the change of Religion, which they intended at home.

"1. The first effect and evidence of their recovery and strength, was the dissolution of the Parliament at Oxford, after there had been given two Subsidies to his Majesty, and before they received relief in any one grievance, many other more miserable effects followed.

1641. "2. The loss of the *Rebel* fleet, by the help of our shipping, set forth and delivered over to the French, in opposition to the advice of Parliament (3.), which left that town without defence by sea, and made way, not only to the loss of that important place, but likewise to the loss of all the strength and security of the Protestant Religion in France.

REM. (3.) It cannot properly be said that the seven ships lent by Charles I. to the King of France were delivered to the French, in opposition to the advice of Parliament, since the thing was done before the Parliament was acquainted with it. It is likewise a great aggravation to impute the loss of the *Rebel* fleet, and of *Rechel* itself, to the aid of the seven English ships, which the Mariners of that Nation had defected.

"3. The diverting his Majesty's course of wars from the *West-Indies*, which was the most facile and hopeful way for this Kingdom to prevail against the *Spaniards*, to an expenciful and unsuccessful attempt upon *Cales*, which was so ordered as if it had rather been intended to make us weary of war, than to prosper it (4.).

REM. (4.) This Accusation seems a little too far-fetched, since Elizabeth had taken both courses with success.

"4. The precipitate breach with France, by taking their ships to a great value, without making recompence to the English, whose goods were thereupon imbarred, and confiscate in that Kingdom.

"5. The peace with Spain, without consent of Parliament, contrary to the promise of King James to both Houses, whereby the *Palatine's* cause was deserted and left to chargeable and hopeless treaties, which, for the most part, were managed by those, who might justly be suspected to be no friends to that cause. (5.)

REM. (5.) This Article contains three Accusations against the King, 1. of making peace with Spain without consent of Parliament: 2. of neglecting, in this peace, the interest of the Elector *Palatine*: 3. of treating of that Prince's affairs by suspected persons. As to the first, it is true, King James had promised not to make peace with Spain without the Parliament's approbation: But it was at a time when the Parliament began to supply him with money for the war, and engaged to enable him to continue it. But the face of affairs was changed, when Charles I. made peace. As to the second charge of neglecting the cause of the Elector *Palatine*, it is properly a cavil, for the King, having no money to continue the war against Spain, was not in condition to support the Elector's cause. All that can be said, is, that he would have had money from the Parliament, had he been willing to redress the grievances. I am ignorant of the foundation of the third accusation.

"6. The charging of the Kingdom with billeted Soldiers in all parts of it, and that concomitant design of *German* Horses, that the Land might either submit with fear, or be enforced with rigour to such arbitrary contributions as should be required of them. (6.)

REM. (6.) These two accusations are unanswerable. There was but too much reason to believe, that this was done on purpose to establish an arbitrary Government.

"7. The dissolving of the Parliament in the second year of his Majesty's reign, after a declaration of their intent to great five subsidies. (7.)

REM. (7.) This Parliament was dissolved to save the Duke of Buckingham.

"8. The exacting of the like proportion of five subsidies after the Parliament was dissolved, by commission of Loan; and divers Gentlemen and others imprisoned for not yielding to pay that Loan, whereby many of them contracted such sicknesses as cost them their lives.

"9. Great sums of money required and raised by Privy-Seals. (8.)

REM. (8.) These articles were notoriously true. There is no justifying them, but by asserting, the King had a right to do whatever he did. But this is a great question.

"10. An unjust and pernicious attempt to extort great payments from the Subject by way of Excise, and a commission issued under the Seal for that purpose.

"11. The Petition of Right, which was granted in full Parliament, blasted, with an illegal declaration to make it destructive to itself, to the power of Parliament, to the liberty of the Subject, and to that purpose printed with it; and the Petition made of no use but to shew the bold and presumptuous injustice of such Ministers as durst break the Laws, and suppress the liberties of the Kingdom, after they had been so solemnly and evidently declared.

"12. Another Parliament dissolved 4 Car. 1 the privilege of Parliament broken, by imprisoning divers Members of the House, detaining them close prisoners for many months together, without the liberty of using books, pen, ink, or paper, denying them all the comforts of life, all means of preservation of health, not permitting

1641. "permitting their wives to come to them, even in time of their sickness.

"13. And for the completing that cruelty, after many years spent in such miserable durance, depriving them of the necessary means of spiritual consolation; not suffering them to go abroad to enjoy God's ordinances in God's house, or God's Ministers to come to them to minister comfort to them in their private chambers.

"14. And to keep them still in this oppressed condition, not admitting them to be bailed according to law, yet vexing them with informations in inferior Courts, sentencing and fining some of them for matters done in Parliament; and extorting the payments of those fines from them, enforcing others to put in security of good behaviour before they could be released.

"15. The imprisonment of the self, which refused to be bound, still continued, which might have been perpetual, if necessity had not the last year brought another Parliament to relieve them, of whom one (a) died, by the cruelty and harshness of his imprisonment, which would admit of no relaxation, notwithstanding the eminent danger of his life did sufficiently appear by the declaration of his Physician. And his release, or at least his refreshment, was sought by many humble Petitions. And his blood still cries either for vengeance or repentance, of those Ministers of state who have at once obstructed the course both of his Majesty's justice and mercy. (9).

REM. (9). The rigour exercised upon these Members of Parliament is one of the strongest proofs of the design to establish arbitrary power. And therefore the Commons largely insist upon this article.

"16. Upon the dissolution of both these Parliaments, untrue and scandalous declarations were published to asperse their proceedings, and some of their Members, unjustly; to make them odious, and colour the violence which was used against them. (10). Proclamations set out to the same purpose; and to the great dejecting the hearts of the people, forbidding them even to speak of Parliaments.

REM. (10). If by these Declarations are meant, those published to signify the causes of the dissolution of these Parliaments, it may be said, that the Commons swerved from the respect due to the King, by terming them untrue and scandalous, since they were published in his name.

"17. After the breach of the Parliament in the fourth of his Majesty, injustice, oppression and violence, broke in upon us, without any restraint or moderation, and yet the first project was the great sums exacted through the whole Kingdom, for default of Knighthood, which seemed to have some colour and shadow of a Law, yet if it be rightly examined by that obsolete Law which was pretended for it, it will be found to be against all the rules of justice, both in respect of the persons charged, the proportion of the fines demanded, and the absurd and unreasonable manner of their proceedings.

"18. Tunnage and Poundage hath been received without colour or pretence of Law: many other heavy impositions continued against Law; and some so unreasonable, that the sum of the charge exceeds the value of the goods.

"19. The book of Rates lately intimated to a high portion; and such merchants that would not submit to their illegal and unreasonable payments, were vexed and oppressed above measure; and the ordinary course of justice, the common birth-right of the Subjects of England, wholly obstructed and taken from them.

"20. And although this was taken on pretence of guarding the seas, yet a new and unheard of tax of Ship-money was devised, and upon the same pretence. By both which there was charged upon the Subject near 700,000 *l.* some years; and yet the Merchants have been left so naked to the violence of the *Turkish* pirates, that many great ships of value, and thousands of his Majesty's Subjects, have been taken by them, and do still remain in miserable slavery.

"21. The enlargement of Forests, contrary to *Charia de Foresta*, and the composition thereupon.

"22. The exactions of Coat and Conduct money, and divers other military charges. (11).

REM. (11). The King being engaged in a war against Scotland, ordered that every County should find a certain number of soldiers, and cloath and pay them, till they came to the place of the general rendezvous, on condition of being repaid another time. On this pretence it was agreed with the Counties, that they should supply the King with a certain sum proportionable to the number of soldiers each County was to cloath and pay, for which the King took the whole charge upon himself. This was called Coat and Conduct-money, that is to say, money for cloath-

ing and conducting the Troops. But this money was never relieved.

"23. The taking away the arms of the Trained-bands of divers Counties. (12).

REM. (12). The King intending to make a magazine of arms in the Castle of *Edinburgh*, found no speedier way than to take, in some Counties, the arms of the Militia, and send them to *Scotland*. But it was pretended, that at the same time, his design was to disarm, under that pretence, such persons as were not well-affected to him. Accordingly, this is insinuated by the Remonstrance, in the following article concerning Powder.

"24. The desperate design of engrossing all the Gunpowder into one hand, keeping it in the Tower of *London*, and setting to high a rate upon it, that the poorer sort were not able to buy it; nor could any have it without licence; thereby to leave the several parts of the Kingdom destitute of their necessary defence; and by filling so dear that which was sold, to make an unlawful advantage of it, to the great charge and detriment of the Subject.

"25. The general destruction of the King's Timber, especially that in the Forest of *Dean*, sold to Papists, which was the best store-house of this Kingdom for the maintenance of our shipping. (13).

REM. (13). These points are perhaps a little aggravated, at least in respect to the motives and consequences.

"26. The taking away of men's right under colour of the King's title to Land, between high and low water marks.

"27. The monopolies of soap, salt, wine, leather, sea-coal, and in a manner, of all things of most common and necessary use.

"28. The restraint of the liberties of the Subjects in their habitation, trades, and other interests.

"29. Their vexation and oppression by parveyors; clerks of the market, and salt-petre-men.

"30. The sale of pretended nuisances, buildings in and about *London*.

"31. Conversion of arable into pasture, continuance of pasture, under the name of Depopulation, have driven many millions out of the Subjects' parishes, without any considerable profit to his Majesty. (14).

REM. (14). The woollen trade being the great source of the riches of *England*, the Subjects were enjoined by several Statutes, not to change pasture into arable land, for fear of lessening the flocks, and consequently the wool. In King *Charles*'s reign, the offenders against these Statutes were strictly inquired after, not with a view to hinder the abuses, but to authorize them by a composition with the King.

"32. Large quantities of common and several grounds hath been taken from the Subject, by colour of the Statute of improvement, and by abuse of the Commission of Sewers, without their consent, and against it. (15).

REM. (15). Commissioners of Sewers are such as by authority under the Great Seal, see drains and ditches well kept and maintained in marshy and fenny Countries, for the better conveyance of the water into the sea, and preserving grass upon the land for the feeding of flocks and herds. The Commons complain that this Commission was abused.

"33. And not only private interests, but also publick faith hath been broken, in seizing of the money and bullion in the mint, and the whole Kingdom like to be robbed at once, in that abominable project of brass-money. (16).

REM. (16). The King took but forty thousand pounds out of the Mint, which sum was afterwards repaid to the Proprietors.

"34. Great numbers of his Majesty's Subjects, for refusing those unlawful charges, have been vexed with long and expensive suits; some fined and censured, others committed to long and hard imprisonments and confinements, to the loss of health in many, of life in some; and others have had their houses broken up, their goods seized; some have been restrained from their lawful callings.

"35. Ships have been interrupted in their voyages, surprized at sea in hostile manner by projectors, as by a common enemy.

"36. Merchants prohibited to unlade their goods in such ports as were for their own advantage, and forced to bring them to those places which were much for the advantage of the monopolizers and projectors.

"37. The Court of Star-Chamber hath abounded in extravagant censures, not only for the maintenance and improvement of monopolies, and other unlawful taxes, but for divers other causes, where their hath

(a) Sir John Eliot.

"been

1641. "been no offence, or very small; whereby his Majesty's Subjects have been oppressed by grievous fines, imprisonments, stigmatizing, mutilations, whippings, pillories, gags, confinements, banishments; after lo rigid a manner, as hath not only deprived men of the society of their friends, exercise of their professions, comfort of books, use of paper and ink, but even violated that near union which God hath established betwixt men and their wives, by forced and constrained separation, whereby they have been bereaved of the comfort and conversation of one of another for many years together, without hope of relief, if God had not, by his over-ruling Providence, given some interruption to the prevailing power and counsel of those, who were the authors and promoters of such peremptory and heady courses. (17).

REM. (17). This whole article relates to the rigorous treatment of *Prynne, Bastwick, and Burton*, by the Star-Chamber.

"38. Judges have been put out of their places for refusing to do against their oaths and consciences: others have been so awed that they durst not do their duties, and the better to hold a rod over them, the clause, *Quam diu se bene gesserit*, was left out of their Patents, and a new clause, *Durante bene placito*, inserted.

"39. Lawyers have been checked for being faithful to their clients: solicitors and attorneys have been threatened, and some punished for following lawful suits. And by this means all the approaches to justice were interrupted and fore-closed.

"40. New oaths have been forced upon the Subject against law.

"41. New judicatories erected without law. The Council-table have by their orders offered to bind the Subjects in their freeholds, estates, suits and actions.

"42. The pretended court of the *Earl Marshal* was arbitrary and illegal in its being and proceedings.

"43. The Chancery, Exchequer-Chamber, Court of Wards, and other *English* Courts, have been grievous in exceeding their jurisdiction.

"44. The estate of many families weakened, and some ruined by excessive Fines, exacted from them for compositions of Wardships.

"45. All leases of above one hundred years made to draw on Wardship contrary to law.

"46. Undue proceedings used in the finding of offices, to make the Jury find for the King.

"47. The Common-Law Courts, seeing all men more inclined to seek justice there, where it may be fitted to their own desires, are known frequently to forsake the rules of the Common-Law, and straying beyond their bounds, under pretence of equity, to do injustice. (18).

REM. (18). The Laws of *England* are divided into Common-Law, and Statute-Law; the first is founded on ancient custom, &c. and the other on Acts of Parliament: From these Laws the Judges are not allowed to swerve either to the right or left (a). The Court of Chancery only may in some cases judge according to equity. Now the King's Courts in taking upon them to judge according to equity, and not according to strict Law, had exceeded their jurisdiction, in order to favour the Court.

"48. Titles of honour, judicial places, *serjeantships* at law, and other offices have been sold for great sums of money; whereby the common justice of the Kingdom hath been much endangered, not only by opening a way of employment, in places of great trust and advantage to men of weak parts, but also by giving occasion to bribery, extortion, partiality; it seldom happening that places ill-gotten are well used. (19).

REM. (19). A *Seijeant at Law* [or of the Coif.] *Serviens ad legem*, is the highest degree taken in that profession, as that of Doctor is in the Civil Law. One Court is peculiar to them, namely, the Court of Common-Pleas, though they are not restrained from pleading in any other Court. Out of these are chosen one or more King's *Serjeants*, to plead for him in all causes, especially in those of treason (b).

"49. Commissions have been granted for examining the excess of Fees: And when great exactions have been discovered, compositions have been made with Delinquents, not only for the time past, but likewise for immunity, and security in offending for the time to come, which under colour of remedy, hath but confirmed and increased the Grievance to the Subject.

"50. The usual course of pricking Sheriffs, not observed, but many times Sheriffs made in an extraordinary way, sometimes as a punishment and charge unto them (20.), sometimes such were pricked out as would be instruments to execute whatsoever they would have to be done.

REM. (20). To hinder them from being chosen to serve in Parliament, as *Sir Edward Coke*, [*Sir Robert Philips*, and *Sir Thomas Wentworth*.]

"51. The Bishops and the rest of the Clergy, did triumph in the suspensions, excommunications, deprivations, and degradations of divers painful, learned, and pious Ministers, in the vexation and grievous oppressions of great numbers of his Majesty's good Subjects.

"52. The High-Commission grew to such excess of sharpness and severity, as was not much less than the *Remish* Inquisition, and yet in many cases, by the Archbishop's power, was made much more heavy, being assisted and strengthened by authority of the Council-table.

"53. The Bishops and their Courts were as eager in the country; although their jurisdiction could not reach so high in rigour and extremity of punishment, yet were they no less grievous in respect of the generality and multiplicity of vexations, which lighting upon the meaner sort of tradesmen and artificers, did impoverish many thousands;

"54. And so afflict and trouble others, that great numbers, to avoid their miseries, departed out of the Kingdom; some into *New-England*, and other parts of *America*, others into *Holland*:

"55. Where they have transported their manufactures of cloth; which is not only a loss by diminishing the present stock of the Kingdom, but a great mischief by impairing and endangering the loss of that peculiar trade of cloathing, which hath been a plentiful fountain of wealth and honour to this nation.

"56. Those were fittest for Ecclesiastical preferments, and soonest obtained it, who were most officious in promoting Superstition, most virulent in railing against godliness and honesty. (21).

REM. (21). By these are to be understood such as were most incensed against Presbyterianism.

"57. The most publick and solemn sermons before his Majesty, were, either to advance prerogative above Law, and decry the property of the Subject, or full of such kind of invectives;

"58. Whereby they might make those odious who sought to maintain the Religion, Laws, and Liberties of the Kingdom; and such men were sure to be weeded out of the Commission of the Peace, and out of all other employments of power in the government of the Country.

"59. Many noble persons were Counsellors in name, but the power and authority remained in a few of such as were most addicted to this party: whose resolutions and determinations were brought to the Table for countenance and execution, and not for debate and deliberation; and no man could offer to oppose them without disgrace and hazard to himself.

"60. Nay, all those that did not wholly concur, and actively contribute to the furtherance of their designs, though, otherwise, persons of never so great honour and abilities, were so far from being employed in any place of trust and power, that they were neglected, discountenanced, and upon all occasions injured and oppressed.

"61. This faction was grown to that height and entireness of power, that now they began to think of finishing of their work, which consisted of these three parts.

"62. I. The Government must be set free from all restraint of Laws concerning our persons and estates.

"63. II. There must be a conjunction betwixt Papists and Protestants in doctrine, discipline, and ceremonies, only it must not yet be called Popery.

"64. III. The Puritans, under which name they include all those that desire to preserve the Laws and Liberties of the Kingdom, and to maintain Religion in the power of it, must be either rooted out of the Kingdom with force, or driven out with fear.

"65. For the effecting of this, it was thought necessary to reduce *Scotland* to such Popish superstitions and innovations, as might make them apt to join with *England* in that great change which was intended.

"66. Whereupon new Canons and a new Liturgy were prest upon them; and when they refused to admit of them, an army was raised to force them to it, towards which the Clergy and the Papists were very forward in their contribution.

"67. The *Scots* likewise raised an army for their defence.

"68. And when both armies were come together, and ready for a bloody encounter, his Majesty's own gracious disposition, and the counsel of the *English* Nobility, and dutiful submission of the *Scots*, did so far prevail against the evil counsel of others, that a Pacification was made,

(a) The Author in this Remark has confounded, in the Original, the Common and Statute Law, making them to be the same.

(b) The Author has committed likewise some mistakes in the Remarks, which are corrected in the Translation.

1641. "and his Majesty returned with peace and much honour to London.

"69. The unexpected reconciliation was most acceptable to all the Kingdom except to the malignant party; whereof the Archbishop and the Earl of Strafford being heads, they and their faction began to inveigh against the peace, and to aggravate the proceedings of the States, which fo incensed his Majesty, that he forthwith prepared again for war.

"70. And such was their confidence, that having corrupted and disaffected the whole frame and government of the Kingdom, they did now hope to corrupt that which was the only means to restore all to a right frame and temper again.

"71. To which end they persuaded his Majesty to call a Parliament, not to seek counsel and advice of them, but to draw countenance and supply from them, and to engage the whole Kingdom in their quarrel.

"72. And in the mean time, continued all their unjust levies of money, resolving either to make the Parliament pliant to their will, and to establish mischief by a law, or else to break it, and with more colour to go on by violence, to take what they could not obtain by consent. The ground alledged for the justification of this war was this:

"73. That the undutiful demands of the Parliaments in Scotland was a sufficient reason for his Majesty to take arms against them, without hearing the reason of those demands; and thereupon a new army was prepared against them; their ships were seized in all parts both of England and Ireland, and at sea; their Petitions rejected, their commissioners refused audience.

"74. This whole Kingdom most miserably disaffected with levies of men and money; and imprisonments of those who denied to submit to those levies.

"75. The Earl of Strafford passed into Ireland, caused the Parliament there to declare against the Scots, to give four subsidies towards that war; and to engage themselves, their lives and fortunes for the prosecution of it; and gave directions for an army of eight thousand foot, and one thousand Horse, to be levied there, which were for the most part Papists.

"76. The Parliament met upon the 13th of April 1640. The Earl of Strafford, and Archbishop of Canterbury, with their party, so prevailed with his Majesty, that the House of Commons was pressed to yield a supply for maintenance of the war with Scotland, before they had provided any relief for the great and pressing grievances of the People; which being against the fundamental privilege and proceeding of Parliament, was yet in humble respect to his Majesty so far admitted, as that they agreed to take the matter of supply into consideration, and two several days it was debated.

"77. Twelve Subsidies were demanded for the release of Ship-money alone: A third day was appointed for conclusion, when the heads of that party began to fear, the People might close with the King, in satisfying his desires of money: But that they wilful, they were like to blast their malicious designs against Scotland, finding them very much indisposed to give any countenance to that war.

"78. Thereupon they wickedly advised the King to break off the Parliament, and to return to the ways of confusion, in which their own evil intentions were most like to prosper and succeed. (22).

REM. (22). The Lord Clarendon, then a member of the House of Commons, affirms, that the House was very well inclined to satisfy the King, if he would have had a little patience, and that he repented afterwards his precipitation. This confirms what is said here, that the Parliament was dissolved, for some private ends of those who most influenced the King's Council.

"79. After the Parliament ended, the 5th of May 1640, this party grew so bold, as to counsel the King to supply himself out of his Subjects estates, by his own power, at his own will, without their consent.

"80. The very next day, some Members of both Houses had their studies and cabinets, yea their pockets searched: Another of them not long after was committed close prisoner, for not delivering some Petitions which he received by authority of that House.

"81. And if harsher courses were intended (as was reported) it is very probable, that the sickness of the Earl of Strafford, and the tumultuous rising in Southwark and about Lambeth, were the causes that such violent intentions were not brought to execution.

"82. A false and scandalous declaration against the House of Commons was published in his Majesty's name, which yet wrought little effect with the People, but only

to manifest the impudence of those who were authors of it.

"83. A forced loan of money was attempted in the city of London.

"84. The Lord-mayor and Aldermen in their several Wards, enjoined to bring in a list of the names of such persons as they judged fit to lend, and of the sum they should lend, and such Aldermen as refused so to do were committed to prison.

"85. The Archbishop, and the other Bishops and Clergy continued the Convocation, and by a new commission turned it into a Provincial Synod, in which, by an unheard-of presumption, they made Canons that contain in them many matters, contrary to the King's Prerogative; to the fundamental Laws and Statutes of the realm; to the right of Parliaments; to the property and liberty of the Subject; and matters tending to sedition, and of dangerous consequence; thereby establishing their own usurpations, justifying their Altar-worship, and those other superstitious innovations, which they formerly introduced without warrant of Law.

"86. They imposed a new oath upon divers of his Majesty's Subjects both Ecclesiastical and Lay, for maintenance of their own tyranny, and laid a great tax upon the Clergy for supply of his Majesty, and generally they shewed themselves very affectionate to the war with Scotland, which was by some of them styled *Bellum Episcopale*, and a prayer composed, and enjoined to be read in Churches, calling the Scots rebels, to put the two nations in blood, and make them irreconcilable.

"87. All those pretended Canons and Constitutions were armed with the several censures of suspension, excommunication, deprivation, by which they would have thrust out all the good Ministers, and most of the well-affected people of the Kingdom, and left an easy passage to their own design of reconciliation with Rome. (23).

REM. (23). The Commons go doubtless too far, when they impute to the whole Convocation of 1640, the design of restoring Popery. This is not at all likely, supposing it were true, that some of the Bishops had formed such a project, which was never well proved (a).

"88. The Popish party enjoyed such exemptions from Penal Laws, as amounted to a Toleration, besides many other encouragements and court-favours.

"89. They had a Secretary of State, Sir Francis Windesbank, a powerful agent for speeding all their desires.

"90. A Pope's Nuncio residing here, to act and govern them according to such influences as he received from Rome, and to intercede for them with the most powerful concurrence of the foreign Princes of that Religion.

"91. By his authority the Papists of all sorts, Nobility, Gentry, and Clergy were, convoked after the manner of a Parliament.

"92. New jurisdictions were erected of *Remijs* Archbishops, taxes levied, another state moulded within this state independent in Government, contrary in interest and affection, secretly corrupting the ignorant or negligent professors of our Religion, and closely uniting and combining themselves against such as were found in this posture, waiting for an opportunity by force to destroy those whom they could not hope to seduce.

"93. For the effecting whereof, they were strengthened with arms and munition, encouraged by superstitious prayers, enjoined by the Nuncio, to be weekly made for the prosperity of some great design.

"94. And such power had they at Court, that secretly a commission was issued out, or intended to be issued to some great man of that profession, for the levying of soldiers, and to command and employ them according to private instructions, which we doubt were framed for the advantage of those who were the contrivers of them.

"95. His Majesty's treasure was consumed, his revenue anticipated.

"96. His servants and officers compelled to lend great sums of money.

"97. Multitudes were called to the Council-table, who were tired with long attendances there for refusing illegal payments.

"98. The prisons were filled with their commitments: many of the Sheriffs summoned into the Star-Chamber; and some imprisoned for not being quick enough in levying the Ship-money; the people languished under grief and fear, no visible hope being left but in desperation.

(a) It is observable, that this very Convocation censured *Goodman, Bishop of Gloucester*, for favouring Popery.

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" 99. The Nobility began to be weary of their silence and patience, and sensible of the duty and trust which belongs to them; and thereupon some of the most ancient of them did petition his Majesty at such a time, when evil counsellors were so strong, that they had occasion to expect more hazard to themselves, than redress of those publick evils for which they interceded.

" 100. Whilst the Kingdom was in this agitation and distemper, the Scots restrained in their trades, impoverished by the loss of many of their ships, bereaved of all possibility of satisfying his Majesty by any naked supplications, entered with a powerful army into the Kingdom, and without any hostile act or spoil in the country they passed, more than forcing a passage over the *Tyne* at *Newburn* near *Newcastle*; possessed themselves of *Newcastle*; and had a fair opportunity to press on farther upon the King's army.

" 101. But duty and reverence to his Majesty, and brotherly love to the *English* Nation, made them stay there, whereby the King had leisure to entertain better counsels.

" 102. Wherein God so blessed and directed him, that he summoned the great Council of Peers to meet at *York* upon the 24th of *September*, and there declared a Parliament, to begin the third of *November* then following.

" 103. The Scots, the first day of the great Council, presented an humble Petition to his Majesty, whereupon the treaty was appointed at *Rippon*.

" 104. A present cessation of arms agreed upon, and the full conclusion of all differences referred to the wisdom and care of the Parliament. (24.)

REMARK. (24.) The Commons suppose, that as the Scots had petitioned the King to redress their Grievances with the advice of the Parliament of *England*; and as on that occasion the King had called a Parliament, this was a tacit consent of both Parties to leave things to the Parliament of *England*. But this is only a supposition; for there was no agreement to refer matters to the Parliament.

" 105. At our first meeting, all opposition seemed to vanish, the mischiefs were so evident, which those evil counsellors produced, that no man durst stand up to defend them, yet the work itself afforded difficulty enough.

" 106. The multiplied evils and corruptions of sixteen years, strengthened by custom and authority, and the concurrent Interest of many powerful Delinquents, were now to be brought to judgment and reformation.

" 107. The King's household was to be provided for; they had brought him to that want, that he could not supply his ordinary and necessary expences without the assistance of his People.

" 108. Two armies were to be paid, which amounted very near to eighty thousand pounds a month.

" 109. The People were to be tenderly charged, having been formerly exhausted with many burthenome projects.

" 110. The difficulties seemed to be insuperable, which by the divine Providence we have overcome. The contraries incompatible, which yet in a great measure we have reconciled.

" 111. Six subsidies have been granted, and a Bill of Poll-money (a), which if it be duly levied, may equal six subsidies more, in all six hundred thousand pounds.

" 112. Besides, we have contracted a debt to the Scots of two hundred and twenty thousand pounds; yet God hath so blessed the endeavours of this Parliament, that the Kingdom is a great gainer by all these charges.

" 113. The Ship-money is abolished, which cost the Kingdom above two hundred thousand pounds a year.

" 114. The Coat and Conduct-money, and other military charges are taken away, which in many Counties amounted to little less than the Ship-money.

" 115. The Monopolies are all suppressed, whereof some few did prejudice the Subject above a million yearly.

" 116. The Soap, an hundred thousand pounds.

" 117. The Wine, three hundred thousand pounds.

" 118. The Leather must needs exceed both, and Salt could be no less than that.

" 119. Besides the inferior Monopolies, which if they could be exactly computed, would make up a great sum.

" 120. That which is more beneficial than all this, is, that the root of these evils is taken away, which was the arbitrary power pretended to be in his Majesty, of taxing the Subject, or charging their estates without consent in Parliament, which is now declared to be against Law, by the judgment of both Houses, and likewise by an Act of Parliament.

" 121. Another step of great advantage is this, the liv-

ing grievances, the evil counsellors and actors of these mischiefs have been so quelled.

" 122. By the justice done upon the Earl of *Stratford*, the flight of the Lord *Finch*, and Secretary *Windbank*.

" 123. The accusation and imprisonment of the Archbishop of *Canterbury*, of Judge *Barkley*; And,

" 124. The impeachment of divers other Bishops and Judges, that it is like not only to be an aid to the present times, but a preservation to the future.

" 125. The discontinuance of Parliaments is prevented by the Bill for a *Triennial* Parliament, and the abrupt dissolution of this Parliament by another Bill, by which it is provided, it shall not be dissolved or adjourned without the consent of both Houses.

" 126. Which two Laws well considered, may be thought more advantageous than all the former, because they secure a full operation of the present remedy, and afford a perpetual spring of remedies for the future.

" 127. The Star-Chamber;

" 128. The High-Commission;

" 129. The Courts of the President and Council in the North, were so many forges of misery, and oppression, and violence, and all taken away, whereby men are more secured in their persons, liberties, and estates, than they could by any law or example, for the regulation of those Courts of terror of the Judges.

" 130. The immoderate power of the Council-table, and the excessive abuse of that power is so ordered and restrained, that we may well hope, that no such things as were frequently done by them, to the prejudice of the publick Liberty, will appear in future times but only in stories, to give us and our posterity more occasion to praise God for his Majesty's goodness, and the faithful endeavours of this Parliament.

" 131. The Canons and power of Canon-making are blotted by the votes of both Houses.

" 132. The exorbitant power of Bishops and their Courts are much abated, by some provisions in the Bill against the High-Commission Courts, the authors of the many innovations in Doctrine and Ceremonies.

" 133. The Ministers that have been scandalous in their lives, have been so terrified by just complaints and accusations, that we may well hope they will be more modest for the time to come; either inwardly convicted by the sight of their own folly, or outwardly restrained by the fear of punishment.

" 134. The Forests are by a good Law reduced to their right bounds.

" 135. The encroachments and oppressions of the *Stannery* Courts (b), the extortions of the Clerk of the market.

" 136. And the compulsion of the Subject, to receive the order of Knighthood against his will, paying of fines for not receiving it; and the vexatious proceedings thereupon for levying of those fines, are by other beneficial laws reformed and prevented.

" 137. Many excellent laws and provisions are in preparation for removing the inordinate power, vexation and usurpations of Bishops; for reforming the pride and idleness of many of the Clergy; for easing the people of unnecessary ceremonies in Religion; for censuring and removing unworthy and unprobable Ministers, and for maintaining godly and diligent preachers through the Kingdom.

" 138. Other things of main importance for the good of this Kingdom are in proposition, though little could hitherto be done in regard of the many other more pressing businesses, which yet before the end of this Session we hope may receive some progress and perfection.

" 139. The establishing and ordering the King's Revenue, that so the abuse of officers, and superfluity of expences may be cut off, and the necessary disbursements for his Majesty's honour, the defence and government of the Kingdom, may more certainly be provided for.

" 140. The regulating of Courts of Justice, and abridging both the delays and charges of Law-suits.

" 141. The settling of some good courses for preventing the exportation of gold and silver, and the inequality of exchanges betwixt us and other nations, for the advancing of native commodities, increase of our manufactures, and well-balancing of trade, whereby the flock of the Kingdom may be increased, or at least kept from impairing, as through neglect heretofore it hath done for many years last past.

" 142. Improving the Herring-fishing upon our own coasts, which will be of mighty use in the employment of the poor, and a plentiful nursery of mariners, for enabling the Kingdom in any great action.

(a) This Poll-Tax was raised for paying the Scotch Army. And it was accorded on the following proportion. A Duke paid 1000, a Marquis 500, an Earl 250, a Viscount 125, and a Baron 62 1/2. Knights Bachelors 20, Esquires 10, every Gentleman that could spend 1000 a year, 50, and others as proportion. 111. of Taxes p. 237.

(b) Courts, whose Affairs relating to the Tinners, and Tin mines, are decided. So called from the Latin word *Stannum*, Tin.

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" 143. The oppositions, obstructions, and other difficulties wherewith we have been encountered, and which still lie in our way with some strength, and much obstinacy, are these; the malignant party, whom we have formerly deforbed to be the actors and promoters of all our misery, that have taken heart again:

" 144. They have been able to prefer some of their own factors and agents to degrees of honour, to places of trust and employment, even during the Parliament:

" 145. They have endeavoured to work in his Majesty's ill impressions and opinions of our proceedings, as if we had altogether done our own work, and not his; and had obtained from him many things very prejudicial to the Crown, both in respect of prerogative and profit.

" 146. To wipe out this slander, we think good only to say thus much; that all that we have done is for his Majesty, his greatness, honour, and support, when we yield to give twenty five thousand pounds a month for the relief of the northern counties; this was given to the King, for he was bound to protect his Subjects.

" 147. They were his Majesty's evil counsellors, and their ill instruments, that were actors in those grievances which brought in the *Scots*.

" 148. And if his Majesty please to force those who were the authors of this war, to make satisfaction, as he might justly and easily do, it seems very reasonable, that the people might well be excused from taking upon them this burden, being altogether innocent, and free from being any cause of it.

" 149. When we undertook the charge of the army, which cost above 50,000 *l.* a month, was not this given to the King? Was it not his Majesty's army? Were not all the commanders under contract with his Majesty at higher rates, and greater wages than ordinary:

" 150. And have not we taken upon us to discharge all the brotherly assistance of three hundred thousand pounds, which we gave the *Scots*? Was it not toward repair of those damages and losses which they received from the King's Ships, and from his Ministers?

" 151. These three particulars amount to above eleven hundred thousand pounds.

" 152. Besides his Majesty hath received, by impositions upon merchandise, at least four hundred thousand pounds.

" 153. So that his Majesty hath had out of the Subjects purse, since the Parliament began, one million and a half; and yet these men can be so impudent, as to tell his Majesty, that we have done nothing for him.

" 154. As to the second branch of this slander, we acknowledge with much thankfulness, that his Majesty hath passed more good Bills to the advantage of the Subjects, than have been in many ages.

" 155. But wital, we cannot forget that those venomous counsels did manifest themselves in some endeavours to hinder these good Acts.

" 156. And for both Houses of Parliament we may with truth and modesty say thus much; That we have ever been careful not to desire any thing that should weaken the Crown, either in just profit or useful power.

" 157. The Triennial Parliament for the matter of it, doth not extend so much, as by Law we ought to have required, there being two Statutes still in force for a Parliament to be once a year (25.), and for the manner of it, it is in the King's power, that it shall never take effect, if he, by a timely summons, shall prevent any other way of assembling. (26).

REM. (25). But these Statutes, by disuse, were grown obsolete, like that of *Edward III.*, on which the King proceeded to compel People to receive the order of Knighthood.

REM. (26). The Commons might have said, that he was himself the cause of this Act, for not calling a Parliament in twelve years.

" 158. In the Bill for continuance of this present Parliament, there seems to be some restraint of the royal power in dissolving of Parliaments, not to take it out of the Crown, but to suspend the execution of it for this time and occasion only; which was so necessary for the King's own security, and the publick peace, that without it we could not have undertaken any of these great charges, but must have left both the armies to disorder, and confusion, and the whole Kingdom to blood and rapine. (27).

REM. (27). The Commons understand here more than they express. Their aim is to shew, that without this Act, the King would not have failed to dissolve the Parliament; consequently the Peace with *Scotland* would not have been concluded, and the two armies would have ravaged the Kingdom.

" 159. The Star-Chamber was much more fruitful in

" oppression than in profit, the great fines being for the most part given away, and the rest stalled at long times.

" 160. The fines of the High-Commission were in themselves unjust, and seldom or never came into the King's purse. These four Bills are particularly and more specially intanced.

" 161. In the rest there will not be found so much as a shadow of prejudice to the Crown.

" 162. They have fought to diminish our reputation with the People, and to bring them out of love with Parliaments.

" 163. The aspersions which they have attempted this way have been such as these;

" 164. That we have spent much time and done little, especially in those grievances which concern Religion.

" 165. That the Parliament is a burthen to the Kingdom, by the abundance of protections which hinder justice and trade (28.), and by many subsidies granted, much more heavy than any formerly endured.

REM. (28). Every Member of Parliament had a right to grant protections to his servants and dependents, so that they cannot be prosecuted in any Courts. It is certain, this right was abused by many Members, in granting protections to persons without any lawful foundation, nay, some even sold them.

" 166. To which there is a ready answer, if the time spent in this Parliament, be considered in relation backward to the long growth and deep root of those grievances which we have removed, to the powerful supports of those Delinquents which we have pursued, to the great necessities and other charges of the Commonwealth, for which we have provided;

" 167. Or if it be considered in relation forward to many advantages, which not only the present, but future ages are like to reap by the good Laws, and other proceedings in this Parliament; we doubt not but it will be thought by all indifferent judgments, that our time hath been much better employed, than in a far greater proportion of time in many former Parliaments put together, and the charges which have been laid upon the Subjects, and the other inconveniences which they have born, will seem very light in respect of the benefit they have and may receive.

" 168. And for the matter of protection, the Parliament is so sensible of it, that therein they intended to give them whatsoever ease may stand with honour and justice, and are in a way of passing a Bill to give them satisfaction.

" 169. They have fought by many subtle practices to cause jealousies and divisions betwixt us and our brethren of *Scotland*, by slandering their proceedings and intentions toward us, and by secret endeavours to instigate and incense them, and us one against another.

" 170. They have had such a party of Bishops and Popish Lords in the House of Peers, as hath caused much opposition and delay in the prosecution of Delinquents, hindered the proceedings of divers good Bills passed in the Commons House, concerning the reformation of sundry great abuses and corruptions both in Church and State.

" 171. They have laboured to seduce and corrupt some of the Commons House, to draw them into conspiracies and combinations against the liberty of the Parliament.

" 172. And by their instruments and agents, they have attempted to disaffect and discontent his Majesty's army; and to engage it for the maintenance of their wicked and traitorous designs; the keeping up of Bishops in votes and functions, and by force to compel the Parliament to order, limit and dispose their proceedings, in such manner, as might best concur with the intentions of this dangerous and potent faction.

" 173. And when one mischievous design and attempt of theirs, to bring on the army against the Parliament, and the City of *London*, hath been discovered and prevented;

" 174. They presently undertook another of the same damnable nature, with this addition to it, to endeavour to make the *Scottish* army neutral, whilst the *English* army, which they had laboured to corrupt and invenom against us, by their false and slanderous suggestions, should execute their malice, to the subversion of our Religion, and the dissolution of our Government.

" 175. Thus they have been continually practising to disturb the peace, and plotting the destruction even of all the King's dominions; and have employed their emissaries, and agents in them, all for the promoting their devilish designs, which the vigilancy of those who were well affected, hath still discovered and detected, before they were ripe for execution in *England* and *Scotland*.

" 176. Only

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" 176. Only in *Ireland*, which was farther off, they have had time and opportunity to mould and prepare their work, and had brought it to that perfection, that they had possessed themselves of that whole Kingdom, totally subverted the Government of it, rooted out Religion, and destroyed all the Protestants, whom the conscience of their duty to God, their King and Country, would not have permitted to join with them, if by God's wonderful providence, their main enterprise upon the City and Castle of *Dublin* had not been detected and prevented upon the very eve before it should have been executed.

" 177. Notwithstanding they have, in other parts of that Kingdom, broken out into open rebellion, surprising towns and castles, committed murders, and rapes, and other villanies, and shaken off all bounds of obedience to his Majesty and the Laws of the realm. (29.)

REM. (29.) The Commons, in their two last Articles, consider the malignant party of *England* as the principal authors of the *Irish* Rebellion, and artfully confound whatever had been done in *England* for fifteen years, and the massacre of *Ireland* in 1641, under the same idea, as proceeding from the same source, which was never well proved.

" 178. And in general have kindled such a fire, as nothing but God's infinite blessing upon the wisdom and endeavours of this State will be able to quench.

" 179. And certainly had not God, in his great mercy unto this Land, discovered and confounded their former designs, we had been the prologue to this tragedy in *Ireland*, and had by this been made the lamentable spectacle of misery and confusion.

" 180. And now what hope have we but in God, when, as the only means of our subsistence and power of Reformation is under him in the Parliament?

" 181. But what can we the Commons, without the conjunction of the House of Lords; and what conjunction can we expect there, when the Bishops and recusant Lords are so numerous, and prevalent, that they are able to cross, and interrupt our best endeavours for Reformation, and by that means give advantage to this malignant party, to traduce our proceedings?

" 182. They infuse into the People, that we mean to abolish all Church-government, and leave every man to his own fancy, for the service and worship of God, abolishing him of that obedience which he owes under God unto his Majesty; whom we know to be intrusted with the Ecclesiastical Law, as well as with the Temporal, to regulate all the Members of the Church of *England*, by such rule of order and discipline, as are established by Parliament; which is his great Council, in all affairs both in Church and State. (30.)

REM. (30.) It is true, the Commons declare here, that their intention is not to set up an independency in matter of Religion. But as to what concerns the government of the Church they speak obscurely, because it was not yet time to declare themselves more openly. They are contented with asserting, that the King ought to take the Parliament's advice in the affairs of the Church, a maxim they intended to make great use of.

" 183. We confess our intention is, and our endeavours have been, to reduce within bounds that exorbitant power, which the Prelates have assumed unto themselves, so contrary both to the word of God, and to the Laws of the land; to which end we passed the Bill for the removing them from their temporal power and employments; that so the better they might with meekness apply themselves to the discharge of their functions; which Bill themselves oppose, and were the principal instruments of crossing it.

" 184. And we do here declare, That it is far from our purpose or desire, to let loose the golden reins of discipline and government in the Church, to leave private persons, or particular congregations, to take up what form of divine service they please; for we hold it requisite, that there should be throughout the whole realm a conformity to that order which the Laws enjoin according to the word of God. (31.) And we desire to unburden the consciences of men of needless and superstitious ceremonies, suppress innovations, and take away the monuments of idolatry.

REM. (31.) Great use was afterwards made of this restriction, according to the word of God, to introduce greater alterations than those mentioned in this article.

" 185. And the better to effect the intended Reformation, we desire there may be a general Synod of the most grave, pious, learned, and judicious Divines of this island; assisted with some from foreign parts, professing the same Religion with us; who may consider of all things necessary for the peace and good government of the Church, and represent the results of their consultations unto the Parliament, to be there allowed of and

confirmed, and receive the stamp of authority, thereby to find passage and obedience throughout the Kingdom. (32.)

REM. (32.) The Commons discover here more clearly their intentions, in that, 1. It does not appear that they would admit Bishops into this Synod. 2. In that they would have it to consist of Divines of the Island, and consequently of *Scots*, who were all Presbyterians, and of some foreign Ministers who were so too.

" 186. They have maliciously charged us, that we intend to destroy and discourage learning; whereas it is our chiefest care and desire to advance it; and to provide a competent maintenance for conscientious and preaching Ministers throughout the Kingdom, which will be a great encouragement to scholars, and a certain means, whereby the want, meanness, and ignorance, to which a great part of the Clergy is now subject, will be prevented.

" 187. And we intended likewise to reform and purge the fountains of learning, the two Universities, that the streams flowing from thence may be clear and pure, and an honour and comfort to the whole land. (33.)

REM. (33.) It is certain, at the time this Remonstrance was published, the resolution of abolishing the Ecclesiastical Hierarchy was already taken, though it was not yet openly declared. Accordingly, the design to purge the two Universities was executed, by turning out the Heads and Professors of the Church of *England*, and putting in Presbyterians.

" 188. They have strained to blast our proceedings in Parliament, by wresting the interpretations of our orders from their genuine intention.

" 189. They tell the people, that our meddling with the power of Episcopacy, hath caused sectaries and conventicles, when idolatry and popish ceremonies introduced into the Church by the command of the Bishops, have not only debared the People from thence, but expelled them from the Kingdom.

" 190. Thus with *Eliah*, we are called by this malignant party the troublers of the State, and still while we endeavour to reform their abuses, they make us the authors of those mischiefs we study to prevent.

" 191. For the perfecting of the work begun, and removing all future impediments, we conceive these counsels will be very effectual, seeing the Religion of the Papists hath such principles as do certainly tend to the destruction and extirpation of all Protestants, when they shall have opportunity to effect it.

" 192. It is necessary in the first place to keep them in such condition, as that they may not be able to do us any hurt, and for avoiding of such connivance and favour as hath heretofore been shewed unto them.

" 193. That his Majesty be pleased to grant a standing commission to some choice men named in Parliament, who may take notice of their increase, their counsels and proceedings, and use all due means by execution of the Laws, to prevent all mischievous designs against the peace and safety of this Kingdom.

" 194. That some good course be taken to discover the counterfeit and false conformity of Papists to the Church, by colour whereof, persons very much distressed to the true Religion, have been admitted into places of greatest trust and authority in the Kingdom.

" 195. For the better preservation of the Laws and liberties of the Kingdom, that all the illegal grievances and exactions be presented and punished at the Sessions and Assizes.

" 196. And that Judges and Justices be very careful to give this in charge to the Grand Juries, and both the Sheriff and Justices to be sworn to the due execution of the Petition of Right, and other Laws.

" 197. That his Majesty be humbly petitioned by both Houses, to employ such counsellors, ambassadors, and other Ministers in managing his business at home and abroad, as the Parliament may have cause to confide in, without which we cannot give his Majesty such supplies for support of his own estate, nor such assistance to the Protestant party beyond the sea, as is desired.

" 198. It may often fall out, that the Commons may have just cause to take exceptions at some men for being Counsellors, and yet not charge those men with crimes, for there be grounds of disaffection which lie not in proof.

" 199. There are others, which though they may be proved, yet are not legally criminal.

" 200. To be a known favourer of Papists, or to have been very forward in defending or countenancing some great offenders questioned in Parliament, or to speak contemptuously of either Houses of Parliament, or parliamentary proceedings: (34.)

REM. (34.) It is not unlikely the Commons meant here the Lord Digby, Son to the Earl of Bristol.

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" 201. Or such as are factors or agents for any foreign Prince of another Religion; such as are justly suspected to get Counsellors places, or any other of trust, concerning publick employment for money; for all these and divers others, we may have great reason to be earnest with his Majesty, not to put his great affairs into such hands, though we may be unwilling to proceed against them in any legal way of charge or impeachment.

" 202. That all Counsellors of State may be sworn to observe those laws which concern the Subject in his liberty, that they may likewise take an oath not to receive, or give reward or pension from any foreign Prince, but such as they shall within some reasonable time discover to the Lords of his Majesty's Council.

" 203. And although they should wickedly forswear themselves, yet it may herein do good to make them known to be false and perjured to those who employed them, and thereby bring them into as little credit with them as with us.

" 204. That his Majesty may have cause to be in love with good counsel and good men, by shewing him, in an humble and dutiful manner, how full of advantage it would be to himself, to see his own estate settled in a plentiful condition to support his honour; to see his people united in ways of duty to him, and endeavours of the publick good; to see happiness, wealth, peace and safety derived to his own Kingdom, and procured to his allies by the influence of his own power and Government."

It is easy to perceive, after reading this Remonstrance or Declaration, that it was a real Manifesto against the King, under the name of the Counsellors, Ministers, and Malignants. And therefore, before we proceed, it is reasonable to shew the Reader the King's answer to the Petition, which accompanied the Remonstrance, and then to the Remonstrance itself.

His Majesty's Answer to the Petition, which accompanied the Declaration presented to him at Hampton-Court, December 1. 1641.

Rothworth,
IV. p. 453.
Walton,
T. II. 744.

" **W**E having received from you, soon after our return out of Scotland, a long Petition, consisting of many desires of great moment, together with a Declaration of a very unusual nature annexed therunto, we had taken some time to consider of it, as befitting us in a matter of that consequence, being confident that your own reason and regard to us, as well as our express intimation, by our Controller, to that purpose, would have restrained you from the publishing of it, till such time as you should have received our answer to it; but much against our expectation, finding the contrary, that the said Declaration is already abroad in print, by directions from your House, as appears by the printed copy, we must let you know, that we are very sensible of the disrespect.

" Notwithstanding it is our intention, that no failing on your part shall make us fail in ours, of giving all due satisfaction to the desires of our people in a parliamentary way; and therefore we send you this answer to your Petition, relieving our self in point of the Declaration, which we think unparliamentary, and shall take a course to do that which we shall think fit in prudence and honour.

" To the Petition we say, That although there are divers things in the preamble of it, which we are so far from admitting, that we profess we cannot at all understand them, as of a wicked and malignant party prevalent in the Government; of some of that party admitted to our Privy-Council, and to other employments of trust, and nearest to us and our children; of endeavours to sow among the people false scandals and imputations, to blemish and disgrace the proceedings of the Parliament: All, or any of which, did we know of, we should be as ready to remedy and punish, as you to complain of; so that the prayers of your Petition are grounded upon such premises, as we must in no wise admit; yet notwithstanding we are pleased to give this answer to you. (1.)

R. M. (1.) This is a general answer of the King was not capable of combating the particular facts, whereby the Commons pretended to prove, in the Remonstrance, that for several years past, the Court or malignant party had endeavoured to establish an arbitrary Government.

" To the first, concerning Religion, consisting of several branches, we say, that for preserving the peace and safety of this Kingdom from the designs of the Popish party, we have, and will still concur with all the just desires of our people in a parliamentary way: (2.) That for the depriving of the Bishops of their Votes in Parliament, we would have you consider, that their right is grounded upon the fundamental law of the Kingdom, and Constitution of Parliament: This we would have you consider; but since you desire our concurrence No 63. Vol II.

" herein in a Parliamentary way, we will give no further answer at this time.

R. M. (2.) It is true, the King had never rejected the Petitions presented to him on this occasion by the Parliament, but had always granted whatever was desired. But then it is no less true, that his promises in this respect had never been executed. Wherefore the Parliament did not complain of want of concurrence, but of want of performance. So the King's answer as to his concurrence was not properly to the purpose.

" As for the abridging of the inordinate power of the Clergy, we conceive that the taking away of the High-Commission-Court hath well moderated that; but if there continue any usurpations or excesses in their jurisdiction, we therein neither have, nor will, protect them. (3.)

R. M. (3.) It would have been very difficult to agree with the King upon what should be considered as usurpations or excesses in the jurisdiction of the Clergy. So the King properly bound himself to nothing by this general promise.

" Unto that clause which concerneth corruptions (as you stile them) in Religion, in Church-Government, and in discipline, and the removing of such necessary Ceremonies as weak consciences might check; that for any illegal innovations which may have crept in, we shall willingly concur in the removal of them: That if our Parliament shall advise us to call a National Synod, which may duly examine such ceremonies as give just cause of offence to any, we shall take into consideration, and apply ourself to give due satisfaction therein; (4.) but we are very sorry to hear in such general terms, Corruption in Religion objected, since we are persuaded in our conscience, that no Church can be found upon the Earth that professeth the true Religion with more purity of doctrine than the Church of England doth, nor where the government and discipline are jointly more beautiful, and free from superstition, than as they are here established by law; which by the grace of God we will with constancy maintain (while we live) in their purity and glory, not only against all invasions of Popery, but also from the irreverence of those many Schismatics and Separatists, wherewith of late this Kingdom and this City abounds, to the great dishonour and hazard both of Church and State, for the suppression of whom we require your timely aid and active assistance.

R. M. (4.) Another general answer which signifies nothing.

" To the second prayer of the Petition, concerning the removal and choice of Counsellors, we know not any of our Council to whom the character set forth in the Petition can belong: That by those whom we had exposed to trial, we have already given you sufficient testimony, that there is no man so near unto us in place or affection, whom we will not leave to the justice of the law, if you shall bring a particular charge, and sufficient proofs against him; and of this we do again assure you, but in the mean time we wish you to forbear such general aspersions, as may reflect upon all our Council, since you name none in particular.

" That for the choice of our Counsellors and Ministers of State, it were to debar us that natural liberty all Freeman have; and as it is the undoubted right of the Crown of England, to call such persons to our secret Councils, to publick employment, and our particular service, as we shall think fit; so we are, and ever shall be very careful, to make election of such persons in those places of trust, as shall have given good testimonies of their abilities and integrity, and against whom there can be no just cause of exception, whereon reasonably to ground a diffidence; and to choices of this nature, we assure you that the mediation of the nearest unto us hath always concurred. (5.)

R. M. (5.) He means the Queen.

" To the third prayer of your Petition concerning Ireland, we understand your desire of not alienating the forfeited Lands thereof, to proceed from much care and love, and likewise that it may be a resolution very fit for us to take; but whether it be feasible to declare resolutions of that nature, before the events of a war be seen, that we much doubt of. Howsoever we cannot but thank you for this care, and your cheerful engagement for the suppression of that Rebellion; upon the speedy effecting whereof, the glory of God in the Protestant profession, the safety of the British throne, our honour, and that of the Nation so much depends; all the interests of this Kingdom being so involved in that business, we cannot but quicken your affections therein, and shall desire you to frame your counsels to give such expedition to the work, as the nature thereof, and the pressures in point of time require; and whereof you are

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"Rebels.

"For conclufion; your promife to apply your felves to
"fuch courfes as may fupport our Royal eftate with
"honour and plenty at home, and with power and repu-
"tation abroad, is that which we have ever promifed
"our felf, both from your loyalties and affections, and
"alfo for what we have already done, and fhall daily go
"adding unto, for the comfort and happinefs of our
"People."

The answer to the Remonfrance did not appear till
fome time after; for as far as I can conjecture, it was not
fent to the Commons before *January 1641-2*. I fhall
however infer it in this place, as well not to divide this
matter, as that the answer may be read before the Remon-
france is forgot.

*The King's Declaration in answer to the Remonfrance of the
State of the Kingdom.*

"Although we do not believe that our Houfe of
"Commons intended, by their Remonfrance of the
"State of the Kingdom, to put us to any apology, either
"for our paff or prefent actions: notwithstanding fince
"they have thought it fo very neceffary (upon their ob-
"fervation of the prefent diftempers) to publifh the fame,
"for the fatisfaction of all our loving Subjects, we have
"thought it very fuitable to the duty of our place (with
"which God hath trufted us) to do our part fo good
"a work, in which we fhall not think it below our
"kingly dignity to defend to any particular, which may
"compofe and fettle the affections of our meaneft
"Subjects, fince we are fo confcious to our felf of fuch
"upright intentions and endeavours, and only of fuch (for
"which we give God thanks) for the peace and happinefs
"of our Kingdom, in which the profperity of our Subjects
"muft be included, that we with from our heart, that
"even our moft fecret thoughts were publifhed to their
"view and examination: Though we muft confeft, we
"cannot but be very forry in this conjuncture of time,
"(when the unhappinefs of this Kingdom is fo generally
"underftood abroad) there fhould be fuch a neceffity of
"publifhing fo many particulars, from which we pray,
"no inconveniences may enfue, that were not intended.

"We fhall in few words pafs over that part of the
"narrative, wherein the miffortunes of this Kingdom,
"from our firft entering to the Crown to the beginning
"of this Parliament, are remembered in fo fenfible expref-
"fions. (1.) And that other which acknowledgeth the
"many good Laws paffed by our grace and favour this
"Parliament, for the fecurity of our People; of which
"we fhall only fay thus much, that as we have not re-
"fufed to pafs any Bill prefented to us by our Parliament,
"for redrefs of thofe grievances mentioned in the Remon-
"france; fo we have not had a greater motive for the
"paffing thofe Laws than our own refolution (grounded
"upon our obfervation, and underftanding the ftate of our
"Kingdom) to have freed our Subjects, for the future,
"from thofe prefures which were grievous to them if
"thofe Laws had not been propounded, (2.) which there-
"fore we fhall as inevitably maintain, as we look to have
"our own rights preferved, not doubting but that all our
"loving Subjects will look on thofe remedies, with that
"full gratitude and affection, that even the memory of
"what they have formerly undergone, by the accidents
"and neceffities of thofe times, will not be unpleafant
"to them: And poffibly in a pious fenfe of God's bleffing
"upon this nation (how little fhall we have of the acknowl-
"edgment) they will confeft they have
"enjoyed a great meafure of happinefs (even thefe laft
"fixteen years) both in peace and plenty, not only com-
"paratively in refpect of their neighbours, but even of
"thofe times which were juftly accounted fortunate. The
"fears and jealousies which may make fome impreffion
"in the minds of our People, we will fuppofe may be
"of two forts; either for Religion, or Liberty and their
"civil intereft. The fears for Religion may haply be,
"not only as ours here eftablifhed may be invaded by the
"*Remifh* Party, but as it is accompanied with fome cere-
"monies, at which fome tender confciences really are,
"or pretend to be scandalized; for of any other which
"have been ufed, without any legal warrant or injundtion,
"and already are, or fpeedily may be, abolifhed, we fhall
"not fpeak.

REMARK (1.) The King could not more ingenuoufly
own what is faid in the Remonfrance, concerning the
firft fifteen years of his Reign, than by entirely paffing
it over without answer.

REMARK (2.) This is alfo a confeffion that grievances were
juftly complained of. The King fays, his refolution was
to redrefs them, and it was not poffible to convict him
of the contrary. But after all, he was believed but by few
perfon.

"Concerning Religion, as there may be any fufpicion
"of favour or inclination to the Papifts, we are willing
"to declare to all the world, that as we have been from
"our childhood brought up in, and prafticed the Religion
"now eftablifhed in this Kingdom, fo it is well known,
"we have (not contented fimply with the principles of our
"education) given a good proportion of our time and pains,
"to the examination of the grounds of this Religion, as
"it is different from that of *Rome*, and are from our foul
"fo fully fatisfied and affured that it is the moft pure and
"agreeable to the facred word of God, of any Religion
"now prafticed in the chriftian world: that as we believe
"we can maintain the fame by unanswerable reafons, fo
"we hope we fhould readily lead to it by the effufion of
"our blood, if it pleased God to call us to that facifice.
"And therefore nothing can be fo acceptable unto us, as
"any propofition which may contribute to the advance-
"ment of it here, or the propagation of it abroad, being
"the only means to draw down a bleffing from God upon
"our felves and this nation. And we have been extreme-
"ly unfortunate, if this profefion of ours be wanting to
"our People: our conftant praftice in our own perfon,
"having always been (without offence) as much to the
"evidence of our care and duty herein, as we could po-
"ffibly tell how to exprefs. (3.)

REMARK (3.) The Remonfrance did not accufe the King
of being a Papift in his heart, but of having countenanced
the Catholics, by not executing the Laws againft them.
He clears himfelf here from being inclined to the *Remifh*
Religion, and leaves the confequence to be drawn, that
fince he is perfwaded of the truth of the Proteftant Reli-
gion, it is not poffible he fhould encourage the *Roman*. But
his conduct had fhown that this confequence did not necef-
farily follow, fince it was notorious, he had countenanced
the Papifts, from the beginning of his reign, whether out
of complaifance to the Queen, or from fome political
views.

"For differences among our felves, for matters indif-
"ferent in their own nature concerning Religion, we fhall,
"in tendernefs to any number of our loving Subjects,
"very willingly comply with the advice of our Parliament,
"that fome Law may be made for the exemption of
"tender confciences from punifhment, or profecution to
"fuch ceremonies, and in fuch cafes, which by the judg-
"ment of moft men, are held to be matters indif-
"ferent, and of fome to be absolutely unlawful. Provided that
"this cafe be attempted and purfued with that modefty,
"temper and fubmiffion, that in the mean time the peace
"and quiet of the Kingdom be not difturbed, the decency
"and comelinefs of God's fervice difcountenanced, nor
"the pious, fober, and devout actions of thofe reverend
"Perfons who were the firft labourers in the bleffed Re-
"formation, or of that time, be fcandalized and defamed. (4.)
"for we cannot, without grief of heart, and without
"fome tax upon our felf, and our minifters, for the not
"execution of our Laws, look upon the bold licence of
"fome men, in printing of pamphlets, in preaching and
"printing of fermons, fo full of bitternefs and malice
"againft the prefent Government, againft the Laws
"eftablifhed, fo full of fedition againft our felf, and the
"peace of the Kingdom, that we are many times amazed
"to confider by what eyes thefe things are feen, and by
"what ears they are heard. And therefore we have good
"caufe to command, as we have done, and hereby do, all
"our Judges and Minifters of Juftice, our Attorney and
"Solicitor-General, and the reft of our learned Council, to
"proceed with all fpeed againft fuch, and their abettors,
"who either by writing or words, have fo boldly and
"maliciously violated the Laws, difturbed the Peace of
"the Common-wealth, and as much as in them lies,
"fhaken the very foundation upon which that peace and
"happinefs is founded and conftituted. And we doubt
"not but all our loving Subjects will be very fenfible,
"that this bufie, virulent demeanour, is a fit prologue to
"nothing but confufion; and if not very feafonably
"punifhed and prevented, will not only be a blemifh to
"that wholefome accommodation we intend, but an
"unfpeakable fcandal and imputation, even upon the
"profefion and Religion of this our Kingdom of Eng-
"land.

REMARK (4.) The King was not in the wrong to fup-
port the eftablifhed worfhip, and to regard as an indul-
gence whatever fhould be granted to tender confciences.
But after all, this indulgence was reduced to a very fmall
matter, if we confider all the limitations contained in this
article.

"Concerning the civil Liberties and Interefts of our
"Subjects, we fhall need to fay the lefs, having erected
"fo many lafting monuments of our princely and fatherly
"care of our People, in thofe many excellent Laws,
"paffed by us this Parliament, which in truth (with very
"much content to our felf,) we conceive to be fo large
"and

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"and ample, that very many sober men have very little left to wish for.

"We understood well the Right, and pretences of Right, we departed from, in the consenting to the Bills of the *Triennial* Parliament, for the continuance of this present Parliament, and in the preamble to the Bill of *Tunnage and Poundage*. The matter of which having begot so many disturbances in late Parliaments, we were willing to remove, that no interest of ours might hereafter break that correspondence, abundantly contenting our self, with an assurance (which we still have) that we should be repaired and supplied by a just proportion of confidence, bounty and obedience of our People. In the Bills for the taking away the High-Commission and Star-Chamber Courts, we believe we had given that real satisfaction, that all jealousies and apprehensions of arbitrary prefures under the civil or ecclesiastical State, would easily have been abandoned, especially when they saw all possible doubts secured by the visitation of a *Triennial* Parliament.

"These and others of no mean consideration, we had rather should be valued in the hearts and affections of our People, than in any mention of our own; not doubting, but as we have taken all these occasions to render their condition most comfortable and happy; so they will always, in a grateful and dutiful relation, be ready with equal tenderness and alacrity to advance our rights, and preserve our honour, upon which their own security and subsistence so much depends. And we will be so careful, that no particular shall be presented unto us, for the completing and establishing that security, to which we will not with the same readiness contribute our best assistance.

"If these resolutions be the effects of our present counsels (and we take God to witness, that they are such, and that all our loving Subjects may confidently expect the benefit of them from us,) certainly no ill design upon the publick can accompany such resolution, neither will there be greater cause of suspicion of any Persons preferred by us to degrees of honour, and places of trust and employment since this Parliament. And we must confess, that amongst our misfortunes, we reckon it not the least, that having not retained in our service, nor protected any one person, against whom our Parliament hath excepted during the whole sitting of it, and having in all that time scarce vouchsafed to any man an instance of our grace and favour, but to such who were under some eminent character of estimation among our People, there should so soon be any misunderstanding or jealousy of their fidelity and uprightness, especially in a time when we take all occasions to declare, that we conceive our self only capable of being served by honest men, and in honest ways. However, if in truth we have been mistaken in such our election, the particular shall be no sooner discovered to us, either by our own observation, or other certain information, than we will leave them to publick justice, under the marks of our displeasure.

"If notwithstanding this, any malignant party shall take heart, and be willing to sacrifice the peace and happiness of their country to their own sinister ends and ambitions, under what pretence of Religion and conscience soever; if they shall endeavour to lessen our reputation and interest, and to weaken our lawful power and authority with our good Subjects; if they shall go about by discountenancing the present Laws to loosen the bands of Government, that all disorder and confusion may break in upon us, we doubt not, but God in his good time will discover them unto us; and the wisdom and courage of our High-Court of Parliament, join with us in their suppression and punishment.

"Having now said all that we can to express the clearness and uprightness of our intentions to our People, and done all we can to manifest those intentions, we cannot but confidently believe, all our good Subjects will acknowledge our part to be fully performed, both in deeds past, and present resolutions, to do whatsoever with justice may be required of us, and that their quiet and prosperity depends now wholly upon themselves, and is in their own power, by yielding all obedience and due reverence to the Law, which is the inheritance of every Subject, and the only security he can have for his life, liberty, or estate, and the which being neglected or esteemed (under what specious shews soever) a very great measure of infelicity, if not an irreparable confusion, must without doubt fall upon them. And we doubt not, it will be the most acceptable declaration a King can make to his Subjects, that for our part, we are resolved not only duly to observe the Laws our self, but to maintain them against what opposition soever, though with the hazard of our Being. (5.)

1641.

R. M. (5.) Unhappily for the King, these general promises, to which he could give what sense he thought proper, produced not the effect upon the Commons he expected, or rather they produced the quite contrary, and increased their distrust. This the Reader will be convinced of, when he comes to see what had passed, probably, before this Declaration was published.

"And our hope is, that not only the loyalty and good affections of all our loving Subjects, will concur with us in the constant preserving a good understanding between us and our People, but at this time, their own and our interest, and compassion of the lamentable condition of our poor Protestant Subjects in *Ireland*, will invite them to a fair intelligence and unity amongst themselves, that so we may with one heart, intend the relieving and recovering that unhappy Kingdom, where those barbarous rebels practise such inhuman and unheard of outrages upon our miserable People, that no Christian ear can hear without horror, nor story parallel. And as we look upon this as the greatest affliction it hath pleased God to lay upon us, so our unhappiness is increased, in that, by the dilemmes at home, so early remedies have not been applied to those growing evils, as the expectation and necessity there requires, though for our part, as we did upon the first notice acquaint our Parliament of *Scotland*, (where we then were) with that rebellion, requiring their aid and assistance, and gave like speedy intimation and recommendation to our Parliament here; so since our return hither, we have been forward to all things which have been propoed to us towards that work, and have lately our self offered (by a message to our House of Peers, and communicated to our House of Commons) to take upon us the care to raise speedily ten thousand *English* Volunteers for that service, if the House of Commons shall declare, that they will pay them (6.) which particulars we are (in a manner) necessitated to publish, since we are informed, that the malice of some persons have whispered it abroad, that no speedier advancing of the business, hath proceeded from some want of alacrity in us to this great work, whereas we acknowledge it a high crime against Almighty God, and inexcusable to our good Subjects of our three Kingdoms, if we did not to the utmost employ all our powers and faculties to the speediest and most effectual assistance and protection of that distressed People.

R. M. (6.) It appears by this passage, that this answer was not published till after the King's offer of leaving ten thousand men for *Ireland*, that is to say, in *January* 1641-2.

"And we shall now conjure all our good Subjects (of what degree soever) by all the bonds of love, duty, or obedience, that are precious to good men, to join with us for the recovery of the peace of that Kingdom, and the preservation of the peace of this, to remove all their doubts and fears, which may interrupt their affection to us, and all their jealousies and apprehensions, which may lessen their charity to each other, and then (if the fias of this nation have not prepared an inevitable judgment for us all) God will yet make us a great and glorious King, over a free and happy People."

The bare reading of this Declaration sufficiently shows, the King had no intention to give a particular answer to the Remonstrance of the State of the Kingdom, which contained so many different articles, untouched by the King's declaration. And perhaps, he would never have given any answer, if his enemies had not triumphed on his silence. He thought proper therefore to publish this Declaration, that he might say he had answered the Remonstrance, and not with design to answer it indeed; and besides, he published it not till long after the Remonstrance was received. Mean while, the Commons publishing this Paper against his will, made a deep impression on his mind, and convinced him, they had some grand design, since they had so little regard for him.

It was not very strange, that the King should be highly displeased with such a Remonstrance, which was properly but a series of reproaches for his past conduct, and against his Government; with a Remonstrance, not directed to himself, but to the publick, the authors whereof only meant to incense the People against him, and which was made at a time, when it seemed to be most unnecessary. Accordingly, the beginning of the breach between the King and the Parliament, is properly to be dated from this time, though, on both sides, some measures were yet kept.

Next day, the second of *December*, the King coming to the Parliament, the Speaker presented to him the Bill for *Tunnage and Poundage* for some months only, wherein the King expressly owned, he had till then levied these Duties without a legal power. He made, on this occasion, a fine Speech, full of his Majesty's praises for his goodness and affection to his People. After which, the King spake in the following manner to both Houses.

Bill of the Remonstrance.

Redworth, p. 433.

1641.

*Y^e King's
speech to
both Houses.
Dec. 1.
Richworth,
IV. p. 459.
Nelson,
T. II. 728.*

My Lords and Gentlemen,

"I Think it fit, after so long absence, at this first occasion to speak a few words unto you: But it is in no ways in answer to Mr. Speaker's learned Speech.

"Albeit I have flaid longer than I expected to have done when I went away, yet in this I have kept my promise with you, that I have made all the haste back again, that the settling of my *Scotch* affairs could any ways permit. In which I have had so good success, that I will confidently affirm to you, that I have left that nation a most peaceable and contented People; so that although I have a little misreckoned in time, yet I was not deceived in my end.

"But if I have deceived your expectations a little in the time of my return, I am assured, that my expectation is as much and more deceived, in the condition wherein I hoped to have found some businesses at my return. For that since before my going I settled the liberties of my Subjects, and gave the Laws a free and orderly course, I expected to have found my People reaping the fruits of these benefits, by living in quietness and satisfaction of mind: But instead of this, I find them disturbed with jealousies, frights, and alarms of dangerous designs and plots; in consequence of which, guards have been set to defend both Houses. I say not this as in doubt, that my Subjects affections are any way lessened unto me in this time of my absence, for I cannot but remember, to my great comfort, the joyful reception I had now at my entry into London; but rather, as I hope, that my presence will easily disperse these fears: For I bring as perfect and true affections to my People, as ever Prince did, or as good Subjects can possibly desire. And I am so far from repenting me of any act I have done in this session for the good of my People, that I protest, if it were to do again, I would do it; and will yet grant what else can be justly desired, for satisfaction in point of Liberties, or in maintenance of the true Religion that is here established.

"Now I have but one particular to recommend unto you at this time, it is *Ireland*; for which, though I doubt not your care, yet methinks the preparations for it go but slowly on. The occasion is the fitter for me now to mention, because of the arrival of two Lords from *Scotland*, who come instructed from my Council there (who now by Act of Parliament have full power for that purpose) to answer that demand, which it pleased both Houses to make me by way of Petition, that met me at *Berwick*; and which the Duke of *Richmond* sent back by my command, to my *Scotch* Council. Therefore my desire is, that both Houses would appoint a select Committee to end this business with these Noblemen.

"I must conclude in telling you, that I seek my People's happiness: For their flourishing is my greatest glory, and their affections my greatest strength."

It was not without great reason that the King resolved to testify an extreme zeal for the publick good, since the Remonstrance of the Commons plainly taught him, that endeavours were using to make him forfeit the love of the people. It was therefore necessary to countermin the designs of his enemies, by repeated assurances of a great affection for his people, and by intimating, he had entirely changed his principles and maxims. But herein he had one great disadvantage, in that, for his future behaviour, he could give no other security than his word, which, his enemies pretended to demonstrate, was not to be relied on. They chiefly urged, that though the King had solemnly given his assent to the Petition of Right, he had never executed what he promised. The consequence they drew from this non-performance was so much the stronger, as the King had nothing to oppose to it but bare promises, which were of no more force than those he had made with regard to that Petition.

As the King had earnestly recommended to the Parliament, the consideration of the affairs of *Ireland*, both Houses immediately appointed a Committee to treat with the *Scots* about succours (1). The Commons in particular passionately desired to negotiate with *Scotland*. In their present belief, that the King was willing to engage them to send an army into *Ireland*, in order to be more at ease in *England*, they could not find a more effectual way to break his measures, than to employ *Scotch* Troops in the relief of that Kingdom. As they had already taken the resolution, though secretly, of deverting the King of great part of his power, they easily foresaw, that a breach would in-

fallibly follow, and then they should want the Troops, the King had a mind to engage them to send into *Ireland*.

After the Remonstrance, every thing manifestly tended to a rupture between the King and the Parliament, and the Commons lost no opportunity to infuse suspicions into the people against the King. To this end, *Daniel O Neale*, who was concerned in the plot to seduce the army, was voted guilty of a second attempt, in [June, or] July last, to persuade the chief officers of the army to declare for the King, against the Parliament. This tended to show, that the King had not relinquished his project, to make use of force to awe the Parliament.

On the other hand, the Rebels of *Ireland* having [by the Lord *Castelnagh*] presented to the Lords Justices of that Kingdom, a Letter in the nature of a Remonstrance, wherein they demanded the free exercise of their Religion, and a repeal of all Laws to the contrary, the Commons made a great noise about it. They knew the Lord *Castelnagh*, with the Lord *Taaff*, were on their way to *England*, with propositions to be offered to the King concerning means for procuring the peace of *Ireland*. So, fearing, or pretending to fear, the King would grant liberty of conscience to the *Irish* Papists, they desired a conference with the Lords. After which, it was solemnly declared by both Houses, that they would never consent to any toleration of the *Papish* Religion in *Ireland*, [or any other of his Majesty's Dominions.] It is easy to see how much this tended to breed suspicions of the King.

If 'tis supposed, as I have intimated, that the aim of the Commons, or at least of the greatest part of the House, was to put it out of the King's power to govern for the future, as he had governed before this Parliament, and that, to prepare the people for this change, it was necessary to fill them with fears and suspicions, the motives of all their proceedings, and the King's sad situation, will be perfectly understood. His Subjects were prejudiced against him, and he had given but too much occasion. Every step taken by the Commons tended to increase this prejudice, and the King, to remove it, could allege only the sincerity of his intentions, of which many people were not convinced. This gave his enemies an advantage, which they did not fail on all occasions to improve. Nay, they decended even to the meanest trifles, to cherish the people's fears. For upon information, that amongst some barrels of Soap, sent by a Merchant of *London* to *Dorchester*, there was found a barrel of Gun-powder, the House appointed a Committee (2) to make a strict inquiry, as into a thing of the greatest consequence.

About the same time, another affair happened, which gave some advantage against the King. The 8th of *December*, he sent to acquaint both Houses, that seven Priests (3) having been condemned that week, the *French* Ambassador had desired him to change the sentence of death, into that of banishment, upon which he desired to have their advice. Some days after, the Commons voted, that the seven Priests should be executed, and the Lord, concurring with this vote, both Houses petitioned the King to order the execution. The King replied, he would banish the seven Priests, if both Houses would give their consent. As they did not think proper to answer, the King took occasion from their silence, to suspend the execution. Two months after, the King communicated a letter to them, which Secretary *Nicholas* had received from *Venice*, wherein he was told, that the Pope threatened to send an army into *Ireland*, if the Priests were executed. Upon this menace, both Houses prayed the King once more to execute the seven Priests. But he thought not proper to grant their desire. His reason was, the fear of reprisals, and that this rigour might be extremely prejudicial to the *English* Protestants in *Ireland*, who should fall into the hands of the rebels. This reason was so much the weaker, as it served not only for the present case, but also for all that should offer hereafter, and tended to render the Laws of no effect. Besides, the *Irish* having already massacred above forty thousand *English* Protestants without any cause, the fear of reprisals from them seems to have been a weak motive for pardoning these Priests. Accordingly, it was generally thought to be owing to the solicitations of the Queen. Be this as it will, the Priests were not executed, for though, afterwards, the King left it to both Houses to save or put them to death, they did not think fit either to pardon or execute. All this was extremely prejudicial to the King, since, at the very time that he solemnly protested, he was resolved to execute the Laws, he granted his protection to these seven Priests, legally convicted, and had no regard to the influences of both Houses.

*A Committee
is sent
about the
Scotch suc-
cours.
Richworth,
IV. p. 455.
Nelson,
T. II. p. 721.
729, 732.*

(1) That is, with some *Scotch* Commissioners, who were come from *Scotland* to treat with the Parliament, about succours for *Ireland*. The Commissioners appointed by the Parliament, were, the Earls of *Bristol*, and *Leicester*, the Lord *Howard of Effingham*, and *Nathaniel Fiennes*, Sir *William Ayscough*, Sir *Philip Stapleton*, and *John Hampden*. *Nelson*, Tom. II. p. 713, 716.

(2) They sent down an order to the Justices of Peace of *Dorchester*, to make diligent search for a barrel of Powder sent thither for a barrel of Soap. *Nelson*, Tom. II. p. 719.

(3) *Rapin* says, but *Nelson* makes them to be eight in one place, and in another seven. See *Nelson*, Tom. II. p. 719, 720.

1641. At this time, I mean in December 1641, two affairs successively employed the House of Commons, namely, the succours for Ireland, and the accusation presented to the Lords against the Bishops. I shall only speak of the first at present.

Copies of the King's orders to the Irish nobles to raise troops, &c.
Nelson, T. II. p. 257.
The King and Parliament equally granted the necessity of relieving Ireland, and all the advices from thence were a demonstration of it. The Irish army was at the gates of Dublin, and had cut in pieces a body of troops sent to Drogheda. So, in all likelihood, the Lords-Justices, with their few troops, could not long resist the rebels. The Scotch Commissioners that were come to London to treat with the Parliament, had offered an aid of five thousand men, who could easily be sent from Scotland into the North of Ireland, to make a diversion, and the Commons had prevailed with them to treat for ten thousand. The design of the Commons was to employ only Scotch troops in the reduction of Ireland, that England might not be unprovided. The King did not refuse the assistance of Scotland, but would have England send into Ireland the like number of English forces, on pretence, that there was danger of the Scots seizing upon Ireland when the Irish should be subdued. He had found means to gain the Peers, so that when the motion was made to the Lords, for sending ten thousand Scots into Ireland, they consented to it, provided the same number of English were also sent thither.

Nelson, T. II. p. 261.
The Scotch Commissioners complaining by a memorial, that in a fortnight they had no positive answer to their offers, the Commons pressed the Lords to dispatch the affair, declaring, if they neglected it, the whole blame would fall upon them. They farther declared, that unless the Bill for pressing of soldiers passed, it was impossible for England to raise troops for this service. Whereupon the Lords debated the three following questions, which were all resolved in the negative.

Votes of the Peers concerning the Bill for pressing soldiers.
Nelson, T. II. p. 263.
1. Whether this House shall consent to send ten thousand Scots into Ireland, before it can be ascertained that ten thousand English will be sent thither also?

2. Whether this House shall consent to send ten thousand Scots before the Bill for pressing be passed?

3. Whether this House shall join with the Commons, in sending now ten thousand Scots into Ireland?

Sharp Answer of the Commons.
Id. p. 277.
The Commons replied to these votes in a conference, that for the certainty their Lordships desire of sending ten thousand English into Ireland, the Commons were not used to be capitulated with: That their actions are free, as well without conditions as capitulations, and desire it may be so no more: That they had already given sufficient certainty by a vote communicated to their Lordships, and see no necessity of voting it again: That they desire their Lordships would vote the sending ten thousand Scots, without any relation to the ten thousand English, and that speedily, the preservation of Ireland depending upon it: That they have the more reason to desire this, as the English troops cannot go, unless the Bill for pressing passes. But this was not capable of making the Lords depart from their former resolutions.

The Commons insist upon the two Lords sent from Ireland.
Rushworth, IV. p. 458.
Mean time, the Commons, who had already committed to prison the Lords Cessbrough and Taaff, (sent to the King with propositions about procuring the peace of Ireland) caused all their Papers to be examined, in their distrust of the King, and no doubt, in expectation of finding some thing which might do him a prejudice (1).

The King offers to raise ten thousand men.
Nelson, T. II. p. 277.
At the same time, the King acquainted the Lords, that he would engage to raise ten thousand men for Ireland, if the Commons would promise to pay them (2). But they were far from accepting this proposition, knowing the King meant to grant the commissions, and would give them to such officers only as should be at his devotion. So the Commons chose rather to hazard the entire loss of Ireland, than send thither ten thousand English in such a juncture; and the Lords chose rather to run the risk of seeing all the English driven out of that Kingdom, than of seeing the Scots in condition to seize it. The King perfectly knew the motive of the Commons proceedings, whilst they were not ignorant, that the Lords acted wholly by the King's direction.

A Committee to examine the cause of the delay of the aid.
Rushworth, IV. p. 466.
Mean time, the assistance for Ireland being still retarded by these quibbles, the Commons appointed a Committee to examine, from whence came the obstacles that occurred in this affair. It was really difficult for those who were not acquainted with the secret motives of the King and Commons, to know where the blame lay, that Ireland was not relieved, since they seemed equally desirous that a speedy aid should be sent thither. The King's friends said, his Majesty's offer to raise ten thousand men, provided the

Commons would engage to pay them, was a clear evidence, that the obstructions did not proceed from him. His enemies, on the contrary, affirmed, that the refusal of the Lords, or rather of the King who directed them, to accept of the aid of ten thousand Scots, on a frivolous pretence, plainly shewed, that the difficulties did not come from the House of Commons, since they were very ready to promise to pay these auxiliaries. For my part, I am of opinion, that both King and Commons thought less seriously of assisting Ireland, than of drawing from the Irish rebellion private advantages, with regard to their differences. The King wished the Parliament would send a strong army into Ireland, that they might find it more difficult to raise forces in case of a breach with him, of which there was but too much appearance. The Commons, on their part, had prevailed with the Scots to offer ten thousand men, in the belief, that if they were accepted, they should be freed from the trouble and danger of sending an English army into Ireland, and if they were refused, the delay of relief would be imputed to the King.

However this be, the House, upon the report of the January 1. Committee, found that one great obstruction of relief to Ireland, was, that the Irish had not been declared rebels by Proclamation. Wherefore, on the 18th of January 1641-2, the King published a Proclamation, wherein the Irish were expressly called traitors and rebels. But there were only forty copies printed, which were all sent to Secretary Nicholas, according to an order received by the Printer, to this effect:

It is his Majesty's pleasure, That you forthwith print in the very good Paper, and send unto me, for his Majesty's service, forty copies of the Proclamation inclosed, leaving convenient space for his Majesty to sign above, and to affix the Privy Signet underneath. And his Majesty's express command is, That you print not above the said number of forty copies, and forbear to make any further publication of them till his pleasure be further signified.

For his Majesty's
Printer (3),

ED. NICHOLAS.

It will hereafter be seen, what use the Commons made of this order, the original whereof they had in their hands, and the King's answer.

I have already observed, that since the King's return from Scotland, there were between him and the Commons seeds of division, which threatened an approaching rupture. This appeared on all occasions, and the mutual distrust continually increased; but with this difference, that the Commons did not take the least step, but what tended to their end of filling the People with fears and jealousies; whereas the King having yet formed no project, managed according to the present emergencies, without proposing to himself a fixed and certain end, which was a great disadvantage to him. Shortly after his return from Scotland, upon notice that there was to be a tumultuous concourse of people at Westminster, he sent a writ to the Sheriff to set a guard near the Parliament. The Commons took offence at it, and after some inquiry to shew it was done by the King's order, dismissed the guard.

Two days after, the King published a Proclamation, strictly commanding, that divine service should be performed in all the Churches of England and Wales, according to the Law and Statutes of the realm. This Proclamation, which indeed contained nothing contrary to Law, was however unreasonable, when the Commons publicly shewed, that in the Laws concerning divine service, there were things offensive to the consciences of many people. But the King had the misfortune to forget sometimes the situation of his affairs, and remember only his former state, when his Proclamations met with a ready compliance. He could easily see, that this would be at least of no use, and consequently he should not have published it at such a juncture. But he gave his enemies a much greater advantage against him, in another affair, which created him no small mortification.

The Commons had voted, as I said, that a body of Bill for pressing troops should be sent into Ireland. But as they were extremely jealous of the King, they sought an expedient to hinder him from being concerned in the raising of these forces. They were apprehensive, if these levies were made in the usual manner, that is, by lifting volunteers, these troops would be too much at the King's devotion. This expedient was to levy soldiers by way of compulsion, called in England, *pressing*, and to pass an Act for that purpose. A Bill was accordingly brought in, and sent up to the Lords. Very likely, there was some clause in that

(1) The Lord Dillon of Cessbrough was pitched upon by the Irish Lords to carry over their desire to his Majesty concerning the means of quelling the flames of the Rebellion. Accordingly he embarked, in company with the Lord Taaff, and at Ware their Papers were seized by directions from the Parliament, and their Persons committed, but afterwards they found means to escape, and went upon his Majesty. Rushworth, IV. p. 443.

(2) Nelson says, That this Proposal was first made by the Scotch Commissioners. Tom. II. p. 756.

(3) Nelson has omitted this Order to the Printer, though we have derived it from. Rapin.

1641-2 Bill contrary to the Prerogative Royal, to hinder the King from being concerned in levying their troops (1). The King having notice of it, came to the Parliament, and made the following Speech to both Houses.

My Lords and Gentlemen,

The King's Speech to the Parliament.
Dec. 4.
Rushworth, IV. p. 477.
Nelson, T. II. p. 738.
“THE last time I was in this place, and the last thing that I recommended unto you, was the business of Ireland; whereby I was in good hope, that I should not have needed again to have put you in mind of that business. But still seeing the slow proceedings therein, and the daily dispatches that I have out of Ireland, of the lamentable estate of my Protestant Subjects there, I cannot but again earnestly recommend the dispatch of that expedition unto you; for it is the chief business that at this time I take to heart, and there cannot almost be any business, that I can have more care of.

“I might now take up some of your time in expressing my detestation of rebellions in general, and of this in particular; but knowing that deeds and not declarations must suppress this great insolency, I do here in a word offer you whatsoever my power, pains, or industry can contribute to this good and necessary work, of reducing the Irish nation to their true and wonted obedience.

“And that nothing may be omitted on my part, I must here take notice of the Bill for pressing of soldiers, now depending among you, my Lords; concerning which, I here declare, that in case it come to me, as it may not infringe or diminish my Prerogative, I will pass it. And farther, seeing there is a dispute raised, (I being little beholding to him whosoever at this time began it) concerning the bounds of this ancient and undoubted Prerogative; to avoid farther debate at this time, I offer that the Bill may pass with a *Salvo Jure* both for King and People, leaving such debates to a time that may better bear them. If this be not accepted, the fault is not mine that this Bill pass not, but theirs that refuse to fair an offer.

“To conclude, I conjure you by all that is or can be dear to you or me, that laying aside all disputes, you go on cheerfully and speedily for the reducing of Ireland.”

Tho’ it clearly appeared, that in this Speech the King had no intention to violate the privilege of Parliament, but only to remove the obstacles which occurred on account of this Bill, both Houses were equally offended. They appointed a joint Committee to examine the King’s Speech, and upon their report, the House of Lords unanimously voted,

1. That the privileges of Parliament were broken by his Majesty’s taking notice of the Bill for pressing of soldiers, being in agitation in both Houses, and not agreed on.

2. That his Majesty in propounding a limitation and provisional clause to be added to the Bill, before it was presented unto him by the consent of both Houses, was a breach of the privilege of Parliament.

3. That his Majesty expressing his displeasure against some persons, for matters moved in the Parliament, during the debate and preparation of that Bill, was a breach of the privilege of Parliament.

These votes were also readily passed in the House of Commons, after which, both Houses united in a solemn Declaration, importing, “That the King ought not to take notice of any matter in agitation or debate in either House of Parliament, but by their information and agreement: And that his Majesty ought not to propound any condition, provision, or limitation to any Bill or Act in debate, or preparation in either House of Parliament; or to manifest or declare his consent or dissent, approbation or dislike of the same, before it be presented to his Majesty in due course of Parliament; and that every particular Member of either House hath free liberty of speech to propound or debate any matter according to the order and course of Parliament: And that his Majesty ought not to conceive displeasure against any man for such opinions and propositions as shall be delivered in such debate, it belonging to the several Houses of Parliament respectively to judge and determine such errors and offences in words or actions, as shall be committed by any of their Members, in the handling or debating any matters depending: And that his Majesty will be pleased to declare the authors of this mis-information and evil counsel (2).”

Pursuant to this Declaration, both Houses presented to the King a more extensive Petition, which the King within few days answered in writing. The strength of his answer consisted in, that he had no intention to infringe the privilege of Parliament, and meant only to hasten the relief of Ireland. Both Houses were satisfied with this explication, and the affair was carried no farther. But these still remained upon the King, a blemish for violating the privilege of Parliament, which was then of great consequence. This shews, the King had not then about him any very able counsellors. For if they had perceived the Commons’ intention, since the re-remembering of the Parliament, they would have been careful not to advise the King to take so many not only unnecessary steps, but such as gave his enemies great advantages. Of this nature was the Proclamation concerning divine service. In the same rank I place also the great zeal he expressed for the Church of England, which served only to alienate still farther from him all the adherents of the Commons, and to shew them what they were to expect, if he should be restored to his former state. In a word, nothing could be more uncalculated than this last Speech to both Houses, as if the bare threat of not passing the Bill was sufficient to awe them, whereas, at least in regard to the Commons, it was a very strong argument to cause them to insist upon their demand. Besides, the breach of Privilege must have been evident, since there was not a single Member in both Houses, but what thought the King had violated it by his proposition.

Six or seven days after, the King gave a sixth occasion of complaint by removing Sir William Balfour Lieutenant of the Tower from his place, with whom he had no reason to be pleased, on account of his evidence concerning the design of promoting the Earl of Strafford’s escape. Every one saw, this was the sole cause of Balfour’s disgrace. But perhaps his removal would not have been of so ill consequence to the King, had he not trusted that important place to Colonel Lunford, known to be a man of profligate manners, and fit for any purpose. This change made the Commons believe, the King designed to secure the Tower, in order to awe the City and Parliament. As for the jealousy of him was very great, and as, besides, it is certain, they sought occasions to persuade the People, the King had ill designs, they failed not to improve the present.

The same day that Lunford was put in possession of the Tower, a great number of Londoners, some of whom were Common-Council-men, presented a Petition to the Lower House, representing, “That the whole State is deeply interested in the safe-custody of the Tower, but more especially the City of London: That Colonel Lunford is a man out-lawed, and most notorious for outrages, and therefore fit for any dangerous attempt. For which reason the Petitioners, and many more who have intelligence of his having the office of Lieutenant bestowed on him, are put into such a height of fear and jealousy, as makes them restless till they have represented the same to the House of Commons, humbly desiring them to take this affair into such consideration, as may secure both the City and Kingdom.”

It cannot be denied, that the King made a very ill choice in bestowing this post on Lunford, and thereby gave occasion for disadvantageous suspicions. Besides, it seems to be almost inexcusable, to give the command of the Tower to a person of so ill a character, at a time when his enemies lost no opportunity to inspire the People with jealousies. The most favourable thing that can be said for the King is, that there being but few persons who would be at his devotion, for fear of the indignation of the Commons, he thought himself obliged to chuse for Lieutenant of the Tower, one less scrupulous, and of a desperate fortune, who would depend on him, and it was not easy to find many such.

The Commons having taken into consideration the Petition presented to them, desired a conference with the Lords, where they represented, “That Colonel Lunford is an unfit person for so great a trust, as the Lieutenancy of the Tower. But if his Majesty think cause that there should be a Lieutenant of the Tower, the same being already under the command of the Earl of Newcastle (3), who is Constable thereof by his Majesty’s appointment, then that Sir John Corners may be recommended to his Majesty for that place.” The Lords answered, they could not concur with the Commons in an address to the King to remove Colonel Lunford, because they conceived the fame would be an intrenchment upon his Majesty’s Prerogative.

The Commons, vexed at the refusal of the Lords, unanimously resolved, that the Invasion from a foreign Power, Authority to press the

(1) In the Preamble of the Bill it was declared, “That the King had, in no case, but the Invasion from a foreign Power, Authority to press the

(2) The Lord Corners lays, that when the Clause in the Bill for pressing, mentioned in the Note above, put a stop to the Bill in the House of Lords, Nelson, T. II. p. 778.

(3) Mr. Sir John, the King’s Solicitor, went privately to his Majesty, and persuaded him to go to the Parliament-House, and by the very words in his T. II. p. 778.

Speech relating to the *Salvo Jure*, as an expedient to remove him in the way of the high affairs. Upon which both Houses resolving to do nothing till that material breach should be repaired by passing the Bill, the King was compelled to pass it, as they had prepared it. T. II. p. 781.

(4) *Moneying* Strangers.

1641-2. nimbously voted, "That Colonel *Lunsford* was unfit to be

*The Commons
Declaration*

*Just the
Lords, who
advised the
Bishops of I.*

*Twenty two
Lords, viz.
Rushworth,
IV. p. 461.
The Earl of
Newport
desired to
visit the
Tower.*

*Petition of
the Peers,
Rushworth,
IV. p. 462.
Nelson,
T. II. p. 773.*

*The Lord
Kings
from the
King of the
Dispersion of
the Peers,
Rushworth,
IV. p. 462.*

*Lunsford
removed as
well as the
Earl of
Newport,
Petition
against
Newport,
Rushworth,
IV. p. 463.
Nelson,
T. II. p. 780.*

Decemb. 13.

*Petition of
the Lords,
Rushworth,
IV. p. 463.*

*The King's
Answer,
IV. p. 465.
Nelson,
T. II. p. 774.*

*The Commons
at 10 o'clock,
Nelson,
T. II. p. 774.*

*The Commons
at 10 o'clock,
Nelson,
T. II. p. 774.*

*The Commons
at 10 o'clock,
Nelson,
T. II. p. 774.*

"Lieutenant of the Tower, as being a person the Commons could not confide in." At the same time they made a declaration, showing their reasons of fear and distrust, as the conspiracy to seduce the army, a former plot of possessing the Tower, the Irish Rebellion, and the continual delays and interruptions they received in the House of Peers, by reason of the great number of Bishops and Popish Lords; and therefore they held themselves bound in conscience to protest, that they were innocent of the blood which was like to be spilt, and the confusions which might overwhelm the State, if *Lunsford* were continued in his charge. Moreover, they hoped, that such of the Lords as had the same apprehensions, would likewise take some course to make the same known to his Majesty. This Declaration being communicated to the Lords, it was resolved by the majority of votes, that the debate thereof should be adjourned till next Monday. But two and twenty Lords entered their Protest against that vote.

The same day the Commons sent and desired the Earl of *Newport*, to reside within the Tower as Constable, and to take the custody of that place.

Besides the inhabitants of *London*, whose Petition had obtained the Commons Declaration, the Apprentices had flocked together in great numbers, and presented a Petition to the King, praying him to concur with the Commons in rooting out Papists, Innovators, Bishops, as having all combined to subvert the Government, and introduce Popery.

On the morning, the 26th of December, being Sunday, the Lord-Mayor, [Sir Richard Gurney] seeing the Apprentices begin to re-assemble, and knowing they intended to go the next day to *Whitehall*, for an answer to their Petition, waited upon the King to inform him of it. He represented withal, that great mischiefs might ensue if *Lunsford* was not removed, adding, the people of *London* were resolved to attempt the Tower, to put him out. Whereupon the King that same evening took the keys from *Lunsford*, but at the same time discharged the Earl of *Newport* of the Constableness of the Tower.

The reason, or perhaps the pretence of that Earl's disgrace was, that the King had been told, that at a meeting at *Kensington*, whilst he was in *Scotland*, the Earl of *Newport*, upon discourse of some plots in that Kingdom, should say, *if there be such a plot, yet there are his wife and children*. But the Earl hearing such a rumour had reached the Queen, waited upon her Majesty, and with many protestations assured her, that never any such words were spoken, not the least thought conceived of any such thing, with which the Queen seemed to rest satisfied. Nevertheless, several months after, and the same day Sir *William Balfour* was removed from the Lieutenantancy of the Tower, the King asked him, whether he had heard any debate at *Kensington*, about seizing upon the Queen and her Children? The Earl strongly denied it; to which the King replied, *That he was sorry for his Lordship's memory*. This is what the Earl of *Newport* positively affirmed himself in the House of Peers.

The Lords being convinced, that the King, upon a false rumour, had entertained suspicions of the Earl of *Newport* (1), espoused his cause, and presented a Petition to the King, praying him to declare the reporter of those words. The Earl of *Bath*, the 30th of December, reported his Majesty's answer as follows:

"It is true, that I have heard rumours of some proposition that should have been made at *Kensington*, for the seizing of the persons of my wife and children; and in things of so high a nature, it may be fit for any Prince to enquire, even where he hath no belief nor persuasion of the thing; so I have asked *Newport* some questions concerning that business, but far from that way of expressing a belief of the thing, which *Newport* hath had the boldness and confidence to affirm; which I could easily make appear, but that I think it beneath me, to contest with any particular person. But let this suffice, that I assure you, I neither did nor do give credit to any such rumour. As for telling the name of him who informed me, I do stick to the answer which I gave to your last Petition upon the like particulars.

What colour cover the King put upon his behaviour to the Earl of *Newport*, it plainly appears, that he had quarrelled with that Lord, on purpose to remove him from the Constableness of the Tower, at the very time he was desired by the Commons to reside there. This did not help to cure the Commons suspicions.

I have already mentioned the project formed by the leaders and managers of the House of Commons against the King, namely, the devastating him of great part of his power. To compass this end, it was necessary to remove the obstacles which incessantly occurred in the House of Peers, where the Bishops and Popish Lords were always able, by the number of their Voices, to oppose the execution of this design. Hitherto the Commons had endeavoured in vain to exclude the Bishops from the Upper-House, and there was no likelihood that their solicitations would produce any greater effect for the future. They were therefore, either to relinquish their project, or take more effectual methods to obtain by force what would never have been obtained by fair means. I am very sensible, some will take it ill that I positively affirm, the tumults I am going to speak of, were the effect of the intrigues of the contrary party to the King, and that several pretend it was all owing to accident, and the discontents of the People. The Reader will be able to judge, when he has seen what passed in the latter end of December.

On Monday the 27th of this month, there was a great concourse of people at *Westminster*, where they who had presented the Petition of the *Lendmen*, the Apprentices, and an infinite number of others, flocked, on pretence of waiting for the King's and the Parliament's answer. Among these multitudes, many were heard to cry aloud, *No Bishops! No Bishops!* This corresponded with the Petition of the Apprentices. The Bishop of *Lincoln* [Dr. Williams], lately nominated to the See of *York* (2), coming with the Earl of *Deer* to the House of Peers, and observing a youth to cry out louder than the rest against Bishops, flew to him and seized him, in order to have him committed to prison. But the people refused the youth, and gathering about the Bishop, hemmed him in, that he could not stir, so that he was like to be pressed to death. But at last, they let him go, still crying out as loud as they could, *No Bishops!*

At the same time, three or four officers, who had served in the late army against the *Scots*, walking near *Westminster-Hall*, one of them, Captain *David Hyde*, drew his sword, saying, he would cut the throats of those *Round-headed crept-a-card Dogs that bawled against the Bishops*. But the other officers refusing to second him, he was apprehended by the Citizens, and brought before the House of Commons and sent to prison. There is no other known origin of the name of *Roundheads*, which from that time was given to the Parliamentarians (3).

The same day Colonel *Lunsford*, with thirty or forty officers coming through *Westminster-Hall*, and meeting the multitudes, drew their swords and wounded some twenty Apprentices and Citizens. The News being carried into the City, great numbers of Apprentices and others, ran to *Westminster* with swords and flaves, which caused a dreadful uproar both in *London* and *Westminster*. The Lord Mayor, to prevent any farther disorders, commanded the City gates to be shut, and put the trained-bands in arms, whilst on the other hand, the King ordered some of the Militia of *Middlesex* and *Westminster* to come by turns and guard his person.

The Lords seeing so great a tumult, ordered the Gentlemen Usher of the Black Rod, to command the people to depart to their homes. But the people answered they could not, because *Lunsford*, with other swordsmen, lay in wait for them in *Westminster-Hall*, and had already wounded several. Whereupon the Lords appointed a Committee to examine, what warrant *Lunsford* and the other officers had to come to *Westminster*, and likewise what notice had been given to any others to come in multitudes about the Parliament-House. They tried once more to send away the people, but not succeeding, desired the Commons to join with them in publishing a Declaration against tumults, and in petitioning the King for a guard. The Commons answered, it was now so late, that they had not time to take this request into consideration. Mean while, upon information that some of the people were sent to prison, they appointed a Committee to examine, by whose authority they were imprisoned, with power to release them, if it was thought proper. A clear evidence that this tumult was not disagreeable to the Commons (4).

On the morning, the 28th, the tumult continued in the same manner as the day before, and the Commons made no more haste to appease it. On the contrary, they adjourned the debate of the Lords request till next day. At last, on the 29th, the populace being again assembled

(1) Upon the Earl of *Newport*'s Information, the House of Lords thinking it to be a matter of great consequence, and because some Members of the Commons (as being present at the meeting at *Kensington*) were concerned, had a Conference with them, and desired them to join with them in searching into this business to the bottom. Whereupon they agreed to concur in a Petition to the King, &c. *Rushworth*, Tom. IV. p. 453.

(2) He was elected to his Place in the House of Lords, at the beginning of this Parliament, November 10, 1640. *Nelson*, Tom. I. p. 539.

(3) The Apprentices it seems were the first at their Head cut round, and the Queen observing out of a window, Samuel *Barnard* fire against the side, &c. I 200: 5: 2: what a handsome young *Roundhead* there: And the name came from thence, and perhaps was first publicly used by Captain *Hide*.

(4) *Constance Burgh*, a Puritan Minister, used to say of the Royalists, *They are my Bishops; I can fight them on, and I can fetch them off again.*

1641. they acquaint the Lords, that they were ready to join in all lawful ways and means to appease the tumults, but for printing a Declaration, it was a matter that would require some farther deliberation (c).

*Remon-
strance
of the
Commons.
Nelson,
T. II. p. 58.
Dorland's
View, p. 80.*

It is very evident, the Commons did not desire these tumults should be so soon ended, especially if what is said of Mr. Pym, one of the leading Members, be true. For it is affirmed, he answered to one that persuaded him to endeavour to prevent these tumultuous assemblies, *God forbid the people should be hindered from obtaining their just desires.* Indeed the House in general cannot be accused of taking any resolution to encourage these tumults. However it is but too probable, not to say certain, that they were caused by the intrigues and direction of some of the Leaders of the opposite party to the King.

To be satisfied of this truth, a man need only consider, what was the situation of affairs at the end of December 1641. The redress of grievances was no longer the point; that was now completed without any opposition from the King. He could therefore affirm, that his consent to the Acts passed in this Parliament, was the effect of his love for his people, with as much reason as his enemies could say, it was only by compulsion and dissimulation. It is certain, that after the King's return from Scotland, there were in the Parliament many Members who wished the reform might be carried no farther, persuaded as they were, that what was already done sufficed for the safety of the Kingdom, and prevention of an arbitrary Government for the future. This was the prevailing opinion in the House of Peers, chiefly because of the Bishops and Popish Lords, who always made the balance incline to the King's side, when this capital point was directly or indirectly in question.

It was otherwise in the House of Commons. Most of the Members, not contenting themselves with having redressed the grievances, were also for lessening the royal authority, and putting it out of the King's power to govern for the future, as he had done before this Parliament. Some acted out of pure distrust of the King's sincerity; Others out of fear of being exposed to his resentment, if he should ever be in a condition to make them feel the effects of it. Besides these two motives, the Presbyterians, had a third, namely, to alter the Government of the Church, which they plainly saw could never be effected, but by disabling the King to oppose it. All these Members were united in the project of depriving the King of good part of his power. But there was a great difference between them with respect to the animosity against the King, and the zeal wherewith they pursued the execution of their design. The Presbyterians were the most passionate; whilst others, who acted only from motives of distrust and jealousy, behaved with less warmth. They could not, without a sort of remorse, contribute to the throwing of the whole Kingdom into confusion, upon the foundation of a bare distrust, or of a fear, to which it was impossible to apply any remedy. This had caused great debates in the House about the Remonstrance of the State of the Kingdom. Many considered it as unnecessary, and others supported it, because they saw no surer means to beget a rupture between the King and Parliament; without which rupture they looked upon themselves as undone, for without it, they could not hope to execute their projects. *Oliver Cromwell*, who as yet made no figure in the House, told the Lord Falkland, "That if the Remonstrance had been rejected, he would have sold all he had the next morning, and never seen England more."

*Remon-
strance,
T. I. p. 447.*

After this Remonstrance was presented to the King, his enemies lost no opportunity to cherish the fears and jealousies of the People, in which they had a double view. First, they prepared them for the change they were meditating, by intimating, the absolute necessity of diminishing the King's power. Secondly, by provoking the King, they hoped to engage him in some violent measures, proper to confirm the suspicions they were sowing to infuse into the People, in which they succeeded but too well, the King being so unfortunate, as not to have any able Council about him, who might warn him of the snares that were laid for him. However, they were still very far from their end, by reason of the obstacles they met with in the House of Peers, where the Bishops and popish Lords broke all their measures.

Probably, this sort of contest between the two Houses would have lasted much longer, if the tumultuous concourse of the *Londoners* about *Westminster*, had not come very seasonably to frighten the Bishops and popish Lords, as will

be seen presently. When therefore such multitudes were seen rocking to *Westminster*, exclaiming against the Bishops and Catholic Lords, insulting the Peers of the King's party, in a word, acting so agreeably to the desires and intentions of the Commons, one can hardly help thinking, they were countenanced and encouraged by some of the Members of that House; and the rather, as there can be no other probable reason assigned of so sudden a commotion.

As to the justice of the project, formed by the Commons, to disable the King from doing for the future, what he had done for fifteen years, it is a question not easily to be decided. The point is to know, whether, at the time I am speaking of, in restoring the King to all his rights, there was just ground to confide in him, without any fear of his abusing his power for the future. But there is too much to be said, on both sides of the question, that the impartial must be at a loss, and the more, as the thing is to know perfectly what the King's intention was, which no man can discover. It is therefore upon bare conjectures that some decide, that, after the King's concessions in this Parliament, in favour of his Subjects, it was reasonable to rely on his word; and that others affirm, it was imprudent to confide the King's assent to the Acts, as a proof of his intention to govern according to Law, since this assent was not altogether voluntary. On this question run all the Papers which were afterwards published, either by the King or the Parliament.

The tumults still continuing about the Parliament-house, and the Commons not appearing very urgent to appease them, twelve Bishops met at the Archbishop of York's, to consult together upon what was to be done. Here, by the advice of the Archbishop, they resolved to go no more to the House of Peers, but present to the King and the Lords the following Protestation (2).

*The Twelve
Bishops
to the King,
IV. p. 466.
Nelson,
T. II. p. 794.
Hacker,
Part II.
p. 178.
Clerendon,
T. I. p. 275.*

To the King's most excellent Majesty, and the Lords and Peers, now assembled in Parliament; The humble Petition and Protestation of all the Bishops and Prelates now called by his Majesty's Writs to attend the Parliament, and present about London and Westminster for that service.

"THAT whereas the Petitioners are called up by several and respective Writs, and under great penalties, to attend in Parliament, and have a clear and indubitate right to vote in Bills, and other matters whatsoever, debatable in Parliament, by the ancient customs, laws and statutes of this realm, and ought to be protected by your Majesty, quietly to attend and prosecute that great service.

"They humbly remonstrate and protest before God, your Majesty, and the noble Lords and Peers, now assembled in Parliament, that as they have an indubitate right to fit and vote in the House of the Lords, so are they (if they may be protected from force and violence) most ready and willing to perform their duties accordingly. And that they do abominate all actions and opinions tending to Popery, and the maintenance thereof; as also all propension and inclination to any malignant party, or any other side or party whatsoever, to the which their own reason and consciences shall not move them to adhere.

"But whereas they have been at several times violently menaced, affronted, and assaulted by multitudes of people, in their coming to perform their services in that honourable House; and lately chased away, and put in danger of their lives, and can find no redress or protection, upon sundry complaints made to both Houses in these particulars.

"They likewise humbly protest before your Majesty, and the noble House of Peers, That saving unto themselves all their rights and interest of sitting and voting in the House at other times, they dare not fit or vote in the House of Peers, until your Majesty shall farther secure them from all affronts, indignities, and dangers in the premises.

"Lastly, whereas their fears are not built upon phantasies and conceits, but upon such grounds and objects, as may well terrify men of good resolutions, and much constancy, they do in all duty and humility, protest before your Majesty, and the Peers of that most honourable House of Parliament, against all laws, orders, votes, resolutions, and determinations, as in themselves null, and of none effect; which in their absence, since the 27th of this instant month of December 1641, have already passed; as likewise, against all such as shall hereafter pass in that most honourable House, during the

(1) This Answer to the Lords was on the 8th. *Rel. week, Tom. IV. p. 465.*

(2) This Protestation was drawn in Latin and Latin, by *William* Archbishop of York, just after the treatment he had met with from the Apprentices and others; and, without delay, presented by him to the King, with an humble desire, that his Majesty would send it to the House of Peers, since the Bishops could not do it themselves, and that he would command, it should be entered into the Journal of the House. His Majesty will call his knee to him, and he will deliver it drawn by his Majesty's advice, delivered it to the Keeper, who unfortunately happened to be present, commanding him to deliver it to the House. *Clerendon, Tom. I. p. 275.* Some say, that the Lord Keeper was ordered not to read it, till the King, at the Bishop's instance, came into the House of Peers. But, that is altogether inconsistent with the Protestation, to whom he was become obedient, he communicated the Protestation to some untrusty Ministers of both Houses. *Clerendon, Tom. II. p. 311.*

1641-2. "time of this their forced and violent absence from the said most honourable House; not denying, but if their absenting themselves were wilful and voluntary, that most honourable House might proceed in all these premises, their absence, or this their Protestation notwithstanding.

"And humbly beseeching your most excellent Majesty to command the Clerk of that House of Peers, to enter this their Petition and Protestation amongst his Records,"

They will ever pray to God to bless and preserve, &c.

*Job. Eberac: Tho. Dursine: Rob. Co. & U. Lich:
Jef. Norwich: Jo. Appben: Guil. Ba. & Wells:
Gra. Hereford: Rob. Oxon: Mat. Ely: Godfr.
Glouce: Jo. Peterburg: Morg. Landoff.*

It must be observed, that among these twelve Bishops, there were nine of the thirteen accused by the Commons, on account of the Canons of the late Convocation.

It is manifest, this Protestation tended to dissolve the Parliament, without the King's interposing. For if, according to the Protestation, the House of Peers could do nothing but what in its self was null, without the concurrence of the Bishops, it was no less certain, that the House of Commons could do nothing valid without the concurrence of the Peers; whence it followed, that the Parliament was become useless, or suspended, in the intention of the Bishops by this Protestation. It appears also, that the King had the same thought, by his haste to communicate the Protestation to the Lords, probably, before his Council had examined it. Very likely, he imagined, the Lords would espouse the cause of the Bishops, as making, according to his notion, a third Estate of Parliament, and that this affair might occasion the dissolution of the Parliament. But he found that this House of Peers, hitherto so favourable to him, was no longer in the same dispositions, since the Bishops and popish Lords were frightened away by the tumults. The majority of voices not being now for the King, the House looked upon this Protestation with a very different eye from what the King expected. They desired a conference with the Commons, where the Lord-Keeper told them in the name of all the Peers, "That this is a resolution containing matters of dangerous consequence, extending to the deep intrenching upon the fundamental privileges and being of Parliaments, the Lords had thought fit to communicate it to the Commons, as a thing of great and general concernment."

The Commons had no sooner received the report of this conference, but they immediately resolved to accuse the twelve Bishops of High-Treason, for endeavouring to subvert the fundamental laws and the very being of Parliaments. This resolution ought not to seem strange, after having seen how the Commons stood affected to the Bishops. They took care not to lose so fair an opportunity, of freeing themselves from the obstacles they continually met with from the Bishops in the Upper-house, and besides, the Lords seemed disposed to come into their measures. So, that very moment, Mr. Glyn was sent to the House of Peers, to accuse in form the twelve Bishops of High-Treason, and to desire they might be put into safe custody (1). Whereupon, the Lords ordered the Black-Rod to bring the twelve Bishops to the Bar of their House, which was done by eight a-clock at night, and ten of them were committed to the Tower, *Murton* Bishop of *Durham*, and *Wright* Bishop of *Cowenry and Lichfield*, in regard of their age, remaining with the Black-Rod.

On the morrow, the 31st of *December*, the Commons sent and desired the Lords to take into consideration the Bill sent up some months since for taking away the Bishops votes, to which the Lords answered, They would take the same into consideration in convenient time (2).

The same day the Commons sent a Committee to the King, to represent to him, "That the House was under great apprehensions, by reason of a malignant party, who were continually forming pernicious designs: Nay, that some of them had imbrued their hands in the blood of his subjects, at the gates of his Palace, and in the face, and at the doors of the Parliament. That therefore they humbly besought his Majesty, that they might

"have a guard [out of the City] commanded by the Earl of *Essex*, of whose fidelity there could be no suspicion."

As the populace of *London* were dispersed, and the officers still kept about *Westminster*, the House was under some apprehension of insults from these reformados, and particularly *Lunsford*, who was a desperate man. So, the King desiring to have this message in writing, which had been delivered by word of mouth only, and not returning an answer the same day, the Commons ordered, that thirty or forty Halberds should be brought into the House, for their better security.

Their fear was farther increased, upon notice, that the young Gentlemen of the Inns of Court were assembled, and gone to *Whitehall*, to offer their service to the King, who had received them very graciously, and ordered them to be handomely entertained at tables provided for them.

The King, on his part, was not without uneasiness. He was afraid, the tumultuous concourse of the People would be renewed on New-year's day; and therefore lent orders to the Common Council of *London*, to take good measures for prevention of the like disorders, as had happened on the foregoing days, in which he was punctually obeyed.

The Parliament having adjourned from *Friday till Monday*, because the morrow was New-year's day (3), and the next day, *Sunday*, it was the 3^d of *January* before the King returned an answer to the Commons message concerning a guard, which was to this effect:

"That it was with great grief of heart, that he found the Commons, instead of reaping the fruits of his grace and affection to his People, should foster jealousies, distrusts and fears, to be so prevalent among them, as to induce them to declare them unto him in so high a measure as they had done: That he was wholly ignorant of the grounds of their apprehensions; but if he had any knowledge or belief of the least design in any, of violence against them, he would pursue them with the same severity and detestation, as he would do the greatest attempt upon his Crown. And he engaged solemnly, on the word of a King, that the security of all and every of them, from violence, was, and should ever be, as much his care, as the preservation of himself and his children. And if this general assurance should not suffice to remove their apprehensions, he would command such a guard to wait upon them, as he would be responsible for to him, who had charged him with the safety and protection of his subjects."

Before we proceed, it will be necessary to show exactly the situation of the King's affairs, in the beginning of the year 1641-2. There was in the House of Commons a strong party, who were labouring to deprive the King of part of his prerogatives, some through fear or distrust, others for more hidden designs. But these last took care not to discover their intentions. They pretended to act only upon the same motives of distrust, which influenced the first, in expectation of engaging them by degrees to second them in their projects. For this reason, they lost no opportunity to inflame this distrust of the King, by aggravating whatever could be blamed in his Government, during the first fifteen years of his Reign, and by referring all his actions, since the beginning of this Parliament, to the same principles by which he had governed before. In a word, their aim was to show, that the King was still the same, and had not altered his maxims: That his concession for the Parliament had been forced, and full of dissimulation: That he only waited for a proper season to return to his old courses, and when once he was restored to his authority, he would use it, to be revenged of those by whom he thought himself injured, and to take just measures to establish an arbitrary Government.

Indeed, as all these things depended upon the King's secret intention, they could not be evidently proved; but however, such indications were given, as served to make impression on many people. It was observed, that the King always talked of his assent to the Acts of this Parliament, as being of pure grace and not of justice; from whence it was easy to infer, that he reserved to himself the power of revoking them when he should find occasion: That there was but too much reason to suspect he was concerned in the *Irish* Rebellion, considering in what juncture of time it

(1) The Lord *Clerendon* says, the Bishops Friends took so great offence at this indiscreet Protestation, that though they desired to preserve their Fidelity, they had no compassion or regard of their Persons, or what became of them; insomuch as in the whole Debate, there was only one Gentleman who spoke in their behalf, and said, "He did not believe they were guilty of High-Treason; but that they were *Rank and*, and therefore desired they might be sent to *Bridewell*." *Tom. 1. p. 279.*

(2) Not long before this, the King had filled in the following manner, *James* who was vacant. *Dr. Prideaux* was made Bishop of *Worcester*, *Dr. Wren* of *Lincoln*, *Dr. Brownerick* of *Exeter*, *Dr. Henry King* of *Chichester*, and *Dr. William of Bristol*. The Commons were, it seems, thereupon much troubled, that, at a time when they resolved to take away the old, the King should pretence to make new Bishops.—About the same time, *Lucas Cary*, Viscount *Palgrave* was made Secretary of State, in the room of *Sir Henry Percy* and *Sir John Clotworthy*, one of the Knights of the Shire for *Kent*, Chancellor of the Exchequer; they were also sworn of the Privy Council, and Mr. *Edward Hyde*, afterwards Earl of *Clerendon*, was now admitted into the King's Favour. *Clerendon*, *Tom. 1. p. 259, 260. Warwick*, *p. 194.*

(3) In *England*, where the Old Style is used, the year begins the 25th of *March*. This Style is made use of in all publick Acts, Deeds, Writings, Histories, and elsewhere. But however, in the Dates, the difference of the two Styles is shewn from the 1st of *January*, to the 25th of *March*, in this new year 1641-2, that is, the year 1642 according to the Old, and the year 1643 according to the New Style. So the 1st of *January* is unknown for the first day of the year according to the New Style. *Keble*.

1641-2. broke out, and the rebels declaration, that they had the King's and Queen's authority for what they did: That it was very probable, he showed a regard to the Papists, to make use of them on occasion: That he could not resolve to execute the seven Priests legally condemned, though he had been earnestly desired by both Houses of Parliament: That notwithstanding his constant promises to put the laws in execution against Recusants, it had never been performed; but, on the contrary, he trusted Recusants with the most important posts: That the conspiracy to seduce the army, plainly discovered his designs: That very lately he had violated the privileges of Parliament in so evident a manner, that there was not a single Member in both Houses, but what was persuaded of the reality of this violation: That nevertheless, instead of satisfaction, he had answered, "That he himself did not believe he had violated the privileges of Parliament, nor ever intended it:" That therefore it was absolutely necessary to limit his power, and disable him to govern for the future according to his pleasure, as he had done for fifteen years.

These reasons produced various effects in the minds of people, according to the temper, understanding, and principles of those to whom they were addressed. To some they appeared too uncertain to ground thereon the project of diminishing the regal power, and consequently of altering the constitution of the Government. Others thought them unanswerable. But there were many Members who wavered between their distrust of the King, and their fear of involving the Kingdom in troubles, on a doubtful foundation. These however were easily persuaded to join in proceedings, which were represented to them as necessary precautions, without being told their real design; as for instance, to consent to the Bill for excluding the Bishops. If the leaders of the Presbyterian party had discovered to them, that it was their intention to diminish the royal power, in order more easily to establish Presbytery upon the ruins of Episcopacy, they would never have succeeded. Nay, they would have grown so suspected, that their credit would have been entirely forfeited. For it must be observed, that the Heads of the opposite party to the King, though mostly Presbyterians, had not yet acted as such, but only as zealous assertors of the People's rights, and as enemies to tyranny, in which the whole party were perfectly united. When therefore they moved any thing against the Bishops, they intimated, that it was not in hatred of Episcopacy, but to lessen the credit of the Bishops, which they had abused, in supporting arbitrary power, and to hinder them from doing so any more. Unfortunately, there were Bishops who had given too much cause of complaint, and by their conduct, engaged many Church of England men themselves to concur with the others, in the design of limiting the authority of the whole Body.

Before the Bishops and Popish Lords had absented themselves from the House of Peers, the party I have just mentioned, met with insuperable obstacles in that House. Nay, even after that, those that remained were not equally engaged in this party. There were still many Lords, who, though opposite to the King, and extremely jealous of him, could not however resolve to do any thing that struck at the government of the Church and State, or at least that tended to alter the Constitution. So, ever since the re-assembling of the Parliament, the Presbyterians had yet been still struggling, as I may say, with the rest of the opposite party to the King, to induce them by degrees to concur in humbling the Regal Power. They had caused to be passed the Remonstrance of the State of the Kingdom, spread suspicions of the King concerning the Rebellion of Ireland, and hindered the sending of an English army thither. Their intrigues had bred great distrust, concerning the Popish Party countenanced and protected by the King, and produced mortifying addresses to the King upon the breach of the Privileges of Parliament, and the Lieutenant of the Tower; tumultuous assemblies of the People at Westminster; the Petition for a guard, as if the House of Commons was in great danger from the King's party. In a word, the Bishops, their principal enemies, were in the Tower. In all this Presbyterianism hardly appeared, and if some suspected it to be the chief cause of the troubles, at least, it was not easy to prove it.

Notwithstanding all these advantages, the Presbyterians still saw themselves very far from their end. They had sufficient credit to cause to pass in the House of Commons votes agreeable to the general design of the whole party: but were themselves very sensible, they durst not yet venture openly to discover their particular end, I mean the destruction of the Church of England, and the establish-

ment of Presbyterianism. It was necessary before all things to disable the King to oppose it. For that purpose, the members of both Houses were to be gained, who still wavered between their distrust of the King, and the fear of involving the Kingdom in great troubles, if the Constitution should be attacked. These members were numerous enough to raise invincible obstacles to this project, by joining with the King's party. For it must not be imagined, that all who opposed the King were of the same character, and acted upon the same principles and motives. They were only united in this single point, namely, that tyranny being equally odious to them, they waded with the same ardor to be entirely freed from it.

Things being in this situation, the King, by the Lord Digby's advice, who was then his chief Counsellor, took a step the most imprudent and most fatal to his affairs that he could possibly take in such a juncture (1). The 3d of January 1641-2, Sir Edward Herbert Attorney-general coming to the House of Peers, acquainted them that the King had commanded him to accuse of High-Treason the Lord Kimbelen (2), and five Commons, namely, Denzil Holles, Sir Arthur Haslerig, John Pym, John Hampden, and William Straud. At the same time he delivered the general articles of impeachment, given him by the King with his own hand, viz.

1. That they had traitorously endeavoured to subvert the fundamental Laws and Government of the Kingdom of England, to deprive the King of his Royal power, and to place in Subjects an arbitrary and tyrannical power over the lives, liberties, and estates of his Majesty's liege People.

2. That they had traitorously endeavoured, by many foul aspersions upon his Majesty and his Government, to alienate the affections of his People, and to make his Majesty odious unto them.

3. That they had endeavoured to draw his Majesty's late army to disobedience to his Majesty's command, and to side with them in their traitorous designs.

4. That they had traitorously invited and encouraged a foreign Power to invade his Majesty's Kingdom of England.

5. That they had traitorously endeavoured to subvert the rights, and the very being of Parliaments.

6. That for the completing of their traitorous designs, they had endeavoured, so far as in them lay, by force and terror, to compel the Parliament to join with them in their traitorous designs; and to that end had actually raised and countenanced tumults against the King and Parliament.

7. That they had traitorously conspired to levy, and actually had levied, war against the King.

Then Mr. Attorney said, that he was further charged to desire on his Majesty's behalf:

1. That a select committee, under a command of secrecy, may be appointed to take the examination of such witnesses as the King will produce in this business, as formerly hath been done in cases of like nature, according to the justice of this House.

2. Liberty to add and alter, if there should be cause.

3. That their Lordships would take care for the securing of the persons as in justice there should be cause.

It is very hard to conceive what the King's aim could be in this extraordinary accusation, and what he could expect from it, considering the numberless difficulties which presented themselves, and which it was hardly possible not to foresee.

In the first place, the King demanded justice of the Lords against five Members of the House of Commons, the Parliament sitting, which was a very manifest irregularity, since the Peers were not the proper Judges of the Members of the Lower-House, whilst the parliament was assembled, without the consent of that House, which the King could not be ignorant of. Consequently they had no power to commit the five Members. Why then was it desired?

Secondly, In this accusation the King attacked five Members of the Commons, who were the leading men in that House. How therefore could he expect, in such junctures, that the Commons would deliver up their leaders, on pretence of a general accusation which descended not to any particulars?

Thirdly, The King, in accusing these five Members, properly accused the whole House of Treason, as it was easy to perceive by the bare reading of the articles.

Lastly, How could he expect, that the Parliament who had presented the *Scots* with three hundred thousand pounds, as a reward for their brotherly assistance, would

(1) The King, during his last Journey into Scotland, had received some Information of the Lord Sewall's forged Letter of Invitation to the *Scots*, in the name of the Lord Kimbelen, &c. (See above, p. 313. Note (1). And that was the reason of his impeaching the Gentlemen here mentioned. *Parliament's* *Ans.* p. 406.— Besides, he was informed, that they had private meetings, and a correspondence with the *Scots* in London, and countenanced the late Tumults from the City. *Westminster*, p. 43.

(2) Son of the Earl of Manchester, who was still alive, and this Lord, who had been called to the House of Peers by the Title of Lord Kimbelen, was himself afterwards Earl of Manchester. *Repts.*

641-2. Consider as High-Treason, the inviting them into the Kingdom, supposing he had been able to prove his assertion?

All this shows, the King had been very ill-advised when he undertook this affair at such a juncture. Accordingly there is not a single Historian, even among those that are most devoted to him, but what owns at least, it was a most imprudent and unfeasible step.

After the reading of the articles of accusation, the Lord Kimbelen stood up and prayed, that as he had a public charge, he might have a public clearing. But the Peers proceeded not so hastily as the King expected. The first thing they did, was to appoint a committee to examine the regularity of this accusation, and to search the records, whether there ever had been any such proceeding before, and whether an accusation against a Peer might be brought into their House by the Attorney-general. As to the accusation against the five Commons, they did not so much as take it into consideration, whether they should receive it, but contented themselves with acquainting that House, that some of their Members were accused of High-Treason by the Attorney-general.

At the same time the Commons were informed, that several persons (1) were at Mr. Halli's and Mr. Pym's, sealing up their trunks, doors, and papers. The same thing was done in the houses of the three other parties accused. Whereupon the Commons ordered their Sergeant to break open the seals, and apprehend those that put them on. Moreover they passed an order, "that if any persons whatever should come to the lodgings of any Member of the House, and there offer to seal the doors, trunks, or papers, that then such Member should require the assistance of the Constable to keep such persons in safe custody, till the House should give further order. That if any person should offer to arrest or detain any Member, without first acquainting the House therewith, it was lawful for such Member to stand upon his guard of defence, and for any person to assist him, according to the Protection taken to defend the Privileges of Parliament."

Presently after, the Commons represented to the Lords in a conference, that the King had ordered the trunks, chambers, and studies of several of their Members to be sealed up, and had set a guard in a warlike manner at White-Hall. And therefore they desired, that such a guard might be placed about the Parliament also as should be approved by both Houses, or else to join with them to adjourn to a place of safety. During this conference, a Sergeant at Arms came to the House of Commons from the King, and required the five Members, accused by his Majesty. The Sergeant being ordered to withdraw, the Commons appointed some of their Members (2) to wait upon the King, and acquaint him, "That his Message was a matter of great consequence, that it concerns the privilege of Parliament, and of all the Commons of England: That they will take it into consideration, and attend his Majesty with an answer, with as much speed as the greatness of the business will permit: And in the mean time the five Members shall be ready to answer any legal charge made against them." They dismissed the Sergeant who had brought the message. At the same time they enjoined the five Members to give their daily attendance on the House.

Mean while, the Peers had made an order, to open the doors and trunks of the Members of both Houses which were sealed, and refused to join with the Commons in a Petition to the King, for such a guard as both Houses should approve of. They had ordered moreover, that of their body, with some Members of the Commons, should go and represent to the King, that the privileges of Parliament had been violated.

The next morning, January the 4th, the Lord Falkland reported the King's answer to the message of the Commons concerning the breach of Privilege. He said, the King asked him, whether the House did expect an answer? and before the Lord Falkland replied, told him, he would send an answer to morrow as soon as the House was set. In the mean time he bid him acquaint the House, that the Sergeant had done nothing but what he had directions from himself to do.

Presently after this report, the Commons sent and desired a conference with the Lords, to acquaint them, that there was a scandalous Paper published, containing Arti-

cles of High-Treason against the Lord Kimbelen, &c. and to desire that they would concur in punishing the authors and publishers thereof.

Then the Gentlemen of the Inns of Court, who offered themselves to be a guard to his Majesty, were sent to and examined, upon a rumour that they were bid to be ready the 4th of January. Those of Lincoln's-Inn answered, "That last week they went to White-hall to offer their service to the King, upon hearing that his person was in danger. That yesterday, they had received a message from his Majesty by Sir William Killigrew and Sir William Fleming, that they should keep with in to morrow, and be ready at an hour's warning if the King should have occasion to use them. That they brought to them likewise a paper of articles of accusation against the Lord Kimbelen and five Members of the House of Commons. That they had only an intent to defend the King's person, and would do their utmost also to defend the Parliament; being not able to make any distinction between the King and his Parliament." The Gentlemen of the other Inns answered to the same effect (3).

In the afternoon the five accused Members came into the House according as they were enjoined. They were no sooner in their places, but one Captain Langrish informed the House, that the King was coming with a guard of military men, commanders and soldiers (4). As there was room to believe, the King intended to seize the five Members, they were immediately ordered to depart the House. They were hardly gone out when the King appeared, and going up to the chair he said, *By your leave, Mr. Speaker, I must borrow your chair a little.* When he was in the chair he looked round to see if he could discern any of the five Members, and then made the following Speech to the House, his guard waiting at the door.

Gentlemen,

I Am sorry for this occasion of coming unto you: Yesterday I sent a Sergeant at Arms upon a very important occasion, to apprehend some that by my command were accused of High-Treason; whereunto I did expect obedience, and not a message. And I must declare unto you here, that albeit my King that ever was in England, shall be more careful of your Privileges, to maintain them to the uttermost of his power, than I shall be; yet you must know, that in cases of Treason, no person hath a privilege. And therefore I am come to know if any of these persons that were accused are here: For I must tell you, Gentlemen, that so long as these persons that I have accused (for no slight crime, but for Treason) are here, I cannot expect that this House will be in the right way that I do heartily wish it: Therefore I am come to tell you, that I must have them whosoever I find them. Well, since I see all the birds are flown, I do expect from you, that you shall find them unto me, as soon as they return hither. But I assure you, on the word of a King, I never did intend any force, but I shall proceed against them in a legal and fair way, for I never meant any other.

And now since I see I cannot do what I came for, I think this no unfit occasion to repeat what I have said formerly, that whatsoever I have done in Favour, and to the good of my Subjects, I do mean to maintain it.

I will trouble you no more, but tell you I do expect as soon as they come to the House, you will send them to me; otherwise I must take my own course to find them.

The King was no sooner gone, but many members cried out aloud, so as he might hear them, *Privilege! Privilege!* and forthwith the House adjourned till the next day at one o' Clock.

The Commons assembling on the morrow, the 5th of January, at the appointed hour, immediately voted, that the King had violated the privileges of the House, and that they could not sit any longer there, without a full vindication of so high a breach, and a guard for the safety of their persons. Then it was resolved to adjourn till the 11th of the same Month, and a Committee of twenty four was appointed, during the adjournment to sit at Guild-Hall, and to consider of all things concerning the good and safety of the City and Kingdom, and particularly how their privileges might be vindicated, and their persons secured (5).

The Committee for the *Irish* affairs was ordered likewise to sit at the same place during the adjournment. That done, a message was sent to the Lords, to acquaint them with what had passed the day before, with their adjournment and Committee appointed to sit at Guild-Hall.

(1) Sir William Fleming, Sir William Killigrew, and other Gentlemen. *Rushworth*, Tom. 4. p. 476.

(2) The Lord Falkland, Sir John Colclough, Sir Philip Stapleton, and Sir John Holman. *Rushworth*, Tom. 4. p. 475.

(3) Only those of the *Middle-Temple* lent their Answer in writing, in which they said, "That their Intention to defend the King's Person, was no more than they were bound unto by the Oath of Allegiance." *Rushworth*, Tom. 4. p. 477.

(4) A certain Member had his private Intimation from the Countess of Carlisle, Widow of James Earl of Carlisle, and Sister to the Earl of Northumberland, that endeavour would be used this day to apprehend the five Members. *Rushworth*, Tom. 4. p. 477. *Maudslayi*, p. 31. The Lord Clarendon says, it was generally believed, that the King's purpose of going to the House, was communicated to William Murray of the Bed-Chamber, by the Lord Digby, and that it was discovered by the said Murray. *Tom. 1. p. 183.*—According to *Whitelock*, it was supposed, that the Papists, by the means and influence of the Queen, persuaded the King to this rash action. *p. 52.*

(5) Before the Twenty-four, all that would come were to have Voices at this Committee. *Rushworth*, Tom. 4. p. 479.

1641-2. The same day the King, having ordered the Lord-Mayor to assemble the Common-Council, came to Guild-Hall. As he passed along the streets, he had the mortification to hear people cry, *Privilege of Parliament! Privilege of Parliament!* Nay, one Henry Walker [an Ironmonger and Pamphleteer,] was so insolent as to throw into his coach a Paper, wherein was written, *To your Tent, O Israel.* His Majesty being come to Guild-Hall, made the following Speech to the Common-Council.

Gentlemen,

I Am come to demand such persons as I have already accused of High Treason, and do believe are shrouded in the City. I hope no good man will keep them from me; their offences are Treason, and misdemeanours of an high nature. I desire your loving assistance herein, that they may be brought to a legal trial.

And whereas there are divers seditious raised, that I am a favourer of the Popish Religion; I do profess, in the name of a King, that I did and ever will, and that to the utmost of my power, be a prosecutor of all such as shall any ways oppose the Laws and Statutes of this Kingdom, either Papists or Separatists; and not only so, but I will maintain and defend that true Protestant Religion which my Father did profess, and I will continue in it during my life.

The King seems to have forgot the situation of his affairs, and to imagine he was still in the same state as before the war with Scotland. Certainly he could not be ignorant that the City of London was not very well affected to him, nor had reason to be so. He believed however they would espouse his cause against the Parliament, and deliver up the five Members, of which there was not the least probability. On the other hand, he could be still less ignorant, that it was chiefly in London that the Presbyterians were numerous and powerful, and yet he affected to say, he would maintain and defend the Protestant Religion which the King his Father had professed, and prosecute to the utmost of his power as well Separatists as Papists. I own I cannot fee the necessity or use of such a declaration, before the Common-Council of a City much more inclined to Presbyterianism than to the Church of England, as it manifestly appeared shortly after.

Mean while, the Committee which sat at Guild-Hall, were diligently taking informations of what passed the 4th of January, and preparing matters for their report to the House against their meeting. The Committee was informed, that Sir John Byron, who was made Lieutenant of the Tower, in the room of Lunford, had sent to Whitehall one hundred arms, and two Barrels of powder. Rushworth, who relates this particular, affirms, that the matter being farther inquired into, was found to be true. But I cannot tell whether we may give entire credit to his testimony, though what he says is not improbable.

On the 7th, the City of London presented a Petition to the King, which plainly showed they were more inclined to the Parliament than to him. "They represented their great fears and distractions, by reason of the progress of the Rebels in Ireland, fomented by the Papists in England, and their adherents: The want of aid to suppress them, and the intimations received from abroad and at home, of a design to extirpate the Protestants: The putting out persons of honour and trust from being Constable and Lieutenant of the Tower: The preparations there lately made: The fortifying of White-Hall in an unusual manner: The endeavours used to the Inns of Court: The calling divers Cannoneers into the Tower: The discovery of divers fire-works in the hands of a Papist: The misunderstanding betwixt his Majesty and Parliament, by reason of misinformation: His Majesty's late going to the House of Commons, attended with a great multitude of armed men, besides his ordinary guard, for the apprehending of divers Members, contrary to the privileges of Parliament."

This Petition was very capable to show the King, how much he was mistaken in his opinion, that the City of London was well disposed in his favour. He returned however a very mild answer to each of the articles, to this effect.

"That as for the business of Ireland, there was nothing on his part unoffered or undone; and he hoped, by his speedy advice and assistance of his Parliament, that great and necessary work would be put in a sure forwardness, to which he would contribute all his power.

"For the Tower; he wondered, that having removed a servant of good trust and reputation from that charge, only to satisfy the fears of the City, and put in another of unquestionable reputation and known ability, the petitioners should still entertain those fears: And what

ever preparations were there made, it was with as great an eye of safety and advantage to the City as to his own person.

"For the fortifying of Whitehall with men and munition; he doubted not, but the petitioners had observed the strange provocation he had received to entertain that guard; and if any Citizens were wounded or ill treated, he was confidently assured, that it happened by their own evil and corrupt demeanours.

"That he knew no other endeavours to the Inns of Court than a gracious intention; that he received the tender of their loyal and dutiful affections, with very good approbation and acceptance, and an encouragement given them to continue the same upon all occasions.

"For his going to the House of Commons; he was verily persuaded, that if the petitioners knew the clear grounds upon which those persons stood accused of High-Treason, they would believe his going thither was an act of grace and favour to that House, and the most peaceable way of having that necessary service, for the apprehension of those persons, performed; especially, if such orders had been made, which he was not willing to believe, for the resistance of all lawful authority as were discouraged of. And for the proceedings against those persons, he ever intended the same should be with all justice and favour, according to the Laws of the realm.

He concluded with these words, "And this extraordinary way of satisfying a Petition of so unusual a nature, his Majesty is confidently persuaded, will be thought the greatest instance can be given of his Majesty's clear intentions to his Subjects, and of the singular estimation he hath of the good affections of this City, which he believes in gratitude will never be wanting to his just commands and service."

On the morrow, the 8th of January, the King published in a Proclamation, commanding all Magistrates and Officers of justice, to apprehend the accused Members, and carry them to the Tower.

Whilst the Committee was assembled at Guild-Hall, they took the information of two witnesses, who deposed, That they heard Captain Hyde say things, which showed, he had some ill design against the House of Commons.

Then it was resolved, that the Sheriffs of London and Middlesex should raise the *Posse Comitatus* for their late coming to Westminster, the day the Parliament should meet. Whereupon the Watermen (1) came and tendered their service, to guard the Committee by water to the Parliament-house, which was accepted of. But the offer of the Apprentices to accompany them by land was refused.

Mean while, the Committee of twenty four having appointed a Sub-committee to examine the affairs in question, they made their report, January the 10th, of what resolutions had been taken; namely,

That the publishing several articles of High-Treason against the Lord Kimbolton, and the five Members of the House of Commons, was a high breach of the privileges of Parliament, a seditious Act, tending to the subversion of the peace of the Kingdom.

That the privileges of Parliament, so violated and broken, could not be fully and sufficiently vindicated, unless his Majesty would be pleased to discover the names of those persons who advised him to seal the chambers and studies of the accused Members; to send a Serjeant at arms to the House of Commons to demand them; to issue warrants under his own hand to apprehend them; to come in person to the House; to publish the articles of accusation in the form of a Proclamation, to the end such pernicious counsellors might receive condign punishment.

The Committee of twenty four resolving to return on the morrow to the Parliament with a numerous guard, the King thought not proper to be exposed to the danger of receiving some affront from the populace; and therefore chose to withdraw to Hampton-Court, and two days after to Windsor.

January the 11th, the Commons being assembled at Westminster, the Committee of twenty four came thither by water, conducted by great numbers of seamen and others, whilst the train'd-bands of London marched through the City in arms, to guard them all by land.

Then it was that the King found he had taken wrong measures, and that his imprudent proceedings could not but grieve him, and ruin his affairs. He repented of what he had done, and wished he could appease the disorder raised by himself. To this end, the next day, January the 12th, he sent the following message to both Houses:

His Majesty taking notice, that some conceive it disputable, whether his proceedings against the Lord Kimbolton, Mr. Hollis, Sir Arthur Haslerg, Mr. Pym, Mr. Hampden, Mr. Strode, be legal and agreeable to the privileges of Par-

(1) Rushworth says, it was divers Mariners and Seamen, who brought a Petition, signed by a thousand boats. Tem. 4. p. 421.

1641-2. *liament; and being very desirous to give satisfaction to all men, in all matters that may seem to have relation to privilege, is pleased to waive his former proceedings, and all doubts by this means being settled, when the minds of men are composed, his Majesty will proceed therein in an unquestionable way, and advise his Parliament, that upon all occasions he will be as careful of their privileges, as of his life or his Crown.*

Considerations on the important discussion of the five Members in respect to this time.
Had there not been a settled design against the King, this message would have been capable to pacify all, since he plainly shewed, he repented of what he had done, and in some measure confessed his fault. But he had given his enemies too great an advantage, for them to neglect to improve it. I have observed, there were many Members in both Houses, not yet determined to join with those who sought only to throw all into disorder and confusion. Some began to discover the designs of the Presbyterians. Others had scruples, which they could not overcome, when they considered, that the destruction of the Kingdom would be endangered, by a bare distrust which could not be well-grounded. But their doubts were changed into certainty, after what the King had lately done. Before the accusation of the six Members, it was doubtful, whether the King thought of being revenged of those who had offended him: but this accusation rendered this intention very probable. It was doubtful whether his condescension for the Parliament was constrained: but this accusation discovered, that he believed himself deprived of part of his lawful authority, and considered what the Parliament had done with respect to himself, as High-Treason. For if the depriving him of part of his authority was treason, those who had voted for triennial Parliaments, and the continuance of this, could not be innocent. If the endeavouring to render the King odious to his people was treason, certainly the six Members were not alone guilty. If the inviting the Scotch army into England was treason, how could the House of Commons clear themselves after having rewarded the Scots for their invasion, with a present of three hundred thousand pounds? If it was treason to endeavour to subvert the rights, and the very being of Parliaments, both Houses were guilty of this crime, when they assumed by an Act, the power of not being dissolved or prorogued without their own consent, since this was altering the nature of Parliaments. If raising tumults was treason, the countenancing and encouraging these same tumults was no less so, and of this the whole House of Commons was guilty. In short, the charge against these particular Members for conspiring to levy, and for actually levying, war against the King, necessarily aimed at the whole House, who had countenanced the tumultuous assemblies, set themselves a guard, and provided themselves with arms.

These things put those upon considering, who till then had preserved some good-will for the King, and entertained equitable thoughts of him. They plainly saw what judgment the King made of the Parliament's actions, tho' he attacked but six Members. The shallow artifice of throwing upon a few the fault of the whole House, had been proper with regard to former Parliaments, whilst the King was master. But it was ineffectual with the present Parliament, and at such a juncture. After the redress of past grievances, the point was to know, whether the King's word was to be relied on, and he restored to his natural state. Many were of this sentiment, as they could not imagine, that after what had passed in this Parliament, the King would endeavour to govern for the future as he had done before. They could not resolve, from a bare motive of fear and distrust, to alter the constitution of the Government, by abridging the King's power. Others maintained, that the King's condescension was all dissimulation, and his word not to be relied on. These men, to bring the rest to their opinion, were forced to use various artifices, to aggravate and misinterpret the King's actions, and nevertheless, were not yet able to compass their ends. But by the accusation of the six Members, the King himself supplied them with arguments, which were not easy to answer. They had no more occasion to use signs and conjectures to prove what they advanced, since the King gave them himself such evident proofs. So it may be said, the King never followed more pernicious advice, than that lately given him. If the Lord Digby, as it is said, was his Counsellor, it may be affirmed, that he threw him into a precipice, from whence it was not possible ever to extricate himself.

From that time, the question was not to know, Whether it was necessary to limit the regal power, but to know within what bounds it should be confined; they who had hitherto been most moderate, having entirely lost their doubts concerning the King's sincerity. So the party which was most opposite to him, being grown very superior in both Houses, and meeting with little opposition, they who wished to do the King service, thought it safest, either to absent themselves from the Parliament, or to keep silence, in the expectation of an opportunity to serve him effectually.

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ally, if affairs should take a new turn, and thereby the opposite party became still more powerful.

It is therefore evident, that in the present disposition of the Parliament, the King's last message was not a sufficient means to oblige his enemies to alter their measures. Especially, as by this message he did not desist from the accusation, but only from the manner of proceeding, though it was easy to perceive, he took this method only to come off with the less dishonour. Accordingly, the Commons did not much regard it. The 17th of January, they came to the like resolutions with those taken by the Committee in London, and digested them into a declaration. They only added, the depositions of some witnesses concerning the number of armed men, who attended the King when he came to the House, and who, according to these depositions, were about five hundred; concerning the insolent behaviour of some of the officers who accompanied his Majesty; and the words they used at the door of the House, which seemed to denote, that they waited only for a signal to fall upon the Members. There is no question, all these things were highly aggravated: but these aggravations were subservient to the end proposed by the Commons. They declared, however, "That they meant not to screen their Members, when accused of treason or misdemeanour, and prosecuted according to law and the privileges of Parliament: On the contrary, they should be always ready to bring them to a speedy and dual trial; being sensible, that it equally imported them, as well to see justice done against criminals, as to defend the just rights and liberties of the Subjects and Parliament of England."

Before this declaration was published, the King had sent the following message to both Houses, which shewed how desirous he was of giving them content, and ending this unfortunate affair:

His Majesty being no less tender of the privileges of Parliament, and thinking himself no less concerned that they be not broken, and that they be asserted and vindicated whenever they are so, than the Parliament itself, hath thought fit to add to his last message this provision; That in all his proceedings against the Lord Kimbolton, and the rest of the accused Members, he had never the least intention of violating the least privilege of Parliament: And in case any doubt of breach of privilege remain, will be willing to clear that, and assert those by a reasonable way that his Parliament shall advise him to; upon confidence of which, he no way doubts his Parliament will forthwith lay by all jealousies, and apply themselves to the publick and pressing affairs, and especially to those of Ireland, wherein the good of this Kingdom and the true Religion (which shall ever be his Majesty's first care) are so highly and so nearly concerned. And his Majesty assures himself, that his care of the privileges will increase their tenderness of his lawful prerogatives, which are so necessary to the mutual defence of each other, and both which will be the foundation of a perpetual perfect intelligence between his Majesty and Parliament, and of the happiness and prosperity of his people.

This message (for the reason before given) was not capable of satisfying the Commons. On the contrary, the next day they caused Sir Edward Herbert the Attorney-General to be examined at the Bar of the House of Lords. His answers being sent to the Commons, they ordered him to be accused of several high crimes and misdemeanours, that is to say, of having violated the privileges of Parliament, in exhibiting to the House of Lords the articles he received from the King's own hand, with an express command to exhibit them.

Two days after, both Houses petitioned his Majesty, that they might be informed what proof there was against the six Members, to the end they might speedily be proceeded against [in a parliamentary way.] The King answered, "he thought it unusual or unfit to discover what proof was against them, before he was certain of the same; way he was to proceed, lest a new mistake should breed more delays. That it should therefore be resolved, whether his Majesty was bound in respect of privilege, to proceed against them by impeachment in Parliament; or whether he was at liberty to prefer an indictment at common law, in the usual way, or have his choice of either."

This answer could not but embarrass the two Houses, since the King was willing to follow their directions in the prosecution of the six Members. Accordingly, they thought not proper to resolve upon either of the ways proposed by the King. They contented themselves with replying in a second Petition, "that finding there was still no legal and parliamentary proceedings against the accused Members, they thought it their duty, once more to beseech his Majesty, to inform the Parliament what proof there was against them, that they might be called to a legal trial, it being the undoubted right and privilege of the Commons, that they should be tried by their peers."

Declaration of the Commons, Ruthworth, IV. p. 484. Clarendon, T. I. p. 216, 217.

To King's second Message to the Parliament, Jan. 14. Ruthworth, IV. p. 482. Nelson, T. II. p. 278.

The Commons impeach the Attorney-General, Ruthworth, IV. p. 488, 489. Nelson, T. II. p. 279, 281.

Petition that the King would show what proof there was against the six Members, The King's answer, Ruthworth, IV. p. 491, 492.

The Parliament insist upon their Demand, Feb. 1. Ruthworth, IV. p. 494.

1641-2. "vileage of Parliament, that no Member can be proceeded against without the consent of Parliament."

The King plainly perceiving, there would be no end, and that new difficulties would be perpetually started, endeavoured to terminate the affair at once by the following answer.

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1641-2. him not to deliver up the town, nor receive any forces into it, but by his Majesty's authority signified by both Houses of Parliament. At the same time the Lords sent an express order to the Lord Digby, to give his attendance in the House. But he thought fit to withdraw out of the Kingdom (1). There had now been information, that he was the person who advised the King to accuse the Six Members of Parliament. Besides, the Commons were exasperated against him, on account of his Speech against the Bill of Attainder of the Earl of Strafford, whilst he was member of that House; so that the least pretence was sufficient to draw their resentment upon him.

The Commons made great noise about the *Kingston* affair, to persuade the People his Majesty intended to secure *Portsmouth*. Nay, they caused several witnesses to be examined, but this affair was carried no farther. They were contented with sending for Admiral *Pennington*, who reported that the Lord Digby had shown him a warrant under the King's own hand, to convey him safely into *France* or *Holland*, and that he durst not disobey the order.

The Parliament's fears about *Portsmouth* made them think of *Hull*, a very important place in the County of *York*. The Commons instead of concealing, affected rather to discover, their fears. Wherefore they sent a message to the Lords, that there was at *Hull* a magazine of arms for sixteen thousand men, and ammunition proportionable. That the town being weakly garrisoned (and the adjacent country full of Papists and disaffected persons) they desired their concurrence in an order, that some of the trained-bands of *Yorkshire* should be put into *Hull*, under the command of Sir *John Hetham*, Member of the House of Commons, with orders not to deliver up the place, or magazine, without the King's authority signified by both Houses. To this the Lords readily consenting, young *Hetham*, son to Sir *John*, was sent immediately to *Hull* to execute this order, till his Father should be ready to take the Government of that place.

Nothing shows more clearly the Parliament's distrust, than this order about *Hull*, since it could not be but upon the supposition of an urgent necessity, that they could pretend to place Governors in the towns, and it was also this necessity that they desired to insinuate to the People. However, the sequel shewed, the Parliament had reason to take this precaution (2).

Since the accusation of the Six Members, scarce a day had passed but the Parliament expressed their suspicions of the King, so that every thing manifestly tended to a rupture. The better to persuade the People that both Houses were apprehensive of some violence from the King, and not safe at *Westminster*, a Bill was passed to enable them to adjourn to any place they pleased.

They ordered likewise the Earl of *Newport*, Master of the Ordnance, and the Lieutenant of the Tower, not to suffer any cannon or ammunition to be carried from thence. And for the better safe-guard of the Tower, the Sheriffs of *London* and *Middlesex* were ordered to let a sufficient guard both by land and water about it. The same day the Commons caused some great saddles to be seized, that were to be sent to *Kingston*.

Moreover, Mr. *Bagshaw* of *Windsor*, Member of the House of Commons, informed them, that last night as he was going to *Windsor* (where the King then was) he saw divers troops of Horse, and that there came thither a waggon loaded with ammunition, and another waggon loaded with the same, was sent from thence to *Portsmouth*. Adding, there were at *Windsor* four hundred Horse, with about forty officers. Whereupon *Skippon* was ordered to detach some Horsemen towards *Windsor* for intelligence. But in all appearance there was no great discovery made, since nothing more was said of it.

After that, the Commons desired the Lords to join with them in a petition to the King, for the removal of Sir *John Byrn* from the Lieutenancy of the Tower, and offered their reasons. But the Lords thought fit to decline it.

Mean while, the Lords being informed by the Earl of *Essex*, that the King had his commands upon him and the Earl of *Holland*, to attend his Majesty at *Hampton-Court* as Lord-Chamberlain, and Groom of the Stole, they would not dispute with their absence, alleging that their attendance in Parliament about the high affairs of the realm, was truer service to his Majesty, than any they could do him at Court. The King soon after removed both these Lords from their places (3).

During these differences between the King and the Par-

liament, *Ireland* remained unaffected. The Commons 1641-2. would not pay ten thousand men, who should be levied by the King's commissions. They pretended, their troops should be raised by way of prebending, in order to chuse such for soldiers as should be least attached to the King, and that the King should not be concerned in the levies. The Bill for prebending had been sent up to the Lords, who had not yet passed it, of which the Commons very much complained. At last, the *Scottish* Commissioners seeing, that the differences between the King and the Parliament retarded the conclusion of the treaty for which they were sent, be- thought themselves of offering their mediation to the King and both Houses, to procure an agreement. But the King was offended at their offer, because they had not first communicated their intentions to him in private. The two Houses on the contrary, thanked them for this mark of their affection.

Mean while, the Committee for the *Irish* affairs finding, that Kingdom wanted a speedy assistance, and that the treaty for the ten thousand *Scotts* was not likely to be concluded soon enough, made a proposal to the *Scottish* Commissioners, that the *Scotts* should find into *Ireland* two thousand five hundred men, who were ready, till the treaty for the ten thousand should be ended; to which the Commissioners of *Scotland* agreed. To that purpose, they propounded certain conditions, which were approved by both Houses. But the King objected to one of the conditions, which was, that *Carrickfergus*, a sea-port in the north of *Ireland*, should be delivered to the *Scotts*. He said, it was too great a trust for auxiliary forces. Never- theless, seeing the Parliament willing to confide in the *Scotts*, he thought he should not refuse his confidence to his native Subjects. It must be observed, that the King and Commons expressed an equal desire to assist *Ireland*, but each would have it in their own way. The King wished to have an *English* army sent thither, and blamed the Commons for not halting the levies. The Com- mons, on their side, suspected, that the King's aim was to leave *England* unprovided of men, arms and ammunition, and therefore insisted upon the Treaty of *Scotland* for ten thousand men; and charged the King with being the false cause of the obstacles to the conclusion of the treaty. Nay, they plainly intimated, that though the King seemed to press the relief of *Ireland*, he had no real intention that Kingdom should be relieved. Necessity however obliged the King and both Houses to accept at length of the two thousand five hundred *Scotts*, who were sent into the north of *Ireland*, where they did good service.

The Commons ceased not to shew openly their distrust of the King. This was absolutely necessary to the execution of the designs of those who had then the chief manage- ment of the affairs of the House. But it does not follow, because it was necessary to make known this distrust, that therefore it was not real. The leading men of this party did not believe indeed they had reason to trust the King, and withal, it was their interest to shew the publick the grounds of their distrust. This they did in a solemn man- ner by means of a Speech spoken by Mr. *Pym* at a conference with the Lords. This Speech deserves to be inserted at length, because it shews by what steps the Com- mons endeavoured to compass their ends.

My Lords,

I Am commanded by the Knights, Citizens, and Burgeesses, assembled for the Commons in Parliament, to present to your Lordships divers Petitions, which they have received from several parts concerning the state of the Kingdom: Whereunto they are chiefly moved by that constant affection which they have always expressed, of maintaining a firm union and good correspondence with your Lordships; wherein they have ever found much advantage, and contentment; but never held it more important and necessary, than at this time, wherein the wisdom and resolution of Parliament have as many great dangers and difficulties to pass through, as ever heretofore.

We are united in the publick trust, which is derived from the Commonwealth, in the common duty and obligation wherby God doth bind us to the discharge of that trust; and the Commons desire to impart to your Lordships, whatsoever information or intelligence, whatsoever encouragement or assistance they have received from those several Counties which they represent, that so likewise we may be united in the same intentions and endeavours of improving all to the service of his Majesty, and the common good of the Kingdom.

The petitions which I am directed to communicate to your Lordships, are four; from *London*, *Middlesex*, *Essex*, and *Hertfordshire*. We have received many more, but it would

Bill for the Parliament's adjournment to any other place.
Rushworth, IV. p. 496.
Nelson, T.II. p. 832.
at Grand jet about the Tower.
Rushworth, Ibid.
Nelson, T.II. p. 844.

False information given to the House.
Rushworth, IV. p. 879.
B62.
Rushworth, IV. p. 497.

The Lords decline petition against Byrn.
January 15.
February 15.

The Press forbid Essex and Holland to go to the King.
Nelson, T.II. p. 836.
Rushworth, IV. p. 497.

Differences between the two Houses about the Scottish Com- ments.
Rushworth, IV. p. 498.

The Scottish Commissioners offer their mediation.
Ibid.
Nelson, T.II. p. 874.
The King sends Sir Rushworth, IV. p. 499.
The Parliament accept it.
p. 501.
The Scots find two thousand five hundred men in Ireland.
Nelson, T.II. p. 869.
Rushworth, IV. p. 502.

Different aims of the King and Parliament with regard to Ireland.

Remark on the Commons distrust.

Mr. Pym's Speech to the Lords.
Rushworth, IV. p. 502.
Clarendon, T.I. p. 316.

(1) And Sir *Thomas Lunford* was committed to the Tower. *Maitland*, p. 24.
(2) A Commission was also appointed to draw up a Letter, or other Declaration, to be presented to the Lords, and by both Houses to be published in print, and sent into all parts of the Kingdom, advising them with all expedition to be in a readiness, and good posture of defence, upon all occasions, to defend their several Counties from Invasion by Papists, or other disaffected Persons. *Nelson*, T.II. p. 839, 840, &c.
(3) The Lord *Clarendon* says, That the Earl of *Essex* refused to go, and was not that papist making himself ready, when the Earl of *Holland* came to him, and privately dismissed him; that if they went, they should be both murdered at *Hampton-Court*. *Nelson*, T.II. p. 840.

1641-2. take up too much time, and be too great a trouble to persue all: And in these fears, you may perceive the effect and sense of all: First, I am to desire your Lordships to bear them read, and then I shall pursue my instructions in propounding some observations out of them.

The Petition of the Lord-Mayer and Aldermen of London.

Sheweth,

Rothworch, 19. p. 529. 1641. **T**HAT the Committee of this honourable House, upon Saturday the 22d of this instant January, sent a message to the petitioners, for the loan of one hundred thousand pounds, or of so much thereof as could conveniently be forthwith raised, for levying of forces to suppress the rebels in Ireland: To which message something was then answered, and a further answer in writing promised.

"In performance whereof, they humbly present the answer following, together with the reason thereof, desiring that the same (being the best that for the present they are able to give) may favourably be accepted."

As this answer is very long, and contains several particulars not absolutely necessary, I shall content myself with inserting here what is most material.

"That how feasible soever they were of the great miseries of their brethren in Ireland, and of the imminent danger, not only of the total loss of that Kingdom, but of the ruin of this also, if that of Ireland should be lost; yet they are compelled to declare, *That they have no power to raise any sums by way of tax for any foreign use*; and that they have no means to do it, otherwise than by the immediate personal consent of every particular lender, which they cannot hope to obtain, in regard of these Obstructions following.

"1. That immediately before the Parliament, and since, divers great sums for the service of the King and Kingdom, have been already lent by the Citizens of London, besides 50,000 l. for the supply of Ireland in particular; a great part whereof some of the lenders were compelled to borrow, and cannot to this day repay.

"2. That such part of those moneys as should have been repaid out of the Poll-money and Subsidies, is not yet done.

"3. That the said sum of fifty thousand pounds, lent for Ireland, was hastened and speedily paid, upon account of the urgent necessities of that Kingdom; and yet no considerable forces are sent thither to this day.

"4. The general withholding of very great sums of money from the petitioners, and many others, doth render divers persons of good estate and credit, hardly able to go on with trade, or to pay their debts, and maintain their charge.

"5. The refusing to accept the offers of Scotland, to send ten thousand men into Ireland, discourageth most men from lending any money, were they never so able.

"6. The not passing the Bill for pressing of Soldiers puts many men into fears, that there may be some design there to lose Ireland, and to consume this Kingdom in the losing of Ireland, than to preserve either the one or the other; for that it cannot be conceived, that the rebels (being grown so powerful) will be suppressed by volunteers (1).

"7. The slow issuing of Commissions to those, who being in Ireland, or going thither, are willing to enter the field against the rebels, disables them from doing any effectual execution upon the enemy, unless in their own defence; and so all the monies that have been, or may be sent thither, are exhausted to maintain our forces, to do little or nothing worthy of them, rather than employed to chastise the rebels: By means whereof, those rebels are so much emboldened, that they boast they will extirpate the British nation there, and then make England the seat of war.

"8. The not disarming of Papists here in England, after many discoveries of their treacheries and bloody designs; the great decays of fortifications, block-houses, and other sea-ports; the not managing of them, nor furnishing them with ordnance and ammunition; the not placing all of them in such hands, in whom the Parliament may confide; and the not settling this Kingdom in a posture of defence, in times of so many fears and jealousies of foreign invasions, and intestine conspiracies; the not removing the present Lieutenant of the Tower, and putting such a person into that place, as may be well approved of by the Parliament, notwithstanding

"standing the earnest Petitions exhibited to the House of 1641-2. Commons for that purpose, which hath produced a forbearance to bring bullion into the Tower, in this time of scarcity of monies; all which cannot but overthrow Trading more and more, and make monies yet more scarce in the City and Kingdom.

"9. The King's ships are not fitted and employed, as the present condition of this Kingdom and Ireland requires, but some of them for conveying away of delinquents (2).

"10. The not questioning those many thousands of unknown persons, who are sheltered in *Excent-Gardens*, and thereabouts, which do not employ themselves in any lawful calling, and it is very probable, lie in a readiness to adventure upon some desperate attempt.

"11. The misunderstanding between the King and the Parliament; the not vindicating the privileges of Parliament; the not suppressing of protections; the not punishing of delinquents; and the not executing of all Priests and Jesuits legally condemned, while others, contrary to privilege of Parliament, have been charged with treason.

"12. By means of the premises, there is such decay of trading, and such scarcity of money, as it is likely, in very short time, to cast innumerable multitudes of poor artificers into such a depth of poverty and extremity, as may enforce them upon some dangerous and desperate attempts.

"These are the evils under which the Petitioners do exceedingly labour and languish, which they humbly conceive to have sprung from the employing of ill-affected persons in places of trust and honour in the State, and near to the sacred person of his Majesty; and that these evils are still continued by means of the votes of Bishops and popish Lords in the House of Peers."

The Petitioners of the County of Essex thanked the Commons for their extraordinary care, representing to them withal, that they were still apprehensive of a great step of reformation in matters of Religion, and of the whole Kingdom's being in great danger from the Papists: nor could they expect any redress, unless the Bishops and popish Lords were removed out of the House of Peers.

The Petitioners of the County of Hertford prayed, that the Papists might be [fully] disarmed; the Kingdom put into a posture of defence; the forts and strong places committed to such hands, as the Parliament might confide in; the privileges of Parliament repaired; endeavours used to take away the votes of popish Lords and Bishops; Ireland speedily relieved; Delinquents brought to further punishment; pressures and grievances in Church and State removed; and whatever shall be amiss reformed.

These Petitions being read, Mr. Pym continued his Speech in this manner:

My Lords,

IN these four Petitions you may hear the voice, or rather the cry of all England, and you cannot wonder if the urgency, the extremity, of the condition wherein we are, do produce some earnestness and vehemency of expression more than ordinary; the agony, terror, and perplexity in which the Kingdom labours is universal, all parts are affected with it; and therefore in these, you may observe the groans and miserable complaints of all. Divers reasons may be given, why those diseases which are epidemical, are more dangerous than others: The cause of such diseases is universal and supernatural, not from an evil constitution, or evil diet, or any other accident; and such causes work with more vigour and efficacy, than those which are particular and interior.

"2. In such diseases there is a communicative quality, whereby the malignity of them is multiplied and enforced.

"3. They have a converting, transforming power, that turns other diseases and evil affections of mens bodies into their own nature.

"The common and epidemical disease wherein this Commonwealth lies now grasping, hath a superior and universal cause from the evil counsels and designs of those, who under his Majesty bear the greatest sway in Government. 2. It hath a contagious and infectious quality, whereby it is diffused and disperseth through all parts of the Kingdom. 3. It is apt to take in the discontents, evil affections and designs of particular persons, to encrease and fortify itself.

"I shall take occasion, from several branches of those Petitions which your Lordships have heard, to observe:

"1. The variety of dangers to which this Kingdom is now subject.

(1) They would insinuate by this, that an Army raised in the usual manner by the King's Commissioners, would be very unfit to reduce Ireland, because the King did not wish the Rebels to be subdued. *Rapin.*

(2) They mean the Lord Digby. *Rapin.*

1641-2 " 2. The manifold distempers which are the cause of those dangers.

" 3. The multiplicity of those evil influences, which are the causes of those distempers.

" The first danger is from enemies abroad: This may seem a causeless and impertinent observation at this time, seeing we are at peace with all nations about us:

" But (my Lords) you may be pleased to consider, that the safety of the Kingdom ought not to depend upon the will and disposition of our neighbours, but upon our own strength and provision: Betwixt States there are often sudden changes from peace to war, according to occasion and advantage: All the States of Christendom are now armed, and we have no reason to believe, but that those of greatest power have an evil eye upon us in respect of our Religion: And if their private differences should be composed, how dangerously, how speedily might those great armies, and other preparations now ready, be applied to some enterprise and attempt against us? And if there were no other cause, this were sufficient to make us stand upon our guard; but there are divers more especial symptoms of dangers of this kind. We may perceive, by several advertisements from abroad, that they did foresee our dangers many months before they broke out; they could foretell the time and manner of them, which is a clear evidence, they held intelligence with those which were the contrivers and workers of the present troubles. We have many dangerous traitors and fugitives now in other parts, who can discover the weakness and distemper of the Kingdom; who hold intelligence with the ill-affected party here, and by all cunning and subtle practices, endeavour to incite and provoke other Princes against us. Some of the Ministers of our neighbour Princes may be justly suspected to have had a more immediate hand and operation in the insurrection and rebellion of *Ireland*; many of the Commanders, and most of the Soldiers levied for the service of *Spain*, are now joined with the rebels there; and those *Irish* Friars which were employed by the *Spanish* Ambassador, for the making of those levies, are known to have been the chief incendiaries of this rebellion, and are still very active in the prosecution and encouragement of it. The rebels have a ready and speedy supply from some of our neighbours. Two convoys of munition and arms we are certainly informed of; one from *Dunkirk*, the other from *Nantes in Brittany*; and certainly those that are so forward to enable others to hurt us, will not forbear to hurt us themselves, as soon as they shall have means and opportunity to do it.

" Another danger is from the Papists and ill-affected party at home. The Papists here are acted by the same principles with those in *Ireland*, many of the most active of them have lately been there; which argues an intercourse and communication of Council. They have still store of arms and munition at their disposing, notwithstanding all our endeavours to disarm them; they have a free resort to the City and to the Court; they want no opportunity to consult together; they have the same or greater encouragement from above, and from about (1), than ever, in respect of the example and success of the rebels in *Ireland*, and the great confusions and divisions which by their cunning and subtle practices are raised and fomented among ourselves at home.

" A third danger is of tumults and insurrections of the meaner sort of people, by reason of their ill vent of cloth and other manufactures, whereby great multitudes are set on work, who live for the most part by their daily gettings, and will, in a very short time, be brought to great extremity, if not employed: Nothing is more sharp and pressing than necessity and want; what they cannot buy they will take, and from them the like necessity will quickly be derived to the farmers and husbandmen; and so grow higher, and involve all in an equality of misery and distress, if it be not prevented. And at this time such tumults will be dangerous, because the Kingdom is full of disbanded soldiers and officers, which will be ready to head and to animate the multitude to commit violence with more strength and advantage; and if they once grow into a body, it will be much more difficult to reduce them into order again, because necessity and want, which are the cause of this disturbance, will still encrease as the effects do encrease.

" A fourth danger is from the rebels in *Ireland*, not only in the respect of that Kingdom, but in respect of this. They have seized upon the body of that Kingdom already; they abound in men of very able bodies; they encrease in arms and munition; they have great hopes of supplies from abroad, of encouragement here, and are

" sure of good entertainment from the popish party, so that they begin to speak already there of transporting themselves hither, and making this Kingdom the seat of the war. The distemper which hath produced these dangers is various and exceeding violent. Whenever nature is hindered in her operations and faculties, distempers will necessarily follow.

" The obstructions which have brought us into this distemper, are very many, so that we cannot wonder at the strength and malignity of it. Some of the chiefest of these obstructions I shall endeavour to remember.

" 1. The obstruction of Reformation in matters of Religion: No grievances are sharper than those that pierce upon the tender consciences of men; and there was never Church or State afflicted with more grievances of this kind than we have been. And though they are, by the wisdom of this Parliament, partly eased and diminished, yet many still remain; and as long as the Bishops and the corrupt part of the Clergy continue in their power, there will be little hopes of freedom, either from the sense of those which continue, or the fear of those which are removed. And of this obstruction, (my Lords), I must clear the Commons, we are in no part guilty of it; some good Bills have passed us, and others are in preparation, which might have been passed before this, if we had not found such ill success in the other.

" Whatsoever mischief this obstruction shall produce, we are free from it; we may have our part in the misery, we can have no part in the guilt or dishonour.

" 2. An obstruction in Trade: It is the trade that brings food and nourishment to the Kingdom: It is that which preserves and encreases the flock of the whole, and distributes a convenient portion of maintenance to every part of it; therefore such an obstruction as this must needs be dangerous; the freedom of trade being so necessary, the benefit so important, as that it gives life, strength, and beauty to the whole body of the Commonwealth; but I must protest, the House of Commons have given no cause to this obstruction; we have eased trade of many burthens and heavy taxes, which are taken off; we have freed it from many hard restraints by patents and monopolies; we have been willing to part with our own privileges to give encouragement; we have sought to put the merchants into security and confidence in respect to the Tower of London, that so they might be invited to bring in their bullion to the mint, as heretofore they have done; and we are no way guilty of the troubles, the fears, and publick dangers which make men withdraw their stocks, and keep their money by them, to be ready for such sudden exigents, as in these great distractions we have too much cause to expect.

" 3. The obstructions in the relief of *Ireland*: It must needs be accounted a great shame and dishonour to this Kingdom, that our neighbours have shewed themselves more forward to supply the rebels, than we have been to relieve our distressed brethren and fellow subjects. But I must declare, that we are altogether innocent of any neglect herein. As soon as the first news of the Rebellion came over, we undertook the war, not by way of supply and aid, as in former rebellions the Subjects have used to do, but we undertook the whole charge of it, and we suffered not twenty four hours to pass, before we agreed to a great levy of money and men, to be employed against the rebels, even in a larger proportion than the Lords Justices and Council there did desire; and from time to time we have done all for the furtherance thereof, though in the midst of many distractions and diversions; but the want of commission for levying of men, for issuing arms, and divers other impediments, have been the causes of that obstruction; and I with we had not only found impediments to ourselves, but also encouragements to them. Many of the chief Commanders, now in the head of the Rebels, after we had, with your Lordships concurrence, stopp'd the ports against the *Irish* Papists, have been suffered to pass by his Majesty's immediate warrant, much to the discouragement of the Lords Justices and the Council there, and this procured, as we believe, by some evil instrument too near his regal person, without his Majesty's knowledge and intentions.

" 4. The Obstruction in Prosecution of Delinquents: Many we have already brought upon your Lordships; divers others we have been discouraged to transmit; such difficult proceedings have we met withal; such errors and discouragement have been cast upon ourselves and our witnesses, and those who have shewed themselves their friends and patrons, have found it the most ready way to preferment (2); yea his Majesty's own

(1) That is to say, from the King, Queen, and Ministry. *Apin.*

(2) The Lord Digby chiefly means. *Apin.*

1641-2. "hand hath been obtained, his Majesty's ships been employed for the transporting of divers of those who have fled from the justice of the Parliament (1).

"5. A general obstruction and interruption of the proceedings of Parliament, by those manifold deluges of violence (which through God's mercy we have escaped) by the great and frequent breaches of Privilege, by the subtle endeavours to raise parties in our House, and jealousies betwixt the two Houses.

"6. The obstruction in providing for the defence of the Kingdom, that we might be enabled to resist a foreign enemy, to suppress all civil insurrections; and what a pressing necessity there is of this, the exceeding great decays in the navy, in the forts, in the power of ordering the Militia of the Kingdom, and means of furnishing them with munition, are sufficient evidences, known to none better than to your Lordships; and what endeavour we have used to remove them (but hitherto without the success and concurrence which we expect) and where the stop hath been, and upon what good grounds, we may claim our own innocence and faithfulness in this; we desire no other witnesses but your selves.

"Lastly, I come to the evil influences which have caused this distemper, and I shall content my self to mention some few of those which are most apparent and important.

"1. In the first place, I shall remember the evil counsels about the King, whereof we have often complained. Diseases of the brain are most dangerous; because from thence sense and motion are derived to the whole body. The malignity of evil counsels will quickly be infused into all parts of the State. None can doubt but we have exceedingly laboured under most dangerous and mischievous counsels. This evil influence hath been the cause of the preparation of war with Scotland, of the procuring a rebellion in Ireland, of corrupting Religion, suppressing the liberty of this Kingdom, and of many fearful and horrid attempts, to the subverting the very being of Parliaments, which was the only hopeful means of upholding and preventing all the rest: And this doth appear to be a most predominant evil of the time; whereat we need not wonder when we consider how counsellors have been preferred and prepared. And I appeal to your Lordships own consciences, whether the giving, and the countenancing of evil counsels, hath not been almost the only way to farther advancement.

"2. The Discouragement of good Counsels. Divers honest and approved counsellors have been put from their places; others so discouraged, as that the way of favour hath been shut against them, and that of danger and destruction only open to them.

"3. The great power that an interested and factious party hath in the Parliament, by the continuance of the votes of the Bishops and Popish Lords in your Lordships House; and the taking in of others both out of the House of Commons, and otherwise, to increase their strength.

"4. The fomenting and cherishing of a malignant party throughout the whole Kingdom.

"5. The manifold Jealousies betwixt the King, his Parliament, and good Subjects, whereby his protection and favour hath in a great measure been withheld from them; their inclinations and resolution to serve and assist him, hath been very much hindered and interrupted: we have often suffered under the misinterpretation of good actions, and false imputation of evil, which we never intended. So that we may justly purge our selves from all guilt of being authors of this jealousy and misunderstanding: We have been and are still ready to serve his Majesty with our lives and fortunes, with as much cheerfulness and earnestness of affection, as ever any Subjects were, and we doubt not but our proceedings will manifest this, that we shall be as clear in the apprehension of the world, as we are in the testimony of our own consciences.

"I am now come to a conclusion, and I have nothing to prepay to your Lordships by way of request or desire from the House of Commons. I doubt not but your judgments will tell you what is to be done; your consciences, your honours, your interest will call upon you for the doing of it: the Commons will be glad to have your help and concurrence in saving of the Kingdom; but if they should fail of it, it should not discourage them in doing their duty. And whether the Kingdom be lost or saved (as through God's blessing I hope it will be) they shall be sorry that the story of this present Parliament, should tell posterity, that in so great a danger and extremity, the House of Commons should be informed to save the Kingdom alone, and that the

"the House of Peers should have no part in the Honour 1641-2.

"of the preservation of it, you having so great an interest in the good success of those endeavours, in respect of your great estates, and high degrees of Nobility.

"My Lords, Consider what the present necessities and dangers of the Commonwealth require, what the Commons have reason to expect, to what endeavours and counsels the concurrent desires of all the People do invite you: So that applying your selves to the preservation of the King and Kingdom, I may be bold to assure you, in the name of all the Commons of England, that you shall be bravely seconded."

I thought proper to insert this whole Speech, because the resolution taken by the Commons to divert the King of great part of his Privileges, which they termed saving the Kingdom, manifestly appears in it. In the next place, is seen here the plan they were forming, under colour of applying a cure to the epidemical disease, whose dangers, causes and evil influences were methodically described by Mr. Pym. Though he did not explain the manner of curing it, 'twas easy to infer from his Speech, that it was necessary to prevent the dangers, remove the causes, and apply strong antidotes against the evil influences which inflamed the disease.

The first remark I shall make on this Speech, is, that it was a preparative to dispose the People to see, without surprize, the violent remedies which were intended to be used to remove a disease that was insidiously represented as almost incurable. It would be easy to show that all the subsequent proceedings of the Commons were intimated in this long Speech, if I was not apprehensive it would lead me too far.

I shall add another remark, no less important and requisite; and that is, if the projects of the Commons had been founded only upon idle notions and chimeras, they would never have met with so many adherents ready and eager to accomplish them. Had the people of England been never oppressed, vain would have been the endeavours to persuade them to think so. Had not the King attempted to establish an arbitrary power, had not his Ministers, his Counsellors, all persons in public offices, helped to execute this design, how would it have been possible to convince the people of its reality? If the Bishops and High-Commission had not abused their power, if in order to be farther removed from the Presbyterians, they had not introduced ceremonies and innovations, wherein there was but too much affectation of imitating the Romish Religion, never could the people have been persuaded that there was a design to introduce Popery. Had the King always strictly kept his word, how would it have been practicable to inspire the People with so great a distrust of him? By what band would the Members of Parliament have been united together in the design of lessening the King's power? How should such a thought have come into their minds? It may therefore be affirmed, that these projects were founded on very real and true facts, but which the Presbyterians artfully improved, to the accomplishment of their private ends. Nevertheless, it must be owned, that most of these facts were aggravated, misinterpreted, and even inflamed with groundless insinuations.

I shall farther observe, that they who say, these Petitions, presented to the House of Commons, were all begged, seem to say it very justly, or at least, with great probability. It is difficult to believe, that the people to whom these petitions were ascribed, could have used a language so agreeable to the aim and intentions of the Commons, if they had not been drawn up by persons fully informed of their designs. Indeed, in answer to this objection, it is alleged, that these petitions were not formed upon the views of the Commons, but that the House framed their resolutions upon these petitions, which informed them of the Nation's desires. But we do not find, they ever framed their resolutions upon other petitions directly contrary to these, which were also presented to them from time to time, and which agreed not with their principles. On the contrary, we see that for the most part these last were rejected or not regarded by the House.

The Commons were so pleased with Mr. Pym's Speech, that Mr. Speaker was ordered to give him thanks for it, and desire him to print it, that it might be dispersed among the People. But the King took great offence at it, particularly, at what Mr. Pym said concerning Passes granted for Ireland, That since the stop upon the Ports against all Irish Papists, by both Houses, many of the chief Commissioners, now in the head of the Rebels, have been suffered to pass by his Majesty's immediate warrant. The King said, it was a black calumny, and demanded by a message, that the House should make him a solemn reparation, and disavow what Pym had asserted; but the Commons, who were not then disposed to oblige the King, answered, that the

1641-2. what Mr. Pym had said was agreeable to the sense of the House. That it was true, since the stop upon the ports by both Houses, several persons who were now commanders among the rebels, had passed into Ireland with his Majesty's immediate warrant, some of whom they named. The King replied, that these Passes were obtained whilst he was in Scotland, and before he knew of the order of Parliament, and insisted upon the vindication he had already required. The Commons answered by a declaration, maintaining what they had advanced, and adding, that his Majesty's Passes were not only for those they had before named, but also for such a one (1) and his Company, for such a one (2) and four other persons. The King replied, these were only inferences drawn from the Pass-ports, which could not serve for foundation to Pym's assertion in his Speech. He insisted again upon reparation: But the Commons thought not proper to return any answer.

But this dispute between the King and the Parliament was of little importance, in comparison of another at the same time, concerning the Militia and command of the forts. But for the better understanding this affair, which is one of the principal of the present Reign, it is absolutely necessary to know what had already passed about it.

After the King's return from Scotland, it was easy for him to perceive, that the Commons intended to deprive him of great part of his authority. The Remonstrance of the State of the Kingdom, presented to him at a time, when, without such a design, it seemed very needless, was as the signal of the war preparing against him. Whatever had been since done, tended to the same end, that is, to discredit the King's Government, and to impute to him sundry designs, under the name of his Counsellors, of the Papists, and of an ill-affected party. It is not very strange, that finding himself in this ill situation, he thought betimes of providing against the attacks to which he was likely to be soon exposed. But who can affirm, that if he had succeeded in putting himself in a condition to resist, he would have remained upon the defensive? However this be, the precautions he would have taken against his enemies, served but to render their accusations more plausible.

In January 1641-2, when the affair of the Members accused and the breach of privileges was warmly denouncing, the King, not knowing how it might end, formed the design of securing Hull. This place was very considerable, as well by its situation, as a large magazine of arms and ammunition (3), which could procure a great advantage to him, that should have it in his power, in case of a rupture. To this end, [William Cavendish] Earl of Newcastle, by the King's order, came to Hull under a counterfeit name (4), to consult with some of the King's friends, and amongst others with Captain Legg, how to oblige the Mayor to deliver to him the Town and Magazine, or to obtain it by force, if the Mayor would not give his consent. The secret being discovered, the Peers ordered the Earl of Newcastle to attend the service of the House, which he did, after receiving the King's pleasure, without being asked at his return, where he had been. But some days after, the Commons, as I have said, moved that Sir John Hotham might be sent to Hull, to which the Lords agreed the more readily, as they were not ignorant upon what design the Earl of Newcastle had been dispatched thither. The order was therefore given to Hotham by both Houses, to command in Hull, without the King's being acquainted with it.

Shortly after, the affair of the Militia being now commenced, the King formed once more the design of securing Hull and Portsmouth. To that purpose, Colonel Goring, Governor of Portsmouth, whom the King had secretly gained, was to receive the Queen into Portsmouth, after which, he had orders to go and take the command of Hull. Probably, there was some course taken for the surrender of that place to him. This design was discovered, though it was communicated but to three persons, and the King thought not proper to pursue it, for fear of a disappointment.

If to this be added the suspicions entertained by the Parliament, that the late Assembly at King's-ton was in order to surprize Portsmouth, and the Queen's intended journey thither had the same motive: that the Lieutenantcy of the Tower given to Lunsford might be in pursuance of the King's design to secure at once the three strongest places in the Kingdom, it will not be surprising hereafter, to see the Parliament full of fears and jealousies. For though

the Commons had given the King but too much reason to take precautions for his defence, these very precautions, had they succeeded, would have been no less prejudicial to the publick, than if they had been without a plausible foundation. So, as the King had reason to fear that the Parliament intended to deprive him of his authority, the Parliament had no less cause to suspect that the King was privately labouring to subdue them. In this disposition, neither the one nor the other took any step which was not suspected to cover some ill design. Consequently every thing tended to a rupture. The sole concern of both parties was to gain the people to their interest. The Parliament strenuously endeavoured it by rendering the King odious, and cherishing the fears and suspicions already infused into the people: Their aim was to convince the Nation of the necessity of extraordinary proceedings, in a case so uncommon. The King, on his part, carefully represented, that the Parliament did nothing but violate the Laws, and subvert the constitution of the Government, under colour of maintaining them. Thus much it was necessary to premise, before I entered upon the affair of the Militia, that the Reader may understand the motives of the King's and the Parliament's proceedings.

Eight days after young Hotham's departure for Hull, where his Father Sir John came within a few weeks, the King sent a message to both Houses, with the following proposal:

"That they will with all speed fall into a serious consideration of all those particulars, which they should hold necessary, as well for the upholding and maintaining of his Majesty's just and regal authority, and for the settling of his Revenue, as for the present and future establishment of their privileges; the free and quiet enjoying of their estates and fortunes; the liberties of their persons; the security of the true Religion now professed in the Church of England, and the settling of ceremonies in such a manner, as may take away all just offence; which, when they shall have digested and composed one entire body, that so his Majesty and themselves may be able to make the more clear judgment of them, it shall then appear by what his Majesty shall do, how far he hath been from intending, or designing any of those things, which the too great fears and jealousies of some persons seem to apprehend, and how ready he will be to exceed the greatest examples of the most indulgent Princes in their acts of grace and favour to their people."

It is evident the King had three views in making this proposition. The first, to find the Houses employment, and procure himself time to prepare. The second was, to know at once how far the designs of his enemies reached, which could not but be advantageous to him and injurious to them, with regard to the people. His third view was, to show his Subjects how willing he was to consent to whatever should be capable of procuring a perfect reconciliation between him and his Parliament. As to his saying, *How ready he should be*, &c. it was only a general promise, liable to numberless restrictions and explications, and which properly bound him to nothing.

The Commons fully perceived the snare laid for them by the King; but they perplexed him no less by their answer to his proposition. They told him in a Petition, "That they returned to his Majesty their most humble thanks, resolving to take this message into speedy and serious consideration; and to enable them with security to discharge their duties therein, they desired the Peers to join with them, in humbly beseeching his sacred Majesty, to raise up unto them a sure ground of safety and confidence, by putting the Tower and other principal forts of the Kingdom, and the whole Militia thereof, into the hands of such persons as the Parliament might confide in, and as should be recommended unto his Majesty by both Houses of Parliament (5)."

By this answer, the Commons made a preliminary of the most important point, to be settled between the King and the Parliament, and which being granted, would have put it in the Parliament's power to do whatever they pleased. In the second place, they insinuated to the people, that the Parliament's distrust of the King, must have been grounded upon strong presumptions, since there was no way to labour a reconciliation, and settle the rights of the nation, so long as the King should be master of the forts and Militia.

(1) Namely, Colonel Baxter, whose Brother was General of the Rebels in Munster. He was Uncle to the Earl of Desmond.

(2) Christopher Nugent, Lord Devis, and four Persons so-named, of whom Finches was one. There were also Passes granted to a Son of the Lord Newcastle, and to Sir George Hamilton. *Reflector*, Tom. IV. p. 144.

(3) Upon the disbanding the late Army in the North, all the Artillery, Arms, and Ammunition, that was provided for that Service, had been, by the King's command, sent to Hull, where it still remained, and the King intended it should be kept there for a Magazine upon all occasions. *Clarendon*, Tom. I. p. 304.

(4) He took the name of Sir John Savage. *Reflector*, Tom. IV. p. 164.

(5) The Petition goes on, "Wherein the Peers having refused to join with them, they, notwithstanding, no way discouraged, but confiding in his Majesty's goodness, humbly beseech him, what the Tower of London, &c." *Reflector*, Tom. IV. p. 117. *Aspin* takes no notice of this dissent of the Lords.

1641-2. *The King's answer, concerning the Tower of London;* "That having preferred a person of a known fortune, and unquestionable reputation to that trust, he did not expect he should be pressed to remove him, without any particular charge against him: That notwithstanding, if upon due examination any particular should be presented to his Majesty, whereby it might appear, that he was mistaken in his opinion of Byers, and that he was unfit for the trust committed to him, he would make no scruple of discharging him. But otherwise, he was obliged in justice to himself, to preserve his own work, lest his favour and good opinion might prove a disadvantage and misfortune to his Servants, without any other accusation."

"For the Forts and Castles of the Kingdom; he was resolved they should always be in such hands, (and only such) as the Parliament might safely confide in: but the nomination of any persons to those places (being so principal and inseparable a flower of his Crown, vested in him, and derived unto him from his ancestors, by the fundamental laws of the Kingdom) he would referve to himself: and in bestowing of them, he should not be induced to express that favour so soon to any person, as to those whose good demeanour should be eminent in, or to his Parliament; and if he should at any time confer such a trust upon an undeserving person, he would always be ready to leave him to the wisdom and justice of his Parliament."

"As for the Militia of the Kingdom, which by the Law was subject to no command, but of his Majesty, and of authority lawfully derived from him, when any particular course for the ordering the same should be considered and digested by his Parliament, and proposed to him, he would return such an answer, as should be agreeable to his honour, and the safety of his People, being resolved only to deny those things, the granting whereof would alter the fundamental Laws."

So general an answer was not capable of satisfying the Commons. Nay, it seemed to intimate very clearly, that the King would not grant what was intended to be asked; and yet he removed Sir John Byers from the Lieutenantcy of the Tower, and gave it to Sir John Conyers, recommended to him by the Commons. But this was a favour he readily granted, as it did not prejudice his rights. Nevertheless, a few days after the following Petition was presented to him by both Houses.

To the King's most excellent Majesty, The humble Petition of the Lords and Commons assembled in Parliament.

Most gracious Sovereign,

Petition of both Houses to the King, Feb. 2. 1642. R. 1642. IV. p. 118. Clarendon, T. I. p. 348.

THE present evils and calamities wherewith your Kingdoms are most miserably entangled, the imminent dangers which threaten your royal Person, and all your People, have caused us, your most faithful and obedient Subjects, the Lords and Commons in this present Parliament, with thankfulness to entertain, and with all earnestness of affection and endeavours to pursue the gracious proposition and direction, which not long since we have received from your Majesty. And we have thereupon taken into our most serious consideration the ways and means of securing the safety of your royal Person, preserving the honour and authority of your Crown, removing all jealousies betwixt your Majesty and your People, suppressing the rebellion in Ireland, preventing the fears and dangers of this Kingdom, and the mischievous designs of those who are enemies to the peace of it. And that we may with more comfort and security accomplish our duties herein, we most humbly beseech your Majesty, That you will be pleased forthwith to put the Tower of London, and all other Forts, and the whole Militia of the Kingdom, into the hands of such persons as shall be recommended to your Majesty by both Houses of Parliament (1). Which they assure themselves, will be a hopeful entrance into those courses, which (through God's blessing) shall be effectual for the removing of all diffidence and misapprehension betwixt your Majesty and your People, and for establishing and enlarging the honour, greatness and power of your Majesty and royal posterity, and for the restoring and confirming the peace and happiness of your loyal Subjects in all your Dominions. And to this our most necessary Petition, we in all humility expect your Majesty's speedy and gracious answer, the great distractions and distempers of the Kingdom not admitting any delay."

The Parliament always supposed the Kingdom to be in extreme danger, and the Papists and disaffected party, or rather the King himself, to have ill designs; though, after

all, their supposition was founded only upon conjectures, of 1641-2. which the King had given some occasion, by endeavouring to secure Hull, as the House had been well informed. The King's answer to this Petition was as follows:

His Majesty having well considered of this Petition; and being desirous to express how willing he is to apply a remedy, not only to your dangers, but even to your doubts, and fears, he therefore returns this answer. That when he shall know the extent of power, which is intended to be established in those persons whom you desire to be commanders of the Militia in the several Counties, and likewise to what time it shall be limited, that no power shall be executed by his Majesty alone, without the advice of Parliament, then he will declare, That (for the securing you from all dangers or jealousies if any) his Majesty will be content to put in all the places, both of Forts and Militia in the several Counties, such persons as both the House of Parliament shall either approve or recommend unto him, so that you declare before unto his Majesty the names of the persons whom you approve or recommend, unless such persons shall be named, against whom he shall have just and unquestionable exception.

The King seemed, by this answer, to grant entirely the desire of both Houses, and yet the sequel shewed it was neither his intention nor thought. For the better understanding this answer, it will be necessary to know how the King then stood disposed. His design was to withdraw to York and levy troops in those parts, in order to seize Hull, with the magazine there. So that, very likely, from that time he thought of war, whether defensive or offensive. And therefore he had determined to send the Queen into Holland, under colour of conducting thither the Princess Mary her Daughter, who had espoused the Prince of Orange, and of going to the Spa. But withal, he had put into her Hands the crown-jewels, which were afterwards used in buying arms and ammunition (2). When the Parliament presented this Petition to him, he was upon the point of sending away the Queen, after which he intended to retire to York. It was not therefore his interest absolutely to reject the Parliament's request in such a juncture, for fear of raising a storm too soon, which might have obstructed the execution of his two designs, and especially that relating to Hull. For this reason, he returned the Parliament seemingly so satisfactory an answer, but which however was not an absolute consent, because of some additional restrictions, from whence he meant to draw afterwards a pretence to render his engagement ineffectual. Nevertheless, the terms of this engagement were so well chosen, that tho' of themselves, they signified not that the King referred to himself a power to recede from his word, such a sense however might by inference be fixt upon them. So in the King's intention, this answer was solely designed to gain time. A few days after, he gave the Lieutenantcy of the Tower to Sir John Conyers (3), the better to persuade both Houses, he intended to satisfy them.

The Parliament did not doubt, the King was resolved to put the Militia into the hands of such as should be recommended to him. And therefore they ordered the draught of an ordinance for regulating the Militia, to be prepared, with the names of the commanders in each County, on a separate paper, and presented it to his Majesty, with a Petition to desire his consent.

The King answered, the Queen and Princess being upon their departure for Holland, he had not time to consider of so important an affair, but would send an answer at his return. He was then upon the road, accompanying the Queen to Dover.

Mean while, the Parliament believing to have reason to suspect, the King only sought to amuse them, and fearing he had formed some private design which he intended to execute before the regulation of the Militia, presented this other petition to him:

"May it please your most excellent Majesty, your humble and loyal Subjects, the Lords and Commons, have with a great deal of grief received your Majesty's answer to their just and necessary petition, concerning the Militia of this Kingdom; which your Majesty by a gracious message formerly sent unto them, was pleased to promise should be put into such hands as your Parliament should approve of, or recommend unto you: the extent of their power, and the time of their continuance being likewise declared. That being done, and the persons by both Houses nominated, your Majesty, nevertheless, refers your resolution herein to a longer and a very uncertain time, which (the present dangers and distractions so great and pressing) is as unsatisfactory and destructive as an absolute denial."

"Therefore we once again beseech your Majesty, to

(1) The Lieutenantcy of the Tower was not yet given to Sir John Conyers.

(2) She was reduced to so great wants, that she was compelled to coin, or sell her Chamber-plate, for the supply of her most necessary occasions.

Clarendon, Tom. I. p. 337.

(3) February 11th, as appears by a Short Message that day from the King to the House of Peers. Rushworth, Tom. IV. p. 519.

1641-2. "take our desire into your royal thoughts, and to give us such an answer, as may raise in us a confidence that we shall not be exposed to the practices of those, who thirst after the ruin of this Kingdom, and the kindling of that combustion in England, which they have in so great a measure effected in Ireland; from whence (as we are daily informed,) they intend and endeavour to invade us, with the assistance of the Papists here amongst us.

"Nothing can prevent these evils, nor enable us to suppress the rebellion in Ireland, and secure ourselves, but the instant granting of that humble Petition, which we hope your Majesty will not deny to those, who must in the discharge of their duties both to your Majesty and the Commonwealth, represent unto your Majesty what they find so absolutely necessary for the preservation of both, which the Laws both of God and Man enjoyn them to see put in execution, as several Counties by their daily petitions have desired of us, and in some places begun already to do it of themselves."

Remark.

The Parliament wished to have the King's consent to this regulation of the Militia. This would have been advantageous to them upon all accounts. But however, in the case they supposed the Kingdom to be, they did not mean, that the King's consent was so absolutely necessary that this regulation could not be done and executed, without his approbation. And therefore to shew the King, it would be in vain to oppose it, they had so ordered it, that in some places the People had, of their own accord, divided themselves into companies, chosen officers; in a word, had begun to regulate the Militia, without staying for the King's orders. It is not likely, the People would have ventured upon such an undertaking, had they not been sure of the Parliament's approbation.

The King seeing himself thus pressed, fought other evasions to amuse the Parliament, without openly declaring however that his intention was to deny the desire of both Houses. His answer to the last petition was as follows (1):

The King's Answer, Feb. 28. Rushworth. IV. p. 321. Clarendon. T. I. p. 347.

"His Majesty having, with his best care and understanding, perused and considered, that which was sent him from both Houses, for the ordering of the Militia, presented unto him to be made an ordinance of Parliament, by the giving of his Royal assent; as he can by no means do it for the reasons hereafter mentioned, so he doth not conceive himself obliged, by any promise made in his answer of the second of this month to the petition of both Houses, to yield the same.

"His Majesty finds great cause to except against the preface or introduction to that order, which confesseth a most dangerous and desperate design upon the House of Commons, of late supposed to be an effect of the bloody counsels of Papists and other ill-affected persons, by which many may understand (looking upon other printed Papers to that purpose,) his coming in person to the House of Commons on the 4th of January, which begat so unhappy a misunderstanding between him and his People; and for that, though he believes it upon the information since given, to be an apparent breach of their Privilege, and hath offered to repair the same for the future, by any act that shall be desired of his Majesty, yet he must declare, and require to be believed, that he had no other design upon that House, or any Member of it, than to require (as he did) the persons of those five Gentlemen his Majesty had the day before accused of High-Treason; and to declare, that he meant to proceed against them legally and speedily, upon which he believes that House would have delivered them up; and his Majesty calls the Almighty God to witness, that he was so far from any intention or thought of force or violence; although that House had not delivered them according to his demand, or in any case whatsoever, that he gave those his Servants, and others, that waited on his Majesty, express charge and command, that they should give no offence to any man; nay, if they received any provocation or injury, that they should bear it without return; and his Majesty neither saw or knew, that any person of his train had any other weapons, but his pensioners and guards those with which they usually attend his Majesty, and the other Gentlemen, swards. And therefore his Majesty doubts not, but his Parliament will be regardful of his honour herein, that he shall not undergo any imputation, by the rash or indiscreet expressions of any young men then in his train, or by any desperate words uttered by others, who might mingle with them without his consent or approbation.

"For the persons nominated to be Lieutenants of the several Counties of England and Wales, his Majesty is contented to allow that recommendation; only concerning the City of London, and such corporations, as by

1641-2. "ancient charters have granted unto them the power of the Militia, his Majesty doth not conceive, that it can stand with justice or policy to alter their Government in that particular.

"And his Majesty is willing forthwith to grant every of them, (that of London, and those other corporations excepted,) such commissions, as he hath done during this Parliament, to some Lord-Lieutenants by your advice; but if that power be not thought enough, but that more shall be thought fit to be granted to those persons named, than by the law is in the Crown it self; His Majesty holds it reasonable, that the same be by law first vested in him, with power to transfer it to those persons, which he will willingly do; and whatever that power shall be, to avoid all future doubts and questions, his Majesty desires, it may be digested into an Act of Parliament rather than an ordinance; so that all his loving Subjects may thereby particularly know, both what they are to suffer, and what they are not to suffer, for their neglect, that there be not the least latitude for his good Subjects to suffer under any arbitrary power whatever.

"As to the time desired for the continuance of the powers to be granted, his Majesty giveth this answer, that he cannot consent to divest himself of the just power, which God and the Laws of this Kingdom have placed in him for the defence of his People, and to put it into the hands of any other for any indefinite time. And since the ground of this request from his Parliament, was to secure their present fears and jealousies, that they might with safety apply themselves to the matter of his message of the 20th of January: His Majesty hopeth, that his grace to them, since that time, in yielding to so many of their desires, and in agreeing to the persons now recommended to him by his Parliament, and the power before expressed to be placed in them, will wholly dispel those fears and jealousies; and assure them, that as his Majesty hath now applied this unusual remedy to their doubts, so (if there shall be cause) he will continue the same, to such time as shall be agreeable to the same care he now expresseth toward them.

"And in this answer, his Majesty is so far from receding from any thing he promised, or intended to grant in his answer to the former petition; that his Majesty hath hereby consented to all was then asked of them by that petition concerning the Militia of the Kingdom, (except that of London, and those other corporations) which was to put the same into the hands of such persons as should be recommended unto him by both Houses of Parliament: And his Majesty doubts not, but the Parliament upon well weighing the particulars of this his answer, will find the same more satisfactory to their ends, and the peace and welfare of all his good Subjects, than the way proposed by this intended ordinance, to which, for these reasons his Majesty cannot consent.

"And whereas his Majesty observes by the petition of both Houses, presented to him by the Earl of Portland, Sir Thomas Heal, and Sir William Savile, that in some places some persons begin already to intermeddle of themselves with the Militia, his Majesty expecteth that his Parliament should examine the particulars thereof, it being a matter of high concernment and very great consequence.

"And his Majesty requireth, that if it shall appear to his Parliament, that any persons whatsoever have presumed to command the Militia without lawful authority, they may be proceeded against according to law."

There were in this answer, several things which could not but displease the Parliament. 1. The exception of London and such other corporations, as by Charters had the power of the Militia, which was taking away with one hand, what he seemed to give with the other, since there were very few Towns of any note, but what had the like Charters. Besides, it did not appear that either London or any other Corporation desired to be maintained in this privilege. 2. The King, in complaining there was no fixed time for the continuance of the powers of the Lieutenants, offered none himself. So it was a point to be debated which might long amuse. 3. As to his promising to prolong the time, if there should be cause, it was properly nothing, since it is certain his general promises were not relied on, especially when attended with such restrictions. 4. The King did not mention the Government of the forts, which was however a point of great moment. 5. He absolutely rejected the ordinance, and in perfwading the Parliament to change it into an Act, he would have indi-

(1) This Answer the King sent from Greenwich, where he came and resided some time after the Queen's departure. Clarendon, Tom. I. p. 340, 341.

1641-2. rectly obliged them to own, they had no power to make it, which was entirely contrary to the pretensions of both Houses. 6. In suppressing the ordinance and turning it into an Act, the Bill must have been drawn his own way; otherwise, he tacitly referred to himself the power of rejecting it, a power that hitherto had been indisputable. It was therefore very easy to perceive, that by all these restrictions the King fought only to gain time, and put off the Parliament with bare words. Accordingly both Houses having taken his answer into consideration, voted that it was not satisfactory, and presented a third Petition to him at *Thorbalby*, where he then was.

Most gracious Sovereign,

Petition of both Houses to the King, March 1. Rushworth. IV. p. 523. Clarendon. T. I. p. 343.

“YOUR Majesty's most loyal and obedient Subjects, the Lords and Commons in Parliament, do find their just apprehensions of sorrow and fear, in respect of the public dangers and miseries like to fall upon your Majesty and the Kingdom, to be much increased, upon the receipt of your unexpected denial of their most humble and necessary Petition, concerning the Militia of the Kingdom, especially grieving, that wicked and mischievous Counsellors should still have that power with your Majesty, as in this time of imminent and approaching ruin, rather to incline your resolutions to that which is apt to further the accomplishment of the desires of the most malignant enemies of God's true Religion, and the peace and safety of your self and your Kingdom, than to the dutiful and faithful Counsel of your Parliament: Wherefore they are enforced in all humility to protest, that if your Majesty shall persist in that denial, the dangers and distempers of the Kingdom are such as will endure no longer delay: But unless you shall be graciously pleased to assure them by these messengers, that you will speedily apply your royal assent to the satisfaction of their former desires, they shall be enforced, for the safety of your Majesty and your Kingdom, to dispose of the Militia by the authority of both Houses, in such manner as hath been propounded to your Majesty, and they resolve to do it accordingly.

“They likewise most humbly beseech your Majesty to believe, that the dangerous and desperate design upon the House of Commons, mentioned in their preamble, was not interposed with any intention to cast the least aspersions upon your Majesty, but herein they reflected upon that malignant party, of whose bloody and malicious practices they have had so often experience, and from which they can never be secure, unless your Majesty will be pleased to put from you those wicked and unfaithful Counsellors, who interpose their own corrupt and malicious designs betwixt your Majesty's goodness and wisdom, and the prosperity and contentment of your self, and of your people: And that for the dispatch of the great affairs of the Kingdom, the safety of your person, the protection and comfort of your Subjects, you will be pleased to continue your abode near to London, and the Parliament, and not to withdraw your self to any the remotest parts: which if your Majesty should do, must needs be a cause of great danger and distraction (1).

“That your Majesty will likewise be graciously pleased to continue the Prince his Highness in these parts at St. James's, or any other of your Houses near London (2), whereby the designs which the enemies of the Religion and Peace of this Kingdom may have upon his person, and the jealousies and fears of your people, may be prevented. And they beseech your Majesty to be informed by them, that by the Laws of the Kingdom, the power of raising, ordering, and disposing of the Militia, within any City, Town, or other place, cannot be granted to any Corporation by Charter, or otherwise, without the authority and consent of Parliament; and that those parts of the Kingdom which have put themselves in a posture of defence against the common danger, have therein done nothing but according to the Declaration and direction of both Houses, and what is justifiable by the Laws of the Kingdom.

“All which, their most humble Counsel and desires, they pray your Majesty to accept, as the effect of that duty and allegiance which they owe unto you, and which will not suffer them to admit of any thoughts, intentions, or endeavours, but such as are necessary and advantageous for your Majesty's greatness and honour, and the safety and prosperity of the Kingdom, according to that trust and power which the Laws have reposed in them.”

Before I relate the King's answer, it will not be im-

proper to make some remarks on this Petition. My design being in this second part of the Reign of *Charles I.*, to give the Readers a true idea of the differences between the King and the Parliament, that they may the better perceive the real grounds of the ensuing Civil Wars, I hope it will not be taken amiss, that by remarks on the Papers of both sides, I point out some things which perhaps would not be generally observed.

In the first place, the imminent danger, the approaching ruin so much talked of by the Parliament, was not so evident as they pretended. But they always supposed, there was a Popish and malignant party, who had formed a design to ruin the Kingdom and the Protestant Religion, and that the King's evil Counsellors advised him to whatever could be advantageous to that party. I do not say this supposition was entirely false: But it may be said at least to be grounded upon bare conjectures. Besides, these were only Generals, under which the Parliament concealed the true cause of their fears. They were apprehensive, that the King by secret practices, would secure the forts and magazines, as it was well known he intended it, and raise an army. Nay, it could not be doubted, that considering his present state, he would have done it, had it been in his power. It will be seen hereafter that he had thought of it, before the time I am speaking of. But when this Petition was presented to him, he was only suspected to have some great design in hand. He was therefore to be prevented by disposing of the Militia, by the authority of both Houses, in order to be ready to oppose such as should declare for him, or to hinder them from declaring. But all this was coloured with the pretence of putting the Kingdom in a posture of defence against the plots of the malignant party. For this reason, the pretended design of this malignant party was always expressed in general terms, without mention of any particulars, and great care was taken to refer to it all the King's actions, and all the events which could have any relation thereto. But it must be remembered, as I have often said, that the Parliament's intention was to divest the King of the greatest part of his authority, and that the King's design was to screen himself from the impending misfortunes, and in so doing, he would have put himself also in a state of attacking, had he been suffered to do it. This is properly the Key to the Papers which were published on both sides, concerning the Militia, though the King and Parliament endeavoured to varnish their respective proceedings with pretences capable of dazzling the people.

I shall remark in the second place, that the Parliament in this Petition, took no notice of the reasons alleged by the King in his former answer. They were contented with always supposing the design of subverting Religion and the Laws, and with referring to that design the removal of the Prince of Wales, and the absence of the King from his Parliament, to insinuate, that the King's restrictions to his promise, were intended only to gain time, in order to favour the malignant party.

Thirdly, the Parliament's fears, that the King's absence concealed some hidden design, were not groundless, as I said, and as will appear hereafter.

All this shows, that the King and the Parliament had but too much cause to mistrust one another. If the Parliament, under colour of imminent danger to the Kingdom, thought it incumbent on them to require, that the Militia should be put into such hands as they could confide in, the King had no less reason to endeavour to hinder both Houses from usurping a power, which was to serve to oppress him.

The King returned the following answer to the Parliament's last Petition:

“I am so much amazed at this message, that I know not what to answer: You speak of jealousies and fears: Lay your hands to your hearts, and ask your selves, whether I may not likewise be disturbed with fears and jealousies: And if so, I assure you this message hath nothing lessened them.”

“For the Militia, I thought so much of it before I sent that answer, and am so much assured, that the answer is agreeable to what in justice or reason you can ask, or I in honour grant, that I shall not alter it in any point.”

“For my residence near you, I wish it might be so safe and honourable, that I had no cause to absent myself from Whitehall; ask your selves whether I have not.”

“For my Son, I shall take that care of him, which shall justify me to God as a Father, and to my Dominions as a King.”

(1) Before the King left London, Sir Richard Gurney Lord-Mayor, and some of the principal Citizens, waited upon him, and engaged, if he would stay, to guard him with ten thousand Men, if occasion were; and told him, if he went, he would leave the City open for the Members to do as they pleased, and that they were sure to be first undone if the King sold them, he was refused. *R. Gals. p. 341.*

(2) The King, upon his coming to Greenwich, had sent to William Seymour, Marquis of Hertford (lately made Governor to the Prince, in the room of the Earl of Strafford,) to bring the Prince to him, at which the Parliament it seems took exception. *Clarendon. Tom. I. p. 313. 340.*

1641-2. "To conclude, I assure you upon my honour, that I have no thought but of peace and justice to my People, which I shall by all fair means seek to preserve and maintain, relying upon the goodness and providence of God, for the preservation of my self and rights."

Remark on this answer.

It must be observed upon this answer, that the reason alleged by the King to justify his absence from *Whitehall*, namely, the riotous assemblies of the people of *London*, was plausible. But it was extremely weak, to prove the necessity of his residing at *York*. However, he artfully confounded, under one and the same reason, his removal to *York*, and his absence from *London*. We shall see presently the true reason of his retiring to *York*.

2. It is very likely, the King wished for peace, provided his Prerogatives were untouched. But the Parliament thought, in order to a lasting peace, the King's power was to be curbed.

Upon this answer, it was resolved by the House of Commons:

Form of the Commons.
Rothworth, IV. p. 524.
Clarendon, T. I. p. 343.

"1. That this answer of his Majesty is a denial to the desires of both Houses of Parliament concerning the Militia.

"2. That those that advised his Majesty to give this answer, are enemies to the State, and malicious projectors against the defence of the Kingdom.

"3. That this denial is of that dangerous consequence, that if his Majesty shall persist in it, it will hazard the peace and safety of all his Kingdoms, unless some speedy remedy be applied by the wisdom and authority of both Houses of Parliament.

"4. That such parts of this Kingdom as have put themselves into a posture of defence against the common danger, have done nothing but what is justifiable, and is approved by the House.

"5. That if his Majesty shall remove into any remote parts from his Parliament, it will be a great hazard to the Kingdom, and a great prejudice to the proceedings of the Parliament.

"6. That this House holds it necessary, that his Majesty may be desired, that the Prince may come into *St. James's*, or to some other convenient place near or about *London*, and there to continue.

"7. That the Lords be desired to join with this House in an humble request unto his Majesty, that he will be pleased to reside near his Parliament, that both Houses may have a convenience of access unto him upon all occasions.

"8. That the Lords be moved to join with this House in some fit course of examination, to find who were the persons that gave his Majesty this advice, that they may be removed from his Majesty, and brought to condign punishment.

"9. That no Charter can be granted by the King, to create a power in any Corporation over the Militia of that place, without consent of Parliament.

"10. That the Lords shall be moved to join with this House in these votes.

"11. That the Lords shall be desired to appoint a select Committee, that may join with a Committee of a proportionable number of this House, to consider and prepare what is fit to be done upon these votes, or upon any thing else that may arise upon this answer of his Majesty concerning the Militia, and concerning the Prince.

Rothworth, IV. p. 526.

The same day it was resolved in the House of Commons,

"That the Kingdom be forthwith put into a posture of defence, by authority of both Houses, in such a way as is already agreed upon by both Houses of Parliament."

In pursuance of this resolution, both Houses published the following Ordinance for setting the Militia.

The Parliament's Ordinance for the Militia.
March 5.
Rothworth, IV. p. 526.
Clarendon, T. I. p. 346.

"Whereas there hath been of late a most dangerous and desperate design upon the House of Commons, which we have just cause to believe to be an effect of the bloody counsels of Papists, and other ill-affected persons, who have already raised a rebellion in the Kingdom of *Ireland*, and by reason of many discoveries, we cannot but fear they will proceed not only to stir up the like rebellion and insurrections in this Kingdom of *England*, but also to back them with forces from abroad.

"For the safety therefore of his Majesty's person, the Parliament and Kingdom, in this time of imminent danger; It is ordained by the Lords and Commons now in Parliament assembled, That *Henry Earl of Holland* shall be Lieutenant of the County of *Berks*, *Oliver Earl of Bullingbrooke* shall be Lieutenant of the County of *Bedford*, &c. and the said Lord Lieutenants shall severally and respectively have power to assemble and call together all and singular his Majesty's Subjects, within the said several and respective counties and places, as well within liberties as without, that are meet and fit

1641-2. "for the wars, and them to train and exercise, and put in readines, and then, after their abilities and faculties, well and sufficiently from time to time, to cause to be arrayed and weaponed, and to take the muster of them in places fit for that purpose. And that they shall severally and respectively have power, within the several and respective counties and places aforesaid, to nominate and appoint such persons of quality, as to them shall seem meet, to be their Deputy-Lieutenants, to be approved of by both Houses of Parliament. And be it further ordained, That *Sir John Gayer*, *Sir Jacob Gerrard*, *Knights*, &c. shall have such power and authority within the City of *London*, as any of the Lieutenants before-named, are authorized to have by this ordinance, within the said several and respective Counties, (the nomination and appointment of Deputy-Lieutenants only excepted.) And it is further ordained, That such persons as shall not obey in any of the premises, shall answer their neglect and contempt to the Lords and Commons in a parliamentary way, and not otherwise, nor elsewhere; and that every the powers granted as aforesaid, shall continue, until it be, otherwise ordered or declared by both Houses of Parliament, and no longer."

These forces from abroad, mentioned in the ordinance, were a chimaera, framed to amuse the People, and make them believe, the King would cause the Kingdom to be invaded by foreigners. For though, very probably, the Pope and Cardinal *Richieu* countenanced the *Irish* Rebellion, it could not however be affirmed, they had formed a design to invade *England* in favour of the King.

March the 9th, the King being at *Newmarket*, both Houses presented the following Declaration to him, which served for reply to his answer.

Declaration of both Houses presented to the King at *Newmarket*, March 9, 1641-2.

May it please your Majesty,

"Although the expressions in your Majesty's message, of the 2d of this instant *March*, do give just cause of sorrow to us, your faithful Subjects, the Lords and Commons in Parliament, yet it is not without some mixture of confidence and hope, considering they proceeded from the misapprehension of our actions and intentions, which having no ground of truth or reality, may, by your Majesty's justice and wisdom, be removed, when your Majesty shall be fully informed, that those fears and jealousies of ours, which your Majesty thinks to be causeless, and without any just ground, do necessarily and clearly arise from those dangers and distempers, into which the mischievous and evil counsels about you have brought this Kingdom; and that those other fears and jealousies, by which your favour, your royal presence and confidence have been withdrawn from your Parliament, have no foundation or subsistence in any action, intention, or miscarriage of ours, but are merely grounded upon the falshood and malice of those, who, for the supporting and fomenting their own wicked designs against the religion and peace of the Kingdom, do seek to deprive your Majesty of the strength and affection of your People, them of your grace and protection, and thereby to subject both your royal person and the whole Kingdom to ruin and destruction.

"To satisfy your Majesty's judgment and conscience in both these points, we desire to make a clear and free declaration of the causes of our fears and jealousies, which we offer to your Majesty in these particulars:

"1. That the design of altering Religion in this, and in your other Kingdoms, hath been potently carried on by those in greatest authority about you, for divers years together: the Queen's agent at *Rome*, and the Pope's agent or nuncio here, are not only evidences of this design, but have been great actors in it.

"2. That the war with *Scotland* was procured to make way for this intent, and chiefly invited and fomented by the Papists, and others popishly affected, whereof we have many evidences, especially their free and general contribution to it.

"3. That the rebellion in *Ireland* was framed and contrived here in *England*, and that the *English* Papists should have risen about the same time, we have several testimonies and advertisements from *Ireland*; and that it is a common speech amongst the rebels, wherewith concur other evidences and observations of the suspicious meetings and consultations, the tumultuary and seditious carriage of those of that Religion, in divers parts of this Kingdom, about the time of the breaking out of the *Irish* rebellion; the deposition of *O Conally*; the information of *Mr. Cole*, Minister; the letter of *Tristram Whitcombe*; the deposition of *Thomas Grant*, and many others, which we may produce, do all agree in this: The publick declarations of the Lords, Gentlemen, and others

1641-2.

"others of the Pale, that they would join with the rebels, whom they call the *Irish* army, or any other, to recover unto his Majesty his royal prerogative, wrested from him by the Puritan faction in the Houses of Parliament in *England*, and to maintain the same against all others, as also to maintain Episcopal Jurisdiction, and the lawfulness thereof: These two being quarrels, upon which his Majesty's late army in the North should be incited against us.

"The great cause we have to doubt, that that late design, filed the Queen's pious intention, was for the alteration of Religion in this Kingdom; for success whereof, the Pope's Nuncio, the Count *Raffiti*, enjoyed fasting and praying to be observed every week by the *English* Papists, which appeared to us, by one of the original letters, directed by him to a Priest in *Lancashire*.

"The boldness of the *Irish* rebels in affirming they do nothing but by authority from the King; that they call themselves the Queen's army; that the prey or booty which they take from the *English* they mark with the Queen's mark; that their purpose was to come to *England* after they had done in *Ireland*, and sundry other things of this kind, proved by *O Conelly*, and divers others, especially in the fore-mentioned letters from *Tristram Whitcomb*, the Mayor of *Kingst*, to his brother *Benjamin Whitcomb*, wherein there is this passage, that many other *strange* Speeches they utter about Religion and our Court of *England*, which he dares not commit to paper.

"The manifold attempts to provoke your Majesty's late army, and the army of the *Scots*, and to raise a faction in the city of *London*, and other parts of the Kingdom; that those who have been actors in those businesses, have had their dependance, their countenance and encouragement from the Court; witness the treason whereof Mr. *Jermyn* and others stand accused, who was transported beyond Sea, by warrant under your Majesty's hands, after your Majesty had given assurance to your Parliament, that your Majesty had laid a strict command upon all your servants, that none of them should depart from Court; and that dangerous Petition delivered to Captain *Legg* by your Majesty's own hand, accompanied with a direction signed with *C. R.*

"The false and scandalous accusation against the Lord *Kimblen*, and the five Members of the House of Commons, tendered to the Parliament by your Majesty's own command, endeavoured to be justified in the city by your own preference and persuasion, and to be put in execution upon their persons by your Majesty's demand of them in the House of Commons, in so terrible and violent a manner, as far exceeded all former breaches of privileges of Parliament acted by your Majesty or any of your predecessors; and whatsoever your intentions were, divers bloody and desperate persons which attended your Majesty, discovered their affections and resolutions to have massacred and destroyed the Members of that House, if the absence of those persons accused, had not, by God's providence, stopped the giving of that word which they expected, for the setting them upon that barbarous and bloody act; the lifting of so many officers and soldiers, and others, putting them into pay, and under command of Colonels; feeding and caring them in an unusual manner at *Whitehall*, thereby maintaining them in the violent assaults and other injuries which they offered to divers of your Subjects, coming that way in a lawful and peaceable manner; the carrying them out of town, after which they were told by the Lord *Digby*, that the King removed on purpose that they might not be trampled in the dirt; and keeping them so long in pay, endeavouring to engage the Gentlemen of the Inns of Court in the same course; the plotting and designing of a perpetual guard about your Majesty; the labouring to insinuate into your Majesty's Subjects an evil opinion of the Parliament through the whole Kingdom, and other symptoms of a disposition of raising arms, and dividing your people by a civil War; in which combustion *Ireland* must needs be lost, and this Kingdom miserably wasted and consumed, if not wholly ruined and destroyed.

"That after a vote had passed in the House of Commons, declaring, that the Lord *Digby* had appeared in a warlike manner at *Kingston* upon *Thames*, to the terror and fright of your Majesty's good Subjects, and disturbance of the public peace of the Kingdom; and that therefore the Lords should be moved to require his attendance, he should nevertheless be of that credit with your Majesty, as to be sent away by your own warrant to Sir *John Pennington*, to land him beyond the sea, from whence he vented his own traitorous conceptions, that your Majesty should declare your self, and retire to a place of strength in this Kingdom, as if your Ma-

jefty could not be safe among your people; and which took that transcendent boldness to write to the Queen, offering to entertain correspondence with her Majesty by cyphers, intimating some service which he might do in those parts, for which he desired your Majesty's instructions, whereby in probability he intended the procuring of some foreign force to strengthen your Majesty in that condition, into which he would have brought you; which false and malicious counsel and advice, we have great cause to doubt, made too deep an impression in your Majesty, considering the course you are pleased to take of absenting your self from your Parliament, and carrying the Prince with you, which seems to express a purpose in your Majesty, to keep your self in a readiness for the acting of it.

"The manifold advertisements which we have had from *Rome*, *Venice*, *Paris*, and other parts, that they still expect, that your Majesty has some great design in hand, for the altering of Religion, the breaking the neck of your Parliament, that you will yet find means to compass that design; that the Pope's Nuncio hath solicited the Kings of *France*, and *Spain*, to lend you Majesty four thousand men a-piece, to help to maintain your Royalty against the Parliament; and this foreign force, as it is the most pernicious and malignant design of all the rest, so we hope it is, and shall always be farthest from your Majesty's thoughts, because no man can believe, you will give up your People and Kingdom, to be spoiled by strangers, if you did not likewise intend to change both your own profession in Religion, and the public profession of the Kingdom, that so you might still be more assured of those foreign States of the popish Religion, for your future support and defence.

"These are some of the grounds of our fears and jealousies, which make us so earnestly to implore your Royal authority and protection for our defence and security, in all the ways of humility and submission, which being denied by your Majesty, seduced by evil Counsel, we do with sorrow, for the great and unavoidable misery and danger, which thereby is like to fall upon your own person, and your Kingdoms, apply our selves to the use of that power, for the security and defence of both, which by the fundamental laws and constitutions of this Kingdom resides in us; yet still resolving to keep our selves within the bounds of faithfulness and allegiance to your sacred person, and your Crown; so as to the second sort of jealousies and fears of us expressed by your Majesty, we shall give a shorter, but as true and as faithful an answer.

"Whereas your Majesty is pleased to say, that for your residence near the Parliament, you wish it may be so safe and honourable, that you had no cause to absent your self from *Whitehall*; this we take as the greatest breach of privilege of Parliament that can be offered, as the heaviest misery to your self, and imputation upon us, that can be imagined, and the most mischievous effects of evil counsels: It roots up the strongest foundation of the safety and honour which your Crown affords; it seems as much as may be to cast upon the Parliament such a charge, as is inconsistent with the nature of that great Council, being the body, whereof your Majesty is the head; it strikes at the very being both of King and Parliament, depriving your Majesty, in your own apprehensions, of their fidelity, and them of your protection, which are the mutual bands and supports of Government and Subjection.

"We have, according to your Majesty's desire, laid our hands upon our hearts; we have asked our selves in the strictest examination of our consciences; we have searched our affections, our thoughts; considered our actions, and we find none that can give your Majesty any just occasion to absent your self from *Whitehall*, and the Parliament; but that you may with more honour and safety, continue there than in any other place. "Your Majesty lays a general tax upon us; if you will be graciously pleased to let us know the particulars, we shall give a clear and satisfactory answer; but what hope can we have of ever giving your Majesty satisfaction, when those particulars which you have been made to believe were true, yet being produced, and made known to us, appeared to be false, and your Majesty notwithstanding, will neither punish, nor produce the authors, but go on to contract new jealousies and fears upon general and uncertain grounds, affording us no means or possibility of particular answer, to the clearing of our selves? For proof whereof, we beseech your Majesty to consider these influences:

"The Speeches alleged to be spoken in a meeting of divers Members of both Houses at *Kingston*, concerning a purpose of retraining the Queen and Prince, which

1641-2. "which after it was denied and disavowed, yet your Majesty refused to name the authors, tho' humbly desired by both Houses.

"The report of Articles framed against the Queen's Majesty, given out by some of near relation to the Court; but when it was publicly and constantly disclaimed, the credit seemed to be withdrawn from it; but the authors being kept safe, will always be ready for exploits of the same kind, wherewith your Majesty and the Queen will be often troubled, if this course be taken to cherish and secure them in such wicked and malicious slanders.

"The heavy charge and accusation of the Lord Kimbolton, and the five Members of the House of Commons, who refused no trial or examination which might stand with the privilege of Parliament; yet no authors, no witnesses produced, against whom they may have reparation, for the great injury and infamy cast upon them; notwithstanding three several petitions of both Houses, and the authority of two Acts of Parliament, vouched in the last of those Petitions.

"We beseech your Majesty to consider in what State you are, how easy and fair a way you have to happiness, honour, greatness, plenty, and security; if you will join with the Parliament, and your faithful Subjects, in defence of the Religion and publick good of the Kingdom: This is all we expect from you, and for this we shall return to you our lives, fortunes, and uttermost endeavours to support your Majesty, your just sovereignty and power over us; but it is not words than can secure us in these our humble desires: We cannot but too well, and sorrowfully, remember, what gracious messages we had from you this summer, when with your privacy, the bringing up the army was in agitation; we cannot but with the like affections recall to your minds, how, not two days before you gave directions for the above-mentioned accusation, and your own coming to the Commons House; that House received from your Majesty a gracious message, that you would always have a care of their privileges, as of your own prerogative, of the safety of their persons, as of your own children. That which we expect, which will give us assurance that you have no thought but of peace and justice to your People, must be some real effect of your goodness to them, in granting those things, which the present necessity of the Kingdom doth enforce us to desire: And in the first place, that your Majesty will be graciously pleased to put from you those wicked and mischievous counsellors, which have caused all these dangers and distractions, and to continue your own residence, and the Prince's, near London, and the Parliament, which we hope will be a happy beginning of contentment and confidence betwixt your Majesty and your People, and be followed with many succeeding blessings of honour and greatness to your Majesty, and of security and prosperity to them.

"The Lords and Commons have commanded us to present unto your Majesty this farther addition, to their former declaration.

"That your Majesty's return and continuance near the Parliament, is a matter in their apprehension of so great necessity and importance, toward the preservation of your royal person and your Kingdoms, that they cannot think they have discharged their duties, in the single expression of their desire, unless they add some farther reasons to back it with.

1. Your Majesty's absence will cause men to believe, that it is out of design to discourage the undertakers, and hinder the other provisions for raising money for defence of Ireland.

2. It will very much hearten the rebels there, and disaffected persons in this Kingdom, as being an evidence and effect of the jealousies and divisions betwixt your Majesty and your People.

3. That it will much weaken and withdraw the affection of the Subjects from your Majesty, without which a Prince is deprived of his chiefest strength and lustre, and left naked to the greatest dangers and miseries, that can be imagined.

4. That it will invite and encourage the enemies of our Religion, and the States in foreign parts, to the attempting and acting their evil designs and intentions towards us.

5. That it causeth a great interruption in the proceedings of Parliament.

"These considerations threaten so great dangers to your Majesty's person, and to all your Dominions, that, as your Majesty's great Council, they hold it necessary to represent to you this their faithful advice, that so what-

"soever followeth, they may be excused before God and 1641-2. "man."

It is needless to make any particular remarks on this Declaration. The following answers and replies, will best explain the nature of the quarrel between the King and the Parliament, and the arguments of both.

It must only be observed in general, that, according to the custom of contending Parties, each insisted largely upon the points that were favorable, and lightly touched upon such as were disadvantageous, or even passed them over entirely in their answers and replies.

Thus much is certain, that in the present situation of affairs, the King and the Parliament had but too much cause to mistrust one another, and that each laboured to procure such advantages, as might enable them to attack or defend. As for the declarations, messages, answers, replies, these were only for the people, it being the interest of each to gain and amuse them. But herein the Parliament had a great advantage, by reason of the People's prejudice against the King, to which he opposed only general promises, whereof he could give no assurance. This was very advantageous to the Parliament, who pretended, that in order to trust in such promises, it was necessary the King should begin with divesting himself of what enabled him to break them. Hence may be seen, how perplexed this affair was.

When the Committees of both Houses presented to the King the foregoing Declaration, and after it was read in his presence, he returned this extempore general answer.

"I Am confident that you expect not I should give you ^{The King's Answer} a speedy answer to this strange and unexpected Declaration; and I am sorry (in the distraction of this Kingdom) you should think this way of address to be ^{more convenient, than that proposed by my message of the 20th of January last, to both Houses.}

"As concerning the grounds of your fears and jealousies, I will take time to answer particularly, and doubt not but I shall do to the satisfaction of all the world. God in his good time, will, I hope, discover the secrets and bottoms of all plots and treasons; and then I shall find right in the eyes of my people; in the mean time I must tell you, that I rather expected a vindication for the imputation laid on me in Mr. Pym's Speech; than that any more general rumours and discourses should get credit with you.

"For my fears and doubts, I did not think they should have been thought so groundless or trivial, while so many seditious pamphlets and sermons are looked upon, and so great tumults are remembered, unpunished, uninquered into: I still confess my fears, and call God to witness, that they are greater for the true Protestant profession (1), my people, and laws, than for my own rights or safety; though I must tell you, I conceive that none of these are free from danger.

"What would you have? Have I violated your Laws?

"Have I denied to pass any Bill for the ease and security of my Subjects? I do not ask you, what you have done for me.

"Have any of my People been transported with fears and apprehensions? I have offered as free and general pardon, as your selves can devise. All this considered, there is a judgment from Heaven upon this nation, if these distractions continue.

"God so deal with me and mine, as all my thoughts and intentions are upright, for the maintenance of the true Protestant profession, and for the observation and preservation of the Laws of this land; and I hope God will bless and assist those Laws for my preservation.

"As for the additional Declaration, you are to expect an answer to it, when you shall receive the answer to the Declaration itself."

On the morrow, the King gave the general answer to the Committee in writing, which he had delivered by word of mouth the day before.

After that, the Earl of Pembroke, one of the Committee, ^{The King's Answer} asking him, whether he would grant the Militia, as was desired by the Parliament, for a time? No, answered the King, by God, not for an Hour (2). This answer did him ^{in his} great injury. His principal concern was to satisfy the People, that his word might be relied upon, and yet he shewed he had no intention to keep his promise to the Parliament, to grant the Militia, when he should know for how long a term, since he refused to grant it even for an hour.

If the Parliament had hitherto placed but little confidence in the King's promises, this did not help to increase it. On the other hand, the harsh and disrespectful treatment of the King, by both Houses, in their Declaration,

(1) He meant the Church of England, in opposition to Presbyterianism. *Relig.*

(2) Addressing Tom has asked that of me in this, was never asked of any King, and with which I will not rest my Wife and Children. *Religious, Tom.*

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1641-2. very much incensed him, and rendered a rupture unavoidable. For my part, I verily believe, that the hard things said by the Parliament to the King in the Declaration, were inferted by the direction of some of the leaders of the party, on purpose to widen the breach, and make a reconciliation impracticable. For, it is to be presumed, if the King had then granted the Militia for two or three months, both Houses would have scarce known what use to have made of it. They would have had no pretence to employ it against him, since he would have clearly shewed, it was not his fault that their fears were not removed. But it is certain, he had to deal with abler heads than himself, and his Council. Besides, he was then full of his design to seize Hull, which hindered him, doubtless, from seriously attending to what was most for his advantage.

The King informs the House of his Design to reside at York.
Rushworth, IV. p. 533.
Clarendon, T. I. p. 373.

March the 15th, the King being at *Huntington*, sent a message to both Houses, to inform them, that he intended to reside at *York* for some time. He recommended to them withal the affairs of *Ireland*. As to the Militia, he told them, "That as he had always been tender of the privileges of Parliament, that he had been ready and forward to retract any act of his own, which he had been informed had trench upon their privileges; so he expected an equal tenderness in them, of his known and unquestionable privileges; amongst which, he was assured it is a fundamental one, that his Subjects cannot be obliged to obey any Act, Order, or Injunction, to which his Majesty hath not given his consent: That therefore, he expected and required obedience from all his Subjects, to the Laws established, being resolved to keep the Laws himself, and to require obedience to them from all his Subjects."

Next day, the Commons passed the following Votes, which were approved by the Lords.

Votes of the House of Commons.
March 16.
Rushworth, IV. p. 534.

"That the House should insist upon their former Votes concerning the Militia.
"That the King's absence, so far remote from his Parliament, was not only an obstruction, but might be a destruction to the affairs of *Ireland*.
"That when the Parliament (a), which is the supreme Court of Judicature in the Kingdom, shall declare what the Law of the Land is, to have this not only questioned and controverted, but contradicted; and a command that it should not be obeyed, is a high breach of the privilege of Parliament. (1.)

REMARK (1.) The Commons use here the equivocal word [Parliament] in an improper sense. It is true, the Parliament, which consists of the King and the two Houses, has a right to declare what is Law; to make New and repeal Old Laws, because the Authority of both Houses, with the royal assent, is deemed the authority of the whole Kingdom. But before now, the two Houses alone had never enjoyed this Right. Nay, in strictness, the two Houses cannot be called the Parliament, because the Parliament is a body composed of three Members, and not two only, [namely, King, Lords, and Commons.]

"That a Committee shall be appointed by the House to join with a Committee of Lords to enquire where this message was framed.

"That those persons that did advise his Majesty to absent himself from the Parliament are enemies to the peace of this Kingdom, and justly suspected to be favourers of the rebellion in *Ireland*, as are also those that advised his Majesty to this message.

It was at the same time unanimously resolved upon the question by the Lords in Parliament,

Votes of the Lords.
Ibid.
Clarendon, T. I. p. 374.

"That the ordinance of the Lords and Commons in Parliament for the safety and defence of the Kingdom of *England* and Dominions of *Wales*, is not any way against the oath of allegiance.

"That the several commissions granted under the Great Seal to the Lieutenants of the several Counties, are illegal and void.

"That whosoever shall execute any power over the Militia of this Kingdom and Dominion of *Wales*, by colour of any commission of Lieutenancy, without consent of both Houses of Parliament, shall be accounted a disturber of the peace of this Kingdom.

Moreover, both Houses voted with one common consent, "That the Kingdom hath been of late, and still is in so evident and imminent danger, both from enemies abroad, and a Popish party at home, that there is an urgent and inevitable necessity of putting his Majesty's Subjects into a posture of defence, for the safeguard both of his Majesty and his people.

"That the Lords and Commons fully apprehending this danger, and being sensible of their own duty, to

provide a suitable prevention, have in several Petitions 1641-2. addressed themselves to his Majesty for the ordering and disposing of the Militia of the Kingdom, in such a way, as was agreed upon by the wisdom of both Houses to be most effectual and proper for the present exigents of the Kingdom; yet could not obtain it, but his Majesty did several times refuse to give his royal assent thereunto.
"That in this case of extreme danger, and of his Majesty's refusal, the ordinance agreed on by both Houses for the Militia, doth oblige the people, and ought to be obeyed by the fundamental Laws of this Kingdom.
"That such persons as shall be nominated Deputy-Lieutenants, and approved of by both Houses, shall receive the commands of both Houses to take upon them to execute their offices (b)."

These resolutions were taken with great precipitation, for the two Houses had not yet received the King's answer to their Declaration of the 9th of March. But as by his last message the King had sufficiently shewn, he intended not to depart from his right concerning the Militia, they thought it needless to wait for a more particular notification. Some time after, the King sent them this answer in form of Declaration.

The King's Declaration to both Houses of Parliament, in Answer to that presented to him at Newmarket, March 9. 1641-2. (c)

THO the Declaration lately presented to us at *Newmarket* from both our Houses of Parliament, be of so strange a nature, in respect of what we expected, (after so many Acts of grace and favour to our people) and some expressions in it so different from the usual language to Princes, that we might well take a very long time to consider it: Yet the clearness and uprightness of our conscience to God, and love to our Subjects, hath supplied us with a speedy answer, and our unalterable affection to our people, prevailed with us to suppress that passion, which might well enough become us upon such an invitation.

"We have considered our answer of the first of this month at *Theobalds*, which is urged to have given just cause of sorrow to our Subjects. Whosoever looks over that message, (which was in effect to tell us, that if we would not join with them in an Act we conceived prejudicial and dangerous to us and the whole Kingdom, they would make a law without us, and impose it upon our People) will not think that sudden answer can be excepted to.

"We have little encouragement to replies of this nature, when we are told of how little value our words are like to be with you; though they come accompanied with all the actions of love and justice, (where there is room for actions to accompany them) yet we cannot but disavow the having any such evil Council and Counsellors to our knowledge, as are mentioned; and if any such be discovered, we will leave them to the censure and judgment of our Parliament: In the mean time we could wish, that our own immediate actions which we avow, and our honour might not be so roughly censured and wounded, under that common file of evil Counsellors.

"For our faithful and zealous affection for the true Protestant profession, and our resolution to concur with our Parliament in any possible course for the propagation of it, and the suppression of Popery, we can say no more than we have already expressed in our Declaration to all our loving Subjects, published in *Ireland* by the advice of our Privy-Council, in which we endeavoured to make as lively a confession of our self in this point, as we were able, being most assured, that the constant practice of our life hath been answerable thereunto; and therefore we did rather expect a testimony and acknowledgment of such our zeal and piety, than those expressions we met with in this Declaration of any design of altering Religion in this Kingdom; and we do (out of the innocence of our Soul) wish, that the judgments of Heaven may be manifested upon those who have, or had any such design. (1.)

REMARK (1.) This Article of the King's answer seems very weak. For the Parliament having let forth, in their Declaration, the reasons why they believed there was a settled design to alter Religion in *England*, and that the King encouraged the authors, his Majesty only answers in generals.

"As for the *Scotch* troubles, we had well thought, that those unhappy differences had been wrapt up in perpetual silence by the Act of oblivion, which being solemn-

(a) In *Parslows* the words are, *When the Lords and Commons in Parliament*. Rushworth, Tom. IV. p. 524.

(b) In the Votes the Commons received great encouragement and confirmation from the opinions of Mr. Pym, Hampden, Holles, Starkey, and of Mr. John, Carter, Ellis, &c. and chiefly from the consistent opinion of the Lord Keeper *Lilburne*, concurring with them. *Walsley*, p. 57.

(c) This Declaration is without date, it was sent from *York* a few days after his coming thither. *Clarendon*, Tom. I. p. 381.

1641-2. "ly passed in the Parliaments of both Kingdoms, stops our mouth from any other reply, than to shew our great dislike for reviving the memory thereof. (2).

REM. (2). It is very visible, the King avoids entering into particulars upon this head, though being attacked by the Parliament, he might have vindicated himself without infringing the peace between the two Kingdoms, or the Act of oblivion.

"If the Rebellion in *Ireland*, (so odious to all Christians) seems to have been framed and maintained in *England*, or to have any countenance from hence, we conjure both our Houses of Parliament, and all our loving Subjects whatsoever, to use all possible means to discover and find such out, that we may join in the most exemplary vengeance upon them that can be imagined; but we must think ourselves highly and carefully injured in our reputation, if any Declaration, action or expression of the Irish Rebels, any letters from Count *Rozet* to the Papists for sailing and praying, or from *Triftram Whitecombe*, of strange Speeches uttered in *Ireland*, shall breed any jealousy or misapprehension in our Subjects, of our justice, piety and affection, it being evident to all understanding, that those mischievous and wicked Rebels are not so capable of great advantage, as by having their false discourses so far believed, as to raise fears and jealousies to the distraction of this Kingdom, the only way to their security: And we cannot express a deeper sense of the suffering of our poor Protestant Subjects in that Kingdom, than we have done in our often messages to both Houses, by which we have offered, and are still ready to venture our royal person for their redemption; well knowing, that as we are (in our own interest) more concerned in them, so we are to make a strict account to Almighty God, for any neglect of our duty, or their preservation. (3).

REM. (3). The King continues here to clear himself from the suspicions conceived of him with regard to *Ireland*, by generals and his own testimony. But these proofs taken from his word, and his other outward demonstrations, were not sufficient to satisfy every one. The Parliament did not accuse him of being wanting in expressions of zeal for the reducing of *Ireland*, but of really neglecting it.

"For the manifold attempts to provoke our late army, and the army of the *Scotts*, and to raise the faction in the City of *London*, and other parts of the Kingdom; if it be said, as relating to us, we cannot without great indignation suffer ourselves to be reproached, to have intended the least force or threatening to our Parliament, as the being privy to the bringing up of the army would imply; whereas we call God to witness, we never had any such thought, or knew of any such resolution concerning our late army. (4).

REM. (4). We have seen in the account of that conspiracy, what were the several projects of the conspirators, and that indeed they came to no resolution, particularly as to the bringing up the army to *London*. The King certainly knew all the circumstances of the plot, but as there was nothing resolved, he artfully confines himself here to the denying that he was privy to any resolution, which is very true, for there was no resolution taken. But however, he knew of the design in general to gain the army, of which he says not a word.

"For the petition shewed to us by Captain *Legg*, we well remember the same, and the occasion of that conference: Captain *Legg* being lately come out of the North, and repairing to us at *Whitehall*; we asked him of the state of our army, (and after some relation made of it) he told us, that the commanders and officers of the army had a mind to petition the Parliament, as others of our people had done, and shewed us the copy of a petition, which we read, and finding it to be very humble, desiring the Parliament might receive no interruption in the reformation of the Church and State, to the model of Queen *Elizabeth's* days; we told him, we saw no harm in it; whereupon he replied, that he believed all the officers in the army would like it, only he thought Sir *Jacob Ashby* would be unwilling to sign it, out of fear that it might displease us. We then read the petition over again, and then observing that neither in matter or form, we conceived it could possibly give just cause of offence, we delivered it to him again, bidding him give it to Sir *Jacob Ashby*, for whose satisfaction we had written C. R. upon it, to testify our approbation: And we wish that the petition might be seen and published, and then we believe it will appear no dangerous one, nor a just ground for the least jealousies or misapprehension. (5).

REM. (5). If we compare what the King says here of the contents of this Petition, with that inserted by the Lord *Clarendon* in his History, we shall find the Lord *Clarendon's* Petition cannot be the same as that signed by the King with C. R. The King's word must be taken, to believe

that this Petition had nothing in it prejudicial to the Parliament. For hitherto it has never appeared.

"For Mr. *Termin*, it is well known that he was gone from *Whitehall*, before we received the desires of both Houses for the restraint of our Servants, neither returned he thither, or passed over by any warrant granted by us after that time. (6).

REM. (6). It is certain, *Termin* went beyond sea by the King's warrant. It may be, the King had granted the warrant before he received the Parliament's petition; but the Parliament pretended the warrant was antedated.

"For the breach of Privilege in the accusation of the Lord *Kimbeldon*, and the five Members of the House of Commons, we thought we had given so ample satisfaction in our several messages to that purpose, that it should be no more pressed against us; being confident, if the breach of Privilege had been greater than ever before offered, our acknowledgment and retraction hath been greater than ever King hath given; besides the not examining how many of our privileges have been invaded in defence and vindication of the other; and therefore we hoped our true and earnest protestation in our answer to your order concerning the Militia, would so far have satisfied you of our intentions then, that you would no more have entertained any imagination of any other design than we there expressed. (7).

REM. (7). The King was much mistaken in imagining that bare protestations were capable of satisfying the Parliament of the sincerity of his intentions. Nay, the very Declaration he was answering, might have convinced him of the contrary, since it was there said in plain terms, his word was not to be relied upon.

"But why the lifting of so many officers, and entertaining them at *Whitehall*, should be mis-constructed, we much marvel, when it is notoriously known, the tumults at *Wylminster* were so great, and their demeanors so scandalous and seditious, that we had good cause to suppose our own person, and those of our wife and children to be in apparent danger, and therefore we had great reason to appoint a guard about us, and to accept the dutiful tender of the services of any of our loving Subjects, which was all we did to the Gentlemen of the Inns of Court.

"For the Lord *Digby*, we assure you in the word of a King, that he had not our warrant to pass the seas, and had left our Court before we ever heard of the vote of the House of Commons, or had any cause to imagine, that his absence would have been excepted against.

"What your advertisements are from *Rome*, *Venice*, *Paris*, and other parts, or what the Pope's Nuncio solicits the Kings of *France* or *Spain* to do, or from what persons such informations come to you, or how the credit and reputation of such persons have been sifted and examined, we know not; but are confident no sober, honest man in our Kingdoms can believe, that we are so desperate, or so senseless to entertain such designs, as would not only bury this our Kingdom in sudden distraction and ruin, but our own name and posterity in perpetual scorn and infamy; and therefore we could have wished, that in matters of so high and tender a nature (wherewith the minds of our good Subjects must needs be startled) all the expressions were so plain and easy, that nothing might stick with them with reflection upon us, since you thought fit to publish it all.

"And having now dealt thus plainly and freely with you by way of answer to the particular grounds of your fears; we hope (upon a due consideration, and weighing both together) you will find not the grounds to be of that moment to beget, or longer to continue a misunderstanding betwixt us, or force you to apply yourselves to the use of any other power than what the Law hath given you, the which we always intend shall be the measure of our own power, and expect it shall be the rule of our Subjects obedience.

"Concerning our fears and jealousies; as we had no intention of accusing you, so we are sure no words (spoken by us (on the sudden) at *Tenbalds*, will bear that interpretation. We said, for our residence near you, we wish it might be so safe and honourable, that we had no cause to absent ourself from *Whitehall*; and how this can be a breach of Privilege of Parliament we cannot understand. We explained our meaning in our answer at *Newmarket*, at the presentation of this Declaration, concerning the printed seditious pamphlets and sermons, and the great tumults at *Wylminster*; and we must appeal to you and all the world, whether we might not justly suppose ourself in danger of either: And if we were now at *Whitehall*, what security have we that the like shall not be again, especially if any Delinquents of that nature have been apprehended by the ministers of justice, and been refused by the People, and so yet escape unpunished? If you have not been informed of

1641-2. " the seditious words used in, and the circumstances of
 " those tumults, and will appoint some way for the exa-
 " mination of them, we will require some of our learned
 " Council to attend with such evidence as may satisfy
 " you, and till that be done, or some other course be
 " taken for our security, you cannot (with reason) won-
 " der that we intend not to be, where we most desire
 " to be.

" And can there yet want evidence of our hearty
 " importunate desire to join with our Parliament and all
 " our faithful Subjects, in defence of the religion and pub-
 " lic good of the Kingdom? Have we given you no other
 " earnest but words, to secure you of these desires?
 " The very Remonstrance of the House of Commons
 " (published in November last) of the State of the King-
 " dom, allows us a more real testimony of our good affec-
 " tions, than words: That Remonstrance valued our acts
 " of grace and justice (8) at so high a rate, that it declared
 " the Kingdom to be then a gainer, though it charged it
 " self by Hills of Subsidies, and Poll-money, with the
 " levy of six hundred thousand pounds, besides the con-
 " tracting of a debt to our *Statute* Subjects of two hun-
 " dred and twenty thousand pounds. (9).

REM. (8) Hitherto the King had spoken of his assent
 to the acts of this Parliament, but as acts of Grace. He
 began in this Paper to add, of Justice.

REM. (9.) It is true the nation had been great gainers
 by these acts of grace and justice. But the King could
 not represent as a convincing proof of his love for his
 People, his consent that the illegal taxes of his own im-
 posing should be abolished, and the monopolies authorized
 by himself, suppressed. Especially as it was not entirely in
 his power to refuse his assent.

" Are the Bills for the Triennial Parliament, relin-
 " quishing our title of imposing upon Merchandize, and
 " power of pressing soldiers, for the taking away the Star-
 " Chamber, and High-Commission-Courts, for the regu-
 " lating of the Council-table, but words? Are the Bills for
 " the Forests, the Statute-Courts, the Clerk of the Mar-
 " ket, and the taking away the votes of the Bishops out
 " of the Lords House, but words? Lastly, what greater
 " earnest of our trust and reliance on our Parliament,
 " could or can we give, than the passing of a Bill for
 " the continuance of this present Parliament? The length
 " of which we hope will never alter the nature of Parlia-
 " ments, and the constitution of this Kingdom, or invite
 " our Subjects so much to abuse our confidence, as to esteem
 " any thing fit for this Parliament to do, which were not,
 " if it were in our power to dissolve it to-morrow. And
 " after all these, and many other acts of grace on our
 " part (that we might be sure of a perfect reconciliation
 " betwixt us and all our Subjects) we have offered, and
 " are still ready to grant a free and general pardon, as
 " ample as your selves shall think fit. Now if these be
 " not real expressions of the affection of our soul, for
 " the public good of our Kingdom; we must confess,
 " that we want skill to manifest them. (10)

REM. (10.) A sort of sophistry runs quite through this
 article, consisting in the supposition that the King had con-
 sented to all these acts, out of love and affection for his
 People, which few persons believed. Besides, all these acts
 having been made only to suppress the abuses introduced by
 the King himself, there was no occasion, it seems, to talk
 so much of them.

" To conclude, (although we think our answer already
 " full to that point) concerning our return to London; we
 " are willing to declare, that we look upon it as a matter
 " of so great weight, as with reference to the affairs of
 " this Kingdom, and our own inclinations and desires,
 " that if all we can say or do, can raise a mutual confi-
 " dence (the only way with God's blessing to make us
 " all happy) and by your encouragement the laws of the
 " Land, and the government of the City of London, may
 " recover some life for our security, we will overtake your
 " desires, and be as soon with you as you can wish; and
 " in the mean time we will be sure that neither the busi-
 " ness of Ireland, or any other advantage for this King-
 " dom shall suffer through our default, or by our absence;
 " we being so far from repenting the acts of our justice
 " and grace, which we have already performed to our
 " people, that we shall with the same alacrity be still
 " ready to add such new ones, as may best advance the
 " peace, honour, and prosperity of this Nation."

Before the Parliament received this answer, they sent
 another Petition to the King in reply to his sudden an-
 swer to the Declaration delivered at *New-Market*. Tho'
 these answers and replies be long and full of repetitions,
 yet I think it necessary to insert them at large, that the
 Reader may be able to pass an impartial judgment upon
 this quarrel. For in affairs of this nature, and especially
 in this which has given birth to two parties still subsisting
 in England, there is great danger of being misled, if the

honesty and prejudices of the Historians, who are all of one 1641-2.
 or other party, be relied on. It will be better therefore
 to leave the Reader at liberty to judge upon the parties
 own Papers. Here follows the Parliament's Petition.

May it please your Majesty,

" YOUR Majesty's loyal Subjects, the Lords and 1642.
 " Commons in Parliament, cannot conceive, that *The Reply to*
 " the Declaration, which your Majesty received from us *the King's*
 " at *New-Market*, was such as did deferre that censure, *Answer*
 " your Majesty was pleased to lay upon us in that Speech, *given to*
 " which your Majesty made to our Committees there, *their Decla-*
 " and sent in writing to both Houses; our address therein *ration*
 " being accompanied with plainness, humility, and faith- *March 26,*
 " fulness, we thought more proper for the removing the *Rathworth,*
 " distraction of the Kingdom, than if we had then pro- *iv. p. 138.*
 " ceeded according to your Majesty's message of the 20th *Clarendon,*
 " of January, by which your Majesty was pleased to de- *T. I. p. 307.*
 " sire, that we would declare, what we intended to do
 " for your Majesty, and what we expected to be done for
 " our selves; in both which we have been very much
 " hindered by your Majesty's denial to secure us, and the
 " whole Kingdom, by disposing the Militia, as we had
 " divers times most humbly petitioned; and yet we have
 " not been altogether negligent of either, having lately
 " made good proceedings, in preparing a book of rates,
 " to be passed in a bill of Tunnage and Poundage; and
 " likewise the most material heads of those humble desires,
 " which we intended to make to your Majesty, for the
 " good and contentment of your Majesty, and your people;
 " but none of these could be perfected before the
 " Kingdom be put into safety, by settling the Militia:
 " And until your Majesty shall be pleased to concur with
 " your Parliament in these necessary things, we hold it
 " impossible for you to give the world, or your people,
 " such satisfaction concerning the fears and jealousies
 " which we have expressed, as we hope your Majesty hath
 " already received, touching that exception, which you
 " were pleased to make to Mr. *Pym's* Speech.

" As for your Majesty's fears and doubts, the ground
 " whereof is from seditious pamphlets and sermons, we
 " shall be as careful to endeavour the removal, as soon as
 " we shall understand what pamphlets and sermons are by
 " your Majesty intended, as we have been to prevent all
 " dangerous tumults. And if any extraordinary concourse
 " of people out of the City of *Westminster*, had the face
 " and shew of tumult and danger, in your Majesty's ap-
 " prehension, it will appear to be caused by your Majesty's
 " denial of such a guard to your Parliament, as they might
 " have cause to conclude in; and by taking into *White-*
 " hall, such a guard for your self, as gave just cause of
 " jealousy to the Parliament, and of terror and offence to
 " your people; we seek nothing but your Majesty's hon-
 " our, and the peace and prosperity of your Kingdoms;
 " and we are heartily sorry we have such plentiful matter
 " of an answer to that question, Whether you had violated
 " our Laws?

" We beseech your Majesty to remember, that the go-
 " vernment of this Kingdom, as it was in a great part
 " managed by your Ministers, before the beginning of
 " this Parliament, consisted of many continued and mul-
 " tiplied acts of violation of the Laws; the wounds
 " whereof were scarcely healed, when the extremity of
 " all those violations was far exceeded, by the late strange
 " and unheard-of breach of our Laws, in the accusation
 " of the Lord *Kimbleton*, and five Members of the Com-
 " mons House, and in the proceedings thereupon, for
 " which we have received no full satisfaction.

" To your Majesty's next question, whether you had
 " denied any bill for the ease and security of your Sub-
 " jects, we with we could stop in the midst of our an-
 " swer; that with much thankfulness we acknowledge,
 " that your Majesty hath passed many good Bills, full of
 " contentment and advantage to your People; but truth
 " and necessity inforce us to add this, that even in or
 " about the time passing those Bills, some design or other
 " hath been on foot; which if it had taken effect, would
 " not only have deprived us of the fruit of those Bills,
 " but have reduced us to a worse condition of confusion,
 " than that wherein the Parliament found us.

" And if your Majesty had asked us the third question,
 " intimated in that Speech, What we had done for your
 " self? Our answer would have been much more easy.
 " That we had paid two armies, wherewith the Kingdom
 " was burthened last year; and have undergone the charge
 " of the war in *Ireland*, at this time, when through many
 " other excessive charges and pressures, your Subjects have
 " been exhausted, and the stock of the Kingdom very
 " much diminished; which great mischiefs, and the charges
 " thereupon ensuing, have been occasioned by the evil
 " counsels so powerful with your Majesty, which have,
 " and will, cost this Kingdom more than two millions,

1641. "all which, in justice, ought to have been borne by your Majesty.

"As for that free and general pardon your Majesty has been pleased to offer, it can be no security to our fears and jealousies, for which your Majesty seems to pronounce it, because they arise not from any guilt of our own actions, but from the evil designs and attempts of others.

"To this your humble answer to that Speech, we desire to add an information, which we lately received from the Deputy-Governor of the Merchant-Adventurers at *Rotterdam in Holland*, that an unknown person, apprehending to the Lord *Digby*, did lately sollicite one *James Henely*, a mariner, to go to *Elphure*, and to take charge of a ship in the fleet of the King of *Denmark*, there prepared, which he should conduct to *Hull*; in which fleet likewise, he said, a great army was to be transported: And although we are not apt to give credit to informations of this nature; yet we cannot altogether think it fit to be neglected, but that it may justly add somewhat to the weight of our fears and jealousies, considering with what circumstances it is accompanied, with the Lord *Digby's* preceding expressions in his letter to her Majesty and Sir *Lewis Drouin*, and your Majesty's succeeding course of withdrawing your self northwards from your Parliament, in a manner very suitable and correspondent to that evil council, which we doubt will make much deeper impression in the generality of your People; and therefore, we most humbly advise and beseech your Majesty, for the procuring and settling the confidence of your Parliament, and all your Subjects, and for the other important reasons concerning the recovery of *Ireland*, and securing this Kingdom, which have been formerly presented to your Majesty; you will be graciously pleased (with all convenient speed) to return to these parts, and to clothe with the counsel and desire of your Parliament, where you shall find their doubtful affections and endeavours ready to attend your Majesty with such entertainment, as shall not only give your Majesty just cause of security in their faithfulness, but other manifold evidences of their earnest intentions and endeavours to advance your Majesty's service, honour, and contentment, and to establish it upon the sure foundation of the peace and prosperity of all your Kingdoms."

This Petition was presented to the King at *York*, the 26th of *March*. He had now sent his answer to the Declaration of both Houses, and therefore mentions it in his answer to this last Petition.

The King's Answer (a).

Rothworth, "If you would have had the patience to have expected
IV. p. 559. "our answer to your last Declaration, (which considering the nature of it, hath not been long in coming) we believe you would have saved your selves the labour of saying much of this message; and we could wish, that our privileges in all parts were so stated, that this way of correspondence might be preferred with that freedom which hath been used of old; for we must tell you, that if you may ask any thing of us by message or petition, and in what language (how unusual soever) you think fit, and we must neither deny the thing you ask, nor give a reason why we cannot grant it, without being taxed with breaking your privileges, or being counselled by those who are enemies of the peace of the Kingdom, and favourers of the *Irish* rebellion (for we have seen your printed votes, upon our message from *Huntington*) you will reduce all our answers hereafter into a very little room: In plain *English*, it is to take away the freedom of our vote, which were we but a Subject were high injustice; but being your King, we leave all the world to judge what it is. (1.)

REMARK (1.) The Parliament supposed an imminent danger, which obliged them to act in an unusual manner, and the King supposed the Government to be in its usual and natural state. This mis-understanding continually returns in the Papers of both sides.

"Is this the way to compose all mis-understandings? We thought we shewed you one by your message of the 20th of *January*; if you have a better, or a readier, we shall willingly hearken to it, for hitherto you have shewed us none: But why the refusal to consent to your order, (which you call a denial of the Militia) should be any interruption to it, we cannot understand; for the Militia, (which we always thought necessary to be settled) we never denied the thing, (as we told you in our answer of the 28th of *January*, to the petition of the House of Commons) for we accepted the persons, (except for Corporations) we only denied the way: You ask it by way of ordinance, and with such a

1642. "preface, as we can neither with justice to our honour or innocence consent to: You exclude us from any power in the disposition, or execution of it, together with you, and for a time utterly unlimited. We tell you, we would have the thing done; allow the persons (with that exception) desire a Bill, (the only good old way of imposing on our subjects) we are extremely unsatisfied what an ordinance is; but well satisfied, that without our consent it is nothing, not binding; and it is evident, by the long time spent in this argument, the necessity and danger was not so imminent, but a Bill might have well been prepared; which, if it shall yet be done with that due regard to us, and care of our people, in the limitation of the power, and other circumstances, we shall recede from nothing we formerly expressed in that answer to your order; otherwise, we must declare to all the world, that we are not satisfied with, or shall ever allow our subjects, to be bound by your printed votes of the fifteenth or sixteenth of this month, or that under pretence of declaring what the law of the land is, you shall without us make a new law, which is plainly the case of the Militia; and what is this, but to introduce an arbitrary way of Government? (2.)

R.E.M. (2.) It is no wonder the King and the Parliament could not agree upon any one thing, since they reasoned upon different principles. The King supposed, that the ordering of the Militia, desired by both Houses, ought to be done after the usual manner; whereas the Parliament pretended, that the danger the Kingdom was in, and of which the King was the cause, gave them a right to demand an extraordinary regulation, wherein the King should not be concerned. On the other hand, it is manifest, the restrictions proposed by the King in this article, left him at liberty to dispute eternally, and to refuse the Bill which should be presented to him, unless it was wholly ineffectual for the designs of the Parliament.

"Concerning *Pym's* Speech, you will have found, by what the Lord *Compton*, and Mr. *Bainton* brought from us, in answer to that message they brought to us, that as yet we rest nothing satisfied in that particular.

"As for the seditious pamphlets and sermons, we are both sorry and ashamed in so great variety, and in which our rights, honour, and authority, are so insolently slighted and vilified, and in which the dignity and freedom of Parliament is so much invaded and violated, it should be asked of us to name any; the mentioning of the *Protestation protested*, the *Apprentices Protestation*, *To your Tenis*, *O Israel!* or any other, would be too great an excuse for the rest: If you think them not worth your inquiry, we have done: But we think it most strange to be told, that our denial of a guard, (which we yet never denied, but granted in another manner, and under a command at that time most accustomed in the Kingdom) or the denial of any thing else, (which is in our power legally to deny) (which in our understanding (of which God hath surely given us some use) is not fit to be granted, should be any excuse for so dangerous a concurrence of people; which, not only in our apprehension, but (we believe) in the interpretation of the Law itself, hath been always held most tumultuous and seditious. And we most wonder what, and from whence come the instructions and informations that those people have, who can so easily think themselves obliged by the Protestation, to assemble in such a manner, for the defence of Privileges, which cannot be so clearly known to any of them, and so negligently pass over the consideration, and defence of our Rights, so beneficial and necessary for themselves, and scarce unknown to any of them, which by their oaths of allegiance and supremacy, (and even by the same Protestation) they are at least equally obliged to defend. And what interruptions such kind of assemblies may be to the freedom of future Parliaments, (if not seasonably discontinued and suppressed) we must advise you to consider, as likewise whether both our powers may not by such means be usurped, by hands not trusted by the constitution of this Kingdom. For our guard, we refer you to our answer to that Declaration.

"By that question of violating your Laws; by which we endeavoured to express our care and resolution to observe them; we did not expect you would have been invited to have looked back so many years, for which you have had so ample reparation: Neither looked we to be reproached with the actions of our Ministers (then against the Laws) whilst we express so great a zeal for the present defence of them; it being our resolution, upon observation of the mischief which then grew by arbitrary power, (though made plausible to us by the suggestions of necessity and imminent danger; and take

(a) Without date. It was first back by the same hands that brought the Petition. *Clarendon*, Tom. 1. p. 369.
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"you

164. "you heed you fall not into the same error upon the same suggestions) hereafter to keep the rule our self, and to our power require the same from all others (3.): But above all, we must be most sensible of what you call upon us, for request of those good Bills you cannot deny. We have denied any such design, and as God Almighty must judge in that point between us, who knows our upright intentions at the passing those Laws: So, in the mean time, we defy the devil to prove, that there was any design (with our knowledge or privacy) in or about the time of passing those Bills, that had taken effect, could have deprived our Subjects of the fruit of them: And therefore we demand full reparation in this point, that we may be cleared in the sight of all the world, and chiefly in the eyes of our loving Subjects, from so notorious and false an imputation as this is.

REM. (3.) Those that undertake to vindicate King Charles's Government, during the first fifteen years of his reign, do more than ever he pretended to do himself, as appears by this clause of his answer.

"We are far from denying what you have done; for we acknowledge the charge our People have sustained in keeping the two armies, and in relieving Ireland, of the which we are so sensible, that in regard of those great burthens our People have undergone, we have, and do patiently suffer those extreme personal wants, as our predecessors have been seldom put to, rather than we would press upon them; which we hope (in time) will be considered on your parts. (4.)

REM. (4.) The King gloried in having suffered patiently, since this Parliament, personal wants, which it had not been in his power to help.

"In our offer of a general pardon, our intent was to compose and secure the general condition of our Subjects, conceiving, that in these times of great distractions, the good Laws of the Land have not been enough observed: But it is a strange world, when Princes preferred favours are accounted reproaches: Yet if you like not this our offer, we have done.

"Concerning any discourses of foreign forces, though we have given you a full answer in ours to your last Declaration, yet we must tell you, we have neither so ill an opinion of our own merit, or the affections of our good Subjects, as to think our self in need of any foreign force to preserve us from oppression, (and we shall not need for any other purpose) but are confident (through God's Providence) not to want the good wishes and assistance of the whole Kingdom, being resolved to build upon that sure foundation, the law of the land. We take it very ill, that any general discourses between an unknown person and a manner, or inferences upon letters, should be able to prevail in matters so improbable in themselves, and scandalous to us; for which we cannot but likewise ask reparation, not only for the vindicating of our own honour, but also thereby to settle the minds of our Subjects, whose fears and jealousies would soon vanish, were they not fed and maintained by such false and malicious rumours as these.

"For our return to our Parliament, we have given you a full answer in ours to your Declaration, and you ought to look on us as not gone, but driven (we say not by you, yet) from you. And if it be not so easy for you to make our residence in London so safe as we could desire, we are, and will be contented, that our Parliament be adjourned to such a place, where we may be safely and safely with you. For although we are not pleased to be at this distance, yet we are not to expect our presence, until ye shall both secure us, concerning our just apprehensions of tumultuary insolencies; and likewise give us satisfaction for those insupportable and insolent scandals that are raised upon us. (5.)

REM. (5.) The King took care not to return to London, at a time when he was going to try to secure Hull. The terms he required for his return were so undetermined, that they would have afforded room for a long dispute.

"To conclude, as we have, or shall not refuse any way agreeable to justice or honour, which shall be offered to us for the begetting a right understanding between us; so we are resolved, that no straits or necessities (to which we may be driven) shall ever compel us to do that, which the reason and understanding that God hath given us, and our honour and interest, with which God hath trusted us for the good of our posterity and Kingdom, shall render unpleasant and grievous unto us. And we assure you that (how meanly soever you are pleased to value the discharge of our public duty) we are so conscious to our self of having done our part since this Parliament, that in whatsoever condition we now stand, we are confident of the continued protection of Almighty God, and the constant gratitude, obedience and affection of our people, and we shall trust God with all."

164. All these Papers were not capable of obliging the King or the Parliament to alter their measures. The Parliament was resolved to divert the King of the command of the Militia, and the King was as fully determined not to give up that point.

After this answer, both Houses sent a message to the King, directing the Lord-Keeper to inclose it in a letter to the Secretary attending his Majesty at York, to inform him that the Lord Admiral's indisposition disabling him for commanding the fleet in his own person, they had recommended to his Lordship the Earl of Warwick to supply his place. But understanding since that his Majesty had appointed for that employment Sir John Pennington, they be sought him not to prefer this last to the Earl of Warwick.

The King was very angry at this message, which was not by way of petition or declaration, and sent the Lord-Keeper word, that his resolution was not to alter the person whom he had appointed. But he was not matter: for, by the connivance of [Algernon Percy] Earl of Northumberland, who was Lord-Admiral, [Robert Rich] Earl of Warwick was acknowledged commander of the fleet, against the King's will.

About the same time a Paper was dispersed, wherein the Author examined, "How Laws are to be understood, and obedience yielded? A question necessary for the present state of things touching the Militia. His Majesty (says he) is intrusted by Law with the Militia; but it is for the good and preservation of the people, and not against them. So that when there is a well-grounded suspicion that the King intends to employ the Militia against the people, he is not to be obeyed, for it is not likely that the intent of the Law is to invest the King with a power to be used against his Subjects." This is the sum of the Author's reasoning, which was properly that of both Houses. The King having perused this paper, sent a message to the Lords to require them to find out the Author of so pernicious a doctrine, and punish him according to his deserts. But he objected nothing in particular against the Author's principles and arguments.

Whilst the affair of the Militia was in agitation, the King came to the gates of Hull with some troops: but Sir John Hotham denied him admittance, as will be seen presently. It is easy to judge, this proceeding of the King served not to remove the Parliament's fears and suspicions, and the rather as having pulled a Bill for settling the Militia, as the King desired, this Bill had been rejected. The affair of Hull happening shortly after, the Parliament thought there was no more ceremony to be used, imagining the King fought only to amuse them, and make them lose time. Mean while the King five or six days after his dis-appointment at Hull, sent a message to the Parliament, dated April the 28th, containing his reasons for not consenting to the Militia-Bill, which had been presented to him. The message was expressed in the following manner:

"WE have with great deliberation and patience weighed and considered (it concerning us much to weigh the consequences of every Law before we pass it) your Bill lately sent to us, for the settling of the Militia; and though it hath not been used to give any reasons for our refusal to pass any Bill (it being absolutely in our power to pass or not pass, any Act sent unto us by you, if we conceive it prejudicial to our self, or inconvenient for our Subjects, for whom we are trusted, and must one day give an account;) yet in this business of the Militia, which being misunderstood amongst our good Subjects, hath been used as an argument, as if we were not vigilant enough for the publick safety: And least we should be thought less constant in our resolutions, and this Bill to be the same we sent unto you; we have thought fit to give you and all the world particular satisfaction, why we must not, ought not, cannot pass this Bill, being the first publick Bill, to our remembrance, we have refused this Parliament; and therefore we must complain, that having expressed our self so clearly and particularly to you in this point, you should press any thing upon us, which you could not but foresee that we must refuse, except we departed from those resolutions, grounded upon so much reason, which we had so earnestly before acquainted you with, and against which you have not given one argument to satisfy our judgment.

"We are pleased that you have declined the unwarantable course of your ordinance, (to the which we are confident our good Subjects would never have yielded consent) and chosen this only right way of imposing on our people, which we would have allowed, but for the reasons hereafter mentioned.

"We refused to consent to your ordinance, as for other things, so, for that the power was put into the persons nominated therein by direction of both Houses of Parliament, excluding us from any power in the disposition

Both Houses name the Earl of Warwick to command the Fleet. March 28. Richworth, IV. p. 548. Clarendon, T. I. p. 375.

He is returned against the King's will. March 31.

Paper published by the Militia. Richworth, IV. p. 548. Clarendon, T. I. p. 375.

April 22. M. p. 142.

M. p. 142.

The King rejects the Militia-Bill.

The King's Message to both Houses of Parliament. April 28. Richworth, IV. p. 548. Clarendon, T. I. p. 375.

1642. "or execution of it together with you. We then advised you for many reasons, that a Bill should be prepared, and after, in our answer of the 26th of March last to the petition of both Houses, we told you, if such a Bill should be prepared with that due regard to us, and care of our people in the limitation of the power, and other circumstances, we should recede from nothing we formerly expressed. (1.)

REMARK (1.) Whether the King was in the right or in the wrong concerning the affair of the Militia, it is certain his design at first was only to amuse the Parliament, and this is what he strives to conceal in this Article.

"What passed (enough to have discouraged us from being farther sollicitous in that argument) after our full and gracious answers, we are content to forget. When we resolved of our journey into Ireland, (so that by reason of our absence there might be no want of settling that power) besides complying with your fears, we sent, together with a message of that our purpose, a Bill for the settling that power for a year, hoping in that time to return to you; and being sure that in much less time you might do the business for which you seemed at first to desire this, which was, that you might securely consider our message of the 10th of January last. By that Bill we consented to those names which were proposed in your ordinance, and in the limitation of the power, provided that our self should not be able to execute any thing but by your advice; and when we should be out of the Kingdom, the sole execution to be in you; with many other things of so arbitrary and un-circumscribed a power, that we should not have consented to, but with reference to the absence of our own person out of the Kingdom, and thought it the more feasible, in respect the time was but for a year. Wherein this be the Bill you have now sent to us to pass, let all the world judge. (2.)

Clarendon, T. I. p. 393. REM. (2.) The Lord Clarendon freely owns, that the King's offer to go into Ireland was all a stratagem. Since therefore the King had no design to go thither, it follows, that the Bill he had sent to both Houses; and which he pretended he should not have consented to, but with reference to his absence, was no more than an amusement. We see here, that the general limitations he had annexed to his first engagement, were not without design. He knew how to particularize them in the Bill, he sent to the Parliament, and was very sensible it would not be received with all these restrictions. Thus his aim in this clause was only to colour the pretence he had used in his first promise concerning the Militia.

"You have by this bill now tendered to us, (without taking notice of us) put the power of the whole Kingdom, the life and liberties of the Subjects of all degrees and qualities, into the hands of particular men for two years. Can you imagine we will trust such an absolute power in the hands of particular persons, which we refused to commit to both Houses of Parliament? Nay, is not the power itself too absolute, too unlimited to be committed to any private hands? Hath not Sir John Hotham's high insolence shewed us, what we may expect from an exorbitant legal power, when he by a power not warranted by law, dares venture upon a treasonable disobedience (3)? But we would willingly know, (and indeed have an account in ordinary civility we might have expected) why we are by this act absolutely excluded from any power or authority in the execution of this Militia. Sure your fears and jealousies are not of such a nature, as are capable of no other remedy, than by leaving us no power in a point of the greatest importance, in which God and the Law hath trusted us solely, and which we are contented to share with you by our bill, by putting it, and a greater, into the hands of particular Subjects? What would all Christian Princes think of us, after we had passed such a bill? How would they value our Sovereignty? And yet sure our reputation with foreign Princes, is some ground of your security: nay, we are confident, by that time you have thoroughly considered the possible consequence of the bill upon your selves, and the rest of our good Subjects, you and they will give us thanks for not consenting to it, finding their condition (had it passed) not to have been so pleasing unto them. We hope this animadversion will be no breach of your privileges in this throng of business, and distemper of affections; it is possible that second thoughts may present something to your consideration, which escaped you before.

REMARK (3.) It was but five or six days since Sir John Hotham denied him entrance into Hull (2).

"We passed this Parliament, at your entreaty, a bill concerning the Captives of Algier, and waved many objections of our own to the contrary, upon information,

1642. "that the business had been many months considered by you. Whether it prove suitable to your intentions, or whether you have not by some private order suspended that act of Parliament, upon view of the mistakes, you best know; as likewise, what other great alterations you have made in other Bills passed this session. We cannot pass over the putting their names out of this Bill, whom before you recommended to us in your ordinance, it seems, not thinking fit to trust those who would obey no guide but the Law of the Land, (we imagine you would not wish we should in our estimation of others follow that your rule;) and the leaving out by special provision the present Lord-Mayor of London, as a person in your disfavour; whereas we must tell you, his demeanour hath been such, that the city and the whole Kingdom is beholding to him for his example. (4.)

REMARK (4.) It was Sir Richard Gurney that was then Lord-Mayor of London, and entirely devoted to the King.

"To conclude, we do not find our self possessed with such an excess of power, that it is fit to transfer, or consent it should be in other persons, (as is directed by the bill;) and therefore we shall rely upon that Royal right and jurisdiction which God and the Law hath given us, for the suppressing of rebellion; and resisting foreign invasion, which hath preserved this Kingdom in the time of all our ancestors, and which, we doubt not, but we shall be able to execute; and, not more for our own honour and right, than for the liberty and safety of our People, we cannot consent to pass this bill.

The Declaration of the Lords and Commons concerning his Majesty's last message about the Militia.

THE Lords and Commons holding it necessary for the peace and safety of this Kingdom, to settle the Militia thereof, did, for that purpose, prepare an ordinance of Parliament, and with all humility did present the same to his Majesty for his Royal assent; who, notwithstanding the faithful advice of his Parliament, and the several reasons offered by them of the necessity thereof, for the securing of his Majesty's person, and the peace and safety of his People, did refuse to give his consent; and thereupon they were necessitated, in discharge of the trust reposed in them, as the representative body of the Kingdom, to make an ordinance by authority of both Houses, to settle the Militia warranted thereunto by the fundamental Laws of the Land: (1.)

REMARK (1.) This fundamental Law was no other than the Law of Nature, which allows every man to provide for his own defence when he sees himself exposed to danger, and such was the case the Parliament supposed themselves in. For otherwise there was no positive Law which gave this power to the two Houses of Parliament.

"His Majesty taking notice thereof, did by several messages invite them to settle the same by Act of Parliament; affirming, in his Majesty's message sent in answer to the petition of both Houses presented to his Majesty at York, March 26, that he always thought it necessary the same should be settled; and that he never denied the thing, only denied the way; and for the matter of it, took exceptions only to the preface, as a thing not standing with his honour to consent to, and that himself was excluded in the execution, and for a time unlimited: Whereupon the Lords and Commons, being desirous to give his Majesty all satisfaction that might be, even to the least title of form and circumstance; and when his Majesty was pleased to offer them a Bill ready drawn, did, for no other cause, than to manifest their hearty affection to comply with his Majesty's desires, and obtain his consent, entertain the same; in the mean time no way declining their ordinance; and to express their earnest zeal to correspond with his Majesty's desire, (in all things that might consist with the peace and safety of the Kingdom, and the trust reposed in them) did pass that Bill, and therein omitted the preamble inserted before the ordinance, limited the time to less than two years, and confined the authority of the Lieutenants to these three particulars, namely, Rebellion, Insurrection and foreign Invasion, and returned the same to his Majesty for his royal assent: But all these expressions of affection and loyalty, all those desires and earnest endeavours to comply with his Majesty, hath (to their great grief and sorrow) produced no better effect than an absolute denial, even of that which his Majesty by his former messages, as we conceive, had promised; the advice of evil and wicked counsels receiving still more credit with him than that of his great Council of Parliament, in a matter of so high importance, that the safety of his Kingdom, and the peace of his People depends upon it. (2.)

REMARK (2.) If the King on his part supposed the

(2) The Lord Clarendon places this Message before the Kings going to Hull.

See Tom. 1. p. 395.

1642. Government to be in its natural state, and that consequently he ought to enjoy all his Prerogatives, the Parliament made here a supposition which was not liable to fewer objections. That is, in the present juncture, the King ought to consider them as his great Council, and be guided by their directions.

"But now what must be the exceptions to this Bill? Not any, sure, that were to the ordinance; for a care was taken to give satisfaction in all these particulars. Then the exception was, because that the disposing and execution thereof was referred to both Houses of Parliament, and his Majesty excluded; and now that by the Bill the power and execution is ascertained, and reduced to particulars, and the Law of the realm made the rule thereof, his Majesty will not trust the Persons. The power is too great, too unlimited to trust them with it. (3.)

R. M. (3.) The Parliament pretends to show here that they had regarded the King's complaints, and yet the King had refused to pass the Bill. They own that one of his Majesty's complaints against the ordinance was his being wholly excluded from having any thing to do in settling the Militia. To show therefore that the King had reason to be satisfied with the Bill, it should have been said, *And now that by the Bill he is joined in the execution with the two Houses.* But instead of this, they say, *And now that the execution is ascertained, and the Law of the Realm made the rule.* It is easy to see that this is not the direct contrary to the King's complaint.

"But what is that power? Is it any other, but in express terms to suppress rebellion, insurrection, and foreign invasion? And who are those persons? Are they not such as were nominated by the great Council of the Kingdom, and assented to by his Majesty? And is it too great a power to trust those persons with the suppression of rebellion, insurrection, and foreign invasion? Surely the most wicked of them that advised his Majesty to this answer, cannot suggest, but that it is necessary for the safety of his Majesty's Royal person, and the peace of the Kingdom, such a power should be put in some hands, and there is no pretence of exception to the persons: His Majesty, for the space of above fifteen years together, thought not a power far exceeding this to be too great to intrust particular persons with, to whose will the lives and liberties of his People by martial Laws were made subject; for such was the Power given to Lord-Lieutenants and Deputy-Lieutenants in every county of this Kingdom, and that without the consent of his People, or authority of Law: but now in case of extreme necessity, upon advice of both Houses of Parliament, for no longer space than two years, a lesser power, and that for the safety of the King and People, is thought too great to trust particular persons with, though named by both Houses of Parliament, and approved of by his Majesty himself. And surely, if there be a necessity to settle the Militia (which his Majesty was pleased to consent) the persons cannot be trusted with less power than this, to have it at all effectual: And the precedents of former ages, when there happened a necessity to raise such a power, never frained that power to a narrow compass; witness the Commissions of Array in several Kings reigns, and often issued out by the consent and authority of Parliament. The Lords and Commons therefore, intrusted with the safety of the Kingdom, and peace of the People (which they call God to witness is their only aim) finding themselves denied their so necessary and just demands, and that they can never be discharged before God and man, if they should suffer the safety of the Kingdom, and peace of the People, to be exposed to the malice of the malignant party at home, or the fury of enemies from abroad; and knowing no other way to encounter the imminent and approaching danger, but by putting the people into a fit posture of defence, do resolve to put their said ordinance in present execution, and do require all persons in authority, by virtue of the said ordinance, forthwith to put the same in execution, and all others to obey it, according to the fundamental Laws of the Kingdom in such cases, as they tender the upholding of the true Protestant Religion, the safety of his Majesty's person, and his royal posterity, the peace of the Kingdom, and the being of this Common-wealth.

His Majesty's Answer to the Parliament's Declaration (a).

Rushworth. IV. p. 547.
Carew. T. I. p. 401.
"WE very well understand how much it is below the high and royal dignity, (wherein God hath placed us) to take notice, much more to trouble our self with answering those many scandalous, seditious, pamphlets, and printed papers, which are scattered with

1642. such great licence throughout the Kingdom, (notwithstanding our earnest desire, so often in vain pressed for a reformation) though we find it evident, that the minds of many of our weak Subjects have been, and still are, poisoned by those means, and that so general a terror hath possessed the minds and hearts of all men, that while the Presses swarm, (and every day produceth new Tracts against the established Government of the Church and State) most men want the courage, or the conscience, to write, or the opportunity and encouragement to publish, such composed, seditious, and dangerous, as might either preserve the minds of our good Subjects from such infection, or reform and recover them when they are so infected; but we are contented to let our self fall to any office, that may undervalue our people, and to take more pains this way by our own pen, than ever King hath done, when we find any thing that seems to carry the authority or reputation of either, or both Houses of Parliament, and will not have the same refused, or disputed, by common and vulgar pens, till we are thoroughly informed, whether those acts have in truth, that countenance and warrant they pretend; which regard of ours, we doubt not but in time, will recover that due reverence, (the absence whereof we have too much reason to complain of) to our person, and our messages, which in all ages hath been paid, (and no doubt is due) to the Crown of England.

"We have therefore taken notice of a printed paper, intituled, *A Declaration of both Houses of Parliament, in answer to our last message concerning the Militia*, published by command; the which we are unwilling to believe, (both for the matter of it, the expressions in it, and the manner of publishing it,) can result from the consent of both Houses; neither do we know, by what lawful command such uncomely, irreverent mention of us, can be published to the world. And though Declarations of this kind have of late, (with too much boldness) broken in upon us, and the whole Kingdom, when one, or both Houses, have thought fit to communicate their counsels and resolutions to the people; yet we are unwilling to believe, that such a Declaration as this, should be published in answer to our message, without vouchsafing at least to send it to us as their answer. Their business, for which they are met by our writ and authority, being to counsel us, for the good of our people, not to write against us to our people, and no consent of ours for their long continuing together, enabling them to do any thing, but what they were first summoned by our writ to do: At least we will believe, though mis-understanding and jealousy, (the justice of God will overtake the fomenters of that jealousy, and the promoters and contrivers of that mis-understanding) might produce, (to say no worse) those very untoward expressions, that if those Houses had consented that Declaration, as an answer to our message, they would have vouchsafed some answer to the question proposed in ours; which we professed did, and must evidently, prevail over our understanding; and in their wisdom and gravity, they would have been sure to have stated the matters of fact, as (at least to ordinary understandings) might be unquestionable; neither of which is done by that Declaration.

"We desire to know, why we were by that act absolutely excluded from any power or authority in the execution of the Militia; and we must appeal to all the world, whether such an attempt be not a greater and juster ground for fear and jealousy in us, than any one that is avowed for those destructive fears and jealousies, which are so publicly owned, almost to the ruin of the Kingdom. But we have been told, That we must not be jealous of our great Council of both Houses of Parliament; we are not, no more than they are of us, their King; and as hitherto they have not avowed any jealousy of, or disaffection to, our person; imputed all to our evil Counsellors, to a malignant party, that are not of their minds; so we do (and we do it from our soul) profess no jealousy of our Parliament, but some turbulent, seditious, and ambitious natures, which (being not so clearly discerned) may have an influence, even upon the actions of both Houses. And if this Declaration hath passed by such consent (which we are not willing to believe) it is not impossible, but that the apprehension of such tumults, which have driven us from the City of London, for the safety of our person, may make such an impression in other men, (not able to remove from the danger) to make their consent, or not to own a dissent in matters not agreeable to their confidence or understanding.

"We mentioned, in that our answer, our dislike of

(a) Without date.

1642. "the putting their names out of the bill, whom before they recommended to us, in their pretended Ordinance; and the leaving out, by special provision, the present Lord-Mayor of London; to all which, the Declaration affords no answer to that our message, and therefore we cannot suppose it was intended for an answer to that our message; which, whosoever looks upon, will find to be in no degree answered by that Declaration.

"But it informs all our Subjects, after the mention with what humility the Ordinance was prepared, and presented to us, (a matter very evident in the petitions and messages concerning it) and our refusal to give our consent, notwithstanding the several reasons offered of the necessity thereof, for the securing of our person, and the peace and safety of our people, (whether any such reasons were given, the weight of them, and whether they were not clearly and candidly answered by us, the world will easily judge) and that they were at last necessitated to make an Ordinance by authority of both Houses to settle the Militia, warranted thereunto by the fundamental Laws of the Land: But if that Declaration had indeed intended to have answered us, it would have told our good Subjects, what those fundamental Laws of the Land are, and where to be found; and should at least have mentioned one ordinance, from the first beginning of Parliaments to this present Parliament, which endeavoured to impose any thing upon the Subjects, without the King's consent; for of such, all the inquiry we can make could never produce us one instance (1.).

REMARK (1.) The King and the Parliament equally abused the Term, fundamental Law. The Parliament gave the name of *fundamental Law* to the trust placed in them by the people, which obliged the two Houses to take care of the public safety, when the Kingdom was in danger, which was not properly a Law. The King, on his side, would own none for fundamental, but positive, express, and particular Laws upon the case in question, and required such to be produced. It is easy for unbiassed persons to solve this difficulty. If it is supposed with the Parliament, that the King intended to establish an arbitrary Government, it is certain the Parliament had a right to oppose it, by virtue of the trust put in them by the People, and as the representative body of the Nation; and in such case it might be said, they were supported by a fundamental Law, or something equivalent. But if it is supposed with the King, that the Government was in its ordinary and natural state, and there was no reason to suspect him, it is certain, the Parliament had no right to meddle with the Militia, without the King's consent. The whole consists therefore in the truth or falsehood of these two suppositions.

"And if there be such a secret of the Law, which hath lain hid from the beginning of the world to this time, and now is discovered, to take away the just, legal power of the King, we with there be not some other secret (to be discovered when they please) for the ruin and destruction of the liberty of the Subject: For, no doubt, if the votes of both Houses have any such authority to make a new Law, it hath the same authority to repeal the old, and then what will become of the long established rights and liberties of the King and Subject, and particularly of *Magna Charta*, will be easily discerned by the most ordinary understanding. (2.)

REM. (2.) Never were the Liberties of the People in more danger of being destroyed than in the reign of Charles I, notwithstanding *Magna Charta*, and the Laws of the Land. So, whatever the King said against the Parliament, was no less strong against himself. Besides, his reasoning could subsist but in virtue of the supposition mentioned in the foregoing article, which was very far from being proved.

"It is true, we did (out of the tenderness of the Constitution of the Kingdom, and care of the Law which we are bound to defend, and being most assured of the unjustifiableness of the pretended ordinance) invite and desire both our Houses of Parliament, to settle whatsoever should be of that nature by Act of Parliament; but were we therefore obliged to pass whatsoever should be brought to us of that kind? We did say, in our answer to the Petition of both Houses, presented to us at York the 26th of March last, (and we have said the same in other messages before) that we always thought it necessary, the business of the Militia should be settled, and that we never denied the thing, only denied the way; and we say the same still, since the many disputes and votes upon Lord-Lieutenants and their commissions (which were begun by us or our Father) had so discontinued that authority, which for many years together was happily looked upon with reverence and obedience by the People. We did, and do think it very necessary, that some wholesome Law be provided for that business; but we declared, in our answer to the pre-

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1642. tended ordinance, we expected that that necessary power should be first invested in us, before we consented to transfer it to other men (3.). Neither could it ever be imagined, that we could consent, that a greater power should be in the hands of a Subject, than we were thought worthy to be trusted with our self. And if it shall not be thought fit to make a new act or declaration in this point, we doubt not but we shall be able to grant such commissions, which shall very legally enable those we trust, to do all offices for the peace and quiet of the Kingdom, if any disturbance shall happen.

REM. (3.) There was no occasion to invest the King with power to suppress rebellions and insurrections, and repel invasions, in order to his transferring that power to others, since he was of course invested with it. But the King endeavours to colour his denial by representing that power as exorbitant.

"But that Declaration saith, we were pleased to offer them a Bill ready drawn; and that they (to express their earnest zeal to correspond with our desire) did pass that Bill; yet all that expression of affection and Loyalty, all that earnest desire of theirs to comply with us, produced no better effect than an absolute denial, even of what by our former messages (as that Declaration conceives) we had promised; and so proceeds (under the pretence of mentioning evil and wicked councils) to censure and reproach us, in a dialect, that we are confident our good Subjects will read with much indignation on our behalf. But sure, if that Declaration had passed the examination of both Houses of Parliament, they would never have affirmed, that the Bill we refused to pass was the same we sent to them, or have thought that our message, wherein the difference and contrariety between the two Bills is so particularly set down, would be answered with the bare averring them to be one and the same Bill; no more would they have declared (when our exceptions to the ordinance and the Bill are so notoriously known to all our people) that care being taken to give satisfaction in all the particulars we had excepted against in the ordinance, we had found new Exceptions to the Bill: And yet this very Declaration confesses, that our exception to the ordinance was, that in the disposing and execution thereof, we were excluded; and was not this an express reason in our answer for refusal of the Bill, which this Declaration will needs confess? But the power was no other than to suppress rebellion, insurrection, and foreign invasion; and the persons trusted no other than such as were nominated by the great Council of the Kingdom, and assented to by us; and that Declaration asks, if that be too great a power to trust these persons with? Indeed, while so great liberty is used in voting and declaring men to be enemies to the Commonwealth, (an English phrase we scarcely understand) and in censuring men for their service and attendance upon our person, and in our lawful commands, great heed must be taken into what hands we commit such a power to suppress insurrection and rebellion; and if insurrection and rebellion have found other definitions, than what the Law hath given them, we must be sure that no lawful power shall justify those definitions; and if there be learning found out to make Sir John Hobart's taking arms against us, and keeping our town and fort from us, no Treason and Rebellion, we know not whether a new discovery may not find it rebellion in us to defend our selves from such arms, and so endeavour to recover what is so taken from us (4.); and therefore it concerns us, (till the known Law of the Land be allowed to be judge between us) to take heed into what hands we commit such power.

REM. (4.) The King always reasoned upon the supposition, that the Government was in its natural state, and that there was no cause to suspect him, a supposition which was not granted.

"Besides, can it be thought, that because we are willing to trust certain persons, that we are obliged to trust them in whatsoever they are willing to be trusted? We say, no private hands are fit for such a trust; neither have we departed from any thing (in the least degree) we offered, or promised before; though we might with as much reason have withdrawn our trust from some persons we before had excepted, as they did from others whom they recommended. For the power which we are charged to have committed to particular persons, for the space of fifteen years, by our commissions of Lieutenantcy, it is notoriously known, that it was not a power created by us, but continued very many years, and in the most happy times this Kingdom hath enjoyed; even those of our renowned predecessors Queen Elizabeth, and our Father of happy memory (5.), and whatever authority was granted by those Commissions, which were kept in the old forms, the same was determined at our pleasure, and we know not, that they

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1642. "produced any of those calamities, which might give our good Subjects cause to be so weary of them, as to run the hazard of so much mischief, as that Bill we refused might possibly have produced.

REM. (5.) The example of King James I. is no good evidence. I very much question that in times of Peace, Queen Elizabeth ever made her Subjects liable to be tried by martial Law.

"For the precedents of former ages in the commissions of Array, we doubt not, but when any such are issued out, that the King's consent was always obtained, and the commissions determinable at his pleasure, and then what the extent of power was, will be nothing applicable to this case of the ordinance.

"But whether that Declaration hath refuted our reasons for our refusal to pass the Bill, or no, it hath resolved and required all persons in authority, thereby to put the Ordinance in present execution, and all others to obey it according to the fundamental Laws of the Land. But we, whom God hath trusted to maintain and defend those fundamental Laws (which, we hope, he will bless to secure us) do declare, that there is no legal Power in either, or both Houses, upon any pretence whatsoever, without our consent, to command any part of the Militia of this Kingdom; nor hath the like ever been commanded by either or both Houses, since the first foundation of the Laws of the Land; and that the execution of, or the obedience to, that pretended ordinance, is against the fundamental Laws of the Land, against the liberty of the Subject, and the right of Parliaments, and a high crime in any that shall henceforth execute the same. And we do therefore charge and command all our loving Subjects, of what degree or quality soever, upon their allegiance, and as they tender the peace of this Kingdom, from henceforth, not to muster, levy, array, summon, or warn any of our train'd-bands to rise, muster, or march, by virtue, or under colour of that pretended Ordinance. And to this Declaration and Command of ours, we expect and require full submission and obedience from all our loving Subjects, upon their allegiance, as they will answer the contrary at their perils; and as they tender the upholding of the true Protestant Religion, the safety of our Person, and our Royal Posterity, the peace and being of this Kingdom."

Having given most of the Papers, published on both sides, concerning the Militia, I shall endeavour, for the Reader's better information, to illustrate a little more fully, the ground of the quarrel between the King and the Parliament, which could be done but very briefly, in my short remarks on several passages of these Papers.

The State of
the 22^d of
January, 1642.
between the
King and the
Parliament.

The Parliament did not deny, that in the ordinary course of the Government, the right of settling the Militia, and appointing those who were to command it under him, was solely in the King (1). But they affirmed, that in the present extraordinary case, it was incumbent on them to take care the Kingdom perished not by the King's fault. The case they supposed was this, the King, for the space of fifteen years, had endeavoured to establish an absolute Government, and had actually established it on divers occasions: He had pretended, that he might govern without Parliaments, and accordingly, had called none for twelve years together; during which interval, he had violated sundry Laws, and ruled after an arbitrary manner. Being forced by the necessity of his affairs to call this present Parliament, he had seemed to acknowledge the injustice of his former conduct, by giving his consent to the good Acts made for the redress of past, and the prevention of future, grievances. But at the very time that he expressed so great condescension for his Subjects, and an outward repentance for his faults, he ceased not to devise means to become absolute as before. The Parliament inferred from this his conduct, that the King's condescension was only apparent; that at the first opportunity, he would revoke the Acts he had consented to, and which he affected to term always Acts of grace, though they were really Acts of justice. Consequently, it was necessary to put it out of his power to recede from what he had done, if he should desire it. The only way to hinder such a design, was to put the Militia of the Kingdom into safe hands, who should not depend upon the King, and prevent him from having any power over the Militia, for fear his power, either in him alone, or jointly with the two Houses, might enable him to break all the measures which should be taken, to hinder the execution of his designs.

It is manifest, the Parliament was in the right or the wrong, according as their supposition was true or false. Let it be granted for a moment, that their supposition was well-grounded, and that the King had really a design to render himself absolute; ought the Parliament, out of pure respect to the ancient Laws, leave the King a power which enabled him to alter the constitution of the Government, and subvert once more these very Laws, wherein the safety of the People entirely consisted? Is it not evident, that in such a case, it was necessary to violate these Laws, in order to establish them more firmly? When therefore the King objected to the Parliament, the Laws which gave the Kings of England certain Prerogatives, he manifestly supposed the Government to be in its natural state; but the Parliament supposed the contrary. Consequently, the King's arguments could not make any impression, because they were not applicable to the case supposed by the Parliament. Unfortunately, the King was forced to use against the Parliament, the very reasons alleged formerly by the Parliament and People against him, when he usurped an absolute power. He complained, that the Parliament founded their right upon a pretended necessity which was never proved, and himself had formerly made use of a necessity still more imaginary, to impose arbitrary taxes without the consent of Parliament, contrary to the laws of the land.

But if, on the other hand, we suppose the Parliament's suspicions to be chimerical, and that the King never gave any room for them, at least, since the beginning of this Parliament, and that his intention to govern according to law, was sincere, it is certain, his arguments from the laws, customs, royal prerogatives, were invincible, because in that case, there would not have been any the least just pretence to divest him of his rights. The whole question therefore was reduced to this single point, Whether the King was sincere, and his word to be relied on? But unhappily for him, a fifteen years experience had convinced most of his subjects, that he would have established an arbitrary Government; the motives of his condescension in the Acts passed this Parliament, were dubious, and his protestations with regard to the future, uncertain. Thus the Parliament had a great advantage over him, because they had for warrant of their suspicions, the past, which was but too certain, whereas the King could only offer the future, which had not the same certainty.

It was time for the declarations, answers, and replies concerning the Militia, to end, since there was nothing new to be said on that subject. Besides, the Parliament's ordinance was now executing in all places, where the People were willing to obey it. At last, May the 27th, the King published a Proclamation, forbidding to execute the ordinance of the Parliament, on pain to offenders, of being declared disturbers of the publick peace (2). The Parliament, on their part, published a declaration, forbidding all persons to obey the King's proclamation, as being contrary to the laws. As this might appear very strange, both Houses grounded their prohibition upon reasons, of which I shall only relate the substance, because, flowing from the principles above-mentioned, it is easy to conceive them. They said therefore:

"That the question is not, whether it belong to the King or no, to restrain the levying of the Militia; but if the King shall refuse to discharge that duty and trust, whether there be not a power in the two Houses to provide for the safety of the Parliament, and peace of the Kingdom? That though the law affirms that power to be in the King, it does not exclude those in whom the law hath placed a power for that purpose, as in the Courts of Justice, yet can it not be restrained by his Majesty's command, by his Great Seal, or otherwise; much less can the power of Parliament be concluded by his Majesty's command.

"That though the King is the fountain of justice and protection, yet the acts of justice and protection are not exercised in his own person, but by his courts and his ministers; who must do their duty therein, though the King, in his own person, should forbid them; and therefore, if judgment should be given by them against the King's will, and personal command, yet are they the King's judgments. Thus also, the High-Court of Parliament declares the King's pleasure in those things that are requisite thereunto, and what they do herein hath the stamp of royal authority, altho' his Majesty do in his own person oppose or interrupt the same: For the King's supreme and royal pleasure, is exercised and declared in this High-Court of Law and Council, after a

(1) The Commons were divided in their Opinions about this point: Some affirming, "That the power of the Militia was solely in the King, and that it was lent to him, and that the Parliament never did, nor ought, to meddle with the same." And others, "That the King had not that power, but that it was solely in the Parliament, and that it the King refused to order the same according to the advice of the Parliament, that then they of the Law might do it without him." *Whitlock*, p. 37.

(2) The King grounded this Proclamation on a Statute, made in the 7th of Edward I. whereby it was enacted, "That to the King it belonged, by his royal Sovereignty, straightly to detain all Knights in Armour, and all other men, against the Peace, at all times, when it shall please him, and to punish them in which shall do contrary." See *Richards*, *Treat.* IV. p. 332.

1642. "more eminent and obligatory manner, than it can be by any personal act or resolution of his own.

"That by the constitution and policy of this Kingdom, the King by his proclamation cannot declare the Law, contrary to the judgment and resolution of any of the inferior Courts of Justice, much less against the High Court of Parliament; for if it were admitted, that the King by his Proclamation may declare a law, thereby his Proclamations will in effect become Laws, which would turn to the subverting of the law of the land, and the rights and liberties of the subjects."

Profit in the resolution of one House.

"These are the principal arguments alleged by the Parliament, to shew, that the King's proclamation was contrary to the laws. But there was a very manifest defect in this reasoning. They represented the two Houses as alone composing the Parliament, whereas it is certain, the Parliament is composed of the King and both Houses, joined together and making but one body. What the Parliament said is therefore strictly true, if the word Parliament be understood in the sense I have mentioned, as a body consisting of the King and the two Houses. For, the King cannot, by his sole will, subvert what has been ordained by the Parliament, because himself making a part, and the noblest part of the Parliament, he would contradict himself, in forbidding a thing he had already ordained. But if by the Parliament be meant the two Houses alone, without the King, it cannot be said that their declarations are the King's, or that they are more solemn and obligatory than the King's private will. For if they were, the constitution of the Government would be entirely overthrown. This is too true, that by retorting the argument alleged by both Houses against the King, it might be demonstrated by the same reason, that they have power to make Laws without the concurrence of the King, which would be full as true, as their sayings, that the King's proclamations would be so many laws. It is therefore certain, that by the arguments they alleged against the King's proclamation, they furnished invincible reasons against their own ordinance. Nevertheless, upon this sophistry it was that they grounded all the authority they assumed to themselves afterwards. They did themselves therefore great injury, by relying on such weak arguments. Their right solely consisted in the supposition, that the King would have altered the constitution of the Government, which they had a lawful power to oppose by extraordinary methods, since the laws of the land, instead of affording them effectual remedies, countenanced rather the King's designs. The King, on his part, founded his right upon the contrary supposition, namely, that there was no danger from him; but that the Parliament had undertaken to subvert the constitution of Church and State. Such was then the melancholy situation of England.

I have related without interruption the affair of the Militia, which lasted however several months, that I might not be obliged to break the thread of the narration; this affair being of the utmost importance, since it was the most immediate cause of the civil wars which quickly ensued: but it was not the only affair during that time. Wherefore, it will be necessary to go back to the time when I began to speak of the Militia, to see other affairs, no less material, and whereof some contributed no less to the rupture.

The King having passed in February the two Acts, so earnestly desired by the Commons, namely, for the exclusion of the Bishops (1), and for pressing of Soldiers, sent the following message to both Houses:

"That his having passed these two Bills, being of so great importance, and so earnestly desired by both Houses, will serve to assure his Parliament, that he desires nothing more than the satisfaction of his Kingdom; yet, that he may farther manifest to both Houses how impatient he is, till he find out a full remedy to compose the present distempers, he is pleased to signify:

"That he will by Proclamation require, that all statutes made concerning Recusants, be with all care, diligence, and severity, put in execution.

"That his Majesty is resolved, that the seven condemned Priests shall be immediately banished, if his Parliament shall consent therunto: And he will give present order, that a Proclamation issue to require all Romish Priests

1642. "within twenty days to depart the Kingdom; and if any shall be apprehended after that time, his Majesty assures both Houses, on the word of a King, that he will grant no pardon to any such, without consent of his Parliament.

"And because great and different troubles are observed to arise, concerning the Government and Liturgy of the Church, his Majesty declares, That he will refer that whole consideration to his Parliament: But desires not to be pressed to any single Act on his part, till the whole be so digested and settled by both Houses, that his Majesty may clearly see what is fit to be left, as well as what is fit to be taken away.

"For Ireland, he will not refuse to venture his own person in that war, if his Parliament shall think it convenient, for the reduction of that Kingdom.

"That he will most readily concur in any resolution their wisdoms shall find out, which may conduce to promote the trade of the Kingdom."

The two Houses contented themselves with thanking his Majesty for passing the two Bills, without returning any answer upon the other points.

The Queen being misinformed that there was a design to accuse her of High-Treason, the Parliament had notice of it, and sent [the Earl of Newport and the Lord Seymour] to vindicate themselves from this aspersion. The Queen answered, it was true, there was such a report, but that she gave little credit to it.

Some letters of the Lord Digby, directed to the Queen, to Sir Lewis Dives his Brother-in-law, and to Secretary Nicholas (2) being intercepted, the Parliament caused them to be opened. It was found, that the Lord Digby, who was then at Middleburgh in Zealand, advised the King to betake himself to a safe place, and desired the Queen to send him a cypher, that he might hold a correspondence with her. There were also in the letters some harsh expressions against the Parliament. The two Houses sent copies of these letters to their Majesties, assuring them, that they were far from reflecting any thing upon the Queen, only they besought her not to correspond with the Lord Digby. Some days after, it was resolved by the Commons, that the Lord Digby should be accused of High-Treason.

February the 24th, a message was sent from both Houses to his Majesty, to acquaint him with the reasons why they desired, that the Prince of Wales should reside at Hampton-Court. The chief was, that the Prince's removal might be a cause to promote jealousies and fears in the minds of his Subjects. For the Parliament lost no opportunity to let the people see, there was occasion to be alarmed. The King intimated to them by his answer, that he did not think himself accountable for his conduct, with regard to the Prince his Son; and concluded with saying, "He could not imagine from what grounds these fears and jealousies proceeded; but if any information had been given to that purpose, he desired the same might be examined to the bottom; and then hoped their fears would be hereafter continued only with reference to his rights and honour."

About the same time, proposals were made to the Parliament, for the speedy raising of money for the reduction of Ireland. These proposals were, that to such persons as should be willing to advance money for that service, should be allotted, according to a certain proportion, the Rebels lands that should be confiscated, which was approved of by both Houses, and an Act passed accordingly, to which the King gave the royal assent (3).

The Queen departed for Holland about the end of February.

March the 16th, the King being at Stamford in his way to York, issued a Proclamation, for strictly executing the Laws against Papists. This Proclamation was very needless, and served only to shew, that hitherto these Laws had been ill-executed. But the King had a mind thereby to reuel the imputation of his protecting and countenancing the Catholics, so much insisted upon by his enemies among the people, as if this protection was a proof of his design to introduce Popery (4).

The King, as I said, intended to secure Hull, with the Magazine there; but his intention was yet a secret, and

The Petition sent down themselves from a design to accuse the Queen.
Rushworth, IV. p. 554.
Letters from the Lord Digby intercepted. Id. p. 555.
Clarendon, T. II. p. 357.
Whitlock, p. 74.

He is accused of High-Treason.

Message to the King concerning the Prince.
Feb. 24. 1642.

The King's Answer.
Rushworth, IV. p. 556.

Proposals about Ireland.
Id. p. 557.
Clarendon, T. II. p. 355.

The Queen goes to Holland.
The King issues a Proclamation against Papists.
Rushworth, IV. p. 558.

The King informs the Parliament of his design of raising a Guard.
A. D. 1642.
Rushworth, IV. p. 560.
Clarendon, T. II. p. 358.

Bills for excluding the Bishops and pressing of Soldiers passed.
The King's message to both Houses.
Feb. 14. 1642.
Rushworth, IV. p. 553.

(1) These Bills were passed by Commission. The King signed the Commission for passing the first, at Canterbury, as he was in his way to Dover, where he accompanied the Queen. *Mon. p. 35.*

(2) They were all included in a Cover to Secretary Nicholas. *Rushworth, Tom. IV. p. 554.*

(3) It was proposed, that two millions and a half of these Acres might be assigned, and divided amongst the Adventurers after this proportion, *Id.*

For each Adventure of $\begin{cases} 1000 & 8000 \text{ Acres in Ulster.} \\ 500 & 4000 \text{ Acres in Connaught.} \\ 250 & 2000 \text{ Acres in Munster.} \\ 125 & 1000 \text{ Acres in Leinster.} \end{cases}$

All acres from the Parish tithes, consisting of Meadow, Arable, and Pasture, the Rye, Woods, and barren Mountains being cast in over and above to be holden in Free and Common Socage of the King, with the constant Rent of one penny each Acre in Ulster, two pence half-penny in Connaught, two pence in Munster, and three pence in Leinster. *Rushworth, Tom. IV. p. 556.*

(4) The King, upon his coming to York, issued out a Proclamation for the payment of Tithes and Powlage, tho' the Act, whereby they were granted, was expired. *Regiam. 1242. IV. p. 559. 560.*

1642. means were devising to put it in practice. To this end, very probably, he sent a message to the Parliament, to acquaint them, that he had firmly resolved to go into *Ireland*, and head the *English Troops*. That therefore he intended to raise by his Commissions, in the Counties near *West-Chester*, a guard for his own person (when he should come into *Ireland*) consisting of two thousand Foot, and two hundred Horse, [to be armed from his Magazine of *Hull*] the charge of paying whereof he desired them to take upon them. It was easy to foresee, that this proposition would not be accepted, in the present juncture; for it was at the very time that the affair of the Militia was most warmly debating. But the King hoped to reap some advantage, either from the approbation, or the denial. If the Parliament consented to it, the King found he should be able to employ this pretended guard of two thousand two hundred men, to render himself master of *Hull*. At least, one can hardly help thinking he had such an intention, considering what passed very shortly after. If his proposition was rejected, he flattered himself, at least, that he should thereby convince the people of his sincere desire to reduce *Ireland*, and dispel the rumours that were spread on that head, which would afford him opportunity to throw all the blame on the Parliament. Accordingly this was the only use he afterwards made of this offer, which was but a stratagem, as the Earl of *Clarendon* owns in his History. But whether both Houses considered this proposition of the King, as a snare, or as a real and sincere offer, they thought not fit to consent to it. Indeed, as things then stood, it was by no means proper to set the King at the head of an army in *Ireland*, and still less, that he should raise in *England*, a guard of two thousand two hundred men, when they were labouring with all their power to take from him the command of the Militia, upon the foundation of the jealousies conceived of him. For though hitherto they had been contented to accuse only his counsellors, and a malignant party, of contriving plots against the State, it was however but an artifice to accuse him himself. So, as they neither could nor would approve of the King's proposition, they presented a Petition to him, setting forth:

The two Houses petition the King.
Rushworth, IV. p. 664.
Clarendon, T. I. p. 382.

"That having duly considered his Majesty's message concerning his purpose of going into *Ireland* to prosecute the war, which he was pleased to propound to them, not as a matter wherein he desired the advice of the Parliament, but as already firmly resolved on, and forthwith to be put in execution, by granting out commissions for the levying of two thousand foot and two hundred horse, for a guard for his person; they could not but wonder, that a business of so great importance, and wherein they had a special interest, by those great sums which they had disbursed, and for which they stood engaged, should be concluded and undertaken without their advice. And therefore they held it their duty to declare, That his going into *Ireland* would very much endanger the safety of his royal person and Kingdoms, for the following reasons.

"1. Because his royal person would be subject not only to the casualty of war, but to the secret practices and conspiracies of the Papists.

"2. It would exceedingly encourage the Rebels, who did generally profess and declare, That his Majesty countenanced their proceedings, and that this insurrection was undertaken by the warrant of his commission.

"3. It would much encrease the charge of the war, and hinder the advance of money for supporting it; many of the adventurers, who had already subscribed, upon hearing his Majesty's intention, declaring their resolution not to pay in their money; and others who were willing to have subscribed, now professing the contrary.

"4. His absence would very much interrupt the good proceedings of Parliament.

"5. It would exceedingly increase, and render more probable, the jealousies and fears of his people, of some force intended by evil counsels near his Majesty, in opposition to the Parliament.

"6. It would bereave the Parliament of that advantage, whereby they were induced to undertake that war, upon his Majesty's promise, that it should be managed by their advice; which could not be done, if his Majesty, contrary to their counsels, should undertake to order and govern it in his own person.

"Upon which reasons both Houses declared, That they could not consent to any levies of Soldiers to be made by his Majesty for his intended expedition into *Ireland*, or to the payment of any army or soldiers there, but such as should be employed and governed according to their advice and direction: That if any such levies should be made by any commission of his Majesty, (not agreed to by both Houses of Parliament) they should be

"forced to interpret the same to be raised to the terror of the people, and disturbance of the publick peace, and hold themselves bound by the laws of the Kingdom, to apply the authority of Parliament to suppress the same. And they farther declared, That if his Majesty should by ill counsel be persuaded to go contrary to this advice of his Parliament, they should not in that case hold themselves bound to submit to any Commissioners which his Majesty thought chuse; but did resolve to preserve and govern the Kingdom by the counsel and advice of Parliament, for his Majesty and his posterity, according to their allegiance and the laws of the land (1)."

The King returned a long answer to this petition, and confused all the Parliament's reasons, which indeed, considered in themselves; were very weak. But if it is observed that it was but six days since the King had resolved to secure *Hull*, when the Parliament presented their Petition to him, it will not be thought strange that they rejected the King's offer. Wherefore they lost no time in replying to the King, and the affair rested there, without any farther mention of his Majesty's pretended expedition into *Ireland*. Only he made this advantage of it, that he could say he had offered to go in person and endeavour the reduction of *Ireland*, but that his offer was rejected.

Hitherto we have seen how the breach between the King and the Parliament daily grew wider. The distrust was so great on both sides, that it was hardly possible they should come to an agreement. The King could not doubt, there was a design to deprive him of great part of his authority; and the Parliament, perceiving, the King was not ignorant of this design, could scarce question, he would privately take all possible measures to prevent the execution thereof. But this was not all. The Parliament had also reason to fear, the King would not confine himself to the defensive, but under colour of standing upon his guard, would put himself in a condition to attack. Before the accusation of the Members of Parliament, whilst the resolution of depriving the King of his power was not absolutely taken, and many Members were yet wavering, it would not perhaps have been impossible to find expedients for a peace. But by this fatal accusation, and his coming to the House of Commons, the King gave such an advantage to his enemies, who knew but too well how to improve it, that it was no longer practicable for him to recover the confidence of those who till then had preserved some good-will towards him. Before this, the design of divesting the King of his authority was a secret among some of the Leaders of the Party, who were labouring to accomplish it by degrees, without daring to be too open, so that it was not easy to know perfectly, they had really such a design. But it was not so easy to deceive the King, who was chiefly concerned. He saw, that his authority was gradually undermining, and readily perceived, where this Mine would end at last, if suffered to continue. In this perplexity, he found it incumbent upon him to take precautions, in order to oppose his enemies: But on the other hand, he was sensible he should make his cause bad, if he fell upon the Parliament itself, which was seduced by these able Leaders, and thereby set the whole Nation against him. This consideration, very likely, induced him to attack in particular the Lord *Kimbleton*, with five of the most powerful Commoners, imagining they would be sent to the Tower upon his accusation, and then the Parliament, as being no longer directed by these men, would be better inclined in his favour. He was not only deceived in his conjecture, but did himself also an irretrievable injury, in that the precaution he would have taken to secure himself from the secret practices of some private persons, passed for a settled design upon the whole Parliament. He thereby confirmed the suspicions which were insinuating into the People, that he was seeking to render himself absolute, as he had formerly been; and from thence it naturally followed, that therefore it was necessary to put it out of his power to execute this design.

Then it was that this resolution, taken first by some few, was approved by the majority, and endeavoured to be effectually executed, by beginning with the important affair of the Militia. For, depriving the King of the power to command the Militia, and lodging this power in the hands of persons devoted to the Parliament, was properly disarming him entirely. The King's condition growing much worse, he easily perceived, that, as his enemies managed, there was no medium for him, between being a Slave, or rendering himself master. He was unwilling to be a Slave, and it was difficult to become master, in his circumstances, and especially, having to deal with very able and watchful enemies. Very probably, in the belief of the impossibility to free himself from his present danger, but by a war, he resolved to send the Queen into *Holland*

(1) Mr. *Widdelake* observes, that this Petition was looked upon by many as very strange, and high. p. 17.

1642. to buy arms and ammunition, to retire to *York* himself, and to try to secure *Hull*, though he coloured his designs with other pretences. He saw that the Parliament reckoned among the pretended malignants, not only such as openly appeared for the King, but also those who were for preferring any moderation, and that many suffered themselves to be drawn into the same Plot, out of fear, and because they could not be secure of protection, in case they declared against the two Houses. He thought therefore, he should chiefly endeavour to render himself able to protect those who dared to espouse his cause openly. But moreover, as the Parliament never ceased to infuse suspicions into the People, it was absolutely necessary for the King to try to efface these impressions, so prejudicial to him. Hence flowed, in all the Papers published by him concerning the Militia, those so frequent expressions of his affection for his people, and his attachment to the Laws. His aim was to show the Nation, that the Parliament acted directly contrary to law, in usurping an authority which belonged not to them. As it was by the very same thing that the King had given occasion to the People to be prejudiced against him, he hoped, the usurpations of the Parliament would produce the same effect. But herein he was much mistaken. The People were persuaded, that the King, without any provocation, had invaded the privileges of the Subject, during the first fifteen years of his Reign, whereas if the Parliament had in any thing encroached upon the rights of the King, it was in maintenance of the Nation's liberties, and for the revival of the laws.

Though it was hard to prove by unquestionable evidence, that the King had formed the project of seizing, at once, the Tower of *London*, *Perthmouth*, and *Hull*, there were, however, too great signs of it, that it would have been very imprudent in the Parliament, not to think of securing those places in the present situation of affairs. Sir *John Byron* Lieutenant of the Tower, was a man devoted to the King. The Earl of *Newcastle* had been sent to *Hull*, under a borrowed name, and information was given, that he would have persuaded the Mayor, to deliver that place to him. As for *Perthmouth*, the journey the Queen was to take thither on some pretence, and the meeting of the officers at *Kingston*, were more than sufficient to breed strong suspicions on that account. In short, the Lord *Clarendon* freely owns the King's designs upon *Perthmouth* and *Hull*, tho' he mentions not the Tower. Had these designs succeeded, the King would have been master of the three principal forts of the Kingdom, with the magazines of the Tower and *Hull*, and thereby enabled to subdue the Parliament. These projects tending, as I have said, the King endeavoured, as well as he could, to efface them, and make them pass for imaginary. But the two Houses judged otherwise of them. Accordingly, the Commons never rested till the Lieutenancy of the Tower was given to one they could confide in, and *Hatham* sent to *Hull*. As for *Perthmouth*, the Parliament not entrusting *Goring* the Governor, because he was the person that discovered the Plot to seduce the army, were contented with sending him sufficient orders, as they thought, for the preservation of the place. From that time, there was no more mention of *Perthmouth*, for the King found means to gain Colonel *Goring*, who promised to declare for him at a proper time, as he did accordingly.

Notwithstanding the King's ill success in his secret undertaking, he persisted in his design to free himself, by force, from the slavery to which it was intended to reduce him, perceiving, it would be impossible for him to succeed any other way. To this end, doubtless, he sent the Queen to *Holland*, and having but little money to give her, put into her hands the Crown-Jewels, which were used in buying arms and ammunition. If the Queen's voyage had been only to conduct the Princess *Mary* to the Prince her spouse, and to drink the waters of the *Spa*, there would have been no occasion to give her wherewithal to buy arms and ammunition. Very probably, therefore, the King from this time thought of war, whether it were offensive or defensive only. But his attempt upon *Hull*, where was a magazine of arms for sixteen thousand men, is a full clearer evidence. The King himself had caused these arms to be brought to *Hull*, when he had resolved to make war upon *Scotland*.

When the Parliament sent Sir *John Hatham* down to *Hull*, the King complained not of it, whether he was apprehensive of being reproached with attempting to secure that place, or to amuse the Parliament, and hinder them from taking greater precautions. Mean while, both Houses finding the King at a distance from *London*, and fearing for *Hull*, on account of the magazine there, petitioned

him, to order the magazine to be removed to the Tower of *London*. The King answered, "He rather expected, that both Houses would have given him an account, why a governor and garrison had been placed in *Hull* Clarendon, T. I. p. 382. 1642. 6th. without his knowledge, than to be moved to consent for the removal to the Tower of a magazine (which were his own proper goods) upon such general reasons, as gave no satisfaction to his judgment: That in short, he would not agree to the removal of these arms, till he knew for what service they were intended: And if any attempt should be made in this matter without his approbation, he should esteem it as the greatest violation of his Right." A little after, some Gentlemen of the County of *York*, petitioned the King, that the magazine might not be removed, by reason they conceived the Kingdom, and particularly the North, to be in danger. This petition was probably begged, since affairs were not yet in such a situation, that private persons should dare to present an address to the King, directly contrary to that of the Parliament, had they not been encouraged thereto. It is certain, the King intended to seize *Hull*, with the magazine. He was desirous to have a place, which would enable him to protect his adherents, and depended upon this magazine, to arm them in due time. This was the cause of his refusing to remove the arms to the Tower, though he alleged other reasons. The Parliament also, on their part, urged for the removal, reasons that were not the true ones. At last, finding the King would not consent to it, they ordered most of the magazine to be brought to the Tower, without asking his approbation any more.

The King and the Parliament used all possible endeavours to make the people believe, that in all their proceedings, they had no other motive than their good, and the Kingdom's advantage. From these protestations it is, that the Historians take their strongest arguments to demonstrate the innocence and sincerity of the party, whose cause they undertake to support. But the impartial Reader must peruse the Manifestoes, and all the Papers of that kind, with great caution, for fear of being drawn into error. It is certain, the King intended to become master of *Hull*, that he might not be at the Parliament's mercy. But it is not to certain, that herein his view was only to maintain the constitution of the Government, that the laws might be punctually executed. On the other hand, the Parliament had sent *Hatham* to *Hull*, to hinder the King from seizing the town. But who can affirm, that their real aim was to prevent the malignant party from making use of it, to establish an arbitrary power, and inflame the Kingdom?

The King's design broke out the 23d of April, when the affair of the Militia was agitated with great heat on both sides. The day before, he had sent to *Hull* the Duke of *York*, his second son, with the young Elector *Palatine* his Nephew, under colour of seeing the place, and very likely these two Princes had a pretty numerous retinue. *Hatham* and the Mayor received them with all the respect due to their rank. The Princes were entertained the first day by the Mayor, and invited to dine with the Governor on the morrow, being St. *George's*-day. But the entertainment was disturbed by an officer [Sir *Louis Drury*] who came a little before dinner, and told the Governor, that his Majesty intended to dine with him, being then within four miles of the town, with a train of above three hundred Horse (1). *Hatham*, surprized at this message, consulted with some of his friends (2), and it was resolved among them, that a messenger should be dispatched to the King, humbly to beseech him to forbear to come, so far as he could not, without betraying the trust committed to him, set open the gates to go great a guard as he came attended withal. The messenger returning with a doubtful answer, and certifying of the King's advance to the town, *Hatham* drew up the bridge, shut the gates, and commanded the soldiers to stand to their arms round the walls. The King being come to *Bevington-gate*, called for the Governor, who appearing on the walls, he commanded him to open the gate. The Governor answered, "He was intrusted by the Parliament for the curing of the town, for his Majesty's honour, and the Kingdom's use, which he intended by God's help to do; protesting, however, that if his Majesty would be pleased to come in with twelve more, he should be welcome, otherwise he could not, without betraying his trust to the State, admit entrance to go great a guard (3). But the King refusing to enter on these terms, repeated several times his command to open the gate, and still received the same answer. Presently after, the Duke of *York*, and the Prince *Elektor* went out of the town (4), and came to the King, who was pleased to give the Governor an-

(1) The Lord *Clarendon* says, That the King came attended with two or three hundred of his Servants, and Gentlemen of the Country. T. I. p. 397.

(2) Particularly with Mr. *Peckham*, Member of Parliament, and Alderman of *Hull*. *Rushworth*, Tom. IV. p. 167.

(3) This is *Rushworth's* account: See Tom. IV. p. 197, 171. But the Lord *Clarendon*, and *Whitelock* say nothing of this offer of *Newham's*, but only that he would say, he would not admit him, except with twenty Horse only. Indeed it does not seem likely, that the King would have stood upon such a Hoof, since he offered to come in but with twenty. *Clarendon*, Tom. I. p. 397. *Whitelock*, p. 57.

(4) But they were not suffered to go out, till after some consultation. *Rushworth*, Tom. IV. p. 168.

1642. hour more to consider what he did. But *Hatham* persisting in his resolution, the King offered at last to enter with thirty horse only (1), which was refused. In short, about five in the evening, the King returning to the gate, commanded *Hatham* once more to open it, and upon his refusal, caused him to be proclaimed traitor by two Heralds he had brought with him. This done, he retired to *Beaverly*, where he passed the night. The next morning, he sent a Herald to *Hatham*, to summon him once more to open the gates of *Hull*, with promise of pardon for what was past, but could not prevail; so that he was forced to return to *York*.

Reflection on this Event.
T. I. p. 395.

When it is considered, the King had formed a design to seize *Hull*, from the time he resolved to retire to *York*, as the Lord *Clarendon* expressly owns, one would imagine, that at least he had contrived proper means to accomplish this undertaking, the success whereof was so very important. But one knows not what to think, when this attempt is seen to be so ill-managed, that it was neither plausible nor likely. The King was not ignorant, that *Hatham* was member of the House of Commons, that this House had chosen him for the Government of *Hull*, as a man they could confide in: that *Hatham* knew, he was to keep the place against the King, however his commission might be worded. And yet, he imagines, that this man will be awed by his presence alone, and not dare to deny him entrance with three hundred horse, besides the train of the two Princes already admitted. That he will suffer himself to be deprived of his Government, upon the bare scruple of disobeying the King, he who probably was chosen by the Commons as one of the least scrupulous. I own, I cannot conceive how the King could be advised to declare himself so openly, in attempting to seize *Hull*, and indeed, from this time, all confidence entirely vanished. It signified nothing to colour this proceeding, and to say, he had no other design than to visit the place, and examine the magazine, to know what might be taken for the service of *Ireland*, and for arming the *Scots*, who were to serve in that country. This was not capable of deceiving the Parliament, who saw but too plainly what was the King's design, and of what consequence the execution would have been. There were no fewer papers, messages, answers, replies, about this affair, than about the Militia.

Rothworth, IV. p. 397, 399.
The King demands Justice upon Hatham.
April 22.
Rothworth, IV. p. 417, 420.
Clarendon, T. I. p. 398.
674.

The King was extremely troubled at this disappointment, and seeing no other way to palliate his proceedings, he resolved expressly to deny, he had ever intended to become master of *Hull*. By this supposition, he meant to represent Sir *John Hatham's* action as a manifest treason, and accordingly demanded an authentic reparation of the Parliament. He cited the laws and statutes which placed in the King the care of defending the realm, and the command of the forts and magazines. But he constantly supposed the Kingdom to be in a state of tranquillity, as it was when these Laws were made, which was by no means the present case. He pretended, the forts and magazines were his own proper goods; and particularly that of *Hull*, being purchased with his own money, could not be withheld from him, without rendering his condition worse than that of his meanest Subject.

Rothworth, IV. p. 379, 378.
674.

But the Parliament did not grant these suppositions. They pretended, that the forts and magazines were committed to the King, as a trust to be employed for the preservation, and not for the destruction of the People, and that the King's claim to the property of the forts and magazines was groundless. It is no wonder, that upon such different principles, the Papers should abound on both sides, without producing any great effects. The King however had this advantage, that the Parliament could not evidently prove their allegations against him, and that the authority assumed by both Houses, was founded only on bare suspicions of the King's ill-designs, which would have rendered it plausible, had they been averred. But they did not think proper to wait for demonstrations, to be assured of the King's secret intentions. It was enough to have reasons to suspect him, which to them appeared sufficiently strong, to oblige them to take precautions, which might come too late, in case more convincing proofs were expressed.

This is the substance of all the Papers published on both sides, concerning *Hull*. As I have already inserted a great many about the Militia, I think it convenient to save the Reader the pains of perusing those which were published on the present affair, and which run upon the same principles and suppositions so often mentioned.

The Parliament openly supported Sir *John Hatham*; so that after many messages, declarations, answers and replies, the King had no way left to become master of *Hull*, but by surprize or force. The last of these ways was not very

The King writes to seize Hull by Intelligence.
May.
Rothworth, IV. p. 399.
676.

(1) *Twynney, Eyes Clarendon and Whitelock. Ibid.*
(2) *Ferdinando Lord Fairfax, Sir Hugh Cholmerley, Sir Philip Stapleton, and Sir Henry Cholmerley. Rothworth, Tom. IV. p. 615.* To whom the Lord *Clarendon* adds, the Lord *Howard of Effingham*, Tom. I. p. 403.

practicable, because he could depend but on a very small number of troops, and had no artillery, arms or ammunition. It is true, he expected some from *Holland*, but the time was very uncertain. And therefore he attempted to take *Hull* by correspondence. In the execution of this design, he made use of Mr. *Beckwith* a Gentleman of *Beaverly*, who had a Son-in-law, officer in *Hull*. But this officer discovered the plot to the Governor, who was so civil as to send the King word, he might save himself the trouble of carrying on the contrivance, and at the same time sent an express to the Parliament. *Beckwith* retiring to the King at *York*, the Parliament dispatched a messenger to seize and bring him to *London*: But the messenger was not permitted to execute his orders.

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From that time, the King and the Parliament prepared for war, it being very easy to foresee, they should at last be forced to it. But as each stood in need of the People to bear the expence, so each used all possible endeavours to gain them, by demonstrating the injustice of the contrary party, and by striving to convince them, that their good was only intended. The Parliament pretended, that the malignants, by whom the King suffered himself to be guided, had formed a design to inflame the nation, where-in they could not succeed, but by inflaming the misunderstanding between the King and the Parliament, in order to engage them in a Civil War, which they hoped would prove successful to the King. This was the Parliament's supposition, from whence they inferred, that therefore it was necessary to prevent by good measures the execution of this design, and to put themselves in a posture of defence, in case the King continued to be directed by these malignants.

The King and Parliament prepare for war.
For May, and before the King's departure.
Rothworth, IV. p. 615.
676.

The King, on his side, pretended, that the Parliament, in feigning to have only in view the good of the Kingdom, really meant to alter the constitution of Church and State: That they designed to abolish the Regal Power, or render the King but a shadow, whilst both Houses should be possessed of the Government. He inferred from this supposition, that he ought to expose himself to the greatest hazards, rather than receive Law from his Subjects; his conscience and the care of the realm, which God had intrusted him with, not permitting him to suffer the alterations designed to be made in Church and State. Whatever secret motives both might have, the reasons they alleged were very plausible, and those who sought only justice, were not a little embarrassed which side to espouse. But the Parliament seemed to have a great advantage upon the King, in that their party was much more numerous, and the forts and Militia in their possession, with plenty of arms and ammunition, whilst the King was wholly unprovided. Nevertheless, the King was not without hopes. He had, as I have said, privately gained Colonel *Goring* Governor of *Portsmouth*. The Queen was now busy in *Holland* in procuring artillery, arms, ammunition, and several officers of the *English* Troops in the *Dutch* service. Most of the *Yorkshire* Gentlemen, the largest County in *England*, were for him, and he did not question, but by their means he should engage the whole County to declare in his favour. With this assistance, he hoped to prevent the Parliament, and raise a sufficient number of Forces to take *Hull*, before the Parliament should be able to oppose it. He expected also, that when he was master of *Hull* and *Portsmouth*, and had received arms from *Holland*, many, who were still restrained by the fear of wanting protection, would openly take his part. Moreover, he gave private notice to all his friends, that it was time to repair to *York*, and ordered letters to be sent in his name to such Members as adhered to him, to absent themselves from the Parliament, and retire to *York*, or to other places where they could be serviceable to him.

All these measures could not be taken so privately but the Parliament had some information, and therefore the King endeavoured to give them some colour, to hinder his designs from being discovered. After his disappointment at *Hull*, he summoned all the *Yorkshire* Tenants in Chief, to appear at *York* the 12th of May.

The King summons all the Tenants in Chief of the County of Yorkshire.
Rothworth, IV. p. 615.
677.

Shortly after, both Houses sent a Committee to *York* (1), under pretence of bringing the King a message about *Hull* and the Militia, but, in reality, to be spies upon his actions. This message was the more disagreeable to him, as after having returned an answer, and dismissed the Committee, they told him, they had orders to stay at *York*, and that he sent for him to see with what view the Parliament had sent this Committee, he thought not proper to use any violence to drive them from the City.

The 14th of May, the Gentry of the County being the King's come to *York*, his Majesty made a speech to them, where-in he protested, "That the enjoying of quiet was the

A Committee under pretence of bringing the King a message about Hull and the Militia, but, in reality, to be spies upon his actions.
Rothworth, IV. p. 615.
Clarendon, T. I. p. 403.
678.

1642. "chief cause of his coming among them in the North, and not to make that part of the Kingdom a seat of war, as malice would make them believe." He added, "that both Houses of Parliament did, by their messengers, brave him even in York; and that, as his magazine of Hull was going, directly against his will, to be taken from him, and the Militia to be put in execution against law and his consent; and lastly, as Sir John Haslam's treason was countenanced, none could blame him for apprehending danger. Therefore he was resolved to have a guard, in which he desired their concurrence and assistance."

He receives the King's answer, and the Court, to exclude from the debate such as were known to be opposite to the King, and that these were forced to assemble elsewhere. For this reason the King received four different answers to his proposition, two whereof were favourable, and the other two besought him to hearken to the advice of his Parliament. The guard however was raised, and the command thereof given to the Prince of Wales (1).

The Parliament hindered the King from removing the Courts of Justice to York.

The King would have also removed the Courts of Justice from Westminster to York, and even sent a proclamation to the Lord-Keeper Littleton for that purpose, with orders to publish it. But the Parliament having notice of it, forbid him to execute the orders.

He sends for Skippon, and the Parliament will not let him go.

Sergeant Major-General Skippon being an excellent officer, and the King knowing the Parliament designed to employ him, sent for him to attend him at York. But the Parliament gave him orders to the contrary, which Skippon obeyed. This doubtless was foreseen by the King, but he was very glad to shew that the Parliament desired a war, since they so haughtily contradicted his orders.

Rushworth, IV. p. 622, 623, 629.

As matters stood between the King and the Parliament, a war seemed unavoidable, and probably it was determined on both sides. The sole concern was to amuse the Publick with good or bad reasons, and try to cast the blame on the opposite party. Mean while the King's two answers of March the 9th, and the 20th, not being replied to, the Parliament was apprehensive, their silence would produce an ill effect in the minds of the People. Wherefore they took occasion, in answering these two messages, to publish a Manifesto, under the name of Remonstrance or Declaration, the 19th of May. As this Manifesto, and the King's answer, are very proper to inform the Reader of the reasons of both parties, or at least of those they alleged to support their cause, and vindicate their conduct, I think it necessary to insert these two Papers, for fear the abridging them may be an injury to either.

The Declaration or Remonstrance of the Lords and Commons in Parliament assembled, May 19th, 1642.

Rushworth, IV. p. 691.

THE infinite mercy and providence of the Almighty God hath been abundantly manifested since the beginning of this Parliament, in great variety of protections and blessings, whereby he hath not only delivered us from many wicked plots and designs, which, if they had taken effect, would have brought ruin and destruction upon this Kingdom; but out of those attempts hath produced divers evident and remarkable advantages to the furtherance of those services, which we have been desirous to perform to our sovereign Lord the King, and to this Church and State, in providing for the public peace and prosperity of his Majesty, and all his Realms, which in the presence of the same all-seeing Deity, we profess to have been, and still to be, the only end of all our counsels and endeavours, wherein we have resolved to continue freed and enlarged from all private aims, personal respects or passions whatsoever (1.).

REMARK (1.). It may be presumed, there were in both Houses, many Members who acted with sincerity, and believed, they really served the Publick in whatever they did against the King. But it is hard to conceive, how both Houses, consisting of so many Members, who were ignorant of one another's inward sentiments, could call God to witness, that they acted only by just motives, free from passion and private views.

"In which resolution we are nothing discouraged, although the heads of the malignant party, disappointed of that prey, the Religion and Liberty of this Kingdom, which they were ready to seize upon and devour before the beginning of this Parliament, have still persisted, by new practices, both of force and subtilty, to recover the same again; for which purpose they have made several attempts for the bringing up of the army; they afterwards projected the false accusation of the Lord Kimbolton and the five Members of the House of Commons, which being in itself of an odious nature, they

yet so far prevailed with his Majesty, as to procure him to take it upon himself; but when the unchangeable duty and faithfulness of the Parliament could not be wrought upon by such a fact as that, to withdraw any part of their reverence and obedience from his Majesty, they have, with much art and indutry, advised his Majesty, to suffer divers unjust scandals and imputations upon the Parliament, to be published in his name, whereby they might make it odious to the People, and by their help to destroy that which hath hitherto been the only means of their own preservation.

"For this purpose, they have drawn his Majesty into the northern parts, far from the Parliament, that so false rumours might have time to get credit, and the just defences of the Parliament find a more tedious, difficult, and disadvantageous access, after those false imputations and slanders had been first rooted in the apprehension of his Majesty, and his Subjects; which the more speedily to effect, they have caused a Prefs to be transported to York, from whence several papers and writings of that kind are conveyed to all parts of the Kingdom, without the authority of the Great-Seal, in an unusual and illegal manner, and without the advice of his Majesty's Privy-Council; from the greater and better part whereof having withdrawn himself, as well as from his great Council of Parliament, he is thereby exposed to the wicked and unfaithful counsels of such as have made the wisdom and justice of the Parliament dangerous to themselves; and this danger they labour to prevent, by hiding their own guilt under the name and shadow of the King, insinuating into him their own fears, and as much as in them lies, aspersing his Royal Person and honour with their own infamy, from both which it hath always been as much the care, as it is the duty of the Parliament, to preserve his Majesty, and fix the guilt of all evil actions and counsels, upon those who have been the authors of them.

"Amongst divers writings of this kind, we the Lords and Commons in Parliament, have taken into our consideration two printed papers; the first containing a declaration, which they received from his Majesty, in answer of that which was presented to his Majesty from both Houses of Parliament at Newmarket, the 9th of March 1641. The other, his Majesty's answer to the petition of both Houses, presented to his Majesty at York, the 26th of March 1642, both which are filled with harsh censures, and causeless charges upon the Parliament; concerning which, we hold it necessary to give satisfaction to the Kingdom, seeing we find it very difficult to satisfy his Majesty, whom, to our great grief, we have found to be so engaged to, and possessed by those misapprehensions, which evil counsellors have wrought in him, that our most humble and faithful Remonstrances have rather irritated and embittered, than any thing allayed or mitigated the sharp expressions, which his Majesty hath been pleased to make in answer to them; for the manifestation whereof, and of our own innocence, we desire that all his Majesty's loving Subjects may take notice of these particulars.

"We know no occasion given by us, which might move his Majesty to tell us, That in our declaration presented at Newmarket, there were some expressions different from the usual language to Princes.

"Neither did we tell his Majesty, either in words or in effect, That if he did not join with us in an Act, which his Majesty conceived might prove prejudicial and dangerous to himself and the whole Kingdom, we would make a law without him, and impose it upon the people. That which we desired was, That in regard of the imminent danger of the Kingdom, the Militia, for the security of his Majesty and his people, might be put under the command of such noble and faithful persons, as they had all cause to confide in: And such was the necessity of this preservation, that we declare, That if his Majesty should refuse to join with us therein, the two Houses of Parliament, being the supreme Court, and highest Council of the Kingdom, were enabled, by their own authority, to provide for the repelling of such imminent and evident danger, not by any new law of their own making, as hath been untruely suggested to his Majesty, but by the most ancient law of this Kingdom, even that which is fundamental and essential to the constitution and subsistence of it.

"Although we never desired to encourage his Majesty to such replies, as might produce any contellation betwixt him and his Parliament, of which we never found better effect than loss of time, and hindrance of the publick affairs; yet we have been far from telling him, of how little value his words would be with us, much less when they are accompanied with actions of love and

(1) This Guard consisted of a Troop of Horse, and of a Regiment of Foot of about six hundred Men, taken from the Militia. *Clarendon, T. I. p. 417.*

1642. "justice. His Majesty hath more reason to find fault with those wicked counsellors, who have so often bereaved him of the honour, and his people of the fruit, of many gracious Speeches which he made to them, such as those in the end of the last Parliament; *That in the word of a King, and as he was a Gentleman, he would redress the grievances of his People, as well out of Parliament as in it.* Were the searching the studies and chambers, yea, the pockets of some, both of the Nobility and Commons, the very next day; the commitment of Mr. Belknap, Sir John Hubam, and Mr. Crew; the continued oppressions by Ship-money, Coat and Conduct-money; with the manifold imprisonments, and other vexations thereupon, and other ensuing violations of the laws and liberties of the Kingdom, [all which were the effects of evil counsel, and abundantly declared in our general Remonstrance of the state of the Kingdom] actions of love and justice, suitable to such words as those?

"As gracious was his Majesty's Speech in the beginning of this Parliament; *That he was resolved to put himself freely and clearly upon the love and affection of his English Subjects.* Whether his causeless complaints and jealousy, the unjust imputations so often cast upon his Parliament, his denial of their necessary defence by the ordinance of the Militia, his dangerous absenting himself from his great Council, like to produce such a mischievous division in the Kingdom, have not been more suitable to other mens evil counsels, than to his own words, will easily appear to any indifferent judgment.

"Neither have his latter Speeches been better used and preferred by these evil and wicked counsellors. Could any words be fuller of love and justice, than those in his answer to the message sent the House of Commons, the 31st of December 1641? *We do engage unto you solemnly, on the word of a King, that the security of all, and every one of you from violence, is, and ever shall be as much our care, as the preservation of us and our children.* And could any actions be fuller of injustice and violence than that of the Attorney-General, in falsely accusing the six Members of Parliament, and the other proceedings thereupon, within three or four days after that message? For the full view whereof let the declaration made of those proceedings be perused; and by those instances (we could add many more) let all the world judge, who deserves to be taxed with disavowing his Majesty's words, they, who have as much as in them lies stained and sullied them with such foul counsels; or the Parliament, who have ever manifested, with joy and delight, their humble thankfulness for those gracious words and actions of love and justice which have been conformable thereunto.

"The King is pleased to disavow the having any such evil council or counsellors, as are mentioned in our declaration, to his knowledge; and we hold it our duty, humbly to avow there are such, or else we must say, that all the ill things done of late in his Majesty's name, have been done by himself, wherein we should neither follow the direction of the law, nor the affection of our own hearts, which is, as much as may be, to clear his Majesty from all imputation of mis-government, and to lay the fault upon his Ministers; the false accusing of six Members of Parliament; the justifying of master Attorney in that false accusation; the violent coming to the House of Commons; the denial of the Militia; the sharp messages to both Houses, contrary to the customs of former Kings; the long and remote absence of his Majesty from Parliament; the heavy and wrongful taxes upon both Houses; the cherishing and countenancing a discontented party in the Kingdom against them: These certainly are the fruits of very ill counsel, apt to put the Kingdom into a combustion, to hinder the supplies of Ireland, and to countenance the proceedings and pretensions of the Rebels there; and the authors of those evil counsels, we conceive, must needs be known to his Majesty. And we hope our labouring with his Majesty to have these discovered and brought to a just censure, will not for so much wound his honour, in the opinion of his good subjects, as his labouring to preserve and conceal them.

"And whereas his Majesty saith, He could wish that his own immediate actions, which he avows on his own honour, might not be so roughly censured under that common stile of evil counsellors: We could also heartily wish, That we had not cause to make that stile so common: But how often and unthoughtful soever these wicked counsellors fix their dishonour upon the King, by making his Majesty the author of those evil actions, which are the effects of their own evil counsels, we his Majesty's loyal and dutiful subjects can use no other stile, according to that maxim in the law, *The King can do no wrong*; but if any ill be committed in matter of

"State, the Council; if in matter of Justice, the Judges must answer for it.

"We lay no charge upon his Majesty, which should put him upon that apology, concerning his faithful and zealous affection of the Protestant profession: Neither doth his Majesty endeavour to clear those in greatest authority about him, by whom (we say) that deluge hath been potentially carried on for divers years; and we rather wish, that the mercies of heaven, than the judgments, may be manifested upon them; but that there hath been such, there are so plentiful and frequent evidences, that we believe there is none, either Protestant or Papist, who hath had any reasonable view of the passages of latter times, but either in fear or hope, did expect a sudden issue of this deluge.

"We have no way transgressed against the Act of oblivion, by remembering the intended war against Scotland, as a branch of that design to alter Religion, by those wicked counsels, from which God did then deliver us, which we ought never to forget.

"That the rebellion in Ireland was framed and cherished by the popish and malignant party in England, is not only affirmed by the rebels, but may be cleared by many other proofs: The same rebellious principles of pretended Religion, the same politick ends, are apparent in both, and their malicious designs and practices are masked and disguised with the same false colour, of their earnest zeal to vindicate his Majesty's prerogative from the supposed oppression of the Parliament. How much these treacherous pretences have been countenanced by some evil counsel about his Majesty, may appear in this, That the Proclamation whereby they were declared traitors, was so long withheld as to the 2d of January, though the rebellion broke forth in October before, and then no more but forty copies appointed to be printed, with a special command from his Majesty not to exceed that number; and that none of them should be published, till his Majesty's pleasure were further signified, as by the warrant appears, a true copy whereof is hereto added, so that a few only could take notice of it; which was made more observable, by the late contrary proceedings against the Scots, who were in a very quick and sharp manner proclaimed; and those Proclamations forthwith dispersed, with as much diligence as might be, through all the Kingdom, and ordered to be read in all Churches, accompanied with publick prayers and excommunications.

"Another evidence of favour and countenance to the rebels, in some of power about his Majesty, is this, That they have put forth in his name a causeless complaint against the Parliament, which speaketh the same language of the Parliament which the rebels do, whereby to raise a belief in men's minds, that his Majesty's affections are alienated, as well as his person is removed from that great Council; all which doth exceedingly retard the supplies of Ireland, and more advance the proceedings of the rebels, than any jealousy or misapprehension, begotten in his subjects, by the declaration of the rebels injunctions of *Resistance*, or information of *Tripartite Whitcomb*; so that, considering the present state and temper of both Kingdoms, his royal presence is far more necessary here than it can be in Ireland, for redemption or protection of his subjects there.

"And whether there be any cause of his Majesty's great indignation, for being reproached to have intended force or threatening to the Parliament, we desire them to consider, who shall read our declaration, in which there is no word tending to any such reproach; and certainly we have been more tender of his Majesty's honour in this point, than he, whosoever he was, that did write this declaration, where, in his Majesty's name, he doth call God to witness, he never had any such thought, or knew of any such resolution of bringing up the army; which truly will seem strange to those, who shall read the deposition of Mr. Goring, the information of Mr. Percy, and divers other examinations of Mr. Wilmot, Mr. Pollard, and others; the other examinations of Captain Legg, Sir Jacob Ashley, Sir John Coniers; and consider the condition and nature of the Petition which was sent unto Sir Jacob Ashley, under the approbation of C. R. which his Majesty doth now acknowledge to be his own hand; and being full of scandal to the Parliament, might have proved dangerous to the whole Kingdom, if the army should have interposed betwixt the King and them, as was desired.

"We do not affirm, that his Majesty's warrant was granted for the passage of Mr. Fernin, after the desire of both Houses for restraint of his servants, but only that he did pass over, after that restraint, by virtue of such a warrant. We know the warrant bears date the day before our desire; yet it seems strange to those who

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" know how great respect and power Mr. *Jermin* had in Court, that he should begin his journey in such haste, and in apparel so unfit for travel, as a black fatten suit, and white boots, if his going away were designed the day before.

" The accusation of the Lord *Kimbolton*, and the five Members of the House of Commons, is called a breach of Privilege; and truly so it was, and a very high one, far above any satisfaction that hath been yet given: How can it be said to be largely satisfied, so long as his Majesty laboured to preserve master Attorney from punishment, who was the visible actor in it; so long as his Majesty hath not only justified him, but by his letters declared, that it was his duty to accuse them, and that he would have punished him, if he had not done it; so long as those members have not the means of clearing their innocence, and the authors of that malicious charge undiscovered, though both Houses of Parliament have several times petitioned his Majesty to discover them, and that not only upon grounds of common justice, but by Act of Parliament, his Majesty is bound to do it; so long as the King refuses to pass a Bill for their discharge, alledging, That the narrative in that Bill is against his honour, whereby he seems still to avow the matter of that false and scandalous accusation, though he defers the prosecution, offering to pass a Bill for their acquittal; yet with intimation, that they must defer the avowing their own innocence, which would more wound them in honour, than secure them in law.

" And in vindication of this great privilege of Parliament, we do not know that we have invaded any privilege belonging to his Majesty, as is alledged in this Declaration.

" But we look not upon this only in the notion of a breach of privilege, which might be, though the accusation were true or false, but under the notion of a heinous crime in the Attorney, and all other Subjects who had a hand in it, a crime against the law of nature, against the rules of justice, that innocent men should be charged with so great an offence as treason, in the face of the highest judicatory of the Kingdom, whereby their lives and estates, their blood and honour, are endangered, without witness, without evidence, without all possibility of reparation in a legal course, yet a crime of such a nature, that his Majesty's command can no more warrant, than it can any other acts of injustice. It is true, that those things which are evil in their own nature, such as false testimony, or false accusation, cannot be the subject of any command, or induce any obligation of obedience upon any man, by any authority whatsoever; therefore the Attorney in this case was bound to refuse to execute such a command, unless he had some such evidence or testimony, as might have warranted him against the parties, and be liable to make satisfaction if it should prove false; and it is sufficiently known to every man, and adjudged in Parliament, That the King can be neither the relator, informer, or witness. If it rest as it is, without further satisfaction, no future Parliament can be safe, but that the Members may be taken and destroyed at pleasure; yea the very principles of government and justice will be in danger to be dissolved.

" We do not conceive, that numbers do make an Assembly unlawful, but when either the end or manner of their carriage shall be unlawful. Divers just occasions might draw the Citizens to *Westminster*, where many publick and private petitions, and other causes, were depending in Parliament; and why that should be found more faulty in the Citizens, than the resort of great numbers every day in the Term to the ordinary Courts of Justice, we know not. That those Citizens were notoriously provoked and assaulted at *Westminster*, by Colonel *Lunsford*, Captain *Hild*, with divers others, and by some of the servants of the Archbishop of *York*, is sufficiently proved; and that afterward they were more violently wounded, and most barbarously mangled with swords, by the officers and soldiers near *Whitehall*, many of them being without weapons, and giving no cause of distaste, as is likewise proved by several testimonies; but of any scandalous or seditious misdemeanours of theirs, that might give his Majesty good cause to suppose his own person, or those of his Royal Consort, or Children, to be in apparent danger, we have had no proof ever offered to either House; and if there had been any complaint of that kind, it is no doubt the Houses would have been as forward to join in an order for the suppressing such tumults, as they were not long before upon another occasion, when they made an order to that purpose. Whereas those officers and soldiers, which committed that violence upon so many of the Citizens at *Whitehall*, were cherished and fostered

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in his Majesty's house: And when, not long after, the Common-Council of *London* presented a petition to his Majesty, for reparation of those injuries; his Majesty's answer was, (without hearing the proof of the complainants) that if any Citizen were wounded or ill-treated, his Majesty was confidently assured, that it happened by their own evil and corrupt demeanours.

" We hope it cannot be thought contrary to the duty and wisdom of a Parliament, if many concurring, and frequently reiterated and renewed advertisements from *Rome*, *Venice*, *Paris*, and other parts; if the solicitations of the Pope's Nuncio, and our own discontented fugitives, do make us jealous and watchful for the safety of the State. And we have been very careful to make our expressions thereof so easy and so plain to the capacity and understanding of the people, that nothing might justly stick with them, with reflection upon the person of his Majesty. Wherein we appeal to the judgment of any indifferent person, who shall read and peruse our own words. We must maintain the ground of our fears to be of that moment, that we cannot discharge the trust and duty which lies upon us, unless we do apply our selves to the use of those means which the law hath enabled us in cases of this nature, for the necessary defence of the Kingdom; and as his Majesty doth graciously declare, the law shall be the measure of his power; so do we most heartily profess, that we shall always make it the rule of our obedience.

Prudent Omissions in the King's Answer.

" The next point of our Declaration was with much caution artificially passed over by him who drew his Majesty's answer, it being indeed the foundation of all our misery, and his Majesty's trouble, that he is pleased to hear general taxes upon his Parliament, without any particular charge to which they may give satisfaction, and that he hath often conceived displeasure against particular persons upon misinformation; and although those informations have been clearly proved to be false, yet he would never bring the accusers to question, which layeth an impossibility upon honest men of clearing themselves, and gives encouragement unto false and unworthy persons to trouble with untrue and groundless informations; three particulars we mentioned in our Declaration, which the penner of that answer had good cause to omit; the words supposed to be spoken at *Kensington*; the pretended articles against the Queen; and the groundless accusation of the six Members of Parliament, there being nothing to be said in defence or denial of any of them.

" Concerning his Majesty's desire to join with his Parliament, and with his faithful Subjects, in defence of Religion, and publick Good of the Kingdom; we doubt not but he will do it fully, when civil counsellors shall be removed from about him; and until that be, as we have shewed before of words, so must we also say of laws, that they cannot secure us; witness the Petition of Right, which was followed with such an inundation of illegal taxes, that we had just cause to think, that the Payment of eight hundred and twenty thousand pounds was an easy burthen to the Commonwealth, in exchange of them; and we cannot but justly think, that if there be a continuance of such ill counsellors, and favour to them, they will by some wicked device or other, make the Bill for the Triennial Parliament, and those other excellent laws mentioned in his Majesty's Declaration, of less value than words.

" That excellent Bill for the continuance of this Parliament was so necessary, that without it, we could not have raised so great sums of money for the service of his Majesty and the Commonwealth as we have done, and without which the ruin and destruction of the Kingdom must needs have followed. And we are relieved, the gracious favour of his Majesty expressed in that Bill, and the advantage and security thereby we have from being dissolved, shall not encourage us to do any thing, which otherwise had not been fit to have been done. And we are ready to make it good before all the world, that although his Majesty hath passed many bills very advantageous for the Subject, yet in none of them have we bereaved his Majesty of any just, necessary, or profitable prerogative of the Crown. We so earnestly desire his Majesty's return to *London*, for that upon it, we conceive, depends the very safety and being of both his Kingdoms: and therefore we must protest, that as for the time past, neither the government of *London*, nor any Laws of the Land, have lost their life and force for his security; so for the future, we shall be ready to do or say, any thing that may stand with the duty or honour of a Parliament, which may raise a mutual confidence betwixt his Majesty and us, as we do wish, and as the affairs of the Kingdom do require.

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" Thus far the answer to that which is called *His Majesty's Declaration*, hath led us. Now we come to that which is intitled, *His Majesty's Answer to the Petition of both Houses, presented to him at York the 26th of March 1642*. In the beginning whereof his Majesty willeth, that our Privileges on all parts were so flated, that this way of correspondence might be preserved, with that freedom which hath been used of old. We know nothing introduced by us that gives any impediment hereunto; neither have we affirmed our Privileges to be broken, when his Majesty denies us any thing, or gives us a reason why he cannot grant it, or that those who advised such denial, were enemies to the peace of the Kingdom, and favourers of the *Irish* rebellion, in which asperion, that is turned into a general affliction, which in our votes is applied to a particular case; wherefore we must maintain our votes. That those who advised his Majesty to contradict that which both Houses, in the question concerning the Militia, had declared to be law and com-munal, it should not be obeyed, is a high breach of Privilege; and that those who advised his Majesty to absent himself from his Parliament, are enemies to the peace of the Kingdom, and justly to be suspected to be favourers of the rebellion in *Ireland*. The reasons of both are evident, because in the first there is as great a derogation from the trust and authority of Parliament; and in the second, as much advantage to the proceedings and hopes of the rebels as may be: And we hold it a very causeless imputation upon the Parliament, that we have herein any way impeached, much less taken away, the freedom of his Majesty's vote, which doth not import a liberty for his Majesty to deny any thing, how necessary soever, for the preservation of the Kingdom, much less a licence to evil counsellors, to advise any thing, though never so destructive to his Majesty and his People. (1.)

REM. (2.) I do not think, it was ever decided to what Acts the King may, or may not, deny his assent. So there arises an inexhaustible fountain of disputes, when the King and Parliament do not agree.

" By the message of the 20th of *January*, his Majesty did propound to both Houses of Parliament, that they would with all speed fall into a serious consideration of all those particulars, which they thought necessary, as well for the upholding and maintaining his Majesty's just and regal authority, and for the settling his revenue, as for the present and future establishing our Privileges, the free and quiet enjoying our estates, the liberties of our persons, the security of the true Religion professed in the Church of *England*, and the settling of ceremonies in such a manner as may take away all just offences, and digest it into one entire body.

" To that point of upholding and maintaining his Royal Authority, we say, nothing hath been done to the prejudice of it, that should require any new provision: To the other of settling the revenue, the Parliament hath no way abridged or disordered his just revenue; but it is true that much waste and confusion of his Majesty's estate hath been made by those evil and unfaithful Ministers, whom he hath employed in the managing of it, whereby his own ordinary expences would have been disappointed, and the safety of the Kingdom more endangered, if the Parliament had not in some measure provided for his household, and for some of the suits, more than they were bound to do; and they are still willing to settle such a revenue upon his Majesty, as may make him live royally, plentifully, and safely; but they cannot in wisdom and fidelity to the Commonwealth do this, till he shall chuse such counsellors and officers as may order and dispose it to the publick good, and not apply it to the ruin and destruction of his People, as heretofore it hath been. But this and the other matters concerning our selves, being works of great importance, and full of intricacy, will require so long a time of deliberation, that the Kingdom might be ruined before we should effect them. Wherefore we thought it necessary, first to be suitors to his Majesty, so to order the Militia, that the Kingdom being secured, we might with more ease and safety apply our selves to debate of that message wherein we have been interrupted by his Majesty's denial of the ordinance concerning the same, because it would have been in vain for us to labour in other things, and in the mean time to leave our selves naked to the malice of so many enemies both at home and abroad; yet we have not been altogether negligent of those things which his Majesty is pleased to propound in that message: We have agreed upon a book of Rates in a larger proportion than hath been granted to any of his Majesty's Predecessors, which is a considerable support of his Majesty's publick charge; and have likewise prepared divers propositions

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" and Bills for preservation of our Religion and Liberties, which we intend shortly to present to his Majesty, and to do whatsoever is fit for us to make up this unpleasant breach betwixt his Majesty and his Parliament.

" Whereas divers exceptions are here taken concerning the Militia; first, that his Majesty never denied the thing, but accepted the persons (except for corporations) only that he denied the way. To which we answer, that that exception takes off *London*, and all other great towns and cities, which makes a great part of the Kingdom; and for the way of ordinance it is ancient, more speedy, more easily alterable, and, in all these and other respects, more proper and more applicable to the present occasion, than a Bill which his Majesty calls the only good old way of imposing upon the Subjects. It should seem that neither his Majesty's Royal predecessors, nor our ancestors have heretofore been of that opinion; 37 Ed. 3. we find this record, *The Chancellor made declaration of the challenge of the Parliament; the King desires to know the griefs of his Subjects, and to redress enormities. The last day of the Parliament, the King demanded of the whole Estates, Whether they would have such things as they agreed on, by way of Ordinance, or Statute? Who answered, by way of Ordinance; for that they might amend the same at their pleasure, and so it was.*

" But his Majesty objects further, that there is somewhat in the Preface, to which he could not consent with justice to his honour and innocence, and that thereby he is excluded from any power in the disposing of it. These objections may seem somewhat, but indeed will appear nothing, when it shall be considered, that nothing in the preamble lays any charge upon his Majesty, or in the body of the ordinance, that excludes his royal authority in the disposing or execution of it: But only it is provided, That it should be signified by both Houses of Parliament, as that channel through which it will be best derived, and must certainly to those ends for which it is intended, and let all the World judge, whether we have not reason to insist upon it, that the strength of the Kingdom should rather be ordered according to the direction or advice of the great Council of the Land, equally intrusted by the King, and by the Kingdom, than that the safety of the King, Parliament, and Kingdom, should be left at the devotion of a few unknown Counsellors, many of them not intrusted at all by the King in any publick way, not at all confided in by the Kingdom.

" We wish the danger were not imminent, or not still continuing, but cannot conceive, that the long time spent in this debate is evidence sufficient that there was no such necessity or danger, but a Bill might easily have been prepared; for when many causes do concur to the danger of a State, the interruption of any one may hinder the execution of the rest, and yet the design be still kept on foot for better opportunities. Who knows what ther the ill success of the Rebels in *Ireland* had not hindered the insurrection of the Papists here? Whether the preservation of the six Members of the Parliament falsely accused, hath not prevented that Plot of the breaking the neck of the Parliament, of which we were informed from *France*, not long before they were executed? Yet since his Majesty hath been pleased to express his pleasure rather for a Bill than an Ordinance, and that he sent in one for that purpose, we readily entertained it, and with some small and necessary alterations, speedily passed the same: But, contrary to the custom of Parliament, and our expectations grounded upon his Majesty's own invitation of us to that way, and the other reasons manifested in our Declaration concerning the Militia of the 5th of *May*, instead of his royal assent, we met with an absolute refusal.

" If the matter of these our Votes of the 15th and 16th of *March*, be according to law, we hope his Majesty will allow the Subjects to be bound by them, because he hath said, he will make the Law the rule of his power; and if the question be, Whether that be Law which the Lords and Commons have once declared to us so, who shall be the judge? Not his Majesty; for the King judgeth not of matters of Law, but by his Courts; and his Courts, though sitting by his authority, expect not his assent in matters of Law: Nor any other Courts, for they cannot judge in that case, because they are inferior; no appeal lying to them from Parliament, the judgment whereof is, in the eye of the Law, the King's judgment in his highest Court; though the King in his person be neither present nor attending thereunto. (3.)

REM. (3.) I observed elsewhere, the defect of this reasoning, which is a mere fallacy, grounded upon the equivocal word Parliament. For under colour, that in a certain sense, the two Houses alone are called the Parliament, they

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they assume here to themselves the rights belonging solely to the Parliament composed of King, Lords, and Commons.

"The Votes at which his Majesty takes exceptions, are these:

"*That the King's absence so far remote from the Parliament, is not only an obstruction, but may be a destruction to the affairs of Ireland.*

"*That when the Lords and Commons shall declare what the Law of the Land is, to have this not only questioned and controverted, but contradicted, and a command that it should not be obeyed, is a high breach of the privilege of Parliament.*

"*That those persons that advised his Majesty to absent himself from the Parliament, are enemies to the peace of the Kingdom, and justly may be suspected to be favourers of the Rebellion in Ireland.*

"*That the Kingdom hath been of late, and still is in so imminent danger, both from enemies abroad, and a Popish and discontented Party at home, that there is an urgent and inevitable necessity of putting his Majesty's Subjects into a posture of defence, for the safeguard both of his Majesty and his people.*

"*That the Lords and Commons fully apprehending this danger, and being sensible of their own duty, to provide a suitable prevention, have in several Petitions addressed themselves to his Majesty, for the ordering and disposing of the Militia of the Kingdom, in such a way as was agreed upon by the wisdom of both Houses, to be most effectual and proper for the present exigents of the Kingdom, yet could not obtain it; but his Majesty did several times refuse to give his royal assent thereto.*

"*That in this case of extreme danger, and his Majesty's refusal, the ordinance of Parliament agreed upon by both Houses for the Militia, doth oblige the People, and ought to be obeyed by the fundamental Laws of this Kingdom.*

"By all which it doth appear, that there is no colour that by this tax we go about to introduce a new Law, much less to exercise an arbitrary power, but indeed to prevent it; for this Law is as old as the Kingdom, that the Kingdom must not be without a means to preserve itself; which that it may be done without confusion, this Nation hath intrusted certain hands with a power to provide, in an orderly and regular way, for the good and safety of the whole; which power, by the constitution of this Kingdom, is in his Majesty and in his Parliament together: Yet since the Prince, being but one person, is more subject to accidents of nature and chance, whereby the Commonwealth may be deprived of the fruit of that trust which was in part reposed in him; in cases of such necessity, that the Kingdom may not be enforced presently to return to its first principles, and every man left to do what is right in his own eyes, without either guide or rule, The wisdom of this State hath intrusted the Houses of Parliament with a power to supply what shall be wanting on the part of the Prince; as is evident by the constant custom and practice thereof in cases of nonage, natural disability, and captivity; and the like reason doth and must hold for the exercise of the same power in such cases, where the royal trust cannot be, or is not discharged, and that the Kingdom runs an evident and imminent danger thereby; which danger having been declared by the Lords and Commons in Parliament, there needs not the authority of any person or Court to affirm; nor is it in the power of any person or Court to revoke that judgment. (4.)

R.F.M. (4.) All these reasonings of both Houses are founded upon the supposition of an imminent danger. When they come to give proofs of the reality of this danger, they allege only suspicions, whereof they explain the causes. After which, they affirm the danger to be real, because they have declared it so, and because there is no superior authority to contradict their judgment. But this Declaration does not make the danger real, if it be not so indeed. It is easy therefore to perceive, by their way of proceeding, that they are embarrassed by this article.

"We know the King hath ways enough in his ordinary Courts of Justice to punish such seditious Pamphlets and Sermons, as are any way prejudicial to his rights, honour, and authority; and if any of them have been so infinitely violated and vilified, his Majesty's own Council and Officers have been to blame, and not the Parliament. We never did refrain any proceedings of this kind in other Courts, nor refuse any fit complaint to us. The *Protestation* Presented was referred by the Commons House to a Committee, and the author being not produced, the Printer was committed to prison, and the Book voted by that Committee to be burnt; but Sir Edward Dering, who was to make that report of the Votes of that Committee, neglected to make it. The *Apprentice Protestation* was never complained of; but the other seditious Pamphlet (*To your Tent, O Je-*

real) was once questioned, and the full profecution of it was not interrupted by any fault of either House, whose forwardness to do his Majesty all right therein, may plainly appear, in that a Committee of Lords and Commons were purposely appointed to take such information as the King's Council should present, concerning seditious words, practices, or tumults, Pamphlets or Sermons, tending to the derogation of his Majesty's rights or prerogative; and his Council were enjoined by that Committee to enquire and present them; who several times met thereupon, and received this answer and Declaration from the King's Council, that they knew of no such thing as yet.

"If his Majesty had used the service of such a one in penning this answer, who understood the laws and government of this Kingdom, he would not have thought it legally in his power to deny his Parliament a guard, when they stood in need of it, since every ordinary Court hath it; neither would his Majesty, if he had been well-informed of the Laws, have refused such a guard as they desired, it being in the power of inferior Courts to command their own guard; neither would he have imposed upon them such a guard, under a command which they could not confide in; which is clearly against the privileges of Parliament, and of which they found very dangerous effects, and therefore desired to have it discharged. But such a guard, and so commanded, as the Houses of Parliament desired, they could never obtain of his Majesty; and the placing of a guard about them, contrary to their desire, was not to grant a guard to them, but in effect, to set one upon them. All which considered; we believe, in the judgments of any indifferent persons, it will not be thought strange, if there were a more than ordinary resort of people at *Westminster*, of such as came willingly of their own accord to be witnesses and helpers of the safety of them, whom all his Majesty's good subjects are bound to defend from violence and danger; or that such a concourse as this, they carrying themselves quietly and peaceably (as they did) ought, in his Majesty's apprehension, or can, in the interpretation of the Law, be held tumultuary and seditious.

"When his Majesty, in that question of violation of the Laws, had expressed the observation of them indefinitely, without any limitation of time, although we never said or thought any thing that might look like a reproach to his Majesty, yet we had reason to remember that it had been otherwise, left we should seem to desert our former complaints and proceedings thereupon, as his Majesty doth seem but little to like or approve of them; for although he doth acknowledge here, that great mischief that grew by that arbitrary power then complained of, yet such are continually preferred and countenanced as were friends or favourers, or related unto the chief authors and actors of that arbitrary power, and of those false colours, suggestions of imminent danger and necessity, whereby they did make it plausible unto his Majesty. And on the other side, such as did appear against them, are daily discountenanced and disgraced; which, whilst it shall be so, we have no reason to judge the disease to be yet killed and dead at root, and therefore no reason to bury it in oblivion. And whilst we behold the spawns of those mischievous principles cherished and fostered in that new generation of counsellors, friends and abettors of the former, or at least, concurring with them in their malignancy against the proceedings of this Parliament, we cannot think our selves secure from the like or a worse danger.

"And here the penner of this answer betwix an admonition upon the Parliament, bidding us take heed we fall not upon the same error, upon the same suggestions. But he might have well feared this, till he could have shewed wherein we had exercised any power, otherwise than by the rule of the Law, or could have found a more authentick or higher judge in matters of Law, than the High Court of Parliament.

"It is declared in his Majesty's name, That he is resolved to keep the rule himself, and to his power to require the same of all others. We must needs acknowledge, that such a resolution is like to bring much happiness and blessing to his Majesty, and all his Kingdom; yet with humility we must confess, we have not the fruit of it, in that case of my Lord *Kimbleton*, and the other five Members, accused contrary to Law, both Common Law and the Statute Law, and yet remain unsatisfied; which case was remembered in our declaration, as a strange and unheard of violation of our Laws. But the penner of this answer thought fit to pass it over, hoping that many would read his Majesty's answer, (which hath been so carefully dispersed) which would not read our declaration.

"Whereas, after our ample thanks and acknowledgements

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"ment of his Majesty's favour in passing many good Bills, we said, That truth and necessity forced us to add this, that in or about the time of passing those Bills, some design or other hath been on foot, which, if it had taken effect, would not only have deprived us of the fruit of those Bills, but would have reduced us to a worse condition of confusion, than that wherein the Parliament found us. It is now told us, That the King must be most sensible of what we cast upon him, for requital of those good Bills; whereas, out of our usual tenderness of his Majesty's honour, we did not mention him at all: But so injurious are those wicked counsellors to the name and honour of their Master and Sovereign, that, as much as they can, they lay their own infamy and guilt upon his shoulders.

"Here God also is called to witness his Majesty's upright intentions at the passing of those Laws; this we will not question, neither did we give any occasion for such a solemn asseveration as this is. The devil is likewise defied to prove, there was any design with his Majesty's knowledge or privity. This might well have been spared, for we spoke nothing of his Majesty: But since we are so far taxed, as to have it affirmed, that we laid a notorious and false imputation upon his Majesty, we have thought it necessary, for the just defence of our own innocence, to cause the oaths and examinations which had been taken concerning the design, to be published in a full narration, for satisfaction of all his Majesty's subjects; out of which we shall now offer some few particulars, whereby the world may judge, whether we could have proceeded with more tenderness towards his Majesty than we have done. Mr. Garling confesseth, that the King first asked him, whether he was engaged in any cabal concerning the army? And commanded him to join with Mr. Percy and Mr. Jermin, and some others, whom they should find within at Mr. Percy's chamber; where they took the oath of secrecy, and then debated of a design propounded by Mr. Jermin, to secure the Tower, and to confider of bringing up the army to London, and Captain Legg confessed, he had received the draught of a Petition in the King's presence; and his Majesty acknowledged it was from his own hand: And whosoever reads the sum of that Petition, as it was proved by the testimony of Sir Jacob Astley, Sir John Griers, and Captain Legg, will easily perceive some points in it, apt to beget in them some discontent against the Parliament. And can any man believe, there was no design in the accusation of the Lord Kimbelen, and the rest, in which his Majesty doth avow himself to be both a commander and an actor? These things being so, it will easily appear to be as much against the rule of prudence, that the penner of this answer should entangle his Majesty in this unnecessary apology; as it is against the rules of justice, that any repARATION from us should be either yielded or demanded.

"It is professed in his Majesty's name, That he is truly sensible of the burdens of his People, which makes us hope, that he will take that course which will be most effectual to ease them of these burdens; that is, to join with his Parliament in preserving the peace of the Kingdom; which by his absence from them hath been much endangered, and which, by hindering the voluntary adventures for the recovery of Ireland, and disabling the subjects to discharge the great tax laid upon them, is like to make the war much more heavy to the Kingdom. And for his Majesty's wants, the Parliament hath been no cause of them; we have not diminished his just revenue, but have much eased his public charge, and somewhat his private. And we shall be ready, in a parliamentary way, to settle his revenue, in such an honourable proportion, as may be answerable to both, when he shall put himself into such a posture of Government, that his Subjects may be secure to enjoy his just protection for their Religion, Laws, and Liberties.

"We never refused his Majesty's gracious offer of a free and general pardon, only we said it could be no security to our present fears and jealousies: And we gave a reason for it, that those fears did not arise out of any guilt of our own actions, but out of the evil designs and attempts of others; and we leave it to the world to judge, whether we herein have deserved to have a tax and exclamation, (That it was a strange world, when Princes proffered favours are counted reproaches; such are the words of his Majesty's answer) who do esteem that offer as an act of princely grace and bounty, which, since this Parliament began, we have humbly desired we might obtain, and do still hold it necessary and advantageous for the generality of the Subjects, upon whom their taxes and subsidies lie heavily; but we see, upon every occasion, how unhappy we are in his Majesty's misapprehensions of our words and actions.

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"We are fully of the King's mind, as it is here declared, That he may rest so secure of the affections of his Subjects, that he should not stand in need of foreign force to preserve him from oppression, and are content, that he shall never want an abundant evidence of the good wishes and assistance of his whole Kingdom, especially if he shall be pleased to hold to that gracious resolution, of building upon that sure foundation, the Law of the Land: But why his Majesty should take it ill, that we having received information so deeply concerning the safety of the Kingdom, should think them fit to be considered of, we cannot conceive; for although the name of the person was unknown, yet that which was more substantial to the probability of the report was known (that is) that he was fervent to the Lord Digby, who in his presumptuous letter to the Queen's Majesty, and other letters to Sir Lewis Drury, had intimated some wicked proposition, suitable to that information; but that this should require reparation, we hold it as far from justice as it is from truth, that we have mixed any malice with these rumours, thereby to feed the fears and jealousies of the People.

"It is affirmed, his Majesty is driven (but not by us yet) from us; perchance hereafter, if there be opportunity of gaining more credit, there will not be wanting who will suggest unto his Majesty, that it is done by us. And if his Majesty were driven from us, we hope it was not by his own fears, but by the fears of the Lord Digby, and his retinue of Cavaliers; and that no fears of any tumultuary violence but of their just punishment for their manifold insolence, and intended violence against the Parliament.

R. E. M. (5). By the Lord Digby's Cavaliers were meant the Officers and Gentlemen who assembled at *Whitehall*, to guard the King, in the head of whom was the Lord Digby. I do not believe, that when this Declaration was published, the term *Cavaliers* was commonly used to denote the Royal party. Perhaps this word, used here by the Parliament, was the occasion of calling the King's party *Cavaliers*, as the Parliament's Adherents were named *Round-heads*. These two names were afterwards changed into *Tories* and *Whigs*.

"And this is expressed by the Lord Digby himself, when he told those Cavaliers, that the principal cause of his Majesty's going out of town, was to save them from being trampled in the dirt; but of his Majesty's person there was no cause of fear in the greatest heat of his people's indignation, after the accusation, and his Majesty's violent coming to the House; there was no show of any evil intention against his regal person, or which there can be no better evidence than this, that he came the next day without a guard into the City, where he heard nothing but prayers and petitions, no threatnings nor irreverent speeches, that might give him any just occasion of fear, that we have heard of, or that his Majesty express: For he staid near a week after at *Whitehall*, in a secure and peaceable condition, whereby we are induced to believe, that there is no difficulty or doubt all, but his Majesty's residence near London, may be as safe as in any part of the Kingdom. We are most assured of the faithfulness of the City and Suburbs; and for our selves, we shall quicken the vigour of the Laws, the industry of the Magistrates, the authority of the Parliament, for the suppressing of all tumultuary insolences whatsoever, and for the vindicating of his honour from all insupportable and insolent scandals, if any such shall be found to be raised upon him, as are mentioned in this answer; and therefore we think it altogether unnecessary, and exceeding inconvenient, to adjourn the Parliament to any other place.

"Where the desire of a good understanding betwixt the King and the Parliament, is on both parts to earnest, as is here professed by his Majesty, to be in him, and we have sufficiently testified to be in our selves, it seems strange we should be so long asunder, it can be nothing else but evil and malicious counsel, misrepresenting our carriage to him, and indisposing his favour to us: And as it shall be far from us, to take any advantage of his Majesty's supposed straits, as to desire, much less to compel him to that which his honour or interest may render unpleasant and grievous to him; so we hope, that his Majesty will not make his own understanding or reason the rule of his Government, but will suffer himself to be assisted with a wise and prudent council; that may deal faithfully betwixt him and his people; and that he will remember, that his resolutions do concern Kingdoms, and therefore ought not to be moulded by his own, much less by any other private person, which is not alike proportionable to so great a trust. And therefore we still desire and hope, that his Majesty will not be guided by his own understanding, or think those counsellors, flatterers, and necessities, to which he shall be

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advised by the wisdom of both Houses of Parliament, which are the eyes in this polittick body, whereby his Majesty is, by the confinement of this Kingdom, to discern the differences of those things which concern the publick peace and safety thereof.

"We have given his Majesty no cause to say, that we do meanly value the discharge of his publick duty. Whatsoever acts of grace or justice have been done, they proceed from his Majesty by the advice and counsel of his Parliament; yet we have, and shall always answer them with constant gratitude, obedience, and affection: And although many things have been done since this Parliament, of another nature, yet we shall not cease to desire the continued protection of Almighty God upon his Majesty; and most humbly petition him, to cast from him all those evil and contrary counsels, which have, in many particulars formerly mentioned, much detracted from the honour of his Government, the happiness of his own estate, and prosperity of his people.

"And having passed for many dangers from abroad, so many conspiracies at home, and brought on the publick work so far, through the greatest difficulties that ever stood in opposition to a Parliament, to such a degree of success, that nothing seems to be left in our way, able to hinder the full accomplishment of our desires and endeavours of the publick good; unless God in his justice do send such a grievous curse upon us, as to turn the strength of the Kingdom against it self, and to effect that by their own folly and credulity, which the power and subtilty of their and our enemies could not attain, that is, to divide the people from the Parliament, and to make them ferverice to the ends and aims of those who would destroy them. Therefore we desire the Kingdom, to take notice of this last and most desperate and mischievous plot of the malignant party, that is acted and prosecuted in many parts of the Kingdom, under plausible notions of stirring them up to a care of preserving the King's prerogative, maintaining the discipline of the Church, upholding and continuing the reverence and solemnity of God's service, and encouraging of learning. And upon these grounds, divers mutinous petitions have been framed in London, Kent, and other Counties, and sundry of his Majesty's Subjects have been solicited to declare themselves for the King against the Parliament: And many false and foul aspersions have been cast upon our proceedings, as if we had been not only negligent, but averse in these points: Whereas we desire nothing more, than to maintain the purity and power of Religion, and to honour the King in all his just Prerogatives; and for encouragement and advancement of piety and learning, we have very earnestly endeavoured, and still do, to the utmost of our power, that all parishes may have learned, pious, and sufficient preachers, and all such preachers competent livings. (6.)

R.E.M. (6.) The King complained, that the Church of England was going to be destroyed to make way for Presbytery. The Parliament dares not say the contrary, for fear of discouraging the Presbyterians, nor own it, because it was not yet time to discover themselves so openly. They endeavour therefore to get off, by general terms, which signify nothing, that is, they have resolved to place in every Parish pious Ministers, and provide for their subsistence.

"Many other bills and propositions are in preparation for the King's profit and honour, the people's safety and prosperity: In the proceedings whereof we are much hindered by his Majesty's absence from the Parliament, which is altogether contrary to the use of his predecessors, and the privileges of Parliament, whereby our time is consumed by a multitude of unnecessary messages, and our innocence wounded by caustic and sharp invectives. Yet we doubt not, but we shall overcome all this at last, if the people suffer not themselves to be deluded with false and specious shews, and so drawn to betray us to their own undoing, who have ever been willing to hazard the undoing of our selves, that they might not be betrayed by our neglect of the trust reposed in us: But if it were possible they should prevail herein, yet we would not fail, through God's grace, still to persist in our duties, and to look beyond our own lives, estates, and advantages, as those who think nothing worth the enjoying, without the liberty, peace, and safety of the Kingdom; nor any thing too good to be hazarded in discharge of our consciences, for the obtaining of it: And shall always repose our selves upon the protection of Almighty God, which we are confident shall never be wanting to us, (while we seek his glory,) as we have found it hitherto wonderfully going along with us in all our proceedings."

The King quickly answered this Manifesto. He had strong reasons to prevent, betimes, the impressions it might

make upon the minds of the people. As a war was unavoidable, the King and the Parliament were equally concerned to gain the people, and for this these Papers were intended. We have seen in the Parliament's Manifesto, the objections against the King reiterated, and we shall see in the King's, the same answers he had before given to each of the articles. These two Papers therefore may be considered as a recapitulation of whatever had been alleged *pro* and *con*, in the dispute between the King and the Parliament. Both flattered themselves, that their reasons were unanswerable, and proposed them with great confidence. Nor was this entirely without foundation, for both sides, reasoning upon different principles, might be in the right, according to their respective suppositions.

His Majesty's Answer to a Book entitled, The Declaration or Remonstrance of the Lords and Commons of the 19th of May, 1642.

IF we could be weary of taking any pains for the satisfaction of our People, and to undeceive them of those specious mischievous insinuations which are daily instilled into them, to shake and corrupt their loyalty and affection to us and our Government, after so full and ample declaration of our self and intentions, and so fair and satisfactory answers to all such matters as have been objected to us by a major part present of both Houses of Parliament, we might well give over this labour of our pen, and sit still till it shall please God so to enlighten the affections and understandings of our good Subjects on our behalf, (which we doubt not but that in his good time he will do) that they may see our sufferings are their sufferings. But since, instead of applying themselves to the method proposed by us, of making such solid particular propositions as might establish a good understanding between us, or of following the advice of our Council of Scotland (with whom they communicate their affairs) in forbearing all means that may make the breach wider and wound deeper; they have chosen to pursue us with new reproaches, or rather to continue and improve the old, by adding and varying little circumstances and language, in matters formerly urged by them, and fully answered by us. We prevailed with our self, upon very mature and particular consideration of it, to answer the late printed Book, intitled, *A Declaration or Remonstrance of the Lords and Commons*, which was ordered the 19th of May last to be printed and published, hoping then, that they would put us to no more of this trouble, but that that should have been the last of such a nature they would have communicated to our People, and that they would not, as they have done since, thought fit to assault us with a newer Declaration, indeed of a very new nature and learning, which must have another answer. (1.)

REMARK (1.) This was another declaration of the second of June, whence it may be inferred, that this answer of the King to the first was not published till after that time.

"And we doubt not, but that our good Subjects in short time will be so well instructed in the differences and mistakings between us, that they will plainly discern, without resigning their reason and understanding to our Prerogative, or the infallibility of a now major part of both Houses of Parliament (infected by a few malignant spirits) where the fault is. (2.)

R.E.M. (2.) The King begins in this Paper to represent the resolutions of the Parliament, not as being agreeable to the sentiments of the Nation, but as coming only from a disaffected party which prevailed in both Houses.

"Though we shall, with humility and alacrity, be always forward to acknowledge the infinite mercy and providence of Almighty God, vouchsafed so many several ways to our self and this nation, yet since God himself doth not allow that we should fancy and create dangers to our self, that we might manifest and publish his mercy in our deliverance, we must profess, we do not know those deliverances mentioned in the beginning of that Declaration, from so many wicked plots and designs since the beginning of this Parliament, which if they had taken effect, would have brought ruin and destruction upon this Kingdom. We well know, the great labour and skill hath been used, to amaze and affright our good Subjects with fears and apprehensions of plots and conspiracies, the several pamphlets published, and letters scattered up and down, full of such ridiculous contemptible animadversions to that purpose, as (though they found, for what end God knows, very unusual countenance) no sober man would be moved with them. But we must confess, we have never been able to inform our self of any such pernicious formed design against the peace of this Kingdom, since the beginning of this Parliament, as is mentioned

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"in that Declaration, or might be any warrant to those great fears, both our Houses of Parliament seem to be transported with; but we have great cause to believe, more mischief and danger hath been raised and begotten to the disturbance of this Kingdom, than cured or prevented by those fears and jealousies. And therefore, however the rumour and discourse of plots and conspiracies may have been necessary to the designs of particular men, they shall do well not to pay any false devotions to Almighty God, who discerns whether our dangers are real or pretended.

"For the bringing up of the army to London, as we have heretofore (by no other direction than the testimony of a good conscience) called God to witness, we never had, or knew any such resolution; so upon the view of the depositions now published with that Declaration, it is not evident to us, there was ever such a design, unless very loose discourse or argument be insisted enough of such a design (3).

R.E.M. (3.) The King seems to vindicate himself very weakly upon this article. His whole answer lies in the ambiguity of the word *Design*, which may signify, either a bare project, or a settled and formed design. It is certain, there was a design or project to bring up the army to London, which the king knew of, and was proposed by *Fermy*; but no resolution was taken thereon. The King denies, he knew of any such resolution, because indeed there was none. But he dares not deny, he was informed of the design or project to march the army to London. Wherefore, after having spoken of the design in general, he immediately changes the word into that of Resolution. *Charles I.* was very skillful in such sort of ambiguities.

"And it is apparent, that what was said of it, was near three months before the discovery to both Houses of Parliament: So that if there were any danger threatened that way, it vanished, without any resistance or prevention, by the wisdom, power, or authority of them. (4.)

R.E.M. (4.) The Parliament insisted chiefly upon the King's intention, and endeavoured to prove the fact, in order to show this intention. So it was not a proof of the King's having no ill intention, that the design of seducing the army, and bringing it up to London was not pursued.

"It seems the intention of that Declaration (whatsoever other end it hath) is to answer a Declaration they received from us, in answer to that which was presented to us at *New-Market* the 9th of *March* last; and likewise to our answer to the petition of both Houses, presented to us at *York*, the 26th of *March* last. But before that Declaration falls upon any particulars of our said Declaration or Answer, it complains, that the heads of the malignant party have, with much art and industry, advised us to suffer divers unjust scandals and imputations upon the Parliament, to be published in our name, whereby they might make it odious to the People, and by their help destroy it: But not instancing in any one scandal or imputation so published by us, we are still to seek for the heads of that malignant party. But our good Subjects will easily understand, that if we were guilty of that aspersions, we must not only be active in raising the scandal, but passive in the mischief begotten by that scandal, we being an essential part of the Parliament. (5.)

R.E.M. (5.) This is only a subtlety grounded upon the ambiguity of the word Parliament. In the Declaration which the King is answering, by the term, *Parliament*, is meant both Houses, without including the King, and here the King means both Houses and the King together.

"And we hope the just defence of our self and our authority, and the necessary vindication of our innocence and justice, from the imputation laid on us by a major part then present, by either or both Houses, shall no more be called a scandal upon the Parliament, than the opinion of such a part be reputed an Act of Parliament. And we hope our good Subjects will not be long misled by that common expression, in all the Declarations, wherein they usurp the word Parliament, and apply it to countenance any resolution or vote some few have a mind to make, by calling it, the resolution of Parliament, which can never be without our consent; neither can the vote of either, or both Houses, make a greater alteration in the Laws of this Kingdom (so solemnly made by the advice of their predecessors, with the concurrence of us and our ancestors) either by commanding or inhibiting any thing (besides the known rules of the Law) than our single direction or mandate can do, to which we do not ascribe the authority. (6.)

R.E.M. (6.) This reason is invincible, supposing the Government in its natural state. But it could not make

any impression upon those who believed the King intended to establish an arbitrary Power.

"But that Declaration informs our People, that the malignant party hath drawn us into the northern parts far from our Parliament: It might more truly and properly have said, that it hath driven, than drawn us hither. (7.)

R.E.M. (7.) The Parliament understood by the malignant party the King's party, and here the King gives the same name to that of the Parliament.

"For we confess our journey hither (for which we have no other reason to be sorry, than with reference to the cause of it) was only forced upon us by the true malignant party, which contrived and countenanced those barbarous tumults, and other seditious circumstances, of which we have so often complained, and hereafter shall say more, and which indeed threatens so much danger to our person, and laid so much scandal upon the whole privilege and dignity of Parliament, that we wonder it can be mentioned without blushes or indignation: but of that anon. But why the malignant Party should be charged with causing a Prefs to be transported to *York*, we cannot imagine; neither have any papers or writings issued from thence, to our knowledge, but what have been extorted from us by such provocations, as have not been before offered to a King. And no doubt it will appear a most trivial and fond exception, when all Prefs are open to vent whatsoever they think fit to say to the People, (a thing unwarranted by former custom) that we should not make use of all lawful means to publish our just and necessary answers thereunto. As for the authority of the Great Seal, (though we do not know that it hath been necessary to things of this nature) the same shall be more frequently used hereafter, as occasion shall require (8.) to which we make no doubt the greater and better part of our Privy-Council will concur, and whose advice we are resolved to follow, as far as it shall be agreeable to the good and welfare of the Kingdom.

R.E.M. (8.) The Parliament's Declaration was published the 19th of *May*, and three days after the Lord-Keeper *Littleton* went privately from London with the Great-Seal to the King. So the King had it in his hands when he published his answer. For this reason, he says, the same shall be more frequently used hereafter.

"Before that Declaration vouchsafes to insist on any particulars, it is pleased to censure both our Declaration and Answer, to be filled with harsh censures, and causeless charges upon the Parliament (still misapplying the word Parliament to the vote of both Houses) concerning which they resolve to give satisfaction to the Kingdom, since they find it very difficult to satisfy us. If, as in the usage of the word Parliament, they have left us out of their thoughts; so by the word Kingdom, they intend to exclude all our People, who are out of their walls, (for that's grown another phrase of the time, the vote of the major part of both Houses, and sometimes of one, is now called, *The resolution of the whole Kingdom*.) we believe it may not be hard to give satisfaction to themselves; otherwise we are confident (and our confidence proceeds from the uprightness of our own conscience) they will never be able to sever the affections of us and our Kingdom, that what cannot be satisfaction to the one, shall be to the other. Neither will the title of *Humble and Faithful*, and telling us, *That they will make us a great and glorious King*, in their Petitions and Remonstrances, to deceive our good Subjects, that they will pass over the reproaches, threats and menaces they are stuffed with, which sure could not be more gently reprehended by us, than by saying, their expressions were different from the usual language to Princes, which that Declaration tells us we had no occasion to say. But we believe, whoever looks over that Declaration presented to us at *Newmarket*, to which ours was an answer, will find the language throughout it to be so unusual, that, before this Parliament, it could never be paralleled; whilst under pretence of justifying their fears, they give so much countenance to the discourse of the Rebels of *Ireland*, as if they had a mind our good Subjects should give credit to it: otherwise, being warranted by the same evidence, which they have since published, they would have as well declared, That those rebels publicly threaten the rooting out the name of the *English*, and that they will have a King of their own, and no longer be governed by us; as that they say, that they do nothing but by our authority, and that they call themselves *the Queen's army*. And therefore we have great reason to complain of the absence of justice and integrity in that Declaration, besides the unfitness of other expressions. Neither did we mistake the substance or logic of the message to us at *Theshields*,

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1642. " *Thou shalt*, concerning the Militia, which was no other, and is stated to be no other (even by that Declaration which approved us) than a plain threat, *That if we refused to join with them, they would make a law without us*. Nor hath the practice since that time been other, which will never be justified to the most ordinary (if not partial) understandings, by the mere averting it to be according to the fundamental Laws of this Kingdom, without giving any direction, that the most cunning and learned men in the laws may be able to find those foundations. (9.)

R.E.M. (9.) There is here an ambiguity in the term Fundamental Law. The Parliament had clearly expressed what they meant by this fundamental Law, *viz.* if the King failed in the discharge of his duty, the Nation ought not, however, to be without defence, and in that case, it belonged to the Parliament to take care of it. Instead therefore of asking, where this Law was, it seems, that the King should have shown either that, though he neglected his duty, it belonged not to the Parliament to meddle with the government of the State, or that he never had neglected, nor did still neglect it. For, according to the Parliament, though this Law was not expressed in any particular Statute, it naturally flowed from the constitution of the Government. The King seems, by requiring this Law to be produced, to insinuate, that the Parliament, in no case whatever, could intermeddle with the Government of the State, unless authorized by an express law, and yet the Parliament had alledged two cases, namely, the captivity and nonage of a King, wherein they might have the management of the Government, and they reckoned the King's negligence in the same class. To this the King should have returned an answer.

" And we must appeal to all the world, whether they might not, with as much justice, and by as much law, have seized upon the Estate of every Member of both Houses, who dissented from that pretended ordinance, (which much the major part of the House of Peers did two or three several times) as they have invaded that power of ours over the Militia, because we (upon reasons they have not so much as pretended to answer) refuse to consent to that proposition: (10.)

R.E.M. (10.) The authority assumed by the Parliament, was not an ordinary authority, nor pretended to be so. It was extraordinary for the present supposed case, that there was great danger from the King. As therefore they had not the same suspicions of those who had at first refused their consent to the ordinances, they could not seize their estates upon the same foundation. Thus the consequence drawn by the King from the Parliament's usurpation, does not seem just.

" And if no better effects, than loss of time, and hindrance of the publick affairs, have been found by our answers and replies, let all good men judge, by whose default, and whose want of duty such effects have been: For as our end (indeed only end) in those answers and replies, hath been the settlement and composition of publick affairs, so we are assured, and most men do believe, that if that due regard and reverence had been given to our words, and that consent and obedience to our counsels, which we did expect, there had been before this time a cheerful calm upon the face of the whole Kingdom, every man enjoying his own, with all possible peace and security that can be imagined; which surely those men do not desire, who (after all those acts of justice and favour passed by us this Parliament, all those affronts and sufferings endured and undergone by us) think fit still to reproach us with Ship-money, Coat and Conduct-money, and other things so abundantly declared (as that Declaration itself confesses) in the general Remonstrance of the State of the Kingdom, published in November last, which we wonder to find now avowed to be the Remonstrance of both Houses, and which we are sure, was presented to us only by the House of Commons; and did never, and we are confident, in that time could never have passed the House of Peers; the concurrence and authority of which was not then thought necessary. Shall we believe those reproaches to be the voice of the Kingdom of England? That all our loving subjects, eased, refreshed, strengthened, and abundantly satisfied with our acts of grace and favour towards them, are willing to be involved in these unthankful expressions? We must appeal to the thanks and acknowledgments published in the Petitions of most of the Counties of England, to the testimony and thanks we have received from both Houses of Parliament, how reasonable, how agreeable this usage of us is to our merit, or their former expressions.

" We have not in the least swerved or departed from our resolution, or words, in the beginning of this Parliament. We said, we were resolved to put our self freely and clearly upon the love and affection of our

English subjects; and we say so still, as far as concerns England. And we call Almighty God to witness all our complaints and jealousies, which have never been causeless, nor out of our Houses of Parliament, (but of some few schismatical, factious, and ambitious spirits, and upon such grounds, as short time we fear, will justify to the world) our denial of the Militia, our absenting our self from London, have been the effects of an upright and faithful affection to our English subjects, that we may be able (through all the inconveniences we are compelled to wrestle with) at last, to preserve and restore their Religion, Laws, and Liberties unto them.

" Since the proceedings against the Lord *Kimbelen*, and the five Members, is still looked upon, and so often pressed as to great an advantage against us, that no retraction made by us, nor no actions since that time committed against us, and the law of the Land, under the pretence of vindication of Privilege, can satisfy the contrivers of that Declaration, but that they would have our good subjects believe, the accusation of those six Members must be a plot, for the breaking the neck of the Parliament, (a strange arrogance, if any of those Members had the penning of that Declaration) and that it is so often urged against us, as if, by that single casual mistake of ours, (in form only) we had forfeited all duty, credit and allegiance from our People; we must, without endeavouring to excuse that, which in truth was an error, (our going to the House of Commons) give our People a clear and full narration of the matter of fact, assuring our self, that our good subjects will not find our carriage in that business such as hath been reported.

" When we resolved, upon such grounds, as, when they shall be published, will satisfy the world, that it was fit for our own safety and honour, and the peace of the Kingdom, to proceed against those persons; (11.) though we well know there was no degree of privilege in that case, yet (to shew our desire of correspondence with the two Houses of Parliament) we chose, rather than to apprehend their persons by the ordinary ministers of Justice, (which, according to the opinion and practice of former times, we might have done) to command our Attorney-General to acquaint our House of Peers with our intention, and the general matter of our charge, (which was yet more particular than a mere accusation) and to proceed accordingly; and at the same time sent a sworn servant, a Sergeant at arms to our House of Commons, to acquaint them, That we did accuse, and intended to prosecute the five Members of that House for High-Treason, and did require that their persons might be secured in custody.

R.E.M. (11.) I have already said, that the Parliament was chiefly offended, that the articles of the accusation exhibited by the Attorney-General, were levelled at the whole House of Commons, and a great number of Lords, as much as at the persons accused. Here, the King maintains the matter of the accusation, since it was for the peace of the Kingdom, and passes over in silence the reasons which he referred for another time, and thereby his vindication can not be full and perfect.

" This we did, not only to shew that we intended not to violate or invade their privileges, but to use more ceremony towards them, than we then conceived in justice might be required of us; and expected at least such an answer as might inform us, if we were out of the way: But we received none at all; only in the instant, without offering any thing of their privileges to our consideration, an order was made, (and the same night published in print) That if any person whatsoever should offer to arrest the person of any Member of that House, without first acquainting that House therewith, and receiving further orders from that House, that it should be lawful for such Members, or any persons, to assist them, and to stand upon his, or their guard of defence, and to make resistance according to the protection taken, to defend the privileges of Parliament. And this was the first time that we heard the protection might be wrested to such a sense; or that in any case, (though of the most undoubted and unquestionable privilege) it might be lawful for any person to resist, and use violence against a publick Minister of Justice, armed with lawful authority, though we well knew, that even such a Minister might be punished for executing such authority.

" Upon viewing this order, we must confess we were somewhat amazed, having never seen or heard of the like, though we had known Members of either House committed, without so much formality as we had used, and upon crimes of a far inferior nature to those we had suggested; and having no course proposed to us for our proceeding, we were upon the matter only told, That against those persons we were not to proceed at all."

1642. "That they were above our reach, or the reach of the Law. It was not then easy for us to resolve what to do. (12.)

R. M. (13.) This is a little disguised. The King was not told, that these Members were above the reach of the Law; but only, that the Parliament sitting, the Members could not be imprisoned without the consent of their House, and that it was expected the grounds of the accusation should be made known, in order to this consent.

"If we employed our ministers of justice in the usual way for their apprehension, (who, without doubt, would not have refused to execute our lawful commands) we saw what resistance and opposition was like to be made, which very probably might cost some blood. If we sat still, and desisted upon this terror, we should at the best have confessed our own want of power, and the weakness of the Law. In this strait we put on a sudden resolution to try, whether our own presence, and a clear discovery of our intentions (which haply might not have been so well understood) could remove those doubts, and prevent those inconveniences, which seemed to have been threatened; and thereupon, we resolved to go in our own person to our House of Commons, which we discovered not till the very minute of our going; when we went out, That our servants, and such Gentlemen as were then in our Court, should attend us to *Wigmore*: But giving them express command (as we have expressed in our answer to the ordinance) that no accidents of provocation should draw them to any such action as might imply a purpose of force in us; and our self (requiring those of our train not to come within the door) went into the House of Commons: The bare doing of which, we did not then conceive would have been thought more a breach of privilege, than if we had gone to the House of Peers, and sent for them to come to us, which is the usual custom. We used the best expressions we could, to assure them, how far we were from any intention of violating their Privileges; that we intended to proceed legally and speedily against the persons we had accused, and desired therefore, if they were in the House, that they might be delivered to us; or if absent, that such course might be taken for their forthcoming, as might satisfy our just demands: and so we departed, having no other purpose of force, if they had been in the House, than we have before protested before God, in our answer to the ordinance. You have an account of our part of this story fully, let our people judge freely of it. What followed on their part, (tho' this Declaration tells you, it could not withdraw any part of their reverence and obedience from us; it may be any part of theirs it did not) we shall have too much cause hereafter to inform the world.

"There will be no end of the discourse, and upbraiding us with evil counsellors, if, upon our constant denial of knowing any, they will not vouchsafe to inform us of them; and after eight months amusing the Kingdom with the expectation of a discovery of a malignant party, and of evil counsellors, they will not at last name any, nor describe them. Let the actions and lives of men be examined, who have contrived, counselled, actually consented to grieve and burden our people: And if such be about us, or any against whom any notorious malicious crime can be proved; if we shelter and protect any such, let our injustice be published to the world: But till that be done, particularly and manifestly, (for we shall never conclude any man, upon a bare general vote of the major part of either, or both Houses, till it be evident, that major part be without passion or affection) we must look upon the charge this Declaration puts on us, of cherishing and countenancing a discontented party of the Kingdom against them, as a heavier and unjust tax upon our justice and honour, than any we have, or can lay upon the framers of that Declaration. (13.)

R. M. (13.) With such restrictions one may eternally dispute: For who should be judge, whether the major part of the House were without passion or prejudice?

"And now to countenance those unhandsome expressions, whereby usually they have implied our connivance at, or want of zeal against the rebellion of *Ireland*, (so odious to all good men) they have found a new way of exprobration; That the Proclamation against these bloody Traytors came not out till the beginning of January, though that Rebellion broke out in October; and then by special command from us, but forty copies were appointed to be printed. It is well known where we were at that time, when that Rebellion broke forth, in *Scotland*; and we immediately from thence recommended the care of that business to both Houses of Parliament here, after we had provided for all fitting supplies from our Kingdom of *Scotland*: That after our return hither, we observed all those forms for that service,

1642. "which we were advised to by our council of *Ireland*, or both Houses of Parliament here; and if no Proclamations issued out sooner, (of which for the present we are not certain, but think that others before that time were issued by our direction) it was, because the Lords Justices of the Kingdom desired them no sooner, and when they did, the number they desired was but twenty, which they advised might be signed by us; which we for expedition of the service, commanded to be printed, (a circumstance not required by them) thereupon we signed more than our Justices desired. All which was very well known to some Members, of one or both Houses of Parliament, who have the more to answer, if they forbore to express it at the passing of this Declaration: And if they did express it, we have the greater reason to complain, that so envious an aspersion should be cast on us to our people, when they know well how to answer their own objection. (14.)

R. M. (14.) This answer appears something weak; for supposing forty copies would have been sufficient for *Ireland*, why was not the Proclamation published in *England*? The King returns no answer to what the Parliament said of the Proclamation against the *Scots*.

"What that complaint is against the Parliament, put forth in our name, which is such an evidence and countenance to the Rebels, and speaks the same language of the Parliament which the Rebels do, we cannot understand. All our answers and declarations have been, and are owned by us, and have been attested under our own hand; if any other had been published in our name, and without our authority, it would be easy for both Houses of Parliament to discover and apprehend the authors. And we wish, that whosoever was trusted with the drawing and penning of that Declaration, had no more authority or cunning to impose upon, or deceive the major part of those votes by which it passed, than any man hath to prevail with us to publish in our own name any thing, but the sense and resolution of our own heart: Or, that the contriver of that Declaration could, with as good a conscience, call God to witness, that all his counsels and endeavours have been free from all private aims, personal respects or passions whatsoever, as we have done and do, that we never had or knew of such resolutions of bringing up the army to *London*. And since this new device is found out, instead of answering our reasons, or satisfying our just demands, to blast our Declarations and Answers, as if they were not our own (a bold senseless imputation) we are sure, that every answer and declaration published by us, is much more our own, than any one of those bold, threatening, and reproachful Petitions and Remonstrances are the acts of either, or both Houses. And if the penner of that Declaration had been careful of the trust reposed in him, he would never have denied, (and thereupon found fault with our just indignation) in the text or margin, that we had never been charged with the intention of any force; and that in their whole Declaration, there is no word tending to such a reproach; the contrary whereof is so evident, that we are in express terms charged in that Declaration, that we sent them gracious messages, when, with our privacy, bringing up the army was in agitation. And even in this Declaration they seek to make our people believe, some such thing to be proved in the depositions now published, wherein, we doubt not, they will as much fail, as they do in their censure of that Petition shewed formerly to us by Captain *Legg*, and subscribed by us with *C. R.* which, notwithstanding our full and particular narration of the substance of that Petition, the circumstances of our seeing and approving it, this Declaration is pleased to say, was full of scandal to the Parliament, and might have proved dangerous to the whole Kingdom. If they have this dangerous Petition in their hands, we have no reason to believe any tenderness to us-ward hath kept them from communicating it: If they have it not, we ought to have been believed. But that all good people may compute their other pretended dangers by their clear understanding of this, the noise whereof hath not been inferior to any of the rest: We have recovered a true copy of the very Petition we signed with *C. R.* which shall in fit time be published; and which we hope will open the eyes of our good people. (15.) Concerning our warrant for Mr. *Fermin's* passage, our answer was true and full: But for his black latten suit, and white boots, we can give no account.

R. M. (15.) This whole article of the answer seems very weak, since the King's defence consists only of his own testimony. There could not be a more proper occasion to publish this Petition, of which he said, he had a true copy. But in deferring the publication to a more convenient time, he gave room to suspect, there were some things in the Petition which were not favourable to him.

1642.

"We complained in our Declaration, and as often as we have occasion to mention our return and residence near London, we shall complain, of the barbarous and seditious tumults at *Westminster* and *Whitehall*, which indeed were so full of scandal to our Government, and danger to our person, that we shall never think of our return thither, till we have justice for what is past, and security for the time to come. And if there were so great a necessity, or desire of our return as is pretended, in all this time, upon so often pressing our desires, and upon causes so notorious, we should at least have procured some order for the future. But that declaration tells us, we are upon the matter mistaken; The resort of the Citizens to *Westminster* was as lawful as the resort of great numbers every day in the term to the ordinary Courts of Justice. They knew no tumults. Strange! Was the disorderly appearance of so many thousand people with staves and swords, crying through the Streets, *Westminster-Hall*, the passage between both Houses, (inasmuch as the Members could hardly pass to and fro) *No Bishops, down with the Bishops*; no tumults? What Member is there of either House that saw not those numbers, and heard not those cries? And yet lawful Assemblies! Were not several Members of either House assaulted, threatened and ill treated? and yet no tumults! Why made the House of Peers a Declaration, and sent it down to the House of Commons, for the suppressing of tumults, if there were no tumults? And if there were any, why was not such a Declaration consented to and published? When the attempts were so visible, and the threats so loud to pull down the Abbey at *Westminster*, had we not cause to apprehend that such people would continue their work to *Whitehall*? Yet no tumults! What a strange time are we in! That a few impudent, malicious (to give them no worse term) men, should cast such a strange mist of error before the eyes of both Houses of Parliament, as that they either cannot, or will not see, how manifestly they injure themselves by maintaining these visible untruths? We say no more. By the help of God, and the Law, we will have justice for those tumults. (16.)

RE.M. (16.) The Parliament's Declaration contained two things upon this Article; First, That the concourse of people at *Westminster* was no tumult. Secondly, That the King's person was in no danger, since on the morrow he went through the City without a guard, and moreover staid several days at *Whitehall* in safety. The King answers here to the first of these things, and leaves the other without reply. Only he draws a consequence, that *Whitehall* was in danger, because the people threatened to pull down *Westminster-Abbey*, a circumstance which no where appears in the accounts of these tumults.

"From excepting (how weightily let every man judge) to what we have said, that Declaration proceeds to censure us for what we have not said, for the prudent omissions in our answer: We forbore to say any thing of the words spoken at *Kensington*, or the articles against our dearest comfort, and of the accusation of the six Members: Of the last we had spoken often, and we thought enough of the other two; having never accused any (though God knows what truth there might be in either) we had no reason to give any particular answer.

"We do not reckon our self bereaved of any part of our prerogative, which we are pleased freely for a time to part with by Bill; yet we must say, we expressed a great trust in our two Houses of Parliament, when we divested our self of the power of dissolving this Parliament, which was a just, necessary, and proper prerogative: But we are glad to hear their resolution, that it shall not encourage them to do any thing, which otherwise had not been fit to have been done; if it do, it will be such a breach of trust, God will require an account for at their hands.

"For the Militia, we have said so much in it heretofore, and the point is so well understood by all men, that we will waste time no more in that dispute. We never said there was no such thing as an ordinance, (though we know that they have been long diffused) but that there was never any ordinance, or can be, without the King's consent; and that is true, and the unnecessary precedent cited in that Declaration doth not offer to prove the contrary. But enough of that, God and the Law must determine that business.

"Neither hath this Declaration given us any satisfaction concerning the Votes of the 15th and 16th of March last, which we must declare, and appeal to all the World in the point, to be the greatest violation of our privilege, the Law of the Land, the liberty of the Subject, and the right of Parliament, that can be imagined. One

"of these Votes is, (and there needs no other to defroy the King and People) *That when the Lords and Commons* (it is well the Commons are admitted to their part in judicature) *shall declare what the Law of the Land is, the same must be observed, and obeyed*; that is the sense in few words. Where is every man's property; every man's liberty? If a major part of both Houses declare that the Law is, that the younger brother shall inherit, what is become of all the families and estates in the Kingdom? If they declare, that by the fundamental Law of the Land, such a rash action, such an unadvised word ought to be punished by perpetual imprisonment, is not the liberty of the Subject, *durante bene placitis*, remediless? That Declaration confesseth, They pretend not to a power of making new Laws; that without us they cannot do that. They need no such power, if their Declaration can suspend this Statute from being obeyed or executed, and make this order, which is no Statute, to be obeyed and executed. If they have power to declare the Lord Digby, waiting on us to *Hampton-Court*, and thence visiting some officers at *Kingston*, with a coach and six horses, to be levying of war and high-Treason; and Sir John *Hatbam's* defying us to our face, keeping our town, fort, and goods against us by force of arms, to be an act of affection and loyalty, what needs a power of making new Laws? Or is there such a thing as Law left? We desire our good Subjects to mark the reason and consequence of these votes, the progress they have already made, and how infinite that progress may be. First, they vote the Kingdom is in imminent danger, (it is above three months since they discerned it) from enemies abroad, and a popish and discontented party at home: This is matter of fact, the Law follows. This vote hath given them authority by Law (the fundamental Laws of the Kingdom) to order and dispose of the Militia of the Kingdom, and with this power, and to prevent that danger, to enter into our towns, seize upon our magazine, and by force keep both from us. Is not this our case? First, They vote we have an intention to levy war against our Parliament (a), that is matter of fact: Then they declare, such as shall assist us, to be guilty of High-Treason; that is the Law, and proved by two Statutes, themselves know to be repealed: No matter for that, they declare it. Upon this ground they exercise the Militia, and so actually do that upon us, which they have voted we intend to do upon them. Who doth not see the confusion that must follow upon such a power of declaring? If they should now vote, that we did not write this Declaration, but that such an one did it, which is still matter of fact; and then declare, that for so doing he is an enemy to the Commonwealth; what is become of the Law that man was born to? And if all their zeal for the defence of the Law, be but to defend that they declare to be Law, their own votes, it will not be in their power to satisfy any man of their good intentions to the public peace, but such who are willing to relinquish their titles to *Magna Charta*, and hold their lives and fortunes by a vote of a major part of both Houses. In a word, we deny not, but that they may have power to declare, in a particular doubtful case, regularly brought before them, what Law is; but to make a general declaration, whereby the known rule of the Law may be crossed or altered, they have no power, nor can exercise any, without bringing the life and liberty of the Subject, to a lawless and arbitrary subjection. (17.)

RE.M. (17.) It must have been a great mortification to the King, to be forced to shew by such good arguments, the mischief that flow from arbitrary power. The same reasons used by the King, to demonstrate that arbitrary power was a natural consequence of the Parliament's maxims, served to prove, that it was equally hazardous to leave, not every King of England, but Charles I. in particular, invested with the authority allowed him by the Laws, considering the use he had already made of that power.

"We complained, (and let the world judge of the justice and necessity of that complaint) of the multitude of seditious pamphlets and sermons. And that Declaration tells us, they know we have ways enough in our ordinary Courts of Justice to punish those; so we have to punish tumults and riots, and yet they will not serve our turn to keep our towns, our forests, and parks from violence (b). And it may be, though those Courts have still the power to punish, they may have lost the skill to define what riots and tumults are; otherwise a Jury in *Southwark*, legally impannelled, to examine a riot there, would not have been superseded,

(a) These Votes passed in the interval between the publication of this Parliament's Declaration, and that of the King's Answer. *Repro.*

(b) This alludes to a disturbance which happened in the Park and Forest of *Windsor*. *Ibid.*

1642. "and the Sheriff enjoined not to proceed, by virtue of an order of the House of Commons, which it seems at that time had the sole power of declaring. But it is no wonder, that they who could not see the tumults, do not consider the pamphlets and sermons, though the Author of the *Protestation protested*, be well known to be *Burton* (that infamous disturber of the peace of this Church and State) and that he preached it at *Wapping*, in the hearing of divers Members of the House of Commons: But of such pamphlets, and seditious preachers (divers whereof have been recommended, if not imposed upon several parishes, by some Members of both Houses, by what authority we know not) we shall hereafter take a further account. (18.)

RE M. (18.) These Sermons contained, for the most part, the maxims which the Parliament would have established, or pretended to be agreeable to the Laws; but which the King looked upon as seditious, and for that reason affirmed the Parliament ought to punish the authors. This *Burton* was the same whose ears were cut off by the Star-Chamber, and who was banished to *Guernsey*, for publishing a Treatise against the Church of England. It seems here, that the King was not pleased with the Parliament's reverting his sentence.

"We confess we have little skill in the Laws, and those that have had most, we now find are much to seek. Yet we cannot understand or believe, that every ordinary Court, or any Court, hath power to raise what guard they please; and under what command they please; neither can we imagine what dangerous effects they found by the guard we appointed them, or (indeed) any the least occasion why they needed a guard at all.

"But of all the imputations so causelessly and unjustly laid upon us by that Declaration, we most wonder at that charge so apparently and evidently untrue, That such are continually preferred and countenanced by us, who are friends or favourites or related unto the chief authors and actors of that arbitrary Power, heretofore practised or complained of: And on the other side, that such as did appear against it, are daily discountenanced and disgraced. We would know one person that contributed to the ill of those times, or had dependence upon those that did, whom we do, or lately have countenanced or preferred. Nay, we are confident (and we look for no other at their hands) as they have been always most eminent assertors of the public Liberties; so, if they found us inclined to any thing not agreeable to honour and justice, they would leave us to morrow: Whether different persons have not and do not receive countenance elsewhere, and upon what grounds, let all men judge; and whether we have not been forward enough to honour and prefer those of the most contrary opinion, how little comfort forever we have had of these preferments; in bestowing of which hereafter we shall be more guided by men's actions than opinions. And therefore we had great cause to bestow that admonition (for we assure you it was an admonition of our own) upon both our Houses of Parliament, to take heed of inclining, under the specious shews of necessity and danger, to the exercise of such an arbitrary power they before complained of: The advice will do no harm, and we shall be glad to see it followed.

"And are all the specious promises, and loud professions of making us a great and glorious King, of settling a greater revenue upon us than any of our ancestors have enjoyed; of making us to be honoured at home, and feared abroad; resolved into this, that they will be ready to settle our revenue in an honourable proportion, when we shall put our self in such a posture of government, that our Subjects may be secure to enjoy our just protection for their Religion, Laws, and Liberties? What posture of government they intend we know not, nor can we imagine what security our good Subjects can desire for their Religion, Laws, and Liberties, which we have not offered, or fully given. (19.)

RE M. (19.) Unhappily, since the violation of the Petition of Right, neither the King's word nor promises, nor even Acts of Parliament, had been deemed a sufficient security. At least, plausible reasons were alleged not to confide in them. Nothing but the Militia could satisfy the Parliament, and that was what the King would not willingly grant.

"And is it suitable to the duty and dignity of both Houses of Parliament, to answer our particular weighty

expressions of the causes of our remove from London (so generally known to the Kingdom) with a scoff, That they hope we were driven from thence, not by our own fears, but by the fears of the Lord Digby, and his retinue of Cavaliers? Sure the penner of that Declaration intreated that ungrave and insolent expression, (as he hath done divers others) without the consent or examination of both Houses, who would not so lightly have departed from their former professions of duty to us.

"Whether the way to a good understanding between us and our people, hath been as zealously pressed by them, as it hath been protested and desired by us, will be easily discerned by those who observe, that we have left no publick ad undone on our part, which in the least degree might be necessary to the peace, plenty, and security of our Subjects, and that they have not dispatched one act, which hath given the least evidence of their particular affection and kindness to us; but on the contrary, have discountenanced and hindered the testimony other men would give to us of their affections; witness, the stopping and keeping back the bill of Subsidies granted by the Clergy almost a year since; which, though our personal wants are so notoriously known, they will not to this time pass: So not only forbearing to supply us ourselves, but keeping the love and bounty of other men from us, and afford no other answers to all our desires, all our reasons, (indeed not to be answered) than, That we must not make our understanding or reason, the rule of our Government, but suffer our self to be assisted (which we never denied) by our great Council. We require no other liberty to our will, than the means of them do, (we wish they would always use that liberty) not to consent to any thing evidently contrary to our conscience and understanding; and we have and shall always give as much estimation and regard to the advice and counsel of both our Houses of Parliament, as ever Prince hath done; but we shall never (and we hope our people will never) account the contrivance of a few (seditious, seditious persons, a malignant party, who would sacrifice the Commonwealth to their own fury and ambition) the wisdom of Parliament: And that the justifying and defending such persons, (of whom, and of their particular sinister ways to compass their own end, we shall shortly inform the world) is not the way to preserve Parliaments, but is the opposing and preferring the consideration of a few unworthy persons, before their duty to their King, or their care of the Kingdom. They would have us remember, that our resolutions do concern Kingdoms, and therefore are not to be moulded by our own understanding. We well remember it, but we would have them remember, That when their consultations endeavour to lessen the office and dignity of a King, they meddle with that which is not within their determination, and of which we must give an account to God and our other Kingdoms, and must maintain with the sacrifice of our life.

"Lastly, That Declaration tells you, of a present desperate and malicious plot, the malignant party is now acting, under the plausible notions of stirring men up to a care of preserving the King's Prerogative, maintaining the discipline of the Church, upholding and continuing the reverence and solemnity of God's service, and encouraging Learning, (indeed plausible and honourable notions to act any thing upon) and that upon these grounds divers mutinous petitions have been framed in London, Kent, and other places. Upon what grounds would these men have petitions framed? Have to many petitions (even against the form and constitution of the Kingdom, and the Laws established) been joyfully received and accepted? And shall petitions framed upon these grounds be called mutinous? Hath a multitude of mean, unknown, inconsiderable, contemptible persons, about the City and Suburbs of London, had liberty to petition against the government of the Church, against the Book of Common-Prayer, against the freedom and privilege of Parliament, and been thanked for it? And shall it be called mutiny in the gravest and best Citizens of London, in the gentry and commonalty of Kent, to frame petitions upon these grounds (1), and to desire to be governed by the known Laws of the Land, not by orders or votes of either, or both Houses? Can this be thought the wisdom and justice of both Houses of Parliament? Is it not evidently the work of a faction within or without both Houses, who deceive the trust repo-

(1) The Petitions here mentioned, from London and Kent, were about the Militia. For the London Petition, *George Baines*, a sick Citizen, was committed to prison: Where, after he had lost some time, the Lords bailed him; but the Commons committed him again the next day. When the Kentish Petition was brought, which was by some Centeniers of that County, with a great number of the influential inhabitants, the City of London was put in arms: Strong was displayed at London bridge, where the Petitioners were arrested, and only some few suffered to pass, with three Petitions to the Privy Council. Up on the delivery thereof to the House of Commons, the bringers of the Petition were thereupon recommended; two or three of them committed to Newgate Prison; the principal Gentlemen of the County, who had subscribed and desired it, for (as Delinquents) Change and Imprisonments drawn up against them; and a Declaration published, "That whosoever should henceforth advise, or conspire the like Petition, should be proved a traitor, and be counted well deserving death." *Clarendon, Tom. 2. p. 381, 382.*

1642. "fed in them, and have now told us, what mutiny is ?
 "To stir up men to a care of preserving our Prerogative,
 "maintaining the discipline of the Church, upholding
 "and continuing the reverence and solemnity of God's
 "service, encouraging of Learning, is mutiny. Let heav-
 "en and earth, God and Man, judge between us
 "and these men. And however such petitions are there called
 "mutinous, and the petitioners threatened, discouragen-
 "ed, censured, and imprisoned ; if they bring such law-
 "ful petitions to us, we will graciously receive them, and
 "defend them and their rights against what power soever,
 "with the uttermost hazard of our being.
 "We have been the longer (to our very great pain)
 "in this answer, that we might give the world satisfac-
 "tion, even in the most trivial particulars which have been
 "objected against us ; and that we may not be again re-
 "proached with any more prudent omisions. If we have
 "been compelled to sharper language than we affect, let
 "it be considered, how vile, how inflexible, our provo-
 "cations have been : And except to repel force, be to
 "assault, and to give punctual and necessary answers to
 "rough and insolent demands, be to make invectives, we
 "are confident the world will excuse us of too much mild-
 "ness, and all our good Subjects will think we are not
 "well dealt with, and will judge of us, and of their own
 "happiness and security in us, by our actions ; which we
 "desire may no longer prosper, or have a blessing from
 "God upon them and us, than they shall be directed to
 "the glory of God, in the maintenance of the true Pro-
 "testant Profession, the preservation of the property,
 "and the liberty of the Subject, in the observation of the
 "Laws, and to the maintenance of the rights and free-
 "dom of Parliament, in the allowance and protection of
 "all their just privileges."

Explanation
 of the Dif-
 ference be-
 tween the
 King and
 Parliament.

After all these Papers in this second part of the reign of Charles I. one should, it seems, have a perfect knowledge of the differences between the King and the Parliament, and the subject be exhausted. Nevertheless, if the Reader should keep to the Papers published on both sides, he would not have a very clear idea of the cause of these differences. To this end, he must understand the motives which they took care not to discover in their Manifestos, published only with design to gain the approbation of the people. The following recital will, in my opinion, serve to give a clear, and plain idea of these differences. I shall say nothing but what has been said in several places, and yet, I believe, it will not be superfluous, briefly to recapitulate the whole, which may be of service to show the grounds and causes of the Civil Wars.

It must be laid down as an undeniable fact, after what has been said, that the King had formed a design to establish an arbitrary Government in England. They who deny this, have only to seek in their imagination, a more natural cause of the people's discontent against his Government. But it is certain, whatever their system may be, they will never be able, without this, to reconcile it with the events, as to satisfy the impartial. The four preceding Parliaments considered all the King's proceedings, from the beginning of his reign, as tending to establish an absolute power. This was what they called their Grievances, the redress whereof they had frequently, though in vain, demanded.

Charles I. inherited the King his Father's mortal aversion to the Puritans or Presbyterians. He was, like him, persuaded, that their principles concerning Church-government, were directly opposite to Monarchy. They both went still farther. They believed not only, that all the Puritans were antimonarchical, but also, that all those who were against a despotic power were truly Puritans. This made Charles I. resolve to ruin such as were not submissive enough to his will, by confounding them all under the name of Puritans. To that purpose he admitted into his Council, and publick Offices, such only as were of his principles. Hence sprung all the severities exercised by the Council, the Star-Chamber, the High-Commission, the Judges, and all the Magistrates, upon those that, according to the notions of the Court, were infected with Puritanism, though many of these men were sincerely attached to the Church of England. Herein the King, contrary to his intention, did a very considerable service to the true Presbyterians, since he confounded their interests with those of a great number of people, who, otherwise, would have had no inclination to Presbyterianism. The truth is, they were both threatened with the same destruction. And therefore, in the elections for this last Parliament, many were returned of contrary principles to the King and Court. Among these, the Presbyterians were the most ardent, perceiving their ruin was determined, and would soon approach, if the King succeeded in his designs. Thus, the Presbyterian-party, which before made an inconsiderable figure in the Kingdom, grew very

powerful, by the junction of the other sort of Puritans, whom the Court was pleased to confound with them.

On the other hand, Archbishop Laud, and some of the Court-Bishops, devised a means, which could not fail to afford them occasions to persecute the Puritans. This was to enjoin with great rigour the observance of certain practices, which most people looked upon as indifferent. Nay, they added sundry innovations, which offended not only the Presbyterians, but also many Church of England men. This produced great murmurs. But people were not satisfied with complaining, they openly disobeyed, and their disobedience assumed a pretence to punishment. Hereby the Bishops, who were the chief authors of these innovations, made themselves so odious, that many believed to have just reason, to suspect a design to restore the Popish Religion, since the establishment of these innovations was so ardently pursued, which seemed to tend only to draw the Church of England nearer to that of Rome. If to this discontent be added that, occasioned by the King's Government, with regard to the liberties of the People and the privileges of the Parliament, it will not be difficult to conceive, that the nation in general was extremely dissatisfied.

Though, in this last Parliament there were many Presbyterians for the reason above mentioned, they were not however strong enough to form a Party capable of opposing that of the Church, had they at first discovered their intentions. So, it may be affirmed, that in general, the design of this Parliament, when they met, was not to overthrow the Church of England, and establish Presbyterianism in its room, though it can scarce be doubted, that this was the private aim of the Presbyterians. But, as their number was too small to oppose all the rest of the Parliament, they resolved to join with the opposite party to the King, for procuring the redress of grievances. Among these grievances, some concerned Religion, as the innovations which offended the Church-men no less than the Presbyterians themselves. Upon this subject, these last scrupled not to declaim strenuously when occasion offered, and to represent these grievances as being of very dangerous consequence. They could do it without discovering themselves too openly, because, as I said, most of the Members of Parliament were already prejudiced against the innovations and the conduct of the Bishops. As the King was extremely zealous for the Church of England, and of the number of those who considered the innovations and some other trifles as necessary to the solemnity of the publick worship, he opposed their suppression as much as possible, not directly, but by means of the Bishops, Popish Lords, and others of his Party. Wherefore the Presbyterians endeavoured to convince all the rest of the contrary party, that as long as the Bishops should sit in the House of Lords, it would be almost impossible to attain an entire redress of grievances. The House of Commons petitioned therefore in so ordering it, that the Bishops votes should be taken away, wherein they met with great obstacles. But at length, by means of the tumults they frightened them away, and induced them to present the Petition, which occasioned the sending of twelve of them to the Tower. By the same means, the Popish Lords were also forced to absent themselves from the Parliament. From that time the King's party became very weak, and the Presbyterians acquired new strength.

Afterwards, the Presbyterian party having gained so much ground, diligently applied themselves to cherish the dissension between the King and the Parliament. It was they that caused the Remonstrance of the State of the Kingdom to be passed, which was presented to the King at his return from Scotland, and was as the signal of the Rupture. Unhappily, there was in the Presbyterian party, another party which concealed themselves, and were afterwards known by the name of Independents. This party as they could not accomplish their secret designs without disorder and confusion, affected a rigid Presbyterianism, and strove to carry things to extremities, under colour of maintaining Presbyterianism, though in truth their intention was to destroy it as well as the Church of England.

Mean while, the King retiring to York, and perceiving a war unavoidable, sent private notice to all whom he thought his friends in both Houses, to leave the Parliament and repair to York or elsewhere. Many obeyed, and by their retreat, the Presbyterian party became superior in the two Houses. Before that time, when any thing was moved by the Presbyterians, tending to the subversion of the Church of England, those who had any regard for the Church did not fail to oppose it, and of this number were all the King's friends. But as soon as these were retired, the Presbyterian party, by their superiority in both Houses, passed whatever they pleased. This is what the King observed in several passages of his answer. Thus, the Presbyterian party prevailing in both Houses, and secretly intending to alter the Church-Government ; but the thing being

1641. being impracticable, so long as the King should preserve his power, it is evident, that according to this project it was the Parliament's interest, which was directed by the Presbyterians, carefully to avoid whatever tended to an accommodation, which would have broken all their measures. But they took care not to discover entirely their designs. It was not yet time, till they had put it out of the King's power to prevent the execution. So, that they rendered their fears and jealousies of the King as plausible as possible, and though it should be granted, they had reason to suspect and fear, there is however room to think, that the danger they represented as being so near and imminent, was not so real as they pretended. Their grand aim, was to induce the King to begin the breach, wherein the King seems not to have soon enough perceived the snare that was laid for him.

As for the King, it is almost impossible to know perfectly his secret motives and intentions, because, since the opening of the Parliament, it had never been in his power to show them evidently, by any effects. It is true, he gave his assent to several advantageous Bills to the People, and thereby seemed to express a kind of repentance for his past conduct. But his situation, when he passed these Acts, made it something doubtful, whether he sincerely consented to the redress of grievances, or whether it was only to accommodate himself to the times. He assured, that his intention was to govern for the future according to Law, and called God to witness his sincerity. But they would not rely on his word. Thus much is certain, that whatever he said or did in favour of the Laws, was little agreeable to the principles he had followed for fifteen years. If any were persuaded, that his asseverations and promises were sufficient for the Nation's security, others thought to have just cause to question their sincerity, because they came at a time when he had no other refuge than the Laws to support himself, nor other means than his promise to observe them, to hinder the whole nation from entirely deserting him. I shall not pretend to decide so difficult a question, which is beyond human reach, there being none but God alone who knows perfectly what passes in the heart. I believe it rash to affirm, that *Charles I.* was not sincere in his promises. But I believe also, his sincerity may be doubted, since he had never opportunity to demonstrate it by effects.

Whatever was the King's private intention, he fully perceived that of the prevailing party in the Parliament, and saw that force alone could free him from his danger. His proposals for an agreement were rejected, and his promises to keep the Laws for the future, considered as too many snares, and unfortunately for him he had given birth too much cause for distrust. He could not disown it with respect to what had passed before this Parliament; and even during this Parliament, he had taken some steps, which his enemies knew how to turn to their advantage. Such was the Plot to seduce the army, in which probably he was concerned, though he could affirm, he knew of no resolution to bring up the army to *London*. Such was the accusation of the six Members of Parliament, which could not but breed a suspicion of some hidden design. The project to secure *Hull*, his withdrawing to *York*, the Queen's voyage into *Holland*, the motive whereof was discovered in time, were things that helped not to cure the People's suspicions. So both Houses steadily keeping to the occasions of jealousy, fear and distrust, which they had, or pretended to have of the King, made use of them to convince the People, that there was no depending on his promises, unless it was put out of his power to break them. This occasioned the affair of the Militia, on account of which the King was drawn into a freight, from whence he could not get clear. For, by granting the Militia, he would himself have been subversive to the execution of the Parliament's designs, and by refusing it, he gave occasion to say, he was willing to agree with both Houses, without giving them other security than his word, which, as they pretended, could not be relied on. It is also true, that the King would not recede from any of his rights, neither would he offer other assurance than his word, to satisfy the Parliament.

After what has been seen, it will not be hard to perceive the ground of the quarrel, and the difficulties of an accommodation. That concerning the government of the Church, was one of the principal, though it may not be clearly explained in the Manifesto's of both parties. If the King's interests had been solely in question, perhaps he would have agreed to some concessions, at least, for a time. But he found, that one chief reason of his enemies desiring to lessen his authority, was, the more easily to accomplish a change in the ecclesiastical Government. which he

thought himself bound in conscience to oppose to the utmost of his power. He was so strongly, and so sincerely attached to the Church of England, that he looked upon any concession which might tend to her ruin, as the blackest crime he could be guilty of, and persisted in this opinion, even when his affairs were grown desperate. All his Counsellors were of the same principles. They believed the episcopal Government of the Church to absolutely necessary, that a Church without Bishops was no true Church in their opinion. On the other hand, the Presbyterians were no less possessed with their notions, and without distinguishing what is essential in Religion from what is only external, they considered the usages and practices of the Church of England as a sort of Popery. Besides, they were so convinced of the King's enmity to them, that they could not think themselves safe, so long as it was in his power to oppress them. Matters standing thus, it is evident, that force of arms alone was capable of obliging one or other party to yield.

A war being almost unavoidable, the Earl of *Bristol*, *The Earl of Bristol is here proposed as an accommodation, May 20. Rushworth, IV. p. 754.* though he had no great reason to be pleased with the King, made his last effort to procure an accommodation, by a Speech in the House of Peers. He represented, that the thing was not impossible, if it was sincerely endeavoured. After having enumerated all the mischiefs of a civil war, and the calamities it is usually attended with, he moved to appoint a select Committee of both Houses, truly to state all the differences between the King and the Parliament, with the most probable ways of reconciling them ; that the King ought to do to satisfy the People, and what security he should give. He added several other things, which plainly showed, he inclined to the King's side, and because, withal, he mentioned Religion but very slightly and in general terms, his Speech had no great effect.

The same, or the next day, the Commons voted:

“ 1. That it appeared, That the King, seduced by wicked
“ counsels, intended to make war against the Parliament,
“ who, in all their consultations and actions, had proposed
“ no other end unto themselves, but the care of his King-
“ doms, and the performance of all duty and loyalty to
“ his person.

“ 2. That whensoever the King made war upon the
“ Parliament, it would be a breach of the trust reposed
“ in him by his People, contrary to his oath, and tending
“ to the dissolution of the Government.

" 3. That whosoever should serve or assist him in such
" wars, would be traytors by the fundamental Laws of
" the Kingdom; and had been so adjudged by two Acts
" of Parliament, and ought to suffer as traytors, 11 *Rich.*
" II. 1 *Hen. IV.*" (1)

May the 22d, the Lord-Keeper Littleton delivered the Great-Seal to be carried to the King, and followed it himself the next morning, before the Parliament had any knowledge of it.

The 23d, both Houses sent a Petition to the Kings, to
 desire him to disband the Horse and Foot raised under col-
 our of a guard for his person. They told him, that he
 did not dismiss these forces, they should be obliged to pre-
 serve the peace of the Kingdom by the most proper means.
 The King returned a very sharp answer to this Petition,
 reproaching both Houses, that they had raised a guard for
 themselves, and ordered the Sheriffs to oppose with the
 power of the Counties, such as should be drawn together
 by the King's command (&c.).

Clarendon,
7. p. 444. l. 1.
*The Parliam-
 ent's Peti-
 tion to dis-
 band the
 King's dis-
 cipline.*
Rothomew,
9. p. 719.
May 21.
The King's
Answer.

still proceeded with some caution, in order to cast the
 blame on the contrary party. For, in a civil war, it is
 chiefly the People that are wanted, because in them lies the
 strength of the two parties. The Earl of *Bristol*, in his
 Speech to the Lords, the 20th of *May*, observed, that it
 was not impossible to propound and settle the differences
 betwixt the King and the Parliament; but that the great
 difficulty consisted in finding such security, as might stand
 with the King's honour, and the People's satisfaction. He
 chiefly insisted upon this, that the King offering to give
 reasonable security, they were not to reject the offer, and
 charge themselves with the events of a war. As this offer,
 though made in very general terms, appeared plausible, the
 Parliament was apprehensive, it would make some impres-
 sion on the People. And therefore, they judged it neces-
 sary, to show that the King, by this general offer, did
 however offer only his word for security, which could not
 be a firm foundation of a good agreement. To this end,
 they sent him, the 2d of *June*, nineteen Propositions,
 which they considered as proper to establish a good peace,
 and first union between the King and the Parliament. The
 Propositions were these :

"1. That the Lords, and others of your Majesty's
 and therefore are mentioned by him in that Answer,
 with an Error in all High Sheriffs, Justices of Peace, and other Officers,
 to that City. *Rushworth*, Tom. 4. p. 721, 722,
 1 Privy. T. May.

(2) This Order was dated May 17, and was repeated again May 28, together with an Order to all High Sheriffs, Justices of Peace, and other Officers, *within* one hundred and fifty Miles of York, to fly all Arms and Ammunition going to that City. *Raynolds*, Tom. 4. p. 721, 722.

1642. "Privy-Council, and such great officers and ministers of State, either at home or beyond the seas, may be put from your Privy-Council, and from those offices and employments, excepting such as shall be approved of by both Houses of Parliament; and that the persons put into the places and employments of those that are removed, may be approved of by both Houses of Parliament; and that the Privy-Council shall take an oath for the due execution of their places, in such forms as shall be agreed upon by both Houses of Parliament.
- "2. That the great affairs of this Kingdom may not be concluded or transacted by the advice of private men, or by any unknown or unsworn Counsellors, but that such matters as concern the publick, and are proper for the High-Court of Parliament, which is your Majesty's great and supreme Council, may be debated, resolved, and transacted only in Parliament, and not elsewhere; and such as shall presume to do any thing to the contrary, shall be referred to the censure and judgment of Parliament: And such other matters of State, as are proper for your Majesty's Privy-Council, shall be debated and concluded by such of the Nobility and others, as shall from time to time be chosen for that place, by approbation of both Houses of Parliament: And that no publick Act concerning the affairs of the Kingdom, which are proper for your Privy-Council, may be esteemed of any validity, as proceeding from the royal authority, unless it be done by the advice and consent of the major part of the Council, attested under their hands; And that your Council may be limited to a certain number, not exceeding five and twenty, nor under fifteen. And if any counsellor's place happen to be void in the interval of Parliament, it shall not be supplied without the assent of the major part of the Council; which choice shall be confirmed, at the next sitting of Parliament, or else to be void.
- "3. That the Lord High-Steward of England, Lord High-Constable, Lord-Chancellor, or Lord-Keeper of the Great Seal, Lord-Treasurer, Lord Privy-Seal, Earl-Marshall, Lord-Admiral, Warden of the Cinque-Ports, chief Governor of Ireland, Chancellor of the Exchequer, Master of the Wards, Secretaries of State, two Chief-Justices and Chief-Baron, may always be chosen with the approbation of both Houses of Parliament, and, in the intervals of Parliament, by assent of the major part of the Council, in such manner as is before expressed in the choice of Counsellors.
- "4. That he or they, unto whom the government and education of the King's children shall be committed, shall be approved of by both Houses of Parliament; and, in the intervals of Parliament, by the assent of the major part of the Council, in such manner as is before expressed in the choice of counsellors; and that all such servants as are now about them, against whom both Houses shall have any just exceptions, shall be removed.
- "5. That no marriage shall be concluded, or treated for any of the King's children, with any foreign Prince or other person whatsoever, abroad or at home, without the consent of Parliament, under the penalty of a *Præmunire*, upon such as shall conclude, or treat of any marriage as aforesaid; and that the said penalty shall not be pardoned or dispensed with, but by the consent of both Houses of Parliament.
- "6. That the Laws in force against Jesuits, Priests, and popish Recusants, be strictly put in execution, without any toleration or dispensation to the contrary; and that some more effectual course may be enacted by authority of Parliament, to disable them from making any disturbance in the State, or eluding the Law by trusts, or otherwise.
- "7. That the votes of popish Lords in the House of Peers may be taken away, so long as they continue Papists; and that your Majesty will consent to such a Bill as shall be drawn, for the education of the children of Papists by Protestants, in the Protestant Religion.
- "8. That your Majesty will be pleased to consent, that such a reformation be made of the Church-government, and Liturgy, as both Houses of Parliament shall advise; wherein they intend to have consultations with Divines, as is expressed in their Declaration to that purpose; and that your Majesty will contribute your best assistance to them, for the raising of a sufficient maintenance for Preaching-ministers through the Kingdom; and that your Majesty will be pleased to give your consent to Laws, for the taking away of innovations and superstition, and pluralities, and against scandalous Ministers.
- "9. That your Majesty will be pleased to rest satisfied with that course that the Lords and Commons have appointed for ordering of the Militia, untill the same shall be farther settled by a Bill, and that your Majesty will No. 66. Vol. II.
- "recall your Declarations and Proclamations against the Ordinance made by the Lords and Commons concerning it.
- "10. That such Members of either House of Parliament, as have, during the present Parliament, been put out of any place or office, may either be restored to that place and office, or otherwise have satisfaction made for the same, upon the petition of that House, whereof he or they are Members.
- "11. That all Privy-Counsellors and Judges may take an oath, the form whereof to be agreed on, and settled by Act of Parliament, for the maintaining of the Petition of Right, and of certain Statutes made by the Parliament, which shall be mentioned by both Houses of Parliament; and that an enquiry of all the breaches and violations of those Laws may be given in charges, by the Justices of the King's Bench every term, and by the Judges of Assize in their Circuits, and Justices of the Peace at the Sessions, to be presented and punished according to Law.
- "12. That all the Judges, and all the Officers placed by approbation of both Houses of Parliament, may hold their places, *quamdiu bene se gesserint*.
- "13. That the justice of Parliament may pass upon all Delinquents, whether they be within the Kingdom, or fled out of it; and that all persons cited by either House of Parliament, may appear and abide the censure of Parliament.
- "14. That the general Pardon offered by your Majesty may be granted, with such exceptions as shall be advised by both Houses of Parliament.
- "15. That the forts and castles of this Kingdom may be put under the command and custody of such persons as your Majesty shall appoint, with the approbation of your Parliament; and in the intervals of Parliament, with the approbation of the major part of the Council, in such manner as is before expressed in the choice of Counsellors.
- "16. That the extraordinary guards, and military forces now attending your Majesty, may be removed and discharged; and that for the future you will raise no such guards or extraordinary forces, but according to the law, in case of actual rebellion or invasion.
- "17. That your Majesty will be pleased to enter into a more strict alliance with the States of the United Provinces, and other neighbour Princes and States of the Protestant Religion, for the defence and maintenance thereof, against all designs and attempts of the Pope and his adherents to subvert and suppress it, whereby your Majesty will obtain a great access of strength and reputation, and your Subjects be much encouraged and enabled, in a Parliamentary way, for your aid and assistance, in restoring your Royal Sister and her Princely Issue to those dignities and dominions which belong unto them, and relieving the other Protestant Princes who have suffered in the same cause.
- "18. That your Majesty will be pleased, by Act of Parliament, to clear the Lord Kimbolton, and the five Members of the House of Commons, in such manner, that future Parliaments may be secured from the consequence of that evil precedent.
- "19. That your Majesty will graciously be pleased to pass a Bill, for restraining Peers made hereafter, from sitting or voting in Parliament, unless they be admitted thereto with the consent of both Houses of Parliament.
- "And these our humble desires being granted by your Majesty, we shall forthwith apply our selves to regulate your present revenue, in such sort as may be for your best advantage; and likewise to settle such an ordinary and constant increase of it, as shall be sufficient to support your royal Dignity in honour and plenty, beyond the proportion of any former grants of the Subjects of this Kingdom to your Majesty's royal Predecessors. We shall likewise put the town of Hull into such hands as your Majesty shall appoint, with the consent and approbation of Parliament, and deliver up a just account of all the magazine; and cheerfully employ the uttermost of our power and endeavours in the real expression and performance of our most dutiful and loyal affections, to the preserving and maintaining the royal honour, greatness and safety of your Majesty and your posterity."
- The King made to these Propositions, a long Answer, that is to say, with so long periods, and so frequent parentheses, that it is no easy task to translate it without losing something of its Force.
- The King's Answer to the Nineteen Propositions.
- "Before we shall give you our answer to your Petition and Propositions, we shall tell you, that we are now clearly satisfied, why the method which we

1642. "traced out to you by our message of the 20th of January, and have since so often pressed upon you, as the proper way to compose the distractions of this Kingdom, and render it truly happy, hath been hitherto declined, and is at length not thought fit to be looked upon. We now see plainly, (and desire that you and all other our good Subjects should do too) that the cabalists of this business have with great prudence reserved themselves, until due preparations should be made for their design. If they had unseasonably vented such propositions, as the wisdom and modesty of your predecessors never thought fit to offer to any of our progenitors; nor we in honour or regard to our regal authority, (which God hath intrusted us with for the good of our people) could receive without just indignation (and such many of your present propositions are) their hopes would soon have been blasted, and those persons, to whom offices, honours, power and commands were designed, by such ill-timing of their business, would have failed of their expectations, not without a brand upon the attempt. Therefore, before any thing of this nature should appear, they have certainly, with great wisdom in the conduct of it) thought fit to remove a troublesome rub in their way, the Law; to this end, (that they might undermine the very foundations of it) a new power hath been assumed to interpret and declare Laws without us by extemporary votes, without any care judicially before either House, (which is in effect the same thing as to make Laws without us) orders and ordinances made only by both Houses, (tending to a pure arbitrary power) were pressed upon the People as Laws, and their obedience required to them.

"Their next step was, to erect an upstart authority without us (in whom, and only in whom the Laws of this realm have placed that power) to command the Militia, (very considerable to this their design.) In farther order to it, they have wrested from us our magazine and town of Hull, and abetted Sir John Hotham in his bold-faced treason. They have prepared, and directed to the people, unprecedented invectives against our Government, thereby (as much as lay in their power) to weaken our just authority and due esteem among them; they have, as injuriously as presumptuously, (though we conceive by this time, impudence itself is ashamed of it) attempted to cast upon us aspersions of an unheard-of nature, as if we had favoured a Rebellion in our own bowels. They have likewise broached a new doctrine, that we are obliged to pass all Laws that shall be offered to us by both Houses, (howsoever our own judgment and conscience shall be unsatisfied with them) a point of policy as proper for their present business, as destructive to all our rights of Parliament, and so with strange shamelessness will forget a clause in Law still in force, made in the second year of King Henry V. wherein both Houses of Parliament do acknowledge, that it is of the King's regality to grant or deny such of their Petitions as please himself. They have interpreted our necessary guard, legally assembled, for the defence of us and our children's persons, against a traitor in open rebellion against us (1), to be with intent to levy war against the Parliament, (the thought whereof our very foul abhorreth) thereby to render us odious to our People.

"They have so awed our good Subjects with purveyants, long chargeable attendances, heavy censures, and illegal imprisonments, that few of them durst offer to present their tendernefs of our sufferings, their own just grievances, and their sense of those violations of the Law, (the birth-right of every subject in this Kingdom) tho' in an humble petition directed to both Houses; and if any did, it was stifled in the birth, called Sedition, and burnt by the common hangman.

"They have restrained the attendance of our ordinary and necessary Household Servants (2), and seized upon those small sums of money, which our credit had provided to buy us bread, with injunctions that none should be suffered to be conveyed, or returned to us to York, or any of our Peers or Servants with us; so that (in effect) they have blocked us up in that county.

"They have filled the ears of the People with the noise of fears and jealousies, (though taken up upon trust) tales of skippers, salt-fleets, and such like, by which alarms they might prepare them to receive such impressions as might best advance this design when it should be ripe. And now it seems they think we are sufficiently prepared for these bitter pills. We are in a handsome posture to receive these humble desires (which probably are intended to make way for a supererogation of a (yet) higher nature, if we had not made this dif-

covery to you) for they do not tell us this is all. In them we must observe, that these contrivers (the better to advance their true ends) disguised as much as they could their intents, with a mixture of some things really to be approved by every honest man, others, specious and popular: and some which are already granted by us, all which are cunningly twitted and mixed, with those other things of their main design of ambition and private interest; in hope, that at the first view, every eye may not so clearly discern them in their proper colour.

"We would not be understood, that we intend to fix this design upon both or either House of Parliament: We utterly profess against it, being most confident of the loyalty, good affection, and integrity of the intentions of that great Body; and knowing well, that very many of both Houses were absent, and many dissented from all those particulars we complain of: But we do believe, and accordingly profess to all the world, that the malignity of this design (as dangerous to the laws of this Kingdom, the peace of the fame, and the liberties of all our good Subjects, as to our self and our just Prerogative) hath proceeded from the subtle informations, mischievous practices, and evil counsels of ambitious turbulent spirits, disaffected to God's true Religion, and the unity of the professors thereof, our honour and safety, and the publick peace and prosperity of our People, not without a strong influence upon the very actions of both Houses. But how faulty soever others are, we shall (with God's assistance) endeavour to discharge our duty with uprightness of heart; and therefore, since these propositions come to us in the name of both Houses of Parliament, we shall take a more particular notice of every of them.

"If the 18, 24, 3d, 4th, 5th, 9th, 10th, 11th, 15th, 16th, 19th Demands, had been writ and printed in a tongue unknown to us and our People, it might have been possible, we and they might have charitably believed the Propositions to be such, as might have been in order to the ends pretended in the Petition (to wit) the establishing of our honour and safety, the welfare and security of our Subjects and Dominions, and the removing those jealousies and differences, which are said to have unhappily fallen betwixt us and our people, and procuring both us and them a constant course of honour, peace, and happiness: But being read and understood by all, we cannot but assure our self, that this proposition, joined to these Propositions, will rather appear a mockery and a scorn, the demands being such; as though we were unworthy of the trust reposed in us by the Law, and of our descent from so many great and famous ancestors, if we could be brought to abandon that power, which only can enable us to perform what we are sworn to, in protecting our People and the Laws, and so assume others into it, as to divest our self of it, although not only our present condition (which it can hardly be) were more necessitous than it is, and we were both vanquished, and a prisoner, and in a worse condition than ever the most unfortunate of our predecessors have been reduced to, by the most criminal of their Subjects. And though the bait laid to draw us to it, and to keep our Subjects from indignation at the mention of it, the promises of a plentiful and unparalleled revenue were reduced from generals (which signify nothing,) to clear and certain particulars; since such a bargain would have but too great a resemblance of that of *Esau's*, if we should part with such flowers of a Crown, as are worth all the rest of the garland, and have been transmitted to us from so many ancestors, and have been found to useful and necessary for the welfare and security of our Subjects, for any present necessity, or for any low and sordid considerations of wealth and gain. And therefore all men knowing that those accommodations are most easily made, and most exactly observed, that are grounded upon reasonable and equal conditions, we have great cause to believe, that the contrivers of these had no intention of settling any firm accommodation, but to increase those jealousies, and widen that division, which (not by our fault) is now unhappily fallen between us and both Houses.

"It is asked, that all the Lords and others of our Privy-Council, and such (we know not what you mean by such, but we have cause to think you mean all) great Officers and Ministers of State, either at home or beyond the seas, for care is taken to leave out no person or place, that our dishonour may be sure not to be bounded within this Kingdom, though no subtle insinuations at such a distance can probably be believed to have been the cause of our distractions and danger) should be put from our Privy-Council, and from those

(1) Sir John Hotham. *Repro.*

(2) The Earls of Essex and Holland. *Id.*

officers,

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 " both Houses of Parliament, how faithful soever we have
 " found them to us and the publick, and how far soever
 " they have been from offending against any Law, the
 " only rule they had, or any others ought to have, to
 " walk by. We therefore to this part of this demand
 " return you this answer, that we are willing to grant,
 " that they shall take a larger oath than your selves desire
 " in your 11th demand, for maintaining not of any part,
 " but of the whole Law. (1.)

REMARK (1.) This is said, because in the whole
 body of the Law were contained those Laws, which af-
 cribed to the King the Prerogatives they had a mind to de-
 prive him of.

" And we have and do assure you, that we will be
 " careful to make election of such persons in those places
 " of trust, as shall have given good testimony of their
 " abilities and integrities, and against whom there can be
 " no just cause of exception, wherein reasonably to ground
 " a diffidence; that if we have or shall be mistaken in
 " our election, we have and do assure you, that there is
 " no man so near to us in place or affection, whom we
 " will not leave to the justice of the Law, if you shall
 " bring a particular charge and sufficient proofs against
 " him; and that we have given you (the best pledge of
 " the effects of such a promise on our part, and the best
 " security for the performance of their duty on theirs) a
 " Triennial Parliament, the apprehension of whose justice
 " will, in all probability, make them wary how they
 " provoke it, and us wary how we charge such, as by
 " the discovery of their faults may in any degree seem to
 " discredit our election, but that without any shadow of a
 " fault objected, only perhaps because they follow their
 " consciences, and preserve the established Laws, and agree
 " not in such votes, or assent not unto such bills, as some
 " persons, who have now too great an influence even upon
 " both Houses, judge, or seem to judge to be for the pub-
 " lick good, and as are agreeable to that new *Utopia* of
 " Religion and Government, into which they endeavour
 " to transform this Kingdom (2.)

REMARK (2.) This alludes to Sir Thomas More's *Utopia*.
 " For we remember what names, and for what rea-
 " sons, you left out in the Bill offered us concerning the
 " Militia, which you had your selves recommended in
 " the ordinance. We will never consent to the displacing
 " of any, whom for their former merits from, and af-
 " fection to, us and the publick, we have intrusted; and
 " we conceive, that to do so would take away both from
 " the affection of our Servants, the care of our service,
 " and the honour of our justice; and we the more wonder
 " it should be asked by you of us, since it appears by the
 " 12th Demand, that you your selves count it reasonable,
 " after the present turn is served, that the Judges and
 " Officers who are then placed, may hold their places
 " *quandiu se bene gesserint*; and we are resolved to be
 " as careful of those we have chosen, as you are of those you
 " would choose, and to remove none till they appear to
 " us to have otherwise behaved themselves, or shall be
 " evicted by legal proceedings to have done so.

" But this demand, as unreasonable as it is, is but one
 " link of a great chain, and but the first round of that
 " ladder, by which our just, antient, regal power, is en-
 " deavoured to be fetched down to the ground. For it
 " appears plainly, that it is not with the persons now cho-
 " sen, but with our choosing, that you are displeased; for
 " you demand, that the persons put into the places and
 " employments of those who shall be removed, may be
 " approved by both Houses; which is so far (as to some at
 " first sight it may appear) from being less than the power
 " of nomination, that of two things (of which we will
 " never grant either) we would sooner be content, that
 " you should nominate, and we approve, than you ap-
 " prove, and we nominate; the mere nomination being so
 " far from being any thing, that if we could do no more,
 " we would never take the pains to do that, when we
 " should only hazard those whom we esteemed, to the
 " scorn of a refusal, if it happened not to be agreeable,
 " not only to the judgment, but to the passion, interest,
 " or humour, of the present major part of either House.

" Nor to speak now of the great factions, animosities,
 " and divisions, which this power would introduce in both
 " Houses, between both Houses, and in the several Coun-
 " ties, for the choice of persons to be sent to that place
 " where that power was, and between those persons that
 " were so chosen. Neither is this strange potion pre-
 " scribed to us only for once, for the cure of a present
 " pressing desperate disease, but for a diet to us and our
 " posterity: It is demanded, that our Counsellors, all chief
 " Officers, both of Law and State, commanders of Forts
 " and Castles, and all Peers hereafter made (as to voting,
 " without which, how little is the rest?) be approved of
 " (that is, chosen) by them from time to time; and ra-

" ther than it should ever be left to the Crown, (to
 " whom it doth and shall belong) if any place fall void
 " in the intermission of Parliament, the major part of the
 " approved Council is to approve them; neither is it
 " only demanded, That we should quit the power and
 " right our predecessors have had, of appointing per-
 " sons in these places, but for Counsellors we are to be re-
 " strained, as well in the number as in the persons, and a
 " power must be annexed to these places, which their
 " predecessors had not; and indeed, if this power was
 " passed to them, it were not fit we should be trusted to
 " chuse those who were to be trusted as much as we.

" It is demanded, that such matters as concern the pub-
 " lick, and are proper for the High Court of Parliament,
 " (which is our great and supreme Council) may be de-
 " bated, resolved, and transacted, only in Parliament,
 " and not elsewhere; and such as presume to do any thing
 " to the contrary, shall be referred to the censure and
 " judgment of the Parliament; and such other matters of
 " State, as are proper for our Privy-Council, shall be de-
 " bated and concluded, by such of our Nobility, (though
 " indeed, if being made by us, they may not vote with-
 " out the consent of both Houses, we are rather to call
 " them your Nobility) and others, as shall be from time
 " to time chosen for that place, by approbation of both
 " Houses of Parliament; and that no publick Act con-
 " cerning the affairs of the Kingdom, which are proper
 " for our Privy-Council, may be effected of any vali-
 " dity, as proceeding from the royal authority, unless it be
 " done by the advice and consent of the major part of
 " our Council, attested under their hands; which demands
 " were of that nature, that to grant them, were in effect,
 " at once to depose both our self, and our posterity.

" These being past, we may be waited on bare-headed,
 " we may have our hand kissed, the stile of Majesty con-
 " tinued to us, and the King's authority declared by both
 " Houses of Parliament, may be still the stile of your
 " commands; we may have fwords and maces carried be-
 " fore us, and please our self with the sight of a Crown
 " and Scepter; (and yet even these twigs would not long
 " flourish, when the stock upon which they grew were
 " dead) but as to true and real power, we should remain
 " but the outside, but the picture, but the sign of a King.
 " We were ever willing that our Parliament should de-
 " bate, resolve, and transact, such matters as are proper
 " for them, as far as they are proper for them, and we
 " heartily wish, that they would be as careful not to ex-
 " tend their debates and resolutions, beyond what is pro-
 " per to them, that multitudes of things punishable, and
 " causes determinable by the ordinary judicatures, may not be
 " entertained in Parliament, and so cause a long, chargeable
 " and fruitless attendance of our people, and (by degrees)
 " draw to you, as well all the causes, as all the faults, of
 " *Westminster-Hall*, and divert your proper business:
 " That the course of Law be no ways diverted, much less
 " disturbed, as was actually done by the stop of the pro-
 " ceedings against a riot in *Smithwark*, by order of the
 " House of Commons, in a time so riotous and tumultu-
 " ous, as much increased the danger of popular insolencies
 " by such a countenance to riots, and discountenance of
 " Law: That you defend not to the leaseure of recom-
 " mending Lecturers to Churches, nor ascend to the legi-
 " slative power, by commanding (the Law not having
 " yet commanded it) that they whom you recommend
 " be received, although neither the Parson nor Bishop do
 " approve of them; and that the refusers (according to
 " the course so much formerly complained of to have been
 " used at the Council-table) be not sent for to attend to
 " shew cause at least, that you would consider conveni-
 " ency, if not Law, and recommend none but who are
 " well known to you to be orthodox, learned, and mode-
 " rate, or at least such as have taken Orders, and are not
 " notorious depravers of the Book of Common-Prayer;
 " a care which appeareth by the discourses, sermons, and
 " persons of some recommended by you, not to have been
 " hitherto taken; and it highly concerns both you in
 " duty, and the Common-wealth in the consequences,
 " that it should have been taken: That neither one Estate
 " transact what is proper for two, nor two what is proper
 " for three; and consequently, that (contrary to our de-
 " clared will) our forts may not be seized, our arms may
 " not be removed, our monies may not be stoped, our legal
 " directions may not be countermanded by you, nor we
 " desire to countermand them our self; nor such entran-
 " ces made upon a real war against us, upon pretence of
 " an imaginary war against you, and a chimera of neces-
 " sity. So far do you pass beyond your limits, whilst
 " you seem by your demand, to be strangely straitened
 " within them; at least we could have wished, you would
 " have exprest what matters you meant as fit to be
 " transacted only in Parliament, and what you meant by
 " only in Parliament.

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" You have of late been persuaded, by the new doctrine of some few, to think that proper for your debates, which hath not used to be at all debated within those walls, but are trusted wholly with our predecessors and us; and to transact those things, which, without the regal authority, since there were Kings of this Kingdom, were never transacted: It therefore concerns us the more, that you speak out, and that both we and our People may either know the bottom of your demands, or know them to be bottomless. What concerns more the publick, and is more (indeed) proper for the High-Court of Parliament, than the making of Laws, which not only ought there to be transacted, but can be transacted no where else? But then you must admit us to be a part of the Parliament; you must not (as the sense is of this part of the demand, if it have any) deny the freedom of our answer, when we have as much right to reject what we think unreasonable, as you have to propose what you think convenient or necessary: nor is it possible our answers, either to Bills, or any other propositions, should be wholly free, if we may not use the liberty of every one of you, and of every Subject, to receive advice (without their danger who shall give it) from any person, known or unknown, sworn or unsworn, in these matters, in which the manage of our vote is trusted by the Law, to our own judgment and conscience; which how best to inform, is (and ever shall be) left likewise to us: And most unreasonable it were, that two Estates proposing something to the third, that third should be bound to take no advice, whether it were fit to pass, but from those two that did propose it. We shall ever in these things, which are trusted wholly to us by the Law, not decline to hearken to the advice of our great Council, and shall chuse to hear willingly the free debates of our Privy-Council, (whenever we may be suffered to have them for sending for, and they shall not be terrified from that freedom by votes, and brands of malignants and enemies to the State, for advising what no Law forbids to advise) but we will retain our power, of admitting no more to any Council than the nature of the business requires, and of discoursing with whom we please, of what we please, and informing our understanding by debate with any persons, who may be well able to inform and advise us in some particulars, though their qualities, education, or other abilities, may not make them so fit to be of our sworn Council; and not tie our self up not to hear any more than twenty five (and these not chosen absolutely by us,) out of a Kingdom so replenished with judicious and experienced persons of several kinds. And though we shall (with the proportionable consideration due to them) always weigh the advices both of our Great and Privy-Council, yet we shall also look upon their advices as advices, not as commands or impositions; upon them as our counsellors, not as our tutors and guardians; and upon our self as their King, not as their pupil or ward: For whatsoever of Regality were, by the modesty of interpretation, left us, in the first part of the second demand, as to the Parliament, is taken from us in the second part of the same, and placed in this new-fangled kind of Counsellors, whose power is such, and so expressed by it, that in all publick Acts concerning the affairs of this Kingdom, which are proper for our Privy-Council, (for whose advice all publick Acts are sometimes proper, though never necessary) they are desired to be admitted joint Patentees with us in the Regality; and it is not plainly expressed, whether they mean us so much as a single vote in these affairs; but it is plain, they mean us no more at most, than a single vote in them, and no more power than every one of the rest of our Privy-Counsellors only leave to us, out of their respect and duty, (and that only is left of all our ancient power) a choice, whether these that are thus to be joined with (or rather set over) us, shall be fifteen or twenty five: And great care is taken, that the oath which these men shall take, shall be such, in the framing the form of which (though sure we are not wholly unconcerned in it) we may be wholly excluded, and that wholly reserved to be agreed upon by both Houses of Parliament.

" And to shew that no more care is taken of our safety, than of our power, after so great indignities offered to us, and countenanced by those who were most obliged to resist them: After our town and fort kept from us, (from which, if it were no otherwise ours, than the whole Kingdom is, we can no more legally be kept out, than out of our whole Kingdom, which sure your selves will not deny to be treason) our arms, our goods sent away, and our money robbed from us, our guards (in which we have no other intention, than to hinder the end of these things from being proportionable to their

" beginnings) are not only desired to be dismissed, before satisfaction for the injury, punishment of the injurers, and care taken for our future security from the like. But it is likewise desired (and for this, Law is pretended, and might as well have been for the rest, which yet with some ingenuity, are it seems acknowledged to be but desires of grace) that we shall not for the future raise any guards, or extraordinary forces, but in case of actual rebellion or invasion; which if it had been Law, and so observed in the time of our predecessors, few of those victories, which have made these nations famous in other parts, could have been legally achieved: Nor could our blessed predecessor Queen Elizabeth, have so defended herself in eighty eight. And if no forces must be levied till rebellions and invasions (which will not stay for the calling of Parliaments, and their consent for raising of forces) be actual, they must undoubtedly (at least most probably) be effectual and prevalent.

" And as neither care is taken for our rights, Honour nor safety, as a Prince; so our rights, as a private person, are endeavoured to be had from us; it being asked, that it may be unlawful and punishable, not only to conclude, but even to treat of any marriage with any person for our own children, or to place governors about them, without consent of Parliament; and in the intermission of these, without the consent of our good Lords of the Council; that we may not only be in a more despicable state than any of our predecessors, but in a meaner and viler condition than the lowest of our Subjects, who value no liberty they have more, than that of the free education and marriage of their children, from which we are asked to debar our self; and have the more reason to take it ill that we are so, because of our choice of a governor for our Son, and a husband for our Daughter, (in which the Protestant Religion was our principal consideration) we conceived we had reason to expect your present thanks, and the increase of your future trusts.

" We suppose these demands by this time to appear such, as the demanders cannot be supposed to have any such real fear of us, as hath been long pretended; they are too much in the title, not only of equals, but of conquerors; and as little to be intended for removing of jealousies, (for which end they are said to be asked; and that is not as Merchants ask at first, much more than they will take, but as most necessary to effect it, which (if they be) God help this poor Kingdom, and those who are in the hands of such persons, whose jealousies nothing else will remove) which indeed is such a way, as if there being differences and suits between two persons, whereof one would have from the other several parcels of his ancient Land, he should propose to him, by way of accommodation, that he would quit to him all those in question, with the rest of his estate, as the most necessary and effectual means to remove all those suits and differences: But we call God to witness, that as for our Subjects sake these rights are vested in us, so, for their sakes, as well as for our own, we are resolved not to quit them, nor to subvert (though in a parliamentary way) the ancient, equal, happy, well-poised, and never-enough commended constitution of the government of this Kingdom; nor to make our self of a King of England, a Duke of Venice, and this of a Kingdom, a Republick.

" There being three kinds of Government among men, absolute Monarchy, Aristocracy, and Democracy; and all these having their particular conveniencies and inconveniencies; the experience and wisdom of our ancestors, hath so moulded this out of a mixture of these, as to give to this Kingdom (as far as human prudence can provide) the conveniencies of all three, without the inconveniencies of any one, as long as the balance hangs even between the three Estates, and they run jointly on in their proper channel, (begging verdure and fertility in the meadows on both sides) and the overflowing of either on either side, raise no deluge or inundation. The ill of absolute Monarchy, is tyranny; the ill of Aristocracy, is faction and division; the ill of Democracy, are tumults, violence, and licentiousness. The good of Monarchy, is the uniting a nation under one Head, to resist invasion from abroad, and insurrection at home: The good of Aristocracy, is the conjunction of Council in the ablest persons of a State for the publick benefit: The good of Democracy, is liberty, and the courage and industry which liberty begets.

" In this Kingdom, the Laws are jointly made by a King, by a House of Peers, and by a House of Commons, chosen by the People, all having free votes and particular privileges. The Government, according to these Laws, is trusted to the King; power of Treasures of War, and Peace, or making Peers, of choosing Officers

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1642. "Officers and Counsellors for State, Judges for Law; Commanders for Forts and Castles; giving Commissions for raising men; to make war abroad, or to prevent or provide against invasions or infurrections at home; benefit of Confiscations, power of pardoning, and some more of the like kind are placed in the King. And this kind of regulated Monarchy, having this power to preserve that authority, without which it would be disabled to preserve the Laws in their force, and the Subjects in their liberties and properties, is intended to draw to him such a respect and relation from the great ones, as may hinder the ills of division and faction; and such a fear and reverence from the People, as may hinder tumults, violence, and licentiousness.

"Again, That the Prince may not make use of this high and perpetual power to the hurt of those for whose good he hath it; and make use of the name of *publick Necessity*, for the gain of his private favourites and followers, to the detriment of his People, the House of Commons, (an excellent conservator of liberty, but never intended for any share in Government, or the chusing of them that should govern) is solely intrusted with the first propositions concerning the levies of monies, (which is the sinews as well of peace as of war) and the impeaching of those, who for their own ends, though countenanced by any surreptitiously gotten command of the King, have violated that Law, which he is bound (when he knows it) to protect; and to the prosecution of which they were bound to advise him, at least not to serve him in the contrary. And the Lords being trusted with a judicatory power, are an excellent screen and bank between the Prince and People, to assist each against any encroachments of the other; and by just judgments to preserve that Law, which ought to be the rule of every one of the three. For the better enabling them in this, beyond the examples of any of our ancestors, we were willingly contented to oblige our self, both to call a Parliament every three years, and not to dissolve it in fifty days: And for the present exigent, the better to raise money, and to avoid the pressure, (no less grievous to us than them) our People must have suffered by a longer continuance of so vast a charge as two great armies; and for their greater certainty of having sufficient time to remedy the inconveniences arisen, during so long an absence of Parliaments, and for the punishment of the causers and ministers of them, we yielded up our right of dissolving this Parliament, expecting an extraordinary moderation from it, in gratitude for so unexampled a grace, and little looking that any malignant party should be encouraged, or enabled to have perverted them, first, to countenance the injustices and indignities we have endured, and then by a new way of satisfaction for what was taken from us, to demand of us at once to confirm what was so taken, and to give up almost all the rest.

"Since therefore the power, legally placed in both Houses, is more than sufficient to prevent and restrain the power of tyranny; and without the power, which is now asked from us, we shall not be able to discharge that trust, which is the end of monarchy, since this would be a total subversion of the fundamental laws, and that excellent constitution of this Kingdom, which hath made this nation, so many years, both famous and happy to a great degree of envy; since to the power of punishing, (which is already in your hands according to law) if the power of preferring be added, we shall have nothing left for us but to look on; since the encroaching of one of these Estates upon the power of the other, is unhappy in the effects, both to them and all the rest; since this power, of at most a joint Government in us with our counsellors (or rather our guardians) will return us to the worst kind of minority, and make us despicable both at home and abroad, and beget eternal factions and dissensions (as destructive to publick happiness as war) both in the chosen, and in the Houses that chose them, and the People who chose the chusers; since to new a power will undoubtedly intoxicate persons who were not born to it, and beget not only divisions among them as equals, but in them contempt of us, as become an equal to them, and insolence and injustice toward our People, and now so much their inferiors, which shall be the more grievous unto them, as suffering from those who were so lately of a nearer degree to themselves: And being to have redress only from those that placed them; and fearing they may be inclined to preserve what they have made, both out of kindness and policy, since all great changes are extremely inconvenient, and almost infallibly beget yet greater changes, which beget yet greater inconveniences.

"Since as great an one in the Church, must follow this No. 66. Vol. II.

1642. "of the Kingdom; since the second Estate would in all probability follow the fate of the first, and by some of the turbulent spirits, jealousies would soon be raised against them, and the like propositions for reconciliation of differences would be then sent to them, as they now have joined to send to us till full power being veiled in the House of Commons, and their number making them incapable of transacting affairs of State with the necessary service and expedition, those being entrusted to some close Committee) at last the common people (who in the mean time must be flattered, and to whom licence must be given in all their wild humours, how contrary soever to established Law, or their own real good) discover this *Arcanum Imperij*. That all this was done by them, but not for them; and grow weary of journey-work, and set up for themselves, call parity and independence Liberty; devour that Estate which had devoured the rest; destroy all rights and properties, all distinctions of families and merit; and by this means this splendid and excellently distinguished form of Government, end in a dark equal chaos of confusion, and the long line of our many noble ancestors in a *Jack Cade*, or a *Wat Tyler*.

"For all these reasons, to all these demands our answer is, *Nolumus Leges Anglice mutari*: But this we promise, that we will be as careful of preserving the Law, in what is supposed to concern wholly our Subjects, as in what most concerns our self: For indeed we profess to believe, that the preservation of every Law concerns us, those of obedience being not secure, when those of protection are violated; and we being, most of us, injured in the least violation of that, by which we enjoy the highest rights and greatest benefits, and are therefore obliged to defend no less by our interest, than by our duty, and hope that no jealousies to the contrary shall be any longer nourished in any of our good people, by the subtle insinuations, and secret practices of men, who, for private ends, are disaffected to our honour and safety, and the peace and prosperity of our People. And to shew you, that no just indignation at so reproachful offers, shall make us refuse to grant what is probable to conduce to the good of our good People, because of the ill company it comes in, we will search carefully in this heap of unreasonable demands, for so much as we may (complying with our conscience, and the duty of our trust) assent unto, and shall accordingly agree to it.

"In pursuance of which search in the fourth proposition, under a demand, which would take from us that trust, which God, Nature, and the Laws of the Land have placed in us, and of which none of you could endure to be deprived, we find something to which we give this answer. That we have committed the principal places about our children to persons of quality, integrity and piety, with special regard that their tender years might be so seasoned with the principles of the true Protestant Religion, as (by the blessing of God upon this our care) this whole Kingdom may in due time reap the fruits thereof: And as we have been likewise very careful in the choice of servants about them, that none of them may be such, as by ill principles, or by ill examples, to cross our endeavors for their pious and virtuous education; so if there shall be found (for all our care to prevent it) any person about our children, (or about us, which is more than you ask) against whom both Houses shall make appear to us any just exceptions, we shall not only remove them, but thank you for the information; only we shall expect that you shall be likewise careful, that there be no underhand dealing by any, to seek faults, to make room for others to succeed in their places.

"For the fifth demand, as we will not suffer any to share with us in our power of treaties, which are most improper for Parliaments, and least of all in those treaties in which we are nearest concerned, not only as a King, but as a Father; yet we do (such is our desire to give all reasonable satisfaction) assure you by the word of a King, that we shall never propose or entertain any treaty whatsoever for the marriage of any of our children, without due regard to the true Protestant Profession, the good of our Kingdom, and the honour of our Family.

"For the sixth demand, concerning the Laws in force against Jesuits, Priests, and Popish Recusants, we have, by many of our messages to you, by our voluntary promises to you so solemnly made, never to pardon any Popish Priest, by our strict Proclamations lately published in this point, and by the publick examples which we have made in that case since our residence at *Tor*, and before at *London*, sufficiently expressed our zeal herein. Why do you then ask that in which our own inclination hath prevented you? And if you can yet

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" find any more effectual course to disable them from disturbing the State, or eluding the Law by trust, or otherwise, we shall willingly give our consent to it.

" For the seventh demand, concerning the votes of the Popish Lords; we understand, that they in discretion have withdrawn themselves from the service of the House of Peers, (and had done so when use was publicly made of their names to asperse the votes of that House, which was then counted as malignant, as those, who are called our unknown and unworn counsellors, are now;) neither do we conceive, that such a positive Law against the votes of any whose blood gives them that right, is so proper in regard of the Privilege of Parliament, but are content, that so long as they shall not be conformable to the Doctrine and Discipline of the Church of England, they shall not be admitted to sit in the House of Peers, but only to give their proxies to such Protestant Lords as they shall choose, who are to dispose of them as they themselves shall think fit, without any reference at all to the giver.

" As to the desires for a bill for the education of Papists by Protestants in the Protestant Profession, many about us can witness with us, that we have often delivered our opinion, that such a course (with God's blessing upon it) would be the most effectual for the rooting Popery out of this Kingdom; we shall therefore thank you for it, and encourage you in it, and when it comes unto us, do our duty: And we heartily wish for the public good, that the time you have spent in making ordinances without us, had been employed in preparing this and other good bills for us.

" For the eighth, touching the reformation to be made of the Church-Government and Liturgy, we had hoped, that what we had formerly declared concerning the same, had been so sufficiently understood by you, and all good Subjects, that we should not need to have exprest our self further in it. We told you in our answer to your petition, presented to us at Hampton-Court the first of December, that for any illegal innovations which may have crept in, we should willingly concur in the removal of them; and if our Parliament should advise us to call a national Synod, which may duly examine such ceremonies as give just cause of offence to any, we should take it into consideration, and apply our self to give due satisfaction therein; that we were persuaded in our conscience, that no Church could be found upon the earth, that professeth the true Religion with more purity of Doctrine than the Church of England doth, nor where the Government and Discipline are jointly more beautified, and free from superstition, than as they are here established by Law. Which, (by the grace of God) we will with constancy maintain (while we live) in their purity and glory, not only against all invasions of Popery; but also from the irreverence of those many schismatics and separatists, wherewith of late this Kingdom, and our city of London abounds, to the great dishonour and hazard both of Church and State; for the suppression of whom we required your timely and active assistance. We told you in our first Declaration, printed by the advice of our Privy-Council, *That for differences amongst our selves for matters indifferent in their own nature concerning Religion, we should, in tenderness to any number of our loving Subjects, very willingly comply with the advice of our Parliament, that some Laws might be made for the exemption of tender consciences from punishment, or prosecution for such ceremonies, and in such cases, which by the judgment of most men are held to be matters indifferent, and of some to be absolutely unlawful; provided that this ease should be attempted and pursued with that modesty, temper, and submission, that in the mean time the peace and quiet of the Kingdom be not disturbed, the decency and comeliness of God's service discommenced, nor the pious, sober, devout actions of those reverend Persons who were the first labourers in the blessed Reformation, or of that time, be scandalized and defamed.* And we heartily wish, that others whom it concerned, had been as ready as their duty bound them, though they had not received it from us, to have pursued this caution, as we were, and still are willing and ready to make good every particular of that promise. Nor did we only appear willing to join in so good a work, when it should be brought us, but pressed and urged you to it by our message of the 14th of February, in these words: *And because his Majesty observes great and different troubles to arise in the hearts of People, concerning the Government and Liturgy of the Church, his Majesty is willing to declare, that he will refer the whole consideration to the wisdom of his Parliament, which he desires them to enter into speedily, that the present distractions about the same may be composed; but desires not to be pressed to any single act on his part, till the whole be so digested and settled by both Houses, that*

his Majesty may clearly see what is fit to be left, as well as what is fit to be taken away: Of which we the more hoped of a good success to the general satisfaction of our People, because you seem in this proposition to desire but a Reformation, and not, as is daily preached for as necessary in those many conventicles, which have within these nineteen months begun to swarm, and which, though their leaders differ from you in this opinion, yet appear to many as countenanced by you, by not being punished by you (few else, by reason of the order of the House of Commons of the 9th of September, daring to do it) a destruction of the present Discipline and Liturgy. And we shall most cheerfully give our best assistance for raising a sufficient maintenance for preaching Ministers, in such course as shall be most for the encouragement and advancement of piety and learning.

" For the Bills you mention, and the consultation you intimate, knowing nothing of the particular matters of the one (though we like the titles well) nor of the manner of the other, but from an informer, (to whom we give little credit, and we wish no man did more) common fame, we can say nothing till we see them.

" For the eleventh, we would not have the oath of all Privy-Counsellors and Judges straitened to particular Statutes of one or two particular Parliaments, but extend to all Statutes of all Parliaments, and the whole Law of the Land; and shall willingly consent, that an enquiry of all the breaches and violations of the Law may be given in charge by the Justices of the King's Bench every term, and by the Judges of Assize in their circuits, and Justices of the Peace at the Sessions, to be presented and punished according to Law.

" For the seventeenth, we shall ever be most ready, (and we are forry it should be thought needful to move us in it) not only to join with any (particularly with the States of the United Provinces, of which we have given a late proof in the match of our Daughter) for the defence and maintenance of the Protestant Religion against all designs and attempts of the Pope and his adherents; but singly (if need were) to oppose with our life and fortune all such designs in all other nations, were they joined: And that for considerations of conscience, far more than any temporal end of obtaining access of strength and reputation, or any natural end of restoring our Royal Sister and her Princely Issue to their dignities and dominions, though they be likewise much considered by us.

" For the eighteenth, it was not our fault that an Act was not passed to clear the Lord Kimbolton, and the five Members of the House of Commons, but yours, who inserted clauses into both the preamble and Act, (perhaps persuaded to it by some who with not that you should in any thing receive satisfaction from us) as by passing the preamble, we must have wounded our honour against our conscience, and by another clause have admitted a consequence, from which we could never have been secured, by declaring, that no member of either House, upon any accusation of treason, could have his person seized without the consent of that House of which he is a member; though the known Law be, *That Privilege of Parliament extends not to Treason*; and if it did, any member (the House being for a short time adjourned, and so their consent not being so had) how treasonable soever his intentions were, how clearly soever known, and how suddenly soever to be executed, must have fair leave given him to go on, and pursue them; no way, how legal soever, after the passing such a clause, being left to prevent it. (3.)

R. m. (3.) The King, in showing the inconveniencies of this clause, lays down a case different from that of the six members accused. For he supposes, to demonstrate these inconveniencies, that the treason is manifest, and just going to be executed. Whereas the difference between the King and the Parliament consisted, in that the Parliament desired to see the proofs, before they consented to the prosecution of their Members. Besides, this maxim, that the privileges of Parliament extend not to treasonable cases, is very ambiguous. For it may signify, either that in case of real, manifest, or apparent treason, the members of Parliament have no more privilege than the rest of the Subjects, or else that by a bare accusation of treason, true or false, a Member may be committed to prison like any other private person. The King took it, and would have it taken, in this last sense, but the Parliament would admit it only in the first. But that the King's sense was wrong, evidently appears, in that when, for instance, a Peer is accused of treason, he is not sent to the Tower, according to the usual course of Justice, as a private person would be, but by order of his House, which thinks proper to consent to his prosecution. Without this consent, the King cannot send him to the Tower by his own authority,

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"To conclude, we conjure you, and all men, to rest satisfied with the truth of our professions, and the reality of our intentions, not to ask such things as deny themselves; that you declare against tumults and punish the authors; that you allow us our property in our towns, arms and goods, and our share in the legislative power, which would be counted in us not only breach of privilege, but tyranny and subversion of Parliaments, to deny to you. And when you shall have given us satisfaction upon those persons who have taken away the one, and recalled those Declarations (particularly that of the 26th of May) and those in the point of the Militia (our just rights, wherein we will no more part with than with our Crown, lest we enable others by them to take that from us) which would take away the other, and declined the beginnings of a war against us, under pretence of our intention of making one against you; as we have never opposed the first part of the thirteenth demand, so we shall be ready to concur with you in the latter.

"And being then confident, that the credit of those men, who desire a general combustion, will be so weakened with you, that they will not be able to do this Kingdom any more harm, we shall be willing to grant our general pardon, with such exceptions as shall be thought fit, and shall receive much more joy in the hope of a full and constant happiness of our People in the true Religion, and under the protection of the Law, by a blessed union between us and our Parliament (so much desired by us) than any such increase of our revenue, (how much soever beyond former grants) as (when our Subjects were wealthiest) our Parliament could have settled upon us."

I shall make but one general remark upon this answer of the King, and which to me seems absolutely necessary, namely, that all the beginning, which includes two thirds, is entirely needless, since the King treats not of the point in dispute between him and the Parliament. The question was not to know, whether the Laws ascribed such and such power to the King, but to know, whether the King having abused this power, his promise, that he would govern according to the Law of the Land, was to be depended upon for the future. The King, throughout the beginning of his answer, supposes an ignorance of what is due to a King of England, or a careless denial of the same. As to the first point, he pretends to acquaint the publick with the nature of the English Constitution, which was very needless, since no body disagreed with him. He keeps to the general position acknowledged by all the world, but says not a word to the particular question, which was the sole subject of the dispute. As to the second point, he does not deny that he had abused his Power, but makes no other answer to the consequence drawn by the Parliament from this abuse, than that he promises to behave better for the future.

It is easy to see, that neither the Parliament's proposition, nor the King's answer, were proper to beg an accommodation. Accordingly, it may be affirmed, that neither side thought of any such thing. When the King published his answer, he had received some arms, ammunition, and pieces of Ordnance from Holland, and besides that, was preparing to besiege Hull. Though great part of the arms were now removed to London, he hoped still to find there sufficient for his most urgent occasions. Moreover, this place, which was one of the strongest in the Kingdom, could be of great service to him, to keep the adjacent Country in his interest.

On the other hand, the Presbyterian party, who then prevailed in the Parliament, had almost attained their desire, that is, had brought things to a rupture, which gave them room to hope, they should quickly have opportunity to accomplish the rest of their project. Indeed, this rupture between the King and the Parliament being supposed, it was manifest, the Kingdom was to be governed by the Parliament and the King, separately, and not jointly, as before, that is, they would each govern those of their party; in which case, the Parliament would have no more occasion for the King's consent, who would be looked upon as an enemy, and consequently, they might ordain whatever they pleased, without any opposition. This was precisely the point to which all the proceedings of the Presbyterian party had tended, without their discovering them-

selves however, any more than was necessary to support the expectations of their adherents. For till now it highly concerned them to make the Publick, and the Members who were not of their side, believe, that they acted in conjunction with the other Members, only with the view of vindicating the common Liberty, against the encroachments of the King.

It is certain, that from the beginning, there was in this Parliament, a Presbyterian party, whose aim was to alter the Church-government. But that this was the sole aim of the Presbyterians, as many assert, is what does not to me appear evident. Why might not these men, in striving to erect their discipline upon the ruins of the Church, have another end, I mean, the prevention of the King's and his party's encroachments upon the publick Liberty? There were, certainly, in this very Parliament, Members who were very far from being Presbyterians, and yet had the same end: Why might not the Presbyterians have it too, jointly with that which was peculiar to them? Is it so uncommon a thing, to see people propose to themselves two different ends, in one and the same undertaking? I confess, I do not see the improbability of such a supposition. The Presbyterian party therefore must be considered as acting with those two views, and this is so true, that undeniable proofs of it will appear in the sequel of this reign. But their enemies have been pleased to ascribe to them the first only, in order to charge them with putting the Kingdom in a flame, for the sake of establishing the Presbyterian Government in the Church. I do not deny, that this motive contributed very much to it. But it does not follow, that the reasons on which the Parliament refused to confide in the King, were frivolous. The contrary may be rather inferred. For if these reasons had been able to execute their projects, and form so strong a party in a Kingdom, where, at the beginning of this Parliament, they made so inconsiderable a figure. But they politically made use of the general discontent, which actually subsisted, to bring matters to the point they desired. They cannot be said to have caused this universal discontent, though it is certain, they helped to inflame it, because it was necessary to their views.

The Parliament having received advice from Holland, Order of the that the Queen had pawned or sold some of the Crown-Jewels at Amsterdam, published the 2d. of June, an order, declaring, that whoever was concerned in the selling or pawning these Jewels, or in the bringing any money to Jewels, the King, by way of bill of exchange, or otherwise, should be accounted an enemy to the State. But the Queen had already laid out the money in purchasing arms and ammunition, which she had conveyed to the King, in a small Ship called the *Presidence*, which, the very day the Parliament published this order, safely arrived in *Barlinton Bay*, after having been warmly pursued by part of the Parliament's fleet, commanded by the Earl of *Warwick* (1). Some time before, the King finding a war unavoidable, had ordered his friends in both Houses, to absent themselves from the Parliament. He hoped, by lessening so considerably the number of the Members, to lessen the credit of the Parliament. But this policy turned not to his advantage. It is true, both Houses were considerably lessened in number. But withal, the King's party there grew so weak, that they could no longer oppose the resolutions taken against the King. Though the two Houses were not sorry to be rid of these spies, they believed however, it was necessary to take some measures, either to hinder a greater desertion, or to convince the people, it was not their fault if the Parliament was not so numerous as hitherto. The Commons therefore ordered all the Sheriffs of the Kingdom, to give notice to the Representatives, to attend the House by the 16th of June, on the forfeiture of one hundred pounds, (to be employed in the wars in Ireland) and on pain of undergoing such farther punishment as the House should think fit.

But the Lords went still farther, for they ordered nine of their Members (2), who had repaired to the King at York, to appear at the bar the 8th of June as Delinquents. These nine Lords having sent their excuse by a letter, July 20. the Commons forthwith prepared an impeachment against them, and sent it up to the Lords. The 27th of the same month (3), the Peers pronounced sentence against the nine Lords, declaring, they should not sit or vote in the House during the present Parliament, and should stand committed to the Tower during the pleasure of the House.

These were little pretudes to the war which was going to be kindled. But the 10th of June, both Houses gave

The Motives of the Presbyterians in this Rupture.

(1) The *Presidence* ran ashore upon *Helders' Cuff* in *Kensington Creek*. Arms and Ammunition. *Rushworth*, Tom. 4. p. 601. Two or three thousand Arms, and two hundred Barrels of Gun-powder, says *L. E. Clarendon*. Tom. 1. p. 521.

(2) *Spencer Compton* Earl of *Northampton*, *William Cavendish* Earl of *Devonshire*, *Robert Cary* Earl of *Monmouth*, and *Henry Cary* Earl of *Down*; And *Lord Rich*, *Charles Howard* Lord *Arundel*, *Charles Lord Grey of Rutland*, *Thomas Lord Grenville*, and *Arthur Lord Capel*. *Rushworth*, Tom. 4. p. 737. *T. May*.

(3) On the 25th of July. *Rushworth*, Tom. 4. p. 742.

1642 a more evident proof of their design; for upon receiving advice, that the King was actually giving out Commissions to levy forces, they published proposals for the bringing in of money or plate, [at eight per cent] for the defence of the Kingdom (1). This is what the King's friends will have to be considered as the first declaration of war on the Parliament's side, and pretend thereby to show, that both Houses were the aggressors. But it is certain, the King, long before, had taken measures to prepare for war, and there is no doubt the Parliament had done the same, though perhaps more secretly than the King. Be this as it will, after having seen what were the true grounds and causes of the war, it seems of little moment to know, which of the two parties first discovered the measures taken, whether to attack or defend. For that at most is the meaning of the question, *Which of the parties began the war?*

The King having notice of what the Parliament had done for the speedy raising of money, wrote to the Lord Mayor of London, commanding him to publish his Letter, wherein he forbid the Citizens to lend any money to both Houses. This letter occasioned their publishing a Declaration, the aim whereof was to show the people, that the Parliament was under an absolute necessity of preparing for their defence. They said, his Majesty having so often threatened them about Hull and the Militia, they could not but consider his preparations as a design to levy war against his Parliament.

The King made to this Declaration a long answer, full of reproaches of the illegal proceedings of both Houses against him. He did not deny, that he intended to have justice in the cases of Hull and the Militia, or lose his life in requiring it; and affirmed, that this was no proof of a design to make war against the Parliament, but only of his intention to defend himself against their attacks. The Parliament said the same thing on their part, and each endeavored to cast the blame of the war on the opposite party. I did not think it necessary to insert these last Papers, there being nothing new in them. They contain the same reproaches, and the same vindications on both sides, as were seen in the former Declarations. I shall only observe, that even when the war was going to commence, and there was no more hopes of an accommodation, the King thought it very strange, that his prerogatives should be violated, and the Parliament raise forces without his approbation. He always used the same stile, even in the very midst of the war. In short, the Parliament, weary of these paper skirmishes, of which there was no end, and which consumed a great deal of time, prohibited, by a printed order, the publishing any declarations or papers in the King's name, that should be contrary to the ordinances of the Parliament. After that, there was no hope of peace, and accordingly, all thoughts of it were laid aside by both parties.

The King, before he came to an open declaration, had a mind to execute two designs he had formed. The first was, to become master of the Fleet; the second, to besiege Hull. The project of the Fleet was solely founded in the expectation, that the Captains of the Ships would declare for him as soon as commanded. In this belief, he writ to each Captain in particular, requiring him, without delay, and without demanding the orders of his superiors, to bring away his Ship to Burlington Bay, and yield no further obedience to the Earl of Warwick. He sent withal a letter to the Earl of Warwick, to discharge him from the command of the Fleet. The letters to the Captains were to be delivered, as indeed they were, before that directed to the Earl of Warwick. The King dispatched at the same time a messenger to London, to carry to the Earl of Northumberland a revocation of his commission of Admiral, under the Great Seal. The Earl of Warwick, who was then on shore, having notice of what passed in the Fleet, went immediately on board his Ship, and summoned all the Captains to attend him at a Council of War. All obeyed, notwithstanding the King's orders, except five, who united together to make their defence, in case they should be attacked. The rest protested to their Admiral, they would obey his commands. As soon as he had secured these last, he caused them to come to an anchor round the five others, to force them to submit. But three of them thought fit to come in upon a summons. The two that

still remained obstinate, suffered themselves to be shamefully taken by unarmed boats, and were sent to London. Thus the King was disappointed of his aim, for which, though of great importance, he had not doubtless taken very proper measures, as appeared by the event (2).

After this fruitless attempt, the King believed it in vain to dissemble any longer, and that he must at last begin the war. To that end, he ordered [William Cavendish] Earl of Newcastle to secure the town of Newcastle; which was performed, though with some difficulty, and then he caused also Tinsmouth Castle to be seized. At the same time, he sent many Lords and Gentlemen into their respective shires to levy forces, and by a Patent under the Great Seal, appointed [William Seymour] Earl of Hertford, his Lieutenant-General of the western Counties. He kept near his person [Robert Burt] Earl of Lindford, to be, under him, General of his army. Sir Jacob Ashley was General of the Foot; and the place of General of the Horse, was reserved for Prince Rupert, the King's nephew, and brother to the Elector Palatine, who was daily expected.

Though the King had pretended to raise only a guard for his person, it was found however, that in the beginning of July, he had about three thousand Foot, and seven or eight hundred Horse, with which he resolved to march to Hull. He stayed some days at Brerby, and published a Proclamation, to signify his intention to besiege Hull, and the reasons that induced him thereto. As they have already been mentioned, it is needless to repeat them. Three days after, he sent the Proclamation to the Parliament, with a message, requiring them, that the town of Hull might be forthwith delivered to him.

Before the Parliament received this message, they had resolved to present a Petition to his Majesty, to pray him, in a very humble manner, to forbear all preparations for war; to remove his forces from about Hull; to dismiss his troops; to send away his garrisons from Newcastle, Tinsmouth, and other places; for which they promised also, on their part, to discontinue all the preparations they had been forced to make for their defence. The King returned a long answer in writing to this Petition, wherein he repeated great part of what he had said in his Declarations. He made likewise some propositions to both Houses, allowing them to the 27th of July for a full and positive answer.

The Parliament having returned an unsatisfactory answer to the propositions, the King resolved to begin the siege of Hull. But this enterprise was so unsuccessful, that after having been some time before the town, without making any progress, he was obliged to raise the siege, or rather blockade, and return to York. The Earl of Clarendon says, the King undertook the siege of Hull, upon the assurance given him by Sir John Hotham, that he would surrender the town at the first shot, but that it was not possible for Hotham to perform his word (3).

The King, as I before said, had, some months since, gained Colonel Goring Governor of Portsmouth, who feigning to keep the place for the Parliament, held it indeed for the King. He received money from both sides, to reinforce the garrison and raise new works, the Parliament not mistrusting him, and the King relying on him. At last, about the time the King was before Hull, Goring openly declared for him. This happened in the beginning of August, but three weeks after the Parliament had issued orders for levying an army, to be commanded by [Robert Devereux] Earl of Essex (4). This army not being yet ready, both Houses, though astonished at Goring's defection, were not however discouraged. As it was of the utmost importance to recover this place, the strongest

in the Kingdom, before the King should be able to relieve it, they hastily dispatched a committee, whom they empowered to assemble the Militia of the neighbouring counties, to block up Portsmouth by land, whilst the Earl of Warwick, by their order, blocked it up by Sea. Happily for the Parliament, Goring, though he had received from them three thousand pounds, and the like sum from the King, had neglected to lay in the necessary provisions for a siege, and particularly corn and salt, so that in the very beginning of the blockade, he perceived, he could not resist long. This made him resolve to capitulate. He fur-

(1) They pretended, That their design was only to maintain the Protestant Religion, the King's Authority and person in his Royal Dignity, the free course of Justice, the Laws of the Land, the Peace of the Kingdom, and Privileges of the Parliament. *Richmond*, Tom. 4. p. 745. 747. So ready were the People to comply with the Parliament's proposals, that the Sum brought in, including Plate, &c. amounted to above eleven Millions. *Dugdale's View*, p. 96.

(2) Sir John Pennington, it seems, having resolved to undertake the business, each Captain, as is before said, had orders to bring every his Ship; but Pennington altering his mind, the dispatches were altered too, and the Captains were commanded in their Letters to follow Pennington's orders, who not coming time enough, the project came to nothing. Had the first Letters gone, the five Ships above-mentioned might have got off. *Clarendon*, Tom. 1. p. 583, 584.

(3) The Lord Digby coming privately to the King at York, beyond Sea, and not finding matters as he expected, resolved to go back to the Queen, and thence the supply of Arms, but was taken at Sea by the Ships that were chasing the *Frederick*, and brought disguised like a Frenchman into Hull, where discovering himself to Sir John Hotham, he prevailed with him, according to the Lord Digby's, to promise to surrender the Town, if the King would come before it, and make but one Shot. And thus, he says, induced the King to march to Brerby, in order to besiege Hull, before he had any thing in readiness for such an enterprise. *Clarendon*, Tom. 1. p. 546, 547.

(4) And Francis Russell Earl of Bedford, was, on July 14, appointed General of the Horse. *Richmond*, Tom. 4. p. 736.

1642. rendered the place to the committee, only for liberty to retire into *Holland*, [and for his officers to repair to the King.]

The King's
Mansions.
Ruthworth
IV. p. 266.

During the blockade of *Perthmouth*, the King not doubting but *Goring* was in condition to defend that place, published at last a Declaration that had long been prepared, wherein he sums up all the complaints he had already made against both Houses. As the Reader is sufficiently informed, there is no occasion to insert here this new Declaration. Only it must be remarked, that the King declared both Houses guilty of High-Treason, and forbid all his Subjects to obey them: At the same time was also published a Proclamation; requiring all men who could bear arms, to repair to him by the 25th of *August* at *Nettingham*, where he intended to set up his royal Standard; which all good Subjects were obliged to attend. The setting up of the royal Standard was the ancient manner of making known to the People the King's urgent occasion for their aid, and the place to which they were to repair to assist him. The King could not forbear thinking, he was still to be considered as an ordinary King, and to have the same respect and obedience paid to him; as if he had never given his People any cause of complaint. He imagined, that the acts of grace he had passed in this Parliament, and his promises to behave better for the future, had effaced all the ill impressions made by his past Government upon his Subjects, and that, though there was a powerful party against him in the Parliament, it was otherwise among the People. He thought therefore, the setting up of his Standard would make a strong impression on the People, and induce them to appear in arms at *Nettingham*. But the prejudices were too deeply rooted in the minds of most of the Subjects, for a bare ceremony to remove them.

Proclamation
to attend
the Royal
Standard.
Id. p. 774.
Clarendon.
T. I. p. 551.

Whilst the day appointed for the setting up of the Standard was expected, the King endeavoured to augment the number of his Forces. He gave out fresh commissions, and sent the Earl of *Hertford* and some other Lords (and

Gentlemen] to manage his concerns, and raise troops, in the *Western* parts. For himself, he departed from *Tork* some days before the 25th of *August*, and in his way took *Lincoln*, from whence he drew the arms of the traitor-bands for his troops, after which he came to *Nottingham*, and the next day reviewed his Horse.

The review was no sooner ended, but he was informed that two regiments of Foot were marching to *Covenry* by the Earl of *Essex*'s orders. Whereupon he hastened thither with his cavalry, consisting of seven or eight hundred horse, in hopes of preventing the Parliament's forces, and possessing himself of that city. Accordingly he arrived there the day before the two regiments: but the Mayor of the city, though without a garrison, shut the gates against him, and fired upon his men. He was very sensibly touched with this indignity; but as there was no remedy, he was forced to return to *Nottingham*, leaving the command of his cavalry to Commissary-General *Wilnot*.

The next day, his Horse being upon a plain of five or six miles extent, where nothing incumbered them, had a clear view of a body of twelve hundred of the enemies Foot, guarded only by one troop of Horse. *Wilnot*, it seemed, could not have wished for a fairer opportunity to attack with advantage this body of Foot, who had nothing to secure them. But, for what reason it is not known, instead of attacking the enemies, he thought only of avoiding them, and even retreated with some precipitation. This was a bad omen to a war just commenced.

At last on the 25th of *August*, the King caused his Standard to be erected on a turret of *Nottingham Castle* (1), having with him only some unarmed trained-bands. His Proclamation had produced so little effect, that few were come to attend the royal Standard. Nay, it happened, the very day the Standard was erected, to grow so tempestuous, that it was blown down, and could not be fixed again in a day or two. This was looked upon by many as a fatal presage of the war.

Covenry
Covenry was
first against
him.
Aug. 30.
Ruthworth,
ibid.
24. p. 781.
Wilnot
of defeating
the Parli-
ment's Foot.
Clarendon.
T. I. p. 551.

The King
gives out
new Com-
missions.
Ruthworth,
IV. p. 685.
Clarendon.
T. I. p. 556.

(1) *Ruthworth* says, it was erected in the open Field, on the back-side of the Castle-wall. Tom. 4. p. 785.





THE HISTORY of ENGLAND.

BOOK XXI.

Containing the third and last Part of the Reign of CHARLES I.

CHARLES I.
1645.
Aug. 2.
Condition of
the King at
Nottingham.
Clarendon.
T. II. p. 2.
Gc.



HE King had imagined, that the setting up of his Standard would draw great numbers of people to Nottingham, who would come and offer him their service: but he was very much disappointed. He had with him but three hundred Foot, and some trained-bands drawn together by [Sir John Digby] Sheriff

of the County. His cavalry consisted only of eight hundred Horse, and his artillery was still at York, from whence it was difficult to bring it, many things being yet wanted to prepare and form it for marching, and besides, there were no Foot to guard it. Nevertheless, as he had given out many commissions, and ordered his forces to repair to Nottingham, he expected them in that town, though not without danger, the Parliament having at Coventry five thousand Foot, and fifteen hundred Horse. Thus the King was in a very melancholy state before the war was well begun. He had appointed Robert Burt Earl of Lindsey for General; but had yet no army. The Princes Rupert and Maurice his nephews, brothers of the Elector Palatine, being come to offer him their service in the beginning of September, he made Prince Rupert General of his Horse, quartered at Leicester, whither the Prince went and took upon him the command.

The King, it is certain, was in extreme danger at Nottingham. That town was not in condition to make a long resistance, and the King having scarce any forces, if the Parliament's troops, which were within twenty miles of the place, had marched directly to him, he must have been forced to retire with dishonour to York, unless he would have hazarded his being made prisoner. All those about him saw the danger, it being so evident; but it was not easy to avoid it, without quitting Nottingham, which could not but be very prejudicial to him. For this reason it was moved in the Council, to send a message to both Houses, with some overture to incline them to a treaty. The intent of this proposition, was doubtless to intimate to the King, that his affairs were in such a situation, that peace alone could free him from the perplexity and danger he was exposed to. But the mover of this advice could hardly think, that a bare offer of Peace was able to effect it, after what had passed before the rupture. Very likely, therefore, his design was that, in proposing a peace, some-

thing more should be offered, than what had been offered before. The King easily perceived the intimation, and was so offended at it, that he broke up the Council, that it might be no longer urged.

However, the next day the same motion was renewed, but under a different view. As it was doubtless perceived, that what had offended the King, was the plain meaning of proposing a peace, namely, that his Majesty must depart from some of his pretensions, care was taken to remove this odious meaning, and it was advised only to send a message, to both Houses, in order to gain time. The King still opposed it, alledging, to offer peace in such a juncture, would be discovering his weakness: That his enemies would reject the offer with insolence, and nothing but dishonour would thereby reflect on himself. But it was represented to him, that such a message might do good, but could do no harm: That indeed, both Houses, very likely, would reject the offer, but they would thereby render themselves odious to the people, who were desirous of peace, and who would be the more inclined to serve his Majesty, for his endeavours to procure it: That if the overture was accepted, the King would have an opportunity of demonstrating, that the war, on his part, was purely defensive: In short, that the bare offer of peace would of course retard the preparations of the Parliament, because men's minds would be in suspense, whilst the King's levies might be continued by virtue of the commissions already sent out.

The King yielded to these reasons, because the point was not to offer any new conditions, but only to lay a snare for the Parliament, and retard their preparations. This was the sole motive of the message, wherein, as we shall see presently, the King proposed nothing new, and which, however, he represented afterwards as an evident sign of his sincere desire of peace. But though some pretend, that his Majesty's message, and the Parliament's refusal, contributed very much to facilitate the King's levies, and undeceive the people of their good opinion of the intentions of both Houses, I cannot believe, that such weak reasons were able to produce so great effects. It is true, if by the people, be meant only those who were devoted to the King, it is not unlikely, that the refusal of peace might render the Parliament odious to them, and promote their taking arms for the King. But if by the people, be understood the Parliament's party, or rather all the people in general,

He is in great danger.
Clarendon.
T. II. p. 5.

His Council advise him to propose a Peace.

The King refuses.
Clarendon.
R. II. p. 5.

1647.

He is advised to send a message to both Houses.

He yields to it.

He yields to it.

He yields to it.

1642. general, and without distinction, it is not easy to conceive, how the refusal of a bare proposition, without any thing new in it, could produce such an effect (1). The people, no doubt, wished for peace rather than war. But they would have a solid peace, supported by other foundations than the King's bare word, and not a peace in general, such as his Majesty proposed. They had already rejected such a peace; and upon this sense of the nation it was, that the Parliament's whole authority was founded. This was no new thing: it had been long disputed without coming to any conclusion. How therefore could the bare proposal of a treaty, without any particular offer, incline the people so strongly to the King, and render the Parliament more odious, if it was rejected? And yet, upon this foundation the King constantly built, from the beginning of the war, as will appear in the sequel. The second reason was wholly founded on the prejudices of the Privy-Counsellors. For, supposing the negotiation had been entered into, by what fresh evidence would the King have been able to demonstrate, that the war was only defensive on his part, since he had already alleged all that could be said on that subject, and since his papers were publick? The third reason was of no greater force. For if the bare overture of a treaty was capable of keeping people in suspense, and retarding the Parliament's levies, it might also have the same effect with regard to the King's. But the counsellors supposed, his Majesty's levies would be continued with vigour, whilst the Parliament's preparations would be interrupted: That is to say, the Parliament's friends would fall into the snare, whilst care should be taken privately to warn the King's to avoid it. Nothing more clearly shows, with what spirit they advised the King to send this message to the Parliament.

Be this as it will, the message was sent the 5th of August, (three days after the setting up of the Standard) (2) by [Thomas Wriesthly] Earl of Southampton, Sir John Culpepper, and some others (3).

The King's Message to both Houses of Parliament.
Aug. 5.
Rothworth.
IV. p. 74.
T. May.
Clarendon.
T. II. p. 7.

He propounded to both Houses, "That some persons might be by them enabled, to treat with the like number authorized by him, in such a manner, and with such freedom of debate, as might best tend to the peace of the Kingdom. And he assured them, that nothing should be wanting on his part, which might advance the Protestant Religion, oppose Popery, secure the Laws of the Land, and confirm all just power and privileges of Parliament. If this proposition should be rejected, he protested, he had done his duty so amply, that God would absolve him from any of the guilt of that blood which must be spilt."

The King's Express to both Houses of Parliament.
Aug. 5.
Rothworth.
IV. p. 74.
T. May.
Clarendon.
T. II. p. 8.

As the war was sufficiently proclaimed by the erecting of the Standard, it seems, the King should have demanded a safe-conduct for his messengers. But though he had neglected to take this precaution, they pretended, on what grounds I know not, to go and sit in their respective places, without any previous notice (4). The Lords, offended at the Earl of Southampton's boldness, called upon him to withdraw, and ordered him to send his message in writing, and wait for an answer out of London. The Commons also obliged Culpepper to deliver his message at the Bar, at which the King took great offence.

The Parliament's Answer to his Majesty's message.
Aug. 18.
Id. p. 9.
Rothworth.
IV. p. 75.
T. May.

The answer of both Houses to his Majesty's message was, "That notwithstanding their endeavours to prevent the distracted estate of the Kingdom, nothing had followed but proclamations and declarations against both Houses of Parliament, whereby their actions were declared treasonable, and their persons traitors. So that until those proclamations were recalled, and the Standard taken down, they could not, by the fundamental privileges of Parliament, give his Majesty any other answer to his message."

T. II. p. 9.

The King's messengers being returned to Nottingham with this answer, His Majesty, says the Lord Clarendon, was contented to make his much farther use of their pride and puffing, as to give them occasion, by another message, to publish more of it to the people. It is easy to judge from hence, whether the King's real motive was a sincere desire of peace, since his messages were intended only to render the Parliament odious. He said in his reply: "That he never designed to declare both Houses of Parliament traitors, or set up his Standard against them, and much less to put them and the Kingdom out of his protection; he utterly professed against it before God and the world. But he promised, that if a day were appointed by them,

The King's second Message.
Sept. 1.
Rothworth.
IV. p. 76.
T. May.

"for the revoking of their declarations against all persons as traitors or otherwise for afflicting him, he would, with all cheerfulness, upon the same day, recal his proclamations and declarations, and take down his Standard."

1642.

In this message, as in all his other Papers, may be observed the genius and character of Charles I. He always made use of obscure expressions, the interpretation whereof he reserved to himself. It is true, he had not in express terms declared both Houses traitors: but he called their members by that name, as the Earl of Essex and others. So, according to his way of reasoning, those that executed the orders of both Houses were traitors and rebels, though the Houses themselves were not so: It may be affirmed, that those little artifices were one of the principal causes of this Prince's misfortunes, as they made him forfeit the trust and confidence of his Subjects. They inspired the Parliament with a perpetual jealousy of being intangled by treaties, wherein it would have been impossible to avoid such ambiguous expressions.

The two Houses answered, "That his Majesty not having taken down his Standard, recalled his proclamations and declarations, whereby he had declared the actions of both Houses of Parliament to be treasonable, and their persons traitors, and having published the same since his message of the 25th of August, they could not recede from their former answer. That if his Majesty would recall his declarations, and return to his Parliament, he should find such expressions of their fidelities and duties, that his safety, honour, and greatness could only be found in the affections of his People, and the sincere counsels of his Parliament, who deserved better of his Majesty, and could never allow themselves, respecting likewise the whole Kingdom, to be balanced with those who gave evil Counsels to his Majesty."

Mean while, both Houses perceiving, that the King's aim was to keep the People in suspense by an uncertain expectation of peace, published a declaration, protesting they would never lay down their arms till his Majesty had left the Delinquents to the justice of the Parliament.

The King, on his part, failed not, pursuant to his purpose, to make use of the answers of both Houses to two messages, in a third which he sent to them, saying, "That let all the world judge who had used most endeavours to prevent the present distractions, either he who had condescended to desire and press it, or the two Houses, who had refused to enter into a negotiation. That for the future, if they desired a treaty of him, he should remember that the blood which was to be spilt in this quarrel was that of his Subjects, and therefore would return to his Parliament, as soon as the causes which had made him absent himself from it should be removed."

Both Houses finding, the King's design was to render their refusal to treat, odious to the People, returned a stronger and more particular answer to this message than they had made to the two first. The substance whereof was as follows:

"That at the very time his Majesty propounded a treaty, his soldiers were committing numberless robberies and rapines."

"That they could not think his Majesty had done all that in him lay to remove the present distractions, as long as he would admit of no peace, without securing the authors and instruments of these mischiefs from justice."

"That they besought his Majesty to consider his expressions, That God should deal with him and his posterity, as he desired the preservation of the just rights of Parliament. That nevertheless, his intention was not to deny the Parliament the privilege of declaring to be Delinquents those they deemed such, a privilege which belonged to the meanest Court of Justice in the Kingdom."

"That his Majesty hath no cause to complain, that he was denied a treaty, when they offered all that a treaty could produce, Security, Honour, Service, Obedience, Support, and fought nothing but that their Religion and Liberty might be screened from the open violence of a wicked party."

"That if there were any cause of treaty, they knew no competent person to treat betwixt the King and the Parliament."

"That besides, the season was altogether unfit, whilst

(1) It is judiciously observed by a modern Author, That those on whom the Parliament's Representations prevailed, were generally People of the Mildest Complexions, and the Toughest in the Southern Parts of the Kingdom, who had learned much by the Arbitrary Acts of Power, such as Seizures of Goods, Proclamations for Ship-Money, Loans, Tunnage, and Poundage, illegal Imprisonment, &c. Those on whom the King's Representations prevailed, were generally his Subjects in the farthest Parts of the Nation, in Wales, Cornwall, Cumberland, &c. who were the least sedate, and had been the least afflicted with the late Freedom from Subsidies, since the King's departing from the known Laws. *Athenaeum*, p. 53.

(2) This supposes the Standard was set up the 25th of August, as indeed Wriesthly and Culpepper both say. Though Repin, after the Lord Clarendon, is'd it was erected the 25th. See above, p. 457.

(3) The Earl of Dorset, and Sir William Ussell, Knight.

(4) Sir John Culpepper, by reason of the Penalty of a hundred Pounds to be paid by all Members who were not at the House by such a day, did not take his Place, but sent in his leave, which was denied him. *Clarendon*, Tom. II. p. 8.

1642. "his Majesty's Standard was up, his proclamations and declarations recalled, whereby his Parliament was charged with treason.

"That indeed his Majesty had often protested his tenderness of the miseries of Ireland, and his resolution to maintain the Protestant Religion, and the Laws of this Kingdom. But that these Protestations could give no satisfaction to reasonable and indifferent men, when at the same time several of the Irish Rebels, the known favourers of and agents for them, were admitted to his Majesty's presence with grace and favour, nay, some of them employed in his service: When the cloaths, munition, horse, bought by his Parliament for the supply of the Irish war, were violently taken away, and applied to the maintenance of an unnatural war against his People.

"That if his Majesty would be pleased to come back to his Parliament, they should be ready to secure his Royal person, crown and dignity, with their lives and fortunes."

The King did not leave this answer without a reply. But instead of doing it by way of message, he published a declaration to this effect:

The King's Declaration. In the first place, he alleged the Laws in his favour.

"He denied that his soldiers had committed any disorders or violence, and affirmed, he had never suffered them to oppress any person whatever.

"He recriminated upon the Parliament. He denied that there were any Irish about him, and maintained, that it was a notorious calumny, like that cast upon him heretofore by Mr. Pym.

"He said, the artillery-horses he had taken at Chester were few in number, and of small value. And for the cloaths, if his soldiers had taken any that were designed for the service of Ireland, it was done without his order; and though he might have seized three thousand suits which were going thither, yet he refused to do it, and gave order for their speedy transportation.

"That the Parliament made no scruple to employ in the war against their King, a hundred thousand pounds particularly appointed for the relief of Ireland.

"That of near five hundred members, of which the Lower-House consisted, there remained not above three hundred, the rest having been driven away by tumults and threats, or withdrawn themselves, out of confidence, from their desperate consultations. That of above a hundred Peers, there remained but fifteen or sixteen in the Upper-House.

"That it was not the body of the Parliament, but only the violent leading members that were the authors of the war."

I omit several general assertions which might then be necessary to the King's designs, but which have been already seen in the foregoing Papers.

The Earl of Essex heads the Parliament's army. During these paper-skirmishes, both sides prepared for war. The Earl of Essex having ordered his forces to assemble at Northampton, departed from London the 9th of September to head the army; and having reviewed them, found about sixteen thousand men well armed, and well appointed with a good train of artillery. Then the King, perceiving he could no longer remain at Nottingham with safety, marched towards the borders of Wales with his troops (1), which were yet so few in number, that they did not deserve the name of an army. He was unresolved in what place to expect the forces that were to come to him from several parts: but intended to secure, if possible, Shrewsbury or Chester, without knowing however whether either of these towns would receive him, the Parliament having in all those Parts very active and vigilant agents, who employed all their pains to procure them adherents. For this reason the King marched but very slowly. When he came to Wellington, about seven miles from Shrewsbury (2), he drew his little army together, and caused his military orders for the discipline thereof to be read before them; after which he took occasion to make a Speech to his soldiers, and the better to satisfy them of his good intentions to the Publick, he made the following protestation.

The King's Protestation at the Head of his Army. I do promise, in the presence of Almighty God, and at I hope for his blessing and protection, That I will, to the utmost of my power, defend and maintain the true Reformed Protestant Religion established in the Church of England, and by the grace of God, in the same will live and die.

I desire to govern by all the known Laws of the Land, and that the liberty and property of the Subject may be by

them preserved, with the same care as my own just right. And if it please God, by a blessing upon this army, raised for my necessary defence, to preserve me from this Rebellion, I do solemnly and faithfully promise, in the sight of God, to maintain the just privileges and freedom of Parliament, and to govern by the known Laws of the Land to my utmost power, and particularly to observe inviolably the Laws consented to by me this Parliament.

In the mean while, if this time of war, and the great necessity and straits I am now driven to, bring any violation of those, I hope it shall be imputed by God and man to the authors of this war, and not to me, who have so earnestly laboured for the preservation of the peace of this Kingdom.

When I willingly sail in these particulars, I will expect no aid or relief from any man, or protection from heaven: But in this resolution, I hope for the cheerful assistance of all good men, and am confident of God's blessing.

The King was not contented with making this Protestation to his army, but moreover, in all the considerable places he passed through, he assembled the inhabitants, and endeavoured to convince them of the sincerity of his intentions. These were necessary precautions, at a time when the chief point was to gain the people to his interest, for on the people depended the strength of both parties.

From Wellington the King marched to Shrewsbury, having received the agreeable news that the town had declared in his favour, and the inhabitants would give him a joyful reception. Here he resolved to fix his head quarters, and to appoint the rendezvous of his army. This was a very convenient place to expect the troops which were levying for him in Wales, Yorkshire, and Lancashire, and to send for his ordnance, which had not been able to follow him to Nottingham for want of horses. This had forced him to make use of a hundred draught horses sent by the Parliament to Chester, to be transported into Ireland. He desired to have the Earl of Lincoln's consent, who was appointed Lord-Lieutenant of Ireland, and was then with him at Nottingham. But the Earl constantly refusing to give any orders about these horses, bought with the Parliament's money, the King gained one Errington, a servant of the Earl's, who took them in his master's name, and delivered them to the King (3). This the Parliament, as hath been seen, taxed the King with. As for arms, the King not having a sufficient quantity for all the troops that were to come from divers parts, had taken the arms of the Militia in all the places through which he passed; but it was by way of loan, that is, he obtained the consent of the officers of the Militia to take away their arms, on promise of restoring them. As soon as the King came to Shrewsbury (4), the number of his troops so considerably increased, that in a few days he had an army of ten thousand foot, and four thousand horse, with which he was entirely secured from the danger he was in, whilst his army was forming.

It is something strange, that the Earl of Essex should neither molest the King whilst at Nottingham, nor in his march to Shrewsbury. Probably, if presently after his arrival at Northampton he had marched directly against him, he would have greatly embarrassed him, and perhaps, disabled him from assembling an army. This neglect can be ascribed only, to his not having power to act directly against the King's person, till he received his instructions, which he expected every day, and which came too late. Both Houses, it seems, could not believe, the King would be able to be ready so soon as he was, and imagined, that his inability to raise men and money, would compel him to retire to some corner of the Kingdom, or to throw himself into their arms. At least, this is what they strove to infuse into the people, for fear of terrifying them with the notion of a war, the event whereof might be doubtful. The King made an advantage of this error, to assemble all his forces at Shrewsbury, and provide himself with money, which he wanted extremely. His friends at London had taken care of this last article, and privately sent considerable sums to Oxford. Moreover, the University, which had always been firmly attached to the King, had engaged to deliver to him all the Plate belonging to the Colleges, of which was very considerable. The point was only how to convey this aid safely to his Majesty. To that end, the King sent thither Sir John Byron, with a small detachment of Horse, not daring to give him a stronger, for fear of raising a suspicion, that it was for some considerable affair. Byron coming to Oxford, received the money and the plate, and returned towards Shrewsbury, by way of Worcester, taking all possible precautions not to be attacked in his march. For this aid of money, which the King

(1) He marched from Nottingham to Derby, Stafford, Leicester; and so to Shrewsbury, where he set up a Mint. Rushworth, Tom. 5. p. 20.

(2) The Author says, *left by Derby*. As there are abundance of this little Geographical mistake in the French, care will be taken to correct them all in the Translation, without troubling the Reader every time with a Note.

(3) The Earl says in his Letter, the King gave Errington a Warrant to fetch the Horses, which he executed without his Knowledge or Consent. See the Letter in Rushworth, Tom. 5. p. 13.—15.

(4) Which was September 22d. Clarendon, Tom. II. p. 14.

1642. could not be without, was of the utmost importance to him. Wherefore, the better to secure it, he detached Prince Rupert with a body of Horse, who marched on the other side of the *Sauren* to *Worcester*, to expect *Byron*, and guard him to *Shrewsbury*.

A Fight at Powick-bridge near Worcester, wherein Prince Rupert had the advantage. Sept. 22. Rushworth, V. p. 22. Clarendon, T. II. p. 19. Ludlow.

In the mean time, the Earl of *Essex*, after staying some days at *Northampton*, and securing *Warwick*, resolved to fix his head-quarters at *Worcester*. To that purpose, he sent Colonel *Nathaniel Fiennes* before, who came to *Worcester* at break of day, some hours after Sir *John Byron* was entered with his convoy. *Fiennes*, at his arrival being told, that there were some of the King's Horse in the town, the number whereof he did not know, hastily retreated, without making any attempt. Presently after, Prince *Rupert* arrived, and to secure *Byron's* convoy, who was resting himself in order to march on, passed through the town, and posted himself, with his Horse, at some distance on the other side. As he did not believe there were any enemies in those parts, he was not very careful to hinder many of his troopers from staying in the town. When he came to the place he had chosen, he unlighted with his Brother Prince *Maurice*, and most of the Officers, reposing themselves on the ground. On a sudden they perceived, within musket-shot, five hundred Horse of the enemy marching up a narrow lane. These were a body commanded by Colonel *Sandys*, whom the Earl of *Essex* had sent before to take possession of *Worcester*. Prince *Rupert* instantly mounting his horse, without a moment's hesitation, charged these troops, as they came out of the lane, and the charge was so vigorous, that the enemy was entirely routed, and *Sandys* slain, with thirty of his men. This action gained the Prince a great name, not only for the valour he shewed, but chiefly for his sudden and very seasonable resolution, in attacking his enemies as they came out of the lane, and when they least expected it. Some Historians in relating this skirmish, seem to represent Prince *Rupert*, as one of those romantic Heroes, who with five or six persons, attacked and routed whole armies. But, after all, there is nothing wonderful in this action of the Prince, who had not posted himself beyond *Worcester*, without having with him his detachment. Besides, it is not said, what was the number of the body he commanded. Nevertheless, this action, how little important soever it was, failed not to strike great terror into the Parliament's troops, chiefly by reason of Prince *Rupert's* activity and courage, who afterwards gave them cause to be confirmed in their high opinion of his valour, for he was one of the bravest Princes in *Europe*. But though he had gained some little advantage, he did not think fit to expect the enemy at *Worcester*. He went from thence some hours after, and safely conducted the convoy of money to *Shrewsbury*, where the King immediately ordered the plate to be coined. The next day, the Earl of *Essex* possessed himself of *Worcester*, and making some stay there, secured in the mean while, *Hereford*, *Glocester*, and *Bristol*.

The Earl of Essex took several Prizes. Whitlock.

It would doubtless be very strange, that in the twenty days the King layed at *Shrewsbury*, was the effect of the greatly increase, if, as some say, it was the effect of the Parliament's denial to treat with his Majesty. For, so short a space does not seem sufficient to determine the people to repair to the places where they were lifted, and to conduct these new raised troops to *Shrewsbury*. It may at least be affirmed, that it is much less surprising, that the King's new levies, which could not be ready whilst his Majesty was at *Nottingham*, or which did not care to go to a place so exposed, should be in condition to march during his stay at *Shrewsbury*, tho' it was but of twenty days, since he had issued his Commissions before he left *York*.

The King marches towards London. Rushworth, V. p. 32. Clarendon, T. II. p. 30.

However this be, the King finding himself at the head of an army little inferior in number to the Earl of *Essex's*, and perceiving, it was not sufficient to remain in quiet at *Shrewsbury*, whilst the enemy was taking, without resistance, the principal towns in the heart of the Kingdom, believed he ought to seek means to put a speedy conclusion to the war. There were two: One was to fight the enemies, the other, to gain some marches upon them, and appear before *London*, before they could arrive. The King took this last course, in the expectation that he should raise an universal conflagration in *London*, which might afford his friends opportunity to serve him effectually. So, on a sudden beginning to march the 12th of *October*, with his army, which was not much incumbered with baggage,

there being not one tent, and but little artillery, he quartered that night at *Bridgenorth*, ten miles from *Shrewsbury*, next day he came to *Waterbury*, the third day to *Birmingham*, and the fourth to *Kenilworth*, where he rested one day. It was two days before the Earl of *Essex* had notice of his march, and began to follow him. It is evident appears by the King's rout, that if he was not in quest of the enemies, at least he feared them not, since he could not be ignorant how easy it was for the Earl of *Essex*, either to put himself in his way, or overtake him. In all likelihood, he imagined the Earl would not dare to hazard a battle, or that being much more incumbered with baggage and artillery, his march would be considerably retarded. Be this as it will, it was not till the 22d of *October*, that the two armies came within six miles of one another, without having received any notice of each other's march, till that day, which appears very strange. But what is still more surprising, it, that the King, to whom speed was so necessary, had so little advanced in five days, since, leaving *Kenilworth* the 17th, he was on the 22d, but four miles north of *Banbury*, and that the Earl of *Essex*, who departed the 15th from *Worcester*, should be only at *Kington* the 22d, which is not above twenty miles. The King, who till then knew not where the Earl of *Essex* was, lay incamped near a village called *Edgeton*, where he had intelligence the 22d in the night, that the enemies were at *Kington*, about six miles distant. He found then it would be very difficult to execute his design upon *London*, whilst he should be so closely followed by the enemies. And therefore he resolved to give them battle. To that end, he drew up his army on *Edge-hill*, from whence might be seen all *Kington* plain, where the Parliament's army stood in battle array, the 23d in the morning. The fight began not however till three in the afternoon. It is not known what induced the King to defer it so long (1): But for the Earl of *Essex*, he had a very strong reason not to be in haste. For, not imagining himself so near a battle, he had left behind two thousand Foot, and five hundred Horse, with his artillery, and consequently, delay could not but be advantageous to him.

Battle of Kenilworth, V. p. 36. Clarendon, T. II. p. 34.

Prince *Rupert*, who commanded the King's right wing of Horse (2), marching down the hill, and advancing to charge the enemies left wing, on a sudden, Sir *Faithful Fortescue*, who commanded a troop of the Parliament's Horse, moving forward with his whole troop from the grofs of the cavalry, and joining Prince *Rupert*, with his Highness charged thro' he had defeated (3). This unexpected accident inspired the Parliament's Horse with such a terror, each man looking upon his companion as upon an enemy, that they were entirely routed, and pursued above two miles from the field of battle. By this unadvised pursuit, the King was in danger of the same fate which his predecessor *Henry III.* had at the battle of *Leuven*. The Parliament's right wing flood their ground no better than the left. They ran away full speed, and were pursued with the same fury and imprudence. What was moreover fatal to the King was, that his reserve of a regiment of Horse, thinking the victory unquestionable, by the flight of the enemies cavalry, with spurs and loose reins followed the chase, and could not be hindered by their commanders.

All this while, the Foot of both armies were engaged without victory's inclining to either side. But at last, Sir *William Balfour*, to whom the Earl of *Essex* had given the command of the Reserve, turned the scale. As soon as he saw the King's Horse employed in the pursuit of the flying troops, he went and charged the Foot in the flank, and put them into such disorder, that the King, with the two Princes his Sons, were in danger of being made prisoners. The Earl of *Lindsey*, the King's General, was taken, having been shot in the thigh, of which he died the next day; and the Standard, which was always near the King's person, was lost by the death of the Standard-bearer, [Sir *Edmund Verney*,] but it was recovered afterwards in some unknown manner (4).

The return of Prince *Rupert*, with his Horse, prevented the King's entire defeat. For *Balfour*, who had only a small body of Reserve, seeing the cavalry returning from the chase, suddenly quitted the fight, and secured himself near the Earl of *Essex's* Foot. Could the King and Prince *Rupert* have persuaded their Horse to charge the Parliament's infantry, who had scarce any cavalry to support them, very probably they would have routed

(1) The Lord *Clarendon* says, though the Horse were ready, the Foot were quartered at such a distance, that many Regiments marched seven or eight Miles to the Rendezvous, so that it was one o'clock before the King's forces moved. Tom. II. p. 31.

(2) The left wing was commanded by Comodity-general *Wilmot*, assisted by Sir *Archer* *Asshe*. The Earl of *Essex* led the Foot, and next to him was his Son the Lord *Williamby*, with the King's Regiment. — On the Parliament's side: Their right wing, which consisted of three Regiments of Horse, was commanded by Sir *Philip Stapleton*, Sir *William Balfour*, and the Lord *Fiddling*. Sir *John Mordaunt's* Brigade led the van, Colonel *Essex* was in the middle, and Colonel *Ballard*, and *Hill*, and the Lord *Brooke*, in the rear. In the left wing were twenty-four Troops of Horse, commanded by Sir *James Esmay*. Clarendon, Tom. II. p. 31. Rushworth, Tom. V. p. 36.

(3) Sir *Faithful Fortescue* was come from Ireland to join *Essex*, and had a Troop of Horse raised for him for that Service, but his Troop was disposed into the Parliament's Army, and he was now Major to Sir *William Walter*. Clarendon, Tom. II. p. 36.

(4) It was refused by Captain *John Smith*, Lieutenant of the Lord *John Steward's* Troop, newly recruited from the execution of the *Romanists*. He was knighted for it, and made *Standard-Bearer*. *Whitelock's Mem.* p. 64. Ludlow, Tom. I. p. 49.

1642. them, and obtained a complete victory. But the Horse that were returned from the pursuit in extreme disorder, could never be brought to charge the enemies, who stood in good order, though they were in great danger. As soon as the Earl of Essex saw the enemies cavalry returning, he had drawn off his infantry from the battle, and ranged them in the best manner he could, in order the better to support the charge of the King's Horse, who, in all appearance, would come and attack them. But it was not his business to renew the fight. It was sufficient for him to keep his ground, as he did, till night, which freed him from his uneasiness.

When the battle began, there remained not above two or three hours day, and as the King's Horse had spent some time in the pursuit of the run-aways, and, after their return, could not be prevailed with to renew the fight, it was too late for the King to rally his infantry, who were in great disorder, and whereof above two thirds were missing. Both armies kept their posts all night, and in the morning neither thought themselves in condition to renew the battle. It is true, the forces left behind by the Earl of Essex, arrived in the night with his artillery. However as he had no other cavalry than the five hundred Horse that were newly come, and the small body commanded by Balfour, he did not think he ought to hazard a second battle against a body of cavalry that had been victorious the day before, and were still facing his army. The King, on his side, finding himself without infantry, and considering that his troops had suffered very much by the cold, which was extremely sharp that night, believed it sufficient to let his enemies see he feared them not. In this disposition, the two armies faced one another the whole day, without any desire to engage. At last, the Earl of Essex ordering his baggage to be drawn off, the King retired to the quarters he had taken the day before the battle, and the Earl of Essex marched towards Warwick (1). The number of the slain on the field of battle was about five thousand. But what the Earl of Clarendon says, that two days after, the King reviewing his army, found there were not above three hundred men left, is hardly credible, even according to his own description of this battle. But without dwelling upon the particular circumstances of the battle, which were extremely disguised or exaggerated by both parties, who equally claimed the victory, the consequences demonstrate, that they might have more justly owned, that each had been worsted (2).

The King went from Shrewsbury with design to make an attempt upon London; but after the battle, he relinquished that thought, though the road to London was open, and believed it more proper to retire to Oxford. On the other hand, the Earl of Essex follows the King to obstruct his going to London, but after the battle leaves the way open to him, and retiring to Warwick, puts it out of his power to prevent or stop him. I believe this suffices to shew, it was a drawn Battle, which afforded no real matter of triumph either to the King or the Parliament. Indeed, three or four days after the battle, the King took Banbury castle, where was a garrison of eight hundred Foot, and a troop of Horse. But if the circumstances of taking this place be well considered, it will be found, that it was far from being a consequence or effect of victory. For first, the King summoned the castle, contrary to the opinion of all his Generals, who believed his army little able to undertake the siege. Secondly, he alledged for reason, that he could not determine what course to take, till he was informed of the intention of the enemies, and that if they designed to attack him, he could not fight in a more advantageous place. From hence it may be inferred, that he was not himself fully satisfied of the reality of his victory, since he imagined the Earl of Essex in condition to attack him. In short, Banbury castle surrendered at the first shot, which leaves it uncertain, whether the King would have persisted in the siege in case of resistance, and whether the Earl of Essex would have suffered him to do it un molested. The taking of Banbury determined the King to withdraw to Oxford, the only place in those parts at his devotion, by means of the University, whose members were extremely attached to his interest.

Though the Parliament challenged also the victory, they were very sensible they had no great reason to triumph. They were obliged however to make a parade of this pretended victory, as if it had been real, to contradict the

King's friends who were trying to strike terror into the Londoners, and induce them to sue for peace, on account of this pretended success of his Majesty's arms. The King had still many friends in the city, there having been yet no measures taken to drive them away. Nay, in the Parliament itself, there were not a few who stayed there on purpose to do the King service, when occasion should offer, and who failed not to improve the present. The news concerning the battle of Edge-Hill or Kintin, being very various at first, the King's friends at London, industriously magnified all the circumstances which might give room to believe that the King was victorious, in order to dispose the People to peace. For it must be observed, that since the breach, the King's grand aim had ever been to dazzle the People with the specious term of Peace, and he had never ceased to hope that the nation would oblige the Parliament to come to an agreement, by leaving him in possession of all his Prerogatives. This was his favorite project, from which he never swerved, not even when his affairs were most prosperous. It will hereafter appear on sundry occasions, with what constancy he endeavoured to execute this scheme. The present occasion was the first since the beginning of the war. When both Houses had perfect information of the success of the late battle, what public demonstrations soever they made, to cause the People to believe their army victorious, they were very sensible, such victories were little capable to oblige the King to throw himself into their arms, though the People had been amused with such hopes. Then the King's Adherents who were still in the House of Commons, observing the consternation expressed by most of the Members, grew more bold, and scrupled not to propose a Peace, as the only means to free themselves from trouble. Very probably, this was done with the King's consent, who at the same time was using his utmost endeavours to persuade the Publick, that he had obtained at Edge-Hill a complete victory.

The day before the battle, both Houses had published a Declaration, of which I shall content myself with relating the substance: for having given so many of these Papers, I am afraid I shall tire my Readers if I insert here at large those that follow.

The two Houses protested in the first place, "That no private passion or respect, no evil intention to his Majesty's person, no design to the prejudice of his just honour and authority, engaged them to raise forces, and take up arms."

"That his Majesty had refused to receive an humble and dutiful Petition, which they had directed the Earl of Essex to deliver to him."

"That they were fully convinced, that the King was so engaged to the Popish party, that all hopes of peace were excluded."

"That great numbers of Papists had in shew conformed themselves to the Protestant Religion, in order to qualify themselves for posts in the King's army."

"That his Majesty endeavoured at this time to keep off all jealousies and suspicions, by many fearful oaths and imprecations, concerning his purpose of maintaining the Protestant Religion, and the Laws of the Kingdom, causing some professed Papists to be discharged out of his army, and none to be received that would not come to Church, receive the Sacrament, and take the oaths. But that afterwards his confidence in the priests did more clearly appear: Persons imprisoned for Priests and Jesuits having been released out of the goal of Newgate, and commissions granted to professed Papists."

Here fourteen of them were named.

"That the Lord Herbert, Son to the Earl of Wexford, a notorious Papist, was made General of the King's troops in all South-Wales."

"That those who raised forces for his Majesty in the North of England, did arm and employ Papists."

"That men had been sent to Hamburg and Denmark to raise forces there, and to bring them over to join with the Earl of Newcastle, and the army of Papists which was intended to be raised in Newcastle."

"That the King had received in his Court divers Papists in Ireland; some of which were indicted of high-treason for their Rebellion there; namely, the Lord Taffs, &c."

"That divers English traitors were the chief counsel-

Rothwicks, V. p. 35.
Clarendon, T. II. p. 44.
Dreadful
issue of this
Battle.

The King
retired to
Oxford.
Clarendon,
T. II. p. 45.
Great Con-
spiration in
the Parlia-
ment.
The King's
Friends take
advantage to
propose a
Peace.
Ibid.

(1) Some of the Earl of Essex's friends advised him rather to pursue the King, and to make a fresh attack upon him. But Colonel Dalling, and some others, dissuaded him from it. Whitelock, p. 64.

(2) In this battle were killed on the King's side, Robert Barre, Earl of Claffey, the Lord St. John of Bures, and Colonel Charles Elliot. The Lord Whitcham was taken Prisoner, in endeavouring to rescue his Father the Earl of Lindsey. Upon the news of this battle (say Whitelock, p. 64) all Country were alarmed and terrified, being a strange thing in England. Clarendon, Tom. II. p. 45, 41. T. May, Some say, there were but about a thousand killed. See Massey, p. 48, &c. With relation to this battle, Daniel Lord Hells tells a remarkable Story, from his own knowledge, concerning the famous Oliver Cromwell, and that there, (as he observes) "he was as cowardly a coward, as he was notoriously perfidious, and so on, and hypocritical. This was his last keeping out of the field in England; where he, with his troop of Horse came out in, immediately and suddenly affirming, the day after, that he had been all that day seeking the Army and place of fight, though his Quarters were but at a Village near hand, whence he could not find his way, nor be directed by his eye, when the Ordnance was heard twenty of twenty miles off." Hous's Mem. p. 17.

1642. "lors and actors in this unnatural war, as the Lord Digby, Oneal, Wilmet, Pellard, Abburnham, &c.

"That divers Jesuits and Priests, in foreign parts, made great collections of money for the relief of the Papists in Ireland, and the furthering of his Majesty's designs against the Parliament.

"For all which reasons they were resolved to enter into a solemn Oath and Covenant, and expected that their brethren of Scotland would help and assist them, according to the act of pacification between the two Kingdoms."

The King answered this Declaration with two others, which were published after the battle of Edge-hill. In the first he said :

Rulhworth, V. p. 29. "That notwithstanding the solemn Protestation of both Houses, of having no evil intention to his person, yet they had used their utmost power, by the strength of their army, to have destroyed him.

"That if he refused to give admittance to the Petition sent by the Earl of Essex, it was because it was sent by persons whom he had particularly accused of High-Treason. [*Here he gave a long account of this whole matter.*]

"He denies his ever having had any inclination to the Papists, or that he had released any Priests or Jesuits out of the goal of Lancaster.

"He says, that the Papists supposed to have commissions were not so much as known to him, and that they had no command, to his knowledge, in his army.

[*It must be observed upon these two last articles, 1st, That the prisoners he had released out of the goal of Lancaster, had been imprisoned as Papists, Priests and Jesuits, but had not been convicted as such. And therefore the King thought he might deny he had released any Priests, &c.*]

2dly, *The King, when he said there were no papist officers in his army, meant by his army, that which he commanded in person, and the Parliament understood that which was commanded by the Earl of Newcastle. It might therefore be true, that the papist officers, commissioned by the Earl of Newcastle, were not known to the King. But the army in the north was as much his army, as that commanded by himself.*

"He expressly denied, that he ever sent to raise forces in Hamburg or Denmark.

"He affirmed, the Parliament entertained several Papists in their troops, and of this he spoke knowingly, as having taken several of them prisoners at the battle of Edge-hill (1)."

M. p. 13. The second Declaration was intitled, *His Majesty's Declaration to all his loving Subjects, after his late victory against the rebels on Sunday the 23d of October, 1642.* This title was prefixed on purpose to cherish the fears, the King's friends were endeavouring to insinuate into the people, on account of the pretended victory lately obtained by the King against the Parliament's army.

The intent of this Declaration was to vindicate the King upon three principal articles, namely, 1. That his Majesty favoured Popery, and employed Papists in his army. 2. That his design was to root out Parliaments. 3. That it was his intention, by the commission of array, to take away part of Gentlemen's estates from them. I shall speak here of the first only, because, after what has been seen, it would be needless to repeat what the King alleged in his vindication upon the two last. As to the first therefore he said :

The King's Answer concerning his employing Papists. "That although he should employ Papists, no one would wonder, who considered the hardships and streights he was driven to, and the little scruple the Parliament made to employ papish Officers and Soldiers, who served in great numbers in their army; the industry they used to corrupt their loyalty; the private promises they allured them with to their service, even to the assuring them, that all the penal Laws should be repealed. That notwithstanding the artifices of his enemies, and the weakness of his own condition, he could not prevail with himself to recall his Proclamation, against receiving into his army such as had not taken the oaths. He owned, however, that he had swerved from this general rule, in favour of some of eminent abilities in command and conduct.

We shall find hereafter, that though this Proclamation was not recalled, it was very far from being punctually observed.

Prefently after, both Houses returned an answer to this Declaration, the substance whereof was as follows :

The Reply of both Houses. Rulhworth, V. p. 41. "That it was astonishing, the King, having affirmed so positively, that a far greater number of Papists served in their army than in his, should not have been pleased to name a single instance : That they should have been glad of knowing their names, as it would have afforded

"means to remove those of that Religion, who under the profession of Protestants, might have crept into the army without their privacy."

Then they pretended to shew, by several reasons, the absurdity of saying, that the Parliament endeavoured to corrupt the loyalty of the Papists, with the promise of repealing the penal Laws, and alleged divers instances of their severity against them, during the fitting of the present Parliament.

But for a demonstration, said they, that the King acted not with sincerity, when he alleged, in his vindication, that he had ordered no Recusant to be received into his troops, and that this order was a mere illusion, they named several papish Officers, who had commissions under the King's own hand, which commissions then remained in the House of Commons. Moreover, they annexed to this Declaration a Petition, presented to the King by the papish inhabitants of the County of Lancashire, desiring leave to provide themselves with arms for his service, and the King's answer granting their request. This Petition, and his Majesty's answer, seem to me to decide upon the present case, which was so often repeated, that I think they ought to be inserted in their own terms.

To the King's most excellent Majesty.

The humble Petition of us the Inhabitants of Lancashire, whose names are under-written, in behalf of ourselves, and divers others, being Recusants,

Humbly sheweth,

"THAT whereas we, and the rest of this County, your Majesty's most loyal Subjects, are, disarmed, and not sufficiently provided for the defence of your royal person and our own families; our most humble supplication to your Majesty is, That we may be received into your most gracious protection from violence, have our arms, taken from us, re-delivered in this time of actual war, and by your Majesty's special directions, be enabled further to furnish our selves with competency of weapons for the security of your royal person, (if we be thereto required) our countries and families, who now are, not only in danger of the common disturbances, but also menaced by unruly people to be robbed : And when, by the Almighty's assistance, your Majesty's Kingdom shall be settled, in case we may be disarmed, that a full value of money in lieu thereof may be restored."

The KING's Answer.

To our Trusty and Well-beloved, Sir William Gerrard Barnet, Sir Cecil Trafford Knight, Thomas Clifton, Charles Townley, Christopher Anderton, and John Clansfield, and other of our Subjects, Esquires, in the County of Lancashire.

Charles R.

"TRUSTY and well-beloved, we greet you well. Whereas by reason of the Laws and Statutes of our realm, by which all Recusants convicted are to be without arms, your arms have been taken from you : So that now, in this time of imminent danger, wherein there are armies raised against our commands, and contrary to our Proclamations, and are marching against us, and divers of our good Subjects, for obeying our lawful commands, and opposing the rebellious proceedings of others ill-affected, they are by a strong hand seized upon and imprisoned, their houses plundered, and their goods taken away; and the like is threatened to our selves, who, as all other our Subjects, ought to have our protection against unlawful violence and force : And the Laws made for disarming Recusants, were made only for a provision to prevent danger in time of peace, and were not intended to bar you from a necessary use of arms in time of actual war, for your own safety, or for the defence of our person against all rebels and enemies, which by your duty and allegiance you are bound unto; which is not, nor ever was meant to be discharged, or taken away by any Act : And whereas, the arms which were taken from you, ought by Law to have been kept and preserved, to have been made use of by you in such time of open war, or by such others as you should provide, yet under the specious pretence of disarming Recusants, and persons ill-affected, your arms have been disposed and dispersed into the hands of several persons ill-affected, and for the most part, fomenters and excitors of the commotions now raised in this Kingdom : Our will and command therefore is, and we charge and require you, upon your allegiance, and as you tender the safety of our person, and the peace and welfare of our Kingdom, That you, with all possible speed,

(1) *Salmonst also owned, That there were some papish Priests found among the persons slain on the Parliament's Side, Tom. I. p. 157.*

1642. "provide sufficient arms for yourselves, your servants, and your tenants, which we authorize and require, during the time of open war raised against us, to keep and use for the defence of us, and of yourselves, and of your country, against all forces and arms raised, or to be raised against us, or against our content, or contrary to our proclamations, by colour of any order, or ordinance, or authority whatsoever: And we shall (according as we are bound to all our Subjects) use our utmost powers for the protection of you and yours, against all injuries and violence. And whensoever these arms which you shall so provide (after it shall please God to put an end to these dangers and distractions) shall be taken away from your custody, by reason of our Lates now in force, we do hereby assure you, we will allow you for the same, so much as you shall have dispensed in provision thereof."

Remark on this Subject.

It is proper to observe, concerning these two papers, that the question between the King and both Houses was not, Whether the King might lawfully, or not, employ Papists in his service, but whether he did really employ them? Care therefore must be taken, not to confound the right with the fact, the last only being the point in question. Now these two papers demonstrate, that the King actually employed Papists in his service, even at the beginning of the war, and before any effusion of blood: for this Petition was presented to him, whilst he was yet at *Shrewsbury* (1).

Rushworth, V. p. 72.

For a greater conviction, both Houses annexed also to their Declaration, a list of the names of twenty eight Officers, Colonels, Lieutenant-Colonels, Sergeants, Majors, Captains, and Lieutenants, that were Papists, and actually in the King's service, in the Earl of *Newcastle's* army.

The King offers a Pardon to the City of London, Rushworth, V. p. 113, 114, &c.

The King and the Parliament were in this state of animosity, when his Majesty's private friends in the House of Commons moved to sue for peace, under colour of the Parliament's inability to continue the war, after their late loss at *Edge-hill*. The King, on his part, to confirm the opinion his friends were striving to insinuate into the People, that the Parliament's army was entirely routed, and to encourage his well-wishers in *London* to join with those in the Parliament, sent an offer of pardon to the cities of *London* and *Westminster*; thereby insinuating to the inhabitants, that such an offer could not but proceed from the superiority he had acquired by his victory. He practised the same thing with regard to some other towns. It is

Clerendon, T. II. p. 43.

certain, there was then a great agitation in *London*, caused by the King's friends, who under pretence of dreading a war, which, according to them, was unfortunately begun, used their utmost endeavours to induce the People openly to demand a peace. Against these secret practices, it was the business of the leading men in the Parliament to provide. And as they were no less able than their adversaries, they quickly found means to baffle this project. Instead of opposing the motion to sue to the King for peace, they supported it with all their power. They said, "That the Parliament had not taken arms for the sake of going to war, but only to procure a good peace, the most desirable thing in the world: That both Houses ought not to be ashamed to make the first advances, and humbly sue for peace to their Sovereign, but withal, care was to be taken, that a too great zeal for peace might not be a means to leave them at the mercy of their enemies: That in order to make such a peace as was necessary to the welfare of the Kingdom, the King was to be told, that they were not yet reduced to the point, of being forced to accept of such terms as he should please to impose, and therefore, if they would have a peace wherein every man might find his safety, it was necessary to take good measures for the continuance of the war: That among all the means which could be used, they saw none more proper, than to invite their brethren of *Scotland* to their assistance, pursuant to the treaty between the two Nations. Not that they actually wanted them, the Parliament's affairs not being reduced to such an extremity, that Foreigners were to be hastily introduced into the Kingdom, but that the *Scots* would doubtless to answer their request, as to convince the King, this refuge would not fail the two Houses in case of need: That thereby they should become more formidable, and if the King was really desirous of a peace, he would be forced to grant it upon reasonable terms, which was all that ought to be expected."

The Parliament most religiously to demand aid of his Majesty, Clerendon, T. II. p. 47, &c.

As this advice was very plausible, and besides, proposed by men in whom the majority had great confidence, it was approved by the House. Indeed, none could be ignorant, that by the peace which the King had hitherto offered, and which his friends moved to sue for, could be meant only a peace that should put him in possession of all his prerogatives, and that his word should be taken for security that he

would abuse them no more. But though the Members of Parliament doubted not that the King would grant an Act of Oblivion, such as they should desire, they did not believe, that such a peace could be advantageous to the Kingdom, because they did not believe the King's word to be a sufficient security. Besides, the Presbyterians were no less pleased than they had been hitherto, with a peace which would of course restore Episcopacy in all its former lustre. Wherefore things not being yet brought to that state, that the Parliament should be induced to with for such a peace, it was resolved, 1. That his Majesty should be addressed for settling the peace of the Kingdom. 2. That the preparations of forces and other necessary means for defence should be prosecuted with all vigour, if an honourable and safe peace might not be obtained. 3. That the *Scots* should be applied to for assistance, if there should be occasion. These resolutions entirely broke all the measures of the King's friends, who had flattered themselves, that the pretended victory of *Edge-hill* would produce some great effect.

Pursuant to these resolutions, the Parliament took care to recruit the Earl of *Essex's* army, and to that end it was ordained, that such Apprentices as should be lifted for Soldiers, should reckon the time spent in the Wars, as part of their Apprenticeship. Whereupon great numbers of Apprentices engaged in the Parliament's service.

After that, both Houses sent a Declaration into *Scotland*, wherein they did not demand indeed an immediate aid; but said, "That they did not doubt but the *Scots* would assist them, if there should be occasion, according to the treaty of amity and alliance between the two Nations. That therefore they desired them to raise such forces, as they should think sufficient to secure their own borders against the attempts of the Army of Papists, levied by the Earl of *Newcastle* in the North of *England*. That they engaged them the more to what they desired, they said, the enemies of the Protestant Religion were so prevalent with his Majesty, that he had rejected all the Petitions presented to him. That the present war was for the maintenance of Religion, against the efforts of those who had projected its destruction, and that in order to preserve it more effectually, they had willingly embraced the invitation of the *Scots*, to a nearer degree of union in matters of Religion and Church-Government, which they had accordingly resolved to pursue."

It was now some months, since the *Scotch* Commissioners residing at *London*, had intimated in a memorial presented to the Parliament, that the *Scots* passionately desired an union of the Churches of *England* and *Scotland* in the same worship and discipline. As this proposition was expressed by way of wish only, and besides was worded in such a manner, that it might be understood, either that the *Scots* desired the *English* to embrace the worship and discipline of the Church of *Scotland*, or that they themselves were willing to conform to the Church of *England*, the Parliament had, in the same ambiguous terms, civilly answered, that they also wished the same thing, and would heartily concur in accomplishing the Project. This answer was doubtless framed by the leading Presbyterians, to serve as a corner-stone, of which they hoped one day to make good use. But it was not yet time to declare their intention more openly, for fear of losing all the Church of *England* men that were against the King. Probably these men would have been alarmed, if they had clearly known, that the Presbyterians meant to establish their worship and discipline upon the ruins of the Church. For the same reason also, in the declaration above mentioned, both Houses, or rather the Directors, thought not proper to speak more plainly, and in saying, that both Houses intended to pursue this union, the proposition was left in all its ambiguity, though it was easy for the *Scots* to perceive, that in time they should receive satisfaction. For it is not to be imagined, there were none but Presbyterians in the Parliament's party, though this may be the notion some would give us of that party, their aim being to insinuate, that the war between the King and the Parliament was properly a religious war, and that the Parliament's sole design was to destroy the Church of *England*, and establish Presbyterianism in its room. As this design was unjust in itself, they would infer, that the war against the King was unjust. This reasoning would be solid and convincing, were it true, that the opposite party to the King had proposed to themselves no other end. But as it is certain, the Presbyterians were not the only persons that had cause to complain of the King, it is no less so, that the party of his enemies consisted not of Presbyterians alone, but also of a very great number of Church-men, who saw, that under colour of destroying Presbyterianism, an arbitrary Power was going to be established. It is easy to conceive, that these men were ill-affected to the King,

Remark on the Proposition to unite the two Churches, August 3. Rushworth, V. p. 387, &c.

(1) The King's answer in *Rushworth* is dated September 27, at *Chiffer*, Turn. V. p. 50.

1642. had joined with the Parliament, and as yet were attached to their party. But it is inconceivable, that the Presbyterians, who at the beginning of the Parliament made so inconsiderable a figure in both Houses, as well as in the Kingdom, should be grown to very numerous in the space of two years, or that the members of the Church of England, who complained of the King's former administration, should have entirely renounced the Church, and embraced Presbyterianism. It is certain therefore, though the Presbyterian party, considered as a Religious Party, had prevailed in the Parliament, there were however in that same party, considered as enemies to the King, many Churchmen who had no other view than the reformation of the civil Government, and the security of the nation's liberties. These were the men the Parliament were to manage, for fear of alarming them, till they could be engaged to turn Presbyterians, whether by the superiority the Parliament should acquire in the course of the war, or by the absolute necessity they should be under of relinquishing the People's Liberties, or of recurring to the assistance of the Scots, which could be obtained but by changing the Government of the Church. On the other hand, the Church of England-men could not take it ill, that the Parliament managed the Scots, since their assistance might happen to be absolutely necessary. The ambiguous expressions therefore in the declaration, with respect to the union of the two Churches, served to manage all those who were concerned for the Parliament's affairs. The Scots were gladly suffered to think, that the proposition was understood in the sense they themselves gave it, and the Church of England-men were told, that the Parliament was properly bound to nothing, in promising to endeavour an union, because there was no more reason for the Church of England to conform to that of Scotland, than for this last to conform to that of England. That however great advantage would accrue from this pretended engagement, in that the King, from the apprehension of losing the Parliament closely united with Scotland, would be induced to make peace upon reasonable terms.

Though on this occasion, the King's enemies had gained some advantage in the Parliament, his friends did not think themselves vanquished. They plainly saw, that so long as both Houses should be able to act with freedom, the King's adversaries would always be superior, and that it was scarce possible to take away this freedom without an extraordinary assistance. Wherefore whilst men were still in the agitation occasioned by the battle of Edge-hill, they sent the King word, that if he would appear before London with his army, they did not question, such commotions would be raised in the city, as would turn to his advantage, in which his friends would not fail to exert themselves to the utmost of their power. This made him resolve to march to London. To that end, he ordered a body of Horse to go before, who advancing to Reading, the Parliament's troops, quartered there, were seized with such a terror, that they entirely abandoned the place, and the King came thither soon after with his army. Both Houses were alarmed when they heard the King was within thirty miles of London. So, whether for that reason, or with design to amuse him, they sent and desired a safe-conduct for a committee of Lords and Commons to attend his Majesty with a petition for Peace, pursuant to a resolution taken some days before. The King granted a safe-conduct for the committee, excepting only Sir John Evelyn, because he was proclaimed traitor (1.) In the mean time, both Houses had advice that the Earl of Essex was marching towards London with the utmost speed. For this cause they were in no haste to send the committee to the King, on pretence of his scrupling to admit Evelyn.

It is hard to conceive why the King, who could not be ignorant, that the execution of his project depended upon his diligence, stayed long enough at Reading to give the Earl of Essex time to come to London as soon as himself. However this be, he marched the 11th of November to Colchester, fifteen miles from London. Mean while the Earl of Essex's army arrived about the same time, in the neighbourhood of London. But whether it was not ready soon enough, or the Parliament was alarmed, the committee was sent to his Majesty the same day, with a very humble petition, to appoint a place for a treaty. The King returned a gracious answer to this petition, testifying, he wished for nothing more than a peace, and to that end, was content to enter into treaty. The committee returning to London with this answer, the Parliament immediately sent orders to their forces not to exercise any hostility.

But presently after the departure of the committee, the King began to march towards Brentford, which is but seven miles from London, and arriving there the 12th in the morning, attacked the town, where some of the Parliament's troops were quartered, and became master of it, after some resistance (2). Immediately after he sent a message to both Houses to inform them, that since his answer to their petition last night, he had received advice, that the Earl of Essex was drawing his forces out of London towards him, which had obliged him to march to Brentford: That however he was still desirous of peace, and expected their committee at Brentford that night, or early the next morning.

The Earl of Essex's army was indeed arrived near London the 7th, and the Earl himself was actually in the House of Peers the 11th, during the assault of Brentford. Whereupon both Houses ordered the Lord-Mayor to send out the trained-bands, to join with the Earl of Essex's army, and by that it became much superior to the King's (3). The same day the General made the necessary preparations for battle; but the King, not thinking fit to expect him, retired towards Kingston.

The Parliament complained, the King had deceived them under the false show of desiring to treat of a peace, since immediately after the departure of the committee, he marched to surprize Brentford. The King justified himself two ways. He said first, that not only there was no truce agreed upon, but none so much as desired. Secondly, that after the committee's departure, he received certain information, that the Earl of Essex had sent forces to Kingston, Alton, and other places, to surround him, which had obliged him to advance to Brentford. The former of these reasons was the best, for there being no cessation of arms, he might justly take all advantages as he thought proper. But he insisted the least upon this, for being disappointed, he would not have it appear that his design was to become master of London, or at least to raise commotions there in his favour, for fear of exposing his friends to a strict inquisition. The latter was not of the same force. For if he was afraid of being surrounded at Colchester, he did not avoid that inconvenience, by advancing eight miles nearer London. He rather made it greater by that march, unless he advanced with design to attack the enemy, which did not appear by his conduct.

The King is furnished with another reason, not contained in a sort of Manifesto, published by himself on this occasion. Prince Rupert, it is said, had advanced to Hamsworth with the Horse, without the King's order, and when there, was informed that the Parliament had sent forces to Kingston, Alton, and other places: So, finding he was going to be surrounded, sent to the King to desire him to advance with his infantry to disengage him. This reason to me seems so very weak, that I should think it needless to refute it, if it did not come from the illustrious author of the History of those times. I will not say, that it does not much redound to Prince Rupert's honour to affirm, he had advanced without the King's order with his cavalry, which too is not very likely. But first, if the Prince did think himself in danger, it was much calmer for him to retire to the King, than for the King to march to his relief. Secondly, what probability was there, that the Parliament's forces, which are supposed to have been detached to surround the Prince, should post themselves between him and the King? Thirdly, the Earl of Essex's army came near London but that very day, and was not in condition to march ten or twelve miles farther to attack the Prince.

It is therefore extremely probable, that the King, when he left Oxford, intended to surprize London, or hoped, that his friends would so manage, that he should be received there without opposition, before the Earl of Essex could arrive. But he either lost too much time at Reading, or was prevented by the Earl's expedition. Nevertheless, since he was not ignorant that the Parliament's forces were now very near London, one cannot well see what he signified to attack Brentford, unless it was to brave the Parliament, or having first designed to give battle, he had altered his mind upon hearing that the trained-bands of London were sent out to join the Earl of Essex. Be this as it will, having missed his aim, he was forced to frame reasons to colour his attack of Brentford, and to try to persuade the People, it was done only in his own defence. After all, it is very likely, that when he sent back the committee from Colchester, he was determined to march to Brentford, and was not forry the Parliament amused them-

(1) This Committee consisted of Algernon Percy, Earl of Northumberland, Philip Herbert Earl of Pembroke, the Lord Wenman, Mr. Pierrepont, and Sir John Hippely. Raynworth, Tom. 5. p. 57.

(2) Part of Colonel Sted's Regiment were quartered there, who made a vigorous defence, but would, in all probability, have been most of them cut off, if the Lord Broke's and Colonel Hengham's Regiments had not come to their relief, and maintained a fierce and bloody fight all night, wherein many were slain, others driven into the river, and many taken prisoners. So that they quieted the town in the night, and the King published it. Raynworth, Tom. 57.

(3) Raynworth, p. 65.

(4) The whole army, of Horse and Foot, consisted of about twenty four thousand men. Idem. p. 66.

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Military
affairs in
general
pieces.
Winchelsea,
p. 66.

felves with the hopes of a treaty. At least, the reasons he alledged in his vindication, did not prove the contrary.

This war continued all the winter in several parts of the Kingdom, there being scarce a County free from it. My design is not to defend to the particulars of all the skirmishes and conflicts during the war. Such circumstances may be agreeable to the *English*, who are acquainted with the situation of the places, or concerned for the honour of those who signalized themselves on these occasions. But Foreigners, for whom I write, being little concerned, I shall confine my self briefly to relate some of the principal actions.

In the north
D. c. m. b. 1.
Rushworth,
V. p. 65.

In the beginning of *December*, the Earl of *Newcastle*, who had levied an army for the King in the northern parts, began his march towards *York*. He was stopped at the palace of the River *Tees*, which parts the Bishoprick of *Durham* from *Yorkshire*, by young *Hetham*, who had with him a detachment of the little army commanded by the Lord *Fairfax* in that County for the Parliament: But the Earl forced the passage, and came to *York*, with about eight thousand men.

Tadcaster
and Clitheroe
rough-fights
2d. p. 91.

There were likewise during this winter, in the same County, two pretty warm actions. The first at *Tadcaster*, where the Lord *Fairfax* was intrenched, and where he was attacked by the Earl of *Newcastle*, who, after an obstinate dispute, was obliged at last to retreat. The second was at *Gibberburgh*, where Sir *Hugh Cholmley* defeated six hundred of the King's party, commanded by Colonel *Slingby*, who was taken prisoner, with a good number of his men.

Taking of
Lancaster
Jan. 23.

Some days after, Sir *Thomas Fairfax* the General's Son, attacked the town of *Leds*, defended by Sir *William Savil* with fifteen hundred men, carried it by storm, and took five hundred prisoners. These were the most remarkable actions in the North, during the winter that followed the first Campaign.

In the South
Walter Raleigh
and Clitheroe
chess.

In the South, Sir *William Waller*, Commander for the Parliament, blew up *Farnham* Castle, and made the garrison prisoners of war. Shortly after he took *Winchester*, and then *Chichester*, after an eight days siege.

D. c. 139.
Northampton
V. p. 100.
In the middle
of the winter
Walter Raleigh
2201. Marl-
borough.

In the middle Countries, several notable actions, though little decisive, were also performed. The 5th of *December*, *Wilmet* Commissary-general of the King's Horse, the Lord *Digby*, and others, attacked the town of *Mariborough*, fortified by the Parliament, where was a numerous garrison. The town being carried by storm, was plundered and burnt, and about a thousand of the garrison slain and taken prisoners.

16. p. 55.
Clitheroe
18. p. 63. 64.
Clitheroe
2d. m.

February the second, Prince *Rupert* took *Cirencester* by storm, and made twelve hundred prisoners (1).

16. p. 55.
Clitheroe
18. p. 63. 64.
Clitheroe
2d. m.

March the first, the Lord *Brade* attacked some of the King's Forces intrenched in the clofe of the Cathedral of *Lichfield*, and was there slain; but after his death his men carried the clofe.

16. p. 55.
Clitheroe
18. p. 63. 64.
Clitheroe
2d. m.

The 10th of the same month, a battle was fought at *Salt-Heath* near *Stafford*, which was maintained on both sides four hours, till at last [Spencer Compton] Earl of *Norhampton*, who commanded the King's forces, being slain, the Parliament's troops became victorious.

16. p. 55.
Clitheroe
18. p. 63. 64.
Clitheroe
2d. m.

The same day Sir *William Waller* surprized the Lord *Herbert*, who was besieging *Gleicester*, killed five hundred of his men, and took above a thousand prisoners. After that, he took *Chepstow* in *Monmouthshire*, and then the town of *Monmouth* itself.

16. p. 55.
Clitheroe
18. p. 63. 64.
Clitheroe
2d. m.

I proceed now to what passed in the western Counties, from the beginning of the war, to *March* the next year, 1643. As the war was always very sharp in those parts, and as the superiority was there obstinately disputed, it will be necessary, for the better understanding these events, to give a particular account of what passed in these Counties.

16. p. 55.
Clitheroe
18. p. 63. 64.
Clitheroe
2d. m.

From the time the King was at *Beversley*, after having failed in his attempt upon *Hull*, he sent the Marquis of *Heriford* into the West, to try to raise a party capable to give the Parliament's forces a diversion. He granted him a Commission to command all the western parts, and the Marquis made Sir *Ralph Hopton* his General of Horse. The Marquis being come into *Somersetshire*, fixed his quarters at the *Bath*, where he could raise but few men, by reason of the vigilance of the Committee of the Militia, who greatly obstructed his levies. At last, the Earl of *Bedford*, who commanded in those parts for the Parliament, having drawn together much more numerous forces than were those of the King, the Marquis of *Heriford* was obliged to retire into *Wales*. He sent however Sir *Ralph Hopton* with about one hundred and fifty Horse into *Cornwall*, to endeavour to gain that County to the King's Interest. The Earl of *Bedford* neglected to pursue this

16. p. 55.
Clitheroe
18. p. 63. 64.
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2d. m.16. p. 55.
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2d. m.16. p. 55.
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18. p. 63. 64.
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18. p. 63. 64.
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2d. m.16. p. 55.
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2d. m.16. p. 55.
Clitheroe
18. p. 63. 64.
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2d. m.16. p. 55.
Clitheroe
18. p. 63. 64.
Clitheroe
2d. m.

little troop, not doubting but the Committee of the Militia would be able to disperse them, and went and joined the Earl of *Essex*. This passed before the battle of *Edge-hill*.

Hopton was well received in *Cornwall*, and seconded by Sir *Bevil Grenvill* a *Cornish* Gentleman, who so ordered it, that the County declared for the King. Then *Hopton* drew together three thousand of the trained-bands, and marched towards *Lancaster*, from whence they chased the Committee of the Militia, who had assembled some troops. But endeavouring to lead these trained-bands into *Devonshire*, they refused to march out of their County. For which reason he dismissed them, having first driven the Committee from the little town of *Salisbury*.

Mean while, with the assistance of the Gentlemen of the County, he found means to levy fifteen hundred regular troops, with whom he became absolute master of all *Cornwall*, and even made incursions into *Devonshire*.

The Parliament having intelligence of *Hopton's* progress in *Cornwall*, ordered all their forces in *Devon* and *Somerset* to join with those of *Devon*, and gave the command of this army to [Henry Gray] Earl of *Stamford*. The Earl heading these Troops, sent *Ruthen* a *Scotchman* Governor of *Plymouth*, with a detachment into *Cornwall*. He was no sooner there, but was met by Sir *Ralph Hopton*, who put him to rout, killed many of his men, and took above twelve hundred prisoners. *Ruthen*, after his defeat, retired to *Salisbury*, where he endeavoured to fortify himself, and the Earl of *Stamford* threw himself into *Tavistock* (2).

Hopton taking advantage of the terror, he had struck into the Parliamentarians, divided his forces into two bodies; with one of which he marched towards *Ruthen*, and beat him out of *Salisbury*, and thereby remained again master of *Cornwall*. The other body moved towards *Tavistock*, which the Earl of *Stamford* also quitted, and retiring to *Plymouth*, enabled *Hopton* with the more ease to fix quarters in *Devonshire*. But shortly after, both parties having agreed to observe an exact neutrality in the two Counties of *Devon* and *Cornwall*, in order to remove the war into other parts, *Hopton* retired with his forces into *Cornwall*.

Having related the principal military actions of the first campaign, and the following winter, it will be necessary to mention some other things, which indeed flowed from the war, but were not decided by arms.

Money being the sinews of war, it is not strange the King and the Parliament should do their utmost to raise all they could. But the wonder is, that they should upbraid each other with the expedients made use of to that end. According to the laws of the land, the King cannot levy money upon the Subject, without consent of Parliament; but it is no less certain, that the Parliament cannot impose taxes without the Royal assent. Taxes are laid by Acts, to which the King and both Houses must necessarily give their approbation. But what is to be done when the King and Parliament are at war with one another? Neither of them, according to the laws, must levy money upon the people, and then it will be almost impossible to wage war, or else both must be left at liberty to raise it, without regarding each other's consent. This was what the King and the Parliament practised, and yet they reproached one another with breach of the Laws. If we believe the authors who write in favour of the King, his Majesty had no other money than what he was supplied with voluntarily by gift or loan (3). If he sometimes taxed the Counties in his power, it was always with the consent of the inhabitants. But this is a kind of artifice to deceive the Reader. For it means nothing more, than that some of the leading men of a town or county were gained, by whom it was resolved to give the King such a sum, after which it would have been in vain for the rest to oppose it, or refuse to pay their share. The Parliament proceeded in much the same manner. They demanded for the maintenance of the war, contributions, which they termed voluntary, but which were very far from being so. This very clearly appeared in an ordinance of the 29th of *November*, for assembling such as had not freely contributed. The King, considering this ordinance as an express breach of the law, issued out a Proclamation, enjoining all his Subjects not to submit to it. He published another of the same nature, to command all persons not to execute the ordinance of Parliament for paying Tunnage and Poundage to the two Houses. All this was founded upon the laws, requiring the Royal assent for the imposition of taxes. But such were the times, that a strict observance of the laws was become impracticable. The Parliament answered this last Proclamation, not by acknowledging, the laws were violated by their ordinance, but by saying, that the Statute urged by the King, was made to hinder the King from imposing any

16. p. 55.
Clitheroe
18. p. 63. 64.
Clitheroe
2d. m.

16. p. 55.
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16. p. 55.
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2d. m.

(1) Among whom were *Warrford* and *Ferry-plots*, (two Gentlemen of good quality and fortune near that town) and Mr. *George*, who served for that Burrough. Above two hundred were slain. *Clarendon*. *Tom.* 2. p. 97.

(2) This battle was fought on *Brace-down* near *Leopard*. The chief of the *Cornish* Gentlemen that helped Sir *Ralph Hopton* to raise his forces, were: Sir *Bevil Grenvill*, Sir *Nicholas Stanbury*, *John Arundell*, and *John Trecumack*, all four Members of Parliament. *Clarendon*. *Tom.* 2. p. 100, 101.

(3) And by these means, says the late *Clarendon*, the King was able to pay his Foot, though it amounted to above 200000 money. *Tom.* 2. p. 67.

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tax, without consent of both Houses, and not to divert the Parliament of a right to impose what they thought proper. It is easy to perceive, that this was only a cavil, since the King's consent was no less necessary for imposing a tax, than that of both Houses. Or rather, they had no rights, neither the one nor the other separately, if the laws had been kept to. And yet the King, in the next February, published another Proclamation, ordering that the Customs upon Goods imported, should be paid him at *Oxford*, which, in all appearance, was not performed. This subject is often returns, not only with respect to levies of money, but also with regard to every thing enjoined separately by the King or both Houses, that it will not be amiss to have some knowledge of the principles of both parties, in order to avoid passing a wrong judgment (1).

Remark on the Prince's plan to the King would show his high.

Ever since the beginning of this Parliament, the King had constantly professed a strict adherence to the laws of the land. This he perpetually opposed to the conduct and pretensions of the Parliament. When the war was begun, he pretended in the like manner, that the laws were to be observed with the same strictness as in full peace. It is very visible, how advantageous to him this principle was. According to the law, the two Houses could raise neither men nor money, much less employ them against their Sovereign; for he always supposed the war was only defensive on his part. He found therefore no better way to restore the public tranquillity, than to adhere to the laws, on the observance whereof depended the Nation's happiness. Nothing was truer than this principle, taken in general, and independently of the particular case the Kingdom was in. But, as the King himself owned, the laws being only an empty name, if not kept, and the executive power being lodged in the King's hands, the point was to know, Whether the King could be relied upon for the discharge of this trust, after what had passed the fifteen first years of his reign? There lay the difficulty of the question between the King and the Parliament; to solve which the King offered only his bare word, whereas the Parliament could not, or would not rely. It is therefore evident, that when the King urged the laws in his behalf, he said nothing that in the least prejudiced the Parliament's claims. The thing was not to know, Whether the laws ascribed such or such prerogatives to the Sovereign? The Parliament did not deny it: but the question was to know, Whether the King was to be trusted with the executive power, after what had passed? So the whole difficulty consisted in knowing, by what means the execution of these same laws, agreed to by both parties, might be secured. The King carefully avoided the examination of this point, whether the people had a right to demand security of him, and used his utmost endeavours to reduce the dispute to this, *Whether this or that were enjoined by the Laws?* This is the reigning principle in all his papers, without one exception.

On the other hand, the Parliament were no less embarrassed. It is true, they clearly showed, the King had abused his prerogatives, whilst he fully enjoyed them, and from thence inferred, it was necessary to reduce his power within certain bounds. But they supposed, that in order to reduce him within these bounds, there was no other way than to strip him entirely of this same power, by depriving him of the command of the Militia, and some other prerogatives. The question in this respect was therefore, Whether it was possible to find expedients, which being added to the King's word and oath, might secure to the Nation their Liberties. But the two Houses industriously avoided to enter upon that question. They were contented to suppose, without alleging any positive proof, that the King had taken arms to destroy the privileges of the people and Parliament, and consequently the war was but defensive on their part. By that they pretended to vindicate their daily manifest breaches of the Laws, representing them as absolutely necessary to attain the end they proposed to themselves, of settling the peace of the Kingdom. One can scarce help perceiving in this conduct, the aim of certain men, who laboured to render an accommodation impracticable, the better to execute the project of altering the government of the Church, to which a peace would have brought insuperable obstacles. Could the King have prevailed with himself to consent to that change, expedients would not have been wanted to adjust the other points. We shall be convinced of this hereafter, when we come to see the difficulties of the peace reduced, as I may say, to this single article.

The King, as I said, had sent the Earl of *Newcastle* into the North, to gain to his party the Bishoprick of *Durham*, with the Counties of *Northumberland*, *Cumberland*,

and *Westmoreland*, and to levy an army. The Earl happily executed the King's design. He so managed, that these four Counties entered into affiliation to furnish him at the common expence, with men and money, so that he raised an army of eight thousand men. But at the same time, he taught the King's enemies to form the like affiliations, which perhaps they would never have thought of. As soon as the Parliament was informed of this affiliation, they ordered the like to be entered into by the Counties that owned their authority, and appointed Generals to command their forces. The Lord *Fairfax* was made General of *Yorkshire*, Sir *William Brereton* of *Cheshire*, Sir *William Waller* of *Hampshire*, the Lord *Grey* of *Lancashire*, Major-General *Brewin* of *Berks*, the Earl of *Denbigh* of *Shropshire*, Colonel *Middleton* of *Wales*, and the Earl of *Manchester* of *Essex* and the Counties adjoining, called the Eastern Counties, namely, *Essex*, *Cambridge*, *Isle of Ely*, *Hertford*, *Norfolk*, *Suffolk*, and the City of *Norwich* (2). By means of these affiliations, the Parliament had forces always ready, who indeed were deluged only for the defence of the affiliated Counties, but were however employed sometimes in other services. The King frequently tried to prevent these affiliations in Counties where he knew he had a good number of friends, as for instance, in *Kent*, and some others. But when both Houses perceived the King's practices were like to prevail in any of the Counties where they were superior, they obliged them to affiliate with others, and furnish their quota.

Besides these affiliations between the Counties of the same party, there were also at the beginning of the war, private agreements between neighbouring Counties of different parties, to observe, between them, an exact neutrality. These agreements were founded on the common advantages of the contracting Counties, as they removed the war from their own doors, and settled a mutual commerce between them, which they could not well be without. I have given an instance in the Counties of *Devon* and *Cornwall*. The like agreement was made between the two parties in *Yorkshire* and *Cheshire*. But the Parliament refused to authorize these private agreements, because they were too advantageous to the King, who in the end would have been able, by this means, to assemble all his forces in one place, whereas he was obliged to disperse them throughout the whole Kingdom. Besides, the King's party had so well managed his concerns, that these agreements were made only in places where it was to his advantage; as for example, in *Yorkshire*, where the sole view was to stop the Inroads of the Garrison of *Pemfret Castle*, which very much annoyed the City of *York*.

The King retiring to *Oxford*, after the *Brentford* affair, carried thither the Prisoners taken at *Brentford* and *Edgehill*. Within few days after his return, he granted to Sir *Robert Heath* a Commission of *Oyer and Terminer*, to try some of these prisoners, among whom was Captain *Jacob Lilburn*, who with some others was condemned to die, for being taken in arms against the King. The Parliament having notice of this sentence before its execution, declared, that if any prisoner of war should be put to death at *Oxford*, or elsewhere, they would inflict the like punishment upon such prisoners as were or should be taken hereafter. This Declaration saved the lives of the condemned, the King not thinking proper to expose his Officers to the same fate.

Though the measures of the King's friends to oblige the Parliament to make peace were broken, as I said, they were not discouraged. As the King, after the business of *Brentford* had fortified *Reading*, and left there a strong garrison, they pretended, the Inhabitants of *London* had cause to be extremely alarmed at their neighbourhood. So under colour of preventing the danger, they drew a Petition, to which they procured as many hands as possible, to desire leave of both Houses to present to the King some propositions which he might consent to with honour. Many of the Inhabitants of *Westminster*, and of the Parishes of *St. Martin's* and *Court-Garden*, known to be the King's Adherents, prepared also the like Petition. It was a very uncommon thing, and of dangerous consequence, for private persons, without the interpolation or approbation of the Magistrates, to take upon them to make overtures of peace to the King. Accordingly, the Parliament would not receive their petition, nay, ordered that the authors should be brought to justice. Probably, they did not expect, the Parliament would make use of their mediation for a peace: But in publishing this petition, wherein they called themselves the richest and most considerable Inhabitants of *London*, their aim was to inflame to the People, that the honest part of the Citizens wished for peace upon

(1) According to some Authors, the Parliament raised in all upon the Nation, during the course of the civil war and afterwards, above ninety five millions, five hundred and twelve thousand pounds. And, according to Mr. *Walpole*, there was levied, from the year 1642 to 1647, above forty millions in money, and money-worth. See *Hist. of Taxes*, p. 279. 287. In March 1643, they made an Ordinance for raising thirty four thousand, one hundred and eight pounds, thirteen shillings per week. *Robinsons*, Tom. 5. p. 150.

(2) There were afterwards generally called the affiliated Counties. *Walpole*, p. 66.

1642-3.
Petition of
the Mayor
and Alder-
men of Lon-
don.
Rothworth,
V. p. 110.
Clarendon,
II. p. 52, 53.

more moderate terms than the Parliament, but were re-
fused by the Magistrates. The two Houses fully per-
ceiving the motives of this petition, ordered it so, that the
Mayor, Aldermen, and Common-Council of London, sent
a very humble petition to the King, wherein they took
care to clear themselves from all disloyalty, and expressed
an earnest desire of peace. To that purpose, they besought
his Majesty to return to his Parliament, accompanied with
his royal, not martial attendance; to the end whatsoever
was amiss in Church and State might be reformed by the
advice of both Houses, and such a peace obtained, as
should be for the honour of his Majesty, and the welfare
of his Subjects. This Petition showed, that the City of
London desired no other peace than what the Parliament
should please to agree upon with the King. It had this ad-
vantage of the first, that it came from the Mayor and
Common-Council, whereas the other was subscribed only
by private hands.

The King's
Answer.
H. p. 85.

The King was really persuaded, that the Londoners de-
sired to grant and would accept of such a peace as he should be
pleased to grant, but that the Magistrates, in concert with
the Parliament, did their utmost to prevent it. This Peti-
tion being presented to him the 10th of January 1642-3,
he returned a very gracious answer, and gave it in writing
to the Committee of Aldermen. He said, "That he ne-
ver entertained any misapprehension of the loyalty of
his City of London, or of the Inhabitants in general:
but could not say the same with regard to their Magi-
strates, and particularly Alderman Pennington their pre-
tended Lord-Mayor, and two or three more (1), who
endeavoured, with all their power, to prevent the Peo-
ple, and excite them to Rebellion. Then he enumerated
all the outrages exercised at London upon himself and the
Laws, and assured, he was ready to return to them, when
they should be in a fit posture to receive him with hon-
our and safety, and had apprehended the disturbers of
the public peace, that they might be proceeded against
by course of law, as guilty of High-Treason." The
King greatly flattered himself with respect to his Papers,
which he readily believed to be unalienable. But the
wonderful effects he hoped from thence did not always an-
swer his expectations. In this belief, when he delivered
his answer in writing to the Committee of Aldermen, he
took them, it was his desire, that it should be read public-
ly at a Common-Hall and before the People. The Lord-
Mayor, with the consent of both Houses, willingly gave
his Majesty this satisfaction, and his answer was accordingly
read in public. But the Parliament had sent a Commit-
tee of Lords and Commons to be present at the reading,
and afterwards to reject the King's answer. This did
Mr. Pym, one of the Committee, in a set speech, the de-
sign whereof was to show, that the King's whole answer
was full of scandalous and injurious aspersions upon the
City and Parliament. So the King had little reason to be
satisfied with the success of his answer, on which however
he had much depended, imagining it would be capable of
sowing discord between the people of London and the Ma-
gistrates.

The King's
Order to the
Sheriffs of
London.
Jan. 17.
Rothworth,
V. p. 120.

Some days after, the King sent to the Sheriffs of London
a Declaration, grievously complaining of Pym's Speech,
and of the publication of a Pamphlet in the City in his
name, as if he retracted his former promises. He requi-
red also the master and wardens of the several Companies
of the City, to summon all their Members, and read this
Declaration with his fore-mentioned answer, publicly in
their several Halls. He declared that Isaac Pennington not
being regularly elected according to their Charter, or law-
fully admitted, could not be looked upon as Lord-Mayor
of London, and ordered the Sheriffs to commit him to safe
custody, with some other Aldermen. But the Parliament
perceiving, the King's aim was to incite the people of Lon-
don against their Magistrates, commanded the Sheriffs not
to execute this order.

Order of
both Houses
concerning
Spain.
Jan. 16.
H. p. 117,
118.

As the King frequently sent private Agents to London,
to correspond with his friends there, and to be fully in-
formed of what passed in the City and Parliament, both
Houses thought proper, in order to render this practice
more difficult, to declare, that all persons coming from the
King's quarters to London without a safe-conduct, should be
treated as spies.

Disputes be-
tween the
Papists in
the army.
H. p. 78,
131-141.

During this winter, before the opening of the second
campaign, the contest about the number of Papists in the
service of the King and of the Parliament was renewed,
on occasion of some Papers published by the Earl of New-
castle and the Lord Fairfax against each other. The
Earl of Newcastle did not deny that he had Papists in his

army; but maintained, they were few in number, and 1642-3.
besides, it was lawful to employ them, since it was not be-
cause of their Religion, but for their loyalty. On the
other hand, he affirmed, there were great numbers in the
Parliament's army, and appealed for the truth of what he
said to their muster-rolls. I confess this proof to me seems
of no weight. For besides that these rolls were not pub-
lished, and consequently not easy to be examined by every
body, probably, the Religion of the officers and soldiers
was not specified (2). However this be, the King and the
Earl of Newcastle openly asserted, there were many
Papists in the Parliament's army. The Earl of Clarendon
has advanced the same thing: but in all their writings,
there is not a single Catholic named: Whereas the Parliam-
ent produced lists of Popish Officers in the King's
service, with their names, quality, and employs. Besides,
it is easy to see, that the King, according to his principles
and behaviour to the Papists, from the beginning of his
reign, made no scruple to employ them, and that they could
themselves expect some advantage in serving him. But what
interest the Parliament could have to employ Catholics,
or what advantage could accrue to them from that
service, does not so clearly appear. Nevertheless, the
imputation perpetually cast upon him afterwards of having
Popish armies, because he refused not the assistance of
Papists, and the consequence drawn from thence, that his
design was to destroy the Protestant Religion, must be
deemed a very great aggravation, and a mere calumny
to render the King odious.

Since the Queen was in Holland, she had not been idle. She
laboured effectually to procure the King officers, arms
and ammunition, which was facilitated by the Prince of
Orange her Son-in-law's credit. September 1642, both
Houses sent an Agent, Walter Strickland, to the Hague,
to complain to the States-General of the preparations making
in Holland for the King, and of the supplies that were sent
him. But Strickland was received very coldly, by reason
of the Prince of Orange's credit in the assembly of the
States. Besides, the States-General did not consider him
as a public Minister, because hitherto the Parliament had
never sent Agents abroad in their own name. They were
contented therefore to depute one of the members of their
Assembly, to know what he had to say. Strickland put
into their hands a Declaration from the Parliament, to this
effect:

"That the Lords and Commons undersigned by an in-
tercepted letter of the Lord Digby, that he had ad-
dressed himself to the Prince of Orange, and by his
countenance and help made provision of great quantities
of ordnance, powder, arms, and divers other sorts of
warlike provision: And the said Prince, the better to en-
courage divers commanders of English Regiments in
the service of the States, to resort to the King's aid a-
gainst the Parliament, had promised to relieve their
places for them in their absence.

"That they could not believe, this was done by any
authority of the States, considering the great help they
had received from England, when they lay under the
heavy oppression of their Princes. Neither could they
think, that they would be forward to help to make those
slaves, who had been useful and assistant in making
them freemen: or that they would forget, that the
troubles and dangers of them both issued from the same
fountain, and that those who were set at work to un-
dermine Religion and Liberty in England, were the
same, which by open force had fought to do the like in
the Low-Countries.

"That it could not be unknown to them, that the
Jesuitical Faction had corrupted the King's counsels, and
the consciences of a great part of the Clergy, plotted
to destroy the Parliament, raised a cruel rebellion in Ire-
land, endeavoured to divide the King from his Parlia-
ment and People, and by false flanders incensed his Ma-
jesty so, as that he had resolved to set up his Standard,
and draw his sword for the destruction of his People,
whom by the Laws and Constitutions of the Kingdom
he is bound to preserve and protect.

"That the question was not, whether the King should
enjoy the same Prerogative and Power which belonged
to former Kings his predecessors; but whether that
Prerogative and Power should be employed to the de-
fence or the ruin of the Kingdom.

"That it could not be denied, but that it would be
more honour and wealth, safety and greatness to his
Majesty, in concurring with his Parliament, than in the
course he was in; but that his counsellors looked more

(1) Pym, South, and Montagu, are named by the King.

(2) The Earl says, in one of his papers, "That the Parliament had had, for many months, great numbers under their pay, both English, French, and
other Nations, whom, at the time of their enrolment, and ever since, they did know to have been professed Papists; whereas, it was notoriously known,
that no person this course was taken on the other party, his Majesty and his Ministers did not admit to, nor continue any Soldiers in pay, who were suspected
to be that way inclined, or did refuse the Oaths of Allegiance and Supremacy." *Parliamentary*, Tom. 5. p. 84.

1642-3. "upon the prevailing of their own party, than upon any of those great advantages, which he might obtain by joining with his People.

"That both Houses had lately expressed by earnest inclinations to a national love and amity with the United-Provinces, that they had petitioned his Majesty, that they might be joined with them in a more near and fraternal league and union: And they could not but expect some returns from them of the like expressions; therefore desired, that they would be so far from blowing the fire which began to kindle amongst them, that they would rather endeavour to quench it by strengthening and encouraging them, who had no other design but not to be deluged, and to preserve their Religion."

This Declaration was long neglected, the States-General not vouchsafing to return any answer. At length, *Strickland* having presented it to the States of *Holland*, they promised to observe a strict neutrality, and engaged the Province of *Zealand* to take the same resolution. They even arrested some ships laden with ammunition and soldiers for the King. Then the States-General could no longer help taking notice of the Parliament's Declaration, and returned in answer: "That they would expressly forbid every body to transport any weapons or warlike ammunition into *England*, and would gladly employ their mediation for putting an end to the troubles."

But this could not hinder the indirect supplies that were sent to the King, by reason of the Prince of *Orange's* great credit. During the winter, General *King*, a *Scotchman*, brought his Majesty's ordinance and ammunition (1), and General *Goring* brought over some *English* officers that were in the service of the States. It is true, that from time to time the *English* ships seized some of those vessels that were sent to the King. *Strickland* made frequent complaints of these supplies; but the States-General took no notice of them. Nay, they granted the Queen, who was preparing to return to *England*, so large and general a pass-port, that by virtue thereof she might transport into *England* troops, ordnance, arms and ammunition, in what quantities she pleased. Nevertheless the States of *Holland*, whom it concerned to keep fair with the Parliament, stopped one of the Queen's vessels laden with ammunition; whereupon the delivered in a Protestation. In all probability, they had a mind thereby to manage both parties, the Parliament by seizing one of the ships, and the Queen, by stopping but one out of many. We shall see hereafter, that the supply brought to the King by the Queen was very considerable. She arrived about the middle of *February* in *Burlington-Bay*, and from thence went to *York*, where she made some stay (2).

The King, as I said, constantly insisted upon the Laws of the Land, and urged that they ought to be observed in time of war as in time of peace. The admitting of this principle would have turned greatly to his advantage, for the Laws, not supposing an actual division between the King and Parliament, ascribed to the King sundry Prerogatives which he could have made use of against his enemies. For instance, by virtue of the Prerogative, he pretended to adjourn the Courts of Justice to *Oxford* during *Hilary-Term*, but the Parliament would not consent to it.

On the other hand, the Counties being divided between the two parties, the Parliament addressed his Majesty, representing the inconveniences that would follow the holding of the Assizes in the several Counties, some whereof were for the King, and some for the Parliament, besought him to agree to their being deferred to a more convenient season. But the King positively refused it, under colour of the necessity of punishing malefactors at all times. Had he gained this point, he might have condemned as rebels all those that had taken arms against him, for the Judges must have administered justice according to the Law, which not supposing an open war between the King and the Parliament, condemn, without distinction, all that are in arms against the King. But the safe, the Kingdom was then in, being wholly extraordinary and unexpected, the Parliament pretended, the Laws could not be executed in that respect, without some restriction and explication. For this reason, they desired the Assizes might be suspended, till some means might be agreed upon, for the impartial rendering of justice. But finding, the King refused to consent to it, they published an Ordinance, forbidding the Assizes to be held till further order.

Though the war was begun in *April* 1642, and a battle, with several skirmishes, had been fought, the King could hardly be persuaded, that the very persons who were in arms against him, could or dared refuse the obedience that was due to him. Of this notion he gave an evident proof in *March* 1642-3, on the following occasion. The city of *Bristol* being in the hands of the Parliament, the King had gained Mr. *Robert Yeoman* [the last year Sheriff, and] one of the principal Citizens, and sent him a Commission to raise forces, and appoint what commanders he thought proper. *Yeoman's* design being to surrender the City to the King. To that purpose, he joined with one *Bourne*, another Citizen, and they both formed a plot, into which many of the inhabitants entered, to seize the City for the King. This plot being discovered the very night it was to be executed, the conspirators were imprisoned, and the Parliament sent down a commission to Colonel *Nathaniel Fiennes* the Governor, to call a Council of war, and proceed against the prisoners by martial Law. The conspirators being condemned to die, the King writ to the Governor by General *Rutten*, [Earl of *Forth*], that if he put these men to death, some prisoners in his hands should undergo the same fate. *Fiennes* returned the General a civil answer: but in shewing him however, the difference between prisoners of war, and secret spies and conspirators, he threatened, in his turn, there would be frequent opportunities in the course of the war, for the Parliament to use reprisals. Whereupon the King writ a thundering letter to the Mayor and Aldermen of *Bristol*, commanding them, as well as all the inhabitants, to rise against the governor and garrison, and free the condemned prisoners. It was easy to foresee the Mayor would ill obey this order. Accordingly the prisoners (*Yeoman* and *Bourne*) were executed, without the King's thinking proper to proceed in the like manner against the prisoners in his power.

Before I relate what passed in the second campaign of the year 1643, I think it absolutely necessary to shew the disposition of the King and Parliament to peace and war. Military actions depending upon many circumstances of time, place, number and bravery of the troops, conduct and abilities of the officers, these things indeed are ingredients of History, but not the chief. If in the recital of warlike exploits, the end of History was to teach the art of war, all the circumstances of the sieges, battles, skirmishes, would be essential: but there is another end more material to the generality of Readers, namely, to know the causes and grounds of the beginning and continuance of wars, and consequently the interests, motives and artifices of the parties concerned, from whence military actions spring. This is the reason why I resolved to be brief in the description of battles, in order to be more large upon the fore-mentioned points, which I look upon as what is most considerable. Nothing, in my opinion, is more proper to shew the real dispositions of the King and Parliament, than the Treaty at *Oxford* in *March* and *April* 1643, concerning a peace. And therefore I resolved to give a particular account of that negotiation, and the rather as I shall thereby avoid the necessity of explaining afterwards many things, which otherwise might not be well understood.

Both Houses of Parliament having considered that the King made some advantage of the inclination he had constantly shewn for peace, sent and desired a safe-conduct for Commissioners they intended to send to him, which the King granting, the Commissioners presented to his Majesty certain propositions as proper to serve for foundation to a peace (3). *Rushworth* has preserved in his Collections two Speeches made in Council upon this occasion, the Earl of *Bristol* to persuade the King to continue the war, and the Earl of *Dorset* to demonstrate the advantages and necessity of a peace. The substance of the Earl of *Bristol's* reasons was as follows:

"1. That the Parliament had declared divers of the greatest and most eminent among the nobility Delinquents in the highest nature; so that there could not be an accommodation, without the utter ruin of themselves and their Families.

"2. But granting that this article were removed, his Majesty could not conciliate with his honour to beg peace of his Subjects.

"3. That no mention could be found in the History of

(1) Six thousand arms. *Walsley's Mem.* p. 337.

(2) The day after her Majesty's landing, most of the Parliament Ships came into the River, and firing upon the vessels that were landing the ammunition, the ball reached the Tower, near the place where the Queen was residing herself after her voyage. Whereupon, she was forced to remove to an obscure lodging behind a hill. The Marquis of *Monmouth*, and the Lord *Ogily*, with two Troops of Horse, conducted her to the Earl of *Newcastle*, who extracted her here at *York*. *Rushworth*, *Tom.* v. p. 176. *Common Mem.* p. 24.

(3) The Commissioners on that occasion, were *Algernon Percy* Earl of *Northumberland*, *Philip Herbert* Earl of *Pembroke*, *William Coll* Earl of *Salisbury*, and *Henry Rich* Earl of *Holland*, with the Viscounts *Wentworth* and *Dangour*; and Sir *John Holland*, and Sir *William Liljan*, *Knight*, *William Pierrepont*, *Balford Whitelock*, *Edward Waller*, and *Richard Wilmot*, Esquires. They had their first access to the King in *Christ Church Garden*, where he was walking with the Prince, and divers of the Lords attending him. All killed his hand, and *Waller* approaching the last, his Majesty said, "Though you are the last, yet you are not the worst, nor the least in my favour." The delivery of a plot then in hand in *London* to betray the Parliament, whereon *Waller* was concerned, did manifest the King's countenance to *Waller*, to be too far service. *Walsley*, p. 67.

Plot to deliver up *Bristol* to the King. *March* 7. *Id.* p. 177. *Clarendon*, T. II. p. 191. T. May.

May 16. *Rushworth*, V. p. 157.

Id.

The Commissioners are persuaded.

How matters stood with the King and the Parliament.

The Parliament desired a safe-conduct to treat of a peace. *Rushworth*, V. p. 164.

The Earl of *Bristol's* speech for the continuation of the war. *Feb.* 1. *Id.* p. 117.

1642-3. "Spain of itself and civil wars, because they were truly Subjects, and their Sovereign truly a Sovereign. But since in England the State would neither be so to the King, nor suffer the King to be so to them, he thought they should be compelled to it."

"4. That it was no dishonour for Subjects to condescend to their King, but it was an excessive diminution to his Majesty's Royalty, to submit himself to his Subjects."

"5. His opinion therefore was, that his Majesty should neither propound to the Parliament, or receive from them any conditions for peace, but such as should absolutely comply with the regal Dignity and Prerogative, and such as might be no way prejudicial to his Majesty's servants and counsellors, or their estates."

"6. That there was an army on foot which could by force compel that, which fair words could not effect."

On the other side the Earl of Dorset represented:

"1. That peace, and a sudden one, was absolutely necessary between his Majesty and the Parliament."

"2. That he would not advise them to embrace a peace that should be more disadvantageous than the war, a peace which would destroy the Estates and Families of the Nobility. But it was to be considered, that the Parliament declared that only against Delinquents, such as they conjectured had misadvised his Majesty, and were the authors of the tumults in the Commonwealth."

But this declaration of theirs, except such crimes could be proved against them, were of no validity; the Parliament would do nothing unjustly, nor condemn the innocent; and certainly innocent men need not fear to appear before any Judges whatsoever. He who should, for any cause, prefer his private good before the public utility, was but an ill son of the Commonwealth."

"3. That the business of the Kingdom was to study to reconcile all differences between his Majesty and his Parliament, and so to reconcile them, that they should no way prejudice his royal Prerogative, of which the Parliament being a loyal defender (knowing the Subject's property dependent on it) would never endeavour to be an infringer; so that if doubts and jealousies were taken away by a fair treaty between his Majesty and the Parliament, no doubt a means might be devised to rectify differences."

"4. That in Spain, the Subjects were scarcely removed a degree from slaves, nor the Sovereign from a tyrant. But in England the Subjects had, by a long and received liberty, made their freedom result into a second nature: Neither was it safe for the Kings to strive to introduce the Spanish Government upon this free-born Nation, nor just for the people to suffer that Government to be enforced upon them; which he was certain his Majesty's goodness never intended."

"5. Granting that his Majesty had an army of gallant and able men, yet he had infinite disadvantages on his side, the Parliament having double his number, and surely persons of as much bravery, nay, and sure to be daily supplied when any of their number failed, a benefit which his Majesty could not boast of, they having the most popular part of the Kingdom at their devotion; all, or most of the cities, considerable towns, and ports, together with the main pillar of the Kingdom's safety, the sea, at their command, and the navy; and, which was most material of all, an unexhausted Indies of money to pay their soldiers, out of the liberal contributions of coin and plate, sent by people of all conditions, who accounted the Parliament's cause their own."

"6. All which things considered, he concluded it necessary, to beseech his Majesty, to take some present order for a treaty of peace betwixt himself, and his High Court of Parliament."

It is not said, what was the result of the Council's deliberations; but it may be judged by what followed, that the King relished the Earl of Bristol's reasons better than the Earl of Dorset's. I return to the treaty at Oxford.

The Parliament having to guard against the artifices of the King's friends, who were strenuously endeavouring to persuade the people, that the war was waging only for the sake of some of their Members, could not better contradict them, than by openly suing to the King for peace, and by publishing the terms on which they were ready to conclude it. They meant to shew by these terms, that it was not the private interest of some of their Members that put them upon action, but solely the welfare and security of the Na-

tion: However, they knew at the same time the King would not accept them. His Majesty, on his part, was obliged to shew he wished for peace, since he had always pretended to take arms only in his own defence. But the truth is, he desired it no more than the Parliament, because he saw, it was no favorable juncture to obtain such a peace as he expected, with a full restitution of all his prerogatives. Thus, though neither the King nor the Parliament had any intention sincerely to endeavour a peace, they were however both indispensibly obliged to express their desire of it, not to give the people occasion to believe, they preferred their private interest, to the good of the Kingdom. For this reason the King continually insisted upon restoring the Laws to their former vigour, and the Parliament, upon security for the observance of the same Laws, and thereby both rendered a peace impracticable. The substance of the propositions presented to the King by the Parliament was to this effect (1):

"I. That the armies on both sides be disbanded, and his Majesty be pleased to return to his Parliament."

"II. That he leave Delinquents to a legal trial and judgment of Parliament."

"III. That the Papists be disbanded and disfranchised."

"IV. That his Majesty be pleased to give the royal assent to the following Bills:

"1. For taking away superstitious Innovations.
"2. For the utter abolishing of all Archbishops, Bishops, Deans, &c."

"3. Against scandalous Ministers."

"4. Against Pluralities."

"5. For consultation with godly, religious, and learned Divines. That his Majesty be pleased to promise to pass such other bills for settling of Church-government, as, upon consultation with the Assembly of the said Divines, shall be resolved on by both Houses of Parliament."

"V. That his Majesty be pleased to give his consent, That an oath may be established by Act of Parliament to be administered in such manner, as by both Houses shall be agreed on; wherein they shall abjure and renounce the Pope's Supremacy; the doctrine of Transubstantiation, Purgatory, worshipping of the consecrated Host, Crucifixes, and Images; and that the refusing the said oath, being tendered in such manner as shall be appointed by Act of Parliament, shall be a sufficient conviction in law of Recusancy."

"And that his Majesty be pleased to consent to,
"1. A Bill for the education of the Children of Papists by Protestants."

"2. To a bill for the true levying of the penalties against Recusants, in such manner as both Houses of Parliament shall agree on."

"3. To a bill whereby the practice of Papists against the State may be prevented."

"VI. That the Earl of Bristol and the Lord Herbert may be removed from his Majesty's Councils and Court, and that they may not bear any office, or have any employments concerning the State or Commonwealth."

"VII. That the Militia be settled in such a manner as shall be agreed on by both Houses."

"VIII. That his Majesty be pleased to appoint for Judges (2), — with the clause *Quam diu se bene gererint*.

"IX. That all such persons as have been put out of the Commission of Peace, &c. since the first day of April 1642, may again be put into them; and that such persons may be removed, as shall be excepted against by both Houses of Parliament."

"X. That his Majesty be pleased to pass the bill presented to him to vindicate and secure the privileges of Parliament, from the ill consequence of the late precedent in the charge and proceeding against the Lord Kimbolton, and the five Members of the House of Commons."

"XI. That his Majesty's Royal assent may be given unto such Acts as shall be advised by both Houses of Parliament, for the satisfying and paying the debts and damages wherein the two Houses of Parliament have engaged the public Faith of the Kingdom."

"XII. That his Majesty be pleased to enter into a strict alliance with the States of the United-Provinces, and other neighbouring Princes and States of the Protestant Religion."

"XIII. That in the general Pardon which his Majesty hath been pleased to offer to his Subjects, all of-

The Earl of Dorset's Speech for an accommodation. Rushworth, V. p. 128.

1642. The Parliament demand a Peace, but desire it not. Clarendon, T. II. p. 70.

The Parliament's Propositions. Rushworth, February 2, V. p. 167. Clarendon, T. II. p. 94.

(1) The Earl of Northumberland read the Propositions to the King with a sober and stout courage, and being interrupted by him, said firmly, *Your Majesty will give me leave to proceed?* The King answered, *Yes*: so the Earl read them all through. *Whitelock's Memo.* p. 67. *Rushworth*, Tom. V. p. 149.

(2) Sir John Brampton for Chief-Justice of the King's Bench, William Lenthall the Speaker, Master of the Rolls, and to continue the Chief-Justice of the Common Pleas, and make Sergeant Wilde Chief-Baron of the Exchequer. And that Mr. Justice Bacon be continued; and the Sergeants, Rolls and Attorneys make Justices of the King's Bench, Reeves and Foster continued; Sergeant Paschall made one of the Justices of the Common Pleas; Sir John Brampton, Mr. Samuel Green, and Mr. John Palsgrave be made Barons of the Exchequer. *Rushworth*, Tom. V. p. 149.

1643. "fences and misdemeanours committed before the 10th of January 1641, which have been, or shall be questioned in Parliament before the 10th of January 1643, shall be excepted; which offences and misdemeanours shall nevertheless be taken and adjudged to be fully discharged against all other inferior Courts: That likewise there shall be an exception of offences committed by any persons, which have had any hand in the rebellion of Ireland: And an exception of William Earl of Newcastle, and George Lord Digby.

"XIV. That his Majesty will be pleased to restore such Members of either House of Parliament to their several places, out of which they have been put since the beginning of the Parliament; that they may receive satisfaction and reparation for those places; and that all others may be restored to their offices and employments, who have been put out of the same upon any displeasure conceived against them, for any assistance given to both Houses of Parliament, or obeying their commands, or forbearing to leave their attendance upon the Parliament without licence, or for any other occasion arising from the differences between his Majesty, and his Parliament."

These propositions plainly shewed, that though both Houses sued for a treaty in order for a peace, they were however very far from it, since they insisted upon things which the King would scarce have granted, had his condition been much worse than it was at that time. Nevertheless, as he had talked very much of his offer in August last, to treat of a peace, and of the refusal of both Houses, he did not think it advisable absolutely to reject these propositions. He contented therefore, that they should be discussed in a treaty; but gave six others on his part; namely,

"1. That his Majesty's own revenue, magazines, towns, forts and ships which have been taken or kept from him by force, be forthwith restored unto him.

"2. That whatsoever had been done or published contrary to the Laws of the Land, or derogatory to his Majesty's power and rights be renounced and recalled.

"3. That whatsoever illegal power hath been claimed and exercised by both or either House, over his Subjects as imprisoning their persons without Law, stopping their *Habeas Corpus's*, and imposing upon their Estates without Act of Parliament be disclaimed, and all such persons so committed forthwith discharged.

"4. That a Bill be framed for the better preserving of the Book of Common-Prayer from the scorn and violence of *Brewinists*, *Anabaptists*, and other Sectaries, with proper clauses for the ease of tender consciences.

"5. That all such persons, as, upon the treaty, shall be excepted out of the general pardon, shall be tried, *per Parit*, according to the usual course and known Law of the Land.

"6. And to the intent this Treaty may not suffer interruption by any intervening accidents, that a cessation of arms and free trade for all his Majesty's Subjects be first agreed upon."

Some days after, the King sent a message to both Houses, to desire that his last proposition might be first taken into consideration, to the end that during the cessation of arms, the peace might be treated of with the greater tranquillity, to which they consented.

It was the 28th of February before both Houses sent the terms to the King, on which they proposed to conclude a suspension of arms, during the treaty; namely,

"1. That all manner of arms, ammunition, victuals, money, bullion, and all other commodities passing without such a safe-conduct as may warrant their passage, may be stayed and seized on, as if no such cessation were agreed on at all.

"2. The same with regard to all manner of persons passing without such a safe-conduct.

"3. That his Majesty's forces in *Oxfordshire* shall advance no nearer to *Windsor* than *Wheatly*, and in *Buckinghamshire* no nearer to *Aylesbury* than *Brill*; and that in *Berks* the forces respectively shall not advance nearer the one to the other than now they are: And that the Parliament-forces in *Oxfordshire* shall advance no nearer to *Oxford* than *Henley*; and those in *Buckingham* no nearer to *Oxford* than *Aylesbury*: And that his Majesty's forces shall take no new quarters above twelve miles from *Oxford* any way; and that the Parliament-forces shall take no new quarters above twelve miles from *Windsor* any way.

"4. That no siege shall be begun or continued against *Gloucester*, and that his Majesty's forces now employed in the siege shall return to *Cirencester*, and *Malmesbury*, or to *Oxford*, as shall be most for their convenience; and the Parliament-forces which are in *Gloucestershire*, shall remain in the Cities of *Gloucester*, *Bristol*, and

"the Castle and Town of *Berkley*, or retire nearer to *Windsor*, as they shall see cause; and that those of *Wales* which are drawn to *Gloucester*, shall return into their quarters, where they were before they drew down to *Gloucestershire*.

"5. That in case it be pretended on either side, that the cessation is violated, no Act of Hostility is immediately to follow; but first, the party complaining is to acquaint the Lord General on the other side, and to allow three days after notice given for satisfaction. And in case satisfaction be not given, or accepted, then five days notice to be given before hostility begin: And the like to be observed in the remoter armies by the commanders in chief.

"6. Lastly: That all the other forces in the Kingdom of England and Dominion of *Wales*, and not before-mentioned, shall remain in the same quarters and places as they are at the time of the publishing this cessation, and under the same conditions as are mentioned in the articles before, and that this cessation shall not extend to restrain the setting forth, or employing of any ships for the defence of his Majesty's dominions."

The King replied to these propositions by a message to both Houses, complaining, "That he had been left without an answer almost a month, from the 3d to the 28th of February. He conceived, that the articles of the cessation now presented to him, were so strict, that such of his good Subjects who were not of his army would receive no benefit by the suspension, which he would ever insist on: And therefore he had returned the articles with such alterations as he doubted not but both Houses would consent to since they sufficiently manifested how solicitous he was for the good of his people, and how desirous to prevent any more effusion of his Subjects' blood. He desired the cessation might begin the 1st of March, or sooner, if the conditions should be sooner agreed on, and was willing the same should continue for twenty days, in which time he hoped by the treaty a full peace might be established throughout the Kingdom.

It must be observed, that the King in this negotiation, proposed to himself three advantages, as will hereafter evidently appear. 1. To gain time to make his preparations. 2. To set on foot, by means of a cessation of arms, a free commerce and correspondence between the quarters of both armies, and particularly, between *London* and *Oxford*, which would help to provide himself of many things necessary for the ensuing campaign, by sending for them from *London* or elsewhere. 3. To convey safely from *York* the forces and ammunition that were come from *Holland*. All this was concealed under the pretence of procuring the ease of his people by a free commerce throughout the Kingdom. These are the articles which he sent to both Houses, with the alterations he mentioned.

"1. That all manner of arms, ammunition, money, bullion, and victuals passing for the use of either army, without a pass or safe-conduct, from the Generals of either army, may be stayed and seized on, as if no cessation were agreed on at all.

"2. That all officers and soldiers of either army passing without licence or safe-conduct as aforesaid, may be apprehended and detained, as if no such cessation were agreed upon at all: And that all manner of persons, his Majesty's Subjects, of what quality or condition soever (except officers and soldiers of either army) shall pass to and from the Cities of *Oxford* and *London*, and back again at their pleasure, during this cessation, as likewise to and from any other parts of his Majesty's Dominions, without any search, stay, or imprisonment of their persons, or seizure or detention of their goods or estates: And that all manner of trade, traffick, and commerce, be free and open between his Majesty's Subjects, excepting as aforesaid, between the officers and soldiers of either army, or for arms, ammunition, money, bullion, or victuals, for the use of either army, without a pass or safe-conduct, as aforesaid, which may be a good beginning to renew the trade and correspondence of the Kingdom, and whereby his good Subjects may be restored to that liberty and freedom they were born to and have so happily enjoyed, till these miserable distractions, and which, even during this war, his Majesty hath by his utmost labour to preserve, opening the way by most strict Proclamations, to the passage of all commodities, even to the city of *London* itself.

III. The beginning of this article is the same as in the Parliament's, but the end is different, viz.

"And that the forces of neither army shall advance the quarters nearer to each other, than they shall be upon the day agreed on for the cessation to begin; otherwise in passage and communication between their several quarters respectively, without any acts of hostility."

The King consents to Treaty.

The King's Propositions: Rushworth V. p. 169; Clarendon, T. II. p. 93.

The King desires a cessation may be first agreed upon.

Articles for a cessation sent by the Parliament: Rushworth V. p. 170.

The King's Answer to these propositions: March 6. Id. p. 174.

Proposals made by the King for a cessation of arms: Ibid.

1643. "ity each to other, but may enlarge themselves within their own quarters respectively, as they shall find convenient."

Hereby the King was at liberty to send for his forces from York to Oxford, without any opposition from the Parliament's army.

"IV. That the forces of either army in *Gloucestershire, Wiltshire, and Wales*, as likewise in the cities of *Gloucester, Bristol*, and the castle and town of *Berkeley*, shall be guided by the rule expressed in the latter-part of the precedent article.

V. This article is exactly the same with the Parliament's.

"VI. That all other forces in the Kingdom of *England*, and Dominion of *Wales*, not before mentioned, shall remain in the same quarters and places, as they are at the time of publishing this cessation, otherwise than in passage and communication between their several quarters, as is mentioned in the latter-part of the said article, and that this cessation shall not extend to restrain the setting forth, or employing any Ships for the defence of his Majesty's Dominions, provided that his Majesty be first acquainted with the particulars, and that such Ships as shall be set forth be commanded by such persons as his Majesty shall approve of.

"VII. Lastly, That during the cessation, none of his Majesty's Subjects be imprisoned, otherwise than according to the known Laws of the land; and that there shall be no plundering or violence offered to any of his Majesty's Subjects. And his Majesty is very willing, if there be any scruples made concerning these propositions and circumstances of the cessation, that the committee for the treaty nevertheless may immediately come hither, and so all matters concerning the cessation may be settled by them."

Though both Houses were by no means pleased with the King's alterations in their articles, yet as he offered to treat upon that subject, they desired a safe-conduct for six Commissioners, namely, the Earl of *Northumberland*, the Lord *Say*, and four Commons (1). The King immediately granted it, excepting the Lord *Say*, because he was proclaimed traitor (2). When he sent the safe-conduct, he signified to them by a message, that he was content his proposition concerning the magazines, &c. and theirs for disbanding the armies, should be first treated of and agreed, and then the second of his Majesty's, and the second of theirs, and so in order: And that the time of the treaty might not exceed twenty-days.

The Parliament's five Commissioners repairing to *Oxford*, presented to the King fresh articles concerning the cessation of arms. But they were so little different from the first, that the King was not satisfied with them. And therefore he delivered to the Commissioners the following objections against the last articles.

1. They are in effect the same his Majesty formerly excepted to, and there is not the least mention of freedom of commerce between his Subjects, and consequently they have no ease or benefit by this cessation, though that is his Majesty's chief aim.

2. The putting the Ships that may be employed under the command of persons approved of by his Majesty, is not consented to by these articles; and by that means the conveying of any number of forces from one place to another (which is an act of hostility) remains free to both Houses.

3. The army raised by the Parliament is spoken of, as if his Majesty were no part of the Parliament, or himself to have raised that army. Now in order to prevent any inconveniences that might arise upon real differences or mistakes, upon the latitude of expressions, and to avoid delays, his Majesty desired that the Committee might have liberty to debate any such differences and expressions, and yet no such power is given in these articles, and the committee confessed to his Majesty they have no liberty, but are strictly bound to the very words of the articles now sent.

4. His Majesty's desire, that during the cessation none of his Subjects might be imprisoned otherwise than according to the Laws of the Land, is in no degree consented to.

5. His Majesty's desire against Violence is not at all taken notice of, nor is his desire against plundering any way satisfied; his Majesty not only meaning thereby the robbing of the Subject by the unruliness of the uncommanded Soldiers, but particularly the violence and plundering used to his Subjects, for not submitting to impositions required from them by ordinances of one or both Houses, which are contrary to the known Laws of the Land.

6. Besides, as there is no consent given to those altera-

tions offered by his Majesty, so where an absolute consent may be supposed, because the very words of his Majesty's articles are wholly preserved, yet by reason of the relation of somewhat going before that is varied by them, the sense of those words is wholly varied too. So that upon the matter, all the propositions made by his Majesty (which did not in terms agree with those presented to him) are utterly rejected. For these reasons his Majesty desires that the committee now sent may speedily have liberty to debate and agree upon the articles of cessation.

Both Houses perceiving, the King concealed under the little alterations he had made in their articles, more than appeared at first sight, thought proper to tell him, they were not wholly ignorant what advantages he intended to draw from such a cessation of arms as he proposed. To that end, they sent him their reasons in writing why they were obliged to reject his additions to their articles. The substance of their reasons was to this effect:

"1. That if they should grant such a free trade as your Majesty desired to *Oxford* and other places, where your Forces remain, it would be very difficult, if not impossible, to keep arms, ammunition, money and bul-
"lion, from passing into your Majesty's army, without a very strict and frequent searches, which would make it so troublesome, changeable, and dangerous to the Sub-
"jects, that the question being but for twenty days for so few places, the mischief and inconveniences to the whole Kingdom would be far greater, than any ad-
"vantage which that small number of your Subjects (whom it concerns) can have by it.

"The case then is much otherwise than is expressed by your Majesty's answer; for whereas they are charged not to give the least permission of this liberty and freedom of trade during the cessation, the truth is, That they do grant it as fully to the benefit of the Subjects even in time of war; and that your Majesty, in pressing this for the People's good, doth therein desire that which will be very injurious to the Subject, but exceeding advantageous to your Majesty, in supplying your army with many necessities, and making your quarters a staple for such commodities as may be vented in the adjacent Counties, and so draw money thither, whereby the inhabitants will be better enabled by loans and contributions to support your Majesty's army. And as your Majesty's army may receive much advantage, and the other army much danger, if such freedom should be granted to those places; so there is no probability that the army raised by the Lords and Commons, shall have any return of commodities and other supplies from thence, which may be useful for them: And they conceive, that in a treaty for a cessation, those demands cannot be thought reasonable which are not indispensible, that is, equally advantageous to both parties.

"As they have given no interruption to the trade of the Kingdom, but in relation to the supply of the contrary army, which the reason of war requires; so they beseech your Majesty to consider, whether your soldiers have not robbed the carriers in several parts, where there hath been such reason; and your ships taken many ships, to the great damage, not only of particular merchants, but of the whole Kingdom. And whether your Majesty have not declared your own purpose, and endeavoured by your Ministers of State, to embark the merchants goods in foreign parts, which hath been in some measure executed upon the Eastland merchants in *Denmark*, and is a course which will much diminish the wealth of the Kingdom, violate the Law of Nations, make other Princes arbiters of the difference between your Majesty and your People, break off the intercourse between this and other States, and like to bring us into quarrels and dissension with all the neighbouring nations.

"2. To demand the approving of the commanders of the Ships, is to desire the strength of one party to the other, before the difference be ended, and against all rules of treaty; to make a cessation at sea, would leave the Kingdom naked to those foreign forces, which they have great cause to believe have been solicited against them, and the ports open for such supplies of arms and ammunition as shall be brought from beyond the seas: But for conveying any number of forces by those means from one port to another, they shall observe the articles of the cessation by which that is restrained.

"3. As for the expressions of the army raised by the Parliament, they are contented it should be altered thus (*raised by both Houses of Parliament*), as not desiring to differ upon words; but to give any conclusive power in this case to the committee upon such differences as

Rushworth, V. p. 173.
Clarendon, T. II. p. 117, 146.

The Parliament's last Articles for Cessation.
Rushworth, V. p. 173.

The King's Objections to them.
March 23, Id. p. 177.
Clarendon, T. II. p. 146.

(1) Mr. Pierrepont, Sir William Erskine, Sir John Holland, and Mr. Whitelocke, p. 68.

(2) But he told them, in case they thought fit to send any other in his room, he should enjoy the benefit of the safe-conduct, as well as a person actually named. But they did not send any in his stead, to only five went. Rushworth, Tom. V. p. 173.

1643. "may arise, wherein the Houses have given no express direction, is neither safe for the Committee to undertake, nor fit for the two Houses to grant; yet to debate, and to press the reason of their desires, whereby an agreement from your Majesty may be procured, is granted to them; and although the two Houses did think it most proper, the cessation should be first agreed on, and that it was unfit to treat in blood, yet to satisfy the world of their earnest longing after peace, they have given power to the Committee, to enter into the treaty upon the two first propositions, notwithstanding the cessation be not yet assented to; and those being agreed, they hope the foundation will be laid not only of a suspension, but a total abolition of all hostility in the Kingdom.

"4. If the nature of war be duly considered, it must needs be acknowledged, that it is incompatible with the ordinary rules of a peaceable Government: Your Majesty would have them commit none, but according to the known Laws of the Land, whereby they conceive your Majesty understands, that it must be by the ordinary process of law; which being granted, it will follow, that no man must be committed by them for supplying your Majesty with arms, powder, ammunition: For by the law of the land, the Subject may carry such goods from London or any other place to Oxford, the soldiers must not be committed if they run from their colours, and refuse any duty in the army, *no man shall be committed for not submitting to necessary supplies of money*: So that if this be yielded in your Majesty's sense, they shall be disabled to refrain supplies from their enemies, and to govern or maintain their own soldiers. It cannot be thought reasonable, that under the disguise of a cessation, they should admit that which will necessarily produce the dissolving of the army, and the destruction of the cause.

"It seems not probable, that your Majesty doth intend, that if any be taken with supplies for this army, or mutinying in your own, such persons shall not be committed, but according to the known Laws of the Land, that is, by process of Law: But rather that your Majesty will so interpret this limitation of known laws, that though it lays strait bonds upon both Houses, yet it leaves your Generals as much liberty as before: For it hath been denied by your Majesty, that these known Laws give any power to the two Houses of Parliament to raise arms, and so consequently their General cannot exercise any martial law in those cases; and it is not unlike, but that it will be affirmed, that the Generals constituted by your Majesty's commission, have that power by the same known laws; so that this article, under the specious shew of Liberty and Law, would altogether disable them to defend their Liberties and Laws, and would produce to your Majesty an absolute victory and subjection, under pretence of a cessation and treaty.

"5. Being, by necessity inevitable on their part, enforced to a defensive war in this unhappy breach between your Majesty and them, and that they are therein warranted both by the laws of God and man, it must needs follow, that by the same laws they are enabled to raise means to support that war; and therefore, till it shall please God to incline your Majesty to afford them such a Peace as may secure them, they cannot relinquish the power of laying taxes upon those who ought to join with them in that defence, and the necessary ways of levying those taxes upon them, in case of refusal, for otherwise their army must needs be dissolved. But if your Majesty shall consent to disband the armies, the cause of the war being taken away, the consequences will likewise be removed, and the Subject restored to the benefit of those Laws which the necessity of arms hath in such cases suspended.

"6. They deny any pretence of consenting to those alterations and additions offered by your Majesty; only in the preamble they say, they have considered of those articles, with such alterations and additions; unto which articles they profess they were ready to agree, not as they were accompanied with those alterations and additions, but in such manner as they expressed. As for the clause left out in the third article, it implied a freedom of passage and communication of quarters, which is contrary to the nature of the cessation, whereby matters should be preserved in the state they are, and neither party have liberty so much to advantage himself, as it is evident your Majesty might do, if your forces in the north and west might join with those at Oxford, and bring those supplies of treasure or arms thither, which were brought out of Holland; or at least it should be so insufficient, as to give a proportionable advantage to the other side, which this doth not. For the forces under the power of both Houses are so different.

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poised, that they have an easy passage from one to the other: But your Majesty's forces are severed the one from the other, by many large counties, strong parties, and competent armies; and if they had admitted this clause, they had bereaved themselves of one of the greatest advantages, and freed your Majesty's party of one of the greatest inconveniences which your Majesty or they have in this war.

"For the reasons already alleged, they cannot agree to the alterations and enlargements of the cessation proposed, or to transfer any such power to the committee, of treating, debating, and agreeing upon those articles in any other manner than the Houses have directed. But that a fair and speedy passage may be opened to a secure and happy peace, they have enabled their committees to treat and debate upon the two propositions concerning his Majesty's own revenue, the delivery of his towns, castles, magazines, and ships, and the disbanding of the armies; which being agreed upon, a present peace and security will follow, and the treaty upon the other proposition be facilitated, without fear of interruption, by the confusion of war, or exasperation of either party by the bloody effects thereof."

The King failed not to reply to this paper. But as his answer was very long, I shall content my self with inserting the most material part of each article.

The King's Answer, April 4. Rushworth, V. p. 166. &c.

1. Concerning the freedom of Trade:

His Majesty denies that he has any private benefit by it, and assures, that the good of the people is the only advantage he has in view. He slightly passes over the objection, that the cessation of arms not being to last but twenty days, the freedom of commerce could not be, for so short a space, of any great benefit to the Nation.

His Majesty affirms, that no complaint concerning the robbing of carriers by his soldiers has been made to him, which he has not received to the relief and reparation of the sufferers.

He owns, he is resolved not to grant his protection to such persons abroad, who assist or consent to actions of disloyalty to him at home.

2. Concerning the Ships.

He says, as the setting out of the present Fleet is pretended to be for the defence of his Dominions, it is most necessary for his Majesty to know both the designs, and to approve of the commanders. He cannot see how a cessation at Sea should leave the Kingdom naked to foreign forces; and is willing to concur in the resistance of all such, of what kind soever, and expects, that during the cessation, the conveying of all forces from one part to another by sea, for the assistance of the Earl of Essex, be restrained, which both Houses seem now to consent to, tho' it be not at all expressed in their former articles.

3. Concerning the Power of the Committee.

His Majesty had, and hath great reason to desire, that the Committee may have liberty to debate and conclude any differences and expressions in the articles, in order to prevent loss of time. Of this there is a clear evidence, in the consent which his Majesty now understands to be given by both Houses, that no forces shall, during the cessation, be sent by sea, for the relief of any places held by them; which clause might in much less time have been agreed here, if there had been that liberty. And much time must still be lost, as the Committee have not power to explain the meaning of both Houses concerning communication of quarters.

4. Concerning Imprisonments.

It was no part of his Majesty's intention, that his article against imprisonment of his Subjects, otherwise than according to the known laws of the land, should extend to the destruction of the military discipline of either army. This is an instance of the necessity of enabling some persons to conclude upon these articles, since a limitation of half a dozen words would have saved most of this fourth reason.

5. Concerning Taxes.

His Majesty insists very much, upon the two Houses not having a legal power to impose taxes without his consent. And adds, he is very well pleased to find, they have need of force and rapine to raise them. He says, he has reason to insist, that no such violence be used towards his Subjects, for not submitting to illegal impositions, being willing to be obliged from the like course, and to rely wholly upon the justice of his cause, and the affection of his people.

6. Concerning communication of Quarters:

The King's answer upon this article was very general and obscure. He says, it highly concerns him, that this and every other clause be so clear, that no after-differences

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1643. may arise upon any disputable point, since they, whose industry and malice could peruse any of his people, that in the business of *Brentford*, he had broken a cessation before any was made or offered, would have a much easier work to lay the breach of a made cessation to his charge, if the ground of the breach would bear the least dispute. He agrees, that in a cessation the advantages should be equal, but from this principle draws the inference, That therefore Sir *Ralph Hopton*, and the Earl of *Newcastle*, ought to have the same liberty to come to him, as the Earl of *Stamford*, and the Lord *Fairfax*, had to come to the Earl of *Essex*. (1.)

REMARK (1.) This advantage not accruing to both Houses by the cessation of arms, since they had it before, the King could not pretend to the same by virtue of the suspension.

He concluded his answer with saying, "Notwithstanding all this, his Majesty, to shew his abundant desire of Peace, is contented to admit a cessation upon the matter of their own Articles, so that his Majesty may not be understood to consent to any imposing upon his Subjects, or imprisoning them, to force them to contribute; so that there may not be a liberty for any rapine, plundering, or seizing upon his Subjects by the Parliament's soldiers, for not submitting to such illegal impositions; for otherwise both Houses may, during the cessation, impose new taxes, not only to the nineteenth part, but if they please, to the half of, or all their estates; and their army would then be at leisure to be employed as collectors, as well of the old as the new impositions, and vast sums would and might by this means be raised, to their own extraordinary advantage, and great disadvantage of his Majesty, who can neither obtain his own consent to take the like courses, nor, in case he could, is he so quartered as to have within the power of his army, any such city as *London*, or so many and rich Counties as they have to retire to on such an occasion."

The Parliament refused to treat any longer about the cessation. *Rushworth, V. p. 191.*

Both Houses having examined the King's answer, sent their Committee new instructions, wherein they said, "His Majesty's expressions in his answer were so doubtful, that they did not think good to consume any more time in debates upon the cessation, and the rather, as the remainder of the whole time for the treaty was but seven days, and if the cessation were presently agreed, it would not yield any considerable advantage to the Kingdom. Wherefore they should desire his Majesty, to give a speedy and positive answer to their first proposition concerning the debanding, that so the people might not have the shadow, but the substance of peace."

His instructions being communicated to the King, he returned an answer, wherein he endeavoured to shew, it was not his fault that a cessation of arms was not concluded. He pressed again, that whatever was thought doubtful in the articles might be expounded, whatever was excepted at might be debated, a cessation concluded, and power given to the Committee to that end.

These are all the transactions concerning the suspension of arms proposed by the King, and by which, probably, he had hoped to reap great advantages, had the two Houses been less upon their guard. As the conferences on the peace were not to commence till the 25th of *March*, whatever was done before that day concerning the cessation, is to be considered, rather as a preparative, than as part of the conferences, though the negotiation concerning the suspension was continued till the 7th of *April*.

I must now speak of the essential part of the treaty, relating to the terms offered on both sides for a peace. As it was agreed to begin with the discussion of the two first respective propositions, his Majesty's first was immediately considered. The proposition was, That his revenue, magazines, towns, ships, and forts, should be restored. I shall relate the principal things urged upon each of these heads.

Rushworth, V. p. 196, Rec. Clarendon, T. II. p. 167.

Concerning the Revenue.

March the 26th, the Commissioners presented to the King a memorial containing,

"That the two Houses of Parliament had not made use of his Majesty's own revenue, but in a very small proportion, which for a good part had been employed in the maintenance of his Majesty's children, according to the allowance established by himself: That they would satisfy what should remain due to his Majesty, of those sums received out of his own revenue; and would leave the same to his Majesty for the time to come. But they likewise proposed, That he would restore what had been taken for his use, upon any of the bills assigned to other purposes, by several acts of Parliament, or out of the provision made for the war of *Ireland*."

The King's Answer.

"That he was well contented to allow whatsoever had been employed in the maintenance of his children, and to receive the arrears due to himself, and to be sure of his own for the future.

"That he was willing to restore all moneys taken for his use by any authority from him, upon any bills assigned to other purposes, being assured he had received very little or nothing that way.

"But he expected satisfaction for all those several sums received and diverted to other purposes, by orders of one or both Houses, which ought to have been paid upon the act of pacification with *Scotland*, or employed for the discharge of the debts of the Kingdom, and by other acts of Parliament for the relief of his Protestant Subjects of *Ireland*."

The next day, the Commissioners desired to know of his Majesty, if he would not account his own revenue to be sure for the future, if both Houses of Parliament did leave it in the same way as was before the troubles begun.

The King answered, "That by those words (*of being sure of his own for the future*) he meant that no restraints or interruption should be made by one or both Houses, in and upon his Majesty's revenue, but that it should be left in the same way it was before the troubles began."

It is easy to see, there were no difficulties upon this article capable of preventing a peace.

Concerning the Magazine.

The Parliament's Commissioners offered in writing, "That all the arms and ammunition taken out of his Majesty's magazines, should be delivered into his stores, and whatsoever should be wanting, they would in convenient time supply in kind. But they likewise proposed, That the persons to whose charge those public magazines should be committed, being nominated by his Majesty, might be such as the two Houses of Parliament could confide in. And that he would restore all such arms and ammunition, as had been taken for his use from the several Counties, Cities, and Towns."

The King's Answer.

"The magazines shall be committed to, and continued in the custody of, the sworn Officers, to whose places the same belong. And if any the said Officers shall forfeit that trust by any misdemeanours, his Majesty will by no means defend them from the justice of the Law."

"His Majesty will restore again, and recompense out of his own stores, such arms and ammunition as have been taken for his use out of the several Counties, &c."

"He expects, that the arms and ammunition which have been taken from the several Counties and Cities, for the use of the armies under the command of the Earl of *Essex*, be likewise restored to them."

Without entering into a more particular discussion of this article, it suffices to say, that the whole difficulty lay in both Houses referring to themselves the power of approving such as should be entrusted with the custody of the magazines, and in the King's pretending, that the legal oath of such persons was a sufficient security. And this rendered the conclusion of it impracticable.

Concerning the Restitution of the Towns and Forts.

The same difficulty occurred upon this article. The two Houses offered to restore the Towns and Forts, but pretended, that they should be delivered into the hands of such persons as both Houses could confide in, which the King would not agree to. As the Commissioners urged the necessity of giving satisfaction to the people, with respect to their fears and jealousies, the King answered, That he rather expected, their reasons should have had some foundation in the Law of the Land, than that they should only have insisted upon fears and jealousies, of which as he did not know the ground, so was he ignorant of the cure.

Concerning the Ships.

It was the same with this as with the two foregoing articles. Both Houses required, that the Lord High Admiral and all commanders of ships should take a particular oath, to use their utmost power to preserve the true Protestant Religion, and the peace of the Kingdom, against all foreign forces, and all other forces raised without his Majesty's authority and consent of the two Houses of Parliament. But the King would not consent to it, alleging, the oaths which all those officers were by Law already obliged to take, were very sufficient. Only he said, if any thing should be made appear to him necessary to be added, when there should be a full and peaceable convention of Parliament,

1643. Parliament, he would readily consent to an act for such addition.

If it is considered, what was the occasion of the war, it will easily be perceived, that the execution and not the injunction of the Laws was the question. Wherefore the King, in pretending that every thing should be settled by the Laws, did not meddle in the least with the question to be decided in his dispute with the Parliament.

Rothworth,
V. p. 206.

The King's first proposition having been thus debated in vain, they proceeded to the first of the Parliament's, which contained two articles; namely, that both armies should be disbanded, and his Majesty return to his Parliament.

The King's answer to the first was, "That he was willing all armies should be disbanded, and conceived the best way to it to be a speedy conclusion of the treaty, and for that purpose he desired, that the time given to the Committee of both Houses to treat might be enlarged."

As to the second, "He would repair to his Parliament, as soon as he could possibly do it with his honour and safety."

As the King's answer was too general and doubtful, the Commissioners in writing desired to know, "If by the words (a *speedy conclusion of the treaty*) he intended a conclusion of the treaty on his first proposition, and their proposition for disbanding the armies, or a conclusion of the treaty on all the propositions of both parts."

The King answered, "That by a *speedy conclusion of the treaty*, he intended such a conclusion of the treaty, as there might be a clear evidence to himself and his Subjects of a future peace, and no ground left for the continuance and growth of the present bloody dissensions; which, he doubted not, might be obtained, if both Houses should consent, that the treaty might proceed without further interruption or limitation of days."

This answer being no less ambiguous than the former, the Commissioners insisted upon an explication of what they had already desired; as also that he would be pleased to let them know, what he intended should be a clear evidence to him and his Subjects of a future peace."

The King answered, "That if the conclusion of the treaty on his first proposition, and the proposition of both Houses, should be so full and perfectly made, that the Law of the Land might have a full, free, and uninterrupted course, for the defence and preservation of the rights of his Majesty, both Houses, and his Subjects, there would be thence a clear evidence of a future peace; and this would be such a conclusion as he intended. He never meant, that both armies should remain undischarged until all the propositions of both sides were fully concluded. But he was very sorry, that in that point of the proposition of both Houses, viz. his return to the Parliament, they had yet no manner of power or instructions so much as to treat with him."

The King used such general expressions, that it was easy to see, he sought only to prolong the conferences, or to make some advantage of the Commissioners answers. In all appearance, he would also have found a fresh occasion of delay, in the debate of that part of the proposition concerning his return to the Parliament.

April the 10th, the commissioners presented another Paper to his Majesty, wherein they said, "That by new instructions they were commanded to insist upon the disbanding of the two armies, and that both Houses conceived his answer to be in effect a denial, unless they departed from all those cautions and limitations contained in their reply to his first proposition: That if they had not inferred their desire of his Majesty's return in their Committee's instructions, it was because they conceived the disbanding the armies would facilitate his resolution therein."

During the course of this negotiation, the King had frequent conferences in private with the Commissioners. *Whitelock* relates in his *Memorials*, that in one of these conferences, the Commissioners (of whom he was one) having been with the King till midnight, and pressed him with their reasons upon a very material point, his Majesty was prevailed with to give a satisfactory answer, which would have much conduced to a happy success of the treaty, and told them, *He was fully satisfied, and promised to let them have his answer in writing according to their desire; but because it was then too late to draw it up, he ordered them to wait on him the next morning at such an hour. Accordingly they came, but instead of that answer, which*

they expected, the King gave them a Paper quite contrary to what was concluded the night before, and very much tending to the breach of the treaty. *Whitelock* says, he was informed by some of the King's own friends, that after the Commissioners were gone from his Majesty, and his Council also withdrawn, some of his Bed-chamber (and they went higher) hearing from himself what answer he had promised, and doubting it would tend to such an issue as they did not wish, they being rather for the continuance of the war, never left persuing the King, till they prevailed with him to change his former resolutions, and give order for his answer to be drawn directly contrary to what he had promised; it being that Prince's misfortune to prefer always the opinions of others to his own. Which is an observation confirmed also by the Lord *Clarendon* in his character of King *Charles I.* (1). Indeed *Whitelock* does not say, that the King's answer he mentions, was the same with the following message; but in all likelihood it was so, since it was the cause of breaking off the conferences. However this be, on the 12th of April the King sent this message to both Houses, notwithstanding the endeavours of the Commissioners to dissuade him from it.

Substance of the King's Message to both Houses, April 12, 1643.

"AS soon as his Majesty is satisfied concerning his own revenue, magazines, ships and ports, to which he desires nothing but that the just, known, legal rights of his Majesty (devolved to him from his progenitors) and of the persons trusted by him, which have violently been taken from both, be restored unto him, and unto them."

"As soon as all the Members of both Houses shall be restored to the same capacity of sitting and voting in Parliament as they had upon the first of January 1641, the same of right belonging unto them by their birth-rights, and the free elections of those that sent them, and having been voted from them, for adhering to his Majesty in these distractions; his Majesty not intending that this should extend either to the Bishops, whose votes have been taken away by Bill; or to such, in whose places upon new writs, new elections have been made."

"As soon as his Majesty and both Houses may be secured from such tumultuous assemblies, as to the great breach of the privileges, and the high dishonour of Parliaments having formerly assembled about both Houses, and awed the Members of the same, and occasioned two several complaints from the House of Lords, and two several desires of that House to the House of Commons, to join in a declaration against them; the complying with which desire might have prevented all these miserable distractions which have ensued. Which security, his Majesty conceives, can be only settled by adjourning the Parliament to some other place, at the least twenty miles from London, the choice of which his Majesty leaves to both Houses."

"His Majesty will then most cheerfully and readily consent, that both armies be immediately disbanded, and give a present meeting to both his Houses of Parliament at the same time and place, at, and to which, the Parliament shall agree to be adjourned."

"His Majesty being confident, that the Law will then recover the due credit and estimation, and that upon a free debate, in a full and peaceable convention of Parliament, such provisions will be made against seditious preachings and printing against his Majesty, and the established laws, which hath been one of the chief causes of the present distractions; and such care will be taken concerning the legal and known rights of his Majesty, and the property and liberty of his Subjects, that whatsoever hath been published or done, in or by colour of any illegal declarations, ordinances, or order of one or both Houses, or any committee of either of them, and particularly the power to raise arms without his Majesty's consent, will be in such manner recalled, disclaimed, and provided against, that no seed will remain for the like to spring out of for the future, to disturb the peace of the Kingdom, and to endanger the very being of it."

"There was no need of much penetration, to perceive by this message, that not only the King intended to break off the conferences, but also was not much inclined to peace. It was indeed very needless to enter into treaty, since neither King nor Parliament would recede from their

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Rothworth,
V. p. 209.
Clarendon,
T. II. p. 173.

A remarkable circumstance.
Whitelock,
p. 68.

(1) *Whitelock* observes farther upon this Treaty, that their instructions were very strict, and tied them up to treat with none but the King himself, who, he says, manifested on this occasion, his great parts and abilities, strength of reason, and quickness of apprehension, with much patience in hearing what was objected against him, wherein he allowed all freedom, and would himself sum up the arguments, and give a most clear judgment upon them. He says also concerning the Commissioners, the Earl of Northumberland demeaned himself with much courage and wisdom. Mr. *Pierpont* acted his part with deep thought and prudence. Sir *William Brynne* was a Gentleman of good understanding and conversation, and would give his opinion upon good reason. Sir *Jane Howell*, a Gentleman of excellent parts as well as person, showed a very good judgment and sobriety of his abilities. Mr. *Whitelock* (that is, himself) was put upon very much labour, being employed in drawing up all the Papers to the King, which were afterwards answered by the Secretaries. *Whitelock*, p. 69.

1643. pretensions. The shortest way would have been to discuss the general question, whether there was just reason to confide in the King, and restore him to his rights; for every one of the propositions offered by both parties necessarily led to that question, so that none could be decided without this being previously determined. If the rest of the propositions had been discussed, the difficulties would have been still greater, since the two parties built upon quite opposite principles. But, in all appearance, the King and the Parliament had foreseen what came to pass, and agreed to this negotiation only to make the People believe they were disposed to a peace. This was equally necessary for them, because in the People consisted the strength of both sides.

The conference was broken off.

The King's view in proposing a negotiation of arms.

As soon as both Houses received this message, they sent their commissioners positive orders to return, and the conferences ceased. It was not without reason that the King desired a cessation of arms, on the terms by him proposed, though for never so short a space, and that he insisted upon communication of quarters. He found himself at Oxford unprovided of ammunition, and the Queen, who was at York, had brought him a good quantity; but the difficulty was to convey them to Oxford with a strong guard. If therefore the cessation of arms had been concluded with the clause of communication of quarters, nothing would have hindered the King from sending for his ammunition from York, without the Parliament's being able to complain. For though in the first article of the proposed cessation, it was allowed to stop all persons carrying ammunition, it was not said however, that such a conveying was a breach of the suspension. Since therefore by the article of communication of quarters, the King might have drawn as many of his troops as he pleased from York to Oxford, he might likewise, if this article had been granted, have sent for his ammunition with a guard, which the Parliament's forces could not have attacked without breaking the Truce, when the guard should have passed into their quarters.

The King's desire Prince Rupert to oppose a communication between York and Oxford.

It evidently appears, the King intended to reap this advantage by the cessation of arms, which, according to him, was to be only for the sake of the people, since from the beginning of April, when the treaty was negotiating at Oxford, he detached Prince Rupert with twelve hundred Horse, and seven or eight hundred Foot, to establish a communication between York and Oxford, by securing certain places, between these two cities. The Prince marched by Birmingham, a town of the Parliament's, garrisoned with a company of Foot (1), and taking it by storm, made the Inhabitants pay a large fine, as a punishment for assisting the garrison to repulse him (2).

and Lichfield.

After this little conquest, the Prince marched directly to Lichfield, where he entered without difficulty, the town being open in several places. But the Cathedral, with the Close, was a sort of fortress, which he was obliged to besiege in form, it being strongly garrisoned. At last, he drained the moat, and sprung two mines, one whereof taking effect, he furiously stormed the place, which was bravely defended by the garrison: but the dread of not being able to stand a second assault, caused them to desire to capitulate. The Prince granted them an honourable capitulation, being very glad to be freed from the trouble of continuing the siege, which had lasted ten days. He intended to push his conquests farther to the north, in order to make a line of communication between York and Oxford: but the King recalled him from Lichfield, wanting him to raise the siege of Reading.

He intended to push his conquests farther to the north, in order to make a line of communication between York and Oxford.

Some and taking of Reading by Essex.

The treaty at Oxford being broken off the 15th of April, the Earl of Essex marched that day from Windsor, and on the next, appeared before Reading. His army consisted of sixteen thousand Foot, and three thousand Horse; and the garrison of three hundred Horse, and three thousand Foot. The King was so possessed with the notion, that the Parliament's soldiers served them unwillingly, and by constraint, that he issued out a Proclamation, offering pardon to such as were in the Earl of Essex's army, a persuasion entirely fruitless. At the beginning of the siege, the Governor, Sir Arthur Aston, being wounded in the head, and forced to keep his chamber, the command was devolved to Colonel Richard Fiddling, the eldest Colonel in the garrison.

M. p. 179.

The King no sooner heard of the siege of Reading, but he sent away a detachment of Horse, under the command of Commissary Hilmat, who found means to throw into the town five hundred men and some powder. But this supply not appearing sufficient to Colonel Fiddling, he demanded to capitulate, and a truce was agreed on, during

which the besiegers and the besieged, mutually gave hostages.

At the same time the King coming with his army within a few miles of Reading, detached Rathen his General, lately made Earl of Forth, who with a thousand Musketeers, vigorously attacked a post (3), by which the King was necessarily to pass, in order to relieve Reading. The Earl of Forth was in hopes, that whilst he attacked this post, the garrison would fall out upon the besiegers. But as, without knowing it, he had made his attack just as the truce was agreed on, there was no fallly from the town. So not being able to force the pass, he retreated to the King.

Mean while, Fiddling having negotiated a capitulation with the Earl of Essex, found means, before it was entirely concluded, to go in the night to the King, and tell him, he hoped to have liberty to march away with all their arms and baggage. The King approved of the capitulation, which was signed the next day, and the town surrendered to the besiegers. But by one of the articles, which probably Fiddling did not tell the King, and which perhaps was not yet agreed on, the Earl of Essex excepted the deserters, who could not obtain liberty to march out with the rest of the garrison. When the King's troops came out of the town, and were passing through the enemies guards, the soldiers were insulted, and some waggoners plundered, contrary to the articles of the capitulation.

The King was very well pleased with saving the garrison of Reading, and indeed that was his principal view in permitting Fiddling to capitulate. But when the garrison came to Oxford, several officers complained, that Fiddling was too hasty in surrendering a place which could have held out much longer. Nay, some accused him openly of betraying the King. Whereupon he desired to be tried by a council of war, which was granted him. The King, who perhaps had too readily consented to the capitulation, and was incensed at him, when he understood that the place was capable of making a longer defence, could not however find fault with his capitulating, since it was done with his approbation. But his admitting the article whereby the deserters were excepted, was charged to him as a crime, and the King published a Declaration, protesting he had not consented to that exception, being very far from refusing protection to any who should leave the enemy, and betake themselves to his service. Fiddling was likewise accused of not paying punctual obedience to the King's orders: but what these orders were I have not been able to find (4). However this be, Fiddling was sentenced by the Council of war to lose his head: which sentence, after a long intercession, was remitted by the King; but his Regiment was given to another. Probably, he was too hasty to conclude the capitulation, and had not fully delivered to the King, the true state of the place. But as he could not be condemned for that, since he had the King's consent to capitulate, other pretences were sought. This sentence occasioned great diffidence in the King's army, some endeavouring to vindicate it, whilst others passionately represented it as the most unjust that ever was given in the like case.

The Earl of Clarendon says, the King having received wrong intelligence, that the Earl of Essex, after the taking of a post near Reading, was marching directly to Oxford, resolved to retire into the north to join the Earl of Newcastle. But it was only a false alarm. The Earl of Essex was so little able to besiege Oxford, that he was forced on the contrary to remain above six weeks at Reading, without being able, to act, by reason of the sickness which infected his army.

Whilst the treaty for peace was negotiating at Oxford, Sir William Waller continued his conquests along the Sever, where having defeated Lord Herbert of Ragland, Son to the Marquis of Worcester, he became master of Hereford. But in assaulting Worcester he was repulsed, after which he went and joined the Earl of Essex before Reading.

As the war was spread in all parts of the Kingdom, the military actions of this second campaign, cannot, without confusion, be spoken of according to the order of time. And therefore I chuse rather to follow the order of the places, and speak first of what passed in the middle of the Kingdom, where the two principal armies lay. I shall relate next the chief events that happened in the West; and lastly, I shall proceed to what passed in the North, and on the borders of the eastern Counties. These last being allocated by the Parliament, and well provided with troops, the King had not many opportunities to carry the war thither. As for the southern Counties, nothing considerable was acted there this campaign. After this, I shall resume

(1) The Lord Clarendon says, the Town had in it a troop of Horse belonging to the Garrison of Lichfield. Tom. II. p. 181.

(2) In the next chapter part of the troop of Horse, William Fiddling, Earl of Droghda, who from the beginning of the war had been a Volunteer in Prince Rupert's troop, was wounded, so that he died within two or three days. Ibid.

(3) Captain Brooks, defended by Lord Roberts's and Bristol's Regiments.

(4) For some time he had received in that agreement, says the Lord Clarendon, which he had not precisely observed. Tom. II. p. 187.

1643. what passed of any moment, with regard to civil affairs, during the course of the year 1643. This method has also its inconveniences: but I shall endeavour to avoid them in part, by marking the exact time of every event, that the causes and motives as well of the civil as military actions may be more easily known.

The taking of Reading seemed to be a good omen to the Parliament, for the rest of the campaign. But, as I said, the great mortality among the Earl of Essex's soldiers, suffered him not to improve this advantage. After the surrender of Reading, both Houses thought of no less than besieging Oxford, where the King was in great distress for want of warlike stores. In all appearance, the intelligence he had received, that the Earl of Essex was going to march thither, came from some friends at London, who knowing it was the Parliament's design, did not question, it would be put in execution. Mean while, the King received some ammunition in May, and as his enemies were not in condition to make any attempt, he remained quiet at Oxford.

At length, after a six week's stay at Reading, the Earl of Essex marched towards Oxford, rather out of condescension to the Parliament, than in expectation of making any progress, by reason of the ill state of the army. He advanced however to Thame, within ten miles of Oxford, where he stopped (1). There was in his army a Scotch Colonel named Hurry, who had served in Germany with the Earl of Forth, the King's General, with whom he kept a secret correspondence. As soon as the Earl of Essex approached Oxford, Hurry quitted the Parliament's service, and went over to the King, who received him very graciously. After that, he informed Prince Rupert of the situation of the quarters of the Parliament's army, and persuaded him to make an attempt upon the enemy. So the Prince going from Oxford in the evening with a body of horse, took a long circuit, and at break of day came to Wickham, where beating up the quarters of two Regiments, one of horse, the other of foot, he cut them in pieces. Then he attacked another quarter with the same success, after which he resolved to retire by a bridge, where he had left a guard. But the Earl of Essex having now taken the alarm, had detached some troops to intercept the Prince, who was to cross Chalgrove field, and enter a lane, which led to the bridge. The Earl of Essex's horse not giving the Prince time to reach the bridge, he chose rather to expect them in an open field, than enter the lane with the enemy in his rear. He charged therefore these horse with such bravery, that he put them to flight, towards a body of foot, which the Earl of Essex was leading himself. Whilst the horse were flying, the Prince passed the lane and bridge, and entered Oxford in triumph (2). Upon the first alarm at the head-quarters, Mr. Hamden, Colonel of foot mounted his horse, and rode as a volunteer in the Regiment ordered to intercept the Prince. He was shot in the shoulder in this action, and within few days died of the wound. He was a person very eminent in his party, both for his courage as an officer in the army, and for his wisdom and capacity as a Member of Parliament. He had given a good proof of his firmness in his famous trial concerning Ship-money.

After this loss, the Earl of Essex, whose army was in a very ill state, thought not proper to remain longer at Thame. He put his troops into quarters of refreshment at St. Albans, Uxbridge, and the neighbouring parts, till they should be recruited and furnished with many things they wanted, which the Parliament did not seem much to regard, whether from inability, or some other reason. From that time, the King's military affairs began to flourish, and the Parliament was extremely embarrassed. The Queen joined the King the 13th of July, and brought him two thousand foot, a thousand horse, a hundred waggon laden with ammunition of all sorts, six pieces of cannon, and two mortars. On the other side, Sir William Waller, sent into the West by the Parliament, had the ill fortune to be defeated, and his army was so dispersed, that it was no longer serviceable (3). In this juncture it was that the King resolved to besiege Bristol by Prince Rupert, with whom was joined the Cornish army that had vanquished Sir William Waller.

The 22d of July, Prince Rupert incamped before Bristol, and the same day, with the assistance of some sailors, who had been gained, he seized the ships in King-road,

laden with goods of great value, which the Inhabitants of Bristol had thought to secure there.

On the morrow, the Prince holding a Council of War, it was resolved to proceed by assault, and not by approach. The walls must have been very weak, otherwise, it can hardly be conceived, that the besiegers should resolve to storm two days after their arrival, especially as there was a numerous garrison in the place (4). However this be, the next day both armies attacked the city, each at three several places, so that the garrison were forced to divide themselves into six bodies to defend the walls. The Cornish army was repulsed with great slaughter in their three assaults. The two divisions of Prince Rupert were likewise repulsed: but the third commanded by Colonel Wallington had better success, the Colonel finding means to make a breach in the wall large enough for the Prince to enter with his horse. But this advantage only put him in possession of the suburbs, beyond which was the city-wall, much stronger than what he had passed. However, he marched up the street to *Frame-gate*, where he was forced to halt, and where he lost many of his men, who were shot by the Inhabitants from the walls and windows (5).

What the Prince had gained was so inconsiderable, that probably, the siege would still have cost much time, and many lives, if the Governor had not lost his presence of mind, and ordered a parley to be beaten. The Governor was Colonel Nathaniel Fiennes, who at the beginning of this Parliament, had made in the House of Commons several fine speeches against the King, but who, in all appearance, was not very skilful in the art of war. The Prince immediately granted the desired capitulation, thinking himself very happy to gain a place of that importance in so short a time. This capitulation was ill observed by the King's soldiers, who stripped those of the garrison, and made themselves more than amends for the breach of the capitulation at Reading, whether it was done with or without the connivance of the Generals. Fiennes was imprisoned for his cowardly surrender of Bristol, and some months after condemned to die by a Council of War. But he was reprieved by the Earl of Essex, and passed the residue of his days beyond-sea.

The taking of Bristol insinuating fresh hopes into the King, he was willing to improve the present opportunity, whilst the Parliament had no army ready to oppose his progress. He resolved therefore to besiege Gloucester, the possession whereof would have been of great consequence to him, 12 p. 241. By it he would have been master of all the *Stovers*, from Bristol to *Strawbury*, and of the whole country between that River and *Wales*, where there would have been only *Hersford*, which, probably would have quickly surrendered. By this means, he would not only have extended his quarters into a very good Country, but also secured a communication from *Cornwall* to the northern Counties. For as the Parliament had no army in the West, since Waller's defeat, the communication of the Western-Counties with Bristol could not be interrupted. The taking of Gloucester would have opened a communication from Bristol to *Strawbury*, and from thence to the North, by means of *Lancashire*, which was more for him than for the Parliament. Besides this, the taking of Gloucester would have secured him the possession of *Wales*, where the Parliament would have had no entrance but by sea. It therefore even some of his friends have blamed him for undertaking this siege, it may be affirmed, the ill success was the best foundation of their opinion. For my part, I believe, he had all the reason in the world to undertake it, at a time when there was no likelihood that the Earl of Essex's army could be ready soon enough to hinder this conquest. The Lord Clarendon pretends to discover a secret which confirmed the King in his resolution. He says, the King having sent a messenger to Colonel Maffy Governor of Gloucester, to persuade him to deliver the place, Maffy in publick answered in a high style, but in private bid the messenger tell the King, "that if he came himself to besiege the town, he would not hold it a gainst him, for it would not stand with his confidence to fight against the person of the King (6)." But the sequel showed, either that Maffy had altered his mind, or the King had taken a mere compliment for a positive promise, since in the defence of this place Maffy was very far from expressing the least inclination to favour the King.

(1) The Lord Clarendon says, That the design of his marching thither, was rather to secure *Bachinghamshire*, which was now infested by the King's horse, than to disquiet Oxford. Tom. 3. p. 202.

(2) With near two hundred Prisoners, seven Cornets of horse, and four Ensigns of foot. Among other persons of note, Colonel Gunter was slain. Clarendon, Tom. 3. p. 203, 204.

(3) He lost two battles. The battle of *Langport*, July 5, wherein Sir *Basil Green* was slain; and the battle of *Romney-down*, July 19, as will be seen hereafter. Rushworth, Tom. 5. p. 227.

(4) The Garrison consisted of two thousand five hundred foot, and a Regiment of horse and Dragoons. Clarendon, Tom. 3. p. 227.

(5) Sir *Nicholas Slingsby*, Colonel of foot, the Lord *Grandison*, Major *Kendal* were slain, and about five hundred more besides. Idem. p. 230.

(6) The Lord Clarendon does not say, the King sent a messenger, but that Colonel *Maffy*, under whom Maffy had served in the King's army, sent him a Letter of kindness and assurance, as was proper in such a case from one friend to another. To which Letter Maffy returned an answer in a high stile, but told the messenger in private at Oxford. Tom. 3. p. 242.

1643.

This Prince was ever possessed with the notion, that those who bore arms against him acted contrary to the dictates of their conscience, and readily believed, they only wanted an opportunity to serve him, wherein he was frequently mistaken.

The Parlia-
ment is as-
sembled.

The Earl of
Essex's army
is recruited.
Rothworth
V. p. 231.

Nothing shows more clearly how advantageous to the King the taking of Gloucester would have been, than the Parliament's alarm when they heard the first news of his marching to form the siege. Whereas before, the Earl of Essex's army was suffered to decay, all endeavours were used to recruit it, the moment the King's intention was known. Care was taken to complete the Regiments by fresh levies of soldiers, raised in London with all possible expedition. And to facilitate these levies, the Parliament ordered the ship to be shut up till Gloucester should be relieved, and moreover, the Earl of Essex's army was strengthened with a numerous body of the city trained-bands. These things were done with that diligence, that in fifteen days the Earl of Essex was ready to march to the relief of the besieged.

The King
leaves
Gloucester.
Aug. 10.
1643, 86.
231.
Clarendon,
II. p. 242.
252.

The King came before Gloucester the 10th of August, [with about eight thousand horse and foot] and immediately ordered the approaches to be begun, which however were not so vigorously pushed as was expected, by reason of the frequent sallies of the besieged. Besides, the King was obliged to go to Oxford, which made him lose some days. The Earl of Essex beginning to march the 16th of August, arrived in few days near Gloucester, and advancing to Prebary Hill, drew up his whole army in view of the city, expecting the King would come and give him battle.

He raises the
Siege upon
Essex's ap-
proach.
Sept. 5.
1643, 86.
231.
Rothworth
V. p. 242.
T. 252.
Essex re-
turns.
Clarendon,
II. p. 246.
Rothworth
V. p. 242.
The King
follows him.

But the King not thinking fit to run any hazard, raised the siege, which could not be done without great disorder (1). The Earl of Essex marching into Gloucester, found the besieged reduced to a single barrel of powder, and no better provided with other stores (2). After staying there three days (3), he departed towards London, passing through Tewkesbury in his way. He marched two days before the King knew he was gone, and surprized the town of Cirencester, where lay two regiments (4). After that he crossed North Wiltshire, a deep and inclosed country, which obliged him to make very short marches.

As soon as the King had notice of the enemies march and rout, he departed also in order to follow them, sending Prince Rupert before with all his cavalry, consisting of five thousand horse. It is likely, his intention was that the Prince should post himself between London and the Parliament's army, whilst he followed, and put the army between him and his cavalry. Be this as it will, for it is not easy to guess the King's design, Prince Rupert came up with the Earl of Essex, as he was marching over Alden-Chace, intending to have reached Newbury that night. There ensued in this place a sharp conflict, Prince Rupert having charged the Earl's rear, who were put into some disorder. The Marquis of La Fieuville a Frenchman (5), who served the King as a volunteer, was killed in this action. This conflict obliged the Earl of Essex to quarter at Hungerford. The next day he continued his march towards Newbury, but found that the King had prevented him by two hours and posted himself near the town. Prince Rupert, after the action of the foregoing Day, went and joined the King.

The King
goes to
Newbury
before Es-
sex.
Sept. 19.

The first
battle of
Newbury.
Sept. 20.
1643, 86.
231.
Rothworth
V. p. 247.
T. 252.
Essex re-
turns.

The two armies, being too near each other to part without blows, prepared for battle, and the fight begun (6). Prince Rupert, as usual, performed wonders with his horse. He quickly made the Parliament's cavalry give way: but took care not to commit the same fault he had done at Edge-Hill, by pursuing the runaways too far. After he had routed the enemies horse, he charged their infantry, who, though destitute of the assistance of the cavalry, received him with such intrepidity, that he could make no impression on their stand of pikes, but was forced

to wheel about. It was fought all the rest of the day with pretty equal success. But in the night the King retired with his army, and left the way open to the Earl of Essex to proceed to Newbury, where he intended to lodge the night before. Next day, the Earl of Essex seeing the coast clear, pursued his march, and passing through Newbury, arrived at Reading as he had before resolved. Prince Rupert, who followed him, seeing him entered into the narrow lanes, attacked his rear, put them in disorder, and took some prisoners: but prevented not the Earl from continuing his march. He remained two days at Reading to refresh his troops, and without leaving a garrison in the place, which was possessed by the King's forces after his departure, returned to his old quarters. The King lost in this battle about twenty officers of note, and among others [Henry Spencer] Earl of Sunderland, [Robert Denner] Earl of Carnarvon, and [Lucius Cary] Lord Falkland Secretary of State, who would be present at the fight, though he had no call, not being a military officer (7).

I have taken the description of this battle from the Lord Clarendon, which by many omissions is rendered obscure. Among others, it does not appear what the King did with his infantry. This gives occasion to presume, that his foot were routed when Prince Rupert charged the Parliament's. For otherwise, it can't be conceived, how these last could have resisted, had they been attacked by the King's infantry and cavalry at once. Neither is it seen in this description, why the King left the field of battle in the night, since it does not appear that he had received any considerable loss. Nevertheless, the Lord Clarendon endeavours to prove, though by weak arguments, that the King gained the victory. I believe it would be very easy to confute his reasons, were there any occasion. I shall content my self with saying in general, that the Earl of Essex's design, at his departure from Gloucester, was to return to his former quarters about London, and that the battle of Newbury hindered him not from executing it, whereas the King's intention was probably to intercept the Earl of Essex's passage, which he could not effect (8).

After the Battle, the King retiring to Oxford, and the Earl of Essex to Windsor, neither had much share in the actions of the rest of the campaign. I shall proceed therefore to other parts of the Kingdom, where the war was continued, and particularly in the West, where it was very sharp.

I have already said in speaking of the affairs of those parts, that the Parliament did not think proper to consent to the neutrality entered into by the Counties of Devon and Cornwall. On the contrary, they resolved to carry the war into Cornwall, which had declared for the King. To that end, about the beginning of May, whilst the King's Troops were at Lanchester, few in number, and very short of Provisions, [Henry Grey] Earl of Stamford, the Parliament's General in the West, entered Cornwall with an army of seven thousand men. He posted himself on the top of a hill near Stratton, from whence he sent a party of twelve hundred horse, under the command of Sir George Chudleigh, to Bodmin, a town in the middle of the County, in order to keep it in awe and hinder the militia from joining the King's forces as they had once before done. Sir Ralph Hopton, who commanded for the King at Lanchester, and had but three thousand men, easily saw he should be driven out of the County, unless he found means to avoid it by some notable action. This made him resolve to march to the enemies, though they were much superior in number, and advantageously posted. The Earl of Stamford thought himself so secure from any attack, that though he had frequent notice of the enemies approach he could not believe it. Indeed, it would have been rash in Sir Ralph Hopton, to attack him with so great disadvantage, had there been any other way to save the County for the

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Remark on
the Lord
Clarendon's
description of
this battle.

Sept. 27.
Rothworth
V. p. 255.

The war in
the West.

The Earl of
Stamford,
General for
the Parlia-
ment, enters
Cornwall.
Clarendon,
II. p. 267.
Rothworth
V. p. 271.

(1) *Whitlock* has a particular account mentioned by the Lord Clarendon, viz. his Majesty understanding that Essex advanced upon to the relief of Gloucester, sent a Trumpeter to him, with some propositions to be treated on. But Essex, much acquainted with such usual driftings to hinder his march, returned a speedy answer, That he had no Commission in that, but to relieve Gloucester, which he was resolved to do, as to life his life there. And his Soldiers hearing of a Trumpeter come with Propositions to treat, cried out for a long time together, with loud exclamations, No Propositions, no Propositions. So their Trumpeter was dismissed. *Whitlock*, p. 72.

(2) Their whole strength of Soldiers, Horse, Foot, and Dragoons, together with the trained Bands, did not at first consist of above fourteen hundred; forty, or at the most, fifty barrels of powder was all their store, and a mean and slender artillery. *Rothworth*, Tom. 5. p. 237.

(3) And in that time, says the Lord Clarendon, which was as wonderful any part of the story, could all necessary provisions to be brought in to them, out of those very quarters in which the King's army had been lodged, and which they conceived to be entirely spent: So plentiful were the Provisions as great as they had, and to relieve of them. *Tom. II. p. 245.*

(4) And took forty loads of Provisions, six Standards, three hundred common Soldiers, and four hundred Horse, the said forces being defended for Kent, to rein an army there for the King, and Sir Nicholas Gifford to command them. *Rothworth*, Tom. 5. p. 245. *Rapin*, by mistake, says Chudleigh, instead of Gifford.

(5) He had attended the Queen out of Holland. *Clarendon*, Tom. 2. p. 266.

(6) Essex had been forced to lodge in the field all night. *Ibid.* p. 267.

(7) Being dissuaded by his friends to go into the field, he is, *He was weary of the Times, and foresaw much misery to his Country, and did believe he should be out of it ere long.* His death, says *Whitlock*, was lamented by all that knew or heard of him; being a Gentleman of great piety, integrity, and known a courteous and soft to all, and a passionate promoter of all endeavours of peace between the King and Parliament. He was slain in the 25th year of his age. *Whitlock*, p. 73.

(8) *Whitlock's* account of Newbury fight is briefly this: Essex finding his Soldiers full of merriment, and resolved to force their way, he led them in person, and first charged the enemy with his own Regiment and the Lord Robert's Regiments of Horse; the fight began about five o'clock in the morning, Sept. 20, and held with very hot service till ten or eleven at night. The Parliament's forces beat the enemy from all their advantages, got the hill from them on which they had posted, pursued them to Newbury, and out of the Town again, but the night coming on, they could pursue them no further; and though the King's forces (especially the House consisting most of Gentlemen) made a gallant resistance, yet this place not being proper for their fight, their foot were then broken, and in the night marched away, leaving Essex master of the field, whose Soldiers had the pillage of the dead bodies. *Whitlock*, p. 73.— This battle lasted from seven o'clock in the morning, till seven or eight at night. *Rothworth*, Tom. 5. p. 237.

King.

1641. King. However that be, the 16th of May, approaching the hill on which the Earl of *Stafford* was incamped, he ordered him to be attacked at four several places (1). As the assailants were resolved to conquer or die, they gained, though with great difficulty, the top of the hill, which their enemies were at length forced to relinquish, after fulfilling the charge many hours. In this action the Earl of *Stafford* had only three hundred men killed, but left seventeen hundred in the hands of the enemy. Among these prisoners was Major-General *Chudleigh*, who being carried to *Oxford*, turned to the King. The Earl of *Stafford*, whether to excuse his defeat, or upon some grounds, openly complained, that *Chudleigh* had betrayed him, and in the heat of the battle turning against him, charged him with the body under his command. The Earl of *Clarendon* pretends it was a scandal; but I imagine few now are concerned to know the truth (2).

16. p. 272. After this battle the Earl of *Stafford* throwing himself into *Exeter*, his army being dispersed, and the party of horse sent to *Badwin*, thinking proper to retire to *Plymouth*, *Hopton* remained master of *Cornwall*. Shortly after, he was informed by a messenger from *Oxford*, that the Parliament had resolved to send Sir *William Waller* into the West, with forces to join the remains of the Earl of *Stafford*'s army and some levies that were to be raised in that Country, and that the King on his part was sending thither the Marquis of *Hertford* and Prince *Maurice* with a body of troops, who were now upon their march. This made him think, it would be very proper for his little *Cornish* army (so it was now called) to join the Marquis's forces. He marched therefore into *Devonshire*, leaving a party at *Salisbury* to defend *Cornwall* from any incursions of *Plymouth*, and advanced to *Taunton*, where he expected orders from the Marquis. Presently after, hearing the Marquis of *Hertford* was come to *Gloucester*, a town in *Somersetshire*, on the edge of *Devonshire*, with seventeen hundred horse and one thousand foot, he went and joined him, and the two bodies together formed an army of seven thousand men. *Taunton*, a large town in *Somersetshire*, was the first, the Marquis of *Hertford* resolved to attack. But the garrison saved him the labour, by retiring to *Bridgewater*, on account of a sedition raised by the inhabitants. On the morrow, the Parliament's troops quitted also *Bridgewater*, and in few days *Danforth Castle* was surrendered to the King (3).

The King sends the Marquis of Hertford into the West. Clarendon, II. p. 210, 212.

Hopton joins him. Id. p. 212.

The Marquis takes Bridgewater and Taunton. Id. p. 213.

His march against Waller. Clarendon, II. p. 215.

The Marquis of *Hertford* having staid about *Taunton* some days, heard at last that Sir *William Waller* was within two days march of him, drawing troops together with the utmost diligence, and expecting more from *London* and *Bristol*. Whereupon he resolved to attack him, without giving him time to strengthen his army any more. Whilst he was preparing to execute this design, the Committee of the Militia, who were levying forces (4) in those parts to join them with *Waller*'s, perceiving a favorable opportunity, beat up one of the Marquis's quarters, who was now advanced to *Somerton*, and gave so brisk an alarm to the King's troops, that the Marquis was forced to draw out the whole army. Then the Parliament's forces retired to *Wells*: but seeing they were pursued, quitted *Wells*, and posted themselves on the top of *Mendip* hill, which overlooks the City. The Marquis of *Hertford* being come to *Wells* staid there, the day being far spent. But Prince *Maurice*, Sir *Ralph Hopton*, and the Earl of *Carnarvon*, taking the enemies retreat for a slight, went out with two Regiments of horse to pursue them, and marched directly to them. Whereupon the Parliament's forces being mostly foot and few in number, retired in order to join a detachment of horse sent by *Waller* to support them. But the Earl of *Carnarvon*, who was farthest advanced, gave them not time to retreat in good order. As they were obliged to pass through a lane, he entered after them, and pushed them beyond, till he met with *Waller*'s horse, who stopped his Career, and compelled him to retire in his turn with great precipitation. Prince *Maurice* coming to his relief, a warm action ensued, wherein the Prince received

An alarm, wherein Prince Maurice was wounded. Id. p. 216.

two cuts in his head, and was beaten off his horse, but was fortunately relieved. Night obliged both parties to retire, the King's to *Wells*, and the Parliament's to *Bath*.

Some days after, the Marquis of *Hertford*, knowing *Waller*'s army daily increased, marched towards *Bath* to try to draw him to an engagement. But *Waller* having his reasons to defer it, because he still expected fresh supplies, the Marquis advanced to *Marfield*, five miles beyond *Bath* [towards *Oxford*]. Whereupon *Waller* [whose chief business was to hinder him from joining with the King] marched out of *Bath*, and drew up his army on *Langdown*, expecting the enemies, who failed not to move towards him. As the Marquis of *Hertford* was in a Country so disaffected to the King, that only force could procure him any supply or relief, and as besides, he was advanced beyond *Bath* on purpose to engage them to fight, he was unwilling to lose the opportunity. In this action, which was called the Battle of *Langdown*, of his two thousand horse the Marquis of *Hertford* lost about fifteen hundred. But on the other hand, he drove *Waller* from his post, and compelled him, to give way about demi-culverin shot. Next day, *Waller* retired to *Bath*, and the Marquis entirely remained master of the field (5).

But this inconceivable advantage, gained with the loss of almost all his horse, threw him into a very ill situation. He had been sent into the West to drive Sir *William Waller* from thence, and yet, after the battle, *Waller* was between the King's army and the western Counties, where the Marquis could penetrate but by a second battle, which he was not in condition to hazard, as being without horse. This made him resolve to march to the *Devizes*, leaving his Infantry under the command of Sir *Ralph Hopton* (6), and break through to *Oxford*, with the Prince and the remainder of the horse, in expectation of returning from thence with a body of Cavalry strong enough to bring off the foot he should leave at the *Devizes*, which was but thirty miles from *Oxford*. This resolution was pursued. But as soon as he had quitted his Infantry at the *Devizes*, *Waller* came before the town with his whole army, and invested these troops, who were in a very ill state by reason of the scarcity of provisions. As he was sensible, the besieged could not remain long in such a state, he made them an overture of capitulating with him, which *Hopton* gladly embraced, in the uncertainty whether any supplies would come from *Oxford*, or would arrive soon enough. He entered therefore into treaty with *Waller*: but with intention to prolong it as much as possible, and not yield to the last extremity, as expecting every moment to be relieved from *Oxford*. *Waller* was so confident that they were at his mercy, that he had sent the Parliament word, "That their business was done, and by the next post, he would send the number and quality of his Prisoners."

Mean while, the Marquis of *Hertford* and Prince *Maurice* being come to *Oxford*, and having represented to the King the distress of his troops at the *Devizes*, his Majesty immediately sent the Lord *Wilmut* with fifteen hundred horse, who came within two miles of the *Devizes* before the capitulation between *Hopton* and *Waller* was signed.

Waller was no sooner informed of the enemies approach, but he drew up [without drum or trumpet] his whole army on *Roundway Down*, over which the King's troops were necessarily to pass in order to join those in the town. *Wilmut*, finding he could not execute his design without fighting, drew up within musket-shot of *Waller*'s army. But perhaps he would have thought of it more than once, before he attacked with fifteen hundred horse an army so superior in number, had not *Waller* begun the fight, by charging the enemy with a regiment of cuirassiers lately sent from *London*, and which till now had been deemed invincible (7). This regiment was vigorously repulsed, and retreating in disorder, infused such a Terror into *Waller*'s troops, that they made but a faint resistance. Mean while *Hopton* seeing from the town the disorder of the enemies, came out with his Foot, and bravely second-

(1) The four divisions of the little army were led on, the first by the Lord *Albion* and Sir *Ralph Hopton*, the second by Sir *John Stanley* and Sir *Basil Grenville*, the third by Sir *Nicholas Stanning* and Colonel *Devenant*, the fourth by Colonel *Balfie* and Colonel *William Guship*. In memory of this battle, Sir *Ralph Hopton* was afterwards created Lord *Hopton* of *Stratton*. As for the twelve hundred horse sent to *Badwin*, under the command of Sir *George Gedeigne*, Father to the Major-General, upon the news of the defeat, Sir *George*, with as many as he could keep together, got into *Plymouth*. Clarendon, Tom. 2. p. 208.

(2) *Ralph* Smith says, that by Letters afterwards intercepted to his Father Sir *George*, it appeared to have been a designed thing; whereupon his Father, to prevent any suspicion on himself, surrendered his Commission: And shortly after, published a form of Declaration, which is to be seen in *Ralph* Smith, Tom. 5. p. 272.

(3) By Mrs. *Lutterell* the owner, who thereupon was made Governor of it by the Marquis. Sir *John Stanley* was made Governor of *Taunton*, and Edward *Windham* of *Bridgewater*. Clarendon, Tom. 2. p. 213.

(4) These forces consisted not only of new raised men, but also the remains of those Horse and Dragoons that escaped out of *Cornwall*, after the battle of *Stratton*, and the Soldiers that fled from *Taunton*. See Clarendon, Tom. 2. p. 215.

(5) In this battle, as was before observed, fell Sir *Basil Grenville*. This was the first time the King's Horse had turned from an enemy, occasioned, it seems, by a Regiment of Cuirassiers commanded by Sir *Arthur Hopton*, which were so completely armed, that they were called the *Regiment of Lancers*. Just after the battle, Sir *Ralph Hopton* was miserably hurt by the accidental blowing up of some powder. Idem. p. 220.

(6) Who was now in great danger, and could hear and speak, though he could not see or stir; with him were sent the Earl of *Marborough*, General of the Artillery, and the Lord *Albion*. Clarendon, Tom. 2. p. 221.

(7) This was the Regiment of *Lancers* before-mentioned, which, according to *Rushworth*, reb'd led on by Sir *Arthur Hopton*, leaving the Foot, charged the King's forces very disadvantageously, and so were greatly routed. *Hutchinson* says, *Waller*'s horse, upon a panic fear, fled, and lost the Foot to the mercy of the enemy. *Rushworth*, Tom. 5. p. 253. *Whitelock*, p. 70.

1643. ing *Wilmet*, who for his part did not give the enemies time to recover themselves, they quickly put the whole army to rout, killed five or six thousand men, and took nine hundred prisoners. *Haller*, after his defeat, escaped to *Brigfl*. He complained very much of the Earl of *Essex*, who, lying then at *Thame*, had suffered *Wilmet* to pass without sending a party after him, or giving the alarm to *Oxford*, which would have caused *Wilmet* to be recalled. The Earl of *Essex* on the other hand, who was no friend to *Haller*, could not forbear saying some reproachful things on his defeat. This bred such enmity betwixt them, that it might have been very prejudicial to their party, had not the Parliament taken care to reconcile them.

After to complete a victory, the Lord *Wilmet* returned in triumph to *Oxford*, and the Marquis of *Herford*, taking the command of the army, appeared before the city of *Bath*, the gates whereof were opened at the first summons. Presently after, the King, having resolved to besiege *Brigfl*, as was before related, ordered the Cornish army to join Prince *Rupert* at the siege. As soon as he was master of *Brigfl*, he resolved to send an army into the West, under the command of Prince *Maurice*, and to keep the Marquis of *Herford* near his person. To that end, he gave orders to *Robert Dormer* Earl of *Carnarvon*, who was to serve under Prince *Maurice*, to advance towards the West with a party of Horse, whilst the Prince should follow with the infantry, of which the Cornish army made the best part. The Earl of *Carnarvon* marched first into *Dorsetshire*, which declared for the Parliament, and took *Wymouth*, *Dorchester* and *Periland-Castle*. Here Prince *Maurice* came and joined his cavalry. When he was at the head of the army, he suffered his troops to use such licence, and so ill observed the articles made upon the surrender of the towns, that the Earl of *Carnarvon*, out of indignation [being a person full of honour and justice upon all contracts] quitted his command in this army, and returned to the King before *Gloucester*. Mean while Prince *Maurice*, after staying some time in *Dorsetshire*, entered *Devonshire*, and laid siege to *Exeter*, which was surrendered by capitulation by the Earl of *Stafford*.

After the taking of *Exeter*, the Prince applied himself chiefly to increase the number of his forces by fresh levies, whilst the Parliament had no army in that Country able to withstand him. In a short space, he assembled seven thousand foot, with horse in proportion, besides three thousand men commanded by Colonel *John Digby* before *Plymouth*, the blockade of which place he had formed, till the Prince should come and besiege it. There had lately been discovered at *Plymouth* a plot framed by Sir *Alexander Carew*, Knight of the Shire for *Cornwall*, and Governour of the fort and island of *St. Nicholas*, on which depended the security of the town, to deliver the island and fort to the King. *Carew* was apprehended and sent to *London*, where some time after he was condemned to die by a Court-martial (1).

When Prince *Maurice* had completed his levies, instead of going to *Plymouth*, he laid siege to *Dartmouth*, which employed him more than a month. During that time, the inhabitants of *Plymouth*, whom the discovery of *Carew*'s plot had thrown into a great consternation, recovered themselves, and resolved upon an obstinate defence. This resolution was confirmed by a supply of five hundred men sent by the Parliament by sea, with a Scotch Governour an experienced warrior. So, Prince *Maurice*, when he came before the place, found the conquest of it much more difficult than he had expected. He continued however the siege, notwithstanding the winter, which was now begun. Here I shall leave the affairs of the West, till I have farther occasion to speak of them, and proceed to the recital of what passed in the North during this campaign.

Since the Earl of *Newcastle*'s arrival at *York*, with his army levied in the North, the Lord *Fairfax* had been obliged to keep at some distance from that city, to avoid being attacked by an army much more numerous than his own. All the northern parts from *York* to the borders of *Scotland* were for the King. The southern part of *Yorkshire* was for the Parliament, and the war was waging in the middle parts of the country to the right and left. But little else was transacted, besides the taking of small towns, which served only to enlarge the quarters of one or other army.

In May 1643, the Earl of *Newcastle* took two or three of these places. In the same month, the Lord *Fairfax* having detached fifteen hundred men, under the command of his Son Sir *Thomas Fairfax*, ordered *Halesfield* to be attacked, where lay three thousand men of the King's party. This assault was made about four in the morning, with

such vigour and conduct, that the King's troops were driven from the town, and many taken and slain. Amongst the prisoners was General *Goring* the commander (2).

Presently after, the Earl of *Newcastle* had his revenge. Having taken *Hewley house* (3), he marched from thence towards *Bradford*, and in the way was met on *Alerton-moor* by the Lord *Fairfax*, whom he entirely routed. *Fairfax*, with the remains of his army, threw himself into *Hull*, where Sir *John Horban* had been lately apprehended by order of Parliament, and the Lord *Fairfax* was made Governor of that important place.

In June, *Gainsborough*, a town in *Lincolnshire*, was taken by the Lord *Williamby* [of *Parham*] commander for the Parliament in those parts, who there made [Robert *Pierpoint*] Earl of *Kingston* prisoner. But being informed that the Earl of *Newcastle* was preparing to recover *Gainsborough*, he sent his prisoner in a pinnace to *Hull*. The Earl was unfortunately foot by some of his own party, who would have stopped the pinnace. Mean while, the Earl of *Newcastle* began indeed his march to besiege *Gainsborough*, and at his approach, detached a party of Horse to invest the town. *Oliver Cromwell* arriving at the same time, with design to supply the town with provisions, defeated this detachment, pursuing them even in light of their main body, which he did not think to be so near. As he was not in condition to face this army, he retreated in good order, and after throwing supplies into the town, retired at a greater distance. Shortly after, the Earl of *Newcastle* retook *Gainsborough*, and possessed himself of *Lincoln*, where he put a strong garrison; after which, he besieged *Hull*, whilst the King was before *Gloucester*.

The Lord *Fairfax*, assisted by Sir *John Meldrum* that Scotchman, defended the town of *Hull* with great bravery and conduct for five weeks, though he was vigorously attacked. At last, October the 11th, the besieged made a grand sally, and after a very obstinate fight, which was several times renewed, drove the besiegers from their trenches, and seized their cannon. This obliged the Earl of *Newcastle*, now created Marquis, to raise the siege.

The same day this famous sally was made at *Hull*, a gross body of Horse, part of the Earl of *Newcastle*'s army, commanded by the Lord *Warrington*, were routed at *Horn Lodge* [Edward *Montagu*] Earl of *Manchester*, who had with him Sir *Thomas Fairfax*, and *Cromwell*.

The rest of the military actions during the winter, after 1643, this campaign, having a necessary connexion with the affairs of *Scotland* and *Ireland*, I am indispensibly obliged to speak of what passed in these two Kingdoms in the course of this year. I shall begin with *Scotland*.

The Parliament of *England*, when they replied to the Scots proposition of uniting the two national Churches, made their answer, which was no less ambiguous than the demand, a toothing, which they might use or not, as occasion required. It is certain, there was a strict correspondence between some of the leading-members, and the Scots. These Members easily foresaw, that to establish Presbyterianism in *England*, they should in the end waste the Scots, who, on their part, were ready to assist them when a favorable opportunity should offer. Since the King, in his last journey to *Scotland*, had been forced to grant the Scots whatever they desired, the leaders of the contrary party had taken such just measures, that all the offices of the Kingdom were in the hands of their friends, whilst those that were suspected of inclining to the King, were removed from all sorts of employments. By this means, the friends of the Parliament of *England* were in a capacity to second them at a proper time, in establishing the Presbyterian Government in the Church of *England*. It was not solely out of zeal for Religion, but also out of policy, that the directors of the Scots affairs, wished the *English* would receive that form of Government. They believed, they could never promise themselves a perfect tranquillity, if it should happen to be in the King's power to be revenged of them, and that he would be incessantly prompted thereto, if the Bishops were restored in *England*. Whether this belief was well-grounded, or only a prejudice, it is certain they looked upon the restoration of Episcopacy in *England*, as the first step to their ruin. For this reason, they always continued a very strict correspondence with both Houses, by means of their Commissioners residing in *London*, in order to act in concert with them, for lessening the King's power, and destroying Episcopacy. This plainly appeared in the course of this year 1643.

The affairs of the Parliament not being in a situation to afford a prospect of any great advantages upon the King this campaign, the Scots began to prepare to assist them, in case there should be occasion. To that purpose, about the beginning of May, it was moved by some of the leading-

(1) He was beheaded on Tower hill, Decemb. 23. 1644.

(2) With short bills, hundred men, and twenty seven colours of Foot. *Reynolds*, Tom. 50. p. 269. 271.

(3) And therein Sir *J. de Spel* the owner.

1643. men, that there might be a joint meeting of the Council, the Conservators of the Peace, and the Commissioners for public Burthens. In the hands of all these was lodged the authority of the Kingdom, when there was no Parliament. This motion was readily complied with, all the public offices and posts being, as I said, filled with men of that party. In this assembly it was proposed, that, considering the danger the Kingdom was in, by reason of armies levying in the north of England, Scotland should be put in a posture of defence. As this could not be done without a Parliament, or a convention of Estates, it was urged, that there was an absolute necessity of immediately summoning such a convention. The Marquis of Hamilton, and several others, strongly opposed it, alledging, that for them to appoint a convention without the King's order, was an encroachment upon the Royal Prerogative in the highest degree: That his Majesty had promised to call a Parliament in the year 1644, and therefore to hold a convention of Estates before that time, without his privy, was directly contrary to the Laws of the land. But their arguments were in vain. It was carried by the majority, that the Lord-Chancellor should summon a convention of Estates, against the 22d of June. They make a distinction in Scotland between a convention of Estates, and a Parliament. The convention of Estates is a Court consisting of all the Members of Parliament; but as they are called, and sit without the state, or formalities used in Parliament, so their power extends only to raise money or forces, but not to make or repeal Laws.

The King having notice of what was projecting in Scotland, immediately sent thither the Earls of Roxburgh, Kinnaird, and Lanrick, with instructions concerning what they were to do for his service. These three Lords arrived at Edinburgh the 15th of May, and brought the Marquis of Hamilton a Patent, creating him a Duke. Besides this, they presented to the Council a Declaration from the King, wherein he endeavoured to display the justice of his cause against the Parliament of England. He vindicated his innocence with regard to all the aspersions cast upon him, particularly concerning Religion, and represented very pathetically, the wrongs and injustices done him. As we have seen more than once what the King alledged in his vindication, I think it unnecessary to insert this Declaration. I shall only observe, that he concluded with saying, "God do deal with us, and our posterity, as we shall do; inviolably observe the Laws and Statutes of that our native Kingdom, and the Protestant Religion, the Laws of the Land, the just Privileges and Freedom of Parliament."

Shortly after, the King hearing that a convention of Estates was summoned without his order or privy, easily perceived, this step was not taken without an intention to support it. He chose therefore to permit them to assemble, but with express order to limit their consultations to the best ways and means of supplying the Scottish army in Ireland, and to relieving public burthens by pressing a speedy payment of the brotherly assistance due from England. But the convention was by no means inclined to be thus restrained. When the Estates met, the first thing in debate was the limitation in the King's letter of license. The Duke of Hamilton, with the King's other friends (1), voted it no Convention but as regulated by his Majesty's Letter; but all the rest voted it a free Convention (2). The King pretended afterwards, the Duke of Hamilton and his brother the Earl of Lanrick had not served him with sincerity, and if they had pleaded, they might have hindered the convention from meeting. Some time after, these two Lords repairing to Oxford, he ordered them to be apprehended, but the Earl of Lanrick found means to escape, and his brother the Duke was sent down to be imprisoned in the Castle of St Michael's Mount in Cornwall. The Earl of Clarendon in his History supports, to the utmost of his power, the King's suspicions of these two brothers, whilst, on the other hand, there is, in the *Memoirs of the Dukes of Hamilton*, a large vindication upon this article.

The convention of Estates met the 22d of June, and the General-Assembly of the Kirk, the 2d of August. 'Tis observable, it was in June that an ordinance of the Parliament of England, was published for calling an Assembly of Divines and others, to be consulted by both Houses, for settling the Government and Liturgy of the Church of England, and that this Assembly held their first session the first of July, a few days after the meeting of the convention of Estates in Scotland. The sequel shewed with what design this Assembly was appointed.

The precaution taken by the Scots was not ineffectual. They seem to have foreseen what happened soon after. For in the interval between the proposing a convention of Estates, and the time of their meeting, the Earl of Essex's army was seized with sickness after the taking of Reading; the city of Bristol fell into the King's hands; and Sir William Waller's forces were routed at Roundway-down. If the King's successes had not received a check, by the raising of the Siege of Gloucester, and the battle of Newbury, it is very visible, the Parliament's affairs were in a very ill situation about the end of July and the beginning of August, that is, at the time the convention of Estates, and the general Assembly met in Scotland. Accordingly, both Houses failed not to improve the precaution taken by the Scots, and which, in all appearance, had been suggested to them. As they saw, their affairs were declining, they applied, without farther consideration, to the convention of Scotland for assistance, and sent commissioners, with full powers to treat. These commissioners, who came to Edinburgh whilst the King was approaching Gloucester, found the Estates of Scotland as well disposed as they could wish (3).

Both Houses had foreseen, that the Estates of Scotland would demand, in return for their assistance, a positive engagement to establish in the Church of England a Presbyterian Government, like that in the Kirk of Scotland. It is scarce to be doubted, that some of the Directors of the Parliament's affairs had made such a private agreement with them, though it cannot be proved by any public Acts. Nay, very likely, the Earl of Essex's army had been suffered to decay, on purpose to reduce things to such a state, that the assistance of the Scots should be absolutely necessary. At least, it is hard to discover any other reason, that could have induced the Parliament to suffer that army to remain unserviceable, from the taking of Reading to the siege of Gloucester. It appeared that this proceeded not entirely from inability, since, when the danger grew more imminent, means were found to enable the Earl of Essex to relieve Gloucester. Now it was precisely whilst the Earl of Essex's army was thus neglected, that the Parliament resolved to desire the assistance of Scotland. Be this as it will, both Houses sent, with their commissioners, two Declarations, one directed to the convention, the other, to the general Assembly. The first was, only to desire the speedy assistance of the Estates, and to inform them, that their commissioners had instructions to treat with them, not only concerning the satisfaction to be made for the desired aid, but also about settling the accounts between the two Kingdoms. In the second, both Houses acknowledged the great zeal and love, manifested by the general Assembly of the Churches of Scotland, in their endeavours for the preservation of the true Protestant Religion, from the attempts of the Popish and Prelatical party, to the necessary reformation of Church Government in England, and the more near union of both Churches. And therefore they exhorted the Assembly to send into England some of their body, for the furtherance of that work in conjunction with the Assembly of Divines now sitting at Westminster. They declared also, that besides their instructions in the civil matters of both Kingdoms, the commissioners had received directions to resort to and consult with the general Assembly of the Kirk of Scotland, in every thing relating to the reformation of the Church of England; and to that end, Mr. Murel and Mr. Nye, Ministers of God's word, were appointed to assist the commissioners with their advice.

With these Declarations the commissioners found no difficulty in their negotiation. On the contrary, the general Assembly addressed to the Estates a Declaration, containing the reasons which ought to induce them to assist the Parliament of England. The reasons were to this effect:

"1. The controversy now in England being betwixt the Lord Jesus and Anti-christ with his followers, if we would not come under the curse of *Moses*, we should come out, and help the Lord against the mighty.

"2. There was an Act passed by the convention of Estates, Anno 1585, wherein the Estates found it necessary to enter in a League and Christian Confederation, with all Protestant Princes and Estates, against the bloody League at Trent. Conformed to which there followed a League betwixt the two Crowns of Scotland and England, subscribed at Berwick 1586, against whatsoever foreign and intestine Powers of Papists should arise or rise. And therefore the cause being the same, as well as the parties, and the danger, we are bound to perform now, what we promised then.

"3. We

(1) Eleven Lords and one Knight. *Rushworth*, Tom. V. p. 466.

(2) Whereupon Hamilton and his Party withdrew, and would sit in the Convention no more. *Ibid.*

(3) The Commissioners appointed were, *John Manners*, Earl of Rutland, (who, upon his ill state of health, procured a release) and the Lord Grey of *Barnes*, (who, relating to go on account of the inability to bear so long a journey, was sent to the Tower, but soon after released; for the Lords and the Commons, Sir William Dring, Sir Henry Lane the younger, Mr. Denker, and Mr. Darby, with very Disease, *Adieu* and *Sye*, to attend them. *Rushworth*, Tom. V. p. 466. *Clarendon*, Tom. II. p. 232.

1643. "3. We stand obliged to England for old kindness to us, being in the same posture then, that they are in now; for in the year 1556 and 1557, the Estates of this land, finding the reformation of Religion opposed by their own Princes with arms and violence, and themselves oppressed by the *Papish* army, fought and obtained the assistance of an army from England, whereby they expelled the *French* army, made the pacification at *Leith*, held the Parliament of 1560, established the Religion. "Therefore they got new assistance from England to suppress the general *Papish* faction, whereby they took in the castle of *Edinburgh* from the Laird of *Grange*; and in that publick printed prayer, prefix to the *Psalms Book*, we solemnly promised never to forget their kindness against the *French*; and if we call to mind the manifestation of the lawfulness of the expedition into England, we stand obliged to them for their late kindness; for they not only refused to levy arms against us in the last troubles in 1639, but also did mediate for a treaty, did welcome and kindly entertain our army for a year, did freely bestow upon us their brotherly assistance of thirty thousand pounds; whereupon we acknowledged our thankfulness, not to consist in affection and words at that time, but in the mutual kindness, and real declaration to be expected from the whole Kingdom of Scotland, in all time to come; besides solemn promises and vows repeated in our late Declaration and Information published to the world, wherein we assure them of our help in their need, as in the *Remonstrance of the States of Scotland*, 1639, pag. 28. *Remonstrance of the Parliament of England*, 1640, pag. 15, 16. *Intentions of the Army of Scotland*, near the end.

"4. The common danger imminent to both Kingdoms, do invite us to help them; for we and they fail in one bottom, dwell in one House, are members of one body, that according to their own principles, if either of the two Nations or Kingdoms be ruined, the other cannot long subsist. We have the same friends and foes, and many years experience hath taught us, what influence Popery and Prelacy in England, may have upon Scotland; for from thence came the Prelates, the Ceremonies, the book of Common-Prayers, Service-book, and upon our refusal, the bloody sword came from thence; therefore we are to take England's condition to heart, as a common cause, to put forth our helping hand, if we tender Religion, Laws, and Liberties.

"5. The common advantage redounding to both Kingdoms, do persuade help; for hereby we have a fair opportunity to advance uniformity in discipline and worship, which will prove the surest bond of union and bulwark to both.

"6. If we forsake England, we forsake our dearest friends, who can best help us in case we be reduced to the like straits hereafter by the common adversary.

"7. If we suffer the Parliament of England to be cut off, we have lost our peace with England. If the popish and prelatical faction do over-rule the Parliament, we may expect war both from King and Parliament, whereunto they will not want pretences. And we have reason to fear, that, seeing some of the malignants at home are reported to have vented, that the King was not tied to keep what he had granted to us, because by calling and keeping of our convention, we have first broken to him.

"8. If we should desert them at this time, yet as *Mordecai* said to *Ester*, *Deliverance shall arise to them from elsewhere, but we and our Father's house may look for destruction*; and who knoweth, but we are restored to our Religion and Liberties, to a free convention at this time, and made a mirror of God's mercy to all Nations and Kingdoms, that we may help our brethren of England?

"9. That the only means for the procuring of a happy agreement between the King and the Parliament, is by putting up of the sword, and saving Christian blood from being shed, suppressing of *Papists*, and establishing Religion in his Dominions; for humble supplications and remonstrances, reached out with naked hands, will not prevail with our adversaries, who have invaded our King, and closed his ears to the cry of his Subjects.

"But it will be objected, Seeing our Religion and Liberties are established according to our own desires; and seeing his Majesty's Declaration to the whole Kingdom, and letter to every Nobleman and Barrough, to give assurance for preservation of the same without altering, we have no interest nor hazard, however business go in England; but should keep ourselves in peace and quiet.

"1. Answer. In all the proceedings of this business we

have from time to time declared, That neither verbal promises, nor fair Declarations for maintaining Religion and liberty could secure us, because we have so often found *facta verbi contraria*. As for example, the treaty of *Dunee*, when we confined to verbal gracious expressions of his Majesty's; yet afterwards they were denied, and burnt by the hands of the hangman, and an army levied against us. It was the counsel of *Monsieur de Thou* to the Queen-Regent of Scotland at St. *Andrews*, for reverting our first reformation, to grant our predecessors in fair promises and declarations all that they craved, and when thereby they should be divided, to interpret these by herself, and to take order with the heads of the opposers; and this policy was used by *Charles IX.* King of France, for the subverting of the Protestant Religion in France, as witnesseth *Monsieur de Thou*, L. 71. p. 463.

"2. As we have found by former experience, that the establishment of our first reformation by an Act of Assembly and Parliament, could not secure us from the violent pressing of innovations against both; and in the new Remonstrance of 1640, pag. 16. we have fully expressed, that no Assembly or Parliament, wherunto we flattered our hopes, can be any safety for us, so long as our enemies sit at the helm, and govern the King's Council, and make his Majesty interpret Laws contrary to the advice of Judicators of Kirk and State. And of late our mediation betwixt him and his Parliament was rejected, and our Commissioners stopt from going to London, contrary to his own safe-conduct.

"3. If the Parliament of England that now is, be destroyed, who shall undertake for our safety? As the King's Declarations cannot exceed his person, or secure us at the hands of his successors, so we may perceive in the late discovery of the plots of the *Scotts*, *English*, and *Irish* *Papists*, that these Declarations can be no sufficient security against the surprizing of *Papists* and Malignants, if they be permitted to carry arms within any of the Kingdoms.

"Secondly, It is objected, that we are a poor people, not fit for such an undertaking. To which we answer.

"1. The Representative body of the Kingdom now convened, can best satisfy this objection.

"2. When God calls his people, and makes them willing, he gives them also strength, that thro' him they may do valiantly.

"3. God hath helped us in all enterprises for his cause, and he will yet provide for us. We hope the wise convention of States will see to the conditions, that the Kingdom receive as little detriment as may be.

"Thirdly, It is objected, they will not embrace a Presbyterian Government in the Kirk, and so no hope of uniformity.

"Answer, 1. They have already put out Episcopal Government, root and branch, neither will they, nor do the Protestant Kirks know of any other but Presbyterian.

"2. If any zealous man amongst them have their scruples against Presbyterian Government, we trust the Lord will reveal the truth unto them.

"3. They have in many Declarations expressed their resolutions and desires for uniformity.

"The Assembly and Convention having respectively appointed Committees to treat with the English Commissioners, it was agreed at the first conferences, that the best and speediest means for accomplishing the union and assistance desired, was that both Nations should enter into a mutual Covenant or League. This Covenant was prepared in a very short time, so that August the 17th, it was presented to the Estates and the General-Assembly, and approved by both the same day. On the morrow, being the 18th, it was sent to England by the Lord *Maitland*, afterwards Duke *Lauderdale*. He was accompanied with Mr. *Alexander Henderson*, Moderator of the General-Assembly, and Mr. *Gillies*, both Ministers, as Commissioners from the Assembly to treat with the Assembly of Divines at *Westminster*, about the union of the two Churches.

"If the Scots were disposed to enter into a League with the English, their last were no less desirous of it. August the 28th, ten days after the departure of the Scotch Commissioners, the Parliament of England consented to the Covenant. Immediately after, the Assembly of Divines were ordered by both Houses to frame an exhortation to the taking of the Covenant, to be read publicly in all the Churches. That done, the Covenant was ordered to be printed and published, and appointed to be taken the 22d of September by all the Members of Parliament, and the Assembly of Divines, which was done with great solemnity (1). The Covenant was as follows.

Covenant between the two Nations approved in Scotland and England. K. 471. Gentry's Mem.

(1) The manner of taking it was thus: The Covenant was read, and then voices were given that each person should immediately, by covering themselves, signify the great name of God, and testify to God, that, voluntarily, by lifting up their hands, and then they went up into the Church (not St. Stephen's, Westminster), and there published their names in a roll of parchment, in which the Covenant was largely written. It was taken that day by two hundred and twenty-two Members of Parliament, whose names see in *Roghearth*, Tom. V. p. 472.

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A solemn League and Covenant for reformation and defence of Religion, the honour and happiness of the King, and the peace and safety of the three Kingdoms of England, Scotland, and Ireland.

Rushworth, V. p. 478.
Curzon, T. II. p. 387.

WE Noblemen, Barons, Knights, Gentlemen, Citizens, Burgesses, Ministers of the Gospel, and Commons of all sorts in the Kingdoms of England, Scotland and Ireland, by the Providence of God living under one King, and being of one reformed Religion, having before our eyes the glory of God, and the advancement of the Kingdom of our Lord and Saviour Jesus Christ, the honour and happiness of the King's Majesty and his posterity, and the true publick liberty, safety and peace of the Kingdoms, wherein every one's private condition is included, calling to mind the treacherous and bloody plots, conspiracies, attempts, and practices of the enemies of God against the true Religion and professors thereof in all places, especially in these three Kingdoms, ever since the Reformation of Religion, and how much their rage, power and presumption are of late, and at this time, encreased and exercised, whereas the deplorable estate of the Church and Kingdom of Ireland, the distressed estate of the Church and Kingdom of England, and the dangerous estate of the Church and Kingdom of Scotland, are present and publick testimonies; we have (now at last) after other means of supplication, remonstrance, protestations and sufferings, for the preservation of ourselves and our Religion from utter ruin and destruction, according to the commendable practice of these Kingdoms in former times, and the example of God's people in other Nations, after mature deliberation, resolved and determined to enter into a mutual and solemn League and Covenant, wherein we all subscribe, and each one of us for himself, with our hands lifted up to the most high God, do swear:

I. That we shall sincerely, really and constantly, through the grace of God, endeavour in our several places and callings, the preservation of the reformed Religion in the Church of Scotland, in doctrine, worship, discipline and government, against our common enemies, the reformation of Religion in the Kingdoms of England, and Ireland, in doctrine, worship, discipline and government, according to the word of God, and the example of the best reformed Churches; and we shall endeavour to bring the Churches of God in the three Kingdoms, to the nearest conjunction and uniformity in Religion, confessing of faith, form of Church-Government, Directory for worship and Catechising, that we, and our posterity after us, may, as Brethren, live in faith and love, and the Lord may delight to dwell in the midst of us.

II. That we shall in like manner, without respect of persons, endeavour the extirpation of Popery, Prelacy, (that is, Church-government by Archbishops, Bishops, their Chancellors and Commissaries, Deans, Deans and Chapters, Archdeacons, and all other Ecclesiastical Officers depending on that Hierarchy) superstition, heresy, schism, profaneness, and whatsoever shall be found to be contrary to sound doctrine, and the power of godliness, lest we partake in other men's sins, and thereby be in danger to receive of their plagues, and that the Lord may be one, and his name one in the three Kingdoms.

III. We shall with the same sincerity, reality and constancy, in our several vocations, endeavour with our estates and lives, mutually to preserve the rights and privileges of the Parliaments, and the liberties of the Kingdoms, and to preserve and defend the King's Majesty's person and authority, in the preservation and defence of the true Religion and liberties of the Kingdoms, that the world may bear witness with our consciences of our loyalty, and that we have no thoughts or intentions to diminish his Majesty's just power and greatness.

IV. We shall also with all faithfulness endeavour the discovery of all such as have been or shall be incendiaries, malignant, or evil instruments, by hindering the Reformation of Religion, dividing the King from his people, or one of the Kingdoms from another, or making any faction or parties among the people, contrary to this League and Covenant, that they may be brought to publick trial; and receive condign punishment, as the degree of their offences shall require or deserve, or the supreme Judicatories of both Kingdoms respectively, or others having power from them for that effect, shall judge convenient.

V. And whereas the happiness of a blessed peace between these Kingdoms, denied in former times to our progenitors, is, by the good Providence of God granted unto us, and hath been lately concluded and settled by both Parliaments, we shall, each one of us, according to our place and interest, endeavour, that they may re-

main conjoined in a firm peace and union to all posterity, and that justice may be done upon the wilful oppressors thereof, in manner expressed in the precedent articles.

VI. We shall also according to our places and callings, in this common cause of Religion, Liberty, and Peace of the Kingdoms, assist and defend all those that enter into this League and Covenant, in the maintaining and pursuing thereof, and shall not suffer ourselves directly or indirectly, by whatsoever combination, persuasion, or terror, to be divided and withdrawn from this blessed union and conjunction, whether to make defection to the contrary part, or to give ourselves to a detestable indifferency or neutrality in this cause, which so much concerneth the glory of God, the good of the Kingdoms, and the honour of the King, but shall all the days of our lives zealously and constantly continue therein, against all opposition, and promote the same according to our power against all lets and impediments whatsoever; and what we are not able ourselves to suppress or overcome, we shall reveal and make known, that it may be timely prevented or removed; all which we shall do as in the sight of God.

And because these Kingdoms are guilty of many sins and provocations against God, and his Son Jesus Christ, as is too manifest by our present distresses and dangers, the fruits thereof: We profess and declare before God, and the world, our unfeigned desire to be humbled for our sins, and for the sins of these Kingdoms, especially that we have not, as we ought, valued the inestimable benefit of the Gospel; that we have not laboured for the purity and power thereof; and that we have not endeavoured to receive Christ in our hearts, nor to walk worthy of him in our lives, which are the causes of other sins and transgressions, so much abounding amongst us. And our true and unfeigned purpose, desire, and endeavour, for ourselves, and all others under our power and charge, both in publick and in private, in all duties we owe to God and man, to amend our lives, and each one to go before another in the example of a real reformation; that the Lord may turn away his wrath and heavy indignation, and establish these Churches and Kingdoms in truth and peace. And this Covenant we make in the presence of Almighty God, the searcher of all hearts, with a true intention to perform the same, as we shall answer at that great day, when the secrets of all hearts shall be disclosed; most humbly beseeching the Lord to strengthen us by his holy Spirit for this end, and to bless our desires and proceedings with such success, as may be deliverance and safety to his people, and encouragement to other Christian Churches, groaning under, or in danger of, the yoke of anti-christian tyranny, to join in the same, or like association and covenant. To the glory of God, the enlargement of the Kingdom of Jesus Christ, and the peace and tranquillity of Christian Kingdoms, and Commonwealths.

I have often said, that the Presbyterian party prevailed in the Parliament of England. This party impatiently waited for an opportunity to establish the Presbyterian government in the Church, and this seemed to them so favorable, that they resolved not to lose it. The affairs of the Parliament were in an ill way. The King was become master of Bristol. The Earl of Essex's army was unserviceable, and Waller's entirely dispersed by the loss of the battle of Roundway-down. Prince Maurice was with a good army in the West, where he met with no opposition. The Marquis of Newcastle was master of all the North, and superior in number of troops to the Lord Fairfax in the County of York. In short, the King was now besieging Gloucester, when the Parliament's Commissioners came to Edinburgh. Had he taken that place, the Parliament would have had reason to fear a general defection, considering the advantages the King would have thereby received. The two Houses had therefore, if I may so call it, no other refuge than the assistance of the Scots, an assistance which could not be procured, but by yielding them the article of uniformity, so passionately desired by them, being, in their opinion, the sole means of securing the enjoyment of their liberties. So, those of the Parliament's party that were most attached to the Church of England, clearly perceived, they must consent to a change of Church-government, or be exposed to the hazard of losing the fruit of all their labours, in case the King should be refused by force of arms. Things standing thus, they could not think it strange, that the Parliament should consent to an uniformity, in order to satisfy the Scots for their so necessary assistance. For this reason the Covenant was taken without murmuring, and it was not perceived, that this proceeding would increase the number of the King's friends, as the Parliament had ever dreaded, because it was done at a juncture, when the necessity of it seemed unavoidable.

Shortly after, the King issued out a Proclamation to for-

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Rushworth, V. p. 478.
Curzon, T. II. p. 387.

1643. bid the taking of the Covenant, but it produced no great effect. On the contrary, the Committee of Estates did, by their printed Act of the 23d of *October*, ordain it to be sworn and subscribed by all the Subjects, under pain of having their goods and rents confiscated. After that, they summoned all the Lords of the Council to come and sign it before them. The Duke of Hamilton, and some others, refusing to subscribe it, the Committee, by another Act, [of the 17th of November,] ordered all their Lands to be seized, and their persons to be apprehended, with permission to kill such as resisted. Notwithstanding all this, the King, at the Duke's coming to *Oxford*, cauled him, as I said, to be arrested.

After both Kingdoms had agreed upon the Covenant, the Estates of *Scotland* appointed Commissioners to treat with the *English*, concerning the aid desired. The substance of the Treaty, signed *November* the 29th, is as follows :

Treaty between England and Scotland, 1643. *Id. p. 485.*

" 1. That the Covenant be sworn and subscribed by both Kingdoms.

" 2. That an army shall be forthwith levied in *Scotland*, consisting of eighteen thousand foot effective, and two thousand horse, and one thousand Dragoons effective, with a suitable train of artillery, to be ready at some general rendezvous near the borders of *England*, to march into *England* with all convenient speed, the said foot and horse to be well and completely armed, and provided with victuals and pay for forty days.

" 3. That the army be commanded by a General appointed by the Estates of *Scotland*, and subject to such resolutions and directions as shall be agreed and concluded on mutually between the two Kingdoms, or by Committees appointed by them in that behalf.

" 4. That the charge of levying, arming, and bringing the said forces together, as also the fitting the train of artillery, be computed and set down according to the same rates, as if the Kingdom of *Scotland* were to raise the said army for themselves; all which for the present is to be done by the Kingdom of *Scotland* upon account, and the account to be delivered to the Commissioners of the Kingdom of *England*, and when the peace of the two Kingdoms is settled, the same to be repaid or satisfied to the Kingdom of *Scotland*.

" 5. That this army be likewise paid, as if the Kingdom of *Scotland* were to employ the same for their own occasion; and towards the defraying thereof, shall be monthly allowed and paid the sum of 30000*l.* Sterling by the Parliament of *England*, out of the estates and revenues of the Papists, Prelates, Malignants, and their adherents, or otherwise; and in case the said 30000*l.* monthly, or any part thereof, be not paid at the time when it shall become due, the Kingdom of *England* shall give the publick faith for the paying of the remainder unpaid with all possible speed, allowing the rate of 8*l.* per Cent. for the time of the performance thereof; and in case that notwithstanding the said monthly sum of 30000*l.* paid as aforesaid, the States and Kingdom of *Scotland* shall have just cause to demand farther satisfaction of their brethren of *England*, when the peace of both Kingdoms is settled, for the pains, hazard, and charges they have undergone in the same, they shall by way of brotherly assistance have due recompence made to them by the Kingdom of *England*, and that out of such lands and estates of the Papists, Prelates, Malignants, and their adherents; and for the assurance thereof the publick faith of the Kingdom of *England* shall be given them.

" 6. And to the end the said army may be enabled and prepared to march, the Kingdom of *England* is to pay in ready money to their brethren of *Scotland* the sum of 100,000*l.* Sterling at *Leith* or *Edinburgh*, by way of advance beforehand, which is to be discounted back again to the Kingdom of *England* by the Kingdom of *Scotland*, upon the first monthly allowance which shall grow due to the *Scottish* army, from the time they shall make their first entrance into the Kingdom of *England*.

" 7. That the publick faith of the Kingdom of *Scotland* will be given, to be jointly made use of with the publick faith of the Kingdom of *England*, for the present taking up 200,000*l.* Sterling in the Kingdom of *England*, or elsewhere, for the speedy procuring of the said 100,000*l.* Sterling as aforesaid, as also a considerable sum for the satisfying in good proportion the arrears of the *Scottish* army in *Ireland*.

" 8. That no cellation, nor any pacification or agreement of peace whatsoever, shall be made without the mutual advice and consent of both Kingdoms.

" 9. That the publick faith of the Kingdom of *Scotland* shall be given to their brethren of *England*, that neither their entrance into, nor their continuance in the Kingdom of *England*, shall be made use of to any

" other ends than are expressed in the Covenant, and in the articles of this treaty : and that all matters of difference that shall happen to arise between the Subjects of the two Nations, shall be resolved and determined by the mutual advice and consent of both Kingdoms, or by such committees as for this purpose shall be by them appointed.

" 10. That the Kingdom of *England* do oblige themselves to aid and assist the Kingdom of *Scotland*, in the same or like cases of freights and extremities.

" 11. That during the time that the *Scottish* army shall be employed, as aforesaid, for the defence of the Kingdom of *Scotland*, there shall be fitted out, as men of war, eight ships, whereof six shall be of burthen between one hundred and twenty and two hundred tun, the other between three and four hundred tun; all which shall be maintained at the charge of the Kingdom of *England*, to be employed for the defence of the coast of *Scotland*, under such commanders as the Earl of *Warwick* for the time of his being Admiral shall nominate, with the approbation of the committees of both Kingdoms; which commanders shall receive from the said Earl general instructions, that they do from time to time observe the directions of the committees of both Kingdoms."

Though this treaty was not signed till the 29th of *November*, the Estates of *Scotland* were so secure, there would be no objections to the terms, that the troops of the most distant Counties were now marching to the general rendezvous, whilst the treaty was in hand. The very day *August*, the Covenant was sent to *England*, namely, the 15th of *August*, a Proclamation was published in the King's name according to the usual style, commanding all the Subjects of *Scotland*, from sixteen to sixty years old, to provide themselves with ammunition, arms, and forty days provisions, and to be ready to march for the defence of the Kingdom. The King could not bear, that an order should be published in his name to his Subjects of *Scotland*, to arm themselves against himself. He writ a vehement letter to the Council, commanding them expressly to call in the Proclamation, but it was to no purpose. The King seems not to have known, that in *Scotland* as well as in *England*, in all state-affairs, the King is never considered as separated from the People, and that it is the usual practice to publish all publick orders in the King's name, though they are prejudicial to his private interests. History furnishes us with numberless instances, and the King had found, by too frequent experience for some time in *England*, that in making war upon him, it was pretended to be for his honour and true interest. He himself pretended, that he waged war with both Houses in defence of the liberties of Parliament. This is an effect of the constitution of the Government, whereby the King as the head, and the People as the body, are deemed inseparable. If they happen to be divided, it is not strange, that each pretends to act for the good of the whole, since this pretension is made the sole cause of their division.

Upon this foundation it was, that the Estates of *Scotland* Manifesto'd published two Manifesto's, wherein, supposing the King to have been, and still to be, guided by pernicious counsels, they pretended not only, that they might justly assist the two Houses against him, but were bound in conscience to make war upon him. They maintained, they had no other view, than to rescue him from the dangers he willingly exposed himself to, and to labour for his happiness and glory. After all, this maxim is not wholly peculiar to *England* and *Scotland*. It has been followed in other States during civil wars. All that can be said, is, that many times the welfare of the King and State, is only a cloak to ambition, revenge, and other criminal passions. But it is not impossible, that what is frequently a pretence only, may sometimes be a very solid reason. It is the part of the wife and unbiassed, who seek only the truth, to distinguish the real motives which engage Subjects to take arms against their Sovereigns, in States where an absolute and unlimited power cannot with reason be ascribed to the Prince, as in *England* and *Scotland*.

The King made a long answer to these Manifesto's, but it was upon quite contrary suppositions. He pretended, both Houses of Parliament had forced him to take arms in his own defence: That his consent to the Acts of the Parliament of *Scotland*, was more than sufficient to secure their Religion and Liberties: That his Subjects of *Scotland* could not, without being guilty of treason, make war upon him on any pretence whatsoever, and other the like suppositions, which the *Scots* did not grant, as he did not those made by them in support of their pretended right. There is one, among others, which frequently occurs in the authors who have writ on this subject, and which is admitted, or rejected, according as they lean to either party. And this obliges me just to mention it, in order to arm the reader against the prejudices of both.

G

In

1543.
R. p. 371.

In the treaty of peace concluded at London 1641, there was this clause: *That the Kingdom of Scotland shall not denounce nor make war against the Kingdoms of England, or Ireland, without consent of the Parliament of Scotland; nor, on the other hand, the Kingdom of England make war against Scotland, without consent of the Parliament of England. And in case any of the Subjects of any of the Kingdoms shall rise in arms, or make war against any other of the Kingdoms and Subjects thereof, without consent of the Parliament of that Kingdom whereof they are Subjects, or upon which they do depend, that they shall be held as traitors to the States whereof they are Subjects. And that both the Kingdoms, in the cases aforesaid, be bound to concur in the redressing of those that shall happen to rise in arms, or make war without consent of their own Parliament.*

The King supposing, that the Scots, in aiding the Parliament against him, intended to make war upon England, inferred from this clause, that they were guilty of treason. This inference was founded not only upon the supposition above mentioned, but also upon the convention of estates not being a true Parliament, and moreover upon his having given them license to meet, but with such limitations as had not been observed. The Scots supposed on the contrary, that, far from intending to make war against England, their design was to aid and defend that Kingdom against the Popish and Prelatical party, and rescue the King out of their hands. Thus, what the King called *invading England*, the opposite party called *assisting it*. This must be always remembered when we read the history of those days.

Rushworth,
V. p. 498.

The Scotch army entered England January 15, 1643-4. But it is not yet time to relate what they did there. It will be necessary first to speak of what passed concerning Ireland, and of some other important occurrences of the year 1643.

Affairs of
Ireland.

As to Ireland, the success of the first campaign had been so equal on both sides, that neither could boast of having gained any great advantage. The point was to continue the war, each rightly judging, peace would be always very remote, so long as things remained in a state of equality. And therefore the King and the Parliament thought of strengthening themselves against the ensuing campaign. The treaty of Oxford not succeeding, as was easy to foresee, the King thought of means to employ at home the English troops that served in Ireland, and to that purpose, of making a truce with the rebels. As this notable project could not but be odious to the English, and render suspicious all the King's professions with respect to the Irish rebellion, he law himself obliged to use more caution, to procure an excuse to conclude this cessation. This he did by engaging the Lords-Justices of Ireland, and the Council of Dublin to countenance his project. But as I may be accused of ascribing to the King motives he never had, I think it incumbent on me to allege here the unquestionable testimony of the Lord Clarendon. The reader will find it in Vol. II. p. 318. Vol. Edit.

The King
from the
project of
making a
truce with
the Irish
rebels.
Con. Part II.
p. 130.
Burke,
p. 112, &c.

The King was not at all this while without a due sense of the dangers that threatened him, in the growth and improvement of the power and strength of the enemy, and how impossible it would be for him, without some more extraordinary assistance, to resist that torrent, which he foresaw by the next spring would be ready to overwhelm him, if he made not provision accordingly. And finding by degrees, that it was not in his power to compose the disturbances of England, or to prevent those of Scotland, and observing the thought of introducing a foreign Nation to subdue his own Subjects, he began to think of expedients which might allay the distempers in Ireland; that so, having one of his Kingdoms in peace, he might apply the power of that towards the procuring it in his other dominions. He was not ignorant, how tender an argument that business of Ireland was, and how prepared men were to pervert whatsoever he said, or did in it, and therefore he rejoiced to proceed with that caution, that whatsoever was done in it, should be by the council of that State, who were understood to be most skillful in those affairs.

Hence it is evident, that the King's design in making a truce with the Irish rebels, was to employ the English forces which served in that Kingdom, to subdue the Parliament, and that, to avoid the reproaches which might be cast on him for it, he resolved so to manage, that it should appear to be done by the Council of Ireland, that is, by the Lords-Justices, and the rest of the Council. In the passage I have quoted, the Lord Clarendon insinuates, that the King came not to this resolution till about the end of the year 1643, that is, when he was sure the Scots were to form an army into England. For, after relating what had passed during the campaign of 1643, the Parliament's negotiations in Scotland, the Covenant of both

Kingdoms, the resolution taken in Scotland to aid the two Houses, the calling of the Oxford Parliament, which was not done till December the same year; he comes at last to speak of the King's resolution, to make use of the English troops that were in Ireland. *The King, (says he,) was not at all this while without a due sense of the dangers that threatened him, and how impossible it would be for him to resist that torrent, which he foresaw by the next spring would be ready to overwhelm him. He began therefore to think of expedients which might allay the distempers of Ireland.* It is however certain, the King resolved to make a truce in Ireland long before the Parliament's negotiation with Scotland, and before the Scots resolution to levy an army. And what invincibly proves that the King was determined, before the engagement of the Scots, is, that the Irish truce was signed the 15th of September 1643, after a long negotiation. Thus, the Lord Clarendon's insinuation, that the King did resolve to employ the English forces of Ireland, only to secure himself against the torrent that was ready to overwhelm him, being very ill-grounded, confirms what will be seen hereafter, that he was not induced by necessity to make a truce with the Irish rebels, but by the hopes of subduing the Parliament with these additional forces.

To have a pretence to conclude this truce, the King believed, the best way was to persuade the publick, it would be extremely advantageous, or rather was absolutely necessary, to the English in Ireland, and their only refuge, to preserve what they still possessed in that Country. He had complained several times, that the Parliament neglected the Irish war, and would have had a numerous army sent thither. But, as I said before, the Parliament suspecting, the King's aim was only to weaken them by that diversion, were contented with sending from time to time a few supplies to continue the war, besides the Scotch troops which made a great diversion in the north. These supplies, tho' inconsiderable, had however produced this good effect, that the rebels, instead of making greater progress, had on the contrary lost much ground, after several defeats. They were however still much superior to the English, and tho' the English and Scotch forces were able to curb them a little, they were not strong enough to hope to reduce them to obedience. Nay, it was to be feared, they would in the end be overpowered with numbers, especially as the Parliament, engaged in a war with the King, could not send a powerful aid into Ireland, for fear of leaving England unprotected. This was the pretence used by the King to conclude a truce with the rebels.

In the situation of affairs, since war had been declared between the King and the Parliament, the Lords-Justices who governed Ireland were greatly embarrassed. They had been commissioned by the King, and consequently from him they were to receive their orders. But on the other hand, the Parliament having taken upon them to pay the charges of the Irish war, they could not openly declare for the King, without forfeiting the assistance of the Parliament, the King not being in condition to supply them. A perfect neutrality was not possible, because the King's and the Parliament's interests being opposite, they could not implicitly obey the one, without being suspected by the other. They chose therefore to try to content both, as far as was possible, and the rather, as the King and the Parliament expressed an equal desire to end the Irish war. But they could not remain long in this situation. Such was their case at last, that it was not possible for them to please both. The Parliament having sent (in October 1642) a committee to Dublin to assist the Council, and settle with the Lords-Justices, what related to the continuance of the war (1), these Commissioners were at first received with respect, but in February 1643, by the King's express order, were sent back to England. The King was well pleased, the Parliament should supply what was necessary for continuing the war, but unwilling they should have any share in the government of Ireland, or their Commissions a place in the Council of State. Shortly after, he removed some of the Lords-Justices and Counsellors (2). Probably he was then forming the project of a truce with the rebels, and wanted for that purpose, that the Lords-Justices, and all the Counsellors should be disposed to act only by his orders. Besides, on this supposition, the Parliament's commissioners could not but be a great impediment, had they continued to assist at the Council of State. From that time also, the influence of the Lords-Justices to the King and Parliament for aid, became more pressing and frequent. They represented the state of the English in Ireland, as entirely desperate, without a speedy supply of men, money, and ammunition. They said, the officers were very importunate for leave to return to England. In a word, they

1643.

The King's
pretence to
conclude this
Truce.

Propensity of
the Lords-
Justices of
Ireland

The Parli-
ment find a
Committee to
Dublin.
October
1642.
who are well
received, and
assist the
Council.
Rushworth,
V. p. 130.
They are
not long
before they
are sent
back.
order.
1643.
Some of the
Lords-Justi-
ces and
Counsellors
removed by
the King's
order.
Burke,
p. 112, &c.

(1) They carried with them 10,000 £ in ready money, three hundred Barrels of Powder, ten Tun of Match, and other ammunition. Rushworth, Tom. 5. p. 530.

(2) See the Declaration hereafter of both Houses, concerning the affairs of Ireland. Rapin.

1643.
Rushmore.
V. p. 137.

omitted nothing, that was apt to create a belief, there was no remedy. On the other hand, some officers of the *English* army presented a Remonstrance to the Lords-Justices, April the 4th, 1643, declaring, they were reduced to despair for want of money to subsist, and that it ought not to be thought strange, if in their case they should have recourse to the fill and primary law of nature, which God hath endowed men withal, namely, the law of self-preservation. If to these so earnest complaints be added, what the Lord *Clarendon* says, that the King resolved so to proceed, that every thing should appear to be done by the Council of *Ireland*, the feuding back of the Parliament's commissioners, and the changes made among the Lords-Justices, and members of the Council, one can scarce help suspecting these complaints to be all begged, on purpose to serve for pretence to the cessation. This suspicion seems the more probable, as at that time the affairs of the *English* in *Ireland* were upon a very good foot, and as the Marquis of *Ormond* had just gained, at *Rosb*, a signal victory over the rebels. Accordingly the Lords-Justices, as well as the officers, took care not to make the progress of the rebels the ground of their complaints, but only the want of money, provisions, and ammunition.

C^{orrections}.
II p. 59

However, in this, the Remonstrance of the officers being sent to the King, he took occasion from thence to send to the Marquis of Ormond a Commission, empowering him to treat with the rebels, and agree with them upon a cessation of arms for one year. ¹ He gave notice of it to the Lords-Judices, in a letter of the 23d, 1643, commanding them to assist the Marquis in the execution of his Commission, to the utmost of their power. The date of this Commission is remarkable, for it evidently shows, that the State's resolution to assist the Parliament, which was not taken till the following *August*, was not the cause of the Irish truce.

The Lords
Justices are
very angry
for id.
11. p. 41.
R. 10. 11. 12.
V. p. 131.
C. 11. 12.
11. p. 350.

The King, who meant to take an advantage from this letter, to demonstrate to the publick, the necessity of the cessation he intended to conclude, sent it to both Houses (2), who immediately took this affair into consideration. A Committee was appointed, with orders to think of ways to raise money for Ireland. Upon the report of

the Committee, the Parliament resolved to raise money by voluntary contributions, and offered very advantageous terms to such as should advance the sums required (3). But notwithstanding this, the King, *July* the 20, dispatched fresh orders to the Lords Justices, and the Marquis of Ormond, to conclude a truce for one year, which they were already endeavouring. From the 20th of *June*, the general Council of the *Irish*, assembled at *Kilkenny*, had granted a Commission to treat (4).

Rudworth. September the 7th, the King repeated his orders to the M-quisits of *Ormond*, to conclude the truce as soon as possible. At the same time, he ordered him to fend into *England*, all the *English* forces that could be spared after the conclusion of the truce. His reason was, and he could justly say it then, that an army was preparing in *Scotland* to invade *England*. But there was no mention of that article in the foregoing orders.

they said, the army was going to perish in few days, for want of assistance. Thirdly, upon the forementioned Remonstrance of the officers of the 4th of *April*, wherein they pretended a few hours delay to assist them, would be too long (5). Nevertheless this army, which was reduced to extremity by the first of *December* 1642, found means to subsist till the 15th of *September* 1643, though the Lords-Judices complained, they had received no supplies since *November*. This is a clear evidence, that all these complaints were very much aggravated by the private direction of the King, who meant to use them for pretence to the truth. This is what the Parliament represented in a Declaration published on account of the *Irish* cessation, before they had notice of its being concluded : They complained very strongly, that they were never acquainted by the State of *Ireland*, with the treaty of a cessation, much less was their advice demanded, notwithstanding, that by act of Parliament, and by his Majesty's commission under the Great Seal, both Houses were to advise, order, and dispose of all things concerning the government and defence of that Kingdom. They said, that to accomplish more easily this dishonorable cessation, those of the State in *Dublin*, who were so honest and religious as to disapprove it, were first discontented, and at last put out of their places, and restrained to prison, as Sir *William Parsons* one of the Lords-Judices, Sir *John Temple* master of the Rolls, Sir *Adam Loftus* Vice-Treasurer of *Ireland*, and Sir *Robert Meredith*, one also of the Council-table. That it was made only with a view to discourage those who had subscribed to advance money upon the Parliament's proposals, in order to render impossible the maintenance of the army in *Ireland*, and to employ it in *England*, to the destruction of the Parliament. For these and many other reasons, which I omit to avoid tediousness, both Houses declared the intended cessation void, promising to indemnify those who should refuse to submit to it (5).

Mean while, the King who was assured of the concurrence of the Lords-Justices, the Council of State, and the Marquis of Ormond General of the army, so ordered it, that after the conclusion of the truce all the *English* troops that could be spared were sent to him. These forces landed at *Moffyn* in *Flinshire*, and their first attempt was upon *Harwarden* Castle, which was surrendered to them the 4th of *December*. Then they took some other small places in *Glostershire* (?); after which the Lord *Byron* (8), who commanded for the King in those parts, besieged *Nantwich*, *January* the 15th 1543-4. Three days after, making a sudden and violent storm upon five several places of the town at once, he was every where repulsed with the loss of many of his men. At last, the 21st of the same month, the Lord *Fairfax*, who advanced to relieve the town, entirely routed the *Irish* army, consisting of three thousand foot, (who were almost all slain or taken prisoners,) and of eighteen hundred horse, most of whom escaped by flight, but were so dispersed that they could be of no farther service to the King. Colonel *Gorge Mont* was taken in this action, and sent prisoner to the Tower of *London*, where he remained some time, till at last he took arms under the Parliament (9). Thus the King received no advantage by these troops, nay, they rather did him great prejudice, in that, by all his proceedings to procure them, he confirmed the mistrust entertained by many people, of his being concerned in the *Irish* Rebellion.

Not to interrupt the thread of the military actions, and of what passed in *Scotland and Ireland*, I have been forced to pass over several important events of this year 1643, of which it will be necessary to speak, tho' without any connection, as they are of a different nature. The Reader will easily, by observing the dates, perceive their relation to the general affairs. I shall begin with certain projects framed at *London*, to compel the Parliament to make peace, whilst the armies were in the field.

The King was ever strongly possessed with the Notion, that fear alone held most of the people attached to the Parliament, and that if he procured them a good opportunity to hold up their heads, he should oblige both Houses to make a speedy peace, without demanding the Securities, which made the principal obstacle. This was the favorite

(1) They complained, that they had no victuals, clothes, or other provisions requisite towards their subsistence; no money to provide them of any thing they wanted; no arms, and not above forty barrels of powder in his Majesty's store. *As smooth*, Tom. 2. p. 531.

[3] The *A-venturers* were to have both *rich* and *poor* towns, with *so many* acres of *land* for security, upon advancing both a *sum* upon each *Town*. The *Sum* *granted* to be raised, was *800,000*. *Roche*, *Town*, 5: p. 440, 442.

(4) The Commissioners appointed by the Catholic party to treat with the Marquis of Ormonde, were Danvers Vincent Masters, Sir Lucas Dillon, Nicols at Plassey, Sir Robert Taylor, Sir Richard Barrowell, Twigg O'Neal, Geoffrey Brown, Ever-Mac-Gennis, and John Walsh. *Rushworth*, Tom. 5, p. 548.

(4) There are no such words in the Remonstrance; they say indeed, *they are brought to so great exigency, that they are ready to rub and spall one another.* Red-word, Term. 5. p. 537.

(6) *Whitelock* says, twenty thousand *English* and *Scots* in the North of *Ireland*, vowed to *live and die together* in opposition to the *cession*. *Mem.*

[8] Sir John Byron was made Lord Byron of Rochdale, the 24th of October, 19 Car. 1. and his Brother Richard, Lord Vaughan of Embsay, the day fol.

(n) Among the Pilgrims were taken a husband and a young girl. With William with long hair, a brownish complexion, Gid as he was called with a f. This f. h.

(9) Among the Pillagers were taken a hundred and twenty Irish Women with long knives, wherewith they were said to have done mischief. This fight was reported to be as sharp for the time, as any that had happened before in those wars. *Rudolphus*, Tom. 4. p. 102.

scheme, as well as of his Ministers, his Council, his friends and adherents in London and elsewhere; and this was the spring of several projects to force the Parliament to a peace. It would indeed be very strange, that so many able men should be of this opinion, without any manner of foundation. But on the other hand, one knows not what to think, when it is considered, that of so many projects, built upon this supposition, not one succeeded, which seems to argue that the majority of the people were not for the King. However this be, it is certain, the King had many friends in London, and in the Parliament itself, who served him artfully, by pretending to dread that the war would be destructive to the Parliament; and thereby they endeavoured to infuse a real terror into the people, and incline them by degrees to wifh and sue for peace. These men incessantly plotted to sow discord between the Parliament and the people. As it was necessary for them to hold private correspondence with the Court, in order to act according to directions, his Majesty sent frequent messengers to London, sometimes secretly, sometimes openly, under colour of bringing messages to the Parliament, in order to convey his instructions to his friends, and be exactly informed of what passed in both Houses and the City. With this view in December 1642, he published for the sake, as was pretended, of the Inhabitants of London, a Proclamation for the free and safe passage of all goods, wares and merchandizes to the City. But the Commons suspecting some hidden mystery under this condescension, passed the next month two orders, the one, That no carriers or waggons were to be permitted to go to Oxford or elsewhere, without special licence from the Parliament: The other, that any agent or servant to any person that was in arms against the Parliament, who should presume to come to Westminster, or reside about London, should be forthwith apprehended as a spy. The 10th of April following, these orders were renewed, and even extended to all persons that should come from the King's quarters to London without a safe conduct, and the same was printed and published.

In all appearance, the King, who had so many correspondents in London, was not ignorant of this order. Nevertheless, on pretence it was not signified to him in form, he sent a message to the Parliament, with an offer of peace in general terms, without demanding a safe-conduct for the bearer. But the Commons, resolving to stop the course of these artifices, which served to carry on the King's private correspondence in London, ordered the messenger to be sent to prison, for coming without a safe-conduct. Three days after, to show the people, the King vainly amused them with hopes of a peace, they impeached the Queen of High-Treason, and sent up the impeachment to the Lords by Mr. Pym. The King, full of indignation at this extraordinary proceeding, published a Proclamation, to forbid obedience to the orders of both Houses, declaring, he acknowledged them no longer for Houses of Parliament.

Affairs were in this situation, when both Houses discovered a conspiracy formed in London, ever under colour of procuring peace refused by the Parliament. I shall give the particulars of this conspiracy, as they were communicated to the Lords by Mr. Pym, at a conference between the two Houses. He told them,

"I. That the conspiracy was formed of a mixture and conjunction of persons of several qualities, some whereof were of both Houses of Parliament, others of the City, and others belonging to the Court, who in their respective places and employments were to form and perfect the work, raised out of the ashes of the late petition of London for peace.

"II. The chief actors were Mr. Waller, a Member of the House of Commons, who pretended, and gave out to the rest, that many others of that House, and of the Lords, were privy to and concerned therein; Mr. Tompkins, a Gentleman living in Holbourn, Brother-in-law to the said Mr. Waller, and a servant to the Queen, as being Secretary to the Commissioners for her Majesty's revenue; Mr. Chollmer, an eminent Citizen; one Mr. Blinkard, Mr. Alexander Hampden, who brought the last message from the King; Mr. Haffel, one of his Majesty's messengers, &c.

"III. The method was, for several persons in the City to dispose of themselves into a committee, to hold intelligence with both armies, the Court, and the Parliament, to take a general survey of the affections of all the Inhabitants within the weekly bills of mortality, which was to be done under their three ranks, *right men*, (or of the King's party) *averse men*, (or the well-affected to the Parliament) and *moderate men*, (or neu-

trals) to confider of arms, ammunition, and all provisions of war, to appoint out of themselves select persons to treat with Mr. Waller and Mr. Tompkins in relation to the City, Court, and Parliament; as also with Sir Nicholas Crisp, Sir George Binnet, Captain Reynolds, and others at Oxford.

"IV. Mr. Waller's part, was to engage a considerable part of the Lords and Commons, and to be a means of conveying counsels, resolutions and intelligence between them and the said City-Committee. Mr. Tompkins was not only an assistant to Mr. Waller therein, but an instrument to convey by Haffel and others their proceedings to the Court, principally to the Lord Falkland, and to receive thence directions, powers, and commands.

"V. For preventing discovery, pretensions of secrecy were taken, as they were Christians not to disclose it, and no man in the City was to endeavour the engaging above two, whereby no one man could impeach many.

"VI. From the Court, Mr. Heron and Mr. Alexander Hampden, and others employed upon messages from the King to the Parliament, were to convey directions, encouragements, and advice to those in London, and authority was to be given under the Great Seal, and warrants under the King's hand, for setting a Council of war, naming of Generals and other officers, execution of martial Law, raising of money, and providing arms; and to facilitate the whole, part of the King's forces to be in readiness to assist the party here; as there should be occasion.

"VII. The particulars of the design itself were, to seize the King's children, to secure several Members of Parliament, particularly the Lord Say, the Lord Herbert, Mr. Pym, Sir Philip Stapleton, Colonel Hampden, and Colonel Strode, as also the Lord-Mayor and Committee of the Militia, under pretence of bringing them to a legal trial; to seize upon the out-works, forts, magazines, gates, and other places of importance in the City and the Tower, and let in the King's forces, and in the mean time to refit and obstruct all payments, imposed by authority of the two Houses for support of their armies.

"VIII. For their authority they had the following commission brought up by the Lady Aubigny, (who was under custody) the said commission being found hid underground in Mr. Tompkins's cellar.

"IX. In pursuance of this commission, they had often consulted of a General, and treated with Sir Hugh Pellard, prisoner in the Compter (once a Member of the House of Commons, but expelled, being accused of having an hand in the design to bring up the northern army against the Parliament,) about it. And a Declaration was ready drawn, setting forth, the cause of their taking up of arms to be in pursuance of their late protestation, to maintain the true Reformed Protestant Religion against all Papists and Sectaries, to oppose illegal assessments, &c. which was to be distributed to their friends, and on the night of their rising set upon the posts round about London. Concerning which time of their rising they had also consulted, (of which precise notice was to be sent to Oxford, as to the day and hour) and some moved to have it done on Wednesday the last of May (being the fast day, and the very next day after the first intimation was given towards a discovery) but it had been put off, and not fully concluded, it being said, it should be left to the Lords to determine, whom Waller pretended should side with them. Mr. Haffel, lay close at Beconsfield, and had word sent, the great ship was come in the Downs, by which he was to understand, that the design was near ripe; and he acquainted the Lord Falkland at Oxford therewith, and received answer, that they should hasten it with all speed, and when they were ready, three thousand of the King's forces were to advance from Oxford within fifteen miles of London, to be ready upon notice to fall into the works, and assist; and white ribbons or tape was agreed to be worn by all concerned in this action to distinguish them."

The Lord Falkland, who is very large upon this conspiracy, denies neither the plot itself, nor the King's commission, brought to London by the Lady Aubigny (1), but urges, that the Parliament confounded in one single plot, two different projects, the first formed by Waller, Tompkins, and Chollmer, who were in London, and the other by Sir Nicholas Crisp, who being Recorder of London (2), had been imprisoned, and making his escape, had retired to Oxford. Very well; but whether there were two plots or one, it is no less apparent, that the King's design was to compel the Parliament to a peace, and that his frequent

The King
about four
cousins by
power his
quarters and
London.
December 2.
Rothwell,
V. p. 53.
The Com-
mons forbid
it.
Jan. 6.
Id. p. 117.

M. p. 314.

The King
joints a mes-
sage to both
Houses requir-
ing a safe-
conduct.
May 20.
Id. p. 321.
The mes-
senger is im-
prisoned.
June 10.
The House
is resolved of
High-Trea-
son.
May 23.
London.
The King
forbids the
deputy to both
Houses.
Rothwell,
V. p. 321.
Carew, II.
p. 198.
A Plot to
force the
Parliament
to a peace.
Rothwell,
V. p. 322.
Carew, II.
p. 198.
T. M. 3.

1643.

T. H. p. 194.

(1) This Lady, with the consent of both Houses, went to Oxford, to transact her own affairs with the King, upon the death of her husband, who was killed at Edgehill, and having seen her husband, and being ready to return, he was seized by the King to carry a small box (in which was put the Commission) to London, and deliver it to one that should come for it with such a token, which she did accordingly, not knowing what she carried. Carew, Tom. 2. p. 195. Ludlow says, She brought the Commission made up in the Hilt or her Head. T. I. p. 85.

(2) This does not appear. He is said only to be a popular Citizen, and had been an Officer in the Train's Joints. Carew, ibid. p. 194.

1643. messengers to both Houses, with offers of peace, were often but artifices to carry on his correspondence in London.

This discovery caused both Houses to resolve to unite themselves still more strictly together, by a new Covenant or Oath, tendered to all the members, and afterwards to the army, and such of the people as were willing to take it. *Tomlins, Challoner*, and two other conspirators were hanged (1). But *Waller* saved his life, paying a fine of ten thousand pounds, and was banished the Kingdom. *Hampden* died in prison before his sentence, and *Hajfel* died likewise the night before his trial. The ill success of this plot, prevented not the like from being contrived the next August.

Since the miscarriage of *Waller's* conspiracy, the King had a train of successes, which revived the courage of his friends at London, who began to be dismayed. The Lord *Fairfax* was defeated at *Albion in Yorkshire*. The Queen was come to his Majesty with a considerable supply. *Waller* was entirely routed at *Roundway-Dun*; and the King, now master of *Bristol*, was preparing to besiege *Gloucester*. This crowned with success, he thought it a favorable opportunity to force the Parliament to a peace, and all his London friends began to use their endeavours. Whether this project came from the Court, or the King had only approved of it, he believed it requisite to prepare the minds of the people by a public Declaration, to this effect:

"As the grievances and losses of no particular persons could be compared to the damage he himself sustained; so a peace could not be so welcome to any man as to him. God Almighty knew, with what unwillingness, and anguish of soul, he submitted to the necessity of taking up defensive arms. And the world knew, with what justice and bounty he had repaired his Subjects for all the pressures they had born, by such excellent laws, as would for ever have prevented the like; and with what earnestness he desired to add any thing, for the establishment of the Religion, Laws, and Liberty of the Kingdom; all which had been evidently invaded by those who had sacrificed the publick good to their own ends. He well remembered the Protestation made by him, at the head of his army, to defend and maintain the true reformed Protestant Religion, and if it should please God to bless his arms with success, he would maintain the just privileges and freedom of Parliament, and govern by the known Laws of the land, for whose defence that army was only raised. And there could not be a more reasonable time to renew that Protestation than now, when God had vouchsafed him so many victories, which would hinder him from falling under the scandalous imputation, that his messengers of peace proceeded from the weakness of his power, not love of his people. He declared therefore to all the world, in the presence of God, that he was so far from intending any alteration of the Religion established, in which he was born and bred, and would resolutely die, or from the least thought of invading the liberty and property of the Subject, or violating the just privileges of Parliament; that the preservation of the established Religion, the Laws, the Liberties of the people, and the just privileges of Parliament, should be equally his care, as the maintenance of his own rights. Whether those that were enemies to the established ecclesiastical Government, who persecuted the learned, orthodox Ministers, and put into their places, ignorant, seditious, and schismatical preachers, who vilified the book of Common-Prayer, and profaned God's worship, were like to advance Religion: Whether those who, without the least shadow of law, imposed exorbitant taxes upon their fellow Subjects, imprisoned, tormented, and murdered them, were like to preserve the liberty and property of the Subject: And whether those who had invaded the just rights of the Crown, denied the King his negative voice, awed and terrified the members of both Houses, were like to vindicate the privileges of Parliament, all the world might judge." In short, after several invectives against the two Houses, he concluded with saying: *Whoever have been misled, by those whose hearts from the beginning have designed all this mischief, and shall redeem their past crimes, by their present service and loyalty, in the apprehending or opposing such who shall continue to bear arms against us, and shall use their utmost endeavours to reduce those men to their due obedience, and to restore the Kingdom to its wonted peace, shall have cause to magnify our mercy, and to report the trespasses committed against so just and gracious a Sovereign (2).*

It is not difficult to perceive, that by this Declaration, and especially by the latter part of it, the King's aim was to excite and authorize an insurrection in London against

both Houses, and what happened presently after puts it entirely out of doubt. This Declaration was therefore a preparative for the execution of a plot, to compel the Parliament to a peace. Undoubtedly, the King was really desirous of a peace. But it must be always remembered, what peace it was he so earnestly wished. It was a peace that should re-invest him with all his prerogatives, after which, he promised to govern according to the known Laws of the land. But in this promise lay the whole difficulty of the peace, the Parliament pretending it could not be relied on, and the King offering no other security than his word, tacitly supposing it to be a crime to doubt his sincerity.

This Declaration was no sooner published than the King's friends began their usual artifices in London. They affected an extraordinary terror, caused by the prosperous success of the King's arms, and insinuated, that the consequences could be prevented by a peace. But as the example of *Tomlins* and *Challoner* had effectually terrified the King's most devoted friends, not one dared openly to expose himself to the same danger. It was therefore resolved among them, that the House of Lords should first break the ice, and propose a peace to the Commons, which should be seconded by the King's friends in London. The Upper-House consisted but of few Peers, some of whom were either openly or privately for the King. Others were his enemies, and some were ready to follow the stream which way soever it carried them. These last were the men the King's party strove to gain by various means, in order to be superior in the House of Lords, some by promises, and some by threats, and some again by way of persuasion, intimating to them the absolute necessity of a peace. In short, they secured a majority of voices in the Upper-House: not that all they prevailed with, absolutely promised to be devoted to the King: (that was not the point) but only to agree that a peace should be proposed by their House, which could not be considered but as a very innocent thing. The managers of this contrivance took care, not to propose a peace without terms such as the King desired. That alone had been sufficient to make them lose some of those they had gained. They had only to engage the Commons to enter into negotiation, after which, they hoped the superiority the King then had, supported with the endeavours of his party, would be capable to remove, in his favour, the difficulties that might occur in the principal articles. This resolution being taken, the Lords sent and desired a conference with the Commons, where they declared, that they had resolved to send propositions of peace to the King, and hoped the Commons would concur with them. The propositions were:

1. That both armies might be presently disbanded, and his Majesty be entreated to return to his Parliament, upon such security as should give him satisfaction.
 2. That Religion might be settled with the advice of a synod of Divines, in such a manner as his Majesty, with the consent of both Houses of Parliament, should appoint.
 3. That the militia, both by sea and land, might be settled by a Bill; and the militia, forts and ships of the Kingdom, put into such hands as the King should appoint, with the approbation of both Houses of Parliament: and his Majesty's revenue to be absolutely and wholly restored unto him; only deducting such part, as had been of necessity expended for the maintenance of his children, and not otherwise.
 4. That all the members of both Houses, who had been expelled only for absenting themselves, or mere compliance with his Majesty, and no other matter of fact against them, might be restored to their places.
 5. That all Delinquents, from before the tenth day of January 1641, should be delivered up to the justice of Parliament, and a general pardon for all others on both sides.
 6. And lastly, that there might be an act of oblivion for all by-gone deeds, and acts of Hostility.
- Probably, those who had caused these propositions to be passed in the House of Peers, did not themselves believe, a peace could be made upon these foundations. The difficulties which occurred in the three first propositions, had been very often debated, both before and since the beginning of the war, without the possibility of coming to any conclusion. It was therefore unlikely, that the King, in his prosperity, would grant what he had denied when his affairs were not in so good a situation. But, as I said, the intention of the managers of this contrivance

(1) *Tomlins* was hanged at the end of *Patience in Bulwark*, and *Challoner* over against the Royal Exchange, July 5. *Rushworth*, Tom. 5. p. 326.

(2) *May* says, that none but them two were executed. B. 3. p. 45.

(3) *Annot.* "We desire all our good Subjects, who have really wished us well, now God has done such wonderful things for us, vigorously to endeavour to put an end to all their miseries, by bringing in men, money, plate, horses, or arms, to our aid, that so we being not wanting to our selves, may with our confidence expect the continuance of God's favour, to restore us all to that blessed harmony of affection, which may establish a firm peace."

1643. was only to procure a negotiation, persuaded as they were, that by their interest and cabals, or by an insurrection of the People, they should cause these points to be decided in favour of the King. For that reason, the principal proposition, namely, the third concerning the Militia, which the Parliament had always fully explained, was expressed in a very general and ambiguous manner, in these terms, *That the Militia might be settled by a Bill.*

The Commons perfectly saw what was the aim of the authors of these propositions, and were terrified at it. The House was apprehensive, that they were but too powerfully supported, otherwise, it was not likely they should have taken such a step, at a time when a Committee was already gone to desire assistance of the *Scots*. Wherefore, after a long debate, it was resolved, by a majority of votes, that the propositions should be sent to the King. It is extremely probable, this resolution was taken only to amuse the King's friends, and to gain time, in order to break their measures the more easily. For, the next day the Lord-Mayor of London, attended with a crowd of People, came to the House of Commons, of which he was a Member, and delivered, from the Common Council, a Petition, wherein the House was intreated to persist in their former resolutions, and reject the propositions of the Peers. The Lord-Mayor affirmed also, that the People of London were ready to exert their utmost for the vigorous prosecution of the war. Whereupon, the House took courage again, and reverted the resolution of the foregoing day. Thus, the King's friends were in their turn greatly embarrassed, and under a necessity of taking new measures. The expedient they devised was to cause the women to rise, in hopes that such an insurrection might breed a greater, and occasion some revolution.

August the 9th, a Petition for peace was presented to the Commons by two or three thousand women, [with white Silk Ribbons in their hats.] The conditions proposed by them were exactly the same as the King had always offered. A general answer being sent to them, they were not satisfied, and their number by noon increasing to five thousand, they came to the door of the House, crying *Peace, Peace; give us those Traitors that are against Peace, that we may tear them to pieces; give us that Dog Pym*. Part of the trained-bands (that usually stood centinel there) firing upon them with powder only, to fright them away, they laughed at it, and finding a heap of Brickbats in the yard, threw them at the centinels, and drove them away. At last, some troops were forced to be sent for, who, after using fair means in vain, drew their swords, and cut them over their bands and faces. A Ballad-singer was killed upon the spot (1), and another woman lost her nose, whereof it was said she afterwards died. At length, they were dispersed. The Lord Clarendon, [who says many were killed and wounded,] affirms, they were the wives of substantial citizens; which is hardly credible (2). Thus ended the grand project of forcing the Parliament to a peace, a project wherein means was found to engage several Lords, and many Commonsers, under colour that a Peace was necessary to the State. Nothing could be truer; but care was taken not to discover to them, that on pretence of labouring for the publick, the King's advantage alone was really sought.

The Earl of Essex was one of those who were most desirous of peace, but not in the same manner as the King's friends. These were for a peace, and used their utmost endeavours to procure it: but it was such a peace as the King offered, that is, a peace founded only upon his word. The Earl of Essex did not think it impracticable, in concluding a Peace, to find necessary securities for the nation's Liberties: as appears in his Letter of the 9th of July to the Speaker, wherein, after the description of *Chalgrave-Field*: he says, "If it were thought fit to send to his Majesty to have peace, with the settling of Religion, the Laws and Liberties of the Subject, and to bring unto just trial those chief delinquents that have brought all this mischief to both Kingdoms; and (as my Lord of *Bristol* spake once in Parliament) how we may be secured to have these things performed hereafter; or else, if his Majesty shall please to absolve himself, there may be a day set down to give a period to all these unhappy distractions by a battle, which, when and where they shall chuse, that may be thought any way different, I shall be ready to perform that duty I owe you; and the propositions to be agreed upon between his Majesty and the Parliament, may be sent to such an indifferent place, that both armies may be drawn near the one to the other; that if peace be not concluded, it may be ended by the sword."

It is evident, this was not the language of a man pro-

posing a peace to gratify the King, and solely with intent to procure a negotiation from which the King might reap some advantage; but of one that heartily wished for such a peace, as might put a happy period to the distractions of the Kingdom: or if that could not be by means of a peace, to end them at least by a battle. He was, doubtless, of opinion, that the nation would run less hazard by venturing a decision by arms, than by the continuation of the war. Nothing better demonstrates the uprightness of his intentions. But there were few in those days of the same disposition. The King passionately wished for peace; but it was on condition he should be no loser by it, that he should be restored to all his Rights, and his word relied on for the future. As to Religion, all he would yield, was, that the Presbyterians should not be compelled by Penal Laws to conform to the Church of England. Hitherto he had advanced nothing that might make them hope for a publick Toleration of their Religion. The Parliament for their part wished likewise for peace, provided by this peace the King was restrained from returning to his former courses, that is, was so humbled that he should be able to do nothing without the consent of both Houses, and enjoy only the empty name of a King, with the external badges of royalty. As to Religion, there were very many, as well members as others, who preferred the continuation of the war, let what would be the event, to seeing the Bishops restored to their power. This must be always remembered, when either of the two parties is heard to speak of peace. The like disposition to the Earl of Essex's was doubtless the cause that some were dazzled with the bare sound of peace, and the limitations inserted in the propositions to be sent to the King at the time of the late plot. But it may be affirmed, that the chief authors of the artifice were far from having the nation's welfare in view, and thought only of serving the King. I don't question, but some others were persuaded to consent to the Propositions by reason of the end proposed by the Presbyterian party, and now publicly known, perceiving, that the advantages the Parliament might gain upon the King in the continuation of the war, would only serve to ruin the Church of England with the greater ease.

The Earl of Essex's integrity made him experience what usually happens to honest men in civil dissensions, where the moderate pass for indifferent, and coldly affected to their party. The King, who was informed of this Lord's moderation, imagined, he desired a peace only, because he was displeased with the Parliament, and convinced of the injustice of the cause he had espoused. In this belief, he unsuccessfully used all means to gain him. On the other hand, the most violent of his party grew jealous of the Earl of Essex, perceiving he was no proper instrument for their designs. Wherefore they no longer confided in him, or at least, feigned not to trust him, in order to have, by his removal, another General, more compliant and manageable. They cast their eyes on *Eduard Montague* Earl of *Manchester*, known formerly by the name of the Lord *Kimbolton*, and began with advancing him to the command of the forces of the eastern associated Counties, to which *Lincolnshire* was lately added, to go and oppose the Earl of *Newcastle*; and an ordinance was passed, to raise new levies [by pressing] to reinforce this army.

If the Earl of Essex had joined with the Parliament only out of passion, humour, or interest, the mortifications he met with, would have been apt to make him turn to the King, to be revenged of the two Houses. But that was not his character. Tho' he had complained several times of the disregard shewn him, in leaving his army without recruits and cloaths, and tho' several Lords of the King's party took this occasion to try to persuade him to change sides, he ever remained firm to his principles. How strong soever their solicitations might be, he never gave the least reason to believe, he was capable of betraying the Parliament, who had trusted him with the command of their forces. Both Houses being informed of the influences made to their General, assured him of their esteem and acknowledgment for his great services, and promised to recruit and cloath his army, before those of Sir *William Waller*, and the Earl of *Manchester*, which was accordingly done. This satisfaction was more than sufficient, to make him forget all the occasions of complaint before given him. A famous Historian has been pleased to ascribe the Earl of Essex's constant attachment to the Parliament, to his not having steadiness enough to engage in so hazardous an enterprise, as that of forcing the Parliament to a peace. I am persuaded, this was owing to the King's, and all his party's prepossession, that there was not a single man for the Parliament, that was fatished of the justice of his cause. This prejudice was never relinquished.

(1) *Raymond* says, this was done by the Centinels, who, upon the brickbats flying about their ears, were forced to fire last. *Tom. V. p. 382.*

(2) *Raymond* says they were generally of the meanest sort. It is a little strange, *Whitaker* should say nothing of this tumult, who is so particular in every thing relating to the House of Commons.

1641.
What the
Project of
the King's
Friends was.

The project of those who had undertaken to gain the Earl of *Essex*, was, that as soon as he should give the word, the Lords and Commons who were in the secret, should retire to the army, and under the security thereof, protest against the violence that was offered, the breach of their privileges, by the Common-Council's taking notice of their debates, and over-ruling their conclusions, by hindering the sending the propositions to the King. They did not doubt, but by their example, great numbers would take the same course, by which means they hoped to be strong enough to constrain the Parliament to make peace. And in case the Parliament should remain obdurate, their design was to enter upon a separate treaty with the King, as men undeceived, who having been seduced by the Parliament, were at length sensible of the injustice of their cause. They imagined, the whole Kingdom would do the same, and the Parliament be entirely forsaken. For the King and his party always fancied, that among the Parliament's adherents, not one was fo, through persuasion, honour, and confidence, but through seduction, fear, and ignorance. This caused them to take so many wrong steps, to compel the Parliament to a peace by the People's means, steps that proved extremely prejudicial to the King. That with regard to the Earl of *Essex*, was no less so than the rest.

Clarendon,
T. II. p. 229,
230.

The Lords and Commons who were concerned in this stratagem, as well as in *Waller's* plot, fearing the Earl of *Essex* might discover them, thought proper to avoid being called to an account, by retiring to the King. Of this number were the Earl of *Portland* (1), and the Lord *Conway*, who had been imprisoned for *Waller's* affair, and afterwards released, the Lord *Leveller*, who had only fluid with the Parliament by the King's leave, the Earls of *Clare*, *Bidford* (2) and *Holland*. The Earl of *Northumberland*, disaffected with his not having in the Parliament the same credit as formerly, feigning an indisposition, obtained the Parliament's leave to retire for his health to his house at *Petworth* in *Sussex*. [As this place was liable to be infected from some of the King's quarters, it was generally believed, he had assurances of not being molested. The flight of all these Peers turned greatly to the King's disadvantage, as it deprived him of so many friends in the Parliament, who were always ready to serve him, and wont to direct his adherents in *London*. Moreover, by the absence of these Lords, the King's enemies were more at their ease, and found fewer obstacles to their designs, than before. For shortly after, the Earl of *Essex's* army was enabled to relieve *Gloucester*, and the Parliament approved of the Covenant made with *Scotland*, in which doubts they would have been opposed by those that were lately withdrawn. I must now proceed to other matters.]

Disgrace of
Sir John
Hotham,
Id. p. 276.

I just mentioned, that Sir *John Hotham*, Governor of *Hull*, was apprehended by order of Parliament: It is now time to speak of the cause of his disgrace. The King had been so incensed with him, that there was little probability of his ever pardoning the indignity he had received from him, or of *Hotham's* delivering himself into his hands. And yet, the desire of becoming master of *Hull* in the one, and the thirst of revenge in the other, made them forget all that was past. *Hotham*, as he could not bear that, after the service he had done the Parliament in keeping *Hull* for them, without dreading to expose himself to the King's indignation, the Lord *Fairfax* should be made commander in chief of all the forces in the North, an honour, which doubts he thought himself more worthy of, resolved to be revenged for this pretended injustice, by delivering the place to the King (3). The precise time of his applying himself to the Earl of *Newcastle* is not known; but it is certain, he writ several letters to him, which were communicated to the Queen while she was in the North. He had drawn his Son, Captain *Hotham*, into the plot, and it was agreed between them, to deliver *Hull* to the Queen, when on her march with her troops to the King. Mean while, young *Hotham* having given some occasion to suspect him, was seized by Sir *John Aldred*, and sent Prisoner to *Nottingham Castle*. *Hotham* found means to escape, and going to *Lincoln*, writ from thence to the Parliament, complaining of the injury done him, and affirming, he was ready to answer whatever should be laid to his charge. But as the Queen was now upon her march, and it was time to execute the design, he returned to *Hull*, to contrive the means with his Father. The Queen thought herself so secure of having *Hull* very soon in her power, that she laid in her letter of the 27th of *June* to the King, "She stayed at *Newark* but for one thing, to have *Hull* and *Lincoln*, for which she hoped he would pardon two days loss." At the same time that

Rothworth,
V. p. 275.

June.

June 24.

Id. p. 274.

the order was sent to seize young *Hotham*, the Mayor of *Hull* was told to have an eye upon the Father, examine his conduct, and take care to preserve the town. The Son's return to *Hull* after his escape from *Nottingham*, the suspicions he already lay under, and the notice received from [Mr. *Mayer*] Captain of a man of war then in the road, that *Hull* was going, that night or the next, to be delivered to the King, made [Sir *Matthew Bynnes*] the Mayor, though Brother-in-law to the Governor, refuse to prevent it. That very night, whilst the *Hothams* were in bed, June 24. all the townsmen, officers, and soldiers of known affection to the Parliament, were assembled without noise, and all the ports of the town seized, without one drop of blood, or so much as a musket discharged. Mean while, I know not for what reason, they had neglected to secure the two *Hothams* (4), who found means to get out of the town: but at their coming to *Beverley*, they were both seized and brought to *London*, where, after a long imprisonment, they were condemned and executed (5).

Rothworth,
V. p. 284.
—279.

There were two things which did the King great injury, with regard to the people, and from which he omitted no opportunity to justify himself, knowing how detrimental such prejudices might be to him. The first was, that he countenanced Popery; the second, that he had excused the *Irish* Rebellion, or at least connived at it. These two articles both Houses made no scruple to insinuate, and even to maintain openly in their Papers. Not that they had positive proof of what they advanced; but they drew from his actions, and divers past events, inferences, to some of which it must be owned, the King answered but weakly, or in generals, or according to his custom, by ambiguous expressions, capable of a double meaning.

As to the first charge, he took occasion to make the following protestation, just as he was going to receive the Sacrament, from the hands of the Lord Archbishop *Usher*.

My Lord,

I, *many resolved Protestants*, who may declare to the Protestant world, the resolution I do now make. I have, in the utmost of my power, prepared my soul to become a worthy receiver; and may I so receive comfort by the said Sacrament, at *Oxford*, do intend the establishment of the true Reformed Protestant Religion, as it stood in its beauty, in the happy days of Queen *Elizabeth*, without any connivance at Popery. I bless God, that in the midst of these public distractions, I have still liberty to communicate; and may this Sacrament be my damnation, if my heart do not join with my lips in this Protestation.

Rothworth,
V. p. 340.

Charles I. was undoubtedly very zealous for the Protestant Religion, as professed in the Church of *England*. But it is no less certain, he never scrupled to favour the Papists, whether out of complaisance to the Queen, or from a belief, that the strict observance of the penal Laws made against them, was not necessary to the welfare of the Protestant Religion. It is therefore very difficult to explain what he meant by these words, *without any connivance at Popery*. It cannot be thought, that his intention was to swear, he would never grant the Papists any toleration, since at this very time he was negotiating the *Irish* cessation, whereby toleration was granted to the Catholics of *Ireland*; and it will hereafter appear, that in treating of a peace with the rebels, he scrupled not to grant them that article. Much less still may we venture to affirm, that by the word *Connivance*, he understood all manner of condescension for the Papists. This sense would be repugnant to his principles and usual practice. It seems therefore most reasonable to think, that he made a distinction between Popery and Papists, and that when he promised to establish Religion in its beauty, his meaning was, that he would suffer no popish Tenets to be mixt with the Doctrines of the Church of *England*. But if this was his meaning, it was not to the purpose, since this was not properly the thing he was charged with. As he was very artful in chusing expressions, to which it was difficult to give a fixt and determinate sense, it is certain, his most solemn Protestations produced not the intended effect.

As to the second charge relating to the *Irish* Rebellion, I do not think I can give a clearer knowledge of the matter, than by inserting the substance of a Declaration published on this occasion by both Houses, the 25th of *July* 1643. They shewed:

"That in the second year of his Majesty's reign, a design was formed in *Ireland*, to bring in a publick declaration of the popish Religion in that Kingdom, and to suspend all proceedings against Papists, for a sum of money, to be paid to his Majesty. That the then Bishops of *Ireland* made a Protestation against it, setting forth, how

The Declaration of both Houses against the same, commanding the Bishops to draw the Protestation in Ireland.
Id. p. 346.

(1) *Yerom Wyfion*, Son to the Lord Treasurer *Wyfion*, who was created Earl of *Portland*, 5 Car. I.

(2) *North*, by mistake for *Deffoe*. The names of these three Barons, were, *John Hains*, *Isaac Russell*, and *Henry Rich*.

(3) *Waller's* officers, that *Hotham* was as high and mighty, as *Fairfax* was meek and courteous, p. 26.

(4) The Son was secured, but the Father, upon the hill notice of what was doing, got out at *Beverley Gate*, there having been no orders to stop him.

Rothworth, Tom. V. p. 276.

(5) The Son was beheaded on *Tower-hill*, *January 1.* and the Father *January 2.* 1644, both denying they ever intended to deliver up *Hull*. Idem. p. 279.

"grievous

1643. "grievous a sin it was to consent to such a toleration, and of what dangerous consequence it might be. And the House of Commons in a Remonstrance made in the third year of his Majesty's reign, informed, that even then the popish Religion was professed in every part of that Kingdom, and that Monasteries and Nunneries were then newly erected, and replenished with men and women of several orders, beseeching his Majesty, that some speedy course might be taken for redress therein; yet in the beginning of the fourth year of his Majesty's reign, all this was granted and confirmed by his Majesty, in consideration of one hundred and twenty thousand pounds, to be levied in three years upon the Kingdom in general, as well upon the Protestants, as upon the Papists.

"That many potent and notorious Papists had been created Peers by his Majesty.

"That when, by direction of the Lord Chancellor *Leftuis*, and the Earl of *Cork*, then Lords-Justices, proceedings were begun against the Papists upon the Statute of *2 Elizabeth*, for not coming to Church, and the Judges in their circuits gave that Statute in charge, and indictments were framed thereupon, directions were sent from *England*, to suspend and stay all proceedings upon that Statute, when by taking the penalty imposed by that Statute, being nine-pence, for absenting from Church, Sundays and Holidays, the poor Protestants there might have been eased of many heavy payments and taxes, which were after imposed upon them.

"That the late Earl of *Strafford* being the King's Lieutenant there, did by his great favourite Sir *George Ratcliffe*, one of his Majesty's Privy-Council of that Kingdom, hold correspondence with the popish Clergy, and particularly with *Paul Horrit*, a known Priest, who had both publick and private access to Sir *George Ratcliffe* at all times, as well by night as by day.

"That in *March* 1639, the Earl of *Strafford* carried with him into *Ireland*, Sir *Toby Matthew*, a notorious, pernicious, English Jesuited Priest, (banished at the beginning of this Parliament, upon the importunity of both Houses) lodged this Priest over-against the Castle of *Dublin*, the house where the Earl did himself reside, and from whence this Priest daily rode to the publick Mafshouses in *Dublin*, and negotiated the engaging of the Papists of *Ireland*, in the war against *Scotland*.

"When the late Lord Chancellor *Leftuis*, and the Earl of *Cork*, were Lords-Justices, they endeavoured to suppress the Mafshouses in *Dublin*, and to convert them to pious uses; one, which was in the street called the *Backlane*, they disposed of to the University of *Dublin*, who placed a Rector and Scholars in it, and maintained a weekly Lecture there: But after the Earl of *Strafford* came to the government, the Lecture was put down, the Scholars displaced, and the house became a Mafshouse, as formerly it had been.

"That divers monasteries and nunneries were newly erected, immediately before the rebellion broke forth in divers parts of that Kingdom: That at the *Naas*, where the Earl of *Strafford* had his chief seat and resort, Convents of *Friars*, namely, *Augustines*, *Franciscans*, *Dominicans*, were not only permitted, but also an house built there by the said Earl, for another purpose, (as he pretended) soon after the building was converted to a Priory, by the connivance of the said Earl.

"That the popish *Irish* army was kept on foot there for a long time after the beginning of this Parliament; to the great furtherance of this Rebellion, by teaching those barbarous villains the knowledge of arms, under the notion of fighting against *Scotland*, but now made use of to extirpate both *English* and *Scott* from the Kingdom of *Ireland*.

"And that *Lead* might not be wanting to the completing of this intended Rebellion, the Silver-mines of that Kingdom, which afforded great store of lead, and therefore fit only to be in the hands of Protestants of known integrity, were farmed out by his Majesty to most pernicious Papists, namely, Sir *George Lamelin*, Sir *Basil Brooke*, and the like; and upon the discovery of the plot for the surprizing of the city and castle of *Dublin*, divers barrels of musket-bullet were found (upon search) in the house of the said Sir *George Hamilton* in *Dublin*.

"That the Earl of *Strafford* had, by a violent endeavour, entitled his Majesty by office to the whole Counties of *Rescommen*, *Mays*, *Sligo*, *Galloway*, and *Clare*, and to a great part of the Counties of *Limerick* and *Tipperary*; by which means a door was opened, not only to increase his Majesty's revenue, but therewith to settle a plantation of Protestants; and yet when the Lords-Justices and Council of *Ireland*, did by their letters exceedingly importune his Majesty, that he would not part with those Counties; and that the plantation of *English* Protestants might proceed as was formerly intended;

his Majesty, notwithstanding, did, in the Queen's presence, by a clandestine agreement, give away, at the Papists request, those five whole Counties, for a rent of 2000*l.* or thereabouts.

"That *Archdeacon Maxwell* testifies in his examinations taken in *Ireland*, that he heard *Tirlagh Oge O Neale*, Brother to Sir *Phelim O Neale*, the Arch-rebel of *Ulster*, confess, that the Rebellion was communicated by the Popish *Irish* Committee to the Papists in *England*, who promised their assistance. And *Mac Mahan*, who was to join with the Lord *Mac-guire* for the surprizing the Castle of *Dublin*, being taken and examined, at the rack confessed, that the original of that rebellion was brought to them out of *England*, by the *Irish* Committee employed to his Majesty for redress of grievances.

"That the Earl of *Castle-hoven*, a Peer of *England*, and a notorious rebel in *Ireland*, Sir *Porter* who declared himself a Papist in *Ireland*, Sir *Basil Brooke*, the Popish Treasurer for the monies raised by the Queen's solicitation for the war against the *Scotts*; Mr. *Andrew Brown* a Lawyer of *Lincoln's Inn*, heretofore expelled thence for being a known Papist, with divers other dangerous *English* Papists, went out of *England* into *Ireland*, the summer before the rebellion broke forth, and were very active there.

"That the rebels in all parts of *Ireland* professed, that the cause of their rising was to preserve his Majesty and the Queen, from being oppressed by the Puritan Parliament, and that it was by their consent, for they had good warrant in black and white for what they did. They called the *English* army, Parliament-rogues, and traitors to the Queen; and told them at the beginning of the Rebellion, that e're long they should see *England* as much in blood as *Ireland* then was. That they had their party in *England* and *Scotland*, which should keep both Kingdoms so busy at home, that they should not send any aid against them, with a multitude of such like expressions from the *Irish* of the best quality; as may appear by the examinations of Colonel *Judley Merwin*, *William Stewart*, Esq; *Henry Stuart*, Gent. herewith printed, and by divers other proofs.

"In the same month of *October*, wherein the rebellion of *Ireland* brake forth, the Lord *Dillon* of *Coyne* (now in arms against the Parliament and Kingdom of *England*) went out of *Scotland* from his Majesty into *Ireland*, bringing his Majesty's letters, obtained by mediation of the Queen, to be presently sworn a Privy-Counsellor of *Ireland*; who when he had taken the oath of a Privy-Counsellor, presents to the Lords Justices and Council, from many of the Inhabitants of the County of *Longford*, a letter in the nature of a Remonstrance, full of unreasonable demands: As namely, to have freedom of Religion, a repeal of all laws made to the contrary, and the like.

"In *December* after the Rebellion, the same Lord *Dillon*, together with his brother-in-law, the now Lord *Taafe*, a notorious Papist, repaired into *England*, bringing with them several papers and instructions from many Lords and Gentlemen of the Pale, all now in rebellion, to negotiate for them to his Majesty, and as they solicited with his Majesty here on the behalf of the rebels, so do they solicit the rebels from hence in the name of his Majesty, to persist in their rebellion, as appears by the testimony of Mr. *Topham*, a Member of the House of Commons lately delivered at a conference before both Houses in these words, viz.

At my late being at Oxford, finding my Lord *Dillon* and the Lord *Taafe* in favour at Court, I acquainted the Lord *Faulkland*, his Majesty's Secretary, that there were two Lords about the King, who, to his Majesty's great dishonour, and the great discouragement of his good Subjects, did make use of his Majesty's name to encourage the rebels: To make this appear, I informed, that I had seen two Letters sent by the Lord *Dillon* and the Lord *Taafe* to the Lord of *Muskerie*, the chief man in rebellion in Munster, and one of the Irish Committee sent into *England*, intimating, that though it did not stand with the convenience of his Majesty's affairs to give him publick countenance, yet that his Majesty was well pleased with what he did, and would in time give him thanks for it; (or near to that purpose). That these Letters were seen by the Lord *Inchiquine*, the chief commander of the *English* forces in Munster, and by his Secretary, who had kept copies of them; and that I was ready to justify as much. Whereupon the Lord *Faulkland* was pleased to say, that they deserved to be banged. But though I stayed there at Oxford about a week after this discovery made, I never was called to any further account, nor any prejudice done to these two Lords, but they had the same freedom in Court as before, for ought I could observe or hear to the contrary.

"That since this discovery made to the Lord *Faulkland*, the same Lord *Taafe*, one *Recht*, and *William*

1643.

"*Brent* a Lawyer, active Papist, with letters from his Majesty, went from *Oxford* to *Dublin*: And upon *Thursday* before *Whitsuntide* 1643, in the evening, taking with them one *Colonel Barry*, a profest Papist, and pretending for *Connaught*, slipped away to *Kilkenny*, where the *Tuesday* following was a general assembly of all the chief rebels. When they had done their errand, *Barry* was left *Liegar* at *Kilkenny* among the rebels; the Lord *Taafe* returned to *Dublin*, and upon *Friday* the 9th of *June* 1643, the Lord *Taafe*, with divers of the *Privy-Council* of *Ireland*, that favoured the rebels, met at the *Marquis of Ormond's* house, where the propositions which the Lord *Taafe* brought from the rebels were debated. The Lord *Taafe* is since gone into *Connaught*, *Brent* is come back to *Oxford* to give an account of this employment.

"By this every man may construe, what was meant by his Majesty's not consenting that the Parliament should send a Committee into *Ireland* the last year, to endeavour the carrying on the war against the rebels, upon pretence that the Earl of *Leicester* was presently to go over thither, who is yet remaining at *Oxford*. That when that Committee had prevailed with the Lords *Justices* and Council, and with many of the prime commanders, and other officers of the army in *Leinster*, to subscribe by way of adventure for land in *Ireland*, to be settled by a new Bill, very considerable sums which were to be deducted out of their respective entertainments; then to render this endeavour fruitless, one Captain *Yarner* did confidently affirm, that those which had or should subscribe, were enemies to the King, a thing so incredible, that few could believe it, till the same man went to *Oxford*; and upon his return to *Dublin*, assured the Lord *Marquis of Ormond* and the officers, that he had discoursed with his Majesty about this way of subscription, and that his Majesty did not approve of the same: Whereupon those who had subscribed did withdraw their hands, and the rest were wholly discouraged.

"That, about this time, a Commission was sent over to meet with the rebels, and to hear what they could say, or propound for themselves; which Commission was directed to the Lord *Marquis of Ormond*, and to some other commissioners; among whom *Thomas Bourke*, that had an hand in contriving this rebellion, was one, and who brought the said commission in *Ireland*, and confidently delivered the same at the Council-table, to the amazement of all the Council then present, that were not acquainted with the plot.

"That the Lords and Commons, to whose direction the war was committed, thought it expedient to send into *Ireland* a Committee for that purpose, consisting of members of the House of Commons, but authorized from both Houses; who carried with them above twenty thousand pounds in ready money, besides great store of powder, match, and other ammunition: But when those who favoured the rebels, saw, that during the abode of the Committee there, parties were continually sent forth to destroy the enemy; and that the Committee engaged their own particular credits, to take up monies for the relief and setting forth of the army; a letter was sent from his Majesty, and brought over by the *Marquis of Ormond's* own Secretary, wherein his Majesty did require the Lords *Justices* and Council, not to admit the Committee any more at their debates. And it is observable, that this Letter was only signed with his Majesty's hand, without any Secretary's hand to avow the same.

"The Commons cannot conceive what is meant, that the *Justices* and Council are straitly charged in that letter, upon their allegiance, not to suffer the Committee to sow sedition among his Majesty's good Subjects; unless to stir up and incite the *English* soldiers in the pay of the Parliament, to proceed vigorously against the *Irish* rebels, be construed as the sowing of sedition among his Majesty's good Subjects.

"That, according to the testimony of *Sir William Breton*, Knight of the Shire for the County of *Cheshire*, there landed, in *June* 1643, many *Irish* rebels in *Warral* in *Cheshire*, some whereof acknowledged, that they had washed their hands in the blood of several *English* and *Scotch* in *Ireland*, and now hoped to wash their hands in the blood of *Englishmen* in *England*: The Country where these rebels first arrived, did all rise with their best weapons, and apprehended several of them; but they were rescued out of their hands by a troop of Horse, which came from the commissioners of *Array*, who also seized about twenty eight of the honest countrymen prisoners.

"And that the Councils now predominant at *Oxford*, and the supreme Council of rebels at *Kilkenny*, are concurring and aiding one another, as well by sea as by

land, is apparent by that which follows: The Commissioners authorized to command the King's forces in the West, by an authority derived unto them under the Great Seal of *England*, do grant commissions or letters of mart, for the apprehending and taking, for his Majesty's service, all ships and vessels belonging to the cities and towns that have declared for the Parliament; and on the other side, the rebels of *Ireland* grant the like commissions. And as the ships in his Majesty's service do gratify the rebels of *Ireland*, in seizing the ships that bring provision for the relief of the *English* army in *Ireland*; so the rebels of *Ireland* do in like manner gratify his Majesty, by commanding the ships set forth by them to examine all *English* ships at sea, whether they be for the King or Parliament; and if they be for the Kings, to let them go; but if for the Parliament, to take and pillage them. All which is proved by depositions herewith annexed.

"The Earl of *Antrim*, a notorious rebel, was taken by the *Scotts* army in *Ulster*, and imprisoned there, upon suspicion of High-treason: To avoid his trial, he broke prison, and fled into the North-parts of *England*, and hath been with the Queen at *Turk* a long time; from whence he was sent to the rebels of *Ulster*, with secret instructions, and had ammunition assigned him by the Queen's directions: And what care was taken of his ammunition appears by a letter here annexed, dated at *Turk* the 8th of *May* 1643, written by *Serjeant Major Reiss*, at the desire of *Mr. Jermin*.

"Since this care taken of the ammunition of the Earl of *Antrim*, the Earl of *Antrim* is taken the second time by *General Major Moure*, as he was returning from the Queen, to the rebels of *Ulster*, with divers letters, instructions, and papers: And by the confession and deposition of the Earl of *Antrim's* own servant, who was taken with his master, and since condemned and executed, it is evident, that there was, and doubtless yet is, a design on foot to reconcile the *English* and *Irish* in *Ireland*; and that by their joint power having expelled the *Scotts*, the *Irish* forces there might be sent against the Parliament of *England*. The Earl of *Antrim*, the Lord of *Agha*, and the Earl of *Niddisdale*, were three principal agents employed in this plot. This clearly appears, in that the Lord of *Agha*, in a letter taken in the Earl of *Antrim's* pockets, writes in these words:

My Lord,

Being certainly informed by *Niddisdale's* servants, That there is a new order since was parted, for stopping of the ammunition, I have taken occasion to intreat your Lordship by this bearer, that I may know the particulars of it. I must confess it surpriseth me, that any distance should alter so reasonable a conclusion: And certainly, I shall never deserve to be made the instrument of frustrating the hopes of those parts, which should have been enabled by this supply: I am persuaded, there is scarce another mean to make our fidelity useful for her Majesty's service.

"And that it might appear to the rebels of *Ireland*, that the Earl of *Antrim* was accounted his Majesty's good Subject, and had his Majesty's approbation for what he was to do there, he was furnished with a pass from the Earl of *Newcastle*.

The Pass is here inserted at length in the Declaration, The rest of the article tends to shew by the Earl of *Antrim's* confession, and that of *Stewart* one of his servants, that the Earl was employed by the Queen to make peace with the rebels.

"The House of Commons, among a numerous company of proofs of this kind, concluded with the testimony of *John Dod*, late Minister at *Amsterdam* in the County of *Cavan*, who was examined at the bar of the House of Commons, and testified,

That after he had suffered many miseries in this Rebellion of *Ireland*, he repaired into this Kingdom, and some occasions carrying him to *Oxford*, he staid there seven weeks, and came out of *Oxford* the 13th of *June* 1643. That during his stay there, he saw a great number of *Irish* rebels, whom he very well knew to have had a hand in the most barbarous actions of that Rebellion; as the dosing of small infants in pieces, the ripping up of women with child, and the like, among whom was one *Thomas Brady*, who, at *Turbot* in *Ireland*, within seven miles where the said *Dod* lived; as thirty six old men, women, and children, not able to swim, were passing over a bridge, caused them all to be thrown into the water, where they were all drowned; that this *Brady* is now at *Oxford* in great favour, and *Serjeant-Major* to *Colonel Percy's* Regiment: That he saw there three *Franciscan* Friars, namely: — and three *Jesuits*, namely: — who were all very earnest for the cause, and daily encouraging the soldiers to fight against the Round-heads, and for that purpose have lifted themselves in the Lord *Dillon's* troop, and are called *Cornets*: That there are daily and publick meetings at *Mafis*, in almost every street there; and verily believe in his

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1643. his conscience, that for one Sermon preached, there are four Masses said now at Oxford: That he saw Sir John Dungan there, a man accused of High-treason in Ireland, for being in the Rebellion, and fled into England, who hath a commission for a Troop of Horse: The Lord Barnewall of Trimblestown, and his son, who hath a commission for a troop of Horse, and is now gone into Wales to raise them: A son of the Lord Newfield, who hath gotten a command likewise: That, as near as he can possibly compute, there was then at Oxford above three thousand rebels; and that most of the King's Life-guard are Irish.

The two Houses concluded in the following manner:

"Upon the whole matter, no man can think, that this Rebellion in Ireland, so barbarous and bloody, that one hundred and fifty four thousand Protestants, men, women and children, English and Scotch, were massacred in that Kingdom, between the 23d of October, when the rebellion broke forth, and the 1st of March following, by the computation of the Priests themselves that were present, and were directed by some chief rebels of Ireland to take this computation, left they should be reported to be more bloody than in truth there was cause: No man can believe, that this horrid and unparalleled rebellion should be the undertaking of the rebels alone, being set on foot when a Parliament was sitting in England, that could not dissolve without its own consent, when all nations professing the *Remish* Religion, were at peace with England, and so engaged at home, that the rebels, in reason, could not expect any considerable assistance from them, nor could think themselves able to encounter England or Scotland either, much less both together: So that to imagine the Nobility, Gentry, and in a manner the whole Kingdom of Ireland, should thus desperately engage their lives and estates in so rash an enterprise, without being encouraged, incited, nay, commanded from England, with assistance both of connivance and assistance too, were to deny them to be reasonable creatures.

"And therefore the House of Commons, abundantly fatished in their own consciences and judgments of the truth thereof, cannot but declare to the world, that by all these concurring circumstances, and convincing proofs, they are persuaded, that this unheard-of, and monstrous rebellion of Ireland, was projected, incited, and assisted by those Councils now only prevalent with his Majesty: That the Queen, with her *Remish* Priests, the Papists of all his Majesty's three Kingdoms, were principal actors and sticklers herein: That, now those bloody rebels have in a manner rooted out the Protestant Religion in Ireland, there is a design to pardon them, and bring them into England to do the like: That no earthly power is likely, in human reason, to withstand this damnable plot, but the power of the Parliament in England, which is now declared by a late Proclamation, to be no free Parliament, to be null, and of none effect; and all possible endeavour used, by strength and stratagem, to destroy the same. So that the House of Commons do conceive it impossible, that so many of those which would be thought the honest and moderate English Protestants, should any longer be blinded and led on, to join with German, French, Walloon, English, Scotch, and Irish Papists; and thereby to surrender up at once the Protestant Religion, the Parliament, Liberties, and Laws of England, into the hands of Papists and strangers; that so this renowned Kingdom may be no more a Nation."

As the charge against the King of exciting the Irish rebellion, or at least of conniving at it, made a great noise in those days, and as all the Histories are full of it, I thought it necessary to shew the grounds or pretences of it, by giving the substance of this Declaration. For it is not likely, the Parliament should have omitted any thing capable of proving their assertion, though it be true, that the King afterwards took certain steps which could have very much swelled this Manifesto. I should be glad, according to my usual method, to give here the King's particular answer to these articles. But I have not been able to find any, or so much as to know, whether he ever returned an answer. Indeed he used his utmost endeavours to clear himself from this accusation; but it was only by Generals and Protestations, without replying to any particular article, no not even in his *Eiken Beshike*, where he undertakes to vindicate his whole conduct.

I cannot therefore but observe, concerning this Declaration, that there are some articles which seem very much aggravated; and others, from whence may be drawn consequences not so odious as those here insinuated. But then it cannot be denied, that there are some, to which it were

to be wished, for the King's honour, he had returned distinct and particular answers.

It appears by this Manifesto, that the Parliament had little regard for the King. But besides the animosity and revenge which might enter into the design of blackening his reputation, it is certain, policy had no small share in it. The King, in all his publick Papers, represented himself as being perfectly innocent of all that was laid to his charge, and as having undertaken the war only for the defence of the Laws and Liberties of the Nation. He defied the two Houses as a company of robbers, who for their own private ends, had put the Kingdom in a flame, refused the obedience due to him, and, without any cause, trampled upon all the known laws of the land. The gratifying the passion of revenge was not the King's sole motive; there was another much more dangerous to the Parliament; and that was, to draw the people of London to his side, by means of these Papers (which his friends took care to disperse in the city) and thereby to force both Houses to conclude such a peace as he desired, that is, a peace which should restore him to all his rights. If therefore the two Houses, out of respect to the King, had neglected to defend themselves, their silence might have been very prejudicial to them, since people are apt to believe, if an accusation be not answered, it is because there is no good answer to be given. It was therefore the Parliament's business to try, as far as possible, to enlighten the people, whom the King, as they pretended, had a mind to impose upon by general Protestations, which they laboured to shew his actions did not answer. This was the great end of this Declaration, wherein they endeavoured to demonstrate the King's insincerity, in that, whilst he called heaven and earth to witness, that he had no other intention than to maintain the Protestant Religion, without conniving at Popery, he was labouring to make a peace with the Irish rebels; a peace, which in the conjuncture of affairs could not be concluded, but by granting things inconsistent with the safety of the Protestant Religion.

On the other hand, as the King by his papers and emissaries in London, was continually endeavouring to convince the publick of the greatness and sincerity of his zeal for Religion, for the Laws and the Liberties of the people, without ever mentioning what passed the fifteen first years of his Reign, the two Houses were concerned to renew the remembrance of those times, lest the occasion of their fears and jealousies should in the end be forgot. And therefore they did two things very proper to produce this effect. The first was, to order King *Jame's* book for tolerating Sports on Sundays, which *Charles I.* had caused to be published again in the Churches, to be burnt by the common hangman. This book being almost forgot, could not produce any great effects at the time I am speaking of. But in all appearance, both Houses meant thereby to insinuate to the people, what was to be expected from the King's great zeal for Religion, in case he came to be restored to his former power. The second was, to proceed to judgment against Judge *Berkley*, whom the Lords condemned in the exorbitant fine of twenty thousand pounds, and to stand committed to the Tower till he should be tried upon the other articles alleged against him. For this sentence concerned only that part of his charge relating to his extrajudicial opinions in the case of Ship-Money. *Berkley* was one of the King's most zealous instruments to establish an arbitrary power. Nevertheless, he had now lain three years in prison, without being thought of. But this year the Parliament believed it proper to bring him to judgment, as well to revive the memory of a time, the King was endeavouring to bury in oblivion, as to reap the benefit of his fine (1).

This last motive makes the Lord Clarendon say, that the Parliament, in appropriating the fine to themselves, which by the Laws was due to the King alone, were [thought by many to be] guilty of a greater crime than that for which *Berkley* was sentenced. This supposes, that even when the King and Parliament were making war upon one another, the Parliament should do the King justice, and send him the money arising from fines and confiscations. But the two Houses were so far from allowing this maxim, that, on the contrary, the same month they passed an ordinance for seizing the King's, Queen's, and Prince's revenues, for the publick use (2), that is, to be employed in the war against the King. Four days after, the King on his part published a Proclamation, forbidding all tenants or debtors to pay any rents or debts to such persons as were in open rebellion against him. But these orders, as well from the King as the Parliament, were executed only in places where they were supported with power.

Most of the Lords, who had withdrawn from the Parliament, and retired to the King, meeting with a

The Parliament's policy in making the King's

The Parliament's policy in making the King's

Justice Berkley's sentence, Sept. 12. 1643. v. p. 361.

Clarendon, T. II. p. 299.

The King's, Queen's, and Prince's revenues, Sept. 21. 1643. v. p. 361.

Return of some of the Lords who had retired to the King. The Earl of Holland, Rushworth, v. p. 361. Clarendon, T. II. p. 293.

(1) The half of his fine was abated, and upon payment of the other half, he had his Liberty. Clarendon, Tom. II. p. 299.
(2) Or rather, as they word it, "for the good of his Majesty, and the Commonwealth." See Rushworth, Tom. V. p. 104.

1643. very cold reception at *Oxford* (1), thought fit once more to change sides, and return to *London*. The Earl of *Holland* led the way. He was at first put under confinement, but some days after, had leave to live upon his own estate, without any employ. Probably, he had expected a better reception, since after his return he published a Declaration very injurious to the King, wherein he said, that retiring to *Oxford*, in hopes by his credit to procure a peace, he had been labouring it to the utmost of his power, but (added he) without success, the King and his Council being entirely averse to all accommodation, because every thing at Court was managed by the Papists (2). The Earl of *Northumberland*, who was retired to *Pewterth*, being informed how ill the Earl of *Holland* was received at *Oxford*, thought it proper to return to the Parliament, where he was received with respect, both Houses being willing to suppose, he had never intended to leave them, though many suspected he had withdrawn to his own estate, on purpose to see what reception the other Lords would meet with at *Oxford*. The Earls of *Bedford* and *Gloucester* took also the same course, and came off with being debared for a time from sitting in Parliament (3).

Northumberland, Clarendon, T. II. p. 235.

Bedford and Gloucester.

The Parliament under a new Great Seal, Rushworth, V. p. 339; Clarendon, T. II. p. 312; T. May.

One of the principal transactions of this year 1643, was the resolution of both Houses to make a new Great-Seal. It had been proposed by the Commons in *July*; but, whether through scruple, as some pretended, or because the King's secret party were yet very numerous in the House of Peers, the Lords refused their consent, or rather delayed their answer. But in the *November* following, their scruples vanished. The Commons represented to them in a conference, the mischief occasioned by the conveying away, and through the want, of the Great-Seal (4).

I. It was secretly and unlawfully carried away by the Lord-Keeper *Littleton*, who ought not to have departed without leave of both Houses. Nor would have been suffered to do so, if his intentions had been discovered.

II. It hath been since taken away from him, and put into the hands of ill-affected persons, so as the Lord-Keeper being sent to by the Parliament for the sealing some writs, answered, *He could not seal the same, because he had not the Seal in his keeping*.

III. That those who have had the managing thereof, have employed it to the hurt and destruction of the Kingdom; as by making new Sheriffs, to be as so many commanders of forces against the Parliament; by issuing out illegal commissions of *array*; by sending forth Proclamations against both Houses of Parliament, proclaiming them traitors.

And through the want of the Great-Seal, 1. The Terms have been adjourned, the course of justice obstructed. 2. No Original Writs can be sued for without going to *Oxford*, which none that holds with the Parliament can do, without peril of life or liberty. 3. Proclamations in Parliament cannot issue out for bringing in delinquents impeded of High-Treason, or other crimes, under pain of forfeiting their estates. 4. No Writs of Error can be brought in Parliament to reverse erroneous judgments, nor writs of election issued out for choosing new Members upon death or removal of any, whereby the number of Members is continually lessening. 5. Every other Court of Justice has a peculiar seal, and the Parliament, the supreme Court, has no other seal but the Great-Seal, and so now no seal at all. 6. The Great-Seal is the *Clavis Regni*, and therefore ought to be resident with the Parliament (the representative of the whole Kingdom,) whilst it continues sitting; the King, as well as the Kingdom being always legally present in it during its session.

Rushworth, V. p. 340; Clarendon, T. II. p. 312.

The next day the Lords declared their consent to the making a new Great-Seal. Accordingly a Great-Seal was made exactly like that in the King's hands (5), and, by an ordinance of both Houses, it was declared, that all Letters Patents, and Grants which had passed under the Great-Seal since the 22d of *May* 1642 (6), were void and of no effect. That the new Great-Seal should be of like force,

power and validity as any Great-Seal of England had ever been, and be put into the custody of the persons hereby ordained commissioners for that purpose, who should have the same power and authority as any Lord Chancellor, or Lord Keeper had used to have. On the last of *November*, the new Great-Seal was carried by the Speaker of the Commons, attended with the whole House, to the Lords, and delivered to the Lord *Grey of Wicke* their Speaker, who in the presence of both Houses gave it to the Commissioners (7). The first thing sealed with it, was a Patent to the Earl of *Clarendon*, *Mareschal*, of Lord High-Admiral of England, the Earl of *Northumberland* not being in that favour with both Houses as formerly.

1643.

The King and his friends made a great noise upon this encroachment of the Parliament, and urged the Statute of the 25th of *Edward III.*, by which the counterfeiting the Great-Seal, is in express terms declared to be High-Treason. But it is easy to perceive, this Statute concerns only private persons, and not both Houses of Parliament, and that it was not possible, when the Statute was made, to foresee the King and the Parliament would be one day divided. Besides, it cannot be said, that private persons have any right to dispose of the Great-Seal. But it is not the same with both Houses of Parliament, who are the representatives of the nation. For the Great-Seal is not the King's Seal in particular, but the Kingdom's, and the Kingdom is a body composed of the King, who is the head, and the People who are the members. If the King has the disposal of the Great-Seal, it is only as he is the most noble of the members of this body, considered as being united with, and not as being separated from, the other members (8). If therefore such a separation happens, as was at the time I am speaking of, it is hard to conceive, by what title the King or People, separately, may claim the disposal of the Great-Seal, which is the seal of their joint, not separate, authority. In short, I doubt, that they who most strenuously affirm, that in such a separation, the King ought to have the sole disposal of the Great-Seal, are willing to admit all the consequences flowing from that principle. The Great-Seal stamps an inviolable authority upon all the Acts to which it is applied. If therefore, in case of an open war between King and Parliament, the King could, by means of the Great-Seal, communicate such an authority to all his particular Acts, where would be the bounds of his power, which by the constitution of the Government, is limited by the Laws? He would need only to declare by Proclamation under the Great-Seal, as *Charles* had really done, that, according to the Laws, the members of Parliament are traitors and rebels, and then the point would be decided by the sole possession of the Great-Seal, and the King might assume an unlimited power by this authority. But how would the case be, if the Parliament was in possession of the Great-Seal, and by the like Proclamation should declare the King traitor and rebel; would the application of the Seal give such an Act an inviolable authority?

It will doubtless be said, that the Great-Seal gives an inviolable authority to such Acts only as are agreeable to the Laws, and that the Laws expressly declare those who take arms against the King, guilty of High-Treason. But it is manifest, the Laws, as they neither could, nor ought to foresee an actual separation between the King and the People represented in Parliament, have considered the King only as the head, inseparably united with the body, and not as the head divided from the other members. Else it might be said, the Laws have ascribed to the King an unlimited power, which is directly contrary to the constitution of the English Government. Certainly the Laws have considered the King but as head of the State, and the crime of taking arms against him relates, not more to his person in particular, than to the rest of the State. The Parliament therefore seems to have had no less right to make a new Great-Seal, than the King would have had, if the Common-Seal had been in

(1) The *Lord Clarendon* lay. He expected to be restored to his place of Lord-Chamberlain and Privy-Counsellor, of which he had assurance, before he came from the Tower, from *Mrs. Jennings*, who, no doubt, executed his Commissions. This disappointment was the occasion of his return. *Clarendon*, Tom. II. p. 339.

(2) *Whitelock* says, the Earl of *Holland* being examined by the Parliament, said, that after he heard of the confusion in Ireland, his Conference would not give him leave to stay any longer with him at Oxford. The young Earl of *Cambridge* came also from Oxford to the Parliament, and was committed to the care of his Grandfather the Earl of *Perthshire*. *Whitelock*, p. 77.—The Lord *Clarendon* suffers, upon this occasion, that the ill reception of these Lords, made the King, and all about him, looked upon as implacable; and so diverted all men from any thought of returning to their duty, and chafed rather to stay where they were, than expose themselves by unreasonable and unwelcome addresses. Tom. II. p. 285.

(3) It was told in droolery, that these three Earls had much conference together to contrive with the Parliament, for they having tried both Parties, found it by experience, that this was the best to be in, and adhere to. *Whitelock*, p. 71.

(4) The Author having considered these two reasons for making a new Great-Seal, they are placed in order in the Translation.

(5) There was engraven on one side the picture of the House of Commons, with the Members sitting; and on the other, the Arms of England and Ireland. *Whitelock*, p. 70.

(6) The day the Lord *Keeper Littleton* left the House, and went with the Seal to the King at York.

(7) Two Lords and four Commissioners, who thereupon took the oath for the due execution of their places, the Speaker of the Peers presiding the Lords, and Mr. *Brown*, the Clerk of the Lords House, the four Commissioners, The Seal was ordered to remain at the said Mr. *Brown's* House, in an Iron Chest, with three different locks, and not to be removed thence, but in the presence of three Commissioners. The two Lords were, first, the Earl of *Arundel*, and *Bevilbrook*, but the Earl of *Arundel* declining, himself not qualified for such a charge, the Earl of *Rox* was nominated in his room. *Whitelock* says, the Lords were *Mareschal* and *Bevilbrook*, p. 71. The four Commissioners were, *St. John's*, *Whitby*, *Brown*, and *Prichard*, all Lawyers. *Whitelock*, Tom. V. p. 340.

(8) And as the executive power is lodged in his hands.

the

1643. the hands of the Parliament, since the Seal was not the property of either, but belonged to both, considered as being inseparably united together.

Count
Harcourt's
Embassy.
Clarendon,
T. II. p. 306.
Whitelock.

About this time, Count *Harcourt*, a Prince of the House of *Lorraine*, was sent from *France* into *England*. He came directly to *London*, where he was received with great ceremony, as an ambassador extraordinary, though he had not presented his credentials to the Parliament. But it was supposed, he was not without them, and intended to address himself first to the King. After some days stay in *London*, without any application to both Houses, he went to *Oxford*, where he had several conferences with the King. After that, he writ to the Earl of *Northumberland*, that having proposed to his Majesty, from the King of *France*, and the Queen-Regent, the making of a peace with his Subjects, he found him wholly inclined to enter into negotiation, and that if both Houses would inform him wherein consisted the differences between the King and them, he would gladly use his interest to adjust them. Both Houses thought it very strange, that this Prince should offer his mediation, without producing his credentials. They told him therefore by the Earl of *Northumberland*, that they received with all due respect, the offers of the King and Queen-Regent of *France*, and that as soon as he should show, he was authorized for such a mediation, they would not fail to appoint a committee to treat with him. But he had no credentials for the two Houses, the Queen-Regent not judging proper to own them for a Parliament, since the King of *England* refused them that title. So, this pretended mediation was not only fruitless, but was also a clear indication, that the French Court had sent this embassy only as an outward testimony of their concerning themselves in the King's affairs, though, in all appearance, they did not much desire to see an end put to the troubles of the Kingdom (1).

Sir Edward
Dering
Deering
Parliament,
Feb. 2.
Rushworth,
V. p. 313.
Ladlow.

Sir *Edward Dering*, who had made himself so famous at the beginning of this Parliament, by his zeal for his Country, and by several noble speeches upon Grievances, was grown extremely averse to the Proceedings of both Houses, since he found, the aim of some of the leading-men was to establish Presbyterianism in the Church of *England*. For that cause, after the war was begun, he sought the Parliament, and turned to the King. But, in all appearance, he was no better pleased with the Court than he had been with the Parliament, since he followed at last the example of the Lords abovementioned. He came to *London* in *February* 1643-4, and presenting a Petition to the House of Commons, whereof he was member, he obtained leave to spend the residue of his days at his House [near *Canterbury*] where he died within a few months (2).

Mr. Pym's
death.
Rushworth,
V. p. 376.
Clarendon,
T. II. p. 313.

Mr. *Pym*, one of the Pillars of the Parliament, and a chief Director of the affairs of the House, died *December* the 8th, 1643. The King's adherents speak of him as of a very wicked man, and those on the side of the Parliament as of the greatest patriot then in *England*. Opinions so opposite about the same person are not uncommon. It is not strange, that from opposite principles should be drawn contrary consequences. Thus much is certain, Mr. *Pym's* death was a very great loss to the Parliament, he being one of the most able members of the House (3).

The Parli-
ment thought
one of the
King's mis-
demeanors for
sitting
Novem. 27.
Rushworth,
V. p. 379.

The Commons, as was said, imprisoned in *May* this year, 1643, a person sent by the King with the offer of peace, and shortly after, he was discovered to be one of those employed by the King, to keep a correspondence in *London*. The King could not be ignorant, the Commons had twice declared, they would treat as spies such as should come from the King's quarters to *London*, without a safe-conduct. Besides that he had good correspondents in *London* and the Parliament, he had no occasion to be informed of these particular relations, to know, it is not allowable for men, without a safe-conduct, to come into the ene-

mies quarters, since it is a maxim received, wherever a war is declared. But there was something in the present case still more particular. For, upon the House arresting this messenger, his Majesty, by advice of his Council, had deemed it inconsistent with his honour to hold any farther correspondence with the Parliament. Moreover, the 18th of *October*, both Houses had published an ordinance, declaring, any person coming to *London* from the King's quarters, should be looked upon as a spy. And yet twelve days after, on the 30th of *October*, the King sent privately to *London*, *Daniel Kniveton*, a State-messenger, with three proclamations, one against taking of the solemn League and Covenant; another, against the observation of the monthly Fast, enjoined by the Parliament; a third for removing the Seals of the Great-treasuries belonging to the Exchequer, King's Bench, and Common-Pleas, to *Oxford*. This man was taken up, and committed to prison. Nevertheless, the 19th of *November* following, *Carpenter*, another messenger, was privately sent by the King with an order to the Judges to adjourn the term to *Oxford* (4). *Carpenter* was also apprehended, and they were both tried and condemned to die. *Kniveton* was the less excusable, as he had before been taken and detained at *Windsor* for the same reason, and discharged by the General. All the defence he made was, that being the King's sworn messenger, he was obliged to obey him; that besides, not taking *London* for a garrison, he thought he might have come without drum, trumpet or palfrey. But this defence not being capable of saving his life, he was executed. *Carpenter*, though under the same condemnation, was relieved and committed to *Bridewell* (5). The Lord *Clarendon* speaks of the sentence passed upon these men as of a great injustice, for two reasons; that they were obliged to obey the King, being his messengers; and that the Parliament had not caused their ordinance to be notified to the King. I doubt, all will not be induced by these reasons to condemn the proceedings of both Houses. The King at least seems not to have blamed them, since he did not use reprisals, neither does it appear that he ever complained of it in form.

Rushworth,
V. p. 376.
Clarendon,
T. II. p. 314.

In proportion as the war was continued, the animosity between the King and the Parliament was inflamed, who no longer regarded each other. The King refused to own the two Houses for Parliament, and they omitted nothing, as appears in their Declaration concerning the Irish rebellion, to blacken the King's reputation. These proceedings were not confined to *England*, where they might be in some measure necessary, because the point was to gain the People, but care was taken also to convey Papers abroad, tending to vindicate one of the parties, and blacken the other. Both Houses being informed, or it may be supposing, that the King had emissaries abroad, who were using their utmost endeavours to represent the civil Wars in *England* as a horrible rebellion against the Sovereign, ordered the assembly of Divines then sitting at *Westminster* (6), to write letters to the Churches of *Zeland*, *Holland*, *France*, *Switzerland*, to warn them against the artifices of the King's agents, by giving them a clear relation of the affairs of *England*. They charged them to insinuate chiefly upon the King's employing Irish rebels and other Papists, to be governors, commanders and soldiers; to lay before them the proofs of the intention of the King's counsellors to introduce Popery, and hinder the reformation designed by the Parliament: Lastly, to inform them of the disadvantageous opinion of the King's party concerning the Protestant Churches abroad, because not governed by Bishops. The assembly failed not to send to these Churches a circular letter, which was properly a Manifesto for the Parliament against the King, with copies of the solemn League and Covenant, and of the Declaration of *England* and *Scotland* on that subject.

The Assembly
of Divines
writing to the
Churches
abroad by
order of
Parliament.
Rushworth,
V. p. 371.

Some time after, the King on his part published a *The King's* Manifesto, addressed to all the Protestant Churches, to

(1) When Count *Harcourt* was in *England*, he had two affidavits put upon him. 1. He had not been landed four and twenty hours, before *Walter Montague*, one of his train, was apprehended and committed to the Tower in the Court of France, and thought, by disguising himself, to get a safe passage to *Oxford*, in the Ambassador's retinue. 2. As Count *Harcourt* was going from *London* to *Oxford*, his Coach was searched for Letters, though he had a safe-conduct. For both which indignities, he could get no redress. *Clarendon*, Tom. II. p. 307, 308.

(2) He died *June* 23, 1644. Before his former Papers, he left behind him a learned Discourse (published about a week before his death) concerning the *Protestant* Church, wherein he boldly and eloquently combats popish Transubstantiation. *Rushworth*, Tom. V. p. 374.

(3) The Lord *Clarendon* will have it, that he died of the *Morbus Pedicularis*, or *Lousy Dissemper*, Tom. II. p. 313. And the same is affirmed in *Miscellaneous Reflections*, where *Rushworth* says, there was such a report, but the same was not true; and for publick satisfaction, his body was viewed by many hundreds of people, the true natural cause of his death seeming to be of a great pain he took, joined with a competent old age, and at last, but in sudden confusion. *Whitelock* says the same thing, but makes him die in *May*, p. 69. Some time before his death, he caused to be printed a vindication of himself, which the Reader may see in *Rushworth*, Tom. V. p. 376. He is said to be best served in parliamentary affairs of any man then in *England*. See *Edwards*, Tom. I. p. 85.

(4) The King had published several Proclamations for the adjustment of the Term to *Oxford*, which had been useless, for want of the necessary legal form of having the Writs read in Court. So *Carpenter* was to deliver these Writs of adjustment into the hands of either of the four Judges then remaining at *Westminster*, who were *Bacon* in the King's Bench, *Reeve* in the Common-Pleas, and *Trevor* in the Exchequer. Accordingly, he delivered the Writs to *Reeve* and *Trevor*, who immediately carried him to be apprehended. *Clarendon*, Tom. II. p. 313.

(5) From whence he escaped some time after, and returned to *Oxford*. *Ibidem*, p. 314.

(6) Divers Members of both Houses, to a great number, sat in this Assembly, and had the Liberty with the hundred and twenty Divines, to debate and give their votes in any matter. *Stedon*, who was a Member, spoke admirably (says *Whitelock*, who was also a Member, p. 71) in these debates, and sometimes when the Divines had cited a Text to prove their assertion, he would tell them, *Perhaps in your little pocket Bibles, with your leaves*, (which they would often put out and read) the Translation may be better, but the Greek and Hebrew *Scriptures* themselves, and thus, and so, convincing them in their own learning. Not but there were many times Divines among them, as *Twisse* their Prolocutor, *Edmond Rieu*, afterwards Bishop of *Norwich*, *Arsenalius*, *Lightfoot*, *Gataker*, &c. Their last meeting, pursuant to the ordinance of both Houses, was the 11th of *July* 1643, in *Henry VIII's* Chapel. *Rushworth*, Tom. V. p. 375.

1643.
M. by 16.
Rushworth,
V. p. 752.

efface the impressions which the Parliament's circular letter might have caused. This Manifesto, which was very short, contained only a Protestation that he had never intended to consent to the public exercise of the Catholic Religion in his Dominions, but was firmly resolved to adhere, to his last breath, to the Church of England, wherein he was born, baptized and educated; and to the Liturgy of that Church, approved by so many Convocations and Parliaments, by all the Protestant Churches, and the Synod of Dort.

The King
presented him
his refusal money

Mean while, the King was very much perplexed how to maintain the war the ensuing campaign, knowing the Parliament were preparing to exert themselves powerfully. He had been openly charged, before this Parliament, with arbitrarily exacting money of his Subjects, without consent of Parliament. He had himself owned, he had exceeded his power, since he had not only redressed that Grievance, but also protested several times, he had redressed it freely and willingly. Since the war was begun, he had never ceased to accuse both Houses of the same arbitrary actions, which he himself had been so often upbraided with, in that they imposed taxes upon the Subjects without their consent, which was directly contrary to the known Laws whereon he perpetually insisted. By demonstrating that both Houses violated the Laws, he pretended to gain the People to his side. Mean while, money was necessarily to be raised, not only to maintain the forces already on foot, but also to levy others, in order to refit the Scots, who were upon the point of entering England. If, for the maintenance of these forces, he had imposed taxes by his sole authority, he could not have reproached both Houses for the same things, and perhaps would have disabused his own party by acting against the Laws. Money, however, was to be found at any rate, otherwise he would not be able to continue the war. Hitherto he had used several ways to raise money, without giving any advantage against him, whether by selling or mortgaging the Crown-lands, or by the voluntary contributions of his well-wishers. But the means he had already used were too uncertain to be safely relied on. He sought therefore and found an expedient to free himself from this freight. He assembled at Oxford, all the members that, according to him, had been driven from the Parliament; pretending, these members were the true Parliament, and the more, as he had publicly declared, he no longer looked upon both Houses at Westminster as such. He did not expect this new Parliament would increase the number of his friends; but he could reasonably hope it would grant him aid of money, and that being authorized by such an Act, he might openly and by way of authority levy what money was necessary. This happened accordingly, and was properly the King's aim in calling this Parliament, which met at Oxford the 22d of January 1643-4 (1).

Clarendon,
T. II. p. 337.

Rushworth,
V. p. 759.

1643-4.
Parliament
at Oxford.
Id. p. 160.

This Parli-
ment
at Oxford.
Id. p. 166.
Clarendon,
T. II. p. 338.

Id. 318.

As it was not proper the King should immediately discover his sole end in calling this extraordinary Parliament, he only told them in his first Speech, that he had assembled them to receive their advice, and consult with them how to appease the troubles of the Kingdom.

The first step taken by this Parliament, was to try to convince the publick of their intention to labour for peace. I have already explained the constant ambiguity of the word Peace, and the different senses given it by the two parties, and therefore think it needless to repeat it. There is no question, the King heartily wished for a peace, but it was on condition it should be made after his manner, and in his sense of the word, else he was very averse to it. To be convinced of what I advance, a man needs only consider what the Lord Clarendon says, speaking of the motion made in the Council to summon the Oxford Parliament, which the King scrupled a little. *The King was at first in some apprehension, says that illustrious Historian, that such a confix of persons together of the Parliament, who would look to enjoy the privileges of it in their debates, might, instead of doing him service, do many things contrary to it, and exceedingly apprehended, that they would immediately enter upon some treaty of peace, which would have no effect; yet whilst it was in suspense, would hinder his preparation for war, and though no body more desired peace, yet he had no mind that a multitude should be consulted upon the conditions of it: imagining, that things of the greatest importance, as the giving up persons, and other particulars of honour, would not seem to them of moment enough to continue*

a war in the Kingdom. Hence appears what sort of peace 1643-4. was desired by the King. It was not such a peace as the Oxford Parliament might think reasonable, but a peace whereby he should not be obliged to make any concessions.

But his Council quickly freed him from these apprehensions, by the same method used on the like occasion in the beginning of the war. It was intimated to him, that there was no probability, the two Houses at Westminster would ever treat with the Members that should meet at Oxford, because they would not look upon them under any notion, but as private persons, and deserters of the Parliament. Whereupon the King's scruples vanished. As the Oxford Parliament was entirely directed by the King, and as his Majesty agreed to the proposing a peace to those at Westminster, it may easily be guessed, that in so doing, his intention was not to conclude it, unless both Houses at Westminster would have submitted to his Terms. But the two Houses at Oxford had another view in this proceeding. Namely, to lay a snare for the Parliament at Westminster, and engage them, if possible, to treat with them, which would have been owning them for a Parliament. However, they expected to reap some advantage from their refusal.

A Letter
from the
Parliament
at Oxford to
the Earl of
Effex.
Rushworth,
V. p. 760.
Clarendon,
T. II. p. 339.

To this end, a letter was sent to the Earl of Effex, signed by the Prince of Wales, the Duke of York, forty three Lords; and a hundred and eighteen Members of the House of Commons. In this letter it was said, "That his Majesty having summoned them to attend him at Oxford, they were assembled in obedience to his commands." "That his Majesty was pleased to invite them in the Proclamation of summons, by graciously saying, *His Majesty should see how willing he was, as far as in him lay, to restore the peace of the Kingdom*: That this invitation had not only been made good to them, but seconded by such unquestionable demonstrations of his Majesty's deep sense of the miseries and calamities of his poor Subjects in this unnatural war, and of his most entire and passionate affections to redeem them from that sad and deplorable condition, by all ways possible consistent with his honour, or the future safety of the Kingdom: That as it was *impertinent to question the sincerity of them*, so it was *great want of duty and faithfulness in us*, (his Majesty having vowed to declare that he did call us, to be witnesses of his actions and privy to his intentions) *should we not satisfy and witness to all the world the assurance we have of the piety and sincerity of both*. Adding—That being satisfied of this truth, they had yet hopes to be the happy instruments of their Country's redemption from the miseries of war, and restitution to the Blessings of peace; and were desirous to believe, that his Lordship, howsoever engaged, would co-operate with them in the blessed work, by truly representing to, and industriously promoting with, *those by whom he was trusted* (2), their most earnest desire. That some persons be appointed on either part, to treat of such a peace as may yet redeem their Country from the brink of destruction."

The Earl of Effex returned this short answer, "That the letter he had received, not being addressed to the two Houses of Parliament, nor any acknowledgment of them being therein, he could not communicate it to them: That the maintenance of the Parliament of England, and the privileges thereof, was That for which himself and his whole party were resolved to spend their blood, as being the foundation whereon all the laws and liberties of the Nation were built (3).

Though the Earl of Effex said, he could not communicate the letter to the Parliament, it was known however that his answer had been concerted with a Committee of both Houses, called the Committee of State. Wherefore the King, knowing thereby the intention of both Houses, believed he should run no great hazard by sending them a message, in a letter to the Earl of Effex, directed to the Lords and Commons of Parliament assembled at Westminster. This message contained the usual offers to treat of a peace, and appoint Commissioners, if they would do the like on their part. The King added, he took this step by the advice of the Lords and Commons of Parliament assembled at Oxford. Both Houses easily perceived, the King was laying a snare for them, by putting them under a necessity, either of accepting his offer, in which case they should indirectly own the Lords and Commons assembled at Oxford

The Earl of
Effex's an-
swer.
January 20.
Rushworth,
V. p. 760.
Clarendon,
T. II. p. 340.

(1) The same day the Parliament at Westminster called the Houses, and there appeared two hundred and eighty of their Members, besides a hundred more in the service of the Parliament, in the several Counties; and now they expelled by vote forty Members, who had deserted the Parliament. *Warrick, p. 100.* In the House of Peers, remained only the Earls of Northumberland, Pembroke, Effex, Kent, Lincolne, Rutland, Salisbury, Suffolk, Warwick, Manchester, Aldborough, Donnington, Stamford, Bellingbrooke, The Lords, Say, Danvers, Wharfedale, Grey of Wilkes, Willoughby of Parham, Howard of Effex, Bedford, and Roberts. *Clarendon, Tom. II. p. 160.* The Lords at Oxford, in a Letter (addressed by sixty two of them) say, *There were not above twenty five Peers at Westminster; and the Earls of Arundel and Thanet, the Lords Safford, Sandhope, Coventry, Goring, and Craven, were beyond the Seas; and the Earls of Chesterfield, Westmoreland and the Lord Montagu of Bingham, absent without leave at London.* They add, the House of Peers consisted in all of above an hundred, besides Monks, and Recusant Lords. *Rushworth, Tom. V. p. 521.*

(2) Not calling or allowing them to be the Parliament.

(3) This letter was directed to the Earl of Forth the King's General. With this letter he sent a copy of the Covenant, and the Declaration of both Kingdoms. *Rushworth, Tom. V. p. 307.*

1643-4. for a Parliament, or of rejecting it, and so furnishing him with a reason to upbraid them for refusing to labour for a peace. But they little regarded this artifice, and for answer declared, they would never own the Members who had deserted both Houses for a Parliament, "And here-
upon," added they, we think our selves bound to let you
"Majesty know, that seeing the continuance of this Par-
liament is fettered by a law, (which, as other laws of
"your Kingdoms, your Majesty hath sworn to main-
tain, as we are sworn to our allegiance to your Ma-
jesty, these obligations being reciprocal) we must in du-
ty, and accordingly are resolved, with our lives and
fortunes to defend and preserve the just rights and full
power of this Parliament; and do beseech your Majesty
"to be assured, that your Majesty's royal and hearty con-
currence with us herein, will be the most effectual and
ready means of procuring a firm and lasting peace in
all your Majesty's Dominions, and of begetting a per-
fect understanding between your Majesty and your
People, without which your Majesty's most earnest
Protections, and our most real Intentions concerning the
same must necessarily be frustrated.

I have before shewn, with what thoughts the King proposed a peace to both Houses at *Westminster*, namely, that this general offer would not be accepted, as was easy to foresee. Upon this refusal it was that both Houses at *Oxford* exulted, as if the bare proposal of a peace had been a clear and evident demonstration of their sincere desire to make a reasonable peace. They published upon this occasion a long Declaration, so like those published by the King on the same occasion, that it was not difficult to perceive it flowed from the same fountain. They published also, some time after, another pretending to shew, that the members assembled at *Oxford* had been forced from the Parliament by the threats and outrages of the leading men. In this declaration were repeated all the outrages and artifices used by the chief of the Party, to intimidate such as would not conform to their sentiments, and this, it was pretended, was the sole reason of their being obliged to retire. This was really the King's scheme, but it may be said to be ill grounded. For the members who had deserted the Parliament, had not, for the most part, absented themselves, till long after these pretended outrages, some by the King's own express order, others for fear of being punished for endeavouring to raise commotions against the Parliament. But care was taken not to mention this in the Declaration. After all, supposing some had withdrawn themselves purely out of fear, it is certain, their number came far short of those who retired with the sole view of serving the King. However, they were all confounded in the same class, as having been expressly driven from the Parliament.

Some time after, both Houses at *Westminster* published also a Manifesto, wherein they pretended to shew, that under the specious colour of proposing peace, a snare was laid to engage them tacitly to own that they were not the Parliament, but that the true Parliament was assembled at *Oxford*. They drew their proofs from several letters written from *Oxford* to the Earl of *Essex*, from the expressions in the King's late message, but especially from an intercepted letter from the Lord *Digby*, where he said: "A point which his Majesty may not suffer them to gain, without subverting the grounds and maxims of all his late proceedings against them, and that which he now goes upon by the advice of all his Nobility here, as you will perceive by this inclosed Proclamation (1), upon the effects whereof all the eyes of the Kingdom are fixed. God send them to be as good actuated, as they are in speculation, for I am confident, that in reason it carries probability of the surest and readiest way to a re-establishment of his Majesty in his just Rights and Powers, of any course that hath been yet attempted."

The day before the two Houses at *Oxford* writ to the Earl of *Essex*, to propose a peace, they voted, That the Scots having entered the Kingdom in an hostile manner, had thereby denounced war against *England*, and that all the English who should assist them, should be deemed as traitors and enemies to the State.

March the 12th, the same Houses at *Oxford* voted,
"That the Lords and Commons now remaining at *West-*

minster, are guilty of High-treason, [for raising of 1643-4.
"forces under the command of the Earl of *Essex*] for
"contesting, and being assisting to the present coming in
"of the Scots into *England*, and for counterfeiting the
"Great-Seal." But as votes did no hurt to the Parlia-
ment at *Westminster*, so neither were they of much advan-
tage to the King. He found a more real benefit from them,
with regard to the affair for which the *Oxford* Parliament
was summoned, I mean, the aid of money he expected for
the support of the war.

This Parliament was however greatly embarrassed, how
to give the King an effectual assistance, for that was the
principal affair. If, as the only and true Parliament, they
had laid a general tax, the King would have run the hazard
of meeting great opposition in levying the money, all the
inhabitants of the Counties on his side, not being satisfied
that such a Parliament had a lawful authority. In that
case, he would have been obliged to use force to compel
those that should refuse to pay, which did not suit with his
present circumstances. Another method was therefore ta-
ken, which, doubtless, was suggested by the Court. This
was, to advise the King to borrow one hundred thousand
pounds, of the richest men of his party. To this pur-
pose, the Commons went into their respective Counties, to
take the number of those who were reckoned monied-men,
and make a list, wherein were set down the quality and
ability of each. The Commons being returned to *Oxford*,
with their lists, the taxes were proportioned; after which,
the King writ circular letters to every particular person, to
borrow of one, a hundred pounds, of another, two hun-
dred, promising to repay the same as soon as he was able,
and not forgetting to say in these letters, that this loan, was
by advice of his Parliament (2). Thus, though this Par-
liament did not think themselves sufficiently authorized to
impose a general tax, the particular persons who were rated,
were no less obliged to furnish what was laid on them, since
these loans were made with the advice of both Houses.
The King would have found less advantage in a general
tax, for it was much easier to raise a hundred thousand
pounds upon particular rich men, than upon the whole Na-
tion. Now the point was to procure the King, certainly
and speedily, the money he wanted. Accordingly it was
seen shortly after, that this was the sole motive of choosing
that method; for the *Oxford* Parliament hearing, that both
Houses at *Westminster* had laid a duty upon wine, beer,
ale, and other commodities, which they called an *Excise*,
a word before unheard of in *England* (3), made no scruple
to injoin the like in the Counties where the King's au-
thority was acknowledged.

From that time, nothing remarkable passed in this Par-
liament, which sitting till the 16th of April, was prorogued
to October, and never met again. It served only to pro-
cure the King money, for which it was solely designed,
and to exhibit a spectacle never seen in *England*,
namely, two Parliaments at once, holding their sessions
at the same time.

Three days before the opening of this Parliament, the
Scots army entered *England*, notwithstanding the season,
which it seemed should have hindered their march (4).
The Marquis of *Newcastle* who commanded in the North
for the King, hearing that the bad weather prevented not
his army's advancing towards the borders, began to march
also with his troops, and came to *Newcastle* the 2d of Fe-
bruary (5). The Scots army approaching the town, the Fe-
bruary General ordered it to be summoned; but the summons
had no effect. He staid in those parts all the rest of Fe-
bruary, waiting for his artillery, which was coming by sea.
The 28th of the said month, he passed the *Tyne* at some
distance from *Newcastle* (6); having left on the North side
of the town, six Regiments of Foot, and some Horse, to
keep the garrison in awe. The Marquis being too weak
to venture a battle, contented himself with harassing the
Scots by frequent skirmishes, in order to retard their
march; but at last he thought proper to retire to *Dur-*
ham, where the Scots General followed him, though with
great inconvenience, as he wanted forage for his Horse.

When the Marquis of *Newcastle* marched out of *Dur-*
ham to oppose the Scots, he left the command of the city with a
good body of troops to Colonel *John Bellasis* (?). As soon
as the Lord *Fairfax* was informed, that the Marquis had
departed,

(1) The Proclamation to summon the Members to meet at *Oxford*. Rapin.

(2) These Letters were submitted that I by the advice of the Members of both Houses assembled at *Oxford*.

(3) The Parliament's Ordinance for the Excise, bears date July 25. 1645. It was laid upon Liquors, Groceries, Silks, Linens, Cloths, Furs, and almost all other sort of commodities, imported. That the reader may have a notion of it, it will be proper to mention some of the particulars. Every pound of Tobacco, next of the English plantation, was to pay, over and above all Customs, 4 s., and that of English plantation, 2 s. Every Tun of Wine, retailled, 6 s. And for private use, 5 s. Malaga Raisins, one carrying, per pound. Currants, 2 d. Loaf-Sugar, 4 d. per pound. Cloth of Gold and Silver 8 s., and Tissue 10 s. 1 yerd. Damask Table Linens, 2 s. a yard, &c. It is somewhat strange, that Reynolds has inserted this curious Ordinance in his Collection.

(4) This army consisted of eighteen thousand Foot, three thousand Horse, and between five and six hundred Dragoons. *Amberley* Lt. Col. Earl of *Lein*, was General; *John Boyle*, Lieutenant General of the Foot; and *David Lejce*, Major General of the Horse. *Railworth*, T. 2. p. 405, 406.

(5) The day before the approach of the Scots. *Idem*. p. 613.

(6) At the three several Towns of *Overton*, *Hexham*, and *Atherington*. *Idem*. p. 614.

(7) See the Lord *Fairfax*'s letter.

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1643-4. taken the northern rout, he relieved to march towards York, and to that end, ordered his Son Sir Thomas Fairfax to meet him at a certain place, with the party he commanded, that they might act in conjunction. But *Belshazz* having notice of this design, departed from York with most of the garrison to hinder their junction, and posted himself at *Selby*. A few days after, the Lord Fairfax, having taken a great circuit, to deceive the vigilance of the enemy, and joining his Son, suddenly attacked *Selby*, [with about four thousand men,] where *Belshazz* lay with fifteen hundred Horse, and eighteen hundred Foot, forced the town, took the Colonel prisoner, with sixteen hundred of his men, and killed a great number.

The Marquis of Newcastle heard this sad news at Durham, the Scots being then within two miles of the place. He immediately feared, that the Lord Fairfax, after his victory, would attack York, or at least, march directly towards Durham, to put himself between the two armies. For this reason, he suddenly resolved to retire to York, as well to secure himself, as that city, which otherwise would have been in great danger.

1644. It soon appeared, that the Marquis had taken this resolution very seasonably, for, the 10th of April, that is, nine days after the *Selby* fight (1), the Lord Fairfax joined the Scots at Tadcaster, whence the two Generals resolved to go and besiege York. But as that city was too large to be invested on all sides by the two armies, particularly towards the river, over which the Marquis had made a bridge of boats (2), they desired the Earl of Manchester, General of the forces of the eastern associated Counties, to advance to this siege. Till the arrival of the Earl of Manchester, the two Generals held the city blocked up to the southward of the river Ouse. I shall interrupt for a moment, the account of the siege of York, to speak of the ill success of the Parliament's arms at Newark.

Whilst the Marquis of Newcastle was in the North observing the Scotch army, the Lord Willoughby of Parham, and Sir John Meldrum, with above five thousand men of the Parliament-forces, besieged Newark, a considerable town in Nottinghamshire, where the King had placed a garrison. As soon as the King knew it, he sent orders to Prince Rupert, to endeavour to relieve the place. The Prince being then at Chester, put himself immediately upon the march, and being joined by other troops, made a body of seven thousand men, with which he advanced towards Newark. Meldrum, who commanded alone at the siege, the Lord Willoughby being gone elsewhere, resolved to fight the Prince, and to that purpose drew up his forces at a little distance from the town. The 21st of March there was a sharp conflict, particularly at a bridge, by which Meldrum had resolved to retreat in case of need. The bridge was vigorously attacked, and as bravely defended. Mean while, after the fight was over, Meldrum finding himself too weak to renew it the next day, resolved to retreat over the bridge in the night. But he found the guard he had left there had deserted, and the bridge in the possession of the enemies (3). So, not being able to retreat, and perceiving himself surrounded with the King's forces, Meldrum sent a trumpet to the Prince for a parley. It was agreed, that the foot should march away with their swords, colours, and drums; and all officers with their arms, horses, and baggage; and the troopers and dragoons, with their swords, horses, and colours. But he was forced to deliver all his ordnance and ammunition with about three thousand muskets.

The Prince, after this expedition, which gained him great honour, returned into Shropshire, and from thence into Lancashire, to relieve the Countess of Derby, who for the space of eighteen weeks was besieged in Latham-House, and made a gallant defense against a body of two thousand men (4). In his way to Latham, the Prince took by storm Stepworth, a small town in Cheshire. Whilst he was advancing towards Latham, the besiegers raised the Siege, and part of them under the command of Colonel Rigby, went and reinforced the garrison of Bolton in Lancashire, which was in great danger. The Prince

purposed them, and without giving them time to come to themselves, took the town by storm (5).

After that, he attacked Liverpool, a sea port-town on the edge of Cheshire, where those who pass into Ireland generally embark. The Governor, Colonel Mars, after some resistance, conveyed on board the ships in the Port most part of his soldiers (6), and the richest goods in the town, and then the Prince entered with little opposition. Here he received a Letter from the King, ordering him to march with all speed to the relief of York, which was now besieged. The King said to him in this letter, that his affairs were in a very ill state, that it would not be enough, though his Highness raised the siege of York, if he had not likewise beaten the Scotch army; which words induced the Prince to fight a battle that proved very fatal to the King.

I left York blocked up by the English and Scotch armies, commanded by the Lord Fairfax and the Earl of Leven, till the Earl of Manchester should join them. The Earl of Manchester was General of the seven eastern associated Counties, who had raised an army of fourteen thousand Horse, Foot, and Dragoons. With this army, the Earl of Manchester had already done the Parliament great service. In the last campaign he had taken the town of Lynn, and in the beginning of this, had possessed himself of Lincoln. As several of the leading Members of Parliament thought of putting him in the Earl of Essex's place, occasion was taken from the services he had performed, to make a constant provision for his army. To that end, by an ordinance of both Houses, May the 15th 1644, each of the seven associated Counties were charged and rated at such a weekly sum for the maintenance of his army (7); after which, he received orders to join the two other armies, to besiege York together. The Parliament had also taken care for the subsistence of the Earl of Essex's (8) and Sir William Waller's armies; so that in May, they had five armies on foot, besides the troops dispersed in several Counties, and in garriſon.

Before the Marquis of Newcastle was blocked up in York, he had sent General Goring with four thousand Horse, to ravage the parts in subjection to the Parliament. Wherefore, the Earl of Manchester detached likewise these thousand Horse, which were joined by two thousand, from the Scots before York, to wait the motion of Goring. The Earl of Manchester therefore joined the two armies only with his Foot, and some few Horse (9), and presently after the junction, the Siege of York was begun. The Marquis of Newcastle had sent the King word, that he hoped to hold out six weeks or two months, and besought him to think in the mean time how to relieve him. To retard, as much as possible, the progress of the siege, he made overtures for a treaty, but on such conditions as he knew would not be granted. Nevertheless he gained seven or eight days by this artifice, so that the cessation he had obtained, did not expire till the 15th of June. On the 24th, he failed out, and furiously attacked the Earl of Manchester's Leaguer; but after a sharp conflict, was repulsed with loss.

On Sunday the 30th of June, the besiegers had certain notice, that Prince Rupert was advancing at the head of an army, [of near twenty thousand men,] which had greatly increased in their march, as well by the troops drawn from several garrisons, as by Goring's Horse, who had joined V. p. 631. them, so that this army was not inferior to the three armies employed in the siege. The three Generals, after a short consultation, thought it advisable to raise the siege, and join their armies, whether, as some affirm, with design to give battle, or to avoid it, as others pretend. Be this as Warwick it will, they posted themselves on Marston-Moor, [about five miles from York.] But though indeed Prince Rupert must have passed that way to come at them with his army, they left however two sides of York open, that provisions and ammunition, and even troops by small parties might be conveyed in. If the Prince's design had been only to relieve York, he had already effected it, and had only to remain in his post, and keep the enemies at a bay, till all

(1) *Rapin* is mistaken here in the time, but the error is corrected in the Translation. *Rapin* wrote, Tom. 5. p. 618, 620.

(2) The case was this: The Marquis having a great strength of Horse, and the advantage of a Bridge over the river, could easily transport them to a third place in a short time: So that if the Besiegers desired their force, the river being between them, he might fall on the weaker, and the rest would not be able to relieve them. The river Ouse runs North and South quite through the City, divided into two parts, which are joined by a stone bridge. *Idem* p. 620.

(3) *Rapin* has confounded here two Bridges. The Bridge that was attacked was a Bridge of Boats, over which *Meldrum's* Horse were drawn by his order into the Island. This Bridge Prince *Rupert* endeavouring to recover, but was repulsed. The other was *Marston Bridge*, over which he designed to retreat, but the General desisting broke it down. *Idem* p. 307.

(4) In a body, May 6, the Besiegers slew near three hundred of the Besiegers. *Mercat. Relig.*

(5) *Rapin* says, the Prince's soldiers, (consisting of ten thousand, or upwards) rushed into the town, and put great numbers to the sword, twelve hundred, by their own confusion; despoiling for some miles round, and spoiling all they met, burning quarters, &c. the townsmen killed afterwards; and killing other violence. *Idem* totally phantoms the town, and slaying four Ministers. Colonel *Rigby* escaped to Bradford. *Rapin* wrote, Tom. 5. p. 623.

(6) With his best Ordnance, Arms, and Ammunition. *Idem* p. 624.

(7) On Essex, the weekly sum of 1687*l.* 20*s.* On Suffolk, 1875*l.* On Norfolk, and the City of Norwich, 1875*l.* On Hertfordshire, 67*l.* On Cambridgeshire, 65*l.* 10*s.* On Huntingdonshire, 320*l.* On Lincolnshire, 1187*l.* 15*s.* On the City of Ely, 261*l.* 5*s.* *Rapin*, by mistake, calls it a monthly sum. *Idem* p. 624.

(8) His army, by Ordinance, was to consist of seven Regiments of Foot, each of a thousand Soldiers, divided into a 2*do* Companies; and the General's own Regiment of fifteen hundred, divided into twelve Companies; and of six Regiments of Horse, each of five hundred & 200; 7*do* Regiments, & 4000 men for Troops. *Idem* p. 631. *Rapin* wrote, Tom. 5. p. 633. The maintenance of this army cost, in the year 1644, above a million of money. And the charge of the Army had been, 240,000*l.* the year 1645. *Dugdale's Stone* p. 103.

(9) With about six hundred Foot, a hundred Horse, and twelve Equestr.

Rapin wrote, Tom. 5. p. 624.

1644.
The Prince
comes to
York.

From the
Marquis
haughtily
replies to
Horse.
Line of the
Duke of
Newcastle,
p. 46.
Rothworth,
v. p. 612.

necessaries had been sent into the city (1). But that same day, coming to York with a guard of two hundred Horse, he conferred with the Marquis of Newcastle, or rather signified to him, that he intended to fight, according to his Majesty's express orders. As the Prince was extremely haughty, he made not the least compliment to the Marquis, upon the authority he assumed, in resolving to give battle, contrary to the Marquis's opinion, who maintained, it was by no means requisite in the present juncture, and the rather, as he expected five thousand men, who were coming from the North to his assistance. Moreover, the Prince made no scruple to command, without saying any thing to the Marquis, the forces in York to be ready to join him next morning in order to engage. And yet, these forces had been levied by the Marquis, and ever commanded with great reputation. Besides, the Marquis's birth and merit seemed to require a greater regard from the Prince. Perhaps it never came into the Marquis's thoughts to desire a fight of the King's express order, or else he believed it to be an affront to the Prince, to show the least doubt of such an order. However this be, he told him, he was ready to obey his Highness in all things, who might dispose of his troops as he pleased, and for his own part, would be contented to charge in the battle as volunteer. His dissatisfactions were further increased, when having asked the Prince, what service he would be pleased to command him, the Prince answered him, he would begin no action upon the enemy till early the next morning, and desired him to repose himself till then. Thus, the Prince had the sole management of the intended battle, without consulting the Marquis any more. Though he had ordered his forces in York to come and join his army, it does not appear that he had assigned any command or post, to the Marquis of Newcastle, perhaps, because he said, he would be in the battle as a volunteer. It cannot be denied, this behaviour was very severe to a Lord, who had always shewn for the King, a zeal and affection not to be surpassed, nor perhaps equalled.

The Parlia-
ment Com-
missioners
to the
King, p. 612.
—614.

The Prince
comes thence
to 1644.

In the night, the three Parliament-Generals having considered, that the place was relieved, and thinking, Prince Rupert had no farther design than to lay in provisions, resolved to march to Tadcaster, Cavendish, and Selby, as well to preserve the *East-Riding*, as to hinder the furnishing of York with provisions from thence. Accordingly they began their march early in the morning, the Scots leading the van. But about nine o'clock they had intelligence, that the Prince was approaching with his army, and indeed he was advanced with five thousand Horse, near their rear. Whereupon they were obliged to draw up speedily, and call back their van, which made all possible haste to re-join them. Fortunately for them, the Foot which the Prince had drawn out of York, could not come up with his army till noon, and this gave the Scots time to re-join the rest of their army, which they had left in the morning. The armies were both drawn up about two in the afternoon. But there was between them a deep and large ditch, which neither cared to pass, for fear of giving the enemy too great an advantage. For this reason, they stood looking upon one another above two hours, each expecting the other to begin the charge.

Barth of
Marston
m. m.
July 25.
Rothworth,
v. p. 613.
—615.
Clarendon,
II. p. 188.
The Scots
March.

Prince Rupert himself headed the Left-wing (2), consisting of five thousand Horse. The Right-wing was commanded by Sir Charles Lucas, with Colonel Hurry, and the main body by General Gering. It does not appear, that the Marquis of Newcastle had any command in this action. The Parliament's right-wing opposite to Prince Rupert, was led by Sir Thomas Fairfax, the left by the Earl of Manchester, assisted by his Lieutenant General Oliver Cromwell. In the main battalia towards the right was the Lord Fairfax, and General Leven towards the left. At last, between six and seven in the evening, the Parliament-Generals gave the Signal, and marched to the enemies. I shall not undertake to describe this battle, because in all the accounts I have seen, I meet with so little order and clearness, that I cannot expect to give a satisfactory idea of it, to such of my Readers as understand these matters. I shall content my self with relating one re-

markable circumstance, besides the success in general. The left-wing of the King's army, commanded by Prince Rupert, was entirely routed by the Parliament's right-wing, whilst the King's right-wing had the same advantage over the left of the Parliament. The two victorious wings, after chasing their enemies, returned to the field of battle, and, I know not by what accident, met face to face, so that each stood on the same ground that the enemy possessed at the beginning of the battle. Here the fight was renewed, and maintained on both sides with great warmth and vigour, till at last night approaching, the King's Horse were put to flight, and pursued as long as day would permit. It was probably at this time that the Prince's Foot were also routed. I say, probably, because in the description of this battle, it does not appear what the Foot did. But this is not the only time that we are left in the dark, when we read in Histories the descriptions of battles. They are generally made by persons who have not the least tincture of the art of war, and who by dwelling upon some frivolous circumstances, pass over those that might give the intelligent Reader clear ideas. It suffices therefore to say, that the Prince's army was pursued within a mile of York, where they retired in the night. The Countrymen who were commanded to bury the dead, gave out that they interred four thousand one hundred and fifty bodies. It was reported that three thousand of the Prince's men were killed. But the Conquerors affirmed, they lost not above three hundred (3).

1644.
The Prince's
army is
routed.
Rothworth,
v. p. 615.

Though Prince Rupert had always been victorious where he had commanded in chief, it is not very surprising that he should once be defeated; this is a misfortune incident to the greatest Generals. But his resolution to retire next day with his army, must needs appear very strange. His Horse had not suffered much, because they had taken to flight betimes, at least those of the left-wing, commanded by himself, and his foot were also in good condition, the greatest form having fallen on the Marquis of Newcastle's. He might therefore have defended York, and waited the King's orders upon this fatal accident. So, this extraordinary resolution can scarce be imputed but to an excessive shame and indignation, which hindered him from considering how prejudicial it would be to the King his Uncle's affairs. He sent the Marquis of Newcastle notice of his design, just as the Marquis was sending him word, that he was instantly going to quit the Kingdom. They both put their resolutions in practice. The Marquis repaired that very day to Scarborough, and embarked for Hamburg (4), and the Prince left York, and marched towards Chester with the remains of his army. It is easy to guess why the Marquis of Newcastle quitted the King's service, after having been so unworthily treated by Prince Rupert. He believed doubtless, he could not with honour resume his former command, having been deemed incapable to serve the King on so important an occasion. Nay, very probably, he imagined, the Prince would not have behaved to him in so haughty and rude a manner, if he had not thought he should be avowed. Nevertheless, the Prince could afterwards produce in his vindication only the King's letter above-mentioned, which he understood in a sense the King himself had never thought of (5). It may therefore be affirmed, that his committing so many errors one after another, was entirely owing to his excessive haughtiness.

1644.
The Prince's
army is
routed.
Rothworth,
v. p. 615.

The Parliament Generals improved their victory, and the dissolution of their enemies. They returned to their posts before York, which was left to the discretion of Sir Thomas Glanville the Governor, who seeing himself unable long to resist, surrendered this important place upon honorable terms. They were no sooner in possession of York, but the three armies separated. The Lord Fairfax with his forces remained at York, as Governor. The Earl of Manchester marched towards Lincoln, not to be remote, without necessity, from the associated Counties, whose troops he commanded. The Earl of Leven with the Scotch army marched northward to join the Earl of Calendar, who was advancing with a strong reinforcement from Scotland. When these forces were joined, he laid siege to

The taking
of York.
July 25.
Rothworth,
v. p. 613.
Clarendon,
II. p. 188.
The three
armies se-
parated.
Rothworth,
v. p. 615.

The Scots
take New-
castle.
1644.

(1) *William Oliver*, That if the Prince could have been contented with relieving York, and retreated, as he might have done, without fighting, the reputation he had gained, would have caused his army to increase like the rolling of a snow ball. Tom. 1. p. 125.

(2) *Rothworth* says, the Prince led the right Wing, and Sir Charles Lucas the left. And that the Earl of Manchester and Cromwell commanded the left of the Enemy. The King's troops consisted of fourteen thousand Foot, nine thousand Horse, and about twenty five pieces of Ordnance. The Parliament's army did not exceed that number. *Oliver Cromwell* was hard pressed by the Prince's Horse, and wounded above the shoulders, but at length he broke through. *Rothworth*, Tom. 5. p. 613, 614. The Lord Hollar affirms, that *Oliver* behaved in this battle, in a very cowardly manner; and that those who did thus most service, were, the Major-General *Lady and Cromwell*, and Sir Thomas Fairfax. *Arm. p. 55.*

(3) Sir Charles Lucas, Major-General Porter, Major-General Digby, and the Lord Goring's Son were among the Prisoners. There were about a hundred other officers taken, and fifteen hundred Soldiers, twenty five pieces of Ordnance, a hundred and thirty barrels of powder, several thousands of Arms, and about a hundred Colours. *Widdich, p. 94.* Others say, there were about four thousand taken Prisoners, and as many slain on the King's party; the whole of both armies amounted to near nine thousand men. *Commons Hist. p. 50.* Among the Colors were Prince Rupert's standard, with the Arms of the Parliament, and a red Cross in the middle; a yellow Comet, in the middle; a Lion Courant, and behind him a Mullet, forming a swastika at him, and in a label from his mouth written, *Kimbley* at his feet little beggars, and before their mouths written, *Pym, Pym, Pym* and out of the Lion's mouth these words proceeded, — *Resque tandem subire Potestatem* infra P. *Rothworth*, Tom. 5. p. 615.

(4) With him went his two Sons, *Charles Viscount Manchester*, and *Henry Lord Goring*; his Brother Sir Charles Goring; Dr. *Brandel Bishop of London*; the Lord *Falkenberg*; the Lord *Widdich*; the Earl of *Slingsby*; the Lord *Gomara*; and Sir *William Curwys*. On the 8th of July they arrived at Hamburg. The Marquis came no more to England, till after the Restoration of Charles II. *Iam. p. 617.*

(5) This letter was produced only to his friends, and after the King's death. *Clarendon*, Tom. 2. p. 190.

the King, which surrendered at discretion about the end of the year (1). Thus the Battle of *Marston-moor* left the King, on the north, which hitherto had given the Parliament a powerful diversion. But this was not all the King had the King had to fear. There was danger of the three victorious armies joining in the heart of the Kingdom, those of the Earl of *Essex* and Sir *William Waller*, and of their taking at once all the places which were still in the King's power. This was the more to be feared, as when he heard of the defeat of his army at *Marston-moor*, he was much inclined to the relief of the West, where the King's forces then was with an army, which the King's forces in these parts were not able to withstand. This is what I must now explain, and withal speak of what passed at *Oxford*, whilst the northern armies were in action.

The Parliament seem by their extraordinary preparations in the beginning of the year 1644, to have intended to put a speedy conclusion to the war. Besides, the armies of the Lord *Fairfax* and *Scotland*, and that of the Earl of *Manchester*, which was paid by the eastern Counties, a new regulation was made the latter end of *March*, for the maintenance of seven thousand five hundred foot, and three thousand horse, to be commanded by the Earl of *Essex*. At the same time, by another ordinance, the four southern affiliated Counties, namely, *Kent*, *Suffolk*, *Surrey*, and *Hampshire* were to maintain an army of three thousand six hundred foot, twelve hundred horse, and five hundred Dragoons, under the command of Sir *William Waller*. These were not new armies, they subsisted before the regulation; but the point was to recruit them, complete the number fixed by the Parliament, and settle the necessary weekly payment of their subsistence money (2).

Though Sir *William Waller* was worsted at the battle of *Round-way-Down*, the two Houses, far from losing their esteem for him, resolved to send him into the West, with an army capable of withstanding Prince *Maurice*, who found no farther opposition in those parts. The King having notice of this design, resolved to endeavour not only to hinder *Waller's* march into the West, but also to break the association of the four southern Counties, where he had many friends, and even hoped to procure an association of these Counties in his favour. To that purpose, he gave the Lord *Hopton* (3), an army consisting of troops drawn out of several garrisons, and of two Regiments of foot lately arrived to *Bristol* from *Ireland* (4). As soon as these forces were assembled, the Lord *Hopton* posted himself at *Winchester*, where Sir *John Berkley* brought him two regiments newly raised by him in *Devonshire*, and the King sent him a detachment of a thousand men commanded by Sir *Jacob Astley*. All these forces together made an army of four thousand foot, and fifteen hundred horse (5), with which he resolved to march into *Suffolk*. *Waller*, who was then quartered about *Farnham*, assembled his troops and faced the enemy; but after some slight skirmishes, he retired into *Farnham* Castle, from whence he took a journey to *London*, to represent to the Parliament his want of supplies, without which it would not be possible to perform what had been enjoined him.

Immediately after *Waller's* departure for *London*, the Lord *Hopton* marched with part of his army to attack *Arundel* Castle, which was surrendered under terms. But hearing a few days after, that *Waller* was returned to *Farnham* with a strong reinforcement, he rejoined the rest of his army.

Waller's journey to *London* answered his expectation. Besides a brigade of *Londoners* under Major-General *Bromes*, he procured an order of Parliament to the Earl of *Essex*, to send him from his army a thousand horse under the command of Sir *William Balfour*. He was no sooner returned to *Farnham* with these supplies, but he marched all night, and at break of day beat up one of the Lord *Hopton's* quarters at *Alton*, and carried away prisoners Colonel *Beler's* regiment of foot (6); a troop or two of horse, which were in the same quarters, having betimes taken to flight. Then he marched directly to *Arundel* Castle, and made the garrison prisoners. Here the learned Mr. *Gillingworth* was taken, and died within few days.

The King hearing of the supplies given to *Waller*, sent a reinforcement to the Lord *Hopton*. The Earl of *Forth*, the King's General (7), would go himself, but refused the command which the Lord *Hopton* offered to resign to him.

The Lord *Hopton* having then an army of about eight thousand men, resolved to give *Waller* battle, and began his march with that intent, at the very time *Waller* was advancing towards him with the same resolution. The two armies met between *Farnham* and *Winchester* on *Christen-Down* near *Alresford*, where the battle was fought the 29th of *March*. The Lord *Hopton* was defeated and forced to retire to *Reading*, and afterwards to *Oxford* (8). *Waller* marched to *Winchester*, and became master of the city, but did not think proper to besiege the Castle, [which was his own inheritance] because he had elsewhere more important affairs, as will be seen presently. The Lord *Clarendon* pretends, the loss sustained by *Waller* at *Alresford* hindered him from improving his advantage, and marching into the West, as he had resolved. But it may be affirmed, this was not the thing that prevented his taking the western route. It was rather owing to the Parliament's resolutions, by whom he was recalled to *London*, after having dismissed the auxiliary regiments of that City, and *Kent*, which were also come to join with him.

Both Houses perceiving, that by the King's late loss at *Alresford*, his army was discouraged and considerably lessened; that moreover, they had sufficient forces in the North to have nothing to fear from the Marquis of *Newcastle*, who was shut up in *York*, resolved to besiege *Oxford*, where the King was with his army. So, having relinquished, or suspended, the design of sending *Waller* into the West, they laboured with all possible diligence, to put the two armies of *Essex* and *Waller* upon the foot settled by their ordinance, that they might act together against *Oxford*.

The King had ever imagined, that *Waller's* design was to march towards the western parts. For which reason he had assembled his forces at *Marlborough*, and afterwards posted himself at *Newbury*, where he had remained some time, till he could better discover the designs of his enemies. But having at length found, the Parliament had altered their measures, he came to *Reading*, and caused the fortifications to be demolished, in order to strengthen his army with the garrison, consisting of two thousand five hundred men. He also ordered Prince *Rupert* to come and join him; but afterwards permitted him to relieve *Latham* House, where the Countess of *Dorset* was besieged. With the *Reading* garrison, his army was increased to eight thousand five hundred foot, and four thousand horse. But being still ignorant of the designs of his enemies, he thought proper to retire to *Oxford* with his whole army.

Mean while, the Parliament, who had for some time found means to take their resolutions with more secrecy than formerly, perceiving the two armies of *Essex* and *Waller* ready to march, sent to each a supply of four thousand two hundred of the trained-bands of *London*. So, the Earl of *Essex's* army consisted of twelve thousand foot, and three thousand horse; and *Waller's* of seven thousand foot, and fifteen hundred horse and Dragoons. These two Generals had orders to march separately, and besiege *Oxford*, if the King remained there; but if he went from thence, the Earl of *Essex* was ordered to follow him with his army, and *Waller* to march into the West, according to the first project. They departed from *London*, the 14th and 15th of *May*, to put themselves at the head of their respective armies, and immediately marched towards *Oxford*.

The King had posted almost all his Infantry at *Abington*, in order to stop the enemies, and have time to consider what measures he should take, in case they really intended to besiege *Oxford*, which he still questioned. As *Abington* could not be easily defended but on the East-side, and he was unwilling to run any unnecessary hazard, he had ordered General *Wilmot* to make a vigorous defence, if attacked on that side, but if on the west from *Hantage* and *Farrington*, to relinquish the place. But whether the order was not clear and full, or for some other reason, *Wilmot*, at the enemies approach, [on the East-side] immediately retired to *Oxford*, and the Earl of *Essex* instantly entered *Abington*. The King perceiving the siege of *Oxford* was relieved, had but one way to hinder it, which was to defend the passes of the Rivers *Isis* and *Cherwell*, which run on the West and East-sides of the City, and to that end he quartered his horse near the *Isis*, and his foot towards the *Cherwell*. As the motions of the Parliament armies

(1) It was taken by storm, October 19. *Rushworth*, Tom. 3. p. 630.—The Earl of *Manchester* took also *Sheffield* Castle, and five other places. *Ibid.* p. 625.

(2) For the maintenance of this army, and a suitable train of Artillery, with other incident charges, there was to be monthly £10,000 paid out of state. Besides, the sum of thirty thousand, five hundred and four pounds.—And, besides the money arising from the forfeited Estates in *Hampshire* and *Wiltshire*, the weekly sum of 25,000, was to be levied in the four affiliated Counties for *Waller's* army. *Rushworth*, Tom. 5. p. 613.

(3) See *Ralph Hopton* was created Lord *Hopton of Stratton*, Sept. 4. 1643, at *Oxford*, through by mistake, *Rippon* still calls him *Charles* *Rippon*. *Clarendon*, Tom. 2. p. 561.

(4) Upon this command of Sir *Charles Foulke*, some few *Parsons*. *Clarendon*, Tom. 2. p. 561.

(5) *Rushworth* says, that he and the Earl of *Forth* had drawn together an army of thirteen or fourteen thousand men. Tom. 5. p. 614.

(6) The Colonel retired with his men into the Church, but had not time to burn the doors. So, the enemy entering with him, his Soldiers threw down their arms, and asked quarter, which was also refused to the Colonel, who retreating it, was killed. *Clarendon*, Tom. 2. p. 265.

(7) Early made Earl of *Borough*.

(8) In this battle, on the King's side, fell the Lord *J. de Grey*, Brother to the Duke of *Rutland*, and Sir *J. de Smith* a Peer, Brother to the Duke of *Gloucester*. *Clarendon*, Tom. 2. p. 267.

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entirely proceed from the situation of *Oxford* and the adjacent Country; and as, without this knowledge, scarce any thing would be intelligible, I shall pass over the particulars which to me seem not absolutely necessary, and content myself with saying, that *Waller* found means at last to gain the pass at *Newbridge* over the *Ips*, which enabled him to fall upon the rear of the King's foot that were defending the *Cherwell* (1). Whereupon the King drew all his forces into *Oxford* and to the North of the City, with thoughts at the same time of providing for the safety of his person, not judging it proper to suffer himself to be shut up. There was no time to lose, for the King's troops were hardly retired, when the Earl of *Essex* passed the *Cherwell* at *Gfworth* bridge with his army. So the King giving orders to his Horse, and a small body of Foot, to wait for him at such a place, left *Oxford* the 3d of *June* about nine o'clock at night, and safely passed between the two Parliament armies (2). He was out of all danger of pursuit before the news of his retreat reached the enemies, and came at length [on *June* 6.] to *Worcester*, after having endured a great fatigue.

The two Generals were extremely surprized, when they heard the King had escaped them. But it was too late to hope to overtake him. Mean while, the city of *Oxford* being well-stored with provisions and ammunition, and the King having left there almost all his Foot, they did not think fit to besiege it, and the rather, as they had no orders to do it, unless the King remained there. The Parliament's intention was, that in case the King quitted *Oxford*, the Earl of *Essex* should follow him with his army; and *Waller* with his, take care of the affairs of the West.

The Earl marched into the West, contrary to the Parliament's orders. Clarendon, T. II. p. 378. Rushworth, V. p. 674.

M. p. 682. Clarendon, T. II. p. 379.

The Queen retired into France. Rushworth, V. p. 669. — 684. Clarendon, T. II. p. 369. 374.

July 14.

Prince Maurice raised the Siege of Lyme, and retired to Exeter. Rushworth, V. p. 665. 677—682.

Essex's progress in the West. Clarendon, T. II. p. 381. 382.

cure *Barnstable*; but the inhabitants that the gates against them, and immediately sent to the Earl of *Essex*, to come and take possession of the town, which was done accordingly by the Lord *Roberts*. Here was taken Captain *Hastard*, who having been formerly Lieutenant to Captain *Pym*, had deferred, with nineteen troopers, to the King's party, for which being now tried by a Council of War, he was condemned and executed. Upon this, Prince *Maurice* caused to be hanged *Turpin*, a Sea-captain, taken prisoner in attempting to relieve *Exeter*, when the Earl of *Stafford* was besieged in it. He being indicted for levying arms against the King, was by the Judges, *Heath*, *Forster*, *Banks*, and *Serjeant Glanvil*, condemn'd, with death reprieved, by reason of the consequences. The Parliament was very much incensed at this reprieve, considering the difference between a prisoner of war, and a deserter. Wherefore having *Serjeant Glanvil* in their custody, who had lately quitted the King's party, and returned to *London*, they ordered him to be impeached of High-Treason. Soon after, the King's party caused fourteen Cloisters to be hanged at *Woburn* in *Hampshire* (5), and the Parliament ordered eight *Irishmen* to be executed, who had been taken prisoners in some action. These are the sad effects of civil wars. These executions gave occasion to the Parliament, in *August* following, to erect a Court-martial, to which were given very severe instructions, chiefly with respect to deserters. About the middle of *July*, *Taunton-Drain* was taken for the Parliament, by a party of the garrison of *Lyne* (6).

I am obliged for a time, to break off the narrative of the affairs of the West, to relate what the King did after his happy escape from *Oxford*.

He arrived the 6th of *June* at *Worcester* with his little army; but staid there only a few days, hearing *Waller* was marching that way. When he quitted *Worcester*, he made several marches and counter-marches (7), to deceive the vigilance of his enemy, not being strong enough to venture to expect him. At last, having made a shew of marching towards *Shrewsbury*, *Waller* doubted not but his design was to join *Prince Rupert*, who was still in those parts. For this was before the battle of *Marston*, and he thought it therefore very important to march slowly, and post himself between the King and *Shrewsbury*, in order to hinder his joining with the Prince. The King was very glad to have deceived *Waller*. As soon as he knew *Waller* expected him upon that rout, he feigned to take it indeed, but suddenly turning about, instead of continuing his march towards *Shrewsbury*, took the road to *Oxford*, and left *Waller* in his post, without any possibility of overtaking him. When he came near *Oxford*, he was joined by the rest of his army, which he had left there when he quitted that city. Then, no longer fearing *Waller*, since he was stronger than he, he went and quartered in *Buckinghamshire*, without any other design than to give the enemy battle, if there was occasion.

Waller having been thus circumvented, approached the King however, and at length the two armies were in sight, with the river *Cherwell* between them. *Waller* drew up on a very advantageous ground, imagining the King would pass the river to attack him, and thereby furnish him with an opportunity to fight with advantage. But the King, to draw him from his post, feigned to march northward, and accordingly advanced into *Northamptonshire*, leaving a strong guard at *Croft* bridge, to hinder the enemies from passing, and following him in the rear. Whilst he was marching, he had intelligence, there was a body of three hundred Horse going to join *Waller*, within two miles of the van of his army, and was told they might be easily cut off, if the army moved faster. Whereupon orders were sent to the van, and main body, to advance faster. As soon as *Waller* perceived there was a great distance between the King's rear, and the rest of his army, he detached a thousand Horse, to pass the river at a ford, a mile below, and himself, with fifteen hundred Horse, one thousand Foot, and eleven pieces of cannon, attacked *Croft* bridge, took it, and passed his troops. Which done, he fell upon the King's rear, but was repulsed, with loss of many of his Men, and part of his cannon. This is all that can be gathered with any clearness, from the accounts of this battle (8). The detachment, which, I said, passed

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Capitaine Hastings, who had been formerly Lieutenant to Captain Pym, had deferred, with nineteen troopers, to the King's party, for which being now tried by a Council of War, he was condemned and executed. Upon this, Prince Maurice caused to be hanged Turpin, a Sea-captain, taken prisoner in attempting to relieve Exeter, when the Earl of Stafford was besieged in it. He being indicted for levying arms against the King, was by the Judges, Heath, Forster, Banks, and Serjeant Glanvil, condemn'd, with death reprieved, by reason of the consequences. The Parliament was very much incensed at this reprieve, considering the difference between a prisoner of war, and a deserter. Wherefore having Serjeant Glanvil in their custody, who had lately quitted the King's party, and returned to London, they ordered him to be impeached of High-Treason. Soon after, the King's party caused fourteen Cloisters to be hanged at Woburn in Hampshire (5), and the Parliament ordered eight Irishmen to be executed, who had been taken prisoners in some action. These are the sad effects of civil wars. These executions gave occasion to the Parliament, in August following, to erect a Court-martial, to which were given very severe instructions, chiefly with respect to deserters. About the middle of July, Taunton-Drain was taken for the Parliament, by a party of the garrison of Lyne (6).

L. p. 685. Rushworth, V. p. 686. Id. p. 687.

The King's march after his flight from Oxford. Id. p. 674.

Waller's march after him. Id. p. 674. Clarendon, T. II. p. 379. — 381.

The fight at Croft Bridge. Rushworth, V. p. 676. Clarendon, T. II. p. 384. Whitelocke.

(1) The Lord *Clarendon* says, he might have brought over all his army, and fallen upon the King's rear: not, that he did. Tom. II. p. 376.

(2) He went that night to *St. Peter's* at *Northey*, where next morning he drew up his army, and went that afternoon to *Barnes* on the *Water*, where he lodged at *Dr. Temple's* the Prince's Chaplain. On the 5th he marched to *Evgham*, and on *Thursday* the 6th to the City of *Windsor*. *Rushworth*, Tom. V. p. 671.

(3) There was a Committee of both Kingdoms residing at *London*, for the carrying on the war. There was usually a Committee of the Parliament in the armies likewise.

(4) She desired at last a safe-conduct, to go to *Bath* for her health. *Rushworth*, Tom. V. p. 684.

(5) One of the Cloisters overtook his battery, desired, that what he had suffered might be accepted, or else, that he might fight against any two for his life. But he was hanged up again. *London*, Tom. I. p. 120.

(6) They were led on by *Sir Robert Pye*, and Colonel *Blake*. *Rushworth*, Tom. V. p. 685.

(7) *June* 12, he marched from *Worcester* to *Bradley*; the 14th, he advanced along the *Strent* towards *Brighthelm*, but returned the same day to *Worcester*; the 16th, he marched thence to *Bradley*; and the next day came to *Worcester*. *Idem*, p. 674, 675.

(8) On the King's side were *Sir William Balfour*, and *Sir William Carb*, two *Scottish* Knights; and the Lord *Wilmot* was wounded. *Rushworth*, Tom. V. p. 676. *Whitelocke* says, Colonel *Middleton* being dismounted, the Royals taking him to be one of the Commanders, mounted him again, wishing him to make haste and kill a Round-head, by which means he escaped. *Idem*, p. 595.

1644. as the Parliament was prosperous. But he flattered himself with the hopes, that after so great a misfortune, his enemies would gladly accept his offers, and insist no longer upon terms he was fully resolved not to grant. In this belief, he sent from *Tewkesbury* a fresh message to both Houses, with offers of peace, and annexed to it a duplicate of his former message from *Exeter*. This message was so worded, that he seemed out of pure moderation to offer, after his victory, to be content with having, by a peace, what he was in condition to obtain by force of arms. But if notice be taken of what I before said, to explain what is to be understood by the peace offered by the King, it will be found, that through an excess of modesty, moderation, and affection for his people, he would be fatished to obtain by a treaty, what hitherto he had not been able to procure by arms: For that was the real meaning of his offer, though disguised under the specious name of peace. The Parliament must have understood it in this sense, since it was not regarded. The King himself, doubtless, did not believe, he could deceive the two Houses by the bare name of peace, after having so often experienced how much they were upon their guard in that respect. But these frequent offers of peace were properly designed to make impression upon the people, who did not discover their true meaning.

The 10th of September, the King appeared before *Plymouth* (1), in hopes, that after his late victory, the gates would be opened to him. But having summoned it in vain, and even given some assault, he was forced to retire, the season not permitting him to undertake so important a siege, which, probably, would have employed him several months. Besides, his design was to march to *London*, where he supposed all were in the utmost consternation. Mean while, General *Goring*, with a detachment of the army, became master of *Barnstaple*.

I have had frequent occasion to speak of the affairs of the Elector *Palatine*, and to observe, how much *James I.* and *Charles I.* neglected the interests, the one of the King's Son-in-law, and the other, of the Elector's nephew. All the Elector's dominions being in the hands of his enemies, he fled for refuge to the King his uncle, who gave him a pension for his subsistence. This pension, it is likely, was ill paid since the King was engaged in the war with *Scotland*, and still worse, since the beginning of this Parliament. So the Elector having attended the King till he retired into the North, and seeing the war ready to kindle, abruptly quitted the King his uncle at *York*. He retired into *Holland*, and laid there till August 1644, when he suddenly came to *London* to reside there, under the protection of the Parliament. The King hearing of it, writ to him, to know the reason of so extraordinary a proceeding. It does not appear what answer the Elector returned; but probably, not knowing how to fulfill, and considering the King his uncle was not able to maintain him, he believed, he should find more assistance in the Parliament, which had ever expressed a great affection and zeal for his House. He was not deceived in his expectations, for the Parliament granted him an honourable pension, which was more regularly paid than the former from the King (2). Hereafterwards desired and obtained leave to hear the debates in the assembly of Divines. Probably, as he did not care to be concerned in military affairs, he fought to spend his time in conversing with the learned, and improving himself in matters of Religion.

The King was so strongly possessed with the belief, that his victory could not but make a strong impression upon the minds of the people, that he resolved to march directly to *London*. He did not question, but his army would considerably increase by the way, and the people forsake the two Houses, when they should see him marching towards the metropolis. It is true, such turns had been formerly seen in *England*, but very seldom or never in favour of Princes, whom the Nation believed to have cause to complain of. However, though *Charles* had given but too much occasion to complain of his Government, yet was he persuaded, he was beloved by the people, and imputed whatever they did against him, to the artifices, calumnies, promises, threats, and violence, that were used to mislead or compel them. In this belief, he imagined, the people wanted only an opportunity to free themselves from the yoke of the Parliament, and that the present one being very favorable, was not to be neglected. He published therefore the 30th of September, a Proclamation, dated at *Chard*, wherein he set forth, with what earnestness and sincerity

he had always desired, and offered peace, which had been constantly rejected by both Houses, after which he said, "That he had therefore resolved with his army, to draw presently towards *London*, and his southern and eastern Counties, not looking upon these parts as enemies to him, but as his poor Subjects, oppressed by powers, (of which he was assured the greater part remained loyal to him,) and to deserving his protection; hoping, that at a nearer distance of place, there might be begot to right an understanding between him and his people, that at length he might obtain a treaty for peace, and a full and free convention in Parliament, and therein make an end of these unhappy differences, by a good accommodation; whereby his people might be settled in the possession of their Rights and Liberties. And therefore he required his Subjects within his own quarters, through, or near which he should pass, forthwith to prepare themselves with the best arms they could get, to be ready to join him. He authorized likewise as well the trained-bands of *London*, as his Subjects of the eastern and southern Counties, to chafe their own commanders among those Gentlemen and Citizens, that were of approved loyalty, and lovers of peace, requiring them at his approach, to put themselves in arms, and assist in this expedition, and commanding them to seize such places of strength, as the rebels were possessed of, and to apprehend the persons of all such as should hinder the settling the peace of the Kingdom."

All the effect this Proclamation produced, was, that the inhabitants of *Somersetshire*, where the King then was, presented a petition to him, humbly beseeching his Majesty, "That they might have liberty to wait upon him in person, and, at a nearer distance of place, become petitioners to both Houses, to embrace his Majesty's offers of peace; and in case of refusal, they promised to spend their lives and fortunes, in assisting him to compass by the sword, what by fair means could not be effected." But this was only a promised aid, and as yet too remote for the King to make any use of it in the present expedition.

If every thing had happened as the King had imagined; if the People had flocked to his army; if he had been cheerfully supplied with all necessities, very probably, he might have arrived at *London* before the Parliament-forces could have been joined to form a new army. But his army, instead of increasing in their march, as he expected, daily diminished by fatigues, by want of money, shoes, and stockings, by sickness, which disabled many of his men from following the army (3). He was obliged to make frequent halts in several towns to wait for money and other necessities, which, he perceived, would not be supplied when he should be removed. The Horse being discontented, as well as the Lord *Wilmet's* disgrace, as at their having received no pay this campaign, he was forced to stay till the eastern Counties should supply him with money to satisfy them, otherwise he durst not advance. These delays were the reason that he came not to *Salisbury* till the 15th of October, six weeks after the advantage gained in *Cornwall*. Then it was that he altered his resolution, and instead of marching to *London*, contented himself with returning to his old quarters in and about *Oxford*. Nay, this project could not be executed without difficulty, considering the measures taken by his enemies.

Whilst the King was on his march, the Parliament was not idle. They had provided (six thousand) arms, and clothes for the Earl of *Essex's* Foot, and detached the city-brigade consisting of five thousand men (4), besides the necessary recruits, to join him. Sir *William Waller* had taken the field again, his army being recruited and reinforced, and was now at *Andover* ready to march. The Earl of *Essex's* Horse, which had fortunately escaped in *Cornwall*, were come to him, as well as those sent into the West, under the command of Colonel *Middleton*. Thus, the Earl of *Essex* saw himself in condition to march the 17th of October in order to join Sir *William Waller* and the Earl of *Manchester*, who was within distance. The King having notice that *Waller* was to march to *Reading*, advanced with all possible diligence towards *Andover*, to give him battle before he had joined the Earl of *Essex*. Nay, he fell upon his rear and killed twenty or thirty of his men. But this could not hinder the junction of the three armies, which was done the 21st of October.

Whilst the King's enemies lay so near him, he very

(1) Where the Lord *Roberts*, who went thither with the Earl of *Essex*, was made Governor, to whom the Lord *Digby* writ, to persuade him to surrender the Town to the King. *Rothworth*, Tom. V. p. 712.

(2) He had, before his coming, sent two letters to the Parliament, declaring in the first, his Satisfaction in the Covenant, wishing them success; and in the other, the great distress he and his Mother were in, for want of the spend they formerly had, beseeching the court of his Brother Prince *Rupert* to take, inighting against the Parliament. Up in his landing at *Graveland*, a Committee of the Commons attended him, and in May 1645, the Commons ordered him an Allowance of £5000 a year, 20000, whereout out of the King's revenue, and the rest out of the Estates of the Lord *Grey*, and Sir *Nicholas Griffin*. *Widdowes*, p. 87, col. 145.

(3) When the King marched from *Chard*, his army consisted but of five thousand five hundred Foot, and about four thousand Horse. *Clarendon*, Tom. II. p. 417.

(4) Commanded by Sir *Thomas Hamlyn*, being the red and blue Regiments of Trained-bands of *London*, the red Regiment of *Widdowes*, the yellow Regiment of *Sturges*, and the yellow Regiment of *Amold* of the *Lower-Hewitt*. *Rothworth*, Tom. V. p. 719.

undoubtedly,

1644. unavailing, as it seems, detached from his army the Earl of Northampton with three regiments of Horse, to relieve Banbury Castle, which had been besieged ever since July the 19th, and was now reduced to extremity. The Earl succeeded in his expedition, but the King was like to pay dear for it, since, a few days after, he was forced to fight, deprived of the aid of these three regiments. His design, as I said, was only to retire to Oxford, there being no farther reason to induce him to pursue his march towards London. But he would first besiege Dennington Castle, and therefore advanced to Newbury, which lies but a mile from that Castle, whilst the Parliament army was at Reading. The next day, when his army marched towards Newbury, where the King fortified himself in the best manner he could, and placed his Foot in the intrenchments, whilst the Horse were posted in two adjoining open fields, and for some days there were frequent skirmishes between the two armies. At last, on the 27th of October [being Sunday] the Parliament-Generals having divided their forces into two bodies (1), attacked the King's intrenchments at two several places. The fight, which began about three or four in the afternoon, held till night, and was extremely sharp, each side repelling the other by turn. This is all that can be gathered with any certainty from the accounts of this battle, except that when night approached, the assailants forced part of the intrenchment, and took some pieces of ordnance. But night hindered them from improving this advantage, and put an end to the fight (2).

Rothworth, V. p. 731, 732.

Second battle of Newbury, Oct. 27, 1644. p. 731. Clarendon, II. p. 442. Whitelock, II. p. 442.

The King retires to the night, leaving his Cannon in Dennington Castle. Rothworth, V. p. 732. Clarendon, II. p. 443.

Differences between the Parliament Generals, Whitelock, Rothworth, V. p. 739. Clarendon, II. p. 444.

The King returns to Dennington Castle, and takes away his Cannon in flight of the enemy. Rothworth, V. p. 739. Clarendon, II. p. 444. Ludlow.

Mean while, the King fearing the enemy would next morning penetrate into his lines, withdrew in the night, and marched to Walsingham, leaving his heavy cannon and baggage in Dennington Castle. The Earl of Essex was not in the battle. He had quitted the army some days before, whether on account of some sudden indisposition, or perhaps out of some discontent, not being able to agree, either with the Earl of Manchester, or Sir William Waller (3).

The Parliament-Generals, who thought themselves victorious, should, one would think, have attacked the King in his retreat, which they could not be ignorant of, it being then full-moon. They suffered him to march however without pursuing him (4), so that he safely arrived at Oxford. But this was not their greatest error. The King having left his cannon, ammunition, and baggage in Dennington Castle, they could have done nothing more advantageous than to employ their whole strength to take the Castle. But they contented themselves with summoning the Governour (5), and, upon his refusal to capitulate, they remained quiet at Newbury without attempting any thing against him. This negligence must have been owing to the dissention amongst them, the one blaming the other for being the cause, that with so superior an army, the King's was not entirely routed. This dissention grew so high, that whatever was proposed by the one, was sure to be opposed by the other. We shall see hereafter still worse effects of their discord, and the alteration it occasioned.

Mean while, the King being informed of the discord between the Parliament-Generals, and of their leaving Dennington Castle unattacked, very wisely improved to favorable a juncture. Some days after his arrival at Oxford, he was joined by Prince Rupert, who brought him some Horse. He drew a body of Foot out of the garrison of Oxford, and other neighbouring towns, and the Earl of Northampton rejoined him with his brigade of Horse. By means of these supplies he formed an army of six thousand Foot, and five thousand Horse, with which he marched back towards Newbury the 2d of November. After the battle, the Parliament-army had moved towards Oxford, but was returned to Newbury, on pretence that the ways were unpassable. But the chief reason was, the Generals could not agree, there being no commander in Chief. They received some intelligence of the King's march; but would not believe it till they heard of his being within six miles of Dennington. Whereupon they resolved to draw up the next day between Dennington and the King's army. To that end, orders were given

for all their Horse to rendezvous early on the morrow, it not being possible to march that day by reason their quarters were so separate and remote. But that very night, the King purified his march to Dennington, and drawing up his army, between the Castle and Newbury, waited in that posture to see what the enemy would attempt. Though presently after the Parliament-army was also drawn up, the Generals, having viewed the posture and strength of the King's, and held a council of war, judged it unsafe to engage. So, after some skirmishes, the King having drawn out what he left at Dennington, marched back to Oxford, where he arrived the 21st of November. In his way thither, he sent a detachment of his army to the relief of [John Paule] Marquis of Winchester, who had been long besieged in his own Castle of Basing. But this detachment found the siege already raised. Thus ended the campaign of the year 1644, which proved not so fatal to the King as he had reason to fear, though however he lost York and all the North.

Rothworth, V. p. 733. Clarendon, II. p. 447. Acc. 426.

It is time now to speak of some other occurrences of the year 1644, which had no immediate relation to the war, but of which the knowledge is no less useful and necessary than that of conflicts and battles, though they have no natural connection together, nor depend upon each other.

March the 26th 1644, the Parliament passed an ordinance, enjoining every family [within the bills of mortality, for three months] to forbear one meal a week, and contribute the value thereof for the publick occasions. This was properly laying a tax upon every family. For otherwise, very likely the Parliament did not much care whether this weekly meal were forborn or not, provided the value [which was to be set upon each person and family] were paid.

An Ordinance to reduce the value of money, Rothworth, V. p. 748.

April the 13th an Oxford spy was executed in the Palace-yard at Westminster.

The 15th of the same month, it was voted by the Com-

mons, that the committee of both Kingdoms should prepare propositions for peace, to be presented to the King. Not that they desired then to enter into a new treaty with the King, for, since the conferences at Oxford were broken off, nothing had passed to induce them to alter their plan. But herein they had a double view, first to let the publick see, they pretended not absolutely to reject peace, as they were charged by the King: Secondly, they had thereby a pretence ready to propose a peace, in case they were forced to it by the misfortunes of war during the campaign. What confirms this to have been their chief aim, is, that these propositions, which after all were the same in substance with those debated at Oxford, were not sent up to the Lords till the 19th of August, at the very time that the Earl of Essex was driven into Cornwall, and not to the King till the 20th of November.

To the year 1644 the affairs of the war were so publicly debated in the Parliament, that the King was acquainted with the resolutions there taken, before they were begun to be executed. But this year the managers thought fit to give the Committee of both Kingdoms, who were charged with the affairs of the war, more power than before, that they might give their orders, and cause them to be executed, without being obliged to communicate their resolutions to both Houses. I do not know whether this was by express vote, or by mere usurpation, the Committee knowing they should at least be avowed by the leading Members, in case it was attempted to call them to an account. A considerable advantage indeed was hereby gained, in that the resolutions became more private, and the King had not so good information. But on the other hand, the Committee had by it a power which might be of very dangerous consequence. And therefore several Members complained, that the most important affairs were not communicated, but that the direction and management was reserved to themselves alone by the Committee. The time for which they had been appointed being about to expire, the Commons passed an ordinance, for the continuance of the Committee three months longer, and sent it up to the Lords. But the Peers instead of passing the ordinance as sent by the Commons, added a clause to increase the number of the Committee, with five Lords and ten Commoners [of their

The Parliament kept their sittings more private.

Differences between the two Houses about the Committee of both Kingdoms, May 7, Rothworth, V. p. 751.

(1) All the General's Horse and Foot; part of Manchester's Horse, and most of Waller's Forces, with the City-brigade, marched to Spem-hill; and the Earl of Manchester's Foot, and part of his Horse, continued in the field near Sharn. The Horse were commanded by Sir William Waller, and Sir William Balfour; the Foot by Benjamin Major-General Shippen. Rothworth, Tom. 5. p. 731.

(2) After a long and hot dispute (says Whitelock) the Parliamentarians beat the King's forces from their Works, and then from their Ordnance, nine in number, in which achievement they lost a few men. *Mem. p. 109*—The Parliament's army, according to the Lord Clarendon, consisted of 20,000 men, sixteen thousand Horse and Foot; and the King had not half that number. Tom. 5. p. 420. *Whitelock* says he had eight thousand Foot, and five hundred Horse. *Thomas Worsley*, Earl of Cleveland, of the King's side, was taken prisoner. p. 108. The King lost three thousand men, and the Parliament two thousand five hundred. *Merch. p. 76, 77.*

(3) Whitelock, upon this occasion, says, the Houses being informed the Lord General was not well, and stayed behind the Army, sent a Committee of Lords and Commons to visit him, and express the affection of both Houses to him. This was not (as was given out) a piece of civility, but I think real. There were some however, who were jealous that he was too much inclined to peace, and lowering of the King and his party. I think I know as much of his mind as others did, and always ordered him to wish for peace, yet not upon dishonourable or unjust terms. He was a lover of Monarchy and Nobility, which he suspected some designed to destroy; which humour then beginning to blow up, he resolved to suppress. But the jealousy upon him (who was faithful and gallant man, and servant to the Publick) gave him great trouble in his thoughts. *Mem. p. 328. See Hill's Mem. p. 21, &c.*

(4) Colonel Comwall followed the body of the enemy two hours before day. *Whitelock*, p. 109. See *Index*, Tom. 4. p. 113.

(5) Thenceforth not to leave out those upon another. To which the Governor, Sir John Digby, made no other reply, than that he was not bound to repair it; but however, would, by God's help, keep the ground afterwards. *Clarendon*, Tom. 2. p. 474.

1644. nomination] (1). It is not to be doubted, the King's private friends used their endeavours to increase the number of the Committee, in hopes of being able to gain some one to inform them of what should pass there. But the Commons foreseeing the consequence of this addition, refused to consent to it, and desired the Lords, that they would pass the ordinance without any amendment. The Lords declining to do it for some time, the Commons found mean to get the Lord-Mayor and Common-Council of London to petition them among other things, that the Committee of both Kingdoms might be continued as it was (2). Then the Lords perceiving, that since the City of London interposed, their resistance would be fruitless, pulled the ordinance four days after. The declarations of the City of London were a curb frequently used by the Commons to stop the career of the King's friends, when by their cabals they were endeavouring to disturb their deliberations, or to sow discord between the two Houses. Besides that it would have been dangerous as well as unjust to disoblige that great City, by whom the charges of the war were chiefly born, experience had shown, that the City had infallible expedients to support their friends in the Parliament. The Historians of the two parties are in different sentiments on this subject. The King's Adherents pretend, that in general the Londoners were for the King, and would gladly have accepted the peace he was pleased to offer them, but were overawed by their Magistrates, who were almost all devoted to the Parliament. On the contrary, the Parliament's friends affirm, that the number of Londoners who were for the King was far short of that of his enemies, and that the commotions now and then in the City, whether to demand peace, or to disturb the Parliament's debates, were but an effect of the cabals of some private persons, who secretly adhered to the King, and endeavoured to sow dissention between the Parliament and the City. That this manifestly appears in the ill success of all their attempts.

There was in the London Petition above-mentioned, another article of no less importance. A great many Members of both Houses, as I have observed, had deserted the Parliament, before and after the beginning of the war. Some had taken this course out of affection to the King, and in order to serve him in his army, others by his express command, several through fear and punishment, for endeavouring to force the Parliament to a peace, and perhaps, some to avoid being exposed to the outrages of the London Mob. By the retreat of these Members, the opposite party to the King was become so superior in both Houses, that no man durst any longer oppose whatever they thought proper to move. Indeed, it would have been very fruitless, for the King's new friends in the Parliament to strive to support his interest. The King had therefore perceived, that his policy in diminishing the number of Members in both Houses, instead of being advantageous, had, on the contrary, proved very prejudicial, to him, for by that means the resolutions against him passed in Parliament with much greater ease. His enemies were now freed from restraint, and met with no farther opposition. The Commons perceiving, that from time to time some of these Members returned to London, thought not proper to admit them into the House, pursuant to a vote passed long before upon that head. They were apprehensive, if such Members were admitted, the King might in time send them so great a number, as would suffice to obstruct their deliberations. Mean while, to justify their refusal to admit them, they managed, that in the petition presented to them by the Common-Council of London, was inserted an article, That none of the Members who had deserted the Parliament should be received, without satisfaction first given to both Houses for their future fidelity. In pursuance of this desire it was declared soon after, by an ordinance, that such Peers as had deserted, or should desert the Parliament, should not be re-admitted without the consent of both Houses; and that whatsoever Member of the House of Commons had so offended, or should so offend hereafter, and adhere to those that were leaving war against the Parliament, were and should be absolutely disabled from sitting in the House of Commons. By this means, such as might intend to return to the Parliament

for the King's service, had sufficient warning, that their artifice would be without effect.

[Robert Sidney] Earl of Leicester, who about this time quitted Oxford, and returned to London, was not of the number of those who forsook the King to do him service. He had too much reason to be disaffected with his Majesty, for amassing him two years together, under colour of sending him into Ireland, and for appointing at last the Marquis of Ormonde, for Lord-Lieutenant in his room. The Earl of Leicester was however ordered into custody at his coming to London; but, in all appearance, it was only to show, that the new ordinance was intended to be rigorously executed.

In January 1644-5, the States-General of the United Provinces, sent Ambassadors into England, to offer their mediation, which the two Houses made no great account of, knowing what credit the Prince of Orange, the King's Son-in-law, had in these Provinces. Besides, the Ambassadors, who were all supposed to be the Prince of Orange's creatures, refused to acknowledge the two Houses of Westminster, for the Parliament of England. In short, these Ambassadors, after several journeys to Oxford, and attempts to persuade the Parliament to accept their mediation, without the previous acknowledgment required, fully owned the two Houses for the Parliament of England, and presented a memorial to offer their mediation. It must be observed, this was the next day after the news of Prince Rupert's defeat at Marston-moor (3). As they had long delayed this acknowledgment, both Houses left them some time, in their turn, without any answer, being willing, doubtless, to intimate to them, that this mediation did not appear to them sufficiently impartial. Wherefore the 10th of December, they demanded a public audience, which was granted, and in which they offered again the mediation of their masters. Both Houses answered, that they readily accepted the mediation of the States: but had already sent propositions to the King for a treaty of peace, of which they were to wait the success. That, moreover the two Kingdoms of England and Scotland, being united together by a solemn Covenant, they could do nothing without the concurrence of the Scots, which would require some time. Thus they evaded the offers of the States-General, not believing such a mediation could be for their advantage.

In July it was ordered by the House of Commons, that the fine imposed by the Star-Chamber upon Mr. Denzil Holles, for his asserting the liberties of his Country in Parliament, should be repaid him out of the King's revenue.

In October, an ordinance of both Houses was published, commanding, that no quarter should be given to any Irishman taken in arms against the Parliament.

In November, the Lord Macclesfield, and Mac Mahone, were brought upon their trials. They were apprehended at Dublin the very day they were to surprize the castle, and sent into England, where they had been confined in the Tower ever since. They had found means to break prison, and conceal themselves in a house in London. But unfortunately hearing a woman crying oysters in the street, one of them put his head out of window to call her, and was that instant espied by a servant of Sir John Clotworthy, who knew him, and immediately gave notice to the Lieutenant of the Tower. They were both seized again, and shortly after condemned and executed (4).

Since the famous William Laud Archbishop of Canterbury had been imprisoned at the end of the year 1640, I have had but little occasion to speak of him. It is time now to relate the catastrophe of his life. He was accused by the Commons of High-treason, December the 18th 1640, and thereupon committed to the custody of the Black-Rod. The 26th of February following, the articles of impeachment were brought in against him, and then he was sent to the Tower. There he remained till October the 23d, 1643, when the Commons having added ten fresh articles to the impeachment, he was ordered by the Lords to answer the 30th of the same month. It would be too tedious to specify all the petitions he presented, and all the expedients, his Council furnished him with, to cause his sentence to be deferred. It suffices to say, that he gained time till the 11th of November 1644, on which day he spoke several hours together in his own defence (5). But whether

(1) The reason was, that five divers of the Committee, especially the Commons, were apprehended as to be so much the General's Friends, as others were desired to be against him, and this caused some dispute among them. *Whitelock*, p. 87.

(2) This Petition, says *Whitelock*, was submitted by the General's Friends, to be set on foot by his enemies, and jealousy grew among the Gentlemen of the Parliament. p. 88.

(3) On June the 6th, the Dutch Ambassadors addressed themselves to the two Houses in such terms as were acceptable; and it was resolved, they should be admitted to audience, which was done, July the 12th, in each House apart. Being brought into the House of Peers, and Chairs prepared for them, they delivered their Embassy first in French, and then a Copy thereof in English. Then they were conducted by the Sergeant at Arms, with two Members, into the House of Commons: When they came in, the Speaker and all the Members stood up in their parts uncovered, and the Ambassadors bowed to them as they passed by them; they sat down in Chairs set for them, and the Members sat down likewise; and when the Ambassadors were seated, the Speaker and House were covered also. They made a short speech, of the affection of their Masters to their Kingdoms, and their desire to mediate an agreement between the King and his Parliament; and at length their speech ended, they returned with the same Ceremonies as at their coming thither. During the time of their being in the House, there lay upon the Table, in their view, thirty eight copies, taken from the King's forces in the battle of Marston-moor. *Whitelock*, Tom. 5, p. 716. *Whitelock*, p. 94.

(4) Mac Mahon was hanged at Tyburn, November 23d and the Lord Macclesfield, Feb. 20 1644-5. *Whitelock*, Tom. 5, p. 731, 726.

(5) His Trial lasted twenty days; beginning April 11. 1645; and ending July 19. See *State Trials*.

1644. the Commons were afraid, their proofs were not sufficient for his condemnation, or the delays granted him by the Lords, gave them cause to think, they were inclined to save his life, they used the same method as in the case of the Earl of Strafford, I mean, a bill of Attainder, which passed their House the same day the Archbishop made his defence before the Peers, with but one dissenting vote. The Bill being sent up to the Lords, they acquainted the Commons [at a conference] that indeed they found the Archbishop guilty of the charge as to matters of fact, but desired some farther satisfaction in point of Law, whether the matters amounted to Treason. Whereupon the Commons communicated to them the reasons, whereby they pretended to prove him guilty of that crime. Upon which the Lords, the 4th of January, passed the Bill of Attainder, whereby it was ordained, he should suffer death as in cases of High-treason, and on the 6th, both Houses ordered he should be executed the 10th. On the 7th, the Lords at a conference, informed the Commons of a pardon to the Archbishop from the King, dated the 12th of April 1643, but it was over-ruled and rejected. The same day, the Archbishop seeing there was no remedy, petitioned the Lords, that the manner of his execution might be changed to beheading. He desired also, that some of his Chaplains might be permitted to be with him before, and at, his death. The Lords very readily granted his two requests, but the Commons refused both, and sent him two Ministers whom he did not ask for, with one of those he desired.

Chelden,
II. p. 442.

Jan. 10.
1644-5.

The next day he presented a second petition to be beheaded, setting forth, that he was a Divine, Bishop, Privy-counsellor, and Peer; whereupon the Commons were at length prevailed with. When he was upon the scaffold, he made a pretty long speech, wherein, among other things, he intimated, that he suffered for not forsaking the temple of God, to follow the bleatings of *Jerusalem's* calves, alluding to the Schism of the Presbyterians. He said, "He had rancked every corner of his heart, and thanked God, he had not found any sins there deserving death, by the known Laws of the land. The King had been traduced by some for labouring to bring in Popery, but, upon his conscience, he knew him to be as free from such a charge, as any man living, and held him to be as sound a Protestant, according to the Religion established by Law, as any person in the Kingdom. He protested, he never endeavoured the subversion of the Laws of the Realm, nor never any change of the Protestant Religion, into popish superstition. He had never been an enemy to Parliaments, but did indeed dislike the misgovernment of one or two." After he had prayed, the executioner did his office at one blow. His friends were permitted to take his body and bury it in *Abchurch-Barking-Church*. Such was the end of this famous Prelate, who, let his favours say what they please, was one of the chief authors of the troubles that afflicted England; first, by supporting with all his power the arbitrary principles, which the Court strove for several years to establish; Secondly, by a too rigid observance of trifles in the Divine Service, and by compelling every one to conform thereto. All that can be said in his favour, is, that he believed in his own conscience, this rigidity was necessary (1).

The Letters
are withheld,
Jan. 4.
1644-5.
Rushworth,
V. p. 285.

The same day the Lords passed the bill of Attainder against the Archbishop, they passed likewise an ordinance, that the book of Common-Prayer, should be laid aside, and the *Directory* established, which had been framed by the Assembly of Divines. Hereby the Church of England was rendered, by public authority, completely Presbyterian, to the great satisfaction of the *Scots*, and many of the principal Members of both Houses. This was an ill preparative for the peace which was now negotiating, and of which I have deferred to speak hitherto, that the narration might not be interrupted.

The Treaty
of Uxbridge,
II. p. 275.
Dugdale's
View.

The King, as hath been often seen, sent message upon message to the two Houses, with overtures of peace; and

no doubt, he would have granted it very willingly, had they been as ready to receive it in his sense. But they perfectly knew, what they were to undertake by the Peace. Besides, at the very time the King offered to treat with both Houses, he carefully avoided using any term that might intimate his owning them to be a Parliament. It was necessary therefore, if they desired to treat with him, either that he should expressly acknowledge them, or that they should treat as private persons without authority. But supposing they could have resolved to do so, what would such a treaty have signified? This was the pretence used by both Houses, during the campaign of the year 1643, not to answer the King's invitations. Mean while, as the King talked very much of his frequent offers, to persuade the people of his sincere desire of peace, and of the refusal of both Houses, they resolved to oblige him to explain more clearly, what he meant by Peace, that the people might examine, whether he offered sufficient security. For, as I said, this was the only point in question. The treaty at *Oxford*, where two propositions only were debated, not having fully cleared this matter, the two Houses thought it would be for their advantage to induce the King, by a second treaty, to declare positively, that he would give no other security than his bare word. They hoped, this would suffice to efface the impressions, his repeated offers might have made on the minds of the people.

1644-5.

During the campaign, it was no proper season for such a negotiation, by reason of the variety of accidents produced by the war. It was not till November the 20th, two days after the King's return to *Oxford*, that the two Houses sent him the propositions which had been prepared in the summer. They had sent to desire a safe-conduct for their commissioners, which the King had granted, but as to private persons, without one word to denote his considering them as the Parliament's commissioners. Though the two Houses were by no means pleased with such a safe-conduct, they accepted it however, and their commissioners repaired to *Oxford*, where the King arrived the day before (2). At the first audience, the King asked them, *Whether they had power to treat*: They answered, *No; their commission was only to receive his Majesty's answer in writing*. The King replied, *Then a Letter-carrier might have done as much as you*. In all appearance, he had expected, that the two Houses would treat with him, without his owning them for the Parliament of England, in which he was much mistaken. He heard the propositions read with great attention and patience, and then receiving them from their hands, told them, he would give them his answer.

[*Montague Bartu*] Earl of *Lindsey*, who was with the King at *Oxford*, having sent his compliments to *Hellie* and *Whitelock*, they two, with the consent of the rest of the Commissioners, returned his civility by a visit. They found him indisposed, and in his bed; but he received them however in presence of several Lords who were in his room. Presently after, the King came in, and had a long conference with them. He told them, "He knew that they were both desirous of a peace, and wished, that all the rest of the Members were of their opinion; and therefore, says he, out of the confidence I have of you two, I ask your advice, what answer will be best for me to give at this time to your propositions, which may probably, further such a peace, as all good men desire?" *Whitelock* answered, "The best and most satisfactory answer, I humbly believe, would be your Majesty's presence with your Parliament, and which I hope might be without danger to you." The King perceiving they did not care to speak their minds before so much company, said, "I desire you two to go into the next room, confer a little together, and set down in writing, what you apprehend may be fit for me to return in answer to your message." Whereupon they withdrew into another room, and by *Hellie's* intreaty, *Whitelock* wrote down what was their sense in this matter, and what might be fit for

(1) The managers at his trial were, Mr. *Maynard*, Mr. *Broun*, *Sergeant Wild*, Mr. *Nicholas*, for the Commons; and his Council were, Mr. *Hew*, and Mr. *Cleire*. The form of his Charge was, *That he had traitorously endeavoured to subvert the fundamental Laws and Government of the Kingdom of England, and offered thereof, to introduce an arbitrary Government*. The Chaplain he desired to have with him, were, *Storie*, *Haywood*, and *Martin*; these sent by the Commons, were, *Storie*, *Maynard*, and *Palmer*. He called his last Speech a Sermon, and began with a Text, *Job. xiii. 1, 2*. In his printed defence which he left behind him, he excuses himself in most particulars, by saying, That he was but one of many, who either in Council, State-Chamber, or High Commission, voted illegal things. His Diary shows him to be superstitious, and a regarator of dreams. He was, in the main, a learned, sincere, and serious man, humble in his private department; but wilful, hot, and indolent, eagerly pursuing trifles, as having to the commonwealth Table, from the *Lord's* day, *St. Raphael's*, *Barnet*, *Whitlock*. Among other works of Piety and Magisterialness, this great Prebend built a Court at *St. John's College* (Oxon) Privileged King Charles to give to the Clergy in *Ireland*, all the Improvements then remaining in the Crown: Settled the Impropriation of Colleges on the Bishoprick of *Oxon*; Got Commoners annexed to the Bishopricks of the new foundation: Obtained very special Charters for the University of *Oxford* and *Durham*, and regulated the Statutes of the former: Founded an *Academy* Lecture at *Oxford*, and an Hospital in *Reading*; Set up a Great Prebend in *London*, &c. He designed other great things, of which see an account in *Rushworth*, *Tem. 2. p. 74*. The Transferee has received in a Letter, the following remarks on this form as Archbishop: This Author of the Letter thinks *Rapin* worthy of commendation, for seeming to grant (in his Character, above) most of the fine qualities ascribed to him by his admirers, namely, Wisdom, Learning, and Good Sense. For (continues he) unless you grant as a merit of the most discreet and transcendental Councilor, he is proof of Wisdom, it does not appear, wherein his Wisdom consisted. Some Learning indeed he had, with a good share of scholastic Divinity, Language, and Antiquity. But these, if themselves, are but very slender accomplishments, affording the mind of the world, rather than the fountain of knowledge, and tending more to fortify men in their prejudices, than to enlarge their understandings. And yet his good Sense, let his own Speeches in the State-Chamber remain as everlasting proofs of it; particularly his argument to execute the *Plaint* for repelling to taxing God like an *Idol*, drawn from his being called the *Assent* of *David*. Examine either his Address or Speeches, and there can hardly be found any thing that he says like good sense, or even common discretion. His own Diary (however dubious it was to publish it) shows him a man of a very mean Genius, a Bigot, and an Enthusiast.

(2) The Proposals having been prepared by the Committee of both Kingdoms, and approved of by both Houses, the Commissioners were appointed, namely, by the Peers, the Earl of *Dorset*, and the Lord *Maynard*; by the Commons, Mr. *Purport*, Mr. *Thillo*, Mr. *Whitelock*, and the Lord *Wentworth*; and in Scotland, the Lord *Montrose*, Sir *Charles Erskine*, and Mr. *Boswell*. *Whitelock*, p. 111.

1644-5.

the substance of the King's answer. But this he did not in his usual hand, and without any name to it. The paper thus written being left upon the table, the King went in, and took it up immediately. No person was present, neither did the King admit any others to hear the discourse which passed between him and them. It cannot be denied, it was very extraordinary for these commissioners to confer in private with the King, unknown to their colleagues, to whom they imparted nothing of what had passed between the King and them. Accordingly, shortly after, the Lord *Savile*, now made Earl of *Suffolk*, who was in the Earl of *Lindley's* room when the King came in, and who returned afterwards to the Parliament, accused them publicly, of having held private conferences with the King. But as he was not able to prove what he advanced, the thing rested there. What I have been saying remained a secret, till *Whitebeck* published it in his Memorials, and even there we do not find the contents of the paper written with his own hand (1). But however, it is not impossible to vindicate these two commissioners, who having, doubtless, some knowledge of the plot that was now contriving, and of which I shall speak hereafter, wished, that a peace might be concluded before the plot was executed. In all appearance, they advised the King, in order to promote a peace, to grant the Parliament certain articles, otherwise they forelaw peace would be impossible; but the King thought not fit to follow their advice (2).

The next day the King sent his answer sealed up to the commissioners; but they refused to receive it, unless they had a copy of it. The King denied it some time (3); at last gave them a copy. The substance of it was only to demand a safe-conduct for the Duke of *Lenox* and the Earl of *Southampton*, to carry his answer to the propositions. As this Paper was not directed to any person, nor the Parliament so much as named in it, the commissioners made some scruple to receive it. They were prevailed with however, on the supposition, that the two Houses would be at liberty to make what use of it they pleased. This Paper being read at a conference of both Houses, the exceptions against the form and want of directions were highly debated; but at last, it was carried, to lay aside all objections, and ordered that the Earl of *Essex* should write to Prince *Rupert* to this effect: "That if his Majesty will send to the Parliament of England assembled at Westminster, and to the commissioners of the Kingdom of Scotland, they would with all readiness grant a safe-conduct for the Duke of *Richmond* and the Earl of *Southampton*," The King was extremely loth to do this; but the affair being debated in his Council, none opposed it but himself. Nevertheless he could not be prevailed with, till after he was furnished with this expedient, to make a protestation against it in private, which should be recorded. After that, Prince *Rupert's* answer being worded as both Houses desired, the safe-conduct was sent to Oxford.

The two Houses desired to be counsel for the true Parliament.

The King confers to it with difficulty. Rushworth, V. p. 790.

Ms. p. 801. Duplax's View. p. 748.

The two Lords sent from the King being come to London, delivered the King's answer to both Houses (4), dated the 13th of December, containing only, That whereas he found it very difficult to return a positive answer before a full debate, to their propositions, if the two Houses would appoint commissioners, he would nominate the like number to treat with them at any place that should be agreed on. As the King thought a common letter-carrier might have done the office of the commissioners, who brought the propositions, so it might be asked, where was the necessity of sending, two of the principal men of his Court and Council, to carry this answer to both Houses. But, in all appearance, the King's aim was to get information, by means of these two Lords and his friends in London, of some things which he was not fully acquainted with (5). However this be, not to dwell too long upon preliminaries, the particulars whereof are not absolutely necessary, it suffices to say, that the following articles were agreed on. That the commissioners of both

Rushworth, V. p. 801, 802, 803, 807, Duplax's View.

parties should meet at *Uxbridge*: That the conferences 1644-5. should begin the 30th of January 1644-5, and should last twenty days: That the propositions, as well on the King's as the Parliament's side, should be reduced to three chief heads, *Religion*, the *Militia*, and *Ireland*: That *Religion* should be treated upon, three days together, then the *Militia* three days more, and after that, *Ireland*, as many; which done, the affairs of *Religion* should be resumed for three days, then the business of the *Militia*, and lastly, *Ireland* for the same time. The King's commissioners were, the Duke of *Richmond*, the Marquis of *Hertford*, the Earl of *Southampton*, the Earl of *Kingsford*, the Earl of *Chichester*, and eleven others, among whom was Sir *Edward Hyde* Chancellor of the Exchequer, afterwards Earl of *Clarendon* (6). Those for the Parliament were twelve in number, the chief whereof were the Earls of *Northumberland*, *Pembroke*, *Salisbury*, and *Denbigh* (7); and for Scotland the principal were, the Earl of *Lowdown*, Lord-Chancellor of Scotland, and the Marquis of *Argyle* (8). I intend not to relate the particulars of this Negotiation, which was transacted by papers and answers in writing, but shall content my self with mentioning the principal matters. The King's propositions were in substance the same with those he had given at *Oxford*, without any alteration as to the sense. The Parliament's were not much different from the *Oxford* ones, but more large and full, and therefore I think it proper to infer them.

The Propositions of the Parliament, and Scotch Commissioners. Rushworth, V. p. 795, Duplax's.

"I. THAT all oaths, declarations and proclamations, against both or either of the Houses of the Parliament of England, and the late convention of Estates in Scotland, be declared null, and suppressed.

"II. That his Majesty may be pleased to swear and sign the late solemn League and Covenant, and that an Act of Parliament be passed, for enjoining the taking thereof by all the Subjects of the three Kingdoms.

"III. That the bill be passed for the utter abolishing and taking away of all Archbishops, Bishops, &c. and the rest of the Hierarchy, out of the Churches of England and Ireland, and Dominion of Wales, with such alterations concerning the Estates of Prelates, as shall agree with the articles of the late treaty, of the date at Edinburgh, the 19th of November 1643, and joint declaration of both Kingdoms.

"IV. That the ordinance concerning the calling and sitting of the assembly of Divines, be confirmed by Act of Parliament.

"V. That reformation of Religion, according to the Covenant, be settled by Act of Parliament, in such manner as both Houses shall agree upon, after consultation had with the Assembly of Divines; and inasmuch as both Kingdoms are mutually obliged by the said Covenant, to endeavour the nearest conjunction and uniformity in matters of Religion, that such unity and uniformity in Religion, according to the Covenant, as after consultation had with the Divines of both Kingdoms, now assembled, shall be jointly agreed upon by both Houses of the Parliament of England, and by the Church and Kingdom of Scotland, be confirmed by Acts of Parliament of both Kingdoms respectively.

"VI. That for the more effectual disabling Jesuits, Priests, Papists, and Popish Recusants, from disturbing the State, and eluding the laws, and for the better discovering and speedy conviction of Recusants, an oath be established by Act of Parliament, to be administered to them; and refusing the said oath, being tendered in such manner as shall be appointed by the said Act, to be sufficient conviction in law of Recusancy.

"VII. An Act of Parliament for education of the children of Papists by Protestants in the Protestant Religion.

"VIII. An Act for the true levying of the penalties against them.

(1) *Rapin* has committed some mistakes in his account of this matter, particularly he makes the Paper to be written by *Hollis*; but they are corrected in the Translation, with some small additions from *Whitebeck's Memorials*; which, though mentioned here and elsewhere by the Author, he never saw but as quoted in *Rushworth*.

(2) *Whitebeck*, in his Speech to the House, when created by the Lord *Savile*, says, the King professed very much the unreasonableness of the Propositions, particularly those concerning Religion and the Militia; but he was told, that whilst he would grant them, it would be vain to treat of any pace. p. 156, 155.

(3) And told them, What is the answer to you, who are but to carry what I send; and if I find the Sense of Robin Hood and Little John, you must carry it? This, and other passages there were, which showed the King to be then in no good humour, and it was wondered at, since the dissolving the Commissioners could lead no advantage to the King. *Whitebeck*, p. 114, 115.

(4) The Houses were somewhat at a loss about the manner of their delivering their Message, as it was directed to the Scotch Commissioners, as well as to the Parliament. But at last it was resolved, that their reception should be by a Committee of fourteen Lords, and twenty eight Commons, and the Scotch Commissioners in the Painted Chamber. *Rushworth*, Tom. I. p. 790.

(5) As *Rapin* from *Whitebeck's Memorials*, he would have found his conjecture confirmed. He says, both Houses desired of the Duke of *Richmond*, and the Earl of *Southampton*, a list of their retainers, to the end no affront might be offered to them, but chiefly to discover such as came to Town with their Lords, under pretence of being of their retinue, when they were not, but came to do ill offices to the Parliament. *Whitebeck* says, they were civilly treated, whereas at *Oxford*, he and the rest had been severely used. p. 114.

(6) The others were, the Lord *Essex*, *Seymour*, *Hatton*, and *Calpepper*; Secretary *Nicholas*, Sir *Richard Lane*, Sir *Orlando Bridgman*, Sir *Thomas Gardner*, Mr. *John Ashburnham*, Mr. *Jeffrey Palmer*; with Dr. *Sirmon*, Dr. *Lany*, and Dr. *Stedden*, his religious affairs.

(7) The others were, the Lord Viscount *Wootton*, *Daniel Hill*, *William Pierpont*, Sir *Henry Vane*, Jun. *Oliver St. John*, *Burford Whitehall*, *John Crew*, *Edmond Pridmore*.

(8) The other Scotch Commissioners were, the Lords *Maitland* and *Bainmerie*, *Jaboyne*, *Erskin*, *Dundas*, *Smith*, *Kennedy*, *Berkeley*, together with Mr. *Alexander Henderson*.

1644-5. "IX. That an Act be passed in Parliament, whereby the practices of Papists against the State may be prevented, and the Laws against them duly executed, and a stricter course taken to prevent the staying or hearing of suits in the Court, or any other part of the Kingdom."

"X. The like for the Kingdom of Scotland, concerning the four last preceding propositions."

"XI. That the King do give his royal assent,
"1. To an Act for the due observance of the Lord's day."

"2. And to the bill for the suppression of innovations in the worship of God."

"3. And to the bill against the enjoying of Pluralities and Non-residency."

"4. And to the following Acts, for the reforming and regulating of both Universities, of the Colleges of *Wolfe-hampton, Winchester, and Eaton*."

"5. For the suppression of interludes and stage-plays."

"6. For the taking of the accounts of the Kingdom."

"7. For relief of sick and maimed soldiers, and of poor widows and children of soldiers."

"8. For raising of monies, for the payment and satisfying of the publick debts and damages of the Kingdom."

"9. For taking away the Court of Wards and Liveries, &c."

"10. For the taking away all tenures by homage, and all fines, lincens, seizures, and pardons for alienation: And that his Majesty will please to accept, in recompence hereof, one hundred thousand pounds *per Annum*;

"And give assurance of his consenting in the Parliament of Scotland, to an Act ratifying the Acts of Convention of the Estates of Scotland, called by the Council and Conservatory of Peace, and the Commissioners for the common burthens, and asssembled the 22d day of June 1643, and several times continued."

"1. That the persons who shall expect no pardon, be only these following, *Rupert, and Maurice, Count Palatines of the Rhine, James Earl of Derby, John Earl of Bristol, William Earl of Newcastle, Francis Lord Cottington, John Lord Pawlet, George Lord Digby, Edward Lord Littleton, William Laud Archbishop of Canterbury, Matthew Wren Bishop of Ely, Sir Robert Hoar, Knights, &c.* and all such others, as being proceeded by the Estates for treason, shall be condemned before the act of oblivion be passed."

"2. All Papists and Popish Recusants, who have been, are, or shall be actually in arms, or voluntarily assisting against the Parliaments or Estates of either Kingdom."

"3. All Persons who have had any hand in the plotting, designing, or assisting the rebellion in Ireland."

"4. That the members of either House of Parliament, who have deserted the Parliament, and concurred in the votes at *Oxford*, may be removed from his Majesty's councils, and be refrained from coming within the verge of the Court, and that they may not, without the consent of both Kingdoms, bear any office, or have any employment concerning the State or Commonwealth."

"5. That by Act of Parliament, all Judges and Officers towards the Law Common or Civil; and likewise all Bishops, Clergymen, and other ecclesiastical Persons, who have deserted the Parliament, shall not be capable of any preferment or employment."

"N. B. Then follow several articles regulating the confiscation of the Goods, and the fines of such Delinquents as were not actually excepted in the Pardon."

"XII. That an Act be passed, whereby the debts of the Kingdom, and the persons of Delinquents, and the value of their Estates may be known; and appointing in what manner the confiscations abovementioned may be levied."

"XIII. That an Act be passed in the Parliament of both Kingdoms respectively, for confirmation of the treaties passed betwixt the two Kingdoms."

"XIV. That an Act of Parliament be passed, to make void the cessation of Ireland, and to settle the prosecution of the war in that Kingdom."

"XV. That an Act be passed in the Parliament of both Kingdoms respectively, for establishing the joint declaration of both Kingdoms, bearing date the 30th of January 1643."

"XVI. That by Act of Parliament, the Subjects of the Kingdom of England may be appointed to be armed, trained, and disciplined in such manner as both Houses shall think fit; the like for the Kingdom of Scotland."

"XVII. That an Act of Parliament be passed, for the settling the Admiralty and forces at sea, and for the raising of such moneys for maintenance of the
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said forces, and of the navy, as both Houses of Parliament shall think fit; the like for the Kingdom of Scotland."

"XVIII. And an Act for the settling of all forces both by sea and land, in commissioners, to be nominated by both Houses of Parliament."

"N. B. Here follow the powers which these Commissioners were to have."

"That the commissioners of both Kingdoms may meet as a joint Committee, 1. To preserve the peace betwixt the Kingdoms. 2. To prevent the violation of the articles of peace. 3. To raise and join the forces of both Kingdoms, to resist all foreign invasion. 4. To order the war of Ireland."

"XIX. That his Majesty give his assent to what the two Kingdoms shall agree upon, in prosecution of the articles of the large treaty, which are not yet finished."

"XX. That all Peers, made since the day that Edward Lord Littleton, then Lord-Keeper of the Great Seal, deserted the Parliament, and that the said Great Seal was conveyed away, being the 21st day of May 1642, and who shall hereafter be made, shall not sit or vote in the Parliament of England, without consent of both Houses."

"XXI. That the Deputy, or chief Governor, or other Governors of Ireland, as also all the great officers of the Crown of England, be nominated by both Houses of Parliament."

"XXII. That the education of his Majesty's children be in the Protestant Religion, and that their tutors and governors be chosen by the Parliaments of both Kingdoms. And that if they be male, they be married to such only as are of the Protestant Religion; if they be females, they may not be married but with the advice and consent of both Parliaments."

"XXIII. That his Majesty will give his royal assent to such ways and means as the Parliaments of both Kingdoms shall think fitting, for the uniting the Protestant Princes, and for the entire restitution of Charles Lodewick Prince Elector Palatine, to his Electoral Dignity and Dominions, provided that this extend not to Prince Rupert, or Prince Maurice, or the children of either of them."

"XXIV. That by Act of Parliament the concluding of Peace or war with foreign Princes and States, be with advice and consent of both Parliaments."

"XXV. That an Act of oblivion be passed in the Parliaments of both Kingdoms respectively, relative to the qualifications in the Propositions aforesaid."

"XXVI. That the members of both Houses of Parliament, or others, who have, during this Parliament, been put out of any place or office, for adhering to the Parliament, may either be restored thereunto, or otherwise have recompence for the same."

"XXVII. That the armies may be disbanded, at such time and in such manner, as shall be agreed upon by the Parliaments of both Kingdoms."

"XXVIII. That an Act be passed, for the granting and confirming of the Charters, Customs, &c. of the City of London, notwithstanding any Nonuser, Misuser, or Abuser. That the Militia of the City of London, and of the Parishes without, may be in the ordering and government of the Lord-Mayor, Aldermen, and Common-Council."

"That the Tower of London may be in the government of the City of London, and the chief officer and governor thereof from time to time be nominated and removable by the Common-Council."

"That the Citizens or forces of London shall not be drawn out of the City into any other parts of the Kingdom, without their own consent, and that the drawing of their forces into other parts of the Kingdom in these distracted times, may not be drawn into examples for the future."

"And for prevention of inconveniences, which may happen by the long intermission of Common-Councils, it is desired, that there be an Act, that all By-Laws and Ordinances already made, or hereafter to be made, by the Lord-Mayor, Aldermen, and Common-Council, touching the calling, continuing, and regulating of the same, shall be as effectual in law, as if the same were particularly enacted by the authority of Parliament. And that the Lord-Mayor, Aldermen, and Common-Council may add to, or repeal the said ordinances from time to time as they shall see cause."

"That such other propositions as shall be made for the City for their farther safety, welfare, and government, and shall be approved of by both Houses of Parliament, may be granted and confirmed by Act of Parliament."

If, after the reading of these propositions, it should be sought what authority the two Houses intended to leave the King, supposing he had accepted them, it would be difficult

1644-5. difficult to discover it. They pretended, as it evidently appears, to leave him only an empty title, and invest themselves with the sovereignty, and that, not by artifice, but openly and publicly. Their principle was, that the King having rendered himself unworthy, by the breach of his oaths, and of the trust reposed in him by the people, to hold the Reins of the Government, the supreme authority was to return to its original fountain, that is, to the people represented by the two Houses. Accordingly they did not pretend that the justice or injustice of these propositions should be debated in the treaty of *Uxbridge*; for it would have been ridiculous to assign but twenty days for such an examination; but they gave them as conditions from which they would not depart, and which the King was to embrace or reject. For this reason, the King's Commissioners endeavoured in vain to enter into a discussion of the propositions. All they gained by that was, that the Parliament's Commissioners offered to demonstrate by word of mouth, in private conferences, that the propositions were very just. After that, pretending to have urged satisfactory arguments, they coldly demanded their assent, though the King's Commissioners were far from being convinced by the reasons alleged to them. This method of proceeding baffled the King's Commissioners, who had prepared many arguments, objections, and difficulties against the propositions, and determined to find fault with every expression. For, after all, the King was no more delirious of a peace than the two Houses, as will presently appear, and indeed it was almost impossible, considering the contrary between the principles on which the two parties founded their respective rights. To say all in one word, the Parliament's Commissioners departed not from one title of what was contained in the propositions.

In the first place, as to Religion, the need both Houses flood in of *Scotland*, and the Covenant made between the two Nations, allowed them not to question the justice of that Covenant, which had been now sworn to in both Kingdoms. Accordingly it may be affirmed, their Commissioners defended this article very ill. For, to prove the necessity of the alterations made in Religion, and in the discipline of the Church, the confirmation whereof they demanded, the best argument they alleged was the Covenant itself. It is true, in some conferences their Ministers were ordered to speak, and endeavour to shew that Episcopacy was not *Jure Divino*. But this did not prove the absolute necessity of destroying it in *England*. All their reasonings were built upon the pretended mischief it had occasioned. But when the King's Commissioners proposed to suffer Episcopacy to remain, and to reform the abuses thereof, the reasons alleged by those of the Parliament not to agree to it were extremely weak (1).

For the Militia, an article which included the ordering of the forces of the Kingdom, the custody of places, the nomination to great Posts, &c. the Parliament could not depart from it, without owning, they were making war very wrongfully, since they pretended to do it, but in order to obtain such securities as they believed they had right to demand. It by a treaty, they should have accepted the King's word as sufficient security, every one would have perceived, they might have avoided the war, by accepting that security which the King had always offered before the breach. It must however be confessed, this article might very justly have been deemed a proper subject for a treaty. But the Parliament seems to have firmly adhered to this article of the Militia, only to lay invincible obstacles to a peace. For it may be affirmed, that neither party desired it, unless greater advantages could be procured by a treaty than by arms.

As for *Ireland*, the two Houses thought they had upon this article got great an advantage, that they were glad to expose the King to give ill reasons in his defence. It is therefore certain, it was not properly with design to make peace that the two Houses sent their Commissioners to *Uxbridge*. Their sole aim was, to let their party see, they were determined to support the alterations they had made in Religion, and the establishment of Presbyterianism: To shew the publick, the King, when he so frequently offered peace, offered only a peace very destructive and dangerous to the Nation: Lastly, to confirm the people in their suspicions, that the King did not proceed as he ought in the affairs of *Ireland*.

The King, on his part, was no more inclined to seek expedients for a peace than the two Houses. If he sent his Commissioners to *Uxbridge*, it was, first, because having so often expressed his earnest desire to treat, he could

not decently recede, when he was, as I may say, taken 1644-5. at his word. Secondly, he knew, it had been moved in the Parliament to pursue the war more vigorously than ever, and that in order to do it with greater success, such alterations in the army were contriving, as could not but be disadvantageous to him. He hoped therefore, by means of the treaty of *Uxbridge* to retard the execution of that project, as well as the Parliament's preparations. Thirdly, he did not question, but the unreasonable demands of both Houses would produce a good effect for him in the minds of the people, because they would clearly see, that the Parliament's aim was to destroy entirely the worship of the Church of *England*, practised ever since the reformation; to assume to themselves the sovereignty under colour of curbing the power of the Crown; and, in a word, to change the constitution of the Government in Church and State. But tho' he had consented to treat upon the Parliament's propositions, he was however resolved never to consent to the abolition of Episcopacy, or diminution of the Royal Authority, nor to deprive himself of the aid he expected to receive from *Ireland*, by a peace with the Rebels, unless he was first sure of peace in *England*.

What has been advanced concerning the little inclination of both parties to peace, wants no proof with respect to the Parliament. Their propositions, the proceedings of their Commissioners, and the short space they assigned for the treaty, are clear evidences of it. As for the King, there are still more convincing proofs. First, there is not the least likelihood, that in his situation, if he had really and sincerely resolved to labour for peace, he would have been willing, I won't say to accept, but even to listen to propositions, which tended to leave him only the empty title of King, and to deprive him wholly of the exercise of the royal power. Had he been prisoner in the hands of the Parliament, harder terms could scarce have been proposed to him. And indeed, when that misfortune befell him afterwards, the Parliament made very little additions to these terms proposed to him at *Uxbridge*, when he was yet able to defend himself. Secondly, these intentions I ascribe to the King, with regard to peace, are proved by several papers found in his cabinet at the battle of *Naseby*, fought a few months after, and which the Parliament ordered to be printed and published. I shall give here some extracts of them, because they relate to the treaty of *Uxbridge*, of which I am now speaking. I own, it is not impossible, these papers may have been curtailed or forged by the publishers. But a bare possibility, without other proofs, would not be sufficient to take away all credit from these papers, the originals whereof the Parliament boasted to have in their hands. Besides, the impartial reader can find nothing there contrary to the genius and character of *Charles I.* or to the state of his affairs.

Directions for my *Uxbridge* Commissioners.

First, concerning Religion.

"IN this, the government of the Church (as I suppose) will be the chief question, wherein two things are to be considered, confidence and policy. For the first, I must declare unto you, that I cannot yield to the change of the Government by Bishops, not only as I fully concur with the general opinion of Christians in all ages, as being the best, but likewise I hold myself particularly bound, by the oath I took at my Coronation, not to alter the government of this Church, from what I found it. And as for the Church's patrimony, I cannot suffer any diminution or alienation of it, it being, without peradventure, sacrilege, and likewise contrary to my Coronation-oath. But whatsoever shall be offered for rectifying of abuses, if any have crept in, or yet for the ease of tender consciences, (so that it endamage not the foundation) I am content to hear, and will be ready to give a gracious answer thereunto. For the second; as the King's duty is to protect the Church, so it is the Church's to assist the King in the maintenance of his just authority; wherefore my predecessors have been always careful, (especially since the Reformation) to keep the dependency of the Clergy entirely upon the Crown, without which it will scarcely sit fast upon the King's head; therefore you must do nothing to change or lessen this necessary dependency. Next concerning the Militia. After conference, this is certainly the fittest subject for the King's quarrel; for without it the kingly power is but a shadow, and therefore upon no means to be quitted, but to be maintained

(1) Upon the entrance into the debate of Religion, Dr. Stenard spoke against Presbyterian Government, and for Episcopacy, which he alleged to be *Jure Divino*. Mr. Henderfon answered him, and asserted, that Episcopacy was not so suitable to the word of God as Presbyterianism, which he urged to be *Jure Divino*. Whereupon the Marquis of Hertford spoke to this effect: "My Lords, Here is much said concerning Church-Government in the general; but the Reverend Doctors on the King's part affirm, that Episcopacy is *Jure Divino*. The Reverend Ministers on the other part do affirm, that Presbyterianism is *Jure Divino*. For my part, I think this neither the one nor the other, nor any Government whatsoever, is *Jure Divino*; and I therefore may leave this argument, and proceed to debate upon the particular proposals." The Earl of Pembroke, says Winch, and many of the Commissioners, were of the latter judgment. *Winch*, p. 124.

1644-5. "according to the antient known Laws of the Land: Yet because (to attain to this so-much-wished peace by all good men,) it is in a manner necessary, that sufficient and real security be given for the performance of what shall be agreed upon, I permit you, either by leaving strong towns, or other military force to the rebels possession (until articles be performed) to give such assurance for performance of conditions, as you shall judge necessary for to conclude a peace, provided always, that you take (at least) as great care, by sufficient security, that conditions be performed to me, and to make sure, that the peace once settled, all things shall return into their antient channels.

"As for Ireland, I confess they have very specious popular arguments to press this point, the gaining of no article more conducing to their ends than this; and I have as much reason, in both honour and policy, to take care how to answer this as any. All the world knows the eminent, inevitable, necessity, which caused me to make the Irish cessation; and there remain yet as strong reason for the concluding of that peace; wherefore you must consent to nothing to hinder me therein, until a clear way be shewn me how my Protestant Subjects there, may, probably (at least) defend themselves, and that I shall have no more need to defend my confidence and Crown from the injuries of this rebellion."

Memorials for Secretary Nicholas, concerning the Treaty at Uxbridge.

Oxford, Feb. 1644.

"I FOR Religion and Church-government, I will not go one jot farther than what is offered by you already.

"II. And so for the Militia, more than what ye have allowed by me; but even in that you must observe, that I must have free nomination of the full half; as if the total number of Scots, and all, be thirty, I will name fifteen. Yet if they (I mean the English rebels) will be so base as to admit of ten Scots, to twenty English, I am contented to name five Scots, and ten English; and so proportionably to any number that shall be agreed upon.

"III. As for gaining of particular persons, besides security, I give you power to promise them rewards for performed services, not sparing to engage for places, so they be not of great trust, or be taken away from honest men in possession, but as much profit as you will. With this last you are only to acquaint Richmond, Southampton, Culpepper and Hyde."

The Queen to the King.

Paris, Jan. 6. Decemb. 27. 1644-5.

"I Understand that the Commissioners are arrived at London; I have nothing to say, but that you have a care of your honour, and that if you have a peace, it may be such as may hold; and if it fall out otherwise, that you do not abandon those who have served you, for fear they do forsake you in your need; Also, I do not see how you can be in safety without a regiment of guards; for my self, I think I cannot be, seeing the malice which they have against me, and my Religion, of which I hope you will have a care of both; but, in my opinion, Religion should be the last thing upon which you should treat: For if you do agree upon strictness against the Catholics, it would discourage them to serve you; and if afterwards there should be no peace, you could never expect succours either from Ireland, or any other Catholic Prince, for they would believe you would abandon them, after you have served your self."

His Majesty's Letter to the Queen.

Dear Heart,

Oxford, Dec. 1644.

"NOW (as a certain truth) that all, even my parry, are strangely impatient for peace, which obliged me so much the more, at all occasions to shew my real intentions to peace: And likewise, I am put in very good hope, (some hold it a certainty) that if I should come to a last treaty, the ring-leading rebels could not hinder me from a good peace: First, because their own party are most weary of the war, and likewise for the great distractions which at this time most assuredly are amongst themselves, as Presbyterians against Independents in Religion, and General against General in point of command. Upon these grounds a treaty being most desirable, (not without hope of good success) the most probable means to procure it was to be used, which might stand with honour and safety. Amongst the rest, (for I will omit all those which are

unquestionably conceivable) the found of my return to 1644-5. London, was thought to have so much force of popular rhetoric in it, that upon it a treaty would be had, or if refused, it would bring much prejudice to them, and be advantageous to me; yet, left foolish or malicious people should interpret this, as to proceed from fear or folly, I have joined conditions with the proposition (without which this found will signify nothing) which thou wilt find to be most of the chief ingredients of an honorable and safe peace. Then observe, if a treaty at London, with Commissioners for both sides, may be had without it, it is not to be used, nor in case they will treat with no body but my self; so that the conditions have any asperion of dishonour, and the treating at London, the malignity which our factious spirits here may infuse into this treaty upon this subject. This I hope will secure thee from the trouble, which otherwise may be caused by false malicious rumours; and though I judge my self secure in thy thoughts, from suspecting me guilty of any baseness, yet I held this account necessary, to the end thou may make others know, as well as thy self, this certain truth, that no danger of death or misery (which I think much worse) shall make me do any thing unworthy of thy love.—I conclude, by conjuring thee as thou lovest me, that no appearance of peace, nor hopeful conditions of mine, make thee neglect to hasten succour for him, who is eternally thine."

To the Queen.

Jan. 1. 1644.

"I Shall now tell thee, That the rebels are engaged into an equal Treaty, — and that the distractions of London were never so great, or so likely to bring good effect as now. Lastly, that the assistance was never more needful, never so likely as now to do good to him, who is eternally thine."

To the Queen.

Oxford, Jan. 2. 1644.

"AS for my calling those at London a Parliament, I shall refer thee to Digby for particular satisfaction; this is in general: If there had been but two (besides my self) of my opinion, I had not done it; and the argument that prevailed with me was, That the calling did no ways acknowledge them to be a Parliament. Upon which condition and construction I did it, and no otherwise, and accordingly it is registered in the Council-books, with the Council's unanimous approbation."

To the Queen.

Dear Heart,

Oxford, Jan. 22. 1644.

"Believe thou wilt approve of my choice of treators; and for my propositions, they differ nothing in substance (very little in words) from those which were last.

"Now upon the whole matter, I desire thee to shew the Queen and Ministers there, the improbability that this present treaty should produce a peace, considering the great strange difference (if not contrariety) of grounds that are betwixt the rebels propositions and mine; and that I cannot alter mine, nor will they ever theirs, until they be out of hope to prevail by force, which a little assistance by thy means will soon make them so; for I am confident, if ever I could put them to a defensive (which a reasonable sum of money would do) they would be easily brought to reason."

The Queen to the King.

My dear Heart,

Paris, Jan. 11. 1644.

"TOM Elliot, two days since, hath brought me much joy and sorrow; the first to know the good estate in which you are, the other, the fear I have that you go to London. I cannot conceive where the wit was of those who gave you this counsel; unless it be to hazard your person to save theirs: But thanks be to God, to day I received one of yours by the Ambassador of Portugal, dated in January, which comforted me much to see that the treaty shall be at Uxbridge: For the honour of God, trust not your self in the hands of these people; and if you ever go to London, before the Parliament be ended, or without a good army, you are lost. I understand that the propositions for the peace must begin by disbanning the army; if you consent to this, you shall be lost, they having the whole power of the Militia, they have done and will do whatsoever you will. I received yesterday Letters from the Duke of Lorraine, who sends me word, if his service be agreeable

1644-5. "to you, he will bring you ten thousand men. Dr. Giff, whom I have sent into *Holland*, shall treat with him in his passage upon this business, and I hope very speedily to send good news of this, as also of the money; assure your self, I will be wanting in nothing you shall desire, and that I will hazard my life, that is, to die by famine, rather than not to send you. Send me word always by whom you receive my letters; for I write both by the Ambassador of *Portugal*, and the Resident of *France*: Above all, have a care not to abandon those who have served you, as well the Bishops, as the poor Catholics. Adieu."—

The King to the Queen.

Jan. 30.
"THE treaty begins this day. I desire thee to be confident, that I shall never make a peace by abandoning my friends, nor such a one as will not stand with my honour and safety."—

To the Queen.

Dear Heart, Oxford, Feb. 11. 1644.
"AS for our treaty, there is every day less hopes than other, that it would produce a peace, but I will absolutely promise thee, that if we have one, it shall be such as shall invite thy return; for I vow, that without thy company I can neither have peace nor comfort within my self. The limited days for treating are now almost expired, without the least agreement upon any one article; wherefore I have left for enlargement of days, that the whole treaty may be laid open to the world; and I assure thee, that thou needest not doubt the issue of this treaty, for my commissioners are so well chosen, (though I say it) that they will neither be threatened nor disputed from the grounds I have given them, which, upon my word, is according to the little note thou so well rememberest, and in this not only thy obedience, but their judgments concur."—

"In short, there is little or no appearance, but that this summer will be the hottest for war of any that hath been yet; and be confident, that in making peace, I shall ever shew my constancy in adhering to Bishops, and all our friends, and not forget to put a short period to this perpetual Parliament. But as thou lovest me, let none persuade thee to slacken thine assistance for him, who is eternally thine."

C. R.

To the Queen.

Dear Heart, Oxford, Feb. 19. 1644.
"I Cannot yet send thee any certain word concerning the issue of our treaty, only the unreasonable stubbornness of the rebels gives daily less and less hopes of any accommodation this way; wherefore I hope no rumours shall hinder thee from hastening, all thou may, all possible assistance to me, and particularly that of the Duke of *Lorraine*; concerning which I received yesterday good news from Dr. Giff, that the Prince of *Orange* will furnish shipping for his transportation, and that the rest of his negotiations goes hopefully on."—

"As for trusting the rebels, either by going to *London* or disbanding my army before a peace, do no ways fear my hazarding so cheaply or foolishly; for I esteem the interest thou hast in me at a far dearer rate, and pretend to have a little more wit."—

To the Queen.

Dear Heart, Oxford, March 5. 1644.
"NOW is come to pass what I foresaw, the fruitless end (as to a present peace) of this treaty; but I am still confident, that I shall find very good effects of it; For besides that my commissioners have offered, to say no more, full measured reason, and the rebels have stucken rigidly to their demands, which I dare say had been too much, tho' they had taken me Prisoner, so that assuredly the breach would light foully upon them: We have likewise at this time discovered, and shall make it evidently appear to the world, that the *English* rebels (whether basely or ignorantly will be no very great difference) have, as much as in them lies, transmitted the command of *Ireland* from the Crown of *England* to the *Scots*, which, besides the reflection it will have upon these rebels, will clearly shew, that

reformation of the Church is not the chief, much less 1644-5. the only end of the *Scotch* Rebellion.

"But it being presumption, and no piety, to trust to a good cause, as to not use all lawful means to maintain it; I have thought of one means more to furnish thee with for thy assistance, than hitherto thou hast had; it is, that I give thee power to promise in my name (to whom thou thinkest most fit,) that I will take away all the Penal Laws against the *Roman* Catholics in *England*, as soon as God shall make me able to do it, so as by their means, or in their favours, I may have so powerful assistance as may deserve so great a favour, and enable me to do it. But if thou ask what I call that assistance, I answer, that when thou knowest what may be done for it, it will be easily seen if it deserve to be so esteemed. I need not tell thee what secrecy this business requires; yet this I will say, that this is the greatest point of confidence I can express to thee, for it is no thanks to me to trust thee in any thing else but in this, which is the only thing of difference in opinion betwixt us: And yet I know thou wilt make as good a bargain for me, even in this, I trusting thee (though it concerns Religion) as if thou wert a Protestant, the visible good of my affairs so much depending on it."—

To the Queen.

Dear Heart, Oxford, March 13. O. S.
"HAT I told thee the last week concerning a good parting with our Lords and Commons here, was on *Monday* last handsomely performed: And now if I do any thing unhandsome or disadvantageous to my self or friends in order to a treaty, it will be merely my own fault; for I confess, when I wrote last, I was in fear to have been pressed to make some mean overtures to renew the treaty, (knowing there were great labours to that purpose;) but now I promise thee, if it be renewed, (which I believe will not without some eminent good success on my side) it shall be to my honour and advantage, I being now as well freed from the place of base and mutinous motions, (that is to say, our mungrel Parliament here) as of the chief causes, from whom I may justly expect to be chidden by thee, for having suffered thee to be vexed by them; *Wilmot* being already there, *Percy* on his way, and *Stiff* within few days taking his journey to thee."—

I shall make no other remark on these letters, than that they evidently shew, the peace which the King seemed to desire so earnestly, was an empty sound which had nothing real, but as taken in his private sense of the word. I have shewn on the other side, that the two Houses were not more inclined to peace. Wherefore I hope my Readers will not take it ill, that I forbear to enter into a long detail of the conferences at *Uxbridge*, where both parties fought rather to amuse the publick than expedients to conclude. I shall therefore content my self with briefly relating, how far the condescension of the two parties reached towards making that peace they seemed to wish for so ardently.

Upon the article of Religion, the King's Commissioners, after many disputes, consented at last to the following particulars.

1. That freedom be left to all persons, of what opinions soever, in matters of ceremony, and that all the penalties of the laws and customs which enjoin these ceremonies be suspended (1). The office of the King's Council consists about Religion. Rushworth, V. p. 218. Doublet's View, p. 720.

REMARK (1). Since the Penal Laws were not to be abolished, but only suspended, it followed that the Presbyterians could rely on that freedom no longer than it was out of the King's power to deprive them of it.

2. That the Bishop shall exercise no act of Jurisdiction or Ordination, without the consent and counsel of the Presbyter, who shall be chosen [by the Clergy of each Diocese,] out of the learnedst and gravest ministers of that Diocese (2).

REM. (2). It was not declared who they were that would chuse the Presbyter. If it was the Bishop, this concession amounted to little or nothing (a).

3. That the Bishop keep his constant residence in his Diocese, except when he shall be required by his Majesty to attend him on any occasion, and that (if he be not hindered by the infirmities of old age or sickness) he preach every Sunday in some Church within his Diocese (3).

REM. (3). This was no more than the Bishop's duty, and it was not for the King's honour to let this be considered as a condescension to promote the peace.

(a) This Remark was needless, being occasioned by *Regin's* omitting the words [by the Clergy of the Diocese] which are in the Concession. See *Rushworth*, Tom. V. p. 218.

1644-5. "4. That the Ordination of Ministers shall be always in a public and solemn manner, and very strict rules observed, concerning the sufficiency and other qualifications of those men, who shall be received into Holy Orders; and the Bishop shall not receive any into Holy Orders, without the approbation and consent of the Prebys, or the major part of them.

"5. That competent maintenance and provision be established by Act of Parliament, to such Vicarages as belong to Bishops, Deans, and Chapters, out of the Impropriations, and according to the value of those Impropriations, of the several Parishes (4).

REM. (4). One of the principal things urged against the Church of England by the Presbyterians, was, that the Churches were all served, because the Bishops, Deans, and Chapters, committed the cure of those which belonged to them, to insufficient Preachers for cheapness sake. This abuse, doubtless, ought to have been reformed, without making it one of the conditions of the Peace.

"6. That for the time to come, no man shall be capable of two Parsonages or Vicarages with Cure of Souls.

"7. That towards the settling of the publick peace, one hundred thousand pounds shall be raised by Act of Parliament, out of the Estates of Bishops, Deans, and Chapters, in such manner as shall be thought fit by the King and two Houses of Parliament, without the alienation of any of the said Lands (5).

REM. (5). By the treaty between the Parliament and Scotland, the Lands of the Bishops, Deans, and Chapters were assigned for the payment of the Scotch troops. The King seemed by this concession to agree, that one hundred thousand pounds should be raised upon those Lands. But in supposing likewise the necessity of the King's consent for the applying that sum, the Scots could not be sure he would agree that it should be assigned to them.

"8. That the jurisdiction in causes testamentary, decimal, matrimonial, be settled in such manner as shall seem most convenient by the King and the two Houses of Parliament (6).

REM. (6). This concession signified nothing, for since the King meant not to give up his negative vote in Parliament, to say, that after the peace this article should be settled by the King and the two Houses, was as much as to say, there should be no alteration in it but what the King pleased.

"9. That one or more Acts of Parliament be passed, for regulating of Visitations, and against immoderate fees in Ecclesiastical Courts, and the abuses by frivolous Excommunications, and all other abuses in the exercise of Ecclesiastical jurisdiction, in such manner as shall be agreed upon by his Majesty, and both Houses of Parliament (7).

REM. (7). This pretended concession is like the former; for after the peace should be made, it would be still in the King's breast to give or withhold his assent to the reformation of the abuses; whereas the point was to settle what ought to have been reformed.

When these concessions are compared with the Parliament's demand, that Episcopacy should be abolished; it is no wonder, the Parliament's commissioners were not satisfied with them. Accordingly, without losing time in disputing upon these articles, they rejected them as insufficient, and offered not to qualify their demand in the least.

As to the Militia, the King's commissioners, after long disputing, and alleging various arguments to shew the injustice of depriving the King of one of the most essential Prerogatives of the Crown, and the inconveniences which would infallibly spring from thence, were willing to grant:

"That all the forces of the Kingdom, both by sea and land, should be put into the hands of twenty commissioners, ten to be named by the King, and ten by the two Houses, and that the same thing should be done in Scotland. But they would not consent, the commissioners for Scotland should be joined with those for England, so as to form one Committee, or that the first should in any manner meddle with the affairs of Eng-

land. Upon these conditions, they offered, that the King should be content that this commission should continue for three years." But still the power of these commissioners was first to be settled, wherein there were very great difficulties.

The Parliament's commissioners would not agree, that the King should name ten of the persons that were to be intrusted with the Militia. Their reason was, that the point being to give the People security, they would have none, if half the commissioners were nominated by the King: Nay, rather it would be a means to re-ignite the war, there being no likelihood that these commissioners, thus equally divided, would ever agree, since they would be of directly opposite principles. Moreover, proceeding upon the foundation of the union between England and Scotland, and upon the Dangers being common to both Kingdoms, they persisted to demand, that the commissioners of both Kingdoms should act in common. Upon these two conditions they agreed, that the commission should continue but seven years, after having long contended for an unlimited time. Thus the negotiation upon this, succeeded no better than upon the foregoing article (a).

As to Ireland, the Commissioners agreed upon nothing. The Parliament's would have the cessation to be void, and for the future, neither peace nor truce to be made without the consent of both Houses. The King's, knowing his Majesty's mind, that he would not only maintain the cessation, but even designed to make peace with the Irish, were far from consenting to the Parliament's demand. So, the whole dispute turned upon this point, whether the King had power to conclude a cessation, without the privacy of the two Houses, some affirming, others denying it. On each side, the same arguments were frequently repeated, with mutual reproaches for several proceedings; and almost all the facts alleged by one side, were denied by the other, so that neither of the parties made any concession.

After a negotiation of eighteen days upon the three articles I have been speaking of, the King's Commissioners desired, his Majesty's propositions, particularly those concerning the cessation of arms, and the King's return to the Parliament, might be considered. The other Commissioners answered, that when the two Houses should see the treaty like to succeed, they would consent to prolong it. The two remaining days were spent by the King's Commissioners, in trying to obtain a prolongation of the treaty, but they could not prevail. It must be remembered, that the King's aim was to gain time for two principal reasons. First, as he was persuaded, that as long as the people had any hopes of peace, they would not easily be induced to find the Parliament the necessary supplies for the continuation of the war, and so the preparations of the two Houses would be retarded. The second was, that he rightly judged, the Parliament would not seriously think of executing their project concerning the army, whilst there should be any expectation of peace. The two Houses perceiving the King's intention, avoided the snare, and the conferences broke off upon the expiration of the twenty days (b).

The House of Commons, or rather, a new party which had been formed in the House, waited only for this rupture, to execute a project which I have just mentioned, but of which it will be necessary to speak here more largely, since the execution of this project serves for foundation to all the events which afterwards happened.

Before the Parliament was assisted by Scotland, the war had not been much to their advantage. The successes of the two first campaigns were so far from answering their expectations, that very probably, without the assistance of the Scots, they would have been forced to make such a peace as the King desired. If in the third, the King had lost all the North, he had made himself amends, by gaining almost all the western Counties, and, after the second battle of Newbury, he was still at Oxford, in condition to withstand his enemies. The Scotch army, which, having subdued all the North, was advancing towards the middle of the Kingdom, was therefore what made the balance incline to the Parliament's side, and what, probably, was to give them the superiority in the fourth campaign, for which both sides were preparing. This aid came very seasonably, to establish the affairs of the Presbyterians, who were then all-

(a) The Parliament sent an express to *Whitehall*, with their vote, to propose a limitation of the Militia for three years, after the three Kingdoms are declared by the King and Parliament to be settled in peace, or to have it settled in the Parliament for seven years, after the time the King is willing to settle it. When they first treated of the Militia, Sir Edward Hyde would have had it taken for granted, that the whole power of the Militia, by the Law of England, is in the King only. This by Mr. *Whitehall* was denied to be so very close, and he undertook to make it out. That our Law does not positively affirm, where that great Power is lodged, and divided not, but to satisfy the Commissioners fully in that point. Whereupon it was moved, that a day might be appointed to hear their arguments. But on account of the time, it was thought fit to lay aside the debate. The Commissioners of both Kingdoms, at their return from their quarters, thanked *Whitehall* for encountering Sir Edward Hyde, upon the point of the right of the Militia, wherein he was so confident. *Whitehall*, p. 129, 133.

(b) A great many of the King's friends, and particularly the Earl of *Southampton*, went post from *Whitehall* to *Oxford*, to press the King again and again upon their knees, to yield to the necessity of the times, and by giving his assent to some of the most material Propositions that were sent him, to settle a lasting peace with his People. The King was at last prevailed with to follow their counsel, and the next morning was appointed for signing a Warrant to his Commissioners to that effect. But when they came early next morning so was on him, with the Warrant agreed upon overnight, they found his Majesty had changed his resolution, and was become inflexible in their points. This alteration was occasioned by a confident Letter, dated February 11, which his Majesty received, a few hours before he was to sign, from the Marquis of *Montrose*, giving an account of the Earl of *Argyll's* defeat, and discharging his Majesty from treating with his Rebel-subjects. Because, as the Marquis affirmed, "he doubted not, but before the end of the Summer, he should be able to come to his Majesty's assistance with a brave army." *Whitehall's News*, p. 63, 64, 102, 103, Dec. *Burnet's Hist.*

1644-5. powerful in the Parliament, and disposed of every thing as they pleased. They were the men who had most conducted to engage the Kingdom in a war, and called in the *Scots*, because they could not hope to execute their designs, unless the Parliament's arms were victorious. But before I proceed, it will be absolutely necessary to make known these Presbyterians, who till then seemed to make but one and the same party, though in reality they consisted of two, very different from each other, both in principles and interests.

After all my pains, I have not been able to discover precisely, the first rise of the Independent sect or faction. Thus much is certain, their principles were very proper to put the Kingdom in a flame, as they did effectually. With regard to the State, they abhorred Monarchy, and approved only a Republican Government. As to Religion, their principles were contrary to those of all the rest of the world. They not only were averse to Episcopacy, and the Ecclesiastical Hierarchy; but would not so much as endure ordinary Ministers in the Church. They maintained, that every man might pray in publick, exhort his brethren, interpret the Scriptures, according to the talents God had endued him with; whereas very often Ministers were ordained without proper endowments, whilst those of many Laymen remained useless for want of external Ordination. So with them, every one prayed, preached, admonished, interpreted the Holy Scriptures, without any other Call than what he himself drew from his zeal, and supposed Gifts, and without any other authority than the approbation of his auditors (1).

Different
Origins of
the Independ-
ents with
regard to
Religion and
Civil Govern-
ment.

I cannot exactly tell, whether this sect or faction was entirely formed at the beginning of the Parliament, or whether it sprung up during the sessions. But there is, I think, a distinction to be made upon this subject. I conjecture, that the sect was already formed, with respect to civil Government, and arose from the principles of arbitrary Power, which *James I.* and *Charles I.* laboured to establish, but that with regard to Religion, it was formed during this Parliament. I build my conjecture upon this. When the long Parliament began, there were but two known parties in the English Church, namely, the Episcopals, or Church-of-England-men, and the Presbyterians. The name of Independent was entirely unknown, and those, afterwards called Independents, were certainly united with the Presbyterians, and made a very considerable part of them. But they were different from the other Presbyterians, as they proposed for their end to change the Monarchy into a Common-wealth, which cannot be imputed to the Presbyterians in general. It is very true, the Presbyterians were for humbling the regal power, and leaving the King only the shadow of Sovereignty; but they preserved a sort of attachment to the name of King, and at least an external respect for royalty. If we examine the propositions they presented to the King at several times, we shall find them all built upon this foundation. They were in that like the *Scots*, who cannot justly be accused of intending to abolish Monarchy, though they proposed to reduce it within very narrow bounds. The Independents, after having lent their utmost assistance to diminish the regal power, in hopes thereby to attain their end, the destruction of the Monarchy; perceived at last, they should not be able, without great difficulty, to accomplish their design. The reason was, because neither the English, nor *Scots*, Presbyterians, had any inclination to establish a Common-wealth, and because their whole Clergy, who had a great influence in that party, were of the same principles. They judged therefore, it would be very advantageous to them, to destroy the Clergy's authority, by intimating them to be unnecessary, and their vocation established upon no good foundation. Then it was that the Independent sect began to be formed with regard to Religion; for there are no signs of it, till about the end of the year 1644. I own

This join
between
Presby-
terians

this to be only conjecture, which may be rejected if any 1644-5. thing more plausible occurs.

It is no wonder therefore, that from the beginning of this Parliament, the Independents had earnestly contributed to put it out of the King's power to preserve his authority but by a war, and to ruin the Church of England. It is rather to be considered, that this was the natural consequence of their principles, and a very proper means to lead them to their end. The humbling of the King, and the destruction of the Church of England, were two points that were necessarily to be gained, before the establishment of a Common-wealth was endeavoured. It was not therefore proper, they should separate from the Presbyterians, as long as these last concurred with them in their design to gain these two principal points. For that reason, they readily consented to call in the *Scots*, and made no scruple to approve of the Covenant, and whatever else was required by the *Scots*. The business then was to be able to resist the King, who had acquired some superiority, by the happy success of his arms. This was the common interest of the Presbyterians and Independents, who would have been equally ruined, if the King's party had prevailed.

Mean while, the *Scotch* army, in strengthening alike the Presbyterians and Independents against the King, confirmed withal to the first, the superiority they had for some time enjoyed. As long as this superiority lasted, it was almost impossible for the Independents to attain their ends. They judged it therefore absolutely necessary, to undermine the great power of the Presbyterians, not openly, for fear of being oppressed before they had well laid their measures, but secretly, and by artifice. To that purpose, the leaders of this party, as *Vane*, *Cromwell*, *Tate*, *Holcroft*, and some others, began to make themselves very popular, and to express a great zeal for the publick, in order to gain the good-will of the people. They had their emissaries every where, who diligently aggravated the faults committed since the beginning of the war, as well in the administration of the Government, as in the military actions, and insinuated, they were entirely to be ascribed to the private views of the members of Parliament, who possessing all the places and offices, were very unkind to put an end to the troubles. That some of the Generals had designedly missed opportunities of fighting with advantage, and that, in a word, the greatest part dreaded nothing so much as a decision, either by arms or a good peace.

In support of these rumours which were spread abroad, *Cromwell* came to the Parliament at the end of the campaign, and publicly accused the Earl of *Manchester*, of not having done his duty at the battle of *Neubury*, and the affair of *Dennington-castle*; insinuating, he was afraid of putting a too speedy end to the war (2). The Earl answered by a memorial, which he presented to the Lords, and *Cromwell* thought not fit to prosecute his accusation, which T. II. p. 412. was properly a preparative only to begin the execution of a greater project.

This publick proceeding of *Cromwell* raised a suspicion, that he was one of the principal authors of the rumours which tended to render the people jealous of the Parliament. There was even a conference held at the Earl of *Essex's*, where it was considered, whether he should be arrested. But as the proofs appeared not sufficiently clear, it was resolved to wait till he should have laid himself more open. Probably, some of those that were present at this conference informed him of it, which made him hasten the execution of the project formed by himself and his friends (3).

This project was to exclude all the Members of Parliament from enjoying any office or command military or civil. It is certain, that from the beginning of the war, the Parliament in the distribution of posts, had not forgot their own Members, or rather to say the truth, all the principal posts were possessed by the Members of one or other House. Hence sprung two great inconveniences.

The Independ-
ents begin
to undermine
the power of
the Presby-
terians.
Cromwell.
T. II. p. 412.

Cromwell
accuses the
Earl of
Manchester
before the
Parliament.
Rushworth,
V. p. 712.
Widdowes,
p. 116.
Rushworth,
VI. p. 2.

Design of ar-
resting him
and others.
Widdowes,
VI. p. 2.

Exclusion of
the Parlia-
ment in the
distribution
of places.

(1) The Independents, called at first *Congregationalists*, owed their rise chiefly to *Gudwin*, *Nye*, *Bridge*, *Smyth*, and *Barrow*, who transported themselves into Holland for Liberty of Conscience. From whence, upon the demolition of Episcopacy, they returned to England, and addressed the Parliament with an Apologetical Narrative for indulgence and Toleration. In that Apology they declare, that they understood the Scriptures without any prepossession: They look upon the word of *Christ* as imperially and unconditionally as men of *High* and *Low* are able to do in any juncture of time, they having no temptation to say *Hail*. As to Church-Government, they said, They contained themselves in Scripture, Precept, and Precedent, leaving room for alterations upon farther insight. As for the Clergy, they said, that "if we were the rulers of *Israhel*, we should be as *Moses*, and not as *Aaron*; and if we were to be as *Aaron*, we should be as *Aaron*, and not as *Moses*." Their main Characteristic was, the dissolving Parochial and Provincial Subordination, and forming all their Congregations upon a Scheme of Casuality. As to the manner of their Service, they prayed publicly for Kings and all in Authority: They read the Scriptures, and expounded the Lessons upon proper occasions: They sung Psalms, and made Collections for the poor every Lord's-day. Their publick offices were *Pulpits*, *Teachers*, *Belling*, *Elders* (which were Ecclesiastical), and *Deacons*. As for Church-Censures, they had none but other two kinds. The first was, the excommunication of those who were not of their communion. The second was, the excommunication of those who were not of their communion. The five above-mentioned Independents, were all or most of them Members of the Assembly of Divines. *Rogers* seems to confound them with the *Burrows*. See their *Antichristian Narrative*, and *Call to the Assembly*, Tom. II. p. 220. They were called Independent, from their declaring against the Dependency of Churches: Which, as it is said above, was their main Characteristic.

(2) In that memorial, it was said, that "if we were the rulers of *Israhel*, we should be as *Moses*, and not as *Aaron*; and if we were to be as *Aaron*, we should be as *Aaron*, and not as *Moses*." Their main Characteristic was, the dissolving Parochial and Provincial Subordination, and forming all their Congregations upon a Scheme of Casuality. As to the manner of their Service, they prayed publicly for Kings and all in Authority: They read the Scriptures, and expounded the Lessons upon proper occasions: They sung Psalms, and made Collections for the poor every Lord's-day. Their publick offices were *Pulpits*, *Teachers*, *Belling*, *Elders* (which were Ecclesiastical), and *Deacons*. As for Church-Censures, they had none but other two kinds. The first was, the excommunication of those who were not of their communion. The second was, the excommunication of those who were not of their communion. The five above-mentioned Independents, were all or most of them Members of the Assembly of Divines. *Rogers* seems to confound them with the *Burrows*. See their *Antichristian Narrative*, and *Call to the Assembly*, Tom. II. p. 220. They were called Independent, from their declaring against the Dependency of Churches: Which, as it is said above, was their main Characteristic.

(3) One evening, *Maynard* and *Whitlock* were sent for by the Earl of *Essex*; and when they came, they found him with the *State* Commissioners, *Hales*, *Stephens*, *Meryck*, and others of his special friends. Being desired to give their opinion, whether *Cromwell* might be accused of being an incendiary (which was agreed upon to be one that raised the fire of contention in a State) they answered, *Cromwell's* first parts and words in both Houses had been to be considered, and therefore advised not to proceed against him without clear proof, because it would reflect upon their honour and wisdom, to begin such a thing, and not be able to make it good. Wherefore, instead of accusing him, they thought it best, that direction be given to collect such particulars relating to him, by which it might be judged, whether they would amount to prove him an incendiary or not. The *State* took this advice, but *Hales* and *Stephens* were for an accusation. *Whitlock* says, he had doubt to believe, that those who were present informed *Cromwell* of all that passed. And after that, *Cromwell* thought he could not notice at that time of any other, formed more kind to *Whitlock* and *Maynard* than sincerity, and carried on his design more secretly of making way for his own advancements. *Whitlock*, Tom. V. p. 115.

1644-5. The first, that, since the breach with the King, the two Houses had ruled with an absolute sway, the Members who had polts in the army, had so great influence there, that no man durst oppose their sentiments, or take notice of their faults or misdemeanours, which by that means were always unpunished. This had at length bred at the end of the last Campaign those great diffentions between the Generals, which proved so prejudicial to the common cause. The second inconvenience was, that it was undeniably the particular interest of the Members of Parliament to prolong the war; since the end of the troubles, whether it happened by a decisive battle, or a treaty, would strip them of their employments. This project was therefore founded upon reasons very plausible, and apt to make impression on the people. But withall, it was of great advantage to the Independents, in that the power of the Presbyterian party would be considerably lessened, and they had so well laid their measures, that they were almost sure, the vacant polts would be filled with men of their party. This was the more feasible, as hitherto the Independents not having yet pulled off the mask, it was not easy to discover who were for, since they were still confounded with the Presbyterians.

Whitelock.

To execute this grand project, the leaders of the Independents resolved to move two things in the Parliament. The first, to put the army under a New Model, that is, to form new Regiments of Horse and Foot out of the present troops, so that there would be still the same officers and soldiers, but new bodies or ways compounded than before. The second, that the Parliament should pass an ordinance excluding the Members of either House from enjoying or executing any office or command civil or military. The first was founded upon the necessity of putting an end to all factions and cabals, which might be formed in the several bodies of the army; the second, upon the necessity of demonstrating to the people, that the Parliament was not influenced by private views, but preferred the public good to the interest of their own Members. But the Presbyterian Members thereby lost at once all their polts and credit in the army. This was the true reason of the proceedings of the Independents, which however they carefully concealed. The other reasons were so plausible, that they did not question they would be very agreeable to the people, who were already disposed to approve them. And therefore it was thought, several Members would not venture to contradict them, for fear of raising a suspicion of their acting from motives of interest.

Rushworth, VI. p. 3; Ludlow.

On the 9th of December 1644, these motions were made in the House of Commons, at the time when the treaty of *Uxbridge* was preparing. The managers of the affair (1), moved to take into consideration the state of the Kingdom, the reasons why the war lasted so long, and the consequences of the treaty of *Uxbridge*, in case it was unsuccessful. This motion being approved of, the House voted themselves into a grand Committee, to debate upon these points. A general silence being kept for some time, *Oliver Cromwell* stood up at last, and spoke briefly to this effect:

Cromwell's Speech in the House of Commons. Rushworth, VI. p. 4.

"That it was now a time to speak, or for ever to hold the tongue: The important occasion being no less than to save a Nation out of a bleeding, nay, almost dying condition, which the long continuance of the war had already brought it into; so that, without a more speedy, vigorous, and effectual prosecution of the war, casting off all lingering proceedings like soldiers of fortune beyond sea, to spin out a war, we shall make the Kingdom weary of us, and hate the name of a Parliament. For what do the enemy say? Nay, what do many say that were friends at the beginning of the Parliament? Even this, That the Members of both Houses have got great places and commands, and the sword into their hands, and what by interest in Parliament, what by power in the army, will perpetually continue themselves in grandeur, and not permit the war (speedily to end, left their own power should determine with it. This I speak here to our own faces, is but what others do utter

abroad behind our backs. I am far from reflecting on 1644-5. any; I know the worth of those Commanders, Members of both Houses, who are yet in power; but if I may speak my conscience without reflection upon any, I do conceive, if the army be not put into another method, and the war more vigorously prosecuted, the people can bear the war no longer, and will enforce you to a dishonourable peace. But this I would recommend to your prudence, not to insist upon any complaint or over-sight of any commander in chief upon any occasion whatsoever; for as I must acknowledge myself guilty of over-sights, so I know they can rarely be avoided in military affairs; therefore waving a strict inquiry into the causes of these things, let us apply ourselves to the remedy which is most necessary. And I hope, we have such true English hearts and zealous affections towards the general weal of our mother country, as no Members of either House will scruple to deny themselves, and their own private interests, for the public good; nor account it to be a dishonour due to them, whatever the Parliament shall resolve upon in this weighty matter."

Cromwell was seconded by others who spoke, like him, in a general manner, without making any particular proposition. At last *Zeuch Tate* and *Sir Henry Lane* moved expressly to have all Members of Parliament excluded from commands and offices. This motion was long debated, and at length approved by a majority of voices, and a committee was appointed to prepare an ordinance to that purpose. Two days after, this ordinance was brought into the House, and it was resolved, that the 18th of the same month should be set apart for a Fast, to implore a blessing on this affair, as well as on the intended new model of the army, which had been also voted, though I could not find the day. The 14th of December this ordinance was again taken into consideration, and canvassed [in a grand Committee] very seriously on both sides (2). The 18th the Fast was kept, and the 19th the ordinance passed the House of Commons. It was called the *Self-denying Ordinance*, because the House in passing it, renounced their own advantages.

The affair however was not finished till the Lords had approved of the ordinance, to which they were by no means inclined. On the contrary, at a conference with the Commons, they urged several reasons against it. Whereupon, the 13th of January, the whole House of Commons went up to the Peers with a message to press them to pass the *Self-denying Ordinance*. Nevertheless they rejected it that same day (3).

Notwithstanding this, the Commons proceeded in forming a new model of the army, which they voted should consist, in the whole, of one and twenty thousand men, namely, six thousand Horse, one thousand Dragoons, and fourteen thousand Foot: That the Horse shall be divided into ten Regiments; the Dragoons into ten single Companies; and the Foot into ten Regiments of at least twelve hundred men each. After that, they appointed *Sir Thomas Fairfax* to be General, Son to the Lord *Fairfax* who commanded in the North. This done, they passed an ordinance for raising money for the maintenance of the army which was to serve under the command of the new General, and on the 28th of January sent it up to the Lords for their concurrence (4). The Lords scrupled to consent to several articles concerning the nomination of the principal officers. But as there were but few Peers, they were told, they would do themselves unseemable prejudice if they pretended to oppose the resolutions of the Commons, and in short, that their concurrence was not necessary. In all appearance, this made the Lords pass the ordinance the 15th of February, without any amendments (5).

The 19th of the same month *Sir Thomas Fairfax*, being conducted to the House by four Members, was complimented by the Speaker. After that, he delivered a list of the Colonels he had appointed, by virtue of a clause in his commission, among whom there was not a single Member of Parliament (6). There was also upon this occasion

Motives taken from all Members. Ibid. Clarendon, T. II. p. 357. 436, 438. It is approved of another for new modelling the army. December, 11.

The Self-denying Ordinance passes the House of Commons. Rushworth, VI. p. 7. The Lords reject it. January 13. Whitlock, Manley.

The Commons form the new Model. Whitelock, Rushworth, VI. p. 7. Turnock, 25. Thomas Fairfax General. January 21. Ibid. Sprague, p. 9. Clarendon, T. II. p. 439.

The Lords consent to it. Rushworth, VI. p. 8.

Fairfax goes to the new Colonels. Id. p. 13.

(1) The exclusion of the Members from all Offices, was moved first by Mr. *Zeuch Tate*, who brought it in with a similitude of a boy's upon his hands; and was lost by that party, who contrived the turning out of the Earl of *Edgemoor*. He was seconded by *Sir Henry Lane* and others. *Whitelock*, p. 118. *Ludlow*, Tom. I. p. 148.

(2) *Whitelock* speaks against it. See his Speech in his *Memorials*, p. 119. — And the reasons that were given for the *Self-denying Ordinance*, are in *Rushworth*, Tom. VI. p. 8. It was sent up to the Lords, December 21, by Mr. *Pierpoint*: But their Lordships did not begin their debates about it till December 28, and then they communicated it to eight Lords, to report their opinions about it; which they having done, the Lords had, on January 7, the Conference here mentioned. *Idem*, p. 7.

(3) And here, says *Whitelock*, will be an to increase the great difference between the two Houses of Parliament, which failed to go great height, as will be seen afterwards. *Whitelock*, p. 119.

(4) This was to be done by the monthly sum of forty four thousand, nine hundred, and fifty five pounds, to be raised by assessment proportionally to the value of the Kingdom, every County being rated such a sum. *Rushworth*, Tom. VI. p. 1.

(5) The Lords did not pass that Ordinance till April 1. See *Rushworth*, Tom. VI. p. 14.

(6) For the Horse.

2500 *Drum*,
Silvery,
Graves,
Stifford,
Peardon,
Woolley,
Leahy,
Fleetwood,
Rolleston,
Sir Rob. Pte.

For the Foot.

Cornford,
Barbery,
Adridge,
Holborn,
Fenwick,
Ingoldby,
Amington,
Parking,
Wicken,
Rushworth.

1644-5. some difference between the two Houses. But after several conferences, the Lords approved of the bill the 18th of March.

Thus the new Model was completed, and though the Self-denying ordinance had been thrown out by the Lords, the Commons had now obtained, by empowering the General to nominate the officers of the army, the exclusion of the members of Parliament from all military posts. This made them hope, it would not be impossible to cause their ordinance to pass. And indeed, [they returned the Debate of it March 24, and] on the 31st, it was sent up to the Lords for their consent, though they had already refused it. Then, the Earls of *Essex*, *Denbigh*, and *Manchester*, perceiving it would be in vain to strive against the stream, and that their House was not in condition to withstand the Commons, surrendered their commissions, and received the thanks of both Houses (1). The next day, the 3d of April, the Lords passed the self-denying ordinance; and thus ended this affair, which had been depending four months (2).

When it is considered, with what earnestness the Commons proceeded in the self-denying ordinance, one is apt at first to believe, either that the number of the Independents was very superior in the House, or that the members were very disinterested. But neither of these was the case. The Presbyterians ever perceived a superiority of number, which became still greater by the members excluded from their posts, who not being employed in the army or elsewhere, increased their party in the Parliament. As to the disinterestedness of the members, it is not to be imagined, that men who had till now expressed such a greediness, as to monopolize, as I may say, and ingross to themselves all the places of trust and profit, should thus suddenly change from black to white, and sincerely desire to relinquish them. But the case was, they were attacked on the weak side, and so could vindicate themselves only by shewing a disinterestedness, which might at least make it doubtful, whether it was through selfishness that they had ingrossed to themselves all the offices and posts. The Independents, before they discovered their design, had taken care to propitiate the People with such plausible reasons, that the Parliament was in danger of being entirely deserted, if they undertook to justify their conduct, and maintain their partiality. This certainly was what caused the ordinance to pass, though it was manifestly designed to ruin the Presbyterian party. For though their superiority of number in the Parliament did not cease, the Independents knew, that by having the army on their side, it would be in their power to obey the Parliament no farther than they pleased. Accordingly to this bent all their endeavours, as soon as things were regulated as they had projected. The new General was reckoned a zealous Presbyterian, and by that the Parliament had been allured to chuse him. But *Cromwell* had such an influence over him, that he made him do whatever he pleased. He had artfully persuaded him, that his sole view was the welfare of Religion, and the good of his Country, and thereby prepared him to receive his counsels, and place an entire confidence in him. For though the Independent party began to shew themselves very openly, they did not yet pretend to form a separate party from that of the Presbyterians, and it was more than a year before they appeared at last entirely unmasked. *Cromwell* especially, more than any other of this party, put on the appearance of a Rigid Presbyterian, and seemed to intend only the firm establishment of Presbyterianism. This was necessary to preserve the confidence of the new General, and make him act according to his views, without discovering the end to which he meant to conduct him. But it was not yet time to make known his designs. There were then but two things absolutely necessary for the advantage of his party. The first, in new modelling the army, to order it so, that the officers, whom the Independents thought they could confide in, might keep their commissions, and those whom they considered as their enemies, might be cashiered. For as three armies were to be reduced into one, many officers would of course be dismissed. The second thing was to prosecute the war more vigorously than hitherto, and endeavour more strenuously to disable the King to maintain it. It is evident the designs of the Independents could not be executed but by the King's destruction. This was necessarily to be supposed, and consequently, all riques were to be run to put a speedy

conclusion to the war, as nothing could be more prejudicial to them than its continuation.

As soon as Sir *Thomas Fairfax* had received his commission from the Parliament, he came to *Windsor*, his headquarters, and from thence sent commissioners whither there were troops, to form the new regiments, and disband the supernumerary officers. No doubt, these commissioners, who were mostly general officers, had private instructions concerning the officers, they were either to continue or break, and *Cromwell* had framed in great measure these instructions, though he did not appear to be concerned. The Parliament undertook this reform in a very dangerous season (3). It was in April, when the King was preparing to take the field. If unhappily, they had met with resistance in the troops, as many were apprehensive, and if this change had occasioned revolts, which might easily have happened by the insinuations of the disbanded officers, they would have been without an army, at the beginning of a campaign, and consequently unable to withstand the King's forces. But they heard with pleasure, that every thing was effected with great tranquillity, and their orders every where perfectly obeyed.

The General remained at *Windsor* all April, not being able sooner to finish what was to be done, to prepare the army for action. During this time, he received a letter from the Committee of both Kingdoms (4), informing him, that the King had sent to Prince *Rupert*, to come and join him with two thousand Horse. Wherefore, he was ordered to dispatch a party of Horse towards *Oxford* to hinder this junction. And as the self-denying ordinance was not to take place till after forty days, namely, on the 13th of May, the charge of this service was by the committee particularly recommended to Lieutenant General *Cromwell*.

Cromwell departing from *Windsor* the 24th of April, met, near *Islip-Bridge* (5), with a brigade of the King's Horse, consisting of the Queen's, and three other regiments, and utterly routed them (6). Then he marched to Sir *Thomas Coggin's* at *Blekington*, where Colonel *Windbank*, Secretary *Windbank's* Son, kept a garrison for the King, and summoned the Colonel with a sharp message, who immediately surrendered. The King was so incensed at his cowardice, that he caused him to be condemned by a council of war, and afterwards shot to death. *Cromwell* gained some other advantages in those parts, but was repulsed in an assault upon *Farrington*.

After the Earl of *Essex's* disaster in *Cornwall*, the Parliament was very weak in the western Counties. They had in *Dorsetshire* only *Poole*, *Lyme*, and *Wymouth*; in *Devonshire*, *Plymouth* alone, and that besieged; and in *Somersetshire*, only *Taunton*, closely invested by Sir *Richard Greenwell*, and in great distress. The Parliament, fearing to lose this important place, sent express orders to the General to march with his whole army, and raise the siege, not considering that the midland Counties would be left defenceless, just as the King was going to take the field. Mean while, *Fairfax*, in obedience to the orders, began his march the 30th of April, and on the 7th of May was beyond *Salisbury*.

The Committee of both Kingdoms having intelligence, that the King was on the 7th of May to head his army, perceived their error in sending all their Forces into the West, and leaving the middle of the Kingdom defenceless. Wherefore they dispatched with all speed an order to the General, which reached him at *Blandford*, to return, and send only a party to relieve *Taunton*. The General immediately obeyed, and detaching Colonel *Wilden* with about five thousand foot, and eighteen hundred horse to *Taunton*, returned back to *Netbury*, where he stayed some days to refresh his troops.

At the approach of the Party sent to *Taunton*, Sir *Richard Greenwell* raised the siege of that place, where relief could not come more seasonably, so much was it pressed. But shortly after, General *Goring* came into *Somersetshire* with three thousand horse, given him by the King, when he heard *Fairfax* was marching to the West. Then, *Greenwell* joining him, they went together, and laid siege again to *Taunton*, where the Party that relieved the town were shut up.

During these motions of the Parliament's forces, the King, on the 7th of May, took the field, and marched [with about eight thousand men] towards *Chelster*, to re-

(1) And to sweeten the Earl of *Essex*, (as *Witley* expresses it, p. 112,) an order was made for the better payment of 20000 *l.* per Annum, lawfully granted to him out of Delinquents Estates.

(2) Here ended (says *Witley*) the first Scene of our tragick Civil War, in the exit of this brave person *Fairfax*, who being left alone, and many gallant men but Officers with him, the King's party looked upon the new Army, and new Officers, with much contempt, and the new Model was by them in scorn called the new *Niddie*. *Mem.* p. 140.

(3) Major General *Stippon* did much still in this work, especially in reducing five Regiments of *Essex's* forces into three, amongst which was the Earl's own, that was like to prove most necessary. *Reflexions*, Tom. VI. p. 17. *Drizler*, p. 9.

(4) From whom the Parliament's army was generally to receive its orders. *Reflexions*, Tom. VI. p. 23.

(5) He was ordered to march beyond *Oxford*, as the Prince was to come from about *Worcester*. *Ibid.*

(6) Her Majesty's Standard was taken, with two hundred Prisoners. *Ibid.* p. 24.

1615. lieve the place, besieged by Sir William Brereton (1). But he heard by the way, the siege was raised; and having nothing more to do there, marched to *Leicester*, which he took by storm the 30th of May.

Mean time, the Parliament perceiving the King was marching towards *Chester*, sent orders to General *Fairfax* to besiege *Oxford*. Accordingly *Fairfax* approached the city, and began the siege. But within a few days, the Parliament having intelligence of the taking of *Leicester*, were apprehensive, the King's design was to enter the associated eastern Counties, and therefore ordered their General to raise the siege of *Oxford*, and follow the King. *Fairfax* therefore marched away on the 7th of June. As, very likely, a battle would quickly ensue, he writ to desire the Parliament to dispense with *Cromwell's* absence from the House, and to order him to march to the army, and command the Horse, which was readily granted. Thus, *Cromwell*, who had been one of the most forward to pass the ordinance for the exclusion of the members of Parliament from all offices and posts, civil and military, was the only person that kept his seat in Parliament, and his command in the army. This would be a very honorable distinction for him, were there not room to suspect, it was owing to his own intrigues (2).

Mean while, the King was very uneasy. He was informed of the siege of *Oxford*, but did not yet know it was raised, and that the enemy was marching directly towards him. This made him resolve to move towards *Oxford*, in order to relieve a city of so great importance to him. To that end, he encamped at *Harborough*, from whence he sent an express to General *Goring*, to order him to come and join him with all possible speed. Here it was he received intelligence, that *Fairfax* was drawn off from *Oxford*, and had been repulsed with great loss, in an assault upon *Beaumont house* (3). His troops, as was usual with them, were so elated at this news, that they imagined the enemies to be in the utmost consternation, which ought to be improved by immediately giving them battle. The King himself was prepossessed with this notion, which made him condemn his enemies, and unfortunately induced him to advance to *Deventry* in *Northamptonshire*, in a belief it would always be in his power to fight when he pleased, and that his enemies would never dare to attack him. Otherwise, he might have retired to *Leicester*, and there quietly expected the three thousand men, Colonel *Gerrard* was to bring him from *Wales*, and *Goring's* three thousand Horse from the West. As to *Goring*, an accident happened, which very much conduced to hasten a battle. *Fairfax* had sent a man to *Oxford*, who pretending to serve the King, had managed to artfully, that Secretary *Nicholas* had entrusted him with a packet to General *Goring*, who was before *Taunton*. This man having discharged his commission, *Goring* thought he could not employ, to carry a letter to the King, a more trusty messenger than the person sent to him by Secretary *Nicholas*. He gave him therefore a letter for the King, wherein he told his Majesty, that he hoped to be master of *Taunton* in a short time, conjuring him not to engage, but to stand upon the defensive, for he did not question, in twelve or fourteen days to join him with the forces under his command. The King knew nothing of this letter which was brought to *Fairfax*. But it convinced the Parliament-Generals of the absolute necessity of fighting, before this aid should come to the King.

Pursuant to this resolution, *Fairfax* continued to advance towards the King, who being better informed of the number and designs of his enemies, resolved to retire to *Leicester*. To that purpose, he began to march towards *Harborough*, where his van arrived, whilst the rest of the army was yet above two miles behind. That same night, he heard, the enemies were within six miles of *Harborough*, and indeed General *Ireton*, *Cromwell's* Son-in-law, had now fallen upon some of the King's quarters, and taken

several prisoners. Whereupon it was resolved at a council of war, held in the night, to march back and meet the enemy, considering the impossibility of going to *Leicester*, without exposing the rear to certain destruction. So, the King returning in the morning, the 14th of June, met the Parliamentarians, who upon news of his march, had drawn up near *Nashby*. Here was fought the fatal battle that decided the quarrel between the King and the Parliament.

Prince *Rupert* commanded the right wing of the King's army, and Sir *Marmaduke Langdale* the left. Sir *Jacob Ashley* (4) led the main body of the foot, and the King was at the head of the reserve of Horse (5). On the Parliament's side, the right wing of Horse was commanded by *Cromwell*, the left by *Ireton*. General *Fairfax*, and Major-General *Stippin*, were both at the head of the main-body, the first on the right, and the other on the left (6).

Prince *Rupert* began with charging the left wing, commanded by *Ireton*, and after a long conflict, wherein he met with great resistance, broke that body of Horse, put them to flight, and chased them almost to *Nashby* town (7). In his return, he lost some time in trying to become master of the Parliament's artillery. He even summoned the train, but they being well defended with fire-locks, and a rear guard, and he without Foot, he could not execute his design.

At the same time, *Cromwell* was engaged in a very obstinate fight with Sir *Marmaduke Langdale*, but at length the King's Horse took to flight, and were pursued about a quarter of a mile. After that, *Cromwell* leaving a party of Horse to oppose the King's, in case they should rally, returned with speed to the field of battle, where his assistance was very much wanted by his friends.

The Parliament's Foot were engaged with the King's, and began to be pressed in such a manner, that they were in great disorder. *Cromwell*, who was returned victorious, changed the face of the battle, by charging the King's infantry in flank, who could not stand so vigorous an attack. *Fairfax* and *Stippin*, took advantage of this assistance to rally their troops, who had been roughly used at the beginning of the battle (8), and at last, the King's Foot were routed, that there was no possibility of rallying them.

In the mean time, the Prince not being yet returned from the chase, the King was, with his reserve of Horse, unable to charge *Cromwell*, who was stronger than himself, and was also re-joined by the party he had left behind. As soon as Prince *Rupert* was returned with his victorious Horse, and had joined the reserve, the King used his utmost endeavours to persuade them to charge once more the enemy's Horse, not questioning, that if he could put them to rout, he should afterwards easily vanquish the Foot. But he could not prevail with them to make a second charge (9). This is not very strange, since it could not be done without manifest danger. *Fairfax*, *Stippin*, and *Cromwell*, without losing time in pursuing the King's dispersed infantry, had speedily rallied their troops. They faced the King's Horse, and prepared to receive, or to charge them. So, to renew the fight, the King must, with one single wing of Horse, and his small body of reserve, have fallen upon the enemies army, which wanted only the wing that was routed. This the Cavaliers clearly perceived, and was what hindered them from obeying the King's orders. At the same time, an accident happened, which induced them to take to flight, or furnished them with a pretence. [Robert *Dalziel*] Earl of *Carnarvon*, seeing the King, notwithstanding the unwillingness of his own troops, bent upon charging the enemies, rode up to him and said, Sir, will you go upon your death in an instant? And withal, laying hold of the King's bridle, turned his Horse to the right. The King's cavalry seeing his Majesty's Horse turned, without knowing the cause, took occasion to disband, and rode upon the spur without looking behind them. So, the King was also forced to retire, and leave his enemies ma-

(1) It was Prince *Rupert* that advised the King to march into the North of England. The rest of his Council were for his marching into the West. See *Clarendon*, Tom. 4. p. 107, 108.

(2) This was much less gain by *Effie's* party, as a breach of the Self denying Oathmen, and a discovery of the intentions to continue whom they pleased, and to remove others from commands, notwithstanding their former Self denying Protest. *Witchell*, p. 145.

(3) In *Buckinghamshire*, held by the Livery of a Horse. Colonel *Campden* was Governor of it. *Item*, p. 146.

(4) Lately created Lord *Ashley* of *Bledday*.

(5) Though *Rupert* was brought up by Col. *Parsons*, *Hamond*, and *Pride*, *Railworth*, Tom. 6. p. 42.

(6) *Ireton* had his Horse killed under him, was run through the Thigh, wounded in the Face with a Pike, and made Prisoner, but found means to escape upon the return of the battle. *Witchell*, p. 146.

(7) *Fairfax* had his Helmet beat off, but he never, did up and down bare-headed. Whereupon, Colonel *Charles D'Esly* told him, he exposed himself to too much danger, and offered him his Helmet, but he would it, saying, It is not enough, Charles. Then he ordered him to charge a body of the King's Foot, which had broken in the front, whilst he would do the same in the rear, and meet him in the middle. Which was done accordingly. In this charge *Fairfax* killed the English, and one of *D'Esly's* Troopers took the colours, bragging, he had killed the English, for which *D'Esly* chiding him, *Fairfax* said, Let him alone, I know better enough, let him take that honour to himself. *Stippin* being wounded in the beginning of the fight, was desired to go off the field, but he refused. He would not stir as long as a man would stand. *Witchell*, p. 147.

(8) Here the Lord *Clarendon* makes the following remark. This difference, says he, was observed all along in the discipline of the King's troops, and of those under *Fairfax* and *Cromwell*, that though the King's troops prevailed in the charge, they seldom rallied themselves again in order, nor could be brought to make a second charge the same day. Whereas the other troops, if they prevailed, or though they were beaten, presently rallied again, and first in good order, till they received new orders. The same thing, he says, was not observable in the forces under *Effie* and *Waller*. *Clarendon*, Tom. 4. p. 508.

1645.

flers of the field (1). All his infantry were so dispersed, that the enemies took as many prisoners as they pleased. He left his whole train of artillery, all his bag and baggage, with his Cabinet, wherein were his most secret papers and letters, which the Parliament were so cruel, as to print and publish, particularly his letters concerning the treaty of *Uxbridge*, of which the reader has before seen some extracts. After this, he was never more able to bring a considerable army into the field. It is said, there were not slain on the King's side above six hundred men; but amongst them were more than one hundred and fifty officers; and besides, the enemy took above five thousand prisoners.

The King, and Prince *Rupert*, that same day retreated by *Leicester* to *Abby de la Zouch*, from whence, after a few hours refreshment, they continued their march with their Horse in very great disorder to *Hersford*, where they parted. Prince *Rupert* halted to *Bristol*, to prepare the city for a siege, there being great likelihood, it would quickly be attacked. The King retired into *Wales*, and made some stay at *Ragland* castle, not despairing of being able to form another army in those parts. The reason is unknown, why he was bent, contrary to all appearance, upon raising a new army in *Wales*, and the neighbouring Counties, instead of marching into the West with his Horse, where he had a strong body of troops, under the command of *Goring* and *Greenwich*, with which he might have long continued the war.

Mean while, *Fairfax* advanced towards *Leicester*, which surrendered by capitulation, four days after the battle of *Naseby*. Then, he marched with all speed to the West, where it was very necessary to lead the army, as well to relieve *Taunton* and the party there shut up, as to reduce to the obedience of the Parliament the western Counties, which were all for the King. At the approach of the army, *Goring* raised the siege of *Taunton* (2), and in few days was defeated by *Fairfax* at *Langport*, who killed many of his men, took twelve hundred horses, and fourteen hundred prisoners (3). This victory was followed with the taking of *Brighthelm*, *Bath* and *Sherburn*, after which, *Fairfax* laid siege to *Bristol*.

It was universally expected, Prince *Rupert* would, according to custom, perform wonders in the defence of this city, which was strongly garrisoned (4) and well stored with provisions and ammunition. Nay, the Prince himself had sent the King word, he hoped to hold out at least four months. And yet, the Parliament-army approaching the lines drawn about the place, and repulsing several sallies, the Prince, upon the first summons, agreed to capitulate. *Fairfax* came near the lines the 23d of August, and the capitulation was signed the 10th of September, before the besiegers had approached the walls. When the King heard, Prince *Rupert* had surrendered *Bristol* in this manner, he was so enraged at it, that he ordered him by a letter to depart the Kingdom, and revoked all his commissions. The Prince published a Manifesto in vindication of his conduct. But he did not sufficiently demonstrate the necessity of surrendering so quickly a place of such importance (5).

Immediately after the taking of *Bristol*, *Fairfax* marched again to the West, as well to relieve *Plymouth* which was still invested (6), as to subdue all those Counties to the Parliament. But to prevent the mischief incurred by the Earl of *Essex* the last year, for want of an open communication with *London*, he ordered *Cromwell*, with a party of Horse, to take such places as might hinder this communication. He also detached Colonel *Rainsborough* to besiege *Berkley* Castle, the only garrison, the King had between *Gloucester* and *Bristol*. He went himself to *Bath* the 17th of September, where he remained till his orders were executed.

Cromwell with his party appeared before the Castle of the *Devizes* in *Wiltshire*, situate in the road of traffick between *London* and the western Counties. The Governor [Sir *Charles Lloyd*] made a show of defending himself, but however capitulated on the morrow. The same day *Cromwell* detached Colonel *Pickering*, who became master of *Lacock* House, where was a garrison of the King's [kept by Colonel *Brule*]. After that, *Pickering* rejoined the army, as did Colonel *Rainsborough*, *Berkley*

Castle having been surrendered [by the Governor Sir *Charles Lucas*] upon articles.

September the 26th, the General called a council of war, p. 91. where it was resolved that the army should march farther westward. But as the Prince of *Wales*, the King's eldest son, was in those parts with *Goring's*, *Greenwich's*, and some other troops, which all together made a considerable body, the General was apprehensive of meeting many difficulties in this expedition, and therefore thought it incumbent upon him to secure the communication with *London*. To that purpose, he detached *Cromwell* once more with orders to endeavour to take the Castle of *Winchester*, and then *Basing* house, which had been twice besieged in vain.

Cromwell, with his wonted activity, marching directly to *Winchester*, took the city and castle upon articles, A P. 90. complaint being made by some of the garrison that they were plundered at their marching out, he caused strict inquiry to be made after the offenders, of whom five were found and condemned to die. After lots cast for their lives, he, whose lot it was, was executed; and the other five were sent to Sir *Thomas Glenham* Governor of *Oxford*, to be punished as he pleased. But the Governor sent them back with an acknowledgment of *Cromwell's* justice and civility.

From *Winchester*, *Cromwell* advanced to *Basing*, the house of the Marquis of *Winchester*, which he having fortified, kept garrison there for the King (7). As he refused to surrender, he was so suddenly and bruskly assaulted, that the place was carried by storm, and himself taken prisoner and sent to *London*. After that, *Cromwell* took p. 94. *Langford* House [near *Salisbury*] which surrendered upon articles.

In the mean time, *Fairfax* pursuing his march into the West, came before *Trowton*. It was resolved at a council of war to storm the town: but whilst they were consulting how to order the attack, a round-shot happened to break the chain of the draw-bridge, which falling down, the soldiers, without waiting for orders, possessed themselves of the town.

After that, the army marched towards *Exeter*, the capital of *Devonshire*. But as this place was strong and well garrisoned, and the season not proper for so important a siege, it was resolved to block it up till it could be invested in form.

Whilst the General was employed in ordering the blockade, which held till *December*, and in building necessity fort on the east-side of the *Ex*, the Prince of *Wales* assembled an army in the had time to assemble all the King's forces in those parts, with the militia of *Cornwall*, and form an army of eight thousand men. *Fairfax* hearing, the enemies were preparing to march against him, resolved to prevent them, by advancing towards them. He made such speed that he surprised a brigade of their Horse, commanded by the Lord *Wintworth*, and took between three and four hundred horses. This obliged the King's Generals to proceed with more caution, raise the blockade of *Plymouth* to strengthen their army, and pass the *Tamar*, in order to retire into *Cornwall*.

The Prince's retreat into *Cornwall* gave *Fairfax* opportunity to attack *Dartmouth*, a Sea-port of great consequence, which he took by storm, the season not allowing him to besiege it in form.

After all these advances, *Fairfax* returned to *Exeter*, and finished the blockade of that city. Shortly after, he left the command of it to Sir *Hardress* Waller, and went himself to meet the Lord *Hopton*, who was marching to the relief of *Exeter*, at the head of seven or eight thousand men. General *Goring* being withdrawn into *France*, the Prince of *Wales* had given the command of his army to the Lord *Hopton*. *Fairfax* approaching the enemies, heard, the Lord *Hopton* was intrenched in *Torrington*, to oblige him either to attack him thus disadvantageously posted, or to keep the field in a very rainy season, in a country where there were few villages to shelter his army from the weather. *Fairfax* having weighed the inconveniences of leaving the enemies thus intrenched, resolved to attack them. To that end, he advanced within a mile of *Torrington*, and possessed himself of some posts, with design

(1) Watched by, that on the Parliament's side were wounded and slain above a thousand Officers and common Soldiers; and, that the King fought himself this day a courageous General, keeping close with his Horse, and in person rallying them to hot encounters. *Mem.* p. 251. This battle was fought in a large fallow field, on the North-West side of *Naseby*, about a mile hence: there are now no signs of a fight remaining, excepting some few holes, which were the burying places of dead men and horses. This Town is said by some, to stand upon the high ground in *England*. *Relics, in Camden's* — *Tem.* 17. *Clarendon*, the day after the Parliament received the news of this victory, both Houses were testified by the City of *London* at *Green's Hall*, and after dinner they sang the 45th Psalm, and so parted. *Whitlock*, p. 152.

(2) Sir *John Mordaunt*, senther to Sir *Kenelm Digby*, on the King's side; and on the Parliament's, Colonel *Lloyd*, and Colonel *Erskine*, were killed during this Siege. *Raynolds*, *Tem.* 5. p. 14.

(3) *Whitchell* says, there were thirteen hundred Prisoners, and two thousand Horses taken. p. 159.

(4) The Garrison was led by Sir *Robert* Hopton, two thousand five hundred Foot, and fifteen hundred Auxiliaries. *Idem.* p. 167.

(5) He came a vessel to the King at *Newport*, to vindicate himself. See *Clarendon*, *Tom.* 2. p. 554. And in *November*, obtained a Pa's from the Parliament to go beyond sea. *Whitchell*, p. 158, 159.

(6) And had been in it two years. *Idem.* p. 118.

(7) He had within a few days, declared, that if the King had no more ground in *England* but *Basing* house, he would do so: so he did, and burnt it to the last extremity. For which reason the house was called *Legality*. *Raynolds*, *Tom.* 6. p. 93.

1645-6. to engage on the morrow. But in the night *Hepton's* troops attempting to dislodge the Parliamentarians, and these last receiving assistance from the army, the battle began unfeignedly, and held almost the whole night. In short, after a long conflict in the dark, the Lord *Hepton's* intrenchments were forced, and himself obliged to retire with his Horse, and only four or five hundred of the four thousand Foot, he had before the battle. Thus all his infantry were slain or taken, or so dispersed, that it was not possible for those that escaped to rejoin their General, who was retired into *Cornwall* (1).

After this fresh victory, *Fairfax* judged, his main business was, utterly to destroy the enemies Horse that escaped from *Terrington*, consisting of three thousand, and to hinder them from joining the King. Instead therefore of returning to *Exeter*, he resolved to march into *Cornwall* with his whole army. He set out the 23rd of February, and seizing the passes of the river *Tamar*, left there strong guards, as also in all places where he thought the enemies might try to pass, in case they intended, as was very likely, to join the King. The Lord *Hepton* finding, *Fairfax* was advancing towards him, and not being able to fight him, quitted *Bodmin*, where he had posted himself, and retired farther westward. Mean while, *Fairfax* still advanced, taking all possible care to guard all the passes by which the enemy might escape him.

The approach of the Parliament-army caused the Prince of Wales to resolve to secure his person by retiring into *Scilly*, where he safely arrived (2). Mean while, the Lord *Hepton* was extremely embarrassed, and the more, as the people of the county who before were devoted to the King, began to alter their minds, and even voluntarily offered themselves to General *Fairfax*, to block up the passes, and hinder the King's forces from escaping. At last, the Parliament-army approaching *Truro*, where *Hepton* had his head-quarters, *Fairfax* sent and offered him honorable terms if he would capitulate. Whilst he waited for an answer, he still advanced towards the enemies, and beating up one of their quarters, took three hundred Horses. In short, not to descend to unnecessary particulars, I shall content my self with briefly saying, that the Lord *Hepton* seeing himself surrounded on all sides, and despairing to escape, agreed to capitulate. By the treaty, signed the 14th of March, it was agreed, that all the forces under the command of the Lord *Hepton*, should [within six days] be disbanded, with leave to go beyond sea, or to their homes. That all the horses and arms should be delivered to General *Fairfax*, and upon performance thereof, each trooper should receive twenty shillings, or his horse. That passes should be given to such as desired to go beyond sea, upon their promising not to bear arms any more against the Parliament of England (3). There were several other articles, which it is needless to specify, as they concerned only the manner how the treaty was to be executed (4). The Lords *Hepton* and *Culpeper* retired to *Scilly* before the treaty was signed. Thus the King's army in the West was entirely dispersed. After this, *Fairfax* returns before *Exeter*, which was surrendered upon articles the 9th of April 1646. With the taking of this city, *Fairfax* ended his western expedition, which could not be more glorious to him, or more advantageous to the Parliament, since the King had neither towns nor forces left in the Country.

It is time now to see what passed in the rest of the Kingdom, whilst the Parliament-army was employed in reducing the western counties.

The Scotch army having taken *Newcastle* in October 1644, divided themselves into two bodies, one whereof besieged *Carlisle*, which surrendered upon articles in June 1645.

The other part of the army durst not engage in a siege, because the Marquis of *Montrose*, who served the King in *Scotland*, having had great success there, it was to be feared, the King would think of sending him reinforcements. Wherefore the Scots always kept in a readiness to oppose it. This became still more necessary after the battle of *Najedy*, there being great likelihood of the King's resolving to join the Earl of *Montrose* with his cavalry. Besides, the Scots by keeping thus in the middle of the Kingdom, prevented the King from making new levies in those parts.

At last, after the taking of *Carlisle*, the two bodies being re-joined, they besieged *Hartford* about the end of July. But after having in vain carried on the siege above a month,

they raised it in the beginning of September. The Earl of *Leven* their General published, on this occasion, a sort of Apology, wherein, among other things, he said, that for six or seven months past, they had received but one month's pay. That they had been promised to be supplied with all things necessary for a siege; in which they had been extremely disappointed, since they had received but three pieces of cannon, with fifty Ball to each; that they had but few horses, and being informed the King was marching towards them with three thousand horse, it was impossible to continue the siege. Lastly, that General *Lefey* was obliged to go into *Scotland* with his whole party of Horse and Dragoons, to oppose *Montrose*.

After the siege of *Hartford* was raised, the Scotch army retired into *Yorkshire*, complaining pretty openly of being entirely neglected. Whereupon, the Parliament assigned them thirty thousand pounds, provided they appeared before *Newark* [upon the first of November,] and ordered that the eastern association should pay them fourteen hundred pounds a week. The Scots agreeing to these terms, the siege of *Newark* was begun about the end of October 1645, and lasted till May 1646.

In July, *Penryn* Castle was surrendered to the Parliament, and four days after, that of *Scarborough* capitulated also, having maintained a long Siege [under Sir *Hugh Cholmondeley*] in which Sir *John Aldrum* was killed.

I left the King in Wales after the battle of *Najedy*, where he was employed in seeking means to raise a new army. As to the disposing of his person, it was hardly possible for him to come to any resolution, before he knew what his enemies intended to do after their victory. But when he saw General *Fairfax*, with his army, engaged in the western Counties, he departed from his retreat with his cavalry, consisting of three thousand horse. As the Parliament had but very few forces in the midland parts, the King came without danger to *Lichfield*, and from thence, entering the associated eastern Counties, took *Huntington*, where he met with a great booty, after which he came to *Oxford* (5). From thence he departed in three days, taking with him what forces could be spared, and marched to *Camden*.

The Parliament, thinking the King's design was to relieve either *Bristol* or *Hartford*, which were both besieged at the same time, gave orders to Major-General *Penitz* and Colonel *Roffier* to assemble what forces they could, and diligently attend the King's motions. Accordingly they drew together about two thousand Horse, and posted themselves between the King and *Oxford*. But at the same time, the Scots having raised the siege of *Hartford* of their own accord, the King marched thither, where he continued till the 20th of September. Here, he received the news of the surrender of *Bristol*.

About the same time, Colonel *Jones*, with Adjutant-General *Louthian*, who served the Parliament, besieging *Bristol* Castle, drew off thence on a sudden a party of thirteen hundred men, and went to surprise *Chelster*, in which they partly succeeded. But as they had not sufficient forces to become masters of the rest of the City, they were content to keep what they had got, expecting Sir *William Brereton*, who was to bring them a supply. As the King then expected a body of troops from *Ireland*, which could land but at *Chelster*, this City was of so great consequence to him, that he immediately marched to dislodge the enemies from that part, they had in their power. He was no sooner on his march, but *Penitz* closely followed him, and overtook him [on *Roston* heath] within two miles of *Chelster*, which obliged him to turn against his pursuers. The fight at first was pretty obstinate, but at the King had five thousand, and *Penitz* only two thousand men, *Penitz* was briskly repulsed, and put into great disorder. Mean while, just as the King thought himself entirely victorious, *Jones* and *Louthian* came from *Chelster* with eight hundred men, and falling upon the King's rear, forced them to turn against them. This gave *Penitz* time to rally his men, and then charge the King's army, who finding themselves at once attacked before and behind, were at last utterly routed, with loss of six hundred men, and a thousand prisoners. [Bernard Stewart] Earl of *Lichfield*, and some other officers of quality were killed. It was with great difficulty that the King, with the remains of his army got into [Denbigh Castle in] Wales, where he continued some time; after which, with a party of about three thousand men, he came to *Newark* in *Nottinghamshire*.

What the Scots did in England in 1645.

They besieged *Carlisle*, p. 222. Sent to *Exeter*, p. 223.

(1) There were not above five hundred slain, the greatest part were dispersed. Among the colours were taken the Lord *Hepton's* own, with this Motto, *I will strive to save my Sovereign*. See *Railworth*, Tom. 6. p. 103.

(2) The King his Father, by two Letters dated November 7, and December 7, ordered him, as soon as he should find himself in a probable danger of falling into the enemy's hands, to retire into *Exeter*, or some other place beyond sea. See *Clerendon*, Tom. 2. p. 566, 567. The Prince, on April 26, 1646, removed for Jersey, where he landed the next day, and from thence passed into France. *Idem*, Tom. 3. p. 3, 4.

(3) Those that dyed in England, as well as those who were to bind themselves for ever; but those that went beyond Sea only for three years, not to bear arms against the Parliament. *Railworth*, Tom. 6. p. 114.

(4) Colonel *Freemantle*, then with his Regiment at *Peris*, sent to desire to be included in the Treaty, as did also the Governor of *St. Mary's* Castle, but commands *Edward* H. *Went*. *Railworth*, Tom. 6. p. 108.

(5) Where the day before stood the Lord-Keeper *Littler*. *Idem*. p. 116.

They fled before Newark. p. 116.

Penner and Scarborough surrendered to the Parliament. p. 116.

He took Huntington. Aug. 24.

Aug. 25.

He comes to Hartford. p. 116.

Clerendon, p. 535.

The King marches to the relief of Chelster. p. 537.

Railworth, p. 117.

Clerendon, p. 539.

White-chalk. p. 539.

He routed. p. 539.

He continued at Denbigh Castle. p. 539.

He came to Newark. p. 539.

He came to Nottinghamshire. p. 539.

1645-6. He stayed in that town, till fearing to be besieged by the Scots, who were approaching, he went away by night, and safely arrived at Oxford the 6th of November, there being no other remedy left than to make a peace with the Parliament.

But this peace was not easy to be made. The King would have willingly granted, in the present situation of his affairs, something of what he had before refused, but did not care to yield all. The Parliament, on their side, were willing to make peace, like Conquerors, and by aggravating the terms instead of rendering them more tolerable.

The King's friends in London put him in hopes of a peace. Clarendon, II. p. 573, &c.

Mean while, notwithstanding the difficulties which were naturally to occur in the conclusion of a peace, the King's friends at London made him hope, that the dissensions between the Presbyterians and Independents might turn to his advantage. It was intimated to him, that the Presbyterians were enraged to see the Independent party daily increase in number and strength, and that it was not doubted, but if he could obtain leave to come and treat in person with the two Houses, the Presbyterian Members would find means to conclude a peace, in order to be freed from the yoke of the Independents: That the City of London was almost wholly Presbyterian; and that the King had there also many friends, and if the Parliament expressed an inclination to peace, which was very likely, it would not be in the power of the Independents to prevent the conclusion. This was all very well; but they should have first explained what was to be understood by the word Peace. Very probably, the Parliament, or Presbyterian Party, which still prevailed, would have very gladly consented to a Peace, if the King had been willing to grant two points, which were considered by them as absolutely necessary, namely, the abolition of Episcopacy, and sufficient security for the performance of his promises. For in these two points consisted the Parliament's scheme for a peace. But this was not the King's scheme. He ever meant that such a peace should be made as he desired, and which I have often explained. It is true, that in his present circumstances he was willing, with regard to the security, to grant something more than what he had yet offered: but nothing could prevail with him to consent to the abolition of Episcopacy. So, by ever preserving the ambiguity in the term Peace, he imagined, if he could obtain liberty to come and treat at London with the two Houses, it would not be impracticable, with the help of his friends, to force the Parliament to make peace with him, in his sense of the word, though nothing was further from the intention of both Houses.

The King tries in vain to bring the Parliament to a peace. Rushworth, VI. p. 815, 816. Clarendon, II. p. 573, &c.

In this belief, the 5th of December, he demanded of the two Houses a safe-conduct for the Duke of Richmond, the Earl of Southampton, John Ashburnham, and Jeffery Palmer Esquires, who were to bring propositions for a peace.

The 15th of the same month he renewed his demand, complaining of his having received no answer.

The 26th he sent them a third message, wherein he said:

"That conceiving the former treaties had hitherto proved ineffectual, chiefly for want of power in those persons that treated, as likewise, because those from whom their power was derived, could not give so clear a judgment as was requisite; if therefore he might have the engagement of the two Houses at Westminster, the commissioners of the Parliament of Scotland, the Mayor, Aldermen, Common-Council, and Militia of London; of the chief commanders in Sir Thomas Fairfax's army, as also of those in the Scots army, for his free and safe coming to, and abode in London or Westminster for the space of forty days; he would come and have a personal treaty with the two Houses of Parliament at Westminster, and the commissioners of the Parliament of Scotland, upon all matters which might conduce to the restoring of peace and happiness to his Kingdoms."

"He declared beforehand, that he was willing to commit the great trust of the Militia, for such time, and with such powers, as were expressed in the paper delivered by his commissioners at Unbridge, to thirty persons he named. But if this did not satisfy the Parliament, then he offered to name the one half, and leave the other to the election of the two Houses."

Before the two Houses received this last message, they had sent the following answer to the two first:

"That finding that former treaties had been made use of for other ends, under the pretence of peace, and had proved ditatory and unsuccessful, they could not give way to a safe-conduct, according to his Majesty's desire. But both Houses of the Parliament of England, having under their considerations, propositions and bills for the settling of a safe and well-grounded peace, which were speedily to be communicated to the commissioners of the Kingdom of Scotland, did resolve, after mutual agree-

ment of both Kingdoms, to prevent them with all speed to his Majesty."

The King replied, the 29th of December. He complained, that a safe-conduct was denied for the persons he intended to send. He insisted upon his demand of a personal treaty, and desired an answer to his message of the 16th. He said, he should never have thought of coming to London, if it was not his sincere intention to make peace.

The 15th of January 1645-6, he sent another message to both Houses, wherein he complained of not having an answer: he said, "That what he earnestly desired was peace, and the means, his personal presence at Westminster; where the government of the Church being settled as it was in the times of Queen Elizabeth, and King James, and full liberty for the ease of their consciences, who would not communicate in that service established by law, and likewise for the free and public use of the Directory, to such as should desire to use the same; and all forces being agreed to be disbanded, his Majesty would then forthwith join with his two Houses of Parliament, in settling some way, for the payment of the public debts to his Scotch Subjects, the city of London, and others. And having proposed a fair way for the settling of the Militia, he would endeavour, upon debate with his two Houses, so to dispose of it, as likewise of the business of Ireland, as might give them and both Kingdoms satisfaction. Not doubting also, but to give good contentment to his two Houses of Parliament in the choice of the Lord-Admiral, the officers of State, and others."

The 15th of January 1645-6, two days before the date of the last message, both Houses had returned an answer to that of the 29th of December.

"That there had been a great deal of innocent blood of his Subjects shed in the war, by his Majesty's commands and commissions."

"That there had been Irish rebels brought over into both Kingdoms, and endeavours to bring over more, as also forces from foreign parts."

"That his Majesty was in arms in those parts, and the Prince at the head of an army in the West; there were also forces in Scotland against that Parliament and Kingdom, by his commission; and the war in Ireland was fomented and prolonged by his Majesty."

"That until satisfaction and security was first given to both Kingdoms, his Majesty's coming to the Parliament could not be convenient, nor by them assented unto."

"That they could not apprehend it a means conducing to peace, that his Majesty should come to his Parliament for a few days, with any thoughts of leaving it, especially with intentions of returning to hostility against it."

"That his Majesty desired the engagement not only of his Parliaments, but of the Lord-Mayor of London, &c. which was against the privileges and honour of the Parliaments, those being joined with them, who were sub-ject, and subordinate to their authority."

"That the only way for the obtaining an happy and well-grounded peace, was, for his Majesty to give his assent to those propositions that should be sent to him."

"That there was not so much as any mention of Scotland."

The King, in a reply to this answer, greatly complained of the assertions cast upon him by both Houses, and reproached them in his turn. He insisted upon an answer to his message of the 15th of December, saying, "No rational man could think their last paper, to be any answer to his former demands."

But the 24th of the same month, he sent a farther reply to every particular article of that answer. The substance whereof was:

1. That a great deal of innocent blood had been spilt. That is the very reason why he presseth that there should be no more (1).

REMARK (1.) The meaning of this objection of both Houses was, that there having been a great deal of blood spilt in the war, it was reasonable the authors thereof should be punished, and that the King continuing to protect them, it was necessary to prosecute the war till he should be obliged to deliver them to justice. So, the King's general reply upon this article answered not the objection.

2. That he had caused some Irish to repair to his assistance. He answered, that those whom they called Irish, were indeed (for the most part) such English Protestants as had been formerly sent into Ireland by the two Houses, and unable to stay there any longer, by the neglect of those that sent them thither, who should have better provided for them (2).

REMARK (2.) The Objection did not relate to the Eng-

1645-6. *Irish* forces, the King had sent for from *Ireland*. The two Houses were far from giving these soldiers the name of *Irish*. But they meant the *Irish* Papists entertained by the King in his army, and particularly ten thousand men which the Earl of *Glamorgan* was to bring over. The King feigned not to understand the two Houses, and made an evasive answer to this objection.

3. That the Prince was at the head of an army. The King answered, it was no great wonder, since there was yet no peace.

4. That he desired to come to his Parliament but for a few days. He answered by protesting, that he sought that treaty to avoid future hostility, and procure a lasting peace (3).

REM. (3). The Parliament did not question it: But they thought the King would come to *London* only to compel, by means of his friends, both Houses to make such a peace as he desired. So, this general answer was not capable of giving them satisfaction.

5. That the engagements which his Majesty had desired for his security, were a breach of Privilege. The King answered, that whoever should call to mind the particular occasions that enforced him to leave the city of *London* and *Westminster*, would judge his demand very reasonable and necessary for his safety. But he no way conceived how the Lord-Mayor, Aldermen, &c. of *London*, were either subject or subordinate to the authority of the two Houses.

6. That he had made no mention of Scotland. He answered, it was included in his former, and had been particularly mentioned in his latter, message of the 15th.

Lastly, He desired a positive answer to his former messages.

The 29th of *January*, the King sent another message to both Houses, wherein he expressly disavowed the Earl of *Glamorgan*, concerning the treaty with the *Irish* rebels. And said, "That that Earl having made offer unto him to raise forces in the Kingdom of *Ireland*, and to conduct them into *England* for his Majesty's service, he had granted him a commission to that purpose, and to that purpose only: But that he had no commission at all to treat of any thing else, without the pivity and directions of the Lord-Lieutenant. And this clearly appeared by the Lord-Lieutenant's proceedings with the said Earl, who had orders to call him to an account (4).

REM. (4). The disguise used by the King on this occasion will manifestly appear in what will be said presently concerning this treaty.

The King added, "That if the two Houses would admit of his repair to *London* for a personal treaty, speedy notice should be given him thereof, and a safe-conduct with a blank sent for a messenger to be immediately dispatched into *Ireland*, to stop the conclusion of the peace, the Lord-Lieutenant being empowered to treat and conclude it.

"That he would leave the Management of the business of *Ireland* wholly to the two Houses, and make no peace there but with their consent, in case his endeavours in the treaty should be blessed with success.

"That if his personal repair to *London* should be admitted, and a peace thereon ensue, he would then leave the nomination of the persons to be intrusted with the Militia, wholly to his two Houses, with such power and limitations as were expressed in the Paper delivered by his Majesty's commissioners at *Usbridge* the 6th of *February* 1644-5.

"That if the peace succeeded, he would be content, that *pro hac vice*, the two Houses should nominate the Admiral, Officers of State, and Judges, to hold their places during life, or *Quamdiu se bene gesserint*, to be accountable to none but the King and the two Houses of Parliament.

"That as for matter of Religion, he intended, that all Protestants should have the free exercise of their Religion according to their own way.

"That upon the conclusion of peace there should be a general Act of Oblivion and free-pardon.

"And this to extend to *Scotland*.

The King had never made such advances before, and yet all his endeavours to obtain a safe-conduct were fruitless. The two Houses were so persuaded of his ability in the choice of his expressions, which were commonly ambiguous, and capable of a different sense from what appeared at first sight, that they could not resolve to treat with him upon his own propositions. Besides, they did not doubt, but the overture of a personal treaty was designed for a snare to force them to such a peace as he desired. They sent therefore to his several messengers no other answer than what has been seen. So, this sort of negotiation, of

which the King expected a happy event, only left things 1645-6: just as they were.

Both Houses, as we have seen, reproached the King, that he was now endeavouring to bring *Irish* troops into *England*; the King did not disown it, but denied the giving of the Earl of *Glamorgan* power to treat with the rebels upon any other Article. This was literally true, but the King took care not to discover the whole extent of this Article, and yet both Houses were perfectly informed of it, as will hereafter appear. To understand fully the objection and answer, it will be necessary to relate what passed in *Ireland* upon this subject. This is not one of the least curious points of the reign of *Charles I.*, tho' the Lord *Clarendon* has thought fit to pass it over in silence.

The cessation made by the King with the *Irish* rebels, had not entirely suspended hostilities in that Island. [Marquess of Ormond] Lord *Inchiquin*, who commanded in *Munster* for the Parliament, and Major-General *Munroe*, who was at the head of the *Scots* in *Ulster*, had refused to accept of the cessation (1). On the other hand, the *English* forces drawn by the King out of *Ireland*, had been entirely ruined and dispersed in *England*. Thus the King had reaped no advantage by the cessation, the motives whereof he had concealed with all possible care. He had pretended, he was indispensably obliged to conclude it, in order to save the *English* from the utter destruction they were threatened with, by the superiority of the rebels, and the Parliament's neglect to send supplies into *Ireland*. But when these *English* troops were seen to come into *England*, it was easy to perceive the true reason of the cessation.

The King not having reaped from this artifice all the advantage he expected, desisted not from the design of making use of the assistance of the *Irish*, to continue the war against the Parliament. On the contrary, he formed the project of a peace with the rebels, in order to employ, not only the rest of the *English* troops still in *Ireland*, but also a good body of *Irish*, whom he intended to send for into *England*. He ordered therefore the Marquis of *Ormond*, Lord-Lieutenant of *Ireland*, to negotiate this peace, wherein however difficulties seemingly insurmountable occurred. To make peace with the *Irish*, they were necessarily to be satisfied in point of Religion. But this the King could not do without running counter to all his protestations concerning his great zeal for the Protestant Religion, and without confirming in some measure, the suspicions of those who believed he was concerned in the *Irish* rebellion. In a word, he could not take this step, without relinquishing the interest of the *Irish* Protestants, and giving the Catholics such advantages, as would render them very superior to the Protestants. The interests of *England* were also to be abandoned, and the dominion she had always enjoyed over *Ireland*, since the conquest of that Kingdom, was in great measure to be forfeited. Nay, he was in danger by such a proceeding to lose many friends in *England*. Those who were sincerely attached to him, and persuaded, that he acted upon motives of justice and religion, must have opened their eyes, when they saw him manifestly betray the interest of *England*, and the Protestant Religion, if he had concluded with the *Irish* such a peace as they demanded. These were great difficulties which could be surmounted but by one of these ways; either by persuading the *Irish* to rely on his general promises, that he would content them at a better juncture, and when it was more in his power; or else, colouring with some specious pretence, the favours he should be obliged to grant them for a peace. As to the first way, the King forgot nothing that he believed apt to induce the *Irish* to trust to his promises, and herein the Marquis of *Ormond* was long employed without any effect. The *Irish* were immovable, and would not be contented with bare words. The second way was still more impracticable: For what colour could be put upon an entire relinquishing of the interests of Religion and *England*?

Mean while, as the King hoped, that with the succours from *Ireland*, he should be able to give law to the Parliament, and then, be obliged to use no further ceremony; he resolved not to deprive himself of such an advantage, but to grant the *Irish* whatever they demanded. However, to avoid the prejudice such a proceeding might create him in *England*, he chose to conclude a private peace with the *Irish*, without solemnity, or the intervention of the Lord-Lieutenant, and to bind himself to have it effectually executed, till it should be in his power to satisfy it solemnly, with which the *Irish* were content.

To this purpose, whilst the Marquis of *Ormond* was seemingly labouring with great earnestness to make a peace with the rebels, by trying to persuade them to desist from part of their demands, [Edward Somers] Earl of *Glamor-*

Ruffworth, V. p. 107.
— p. 95.

11. p. 95.

(1) The Lord *Inchiquin* refused to accept it, because he could

not obtain the Presidency of *Munster*. See *Barfelo* p. 146.

1645-6. *gan*, authorized by the King, was treating secretly, and more effectually with them. He granted them, on the King's behalf, all their demands, on condition they would furnish him with ten thousand men, who should pass into England, under the command of the same Earl of Glamorgan. But as this Lord's bare promise was not a sufficient security for the *Irish*, the King sent him full Powers, the tenour whereof was as follows:

CHARLES R.

“*CHARLES* by the grace of God, of England, Scotland, France, and Ireland, defender of the faith, &c. To our truly, and right well-beloved cousin, Edward Earl of Glamorgan, greeting. We, reposing great and especial trust and confidence in your approved wisdom, and fidelity, do by these (as firmly as under our Great-Seal, to all intents and purposes) authorize, and give you power, to treat and conclude, with the confederate Roman Catholics in our Kingdom of Ireland, if upon necessity any be to be confederated unto, wherein our Lieutenant cannot so well be seen in, as not fit for us at the present publicly to own: Therefore we charge you to proceed according to this warrant, with all possible secrecy; and for whatsoever you shall engage your self, upon such valuable considerations, as you in your judgment shall deem fit, we promise, on the word of a King, and a Christian, to ratify and perform the same that shall be granted by you, and under your hand and seal; the said confederate Catholics, having by their supplies, testified their zeal to our service. And this shall be, in each particular to you, a sufficient warrant.”

Given at our Court at Oxford, under our Signet, and Royal Signatur, the 20th day of March, in the twentieth year of our reign 1644.

The date of this warrant is remarkable, for it was at a time when the King's affairs did not seem absolutely to require his employing the *Irish* Catholics. In the foregoing campaign, he had gained a signal advantage over the Earl of *Essex*, with all the western Counties. He had fought a battle at *Newbury*, which had not procured his enemies any real advantage, and on the contrary, had shewn in the affair of *Dennington*, that he believed to have no reason to fear them. It was just after the treaty of *Uxbridge*, where he did not think himself under a necessity of making any concessions. In a word, it was at a time when the Parliament, by reason of the ill-success of their arms, were labouring to new-model their army. It cannot therefore be said, that the King was driven by despair, to make use of the assistance of the *Irish*. It is rather very easy to perceive, it was wisely to increase the superiority he then had over the Parliament.

By virtue of this warrant, the Earl of Glamorgan concluded a treaty with the popish Bishops, concerning the Clergy-livings. This was a preliminary treaty, upon which the Bishops made the following Instrument:

“Whereas in these articles touching the Clergy-livings, the right honourable the Earl of Glamorgan, is obliged in his Majesty's behalf, to secure the concessions in these articles by act of Parliament: We holding that manner of securing those grants, as to the Clergy-livings, to prove more difficult and prejudicial to his Majesty, than by doing thereof, and securing those concessions otherwise, as to the said livings, the said Earl undertaking and promising, in the behalf of his Majesty, his heirs, and successors, as hereby he doth undertake to settle the said concessions, and secure them to the Clergy, and their respective successors, in another secure way, other than by Parliament, at present, till a fit opportunity be offered for securing the same, do agree, and condescend thereunto: And this Instrument by his Lordship signed, was before the perfecting thereof intended to that purpose, as to the said livings, to which purpose we mutually signed this indorsement: And it is further intended, that the Catholic Clergy shall not be interrupted by Parliament, or otherwise, as to the said livings, contrary to the meaning of these articles.”

GLAMORGAN.

The Earl of Glamorgan added also the following protestation or oath:

“I Edward Earl of Glamorgan do protest, and swear, faithfully to acquaint the King's most excellent Majesty with the proceedings of this Kingdom, in order to his service, and to the endowment of this nation, and punctual performance of what I have (as authorized by his Majesty) obliged my self to see performed; and in default, not to permit the army intrusted to my charge to adventure it self, or any considerable part thereof, until

“conditions from his Majesty, and by his Majesty be per-
“formed.”

Sept. 3, 1645.

GLAMORGAN.

The Substance of the Treaty between the Earl of Glamorgan, and the Confederate Irish Catholics.

IT was said in the beginning of the treaty, that much time had been spent in meetings and debates between James Marquis of Ormond Lord Lieutenant of Ireland, and the Commissioners of the Catholic Council of Kilkenny, for the treating and concluding of a peace; and thereupon many difficulties arising, the Earl of Glamorgan was entrusted and authorized by his Majesty, to grant and assure to the said confederate Catholics, further grace and favours, which the said Lord-Lieutenant had not as yet, in that latitude as they expected, granted unto them; In pursuance therefore of his Majesty's authority, under his signature royal and signet, bearing date at *Oxen* the 12th day of March, in the 20th year of his Majesty's Reign.... It is accorded and agreed between the said Earl of Glamorgan, for and on the behalf of his Majesty, and Richard Lord Viscount Mountgarret President of the Supreme Council at Kilkenny, Donough Lord Viscount Ashburry, &c. Commissioners appointed by the Confederate Roman Catholics:

“I. That all the professors of the Roman Catholic Religion in Ireland shall enjoy the free and publick use and exercise of their Religion.

“II. That they shall hold and enjoy all the Churches by them enjoyed within that Kingdom, or by them possessed at any time since the 21st of October 1641, and all other Churches in the said Kingdom, other than such as are now actually enjoyed by his Majesty's Protestant Subjects.

“III. That all the Roman Catholics shall be exempted from the jurisdiction of the Protestant Clergy, and that the Roman Catholic Clergy shall not be punished or molested, for the exercise of their jurisdiction over their respective Catholic flocks.

“IV. That the following Act shall be passed in the next Parliament to be holden in Ireland. [There is inserted the form of an Act for securing all the King's concessions to the Catholics.]

“V. That the Marquis of Ormond, or any others, shall not disturb the professors of the Roman Catholic Religion in the possession of the articles above specified.

“VI. The Earl of Glamorgan engages his Majesty's word for the performance of these articles.

“VII. The publick faith of the Kingdom shall be engaged unto the said Earl by the Commissioners of the Confederate Catholics, for sending ten thousand men by order of the General Assembly at Kilkenny, armed the one half with Muskets, and the other half with Pikes, to serve his Majesty in England, Wales, or Scotland, under the command of the Earl of Glamorgan.”

Signed the 25th of August 1645.

Moreover, the *Irish* Commissioners engaged their word and the faith of the Supreme Council of Kilkenny, that two thirds of the Clergy's revenues should be employed for the space of three years, towards the maintenance of the ten thousand men, the other third being reserved for the Clergy's subsistence.

This Treaty, though made very secretly, was however discovered by an extraordinary accident. The Archbishop of Tuam, President of Connaught, going into *Ulster* about some affairs, met with a body of *Irish* troops marching to besiege *Sligo*, and joined with them, whether for security's sake or some other design (1). When they came near *Sligo*, the Garrison made a Sally, charged the troops that were come to besiege them, utterly routed them, and killed the Archbishop of Tuam. In his pockets it was that authentic copies, attested and signed by several Bishops, were found, of the fore-mentioned treaty, and of the King's warrant to the Earl of Glamorgan, which were sent to the Parliament.

The Marquis of Ormond, the Lord Digby then in Ireland, and some others having soon heard that the secret was discovered, found no better expedient to clear the King, than to arrest the Earl of Glamorgan, for having, in a presumptuous manner, worthy of severe punishment exceeded his orders, and concluded a treaty with the *Irish*. This is what the King also intimated in his message to both Houses of the 19th of January 1645-6.

Rushworth has inserted in his Collections two intercepted letters of the Earl of Glamorgan, one to his Countess dated in January, acquainting her that his imprisonment did not give him much uneasiness. In the other of the 26th of February, directed to the King, he told him, that he was

(1) He attended the army at this time to visit his Divorce, and put in execution an order for the arrears of his Bishopsrick, granted to him by the Council of Kilkenny. Rushworth, Tom. VI. p. 239.

1645-6, at *Waterford* providing shipping to transport six thousand Foot immediately, and that four thousand more were to follow them by May (1). These troops came not however into England, probably by reason of the change in the King's affairs, which were in a melancholy situation after the battle of *Nashby*. All his towns were taken one after another. The *Scots* were now before *Newark*, and General *Fairfax* having reduced all the West to the obedience of the Parliament, was preparing to besiege the King in *Oxford*.

The Court of France sent the King in this sad state, the Court of France sent *Montreuil* into England, on pretence of procuring a peace between the King and the Parliament: But their real intention was, that *Montreuil* should endeavour a private agreement between the King and the *Scots* (2).

This could not be done without the King's entirely forsaking the Bishops, and consenting to the establishment of the Presbyterian Government in the Church of England. The Court of France and the Queen of England hoped, this project would succeed the more easily, as it was agreeable to good policy, and the King's interests. The King would thereby have gained not only the *Scots*, who had a strong army in England, but also the City of London, and the majority of the Members of Parliament, who, for the most part, insisted upon the other points in dispute, only to obtain this the more easily. This was properly the sole means of balancing or surmounting the great power of the Independents, who were in a manner masters of the army. If the King had taken this course, it is very evident, it would have turned greatly to his advantage: whereas, at the time it was proposed to him, he was entirely without remedy. But his zeal for Episcopacy would not suffer him to accept of such an overture, and he told *Montreuil*, he would never consent to it. About the same time the Queen sent Sir *William Davenant* to persuade the King to join with the Presbyterians, as the only means to free himself from his sad condition. The moment *Davenant* offered to speak to him, he commanded him to hold his tongue, and never more appear in his presence.

Mean while, *Montreuil* at his arrival in England being possessed with the notion, that the King would not refuse the course, which was to be proposed to him, had made some overtures to the *Scotch* Commissioners residing in London, and found them inclinable to treat with the King: but after he had spoke and writ to his Majesty several times, he found him immovable. The *Scots*, on their part, being no less inflexible, constantly refused to promise the King any assistance, unless he consented to the abolition of Episcopacy (3).

Whilst this affair was delayed by this difficulty, and *Montreuil* gone to the *Scotch* army before *Newark*, to try to find some medium favorable to the King, *Fairfax* was advancing with his army, so that the King was in danger of being inclosed in *Oxford*. The King's principal concern then was to deliver himself from this imminent danger. Though he had till that time demurred upon going to the *Scotch* army, on account of the forementioned difficulty, he saw however no other remedy when the danger approached. The *Scotch* Officers had made him some general promises, founded probably upon their hopes of his consenting at last to their demands. He sent them word of his intention to come to their army, and they promised to receive him and provide for his safety. He had not time, doubtless, to make a more particular treaty. At least, it is not known to this day upon what terms the King put himself into the hands of the *Scots*, and on what conditions they received him. However this be, the King having no time to lose, that he might not be invested in *Oxford*, departed privately and came to the *Scotch* army, the 5th of May 1646 (4).

The King had, on the 13th of April, imparted by letter to the Marquis of *Ormond* his design to throw himself into the arms of the *Scots*, in these words: *Having lately received very good security that we and all that do or shall adhere to us, shall be safe in our persons, honours and consciences in*

the Scotch army; and that they shall really and effectually join with us, and with such as will come in to us, and shall employ their armies and forces to assist us to the preserving of a happy and well grounded Peace—If it shall please God that we come safe thither, we are resolved to use our best endeavour, with their assistance, and with the conjunction of the forces under the Marquis of Montrose, and such of our well-affected Subjects of England as shall arise first to procure, if it may be, an honorable and speedy Peace.

The Marquis of *Ormond* sent a copy of this letter to General *Monroe*, who commanded the *Scotch* troops in Ireland, and *Monroe* communicated the same to the Commissioners of the Parliament in *Ulster*, by whom copies of the letter, as printed at *Dublin*, were sent over to both Houses, and it was read in the House of Commons on Saturday June the 9th. Whereupon, on the Monday following, the *Scotch* Commissioners delivered a declaration to the House of Peers, positively denying, that their army had made any treaty with the King to assist him. Thus we see on one side, the King affirming he had received very good security that the *Scots* would declare for him; and on the other, the Commissioners of Scotland denying that their army had made any treaty with the King to assist him.

In all probability the *Scotch* Commissioners and the general Officers of their army had given *Montreuil* hopes, they would declare for the King, but on condition he would renounce Episcopacy; without which condition, it is not easy to conceive, that the Commissioners or officers should have made such a promise, which was not in their power; since they could not ingage contrary to the express tenour of the Covenant, and without positive orders from those who governed Scotland. Wherefore it could only be hopes, and those conditional, that the King positively took for assurances, and which *Montreuil*, perhaps, counted as well as he. It is true, the Earl of *Gloucester* cites a Paper signed by *Montreuil*, wherein he says, *I do promise in the name of the King and Queen (my Master and Mistress), that if the King of Great-Britain shall put himself into the Scotch army, he shall be there received as their natural Sovereign, and shall be with them in all freedom of his conscience and honour. And that the Scots shall employ their armies and forces to assist his Majesty in the recovery of his just Rights, &c.*

But it must be observed, there is not in this Paper a single word to shew that *Montreuil* was impowered to make this promise, either by the Commissioners, or the General Officers, or the Parliament of Scotland: Nay, it does not so much as appear that he was accepted for mediator in this affair; that besides, he could not ingage the authority of the King of France and the Queen-Regent to make such a promise, unless he was furnished with a treaty, which however has never appeared. The Lord *Clarendon* intimates that *Montreuil* had the word of the principal Officers of the *Scotch* army, but that afterwards finding them grown cold, he writ to the King to dissuade him from venturing his person among them. Indeed it is hard to conceive, that *Montreuil* should sign such a promise without being authorized. But on the other hand, is it likely that, if he had been authorized by a treaty, or other warrant, he would not have mentioned it in his Paper?

But what seems still more impossible, is, that the *Scots* should promise without condition, as this ingagement intimates, contrary to the tenour of the Covenant between the two nations, since the King would not so much as hear of the abolition of Episcopacy. There must therefore have been some mistake in the negotiation carried on by *Montreuil*'s mediation, and the King and mediator must have taken, for positive assurances, promises which were conditional only, as appears in the King's letter to the Marquis of *Ormond*, and the solemn denial of the *Scots*. However this be, *Montreuil* was recalled and disgraced, and, as there is reason to believe it, was for ingaging

(1) This Letter to the King, with the Lord D'Elly's Narrative of his proceedings against the Earl of Glamorgan, &c. came to the Parliament's hands in the following manner. Whilst *Fairfax* was in General hemming in the Lord *Hopson*, a Ship came into *Wexford* from Ireland, not doubting but to have been well received, whereas the Town's people, with the help of some Parliament Dragoons, landed and boarded her. The Captain, one *Allen* of *Waterford*, had on board a Packet of Letters over-board, which were found floating on the water, and carried to *Fairfax*, who found, amongst others, the Letter and *Narrative* above-mentioned. Their Letter being shewed and read to the people of the County, who were furnished on account of the *Drum* by *Baldwin*, made great impression on them, so that many of them offered to assist in blocking up all passages, to prevent the Royal Cavalry from breaking through. *Rothworth*, Tom. VI. p. 134.

(2) The Lord *Clarendon* affirms, That the *Scots* were under terrible apprehensions of being disappointed of all their hopes, by the prevalence of the Independent army, and therefore waited for nothing more, than an opportunity to make a firm conjunction with the King. Tom. II. p. 179.

(3) The *Scots* produced a writing signed by the Queen, wherein were such expressions, as did not please the King, and made him look upon that Negotiation, as rather an Act of Treason against the Church, between the Catholics and Presbyterians, than as an expedient for his restoration or preferment. *Clarendon*, Tom. II. p. 179.

(4) According to the Lord *Clarendon*, the King was not resolved, when he left *Oxford*, whether he should go to London or the *Scotch* army. He gave the King, went away the 13th of April, attended only by *John Aphorism* Groom of his Bed-chamber, and one Mr. *Heslin* a Divine, who understood the by-ways. It was a rare day after his leaving *Oxford* before it was known where the King was. It seems, the King had would first come in several places, purposely to be attended of the condition of the Marquis of *Montrose*, and to find a secure passage to get to him, which he exceedingly desired. *Clarendon*, Tom. III. p. 179. — *Heslin*, upon his examination, said, That the King desired the County, was at *Houlby*, *Bristol*, and *Harlem* on the 18th, where he stayed some time, and was almost persuaded to come to London; and then he went to St. *Albans*, and to *Herbrough* in *Lincolnshire*, where the French Agent was to join him with some Horse, to conduct him to the *Scotch* army, but came not; from thence the King went to *Stratford*, where he lay one night, and from thence to *Dunelm* in *Yorkshire*, where he stayed at a petty Ale-house, from April 30, to May 3, where he pulled for, and by the name of *Madam's* Tutor, sometimes *Dowry*, and sometimes a *Whorehouse*'s servant. *Widdell*, p. 209. *Rothworth*, Tom. VI. p. 207.

Idem, p. 209.

1646, the word and honour of the King his Master and the Queen-Regent upon so trifling a foundation. The Lord Clarendon, probably, to hinder the King from being blamed for putting himself into the hands of the Scots too hastily, and without good security, says, this envoy's disgrace was an artifice of Cardinal Mazarin, who had a mind to conceal the infirmity of the Court of France. I own I cannot comprehend the meaning of these words. But if it be true, that *Montreuil* was not authorized to promise what he did, as it does not appear that he was, I don't see any occasion to seek for other cause of his disgrace.

The King being come to the *Scotch army* (1), which had been before *Newark* ever since *November*, the General represented to him, that it would be proper, for the safety of his person, for the army to march northward, near the borders of *Scotland*. But as this could not be done before the taking of *Newark*, he desired him to order the town to surrender. The King persuaded by this reason, gave orders to the Lord *Bellasis* the Governor to surrender *Newark*, which was done accordingly; and immediately after the army began to march, and came with the King to *Newcastle*.

May the 18th, the King sent a message to both Houses, recommending to them the speedy settling of Religion, and the taking to that end the advice of the Divines of both Kingdoms assembled at *Windsor*.

Concerning the Militia, he agreed that the two Houses should name all the Commissioners for that trust for the space of seven years, and after the expiration of that term, a regulation should be made by the King and both Houses.

He offered the like for the Kingdom of *Scotland*. Concerning the wars in *Ireland* he said in general, he would do whatever was possible for him to give full satisfaction therein.

In a postscript, he offered to disband his forces at *Oxford*, and consent that the fortifications of that city should be demolished, provided honourable terms were granted to the garrison, which done, he would give the like order to the rest of his garrisons.

The next day, the King writ to the city of *London*, to acquaint them, that he was ready to comply with the Parliament in every thing.

June the 10th, he pressed the two Houses by another message, to send their propositions for peace, that he might give them all just satisfaction; and desired again the liberty to come to *London* and treat in person with them (2).

The 25th of the same month, the *Scotch* commissioners presented a memorial to the Parliament, whereby they consented, that the propositions for peace, which had been communicated to them, should be sent to the King, with protestation however, that they were not all agreeable to their sentiments. They desired also, that money might be sent to their troops both in *England* and *Ireland*, their accounts stated, and all armies speedily disbanded.

Mean while, the *Scotch* army at *Newcastle*, understanding, it was reported at *London*, that they had made a treaty with the King to assist him against the Parliament, published a declaration, protesting, it was always their intention to maintain the Covenant between the two Kingdoms, and that they abhorred all publick and private ways tending to violate the same, or to create a misunderstanding between the two nations. At the same time, they presented a petition to the King, beseeching him to take a speedy course for settling of Religion in *England*, according to the example of the best reformed Churches, and for establishing the privileges and liberties of his Kingdoms; expressing their great grief for his not having yet authorized and signed the Covenant (3). They also prayed him to comply with the counsels of his Parliament. The King returned to this petition a general answer, without entering into particulars.

The General-Assembly of the Kirk of *Scotland* writ likewise to the Parliament of *England*, the city of *London*,

the Assembly of Divines, to desire them to promote the work of Reformation, according to the tenour of the Covenant.

July the 6th, the House of Commons voted, that *England* had no further need of the *Scotch* army, and that the commissioners of *Scotland* should be desired to withdraw their forces.

Some days after, the two Houses sent (4) propositions for peace to the King at *Newcastle*, which were little different from those debated at *Uxbridge*. Wherefore I do not think it necessary to repeat them. I shall content myself with relating the thirteenth article, being an addition to the former claims of both Houses with respect to the Militia:

"That during the space of twenty years, the two Houses of Parliament alone, shall have power to arm, train, and discipline, the Militia; and that neither the King, or his successors, shall, during the said space of twenty years, exercise any power over them.

"The like for the Kingdom of *Scotland*, if the Estates of the Parliament there shall think fit.

"That moneys be raised for the maintenance of the said forces for Land-service, and of the Navy, as the Lords and Commons shall, during the said space of twenty years, think fit; and that the said forces be employed, ordered, and disposed, as the two Houses shall appoint, and not otherwise: That they shall have power, 1. To suppress all forces raised without their authority and consent. 2. To suppress all foreign forces, who shall invade any of the *English* dominions. 3. To conjoin the forces of *England* with those of *Scotland*.

"That after the expiration of the said twenty years, no person, under any pretence whatsoever, shall any way dispose of the *English* forces, without the consent of both Houses.

"That after the said twenty years, if any bills are passed by the Lords and Commons, for the safety of the Kingdom, and the royal assent is not given to them within such time as the House of Peers shall judge convenient; that such bills shall nevertheless be as valid to all intents and purposes, as if the royal assent had been given thereunto."

The Parliament's commissioners presented these propositions to the King the 24th of July, and as they declared to him, they were limited not to stay above ten days at *Newcastle*, the King gave them his answer the first of August.

"That the propositions tendered to him did import too great alterations in Government, both in the Church and Kingdom, that it was very difficult for him to return a particular and positive answer to them, before a full debate, wherein those propositions, and the necessary explanation, true sense and reasons thereof, were rightly weighed and understood; which he found the commissioners were not authorized to admit, nor able to give him. That he desired to come to *London* with freedom, honour and safety, where he might have those doubts cleared, and those difficulties explained to him. That he assured them, that as he could never consent to what was slightly destructive to that just power, which, by the Laws of God and the Land, he was born unto, so he would cheerfully grant and give his assent to all such bills, as should be really for the good and peace of his people, not having regard to his own particular."

Before the King delivered his answer to the Parliament's commissioners, the Earl of *London*, Lord-Chancellor of *Scotland*, made a speech to him, to persuade him to accept the propositions. His reasons were the stronger and more pressing, as drawn from the necessity the King was in. But his Majesty was not pleased to take his advice. This answer being read in the Parliament the 12th of August, was the cause of great joy to those who wished not for peace (5).

The same day, the *Scotch* commissioners presented a memorial to the Lords, offering to send their army into *Scotland*, upon reasonable satisfaction for their pains, ha-

(1) The Parliament received, on May 6, intelligence of the King's repairing to the *Scots* army, and thereupon immediately voted, That his Majesty should be sent to the House of Commons, to give an account of his proceedings.

(2) The Parliament, in their debates about the Propositions for Peace to be sent to the King, voted, That Sir Thomas Fairfax should be made a Baron, and have 5000*l.* a year settled on him, and his Father made an Earl. Oliver Cromwell a Baron, with 2500*l.* per Annum. The Earls of Northumberland, Essex, Warwick, and Pembroke, be made Dukes. The Earls of Salisbury and Manchester, Marquesses. The Lords Roberts, Earl of Devonshire, Devon, Wiltshire, and Howland, Earls. Mr. Hilson, a Viscount. Sir Henry Lane, Lord, a Baron. Sir William Waller, a Baron, with 2000*l.* per Annum. Sir Arthur Haslegrave, and Sir Philip Stapleton, Barons, with 2000*l.* per Annum each. Sir William Brouncker, to have 1500*l.* and Sir John, 1000*l.* per Annum. Whitlock, p. 181, 182.

(3) The Author's words are, after transcribing his own, but it is in the Translation, See *Radworth*, Tom. VI. p. 304.

(4) The Commissioners for the House of Lords, were, the Earls of Pembroke and Arundel, and for the Commons, Sir John Duncanson, Sir John Hippesley, Mr. Robinson, and Sir Walter Earle. Whitlock, p. 214.

(5) A little after the King's coming to *Newcastle*, a *Scots* Minister preached boldly before him, and when his Sermon was done, called for the fifty second Psalm, which began, *Why dost thou, Tyrant, build thyself thy high tower to praise*. Whereupon his Majesty rose up, and said he felt the fifty sixth Psalm, which begins, *Have mercy, Lord, on me I pray, for many wounds we deserve*. The people heard the Minister's Psalm, and sang that which the King called for. Whitlock, p. 250.—Whilst the King was at *Newcastle*, *Hotspur* came and much importuned his Majesty to put the Propositions by; but his Majesty answering, he could not in conference consent to several things therein, especially to the change of Church Government, from the ancient order of Episcopacy, several papers passed between his Majesty and him, which shew the King's great steadiness in those controversies, being at a time when he could not have the assistance of any of his Champions. *Hotspur* returning to *Edinburgh*, died soon after, on August 31st. He wrote, says Whitlock, a prison of a sober conversation and good learning. Whitlock adds, some said he died of grief, because he could not persuade the King to sign the Propositions, p. 221. He was more moderate, says *Radworth*, than many of them. Tom. VI. p. 321.

1646. ards, charges, and sufferings. They also said, since his Majesty had not agreed to the propositions presented to him, it was necessary to consult with them what was to be done, as well concerning the King's person, as the peace and safety of the two Kingdoms. Both Houses returned their thanks, and appointed a committee to examine their accounts.

Some days after, they delivered in an account of arrears, amounting to two millions. The Parliament disputed several articles, and deducted such sums as the *Scots* had received. The *Scots* allowed the justice of some of these deductions, but could not agree to others (1). At last, after many debates, the *Scots* offered to accept of a sum in gross, for a full discharge of their arrears. Whereupon they were asked, what form they demanded, and at first they insisted upon five hundred thousand pounds. The House of Commons offered two hundred, and afterwards three hundred, thousand pounds. At length, the *Scots* abating one hundred thousand pounds of their demand, it was agreed to allow them four hundred thousand, one half to be paid upon their removal out of the Kingdom, and the other at certain times.

This is the fatal bargain, whereby it is pretended, the *Scots* sold the King to the Parliament of England, because indeed they delivered him up some months after. But it must be observed, that this is only a suspicion, a bare conjecture, and, if it be true, that the *Scots*, when they agreed upon this sum of four hundred thousand pounds, obliged themselves to give up the King to the Parliament, which I will neither affirm, or deny, at least, they added with so much address, that there appeared no express proof of it. No treaty, no paper, concerning this affair, ever came to the knowledge of the publick. This sum was promised them for arrears due to their army, from the 18th of January 1643-4, to the 18th of September 1646. If it could be proved, that in all that time the *Scots* army had been regularly paid, according to the treaty between the two Nations, and that no arrears were due to them, this, doubtless, would be a confirmation of the aforementioned suspicion. But this proof is very difficult. For if on one side, the *Scots*, to mount the debt to five hundred thousand pounds, inserted in their accounts several unjust articles, which ought to have been abated, the *English* on their side, acted with no less injustice, in pretending to make unfair deductions. This appears by the particulars of the accounts brought in by both parties, which are to be seen in *Rushworth's Collections*. Nay, it seems, if the *English* had been desirous to conceal the secret motive of this bargain, they should not have disputed the debt, since nothing would have been more proper to remove the suspicion of their giving this sum to the *Scots*, to engage them to deliver up the King, than to show it was really due to them for arrears.

Another, and no less important remark may be made upon this subject. The thing that has rendered odious this pretended sale of the King's person, is the tragical death of that Prince, of which it was the occasion. But it must be considered, it was so only by accident. Nothing was at that time farther from the thoughts, both of the Parliament and the *Scots*, than putting the King to death. The Independents, mortal enemies of the King, *Scots*, and Presbyterians, were the men who twice took away the King from the Parliament, by means of the army, and cut off his head, at the very time the Parliament and *Scots* were heartily labouring to restore him, as will hereafter appear. If therefore this pretended sale, supposing it real, was the occasion of the King's death, it may be affirmed, it was the innocent occasion, and its effects ought not to be imputed to the Parliament, such as it was at that time, since it is certain, neither both Houses, nor the *Scots*, did then carry their views so far, nor could possibly foresee what afterwards happened. But, as I said before, it can by no means be proved, that the *Scots* did indeed sell the King to the *English*. We shall see presently, the reasons why the *Scots* would not take charge of the King's person.

In the beginning of September, the Duke of Hamilton, who had been released out of *Michael's Mount* in Cornwall, upon the Parliament's taking that place, came to Newcastle with some other *Scots* commissioners, and earnestly pressed the King to accept the propositions for peace. If the *Scots* had bargained, by a secret treaty, to give up the King to the Parliament, this proceeding seems to have been prejudicial to them, since the King's compliance would have voided their bargain with the *English*, and deprived them of the promised sum.

The King answered the Duke, and the other commissioners, "That he only desired to be heard, but could not obtain his desire. That he did not give a denial to the propositions, but only desired to be rightly informed of

"what was demanded, and that his reasons might be heard."

In another answer given them in writing the next day, he said, "He should be content to refrain Episcopal Government to some few Dioceses, as *Oxford, Winchester, Bristol, Bath and Wells, and Exeter*; leaving all the rest of England fully to the Presbyterian Government, with the strictest clauses they should think upon against Papists and Independents. In a postscript, he required them, to give a particular account of this offer to the General assembly in Scotland; assuring them, that he would punctually make good his last letter to them. And hoped, that they, as Church-men, would not press him to comply with what was against his conscience, till he should have leisure to be better informed."

This answer was a plain intimation, that when the King said, he desired to be heard, it was only a pretence to have liberty to come to London, to cause, if possible, the propositions to be altered. We see also by this answer, that he considered the affair of Church-government, as the principal, and most difficult point. In a word, his offer shows he was very hard pressed, since he agreed, that Presbyterian Government should be established throughout the whole Kingdom, a few Dioceses excepted.

Some time after, he sent a letter to the Duke of Hamilton [who was now retired, finding the King immovable] telling him, that the two Houses thought of getting him into their hands, by saying, they did not intend to make him a prisoner, but only to give him an honorable guard; but for his part, he would not be left in England, when the *Scots* army retired, without a visible force upon his person. Probably therefore, when he demanded leave to come to London to treat in person with both Houses, he meant, that he should remain at perfect liberty (2). Perhaps he intended to escape into France, or elsewhere. But how could he imagine, he should be left at perfect liberty, on the bare presumption, that a negotiation with him would be successful?

At last, on the 18th of September, it was voted, that the King's person should be disposed of as both Houses of Parliament should think fit. But as he was not properly in their power, they appointed a committee to confer with the commissioners of Scotland upon that head.

In one of these conferences, the Lord Lennox, Chancellor of Scotland, endeavoured to show, that one of the two Kingdoms had no more right than the other, to dispose of the King's person, because he was equally King of both, and that, besides, they were united in the same interest by their Covenant. The *English* commissioners answered, That the King being in England, it belonged to the *English* to dispose of his person, and though he had retired to the *Scots* army, this army being only auxiliaries, and in the pay of England, it was the same as if he had retired to the Parliament's army, whereof the *Scots* forces were a part.

In another conference, the same Lord strenuously continued to prove, the principle advanced by him the former, namely,

"That the disposing of his Majesty's person did belong to both Kingdoms, and therefore, that he ought not to be disposed of by any one of the Kingdoms, but by joint advice of both. He explained the word *dispose*, which was liable to be misunderstood: And said, he meant thereby, either that his Majesty should be put under restraint, or be at freedom with honour and safety. As for the way of restraint, he said, he looked upon it as a remedy more dangerous than the disease, and as a means to draw the war of foreign Kings upon the Nation, (especially the Prince being in other Kingdoms) rather than to quiet the troubles at home. And therefore he concluded, that he would lay aside the way of restraint, and speak of the way which might be with freedom, honour, and safety; and that could be no other, but that his Majesty should go into Scotland, or come to his Parliament, or some of his Houses at London. His going into Scotland, he observed, was full of dangers and inconvenience to both Kingdoms: For the *Irish*, banded with a crew of malignants, possessed the mountains and High-lands, which were the strong-holds, and never conquered parts of that Kingdom. That they had not laid down their arms, but kept in a body together; and they were so near Ireland, as the forces of the rebels there might in two or three hours space come over and join with them; and Scotland not being able to keep and entertain armies long, the King being there, might raise such forces in that Kingdom, as might make way quickly into England. And therefore his Majesty's go-

(1) They acknowledged the receipt of but 700,000*l.* in Monies, Provisions, Allowments, Quarters, and otherwise. See *Rushworth*, Tom. 6. p. 323.
(2) His words in the Letter to Hamilton are, "Which I may remain a free man, and that no attendant be forced upon me upon any private occasion."

1646. "ing into *Scotland* being of most dangerous consequence to both Kingdoms, he offered to their Lordships consideration, his Majesty's coming to *London*, or some of his houses thereabouts." The principal reason on which he grounded his opinion, was the fame as the King himself had alledged. "That he had not refused his assent to the propositions, but only desired to have his doubts cleared, and difficulties explained."

But in this reasoning there was a material defect, which must have been visible to all. And that is, the Chancellor supposed, the King should not be put under restraint, but left at full liberty in *Scotland*, at *London*, or some one of his houses; which certainly was very far from the thoughts of the person that spoke, of the *Scots*, and of the Parliament of *England*. In building therefore upon so wrong a foundation, the Lord *Lauden* could not expect that his reasoning should be considered as of much weight, if he had not been to deal with men whose interest it was to feign, they thought it very solid.

Nothing seems more apt to confirm the suspicion of the *Scots* being engaged to deliver the King to the Parliament, than this artifice of the Lord *Lauden* to that end. For though he supposed, the King would be in one of his houses with honour and safety, he knew the contrary, and that the Parliament would always be master of his person. Consequently it was the same thing as delivering him to the Parliament, the condition that he should be there with honour and safety, being only dazzling terms, to which the Parliament might always give what sense they pleased. But it must be considered, this is not a real proof, but a bare conjecture, which even seems to be destroyed by what happened shortly after. The commissioners of *Scotland* having caused an account of what passed at these conferences to be printed, with the speeches to prove that *England* had no more right than *Scotland* to dispose of the King's person, the Commons were so offended at it, that they ordered all the copies to be seized, and the Printer committed. They made likewise a long answer to the account of the *Scots*, and sent it to the *Scottish* commissioners, who refused to receive it, because it came only from one of the two Houses; but the Commons ordered it to be printed and published. If it be true that the *Scots* had engaged to deliver the King to the Parliament for the sum of four hundred thousand pounds, nothing was more preposterous than this dispute, which was mixed with great bitterness, unless it is supposed, the Parliament and *Scottish* commissioners had agreed together to act this sort of force.

This dispute, real or feigned, hindered not the *Scottish* army from preparing to return home. But as they were to be paid two hundred thousand pounds, before they began their march, they might yet have laid several weeks in *England*, had not the City of *London* engaged to advance that sum. It was however upon two conditions; the first, that the lenders should have 8 l. per Cent. interest for their money; and that the payment of the Principal should be secured out of the receipts of the grand Excise, and the sale of Bishops'-lands (1). For this reason both Houses made haste to sequester these Lands, and appoint a committee to expose them to sale (2).

The 10th of December, the Parliament of *Scotland* took into consideration what was to be done with the King's person. After great debates, it was at length resolved, that the commissioners residing at *London* should demand of both Houses, from the Parliament of *Scotland*, that the King might return to *London* with honour and safety. That they should declare to them, that the Parliament of *Scotland* was resolved to support Monarchy in the person of the King and his just title to the Crown of *England*. This resolution seems directly contrary to the engagement to give up the King to the Parliament.

But the next day the Commissioners of the General Assembly presented to the Parliament a Paper, intitled, *A solemn and justifiable warning to all officers and degrees of persons throughout the Land*, wherein, they represented the heinous crime of breaking the Covenant, and endeavouring a breach with *England*. They maintained, that such projects were infused into some by the devil, and that they who attempted to sow division between the two nations, and violate the Covenant, which was their chief strength, could not but be enemies to the State. Then, as to the disposal of the King's person, they said, that so long as his Majesty did not approve in his heart, and seal with his hand, the League and Covenant, he could not be re-

ceived in *Scotland* without exposing the Kingdom to fresh troubles. That, on the other hand, to dispose of the King's person without the consent of the Parliament of *England*, was openly breaking the Covenant, and incurring the guilt of perjury. That it was very true, they were engaged by the Covenant to defend the King's person, but it was no less true, that the end of the union between the two Nations, was to settle Religion in both Kingdoms, according to the tenour of the Covenant, and that these two engagements could not be separated. That for these reasons they desired, that fresh endeavours might be used to prevail with his Majesty to give satisfaction to both Kingdoms, that he might return to his Parliament of *England* as a reconciled Prince to satisfied Subjects, in order to establish a happy peace.

This Paper being read in the Parliament, the matter was again taken into consideration, and at last after a great debate it was resolved, "That his Majesty should be desired to grant the whole propositions; and in case of refusal, the certifications given to his Majesty should be put in execution, namely, to secure the Kingdom without him;" and it was declared, "That the Kingdom of *Scotland* cannot lawfully engage themselves for his Majesty: He not taking the Covenant, satisfying as to Religion, &c. Nor would they admit him to come into *Scotland*, unless he gave a satisfactory answer to the whole propositions lately presented to him in the name of both Kingdoms (3)."

The King having notice of this resolution (from the Earl of *Lanrick*) sent a message to both Houses at *Westminster*, to desire again to come to *London*, or any of his houses thereabouts, upon the publick faith and security of his Parliament and the *Scottish* Commissioners, that he should be there with honour, freedom and safety, in order to have his doubts cleared and difficulties explained. Assuring them, that he would most willingly condescend to them in whatsoever should be really for their good and happiness. Praying them to consider, it was their King who desired to be heard, which if refused to a subject by a King, he would be thought a tyrant for it.

Upon this message the Lords voted, that the King might come to *Newmarket*, there to remain with such attendants about him, as both Houses should appoint: But the Commons voted, that *Holmby House* in *Northamptonshire* would be the fittest place for his Majesty, to which the Lords consented. Then it was resolved, That his coming to *Holmby* should be with respect to the safety and preservation of his Majesty's person, and in defence of the true Religion, according to the Covenant (4).

The 5th of January 1646-7, a Committee of both Houses was appointed to go down and receive the King from the *Scots* (5). For though both Houses had declared, he should be at *Holmby* with honour and safety, they meant not to leave the manner to his choice, and whatever expressions they might use, it was to be in effect a real imprisonment.

Some days after, the two Houses received from the Parliament of *Scotland*, the following Declaration.

"THAT the King's Majesty came to their Quarters before *Newark*, and professed he came there with a full and absolute intention to give all just satisfaction to the joint desires of both Kingdoms, and wish no thought either to continue this unnatural war any longer, or to make division betwixt the Kingdoms; but to comply with his Parliaments, and those intrusted by them, in every thing for settling of truth and peace; and that he would apply himself totally to the counsels and advices of his Parliament: Which he did not only profess verbally to the Committee of Estates with the *Scottish* army; but also in his several letters and declarations under his hand, to the Committee of Estates of *Scotland*, and to the two Houses of Parliament of *England* respectively. In confidence whereof, and of the reality of his intentions and resolutions, which he declared did proceed from no other ground, than the deep sense of the bleeding condition of his Kingdoms; the Committees of the Kingdom of *Scotland*, and general officers of the *Scottish* army, declared to himself, and to the Kingdom of *England*, their receiving his royal person to be on these terms (which is truth, notwithstanding what may be suggested or alledged to the contrary, by any within or without the

(1) The other condition was, That such as had formerly contributed upon the Propositions for Horse, Mousie, and Plate, might advance the like sum upon this Proposition, and be secured as above. *Raynworth*, Tom. 6. p. 138.

(2) It was carried out by two votes in the *Scottish* Parliament, That the King should not come into *Scotland*. *Whitehead*, p. 236.

(3) It was put to the question, whether their words, according to the Covenant, should be passed, and it was carried in the affirmative. *Idem*, p. 237.

(4) For the Lords, the Earl of *Forbes* and *Devon*, and the Lord *Montague*; for the Commons, Sir *William Dring*, Sir *John Belknap*, Sir *John Coke*, Mr. *John Crew*, and Major-General *Brown*; but Sir *William Dring* not being well, Sir *James Harrington* went in his room. *Raynworth*, Tom. 6. p. 139. They were attended by nine hundred Horse.

1646-7. "Kingdoms) and represented to him, that the only way to his own happiness and peace of his Kingdoms, under God was, to make good his propositions of peace, (which after serious and mature deliberation were agreed upon) tendered to him in the name of both his Kingdoms for his royal assent thereto; but also the chief Judicatories of this Kingdom, both civil and ecclesiastical, made their humble and earnest addresses to his Majesty, by supplications, letters, and commissioners for that end; and did freely represent all the prejudices and inconveniences of the delay or refusal of his assent, and in particular, that this Kingdom would be necessitated to join with the Kingdom of England, conform to the League and Covenant, in providing for the security of both Kingdoms, and settling the Government of both, as might conduce most to the good of both. And the Parliament of Scotland being now to retire their army out of England, have again, for their further exoneration, sent Commissioners, to represent their renewed desires to his Majesty, with the danger that may ensue by his delay or refusal to grant the same; and that till then, there was no danger to the cause, to his Majesty, to this Kingdom, and to the union betwixt both the Kingdoms, by his coming to Scotland; and that therefore there would be a joint course taken by both the Kingdoms concerning the disposal of his person. And considering, that his Majesty by his answer to the propositions of peace in August last, and also by his late message sent to the two Houses, and by his warrant communicated to the Estates of this Kingdom, hath expressed his desires to be near to his two Houses of Parliament: And seeing also the Parliament of England have communicated to the Scottish Commissioners at Newcastle, and by them to this Kingdom, their resolution, that *Holmby House* in the County of *Northampton*, is the place which the Houses think fit for the King to come unto, there to remain with such attendance about him as both Houses of Parliament shall appoint, with respect had to the safety and preservation of his royal person, in the preservation and defence of the true religion and liberties of the Kingdoms according to the Covenant. Therefore, and in regard of his Majesty's not giving a satisfactory answer to the propositions as yet, and out of their earnest desire to keep a right understanding betwixt the Kingdoms, to prevent troubles within the same, to satisfy the desire of his Majesty, of the two Houses of the Parliament of England, and of this Kingdom, for his residence in some of his Houses near the Parliament of England: The Estates of the Parliament of the Kingdom of Scotland, do declare their concurrence, for the King's Majesty's going to *Holmby House*, or some other of his Majesty's houses in or about *London*, as shall be thought fit, there to remain until he give satisfaction to both his Kingdoms in the propositions of peace, and that in the interim there be no harm, prejudice, injury, nor violence done to his royal person: That there be no change of Government other than hath been these three years past: And that his posterity in no ways be prejudiced in their lawful succession to the Crown and Government of these Kingdoms."

The King is delivered to the Committee, and conducted to *Holmby*.
Rathworth, VI. p. 178.
Presbyterians and Independents begin to quarrel.

January the 23d the Parliament's Commissioners came to *Newcastle*, and on the 30th of the same month the King was delivered to them. That very day the *Scotch* army began to march towards *Scotland*, and the King arrived at *Holmby* the 10th of *February*.
Hitherto the Presbyterians and Independents had acted as in concert, because it was equally advantageous to them, or rather necessary, the King should be disabled from hurting both. When the King was reduced to his present condition, in the hands of a Parliament consisting of two Parties which had equally plotted his ruin, these two parties, who had till then seemed united, began to be openly divided, each plainly perceiving, this was the critical time to make the advantages gained in common upon the King, to turn to their own benefit. The Presbyterians were superior in the Parliament and in *London*: but the Independents were, as I may say, masters of the army, and by that their party was grown very considerable. The Presbyterians grand affair was therefore to disband the army, under colour of its being unnecessary, since the war was ended; and the Independents grand affair was, to hinder this disbanding, which could not but be fatal to their party. It is certain, the Parliament, being almost wholly Presbyterian, seriously thought of disbanding the Inde-

pendents, and particularly the Generals and officers of that party. As they were obliged to send an army into *Ireland*, their project was to take for that service such soldiers out of the Foot, Horse and Dragoons, as should be willing to go thither, form them into companies, and give them officers, they could confide in. After that, their intent was to disband the rest of the forces, keeping only as many as should be necessary for the garrisons. Had this project succeeded, the Independent-party would have been irrecoverably ruined. But the Parliament had to deal with men who were too wise to give them time to take all their measures. *Oliver Cromwell*, a person of uncommon valour, great parts, and profound dissimulation, was then as the head of the Independents, though he affected still to pass for a rigid Presbyterian. He was present at the Sermons of the Presbyterians with a seemingly extraordinary devotion. He made use of certain Scripture-expressions after the manner of the Presbyterians, and spoke not a word which might betray him to be Independent, either as to Religion or Policy. In short, he had found means to persuade General *Fairfax*, that his sole aim was to promote the glory of God, and the welfare of Religion and the Kingdom. He had in the army a great number of officers who acted by his directions, so that when he did all, he seemed to do nothing. Among these Officers were his Son-in-law *Ireton*, *Rainsborough*, *Fleetwood*, *Lambert*, *Harrison*, and several others, who took care to strengthen the Independent party, by means of many falshen officers, who endeavoured to make proselytes among the soldiers, and were so many emissaries in every regiment. *Cromwell* was Member of Parliament (1), and withal Lieutenant-General of the army, notwithstanding the denying Ordinance, for which he had been exempted. After the war was over, he constantly attended the House, and thereby might be informed of the project against the army, or rather against the Independent party in general. He seemed to approve of the measures designed by the Commons, namely, of forming an army for *Ireland* (2), and disbanding the rest of the forces. But at the same time, by means of his emissaries, he raised in the army a spirit of discontent and mutiny. This was the more easy, as the officers and soldiers perceived, they were going to be discarded, and as most were little able to return to their old professions, after four or five years spent in war. There were in the army many officers, who before the wars had been only tradesmen, and saw with regret they were going to be reduced to quit their employ which gave them authority, and resume their former trades, to be mixed as before, with the meaner sort of People. These men, as well as those gained by the Independents, were ready for any undertaking, not to be obliged to alter a course of life they had now led for some years. *Cromwell* therefore, and the officers of his party, improving this disposition, diligently inspired the army with discontent against the two Houses, wherein they succeeded but too well (3).

The first spark of this flame appeared in *March* 1647, at the time when the Parliament was seriously thinking of executing the fore-mentioned project. The Commons had notice, that some officers of the army had prepared a petition to be presented to the General, and communicated to the House. In this petition was described, the unhappy condition, most of the officers and soldiers would be in, when the army should be disbanded. The articles described, were: *Indemnity for actions as Soldiers. Satisfaction for arrears. No pressing for Horse or Foot. Relief of Widows and maimed Soldiers. Pay till disbanded.* This petition flew from regiment to regiment, and there were officers very diligent to procure subscriptions. Whereupon, the Commons sent an order to the General, to make strict inquiry after the authors of this petition, and put a stop to the conferences held in the army, to slow discord and division. The General answered, That in obedience to the order of the House, he had assembled the officers, and questioned them about the petition: That they had expressed a very deep sense of their unhappiness, in being misunderstood in their clear intentions, which, as they had protested, were no other than, by way of petition, to represent to him, their General, those inconveniences, which would necessarily befall most of the army after disbanding; but withal had assured him, they would wholly acquiesce in whatsoever he should judge reasonable to offer, or the House to grant on their behalf. The General added, That the House might be better informed, he had sent Lieutenant-General *Hammond*, Colonel *Hammond*, Colonel *Lilburn*, Lieutenant-Colonel *Pride*, and Lieutenant-Colonel

Rathworth, VI. p. 418.
The army with discontent, at their going to be disbanded.
Clarendon, III. p. 334.
See Heath. Colles.

Clarendon, III. p. 334.
The General's answer.

Order of the Commons to the General about the Petition.
Rathworth, VI. p. 445.
The General's answer.

(1) For the Town of *Cambridge*.

(2) The forces voted for this service were seven Regiments of Foot, three thousand Horse, and twelve hundred Dragoons, and 40,000 *l.* *Winstock*, p. 227.

About this time, Colonel *George* Mordaunt took the Covenant, and engaging in the Parliament's service, was sent into *Ireland*. *Ibid.* p. 227.
(3) The Earl of *Rifles* death, which happened on the 14th of September, 1646, made it the easier for *Cromwell* to carry on his designs. For doubtless, had he lived, he would have given some check to the fury that was going to prevail. The Lord *Clarendon* says, that it was reported he was poisoned; and that *Cromwell* and his party were wonderfully excited with his death. *Tom.* 3. p. 33. On the 27th of November following, the Earl's Horse and Estates were sent to pieces and defaced in *Windsor* Abbey; and the like barbarous abuse was done to Comden's Tomb stone. *Winstock*, p. 228.

1646-7. *Grimes*, who, he hoped, would give a full and candid account of the whole matter.

Accordingly, these officers were examined before the House; after which, the Speaker, in dismissing them, told them what service the Houses had of the petition, and desired their care for suppressing the same, or any other of the like nature for the future (1). The same day, the House ordered the General to publish a declaration, at the head of every regiment, importing, that the petition tended to put the army into a mutiny, and obstruct the relief of Ireland, and that the promoters thereof should be proceeded against as enemies to the State, and disturbers of the public peace (2).

The Commons could not do any thing more agreeable to those, who had formed the project of sowing division between the Army and the Parliament. This declaration gave occasion to the officers and soldiers to complain openly, "That they who had fought for the liberty of the Subjects of England, were denied the liberty of the Subject to petition, though it were to their General, and merely in things relating to them as soldiers, meddling neither with Church nor State affairs, and without submitting it to the General's judgment for approbation or correction, as he saw cause."

Mean while, the two Houses intending to execute their resolution, of sending forces into Ireland in the manner they had projected, appointed a Committee for that purpose, and gave them power to form the regiments of this army, and commission such officers as they should think fit. At the same time, they resolved to encourage those that voluntarily offered to serve in Ireland, and ordered the commissioners speedily to execute their charge.

The commissioners (3) repairing to *Stafford-Walden*, the General's head-quarters, gave notice to the officers to assemble the next day. Then the Earl of *Warwick*, head of the committee, made a speech, exhorting them to accept of the terms offered by the two Houses. When he had done speaking, Colonel *Lambert* answered in the name of all the officers, and desired to know, what satisfaction should be given them concerning four articles, namely, arrears, indemnity, maintenance in Ireland, and conduct? Sir *John Clotworthy* replied, That the Parliament had taken care of all, except the point of indemnity, for which an ordinance would be ready in a few days. The officers demanded, what Generals were to command them in Ireland? It was answered, *Skippon*, and *Maffry*, were named for General, and Lieutenant-General; but for other commanders, the Parliament had not yet come to any resolution. Then the officers cried out with one voice, that if the command was given to *Fairfax*, *Cromwell*, and *Skippon*, they were ready to march. The commissioners seeing, the officers insisted upon a thing not agreeable to the intentions of the Parliament, desired such as would lift in the service of Ireland, to come to their lodgings in the town, where they would give them farther satisfaction; but there came very few. At the same time, the rest prepared a declaration, which was presented to the commissioners, wherein they said, "They had reason to complain, that they had received no positive answer to their desires: That however, those who in their own persons did not engage for Ireland, would be ready to promote the service: That if the same conduct under which the army had been so prosperous in England, was continued, it would conduce much to their personal engagement in the service of Ireland: That this was the general sense of the officers of the army."

The General, who hitherto seemed very desirous to serve the Parliament, ordered the officers who had a mind to serve in Ireland, to draw out as many of their men as would engage in that service. But the number was very small, and the Parliament was informed, there were officers who took great pains to dissuade the soldiers from this service, and cherish the discontent of the army (4).

At last, their boldness was such, that some of the principal officers scrupled not to appear at the head of the mutineers, in a declaration presented to both Houses. They said, "That the misrepresentations of their harmless intentions to the House, having occasioned hard thoughts, and expressions of the House's displeasure against them, they humbly craved leave to offer some reasons to clear their proceedings in those passages, which they found

most obvious to exceptions in their petition, whereby they hoped to make it evident, that the means they used, and the method they took, was, as they conceived, most orderly and inoffensive; proceeded not in the least from distemper, and aiming in no measure to put conditions on the Parliament; and that from hence might be discovered, the corruptions of those men's hearts, who have been the evil instruments of occasioning the late declaration against them. And,

"1. For the liberty of petitioning, they hoped, the honourable House of Commons would never deny it unto them, there being not any thing more essential to freedom; and particularly, since they had justified and commended it in their declaration of the 2d of November 1642, in these words: *It is the liberty and privilege of the people, to petition unto us for the safe and redress of their grievances and oppressions, and we are bound in duty to receive their petitions.*

"2. They presented not their petition to the House, but with the approbation, and by the mediation, of their General, and consequently, that it could not be repeated as seditious.

"3. The report of their forcing subscriptions was not true. For the petition had taken its first rise from amongst the soldiers, and the officers had engaged but in the second place to regulate the soldiers proceedings, and remove, as near as they could, all occasion of distaste.

"4. They were forced to desire an act of indemnity for such actions as they had committed during the exigency of the war, not warrantable by law, since they were liable to be indicted for them in time of peace.

"5. As to their desiring the Royal assent, they never intended thereby to lessen the Parliament's authority; but only used it as a provident caution for their future safety. And they observed, that the Parliament itself had, by offering propositions, judged, the desiring the King's assent convenient.

"6. As to the desire of their arrears, necessity enforced them thereto: That their wages had been hardly earned, and the desire of them could not argue them guilty of the least discontent, or intention of mutiny.

"7. For what concerned the relief of Ireland, they thought it hard, that those who had voluntarily served in the wars, and left their parents, trades, and liveli-hoods, and, without any compulsion, engaged of their own accords, should, after all their free and unwearied labours, be forced and compelled to go out of the Kingdom."

This declaration was signed by *Thomas Hammond*, Lieutenant-General of the ordinance, seven Colonels, seven Lieutenant-Colonels, six Majors, and one hundred and thirty Officers, Captains, and Subalterns.

The same day this declaration was presented to the House, the Commons voted, that the army should be disbanded, and the soldiers have six weeks pay when dismissed.

Some days after, Major-General *Skippon*, who was of command in Ireland, and (being returned from *Barrifstable*) had taken his seat in the House, notwithstanding the Self-denying ordinance, which was no longer regarded, reported, that a letter was presented to him the day before by some troopers, in the behalf of eight regiments of Horse, and produced the same, which was immediately ordered to be read. These regiments complained of the many late scandals, and false suggestions, against the army, and their proceedings, and alleged the reasons why they could not engage in the service of Ireland, under the conduct of the intended Generals. The troopers, [*Sexty, Allen, and Sheppard*] who brought the letter, were called in and examined, concerning the meaning of some expressions in the petition; to which they replied, That the letter being a joint act of those several regiments, they could not give a punctual answer, being only agents; but if they might have the queries in writing, they would carry them to the regiments, and return their answers.

Though the declaration of the officers was in itself very reasonable, it looked however more like an insolent accusation against the Parliament, than a humble apology. This convinced the Commons, that the evil was greater than was at first imagined; wherefore they passed several votes to give some satisfaction to the army, and to hinder the increase of their discontent. At the same time, *Skippon*,

(1) *Whitlock* observes upon this occasion, That this way of petitioning by multitude of hands to the Parliament, which was formerly promoted by some of both Houses, as a means to carry on their designs at that time, began now to be made use of, and returned upon them, to their great trouble and danger, p. 242.

(2) *Rapin* has confounded here two different things. What he says was published at the head of the Regiments, was only a Declaration and Vote of both Houses of the 28th of March. But the Declaration sent to the General to be published in the Regiments, was to require them to abstain from going on so that *Clotworthy* they were about to present to him. *Rushworth*, Tom. 6, p. 446, 447.

(3) The Earl of *Warwick*, Lord *Durham*, Sir *William Waller*, Sir *John Clotworthy*, and Major-General *Maffry*. The establishment agreed on by the Commons then was, Officers of Horse: A Colonel 12 s. a day, and ten four Horse 8 s. A Captain 10 s., and two Horse 4 s. A Lieutenant 5 s. 4 d., and one Horse 2 s. A Provost-Marshal 3 s. 4 d., and two Men 4 s. Corporal and Trumpeter, each 2 s. 6 d. Foot Officers: A Captain 8 s. a day. A Lieutenant 4 s. An Ensign 2 s. 6 d. Sergeants, Drummers, Corporals, each 1 s. *Rushworth*, Tom. 6, p. 454.

(4) See an account of the forces appointed to serve in Ireland, above, p. 537, Note (5). About five thousand Horse and Dragons were ordered to march in pay in England, for the defence of the Kingdom. *Hollis's Mem.* p. 74.

1647. *Cromwell, Irwin, and Fleetwood*, were ordered to go and acquaint the army with what the House intended to do for the troops, and that a considerable sum was preparing for their pay, before they were disbanded. Hitherto the Commons seem not to have perceived the true aim of the army's complaints, but hoped to appease them by some concession.

The Generals sent by the Parliament being come to the army, and calling the officers together, read to them the votes passed in their favour; after which, *Skippin* made a speech, to ingage them to serve under him in *Ireland*. The officers answered, as this affair concerned the soldiers, as well as the officers, it was necessary to inform them of it, in order to know their resolution.

Mean while, the Parliament ardently desiring to disband the army, after that which was to serve in *Ireland* was formed, ordered, that before they were disbanded, a fortnight's pay should be added to the six weeks, formerly voted, and that six weeks pay more should be given to those who would ingage for the service of *Ireland*.

The troopers and soldiers being informed of what the Generals, sent by the Parliament, had reported to the officers, answered, that as the whole army was concerned, they desired to discuss the affair in a Committee, chosen by themselves, out of every company and troop, who should report the desires of each Regiment to a Committee of General Officers; to be by them contracted into a method, and if general, communicated to both Houses, as the sense of the army. It is easy to perceive in this answer, the secret direction of some of the leading Male-contents, who intended by this means to be masters of the soldiers' resolutions, and compose in the army, a sort of Parliament, in opposition to the two Houses. This demand, of which, perhaps, the consequences were not by many foreseen, being granted, the soldiers chose two out of every Company, who were called *Adjutors*, or *Agitators*, to debate upon the matters which were to be brought to the council of officers, called, the Council of War, consisting of Generals, Colonels, Lieutenant-Colonels, Majors, and Captains. Among the Agitators there were few or none above the degree of an Ensign. These two Councils were afterwards continued, to the great prejudice of the Parliament, and great advantage of the heads of the Independent-party, who easily found means to admit only such as were devoted to them, or not of sufficient ability to discover their designs.

Mean while, the two Houses persisted in their resolution to disband the army, excepting those who would ingage to serve in *Ireland*. To effect this the more easily, it was ordered, that their arrears should be speedily audited, and good security given them, for so much as should not be paid off upon disbanning: That none that had voluntarily served in the wars, should be pressed for any service beyond sea: That an ordinance should be drawn for providing for widows, maimed soldiers, and orphans. After that, the two Houses settled the manner of disbanning the army, namely, that the regiments should be disbanded at different times and places, and that the money to pay them what was promised, should be sent to the several rendezvous. But the army openly complained of the intention to pay them but two months arrears upon disbanning, when there was no less than fifty six weeks due to them.

Shortly after, the General called a council of war at *Bury*, at which were present above two hundred officers, and communicated to them the votes of both Houses, advising them to a compliance with the order of Parliament. But the officers answered, They did not think these votes satisfactory to the soldiers; 1. Because eight weeks pay was not a considerable part of what was due to them. 2. Because no visible security was given for the arrears. 3. Because nothing was done for their vindication, and they being declared enemies, and sent home, might hereafter be proceeded against as enemies, unless the declaration were recalled.

At the same Council a petition was produced and read, which had been that morning presented to the General, in the name of the private soldiers of the army, complaining, That it was intended to disband them without redressing their grievances, and in a strange, unheard of manner, one regiment apart from another, which posture could not but render them suspicious to the Kingdom. And therefore they desired the General would be pleased to appoint a rendezvous for the army, and use his utmost endeavours, that they might not be disbanded before their grievances were heard, and fully redressed, which if not done, they should be necessitated, though unwillingly, to do things that might be prevented, by granting their just desires.

The council of War having examined this petition, be-

lieved, or feigned to believe, it was absolutely necessary to take notice of it, for fear, if they saw all their desires rejected, they should have a rendezvous without their officers. It was therefore resolved, that the quarters of the army should be contracted, to prevent disorders, and for the greater readiness to suppress them. It was manifest, the design of the petition, and the council of war's resolution, was, to break the Parliament's measures. It had been resolved to separate the army, and disband them at different times and places, in order to do it the more easily; and the army, on the contrary, had contracted their quarters, so that they could rendezvous in a very short space, without any possibility of being prevented by the Parliament.

The General failed not to acquaint the two Houses with the result of what had passed in the council of war, intreating them to proceed with caution, that the army might not be incensed, and a breach made, which could not but be very dangerous. He writ the same day to the Speaker of the House of Commons, that he was extremely uneasy concerning the disposition of the army, and heartily wished some means could be found to appease the diffractions, which was not in his power. That he was forced to yield to many things to prevent worse inconveniences.

Whereupon, the two Houses recalled the Commissioners, who were now gone to disband the army, and sent for the money which had been lodged in several places for the payment of the soldiers. But three thousand five hundred pounds carrying to *London*, was stopped by Colonel *Rainsborough's* men at *Woolstock*. It was very evident, the army was unwilling to be disbanded; but the Parliament not being in a condition to command obedience, were forced to stay till a more convenient season, without relinquishing however their design. Their intention was to divide the army, under colour of the necessity of sending forces into *Ireland*; and, the better to ingage the soldiers to leave the army, it was voted, that a month's pay should be given to those that would quit their regiments, and serve in *Ireland*. They hoped by this means to form an army equal or superior to that which refused to obey, wherein they were greatly mistaken. Mean while, to give some satisfaction to the army, it was ordered by the Commons, that the subordinate officers and soldiers should have all their arrears, deducting for free quarters according to the usual rules of the army. That the Commissioners should have one month's pay more added to the two months arrears formerly voted. Lastly, that the declaration against those that drew up the first petition should be razed out of the Journal of the House (1). But all this was not capable of contenting the army, who were resolved not to be satisfied. The directors of these proceedings had a mind to continue the army, in order to be able to oppose the Presbyterians, who were superior in the Parliament. So, the reasons alleged by the army being only pretences, though every thing had been granted, others would have been devised, to prevent their disbanning; and indeed, it will presently appear, that left all their desires should be granted, they added new demands, which the Parliament could not comply with.

It was easy to perceive, that every thing tended to a breach between the Parliament and the army. The Parliament accused the army of mutiny and sedition (2), and the army pretended, that the Parliament, under colour of sending forces into *Ireland*, thought of forming a new army, to become masters of the Kingdom, when the old one should be cashiered, or to kindle a fresh war, in case the troops refused to obey. But they were far from being upon an equality. The army had the sword in their hands, and tho' some officers and soldiers had quitted their regiments for the service of *Ireland*, their number was inconsiderable (3); all the rest remained united, and were supported by most of the Generals, who being against the Parliament, privately cherished the discontent of the officers and soldiers. The Parliament had no forces to compel the army to obedience, and therefore were terribly embarrassed. They durst not drive the army to extremities; and on the other hand, they plainly perceived, that the discord was fomented by the leaders of the Independents, who fought the destruction of the Parliament, for fear the Parliament should destroy them, as indeed both Houses intended.

This therefore was a critical season, the point being to know who should be master, the Parliament or the Independent party. But their last had the army on their side, and that alone balanced the power and authority of the Parliament. They had so well laid their measures, by means of the Agitators, that the army was become a sort of Republick, where the suffrages of the common soldiers were upon a level with those of the Generals; nay, the soldiers did not think themselves obliged to follow or to ask the advice of their Officers. Hence sprung confusion, which was suffered to

1647.

The Parliam^t sent read their Commis^s sioners, May 30. Id. p. 459. Whitelock.

and from the point to divide the army, Ruthworth, Ibid. and p. 500.

Ibid. Whitelock.

Ruthworth VI. p. 505. Holles's Mem.

Clarendon, III. p. 131.

The Division between the Parliament and army (twice), Holles's Mem. Ruthworth, VI. p. 505, &c. Ludlow, T. I. p. 192.

The General answered, that the petitioners should be declared Traitors. Others refused to secure Cromwell, but he being advertised of it, was so the Army. Ludlow, Tom. I. p. 192.

(1) Here, says Whitelock, the Parliament began to surrender themselves and their power into the hands of their own army. Mem. p. 520.
(2) Some answered, That the petitioning Soldiers might be declared Traitors. Others refused to secure Cromwell, but he being advertised of it, was so the Army. Ludlow, Tom. I. p. 192.
(3) There were not above seven hundred or two thousand. See Holles's Mem. p. 56, and Ruthworth, Tom. VI. p. 477, &c.

1647. prevail. Every thing was done in the name of the army, a loose term which signified, sometimes the Council of war alone, sometimes the Council of Agitators, now both Councils together, and now, the Agitators of some particular Regiments. In this last sense must be understood the enterprise performed, in the name of the army, by the Agitators of some Regiments of Horse, of carrying away the King by force from *Holmby House* to *New-market* (1).

To execute this design, they chose Cornet *Joyce*, one of the Agitators of his Regiment, who, from a Taylor before the war, was become an Officer, and had signalized himself for his bravery. *Joyce* being put at the head of fifty Horse, marched directly to *Holmby*, and came there in the Night, after the King was in bed. Having secured the avenues, he went up with two or three more to the King's Chamber, and caused the door to be opened. The King getting up, asked him what he meant. *Joyce* answered, he intended to carry him to the army, for they had received certain advice, there was a design to convey him away by force. The King asked him, whether he had the General's orders? He replied, no, but that he was authorized by the army, and as he held a pistol in his hand, sufficiently intimated, it was by that he was chiefly empowered (2). The Parliament's Commissioners who were at *Holmby* to take care of the King, would have opposed this violence: But the King's guard refusing to make any resistance, and the troops that were in the neighbouring villages to relieve the guard every day, would not come. At last, after many disputes, all the King could obtain was to stay till the morning. That same night he writ a Note, which he intrusted with the Earl of *Dumfries*, to acquaint the two Houses, he was carried away from *Holmby* against his will, and that they should not give any credit to what he might afterwards write whilst under restraint. The next morning he went into the Coach, and was conducted by *Joyce*, who carried him that night to Colonel *Montague's*, and the next day to *New-market*.

The King is carried away by force from *Holmby*.
June 4.
Curendon, III. p. 35.
Herbert's Mem.
Rushworth, VI. p. 503.
113. 145.
149.
Ludlow, T. I. p. 191.
Holles's Mem.

The King is conducted to *New-market*.
Rushworth, Whitelock.

The Army's petition to the General.

Rushworth, VI. p. 503.

"1. That eight weeks arrears to be paid at disbanding, was but a mean reward for all their labours, and a very slender supply to carry them to their homes, and set them up again in their former callings and conditions.

"2. That in the orders given for the stating of their accounts, they found no consideration or regard had of their arrears incurred in the former army commanded by the Earl of *Essex*, which to the most of them were much greater than those under the new model.

"3. That three Shillings a week was to be abated to Foot Soldiers for quarter, which was more than they should have paid for themselves, if they timely had their pay.

"4. That there was no provision or allowance made in relation to any quarters discharged by them.

"5. That, contrary to custom, no Trooper was capable of allowance for arrears, unless he delivered in his horse and arms.

"6. That the visible security for what arrears should not be paid at disbanding, appeared to them insufficient.

"7. That the ordinance voted, to exempt from pressing, for the service of *Ireland*, such as had served as volunteers in the army, was defective; because after their discharge, it was very difficult for them to obtain a testimonial of their past services.

"8. That the ordinance for the maintenance of maimed soldiers, &c. had not yet passed in Parliament.

"9. That the ordinance for indemnity seemed to make but slender provision for their safety.

"10. That no reparation had been made to those officers of the army, that had been at several times sent for to attend the Parliament as Delinquents, though they had been found innocent.

"11. That there had been yet nothing declared by the Parliament, to clear them as to their right of petitioning. (There was in this article heavy complaints against the Parliament's arbitrary power.)

(1) *Ludlow* gives this reason for fleeing the King: That the Agitators were afraid, those who had shewed themselves so forward to ride with the King out of principle, upon any terms, would, for their own preservation, receive him without any, or rather put themselves under his protection; that they might the better induce the army, and reduce them to obedience by force. Tom. I. p. 191.

(2) The King requesting *Joyce* to show his Commission, he shewed the Soldiers that he carried the same. Whereupon the King said, *Believe me, your Instructions are written in a very legible character.* Warwick's Mem. p. 109. — There being six hundred proper men on *Barfleur*, *Leas*, *Whitby*, &c. p. 211. — At a conference, June the 5th, between the *Scott* Commissioners, and the Committee of both Houses, the Lord *Dumfries* acquainted them, that the King commanded him to tell them, That his Majesty was willingly taken away by a party of the Army, and that he desired both Houses to make him the Laws of the Land, and that though his Majesty might sign many things in this condition, yet he would not have them believed, till further notice from him. Whitelock, p. 211.

"12. That the Declaration made against the army was yet standing in force.

"13. That nothing had yet been done towards the discovery or censure of those that had wronged the army, and abused the Parliament, so as to procure the proceedings against them, with relation to their petition."

It is easy to perceive, these complaints were but mere pretences, or at least, if the army had not resolved to be satisfied upon no terms, these differences might possibly have been adjusted. But this was only a preparative to what they had resolved to do. The next day, June the 5th, the Officers and Soldiers subscribed a Paper, which they called, a *solemn Engagement*, whereby they consented to disband, when required by the Parliament, but on condition, That they should first have such satisfaction in relation to their grievances, and such security as to their persons, as should be agreed unto by a Council to consist of those General Officers (who had concurred with the army) with two Commission Officers, and two Soldiers to be chosen for each Regiment; and declared, that without such satisfaction, and such security they would not willingly disband, nor suffer themselves to be disbanded or divided.

This Engagement was seconded with Petitions from the Inhabitants of the Counties of *Essex*, *Suffolk*, and *Norfolk*, intreating the General, not to suffer the army to be disbanded till every thing relating to the Government was settled.

June the 7th, both Houses received a letter from the General acquainting them, that the soldiers at *Holmby* had brought the King thence by consent, having thought proper to secure his person, from an apprehension of forces gathering to fall upon them and force him out of their hands. That as soon as he knew it, he sent Colonel *Whalley's* Regiment to guard the King; after which, for prevention of danger, he had sent two Regiments more to re-inforce Colonel *Whalley*. That *Whalley* had desired the King and the Commissioners, in his name, to return to *Holmby*, but that his Majesty was not willing to go back. That upon this, he had sent *Sir Hardress Waller*, and Colonel *Lambert*, to desire the Commissioners to think of returning to *Holmby*, but that the Commissioners refused to act in disposing the King. He affirmed moreover, that neither himself, nor the Officers about him, nor the body of the army were concerned in removing the King, protesting that it was his as well as the army's desire, to study to settle a firm peace. That they had no intention to oppose Presbytery, or set up the Independent Government, but to leave all to the wisdom of the Parliament, without advancing any particular party or interest.

It was a very strange thing, that the King should be removed from *Holmby* by hity troops, without any orders from the General or the Officers about him, and without the consent of the body of the army; and that the general Officers should suffer him to be in the center of the quarters of the army, without inquiring after those who gave, or those who executed, such an order. This shewed, there was some mystery in it, which it was not thought proper to discover to the Parliament, and that *Joyce* knew he should be protected if called to an account. On the other hand, though the King had sent word to both Houses, that he was unwillingly removed (3), it appears by the General's letter, that his Majesty consented to it, and was unwilling to return to *Holmby*, when it was in his power. All this seems very mysterious, and I do not believe the publick was ever fully informed of what passed before the removal of the King. What followed makes it conjectured, that some of the general Officers believed it to be absolutely necessary for their interest to have the King in their power, at a time when they thought there was reason to fear, the Parliament would come to an agreement with him, and that they caused him to be taken away from *Holmby* by persons without warrant, well-knowing, they should be powerful enough to hinder the affair from being strictly examined. It may be, the King himself was privy to it, since he was unwilling to return to *Holmby*, and appeared, for some time, much more at ease in the hands of the army, than when he was in the Parliament's power.

The Commons seeing the army master of the King's person, and unwilling to disband, resolved at least to show the publick by their votes, that the imputations laid to their charge by the army were groundless, and that they were not iwayed by self-interested motives. So, June the 10th, they confirmed the self-denying ordinance, and

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"declared

1647. "declared to be void all places held by members of Parliament." They voted, "That the Lands and Estates of all members of the House should be liable to the law for payment of their debts." They appointed a day to hear informations against members, and ordered that no Member should hereafter receive any reparation for damages, till the publick debts were first satisfied.

The Army marches towards London.
Rushworth, VI. p. 553.
The complaints of the Army against some of the Commons.
Id. p. 553.
Id. p. 553.
Id. p. 553.
Id. p. 553.

Nevertheless the army began to march, and advanced to St. Albans within twenty miles of London. At the same time, the General sent to both Houses the result of the late council of war at Newmarket, and intreated them to think of some way to satisfy the troops.

The approach of the army threw the Parliament and City into great consternation, and an ordinance was passed, to enable the committee of the Militia of London to raise horses. They seemed to intend to put themselves in a posture of defence against the army. Within a few hours after, the City received a letter signed by the General, and all the other general officers, complaining, there were certain members of Parliament who endeavoured to engage the Kingdom in a new war, as having no other way to protect themselves from the punishment they justly deserved. Adding, that they desired no alteration of the Civil Government, nor in the least to hinder the settling of Presbyterianism, neither did they intend any evil to the City, if they appeared not to assist that wicked party, who would embroil them and the Kingdom. That they were ready to remove at a farther distance, if they were assured, that a speedy settlement of things was in hand. That if, after all, the City should be seduced to take arms against the army, ruin and destruction would ensue.

The Parliament divides the Army.
June 11.
Rushworth, VI. p. 553.
Id. p. 553.
Id. p. 553.

This letter was communicated to the Parliament, who writ to the General, to desire that the army might not come within twenty-five miles (1) of the City; but it was already advanced to St. Albans. The same day, the Commons ordered, that the sum of ten thousand pounds should be paid to such officers and soldiers as should leave the army and engage in the service of Ireland, with which the army was highly displeased, plainly perceiving, the Parliament's design was to divide them.

and put themselves in a posture of defence.
June 12.
Rushworth, VI. p. 557.

The next day, upon a false rumour of the army's near approach to the city, the Militia of London ordered all the trained-bands to be raised on pain of death. But presently after the order was revoked. However, soldiers were lifted by order of Parliament.

The Commons Council's Letter to the General.
Ibid.

In this interval, the Common-Council of London sent an answer to the General and Officers, wherein they said, the City intended no evil to the army, but only to defend the Parliament and themselves against any unlawful violence. That they did not take arms with intent to hinder the obtaining of the army's just demands. That on the contrary, they had presented their addresses to the Parliament for the obtaining thereof; and only requested, they would demand no more than what should be just and reasonable.

Id. p. 560.

The same day, the Parliament sent Commissioners to the army (2), to know what were their desires. The General answered, in letters to both Houses, That the army offered, for a month's pay, not to draw their quarters nearer London, without first giving notice of it to the Parliament's commissioners.

Mean while, the army continued to render themselves formidable, as well by their numbers, as by their demands which daily rose higher. At first, they protested, they would not meddle in any thing not immediately relating to themselves, and that their intention was to leave the care of the Government to the wisdom of the two Houses. But when they found, the Parliament gave way, and wanted power or resolution, they advanced one step farther, and by a declaration presented to both Houses, demanded:

The representation of the Army.
Id. p. 566.
Whitelock.

- "1. That the Houses might be purged of such members, as for their delinquency, or for corruptions, or undue elections ought not to sit there.
- "2. That those persons who had appeared against the army, might speedily be disabled from doing the like; and for that purpose, might be made incapable of being the soldiers Judges, when disbanded.
- "3. That some determinate period of time might be set for the continuance of that and future Parliaments, beyond which none should continue; that the members of the House might not have the temptation or advantage of an unlimited power to perpetuate injustice or oppression, but might be in a capacity to take of subjection as well as rule.
- "4. That Parliaments might not be adjournable or dissolvable, any other ways, than by their own consent.

1647. "5. That the right and freedom of the People to present petitions to the Parliament might be cleared and vindicated.

"6. That the large powers given to committees or deputy-Lieutenants, might be taken away, or regulated.

"7. That the Kingdom might be righted and publicly satisfied in point of accounts, for the sums that had been levied and paid.

"8. That after publick justice was first satisfied by some few examples on Delinquents, a general act of oblivion should be passed."

After these demands, the army protested, "That their design was not to overthrow Presbytery, and establish the Independent Government. But they only desired, that there might be some effectual course taken, that such who upon conscientious grounds differed from the established forms, might not for that be debarr'd from the common rights, liberties, or benefits belonging equally to all, while they lived soberly and innocently towards others, and peaceably and faithfully towards the State."

It was easy to perceive, the army no longer contented themselves with meddling in their own affairs, but wanted to have a share in the Civil Government. There were in the House of Commons very able men, who knew the designs of the Independents, and would have baffled them, had they been supported with power. To this end it was, they had projected the forming, out of the old, a new army for Ireland, and to cashier the rest of the forces. This project tended directly to the ruin of the Independent party. Accordingly, Cromwell and his associates used all their endeavours to countermince the artifices of their enemies, by inspiring the army with discontent, and cherishing it in the fore-mentioned manner. In short, having tried the Parliament, they thought themselves strong enough to strike a bolder stroke, in using always the army's name, which they had moulded to their purpose. To this end, they caused it to be resolved in a council of war, that the army should prefer a charge against the ablest and most powerful members of the Commons, who in a manner governed and directed the House. These were the men the Independent-party had most to fear. This resolution being taken, the army deputed some officers to carry in their name, to the Parliament, a charge against eleven members, namely, *Holles, Stapleton, Lewis, Clarendon, Waller, Maynard, Major, Glyn, Long, Harley, and Nichol.*

The general articles of the charge were:

"1. That the persons above-named had, in an arbitrary and violent manner, infringed the Rights and Liberties of the nation, and endeavoured by indirect and corrupt practices to delay and obstruct justice.

"2. That the army being, until the middle of March last, in an orderly condition, and ready, either quietly to have disbanded, or else to have engaged in the service of Ireland, those members had endeavoured by false informations to beget misunderstandings and jealousies in the Parliament against the army.

"3. That whereas the Parliament might have had out of the army, an intire force for the reduction of Ireland, those persons had attempted to pull the army in pieces, and to put the Kingdom to the trouble and expence of raising a new force for that service.

"4. That they had diverted the forces engaged for the service of Ireland, and endeavoured to apply them to carry on desperate designs of their own in England; and had also raised new forces under pretence to guard the Parliament, and privately lifted officers and soldiers, for embroiling the Kingdom in a new and bloody war.

"5. That they had invited and encouraged divers reformado's, and other officers and soldiers, tumultuously to gather together at Westminster to assault and assault the members of Parliament."

The very next day, the army sent proposals to the Commons, wherein they desired:

"That the persons impeached might be forthwith suspended from sitting in the House.

"That there might be a month's pay immediately sent to the army.

"That if the officers and soldiers of the army who had engaged for Ireland, or those who had deserted the army and come to London, had since then received more than a month's pay, there might be so much more money sent down to the army.

"That during the debate and transaction betwixt the Parliament and the army, about raising and lifting new

1647.

The Army accuses eleven Members.
June 16.
Rushworth, VI. p. 570.
Holles's Mem.
Clarendon, III. p. 44.
Whitelock, Ludlow.

The Articles of their accusation.
Rushworth, VI. p. 570.

The Army's demands.
Id. p. 572.
Whitelock, p. 573.

(1) Whitelock says, fifteen miles. Mem. p. 562.

(2) Sir Thomas Widdrington, and Colonel White. Rushworth, Tom. VI. p. 560.

1647. "forces, the Parliament would not suffer any new forces to be raised within the Kingdom."

These demands extremely embarrassed the Parliament. They could not reject them without furnishing the army with a pretence to march to *London*, where was nothing ready to oppose them, and by granting them, they gave them occasion to make further demands. This embarrassment was the greater, as several Counties seconded the army, and pretended, it was absolutely necessary to continue them, to stop the progress of the arbitrary power assumed by the Parliament. We have already seen, that the Counties of *Essex*, *Suffolk*, and *Norfolk*, had in some measure declared for the army. *Buckinghamshire* and *Hertfordshire* followed this example, and *Gloucestershire* openly complained, by deputies sent on purpose, that the People were oppressed by the Parliament and by the Committees settled in the several counties (1).

Some Com-
missioners are for
the Army.
Rushworth,
VI. p. 176.
159. 171.
172. 178.

The Parlia-
ment resolved
to satisfy the
Army.
June 16.
Id. p. 174.
175. 181.

Id. p. 182.

p. 184.
Whitelock.

The Army is
not contented
ed.

June 23.

Other de-
mands of
the Army.
Rushworth,
VI. p. 183.

Whereupon the two Houses thought proper to appease the impending storm, by giving satisfaction to the army, in order to remove all pretence of complaint; for it was easy to perceive, that was what they wanted. It was therefore resolved, that the order for lifting of forces, and the permission given to the committee of the Militia of *London* to augment the trained-bands should be void: That the army should have a month's pay, and the General be required to remove it forty miles from *London*. Some days after, a month's pay was also granted to the Forces in the North, and to let the army see there was no design to disband them, the Parliament passed an ordinance for raising sixty thousand pounds a month for the maintenance of the army, and for the service of *Ireland* (2). Lastly, the House of Commons writ to the General, that they were ready to receive from him any particular charge against the eleven accused members.

This condescension might have produced peace between the Parliament and the army, if peace had been what the army desired. But instead of being obliged to the Parliament for this compliance, they were rather incensed at it, as being sensible, the design of it was only to break their measures, by taking away all pretence of complaint. They would have been better pleased, that all their demands had been denied, in order to have an excuse to do themselves justice. They were afraid the Parliament, by endeavouring to gain time, would privately take measures, the effects whereof would not appear perhaps till it should be too late to prevent them. Wherefore, far from being contented, they presented a Remonstrance to the Parliament, whereby they sufficiently discovered their disinclination to an agreement. This Remonstrance contained the following complaints of the officers and soldiers:

"That they had yet received no answer or resolution about the eleven accused members. This point they largely insisted upon, and pretended they could not expect they should be called to an account, so long as they continued in such power, both in the House, and in all the committees of the highest trust, as they actually did.

"That the army was commanded to forty miles distance from *London*, and his Majesty's person demanded immediately to *Richmond House* (3), within eight miles of *London*, to put his Majesty within reach of those men's power.

"That it was indelicately published, that his Majesty was kept a prisoner in the army, and barbarously and unbecomingly used; but all suggestions of that sort were most false.

"Lastly, after many complaints of publick and private grievances, they said, that they should be enforced, by the Parliament's affected delays, to take extraordinary courses to put things to a speedy issue, unless by *Thursday* night next they received assurance and security on the following articles:

"1. That the declaration inviting men to desert the army, be recalled and annulled.

"2. That the army may be presently paid up, equally to those that have deserted it.

"3. That his Majesty's coming to *Richmond* may be suspended; and in the mean time, no place may be appointed for his Majesty's residence any nearer to *London*, than the Parliament will allow the quarters of the army to be.

(1) It was Brant (says Whitlock) to see, how several Counties, and the citizens of *London* began to make all their application to the General and the Army, to satisfy the Parliament, and all looked upon the Army as the chief plot, and were afraid of doing any thing contrary to them. *Id.* p. 174.

(2) This monthly sum was raised, by rating each County at its worth. *Essex* paid the sum of 4547 *l.* 5 *s.* 4 *d.* See *Rushworth*, Tom. VI. p. 181.

(3) This was ordered by the Parliament on *June 15.* *Id.* p. 183.

(4) In these declarations and translations of the army, Colonel *Irwin* was chiefly employed, or took upon him the business of the Pen. And having been bred in the *Midland-Town*, and learned some grounds of the Law of *England*, and being of a working and laborious brain and industry, he set him- self much upon these business, and was therein encouraged and assisted by Lieutenant General *Cromwell*, his Father-in-law, and by Colonel *Lambert*, who had likewise studied in the Inns of Court, and was of a single working brain. *Whitelock*, p. 254.

(5) *Donald Milton*, Sir *Philip Stapleton*, and *Walter Lord*, went together in a Ship to *France*, where *Stapleton*, that gallant English Gentleman (says Whitlock) died within two or three days landing at *Calais*, as some supposed of the Plovers. Others of the eleven Members went into other parts, and some of them retired into their Counties, and there lived privately. Sir *Hilday* continued in *Stratford* till the Restoration. *Whitelock*, p. 256.

(6) It was chiefly carried on by the eleven Members and their friends. One *Coyne*, Alderman of *Newcastle*, was employed to negotiate with the Scots. *Whitelock*, p. 257, 261.

"4. That the members charged may be forthwith suspended the House.

"5. That those that have deserted the army may be instantly discharged, and receive no more of their arrears till the army be first satisfied.

"6. That both Parliament and City may be freed from those multitudes of reformados, and other soldiers, that flock together about *London*.

"7. That all liftings, or raisings of new forces may be effectually suppressed.

"8. That the perplexed affairs of the Kingdom, and those concerning the army, may be put into some speedy way of settling and composure (4).

It was visible, the army sought a pretence to quarrel, and as it was their interest to break very soon, for fear secret measures might be taken against them, so was it the Parliament's business to gain time. To that purpose, they empowered the commissioners in the army to treat with them upon all the points in dispute.

Mean while, the Commons voted, "That by the law no judgment can be given to suspend the eleven members from sitting in the House, upon the papers presented from the army, before the particulars be produced, and proofs made." But an expedient was found to foresten this refusal, namely, that the parties accused should, of their own accord, desire leave to absent themselves from the House, which was granted, and the army remained fastidious (5).

About the same time, the army drawing a little nearer *London*, probably, with design to awe the Parliament, the General writ to the Lord-Mayor and Aldermen, that they had nothing to fear from the army, who had no ill-intention against the city. And indeed, it was resolved in a council of war, that there should be no further advance of the army than to *Uxbridge*.

It is certain, there were many in the City and Parliament, that wished to see a breach between the two Houses and the army. Some, doubtless, imagined such a breach would be very advantageous to the King, and that one or other of the two parties would join with him, and be directed by him. Nay, the King flattered himself with these hopes. The army showed great regard for him, and some of the officers even hinted to him, they were labouring for his restoration. For this reason the two Houses thought it very necessary to avoid a breach, which could not but produce many ill effects. Both Houses therefore voted, that they considered the army commanded by General *Fairfax*, as their army, and would make provision for their maintenance. It was farther ordered, that they should have a month's pay, and no officer or soldier should leave the army without license from the General; that all reformados should remove from the city, and the King reside no nearer *London* than the army. These votes being communicated to the army, they seemed so well pleased with them, that they resolved to remove from *London*, to shew they intended to use no force upon the Parliament, and the head-quarters were appointed at *Wickham*.

Whilst the Parliament was endeavouring to content the army, a plot was forming in *London*, to compel the two Houses to take other measures, and oppose the army (6). The Presbyterians were not pleased to see the Independents gain so much ground, and censured the Parliament for thus meanly complying with the army. The Magistrates of *London* came into this plot, as well as the most zealous Presbyterian members of Parliament, who had not been able to hinder the late votes for preventing a breach with the army. The Authors of this plot had sent private agents into *Scotland* to desire assistance. Nay, it was whispered in *London*, that *Scotland* was going to declare against the army.

The first step taken by the conspirators, was to present to the Parliament, a petition from the Common-council of *London*, wherein they expressed some suspicion of their conduct. This was, doubtless, in order to have a pretence to complain more openly afterwards, and to begin to lessen the people's prepossession in favour of the Parliament. In this petition, the city complained of the arbitrary power exercised by the Parliament's Committees, as well as of the ill-management of the publick money, and desired:

"1. That present command be given, that no officer of war, or soldier, do enter *London*, under pretence of receiving their arrears.

1647.

The Parlia-
ment sent
Deputies to
the Army to
treat with
them.
Id. p. 193.

The eleven
Members
desire leave
to absent
themselves.
June 25.
Rushworth,
VI. p. 194.

The Gene-
ral's Letter
to the City.
June 25.
Rushworth,
VI. p. 194.

The Parlia-
ment contents
the Army.
Circulation.

Rushworth,
VI. p. 194.

Id. p. 196.
Whitelock.

Plot at *Lon-
don* against
the Army.
Whitelock.

Rushworth,
VI. p. 197.

Petition of
the Common-
Council to
the Parlia-
ment.
July 2.
Id. p. 197.

Whitelock.

1647. "2. That such officers and soldiers as are already paid, if their usual habitation and employment have been within London, be enjoined forthwith to betake themselves to their calling; and such as have dwellings in the country, be required to depart within two days after publication.

"3. That all who have been in arms against the Parliament, be enjoined upon pain of imprisonment, within twenty-four hours after publication, to repair to their several habitations.

"4. That such commanders and soldiers as have come in from the army, and received their monies, may be otherwise disposed of as the Parliament shall think fit.

"5. That all persons whatsoever that are possessed of any monies or goods belonging to the publick, may be enjoined to bring the same, within one month after publication, into some publick treasury.

"6. That all revenues be managed under such commissions, and by such persons, as, notwithstanding any privilege of Parliament, may be held to such rules as are or shall be prescribed therein.

"7. That the Parliament would for the present lay aside all business of lesser consequence, and improve their time and utmost endeavour, that such laws may be prepared for his Majesty's concurrence, as may settle the government of the Church, secure the people from all unlawful and arbitrary power whatsoever in future, and restore his Majesty to his just rights and authority, according to the Covenant.

"8. And, that the people may be the better secured to enjoy the intended effects of such laws as shall be so made with the royal assent, that especial care be taken, that all officers of State, and other ministers of justice, may be persons of honour, of considerable interest, and of known integrity.

"9. That the Parliament would be pleased to provide for the carrying on of the affairs in Ireland.

"10. That by just and good means the correspondence with Scotland may be maintained and preserved.

"11. That the House of Commons would please to give order for a speedy examination of all unlawful elections and returns of the members thereof.

"12. That some speedy course may be taken for the deciding of all causes formerly determinable in the Court of Admiralty.

"13. That satisfaction being made by Delinquents, an act of oblivion may be passed."

To incense the *Londoners* against the army, it was rumored, that they designed to declare for the King (1). Nay, a Pamphlet was dispersed in London, entitled, *Heads presented by the Army to the King's Majesty*. But the army disowned it by a publick declaration.

The Parliament having impowered their commissioners (2) to treat with the army, they nominated on their part, *Grenville, Ierton, Fleetwood, Rainborough, Harrison, Sir Hardress Waller, Rich, Lambert, Hammond, and Major Rainborough*, all Independents, and heads of the party in the army. It appears by Memoirs, inserted in *Rushworth's Collection*, that the army's commissioners would not begin to treat, before the Parliament should have granted some things they demanded, and really performed them. They complained, that the Parliament seemed indeed by their Votes to comply with the army's desires, but delayed to put them in execution. The Parliament's commissioners endeavoured on their side to avoid having these points considered as granted preliminaries, and insisted upon their making part of the negotiation.

This shews, the Parliament fought to gain time, and seemed inclined to give the army satisfaction, only because it could not be avoided. The Commons were almost all Presbyterians, and consequently were vexed to see themselves obliged to stoop to the Independents, who were masters of the army. Among the Presbyterian members, there were not a few, who, being very warm, would have gladly hazarded a breach with the army, rather than be forced to receive law from them. But the rest, being the majority, tho' less enemies to the Independents, thought it more advisable to have patience, and try to amuse the army till some aid might be secured, rather than furnish them with a pretence to march to London, and ruin at once the Presbyterian-party and Parliament. Accordingly, these prevailing in both Houses, every thing seemed to tend to an agreement, which could not but be fatal to the Presbyterians: however, there was no way to avoid it. For this reason, the Parliament forbid the Reformed-officers

to come into London but two months, and gave very strict orders against lifting of soldiers, which was privately transacting in the city.

Mean while, the project of raising forces in London to oppose the army still continued, though with the utmost secrecy, and the agents in Scotland could much to be expected from the *Scotts*, as being concerned to support the Presbyterian-party. But the authors of this project could hardly flatter themselves that the assistance of Scotland could be ready in time, since the Parliament and army were upon terms of accommodation. They found therefore, they were either to break off this accommodation, or refuse to see all their hopes vanish, and fulfil Presbyterianism to be trampled upon by the Independents. To succeed in the design of preventing a peace between the Parliament and army, they found no better way than to excite the people, to force the Parliament to alter their measures. They got therefore the apprentices, and London-mob, to present petitions, that the Presbyterian Government might be firmly established: The insolence of *Scotaries* curled: The army paid off and disbanded; and other things of the like nature destructive of the projected agreement.

On the other hand, the forces in the North, and the Horse quartered at Nottingham, published declarations of their adherence to the army commanded by General Fairfax.

About the same time, the Parliament, at the army's request, ordered the four regiments that came from the army, under pretence of engagement for Ireland, but remaining still in the Kingdom, to be disbanded. They permitted likewise the eleven accused members to go beyond sea for six months, insinuating to them by this permission, that they would do well to take this course of their own accord. But, as, probably, they were deeply concerned in the plot formed at London, if not the authors, they thanked the House for this favour, without being in haste to take the benefit of it (3).

Mean while, the army hearing, something more than ordinary was conveying in London, and that succours from Scotland were talked of, sent a petition to the Parliament, with these farther demands: "That a declaration be published against the bringing in of any foreign forces: That the army be paid up equal with the deserters thereof, and put into a constant course of pay: That the committee of the Militia of London, that had been changed by ordinance of the 4th of May last, be restored, and the Militia of the city speedily returned into those hands who formerly gave large testimonies of their fidelity to the Parliament and Kingdom." Whereupon the Parliament declared, that whosoever should bring in foreign forces, without the consent of both Houses, should be deemed traitors. It was voted likewise, that the Militia of London should be restored to the old commissioners, and an ordinance was passed for that purpose. To understand this article, it must be observed, that in the beginning of May last, both Houses perceiving some motions in the army, thought proper to secure the Militia of London, and put it into their hands as they could confide in. To that end, they passed an ordinance the 4th of May, for chusing a new committee of the Militia of London, by which means none were admitted into this committee, or any office of the Militia, but Presbyterians, entirely devoted to the party. This change it was, that both Houses repeated, at the army's request, and restored the former commissioners.

The Presbyterian-party, who had great credit in the city, and possessed all the polls, could not, without extreme regret, behold the Parliament's condescension to the army, that is, to the Independents. They saw that party daily increase, and in condition to give law to the Parliament itself. For this reason, the rigid Presbyterians, seconded by the Common-council of London, formed an engagement to assist one another, and oppose the army to the utmost of their power, upon a supposition, that the army intended to subvert what had been hitherto done to settle the peace of the Kingdom. The engagement publicly subscribed in London, was as follows:

A solemn Engagement of the Citizens, Commanders, Officers, and Soldiers of the Train'd bands, and Auxiliaries, the young Men, and Apprentices of the Cities of London and Westminster, Sea-Commanders, Seamen, and Watermen; together with divers others, the Commanders, Officers, and Soldiers, within the lines of communication, and parishes mentioned in the weekly bills of mortality.

"WHEREAS we have entered into a solemn League and Covenant, for reformation and de-

(1) Many of the chief in the Army gave out, That the intentions of the officers and soldiers were, to establish his Majesty in his just rights. See *Tom. I. p. 195.*

(2) They were the Earl of Newcastle, Lord Wharres, Skippon, Sir Henry Vane, Junr, Sir Thomas Widdington, Colonel White, Thomas Swaine, and Thomas Peters, Esqrs. *Rightw. Tom. VI. p. 100.*

(3) *Waller, Rainborough, and Ierton*, went to France. See Note above. *Rushworth* says, that the eleven Members, finding that the Army desired, the proceeding upon particular points, to make good the charge, would probably take up many time, and hinder the settling on greater matters; petitioned the House that they might attend themselves for six months, to go about their particular affairs, or if they desired it, beyond sea. *Ibid. p. 622.*

1647. "fence of Religion, the honour and happiness of the Kingdom, and the peace and safety of the three Kingdoms of England, Scotland, and Ireland; all which we do eminently perceive to be endangered, and like to be destroyed: We do therefore, in pursuance of our said Covenant, oath of allegiance, oath of every freeman in the cities of London and Westminster, and protestation, solemnly engage our selves, and vow unto God Almighty, that we will, to the utmost of our power, cordially endeavour, that his Majesty may speedily come to his own Houses of Parliaments, with honour, safety and freedom, (and that without the nearer approach of the army) there to confirm such things, as he has granted in his message of the 12th of May last, in answer to the propositions of both Kingdoms; and that by a personal treaty with his two Houses of Parliament, and the commissioners of the Kingdom of Scotland, such things as are yet in difference, may be speedily settled, and in a firm and lasting peace established; for the effecting hereof, we do protest and re-oblige our selves, as in the presence of God, the fearer of all hearts, with our lives and fortunes, to endeavour what in us lies, to preserve and defend his Majesty's royal person and authority, the privileges of Parliament, and liberty of the Subject, in their full and constant freedom, the cities of London and Westminster, lines of communication and parishes mentioned in the weekly bills of mortality; and all others that shall adhere with us to the said Covenant, and oath of allegiance, oath of every freeman of London and Westminster, and protestation: Nor shall we by any means admit, suffer, or endure, any neutrality, in this common cause of God, the King, and Kingdom, as we do expect the blessing of God Almighty, whose help we crave, and wholly devolve our selves upon, in this our undertaking."

The Parliament
sent forth
the following
it.
July 24.
Rushworth,
VI. p. 631.
C. 46. 139.
Whitlock, k.

Committees
in London:
Rushworth,
VI. p. 640
— 642.
Two Petitions
concerning
the Militia,
Wentworth,
C. 46. 139.
III. p. 47.
London,
T. I. p. 226.

The Parli-
ment's peti-
tions.

The two Houses had no sooner advice of this engagement, but they published by beat of drum, and found of trumpet, a prohibition to sign it. On the other hand, the General loudly complained to the Parliament's commissioners, and desired them to put a speedy stop to the agitations in London, which tended to rekindle the war. At the same time, he ordered a strict enquiry to be made in the army after all cavaliers, who had born arms for the King, or were suspected to be of his party, with a command to dismiss them forthwith.

For two or three days there was a great commotion in London: Assemblies were held, Soldiers lifted, and orders given them to be ready upon the first notice. The Common-Council received two Petitions, one from a great number of substantial Citizens, the other from the young men and apprentices (1), to desire, "That the Militia might be continued, as settled by ordinance of the 4th of May." Whereupon the Common-Council represented to the Commons in a petition, "That having taken notice of the pleasure of both Houses for constituting, by ordinance dated the 23d of July, a new Committee for the Militia of the City of London, and for determining of a former ordinance for the same, dated the 4th of May last, they could not but call to mind, how far both Houses of Parliament had formerly honoured the City, when they first established the Committee for the Militia, to take the sense of this Court before they finally resolved thereupon; which confidence the petitioners are not conscious to themselves to have forfeited. And next being sensible, what a general distemper this sudden change hath already made, and is like to make, in the City, they could not but earnestly pray, that the Militia which was established by ordinance of the 4th of May last, may be restored."

The Parliament was not a little embarrassed in the present juncture, considering the impossibility of contenting at the same time, the Army and the City, whose desires were diametrically opposite. It is certain, most of the Members were Presbyterians, and consequently ill-affected to the army. Had it been in their choice, they would have declared against and disbanded the army according to their intention. But since the army's approach to the City, the wifely, who were the majority, had thought it proper to comply, not seeing how the army could be opposed, if they proceeded to violence, as was very likely. But there was a good number of others who were for running all hazards, rather than see the Independents triumph. Mean while, these last privately cherished the commotions in the City, imagining, the assistance they might receive from London, was sufficient to resist all attempts of the army. This was likewise the opinion of the Common-Council, the populace, and some general Officers, as Sir William Waller, Payne, and Messer, who were removed by the

new Model, and were then in London. The only point therefore was to induce the Parliament to join with them, and take vigorous resolutions against the army. But as there was no likelihood of prevailing by fair means, it was resolved to use force.

To that end, July the 26th, a great number of young men, and apprentices, came to Westminster, and presented a petition to the House of Commons, desiring:

1. That the ordinance of the 23d of July for change of the Militia of London, be immediately repealed.
2. That the City may be vindicated against a late pretended Declaration, that those are traitors who shall act to get subscriptions, and that it may be revoked.
3. That both Houses do presently make an order, for calling in all absent Members, especially the eleven late accused Members, against whom there has been nothing proved to this day.

These demands were such, considering the present juncture, that it was no wonder much time was spent in debating by both Houses. But the people without, growing impatient, and perceiving these debates were intended only to amuse them, made a great noise in the outer rooms. Some knocked at the door of the House. Others threw in stones at the windows of the House of Peers. In a word, they very plainly shewed, they would not suffer the two Houses to rise, before they had received satisfaction. At last, both Houses seeing it would be in vain to resist the multitude, who threatened to tear them in pieces, voted, "That the ordinance of the 23d of July, for settling the Militia of London, and the Declaration of the 24th of the same intent, be null and void." This done the House of Commons adjourned till next day. But the multitude constrained the Speaker and Members to resume their places, and desired them to vote, That the King should come to London; which was done accordingly. On the morrow both Houses being met, adjourned to the 30th.

On the 28th, the Common-Council received a letter from the General, expressing his good affection and tender care of the City, but withal his great dislike of the petition, and the means used to promote it. At the same time, many young men and others attended the Common-Council, declaring their readiness to support the just privileges of the City [against all Opposers.]. Whereupon a letter was sent by a messenger to the General, and six Commissioners appointed to follow the next morning. In the letter, "They declared their inclination to peace, in treating hint, that the army might not advance, nor intermeddle with the rights and privileges of the City, conceiving that the strengthening the City for the safety thereof, was no just cause to provoke the soldiers: And as for the Petition, the Parliament had already declared their sense of it, and therefore it was needless for them to do it, and the rather for that it had never been formally presented to them."

Mean while, the Common-Council having received intelligence that the army was advancing towards London, orders were given for the trained-bands to go to their works, and for all that could bear arms to appear the next morning at several places.

Both Houses meeting the 30th of July, the two Speakers did not appear, which obliged them to chuse others in their room (2). With the Speakers, a good number of Members of both Houses were also departed from London, without any one's knowing whither. The absence of these Members, who were all friends to the army, rendered the contrary party so superior, that the Commons voted the same day, That the King should come to London: That the Militia of the City should have full power to raise such forces as they should think fit, for the defence thereof: That they should chuse a commander in chief to be approved by the House, and such commander to present other officers, to be approved by the Militia. After that, the Massey Committee made choice of Major-General Massey to command in chief, and ordered, that all Reformado's and other officers should the next day appear to be lifted in St. James's fields, and the forces already lifted to be put into a regimental way.

The same day, the Common-Council received a letter from General Fairfax, dated the day before, wherein he spoke very sharply of the tumult of the 26th, and of the violence upon the Parliament. He said, the guard sent from the city, not only neglected their duty, but that divers of the Common-Council greatly encouraged the factious. That they had not kept their word with the army, which, upon their assurance to secure the Parliament from any attempt, had removed to that distance from the city. That he could not but look on them as accountable to the Kingdom, for the present interruptions of the hopeful way

(1) Among whom were several of the Independents belonging to the Army. Haller, p. 145.

(2) The Lords chose the Lord Gey of Ulster, and the Commons, Sir Henry Folsom a Counselor of Lincoln's Inn. Rushworth, VI. p. 642. There was then above a hundred and forty Members remaining in the House of Commons. Clarendon, I. tom. III. p. 47.

1647. of peace and settlement of the nation, if by their care and industry the chief actors in the late tumults were not detected and given up to justice.

The City's declaration against the army. Rushworth, VII. p. 648.

On the other hand, the city published an apology by way of Declaration or Manifesto, setting forth, "The army's usurping of the King at *Halsbury*, without its being known by what authority, and under what pretences; and their keeping his royal person ever since, notwithstanding his surprisal was disowned by the General for himself and all the officers about him, and for the body of the army. That the privileges of Parliament had been violated by the army's causing the eleven members to withdraw, and by interpoling in the Militia of *London*, which was subject to no other cognizance but of the King and Parliament." There were several other things in this Manifesto, which insinuated, that the army's ill designs were but too evident. They concluded with protesting, that "they sincerely desire a happy and speedy Peace by the settlement of true Religion, by re-establishing his Majesty's just rights, by upholding all lawful privileges of a free Parliament, by maintaining the fundamental laws of the land, by restoring the Subject to his just liberty, and by freeing this long-oppressed Kingdom from all taxes, and the enforced free-quarters towards the maintenance of an army, which hath long had no visible enemy to encounter."

The Parliament orders the General to remove the army from London. July 30. 1647. p. 654.

Both Houses also writ to the General, that though he had given them no account of the motion of his army, yet they understood, he had ordered his forces to march towards *London*, on pretence of defending the Houses from the danger of tumults, upon which account they thought fit to let him know, that as they could not but have a deep sense of the undue liberty which some apprentices and others had taken, to violate the freedom of Parliament, so they doubted not, but the sense of so great an offence would at last strike those that were accessory thereto with a detestation of any such practices for the future: And that as the Houses could not imagine, these disorders had the allowance of the city of *London*, so they had since received full satisfaction by the strict orders published by the Common-Council for preventing and suppressing of tumults, and by their declaration, that they should sit with freedom, and security from any disturbances for the future. And therefore they saw no cause to command the army to come to their assistance, but rather judged (by the distractions raised at the news thereof) that the army's approach was like to produce great mischief, and cast the whole Kingdom into confusion. That for prevention of these dangers, they had sent him an express order to withdraw his army, requiring him to give exact obedience thereto.

The same day the Commons voted, that the eleven accused members should be received into the House; accordingly most of them came and took their places on the morning (1).

On the 31st, the two Houses published an ordinance, enabling the committee of the Militia of *London* to punish such as did not repair to their colours, and to chuse a Major-General, or any other officer for the forces raised or to be raised within the City of *London*; and *Maffes*, *Waller*, and *Poyntz* were employed in forming regiments and companies.

Though the Parliament and City made great preparations, the army were under no apprehensions. They knew, that two or three days were not sufficient to discipline an army levied in haste in the city, and enable it to withstand twenty thousand victorious troops, well supplied with arms, ammunition, and ordinance. They continued therefore their march to the general rendezvous at *Hounslow-Heath*, within twelve miles of *London*. Mean while, the General delivered to the Parliament's Commissioners, certain proposals to be negotiated between the Parliament and army, for settling the peace of the Kingdom. At the same time, he put into their hands a declaration by the council of war, wherein the officers said, Though the late violence done to the Parliament rendered all proceedings in the way of treaty vain and hopeless, till the Parliament should be restored to a condition of freedom, yet they had thought good to make this publick tender of proposals to the consideration of the Kingdom, wherein all men might see the integrity of their intentions, and the bottom of their desires. These proposals related entirely to the publick, without any mixture of the private views of the army.

Mean while, the two Speakers, and the rest of the members of both Houses who had absented themselves, to the number of sixty six, came to the General, desiring his protection, and saying, that as there was no free sitting

for them in the Parliament, they had quitted the Houses for fear of being torn in pieces by the mob. Nothing could be more agreeable to the army than this request, which authorized them, without their being forced to seek other pretences, to march to *London* to re-instate the members supposed to be driven from the Parliament by the populace. From that time, they would no more own the two Houses for Parliament, but paid to the Speakers and Members who attended them, the same respect as they would have done to the Parliament itself.

It was very strange, that zealous Presbyterians, such as were most of the absented members, should have recourse to the army's protection, against the endeavours of their brethren in both Houses and the city, to prevent the Independents from trampling upon Presbyterianism. The most probable reason of this proceeding, I think, is, that these members imagined, their brethren and the Common-council of *London* were taking wrong measures, and would be infallibly oppressed by the army. It was therefore very natural for men in this belief, to endeavour to avoid being involved in the ruin their party was threatened with, and to chuse rather to continue to dissemble their sentiments, as they had done for some time, than be exposed in vain to inevitable, as they thought, calamities. To this may be added, that among these members there were some Independents, who earnestly laboured to persuade the rest to this course, as we are informed by *Ludlow's* Memoirs, who was of this number and party. The Lord *Clarendon* gives another reason, which seems not so natural: He pretends, these members believed, the army designed to restore the King to all his rights, and seeing there were not forces sufficient to hinder it, they were willing to avoid the effects of his vengeance, by concurring with the army in his restoration. But, besides that the event shewed, the Independents had no such intention, it is certain they had not hitherto expressed it, unless some civilities paid the King since he was in their hands, are to be considered as real proofs of this intention. Moreover, the army had just given a sensible proof, that their design was not to restore the King to all his rights, by the proposals lately delivered to the Parliament's Commissioners, whereby the King's prerogatives were entirely subverted, as will hereafter appear.

However this be, the army improved the desertion of these members to justify their advance towards *London*, and to shew that their aim was only to prevent a new war, which the Members at *Westminster*, and the Common-Council of *London* had a mind to excite. To this purpose, they published a Manifesto, containing the reasons of their marching to *London*; the substance whereof was to this effect:

"That the army was formerly led, by the grounds then declared, to advance towards the city of *London*; and but having received from the Parliament and city some hopes of satisfaction, they yielded a speedy compliance to their desires for their removal to a farther distance. And being in this secure way, and labouring after the sudden settlement of the Kingdom, they had even brought to perfection, particular proposals to be sent to the Parliament, for a final conclusion of all their troubles; but the Kingdom's enemies being most vigilant to frustrate those good intentions of theirs, had endeavoured to cast the Kingdom into a new and bloody war: And for that end had procured the under-hand lifting of several reformados, and others, and contrived a wicked and treasonable combination; as was sufficiently manifested by a declaration passed thereupon by both Houses of Parliament the 23d of July last, for the prevention of the disturbances that were like to ensue thereupon; from which kind of disorders the city had been well preserved, during the space of almost four years, whilst the Militia was in the hands of the old Commissioners, whereby it appeared, there was cause for the army to treat the Parliament, that the Militia might be returned into the hands it was in before.

"That those old Commissioners of the Militia were not only persons without all exception, but also men of whom the Kingdom had had above four years experience in the faithful discharge of their trust, and that were always most desirous of a peace. Yet, on a sudden, this trust which they had so faithfully discharged so long, was taken out of their hands, and put into the hands of others, some whereof had been very cool in the service of the Parliament; and this was prelied, and in a manner forced upon the Parliament, with the utmost importunity. These things ministered great cause of suspicion, that that alteration of the Militia was in order to make the terms of the peace, and agreement

(1) It was likewise declared, that the Ordinance of the 19th of July, which put under the command of Sir *Tomas Fairfax* all the land forces did not give him any power over the Trained-bands, Gardians, &c. And this Declaration was ordered to be printed and published in *London*, by sound of trumpet. *Whitlock*, p. 262.

1647. "with the King, more suitable to the private undertakings of some men, than to the publick welfare of the whole Kingdom. But this design discovered itself more clearly, in that at the same time that the alteration of the Militia of London was set on foot, the same persons with as much earnestness pressed for the disbanding of the army, before any thing was settled for the security and liberty of the Kingdom. At the same time, the Common-Council with new modelled, a Lord-Mayor chosen that might suit with the present design, and divers persons were left out of the Common-Council and Militia of eminent deserts and fidelity, and others brought into their rooms, that had either testified an ill affection, or little attention to the Parliament and their cause. That the honour of the Parliament was continually trampled under foot, and their authority affronted by every rabble of women, apprentices, reformado's and soldiers, till at length it was risen to the height of monstrous violence against the Parliament, that they might let themselves on work, and the Kingdom on fire again. That at length, the design appeared open-faced, and though the Militia was made the principal ground of the quarrel, yet the pressing to much the King's coming to London to confirm the same, shewed that the Militia was desired but in order to that design, and to force the Parliament to such terms of peace as they pleased.

"That the interest of the Common-Council, in their change of the Militia, was claimed as the birth-right of the City of London; but such a claim could not justly be held up against both Houses of Parliament: For then who should be master of the Parliament's freedom and resolutions? And who should be masters of the birth-rights of the whole Kingdom, when there should be no army on foot?

"That the army discerning how intimate some of the new Militia were with some of the eleven accused Members, and how forward they were to comply and act with them in their endeavours to raise a new war, found it necessary to desire, That the Militia might be put into the hands wherein it was formerly, that the army being secured by that means from danger, might with the more confidence retire further from the City. Which, according to their desire, being restored again into the hands of the old Commissioners, several petitions were presented to the Common-Council of the City of London, in the name of the apprentices and others, importing their desires, that the Militia of the City might continue in the hands of the former commissioners, according to the ordinance of the 4th of May last; Whereupon the Common-Council of the City presents their Petitions to both Houses for changing the Militia, wherein the House of Lords refuse to alter their resolutions; the House of Commons answered, they would take it into consideration the next morning; notwithstanding which, the City and Kingdom could not be ignorant, with what rage and insolency the tumult of apprentices the same day forced both Houses; they blocked up their doors, threatening them, if they granted not their desires; and in this outrageous manner continued at the House eight hours together; after which, the House rising, the Speaker, and many Members going out, they forced them back again into the House. And during the time of that violence, Westminster-Hall and the Palace-Yard, was filled with Reformado's, and other ill-affected persons delighted to back them. After that, the Houses being adjourned, the apprentices printed and posted a paper in several places of the City, requiring all their fellows to be early at the Parliament the next morning, for that they intended to adjourn by seven of the Clock, and that for a month. Thus the Speakers, with many of the Members, were driven away from the Parliament. All men therefore might judge of the justness of the cause the army had engaged themselves in. And if after to much blood and treasure spent, all that they were to hope for, and rest in, was only what the King had granted in his message of the 12th of May last, what must become of the Kingdom? &c. (1.)

"Lastly, the army declared, that they would stand by all such Members of either House of Parliament, as were forced to absent themselves from Westminster, and use

"their utmost and speedy endeavours, that they might with freedom and security sit there again. They likewise declared against the choice of a new Speaker, and against all orders, votes, or resolutions forced from the House on the 20th of July last, and such as should be passed till those Members were restored again: That they thought themselves bound to bring to condign punishment the authors and fomenters of the violence done to the Parliament, and expected that the people of London would deliver up to them the eleven Members impeached. But if any in the City should engage themselves to protect those Members, and so put the Kingdom again into a war, the blood must be laid to the account of such persons.

"And whereas some had possessed the minds of men, that they gaped only after the plunder of the great and wealthy city of London; they declared from their hearts, that they abhorred the thought thereof: But as they were informed, that the city of Westminster, and the borough of Southwark, were brought into a hard condition, by claiming a right not to be subjected to a Militia, without their own consent, they promised to assist them for the obtaining of their just desires and immunities.

"That when these things were duly settled, they should be as ready to assure unto the King his just rights and authority, as any that pretended it never to much."

The next day, the army being drawn together on Hounslow-Heath (2), the Common-Council of London began to fear the danger to which the city would be exposed, if the army should force the lines, which was but too likely, and this apprehension caused them to take more moderate resolutions (3). So taking occasion from the army's late declaration, they writ to the General, that understanding by the declaration, that the army's intention was only to restore the absent members to their places in the Parliament, the city was ready to concur with them in their design. That accordingly, he should find all ports and passages open, and for removing all misunderstanding, they had recalled their late declaration. The General answered, That he wished all the forts on the west-side of the city were delivered to him, and he was immediately obeyed. After that, he writ to the Common-Council, that the preserving of the privileges of the Parliament, and securing the members from violence, had been the sole cause of his near approach to their city.

The 6th of August, the General, preceded by some regiments of Horse, and attended by the two old Speakers, and the members who had absent themselves, came to Westminster, and alighted at Sir Abraham Williams's house in New-Palace-Yard. He staid there some time, whilst the two Speakers (4), and the rest of the members repaired to their respective Houses.

Presently after, the House of Peers passed an ordinance for making General Fairfax Constable of the Tower, with power to name a deputy, to which the Commons consented. After that, the General was desired to come to the Parliament, where he received the thanks of both Houses. The same day, the Parliament ordered, that the 12th should be a day of Thanksgiving to God, for restoring the members of both Houses to their just privileges, without the effusion of blood, and that a gratuity of a month's pay should be given to the non-commissioned officers and soldiers for this great service. The following days were spent in approving and ratifying what the army had done. But this was not all. The Lords demanded two things, which the Commons very much opposed. The first was, the making null all Acts, done from the 26th of July, to the 6th of August. The Commons were ready to give their consent, provided it was without declaring them illegal. This dispute held till the 20th, when the Commons passed at length the ordinance demanded by the Peers, but with this restriction: That no person shall be impeached or punished, for his acting by, or upon, the said votes, orders, or ordinances, unless he shall be found guilty of contriving or abetting the visible force put upon the Parliament, or of entering into, or promoting the late engagement, for the bringing the King to the city, upon the terms and conditions expressed in his Majesty's letters of the 12th of May last.

The second thing desired by the Lords, was, that it should be declared, the Parliament was not free from the 26th of July, to the 6th of August, and that the members

(1) This chiefly depends upon the reason of the Members absconding themselves, alleged by the Lord Clarendon. *Relaps.*
 (2) At the rendezvous were present the Earls of Northumberland, Salisbury, Kent; the Lords Grey of Wark, Howard, Walsingham, Say, and Mordaunt, and others, about fourteen Lords, the Speaker, and about a hundred Members of the House of Commons. The army, consisting of twenty thousand foot, being drawn up on a broad white field, the General, accompanied with twelve Lords and Commissioners, and other Gentlemen, rode along, and in a view of the Army, if any Regiment or Regiment, who received token with great acclamations of the Soldiers, crying, Lords and Commons, a God bless Parliament. The Prince Bishops Salter and Ainslie, and viewed the Army, being received by the General with great respect. Whitlock, p. 203; *Relaps*, from, VII. p. 770.

(3) When a host came out, where the City Militia and Common-Council were sitting, and brought news, that the Army made a Halt, at other good success, they arose, the and so. Just at the House, the army advanced nearer to them, when they would cry as loud, 21st, 22nd, 23rd, &c. At all, they agreed to send the General an humble Letter. Whitlock, p. 213.

(4) The Earl of Arundel for the Lords, and Eggeshall for the Commons.

1647. who assembled at *Westminster*, in the absence of the Speakers, should be expelled the Parliament and punished. This question being debated a whole day in the House of Commons, was carried in the negative, but by three voices (1). The Lords insisted upon this point merely out of compliance to the army, who, by a remonstrance to the Parliament, had demanded the same thing, declaring, they could not suffer such members as fate and voted during the absence of the Speakers, to intrude themselves into the Parliament before they had given satisfaction to their respective Houses. Nevertheless, this affair was carried no farther. Only seven Lords (2), with the Lord-Mayor, several Aldermen, and some officers of the Militia were accused of High-treason for being concerned in the tumult of the 26th of July, which was called, intending to excite a new war.

While these things passed between the Parliament and Army, the King was not only very quiet, but even entertained great hopes from this division, and flattered himself, that the army would declare for him. Their civility and compliance to him seemed to promise him a happier state, than when in the hands of the Parliament. Three of his chaplains (3) were allowed to come to him, and celebrate divine service, after the manner of the Church of England, and all his old servants and domestics had liberty to see and speak with him. *Berkley*, *Aburnham*, *Capel*, the Marquis of *Ormond* himself, who had at last surrendered *Dublin* to the Parliament, saw him as often as they pleased in public or private, and the two first were now in his service. The *Scottish* commissioners residing at *London*, frequently visited him, and expressed a great desire to serve him. As they knew, that the Independents were sworn enemies of their Nation, they began to perceive, it was their interest to join with the King against their common enemies. Mean while, the civilities shown the King were but the effect of the policy of *Cromwell* and his associates (4). They were not ignorant how the Parliament and city of *London* stood affected to them, and were perfwaded, that after all, the Presbyterians would chuse rather to agree with the King, than fee the Independents triumph. To prevent this union it was, that they had caused the King to be removed from *Holmby*, without either the General-officers, or the body of the army appearing in it, to a place where his person was in their power. On the other hand, the King was extremely caressed by them, and even put in hopes of a speedy agreement with the army, as well to divert him from the thoughts of uniting with the Parliament, as to deprive the Presbyterians of the hope of such an union. In every declaration and remonstrance of the army, there was always something inserted to express their desire, that the King might be restored to his just rights. But it was ever with this restriction, *when the affairs of the Government should be fully settled*, that is, in the manner they desired, and they knew, it would then be easy to find occasion to quarrel with the King, and retract what they seemed to promise him.

The King was deceived by this policy. As he saw himself courted by both parties, he imagined, they could not be without him, and that he should quickly be able to incline the scale to which side he pleased. Nay, he fancied for some time, that the two parties would accept him for mediator. In this imagination he expressed a regard for both, and told them by turns, though very secretly, he would be guided by their counsels. Mean while, as he mortally hated the Presbyterians, he was much more desirous to join with the army, if they would but have granted him tolerable conditions, as they made him expect. Nevertheless, he listened to the proposals of the *Scottish* commissioners, to put himself under the protection of the Presbyterians and *Scots*, and thereby hoped to be safe, however the contests between the Parliament and army might end. In the mean time, he suffered himself to be amused by *Cromwell*, and *Ireton*, who, on pretence they were suspected by both Houses, seldom visited him, but however, acquainted him with their inventions, by means of some officers, who could converse more freely with him, or his confidants. Though he was used very civilly, he was narrowly watched, and at the very time he thought himself arbiter of the two parties, was really a prisoner. Since his removal from *Holmby*, he had followed the motions of the army, and resided some-

times in a town, and sometimes at a Country-house, according as the army thought fit. At last, when the army had their rendezvous on *Hounslow-Heath*, in order to march to *London*, he was conducted to *Hampton-Court* (5).

The revolution, which happened within a few days, and which brought the Parliament in subjection to the army, proved fatal to the King. He had quickly cause to perceive, *Cromwell* and *Ireton* had only amused him with vain hopes. The army was no sooner master of the Parliament and city, but the King saw himself not only neglected, but even treated more hardly than ever. The same respect was no longer paid him, and his guards would scarce suffer his servants to confer with him in private. In short, he was left a long while at *Hampton-Court*, without mention of any accommodation, whilst his words, his actions, and the persons that came to visit him, were carefully watched. Nay, the *Scottish* commissioners were hindered from seeing him, of which they complained to no purpose. But before I proceed to speak of the King, and his circumstances, it will be necessary to relate what passed in the army and Parliament, whilst the King was left at *Hampton-Court* almost forgotten, though he served sometimes for pretence to several papers.

When the army resolved to oppose the Parliament's design to disband them, they pretended, they would meddle only in their own affairs, without concerning themselves with the government of Church or State. The demand of arrears was at first the only point whereon they founded their refusal of being cashiered. After that, finding it was not impossible to give them satisfaction upon that article, they demanded reparation for their honour, and a full vindication from the pretended crimes, on which the Parliament had grounded their declaration against the authors of the first petition. Then they required, that the Parliament should solemnly declare, it was the privilege of the Subject, and of the army in particular, to present petitions. After which, they formed the councils of war, and agitators, who not content with desiring things relating to the army, inserted in their remonstrances, fundry articles concerning the Government. Lastly, the King was removed from *Holmby* by the authority, as it was pretended, of the army, though the General affirmed, that neither himself, nor the other General-officers, nor the body of the army, were privy to it; and by this same authority, how chimerical soever it appeared, was the King kept in the quarters of the army.

As soon as the army had the King in their power, they pretended to a right of settling the government of the Kingdom with the Parliament. They nominated commissioners to treat upon that subject, with those of the Parliament. In short, just as they were preparing to march to *London*, the General delivered to the Parliament's commissioners, propositions from the army, to settle the Government, of which, not so much as one related to the particular concerns of the army. The propositions were these:

Articles proposed by the army, to be treated on by the Parliament's Commissioners.

"I. THAT (things hereafter proposed being provided for by this Parliament) a certain period may, by Act of Parliament, be set for the ending of this Parliament, such period to be put within a year at most, and in the same act provision to be made for the succession and constitution of Parliaments in future, as followeth:

- "1. That Parliaments may biennially be called and meet at certain days.
- "2. Each biennial Parliament to sit a hundred and twenty days certain, and no Parliament to sit past two hundred and forty days from their first meeting, or some other limited number of days; upon the expiration whereof each Parliament to dissolve of course, if not otherwise dissolved sooner.
- "3. The King, in the intervals betwixt biennial Parliaments, to call a Parliament extraordinary, provided it meet above seventy days before the next biennial day, and be dissolved at least sixty days before the same.
- "4. That this and each succeeding biennial Parliament, at or before adjournment or dissolution thereof, may appoint Committees during the interval for such purposes

(1) The question put was, *Whether it should be declared, what was done from the 26th of July to the 6th of August as he found, and that sitting no free Parliament?* Which was carried in the Negative. The other part of the question, as put by *Scopes*, was not debated at this time.

(2) The Earl of *Suffolk*, the Lords *Willingby* of *Parham*, *Harford*, *Mansard*, *Berkley*, with the Earls of *Lincoln* and *Middlesex*. *Whitehall*, p. 208.

(3) There were but allowed to come to him; namely, Dr. *Sheldon*, *Morley*, *Scudamore*, and *Hammond*. See *Clarendon*, Tom. 3. p. 31.

(4) The ground of their civilities was, to engage him and the Cavaliers to their side, after they had made the Parliament, the *Scots*, and the City of *London*, their enemies. *London*, Tom. 1. p. 194.

(5) *June 24*, he was removed from *Newmarket* to *Rifles*; the 26th, he came to *Berfield house* in *Hertfordshire*; July 1, to *Windsor*; July 3, to *Caenwick*, a House of the Lord *Croven's*, near *Reading*; July 22, to the Earl of *Downshire* House in *Leicesters*; there in *Whitby*, the Earl of *Bedford's* and then to *Stoke-pgry's* and *Oatlands*. *Whitehall*, Tom. 6. p. 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

1647. "as are in any of these propofals referred to fuch Committees.

"5. That all Counties may have a number of Parliament Members allowed to their choice, proportionable to the refpective rates they bear in the common charges and burthens of the Kingdom; and that the election of Burgeffes for poor decayed or inconfiderable towns be taken off.

"6. That effectual provifion be made for future freedom of elections, and certainty of due returns.

"7. That the Houfe of Commons alone have the power, from time to time, to fet down further orders and rules for the ends expreffed in the two laft preceding articles.

"8. That there be a liberty for entering diffents in the Houfe of Commons, with provifion that no Member be cenfurable for ought faid or voted in the Houfe, further than to exclusion from that truft, and that only by the judgment of the Houfe itfelf.

"9. That the judicial power, or power of final judgment in the Lords and Commons, may be cleared: And that no Officer of Juftice, Minifter of State, or other perfon adjudged by them, may be capable of protection or pardon from the King without their advice or confent.

"10. That the right and liberty of the Commons of England may be cleared and vindicated as to a due exemption from any judgment, tryal or other proceeding againft them by the Houfe of Peers, without the concurring judgment of the Houfe of Commons: As alfo from any other judgment, fentence or proceeding againft them, other than by their equals, or according to the law of the Land.

"11. The fame Act to provide, That the choice of Grand-Jury-men may not be as now, at the difcretion of an Under-Sheriff; and that fuch Grand-Jury-men for their refpective Counties, may at each Affize prefent the names of perfons to be made Juftices of peace from time to time, as the Country hath need for any to be added to the Commiffion; and at the Summer-Affize to prefent the names of three perfons, out of which the King may pick one to be Sheriff for the next year.

"12. For the Militia in general, That it be provided by Act of Parliament.

"1. That the power of the Militia by fea and land, during the fpace of ten years next enfuing, fhall be ordered and difpofed by fuch perfons as the Lords and Commons fhall nominate and appoint.

"2. That the faid power fhall not be ordered or exercifed by the King's Majefty, or by any perfons by authority derived from him, during the faid fpace, or at any time hereafter, without the advice and confent of the faid Lords and Commons.

"3. That during the fame fpace of ten years, the faid Lords and Commons may, by bill or ordinance, raife and difpofe of what monies, and for what forces they fhall from time to time find neceffary; as alfo for payment of the publick debts and damages, and for all other the publick ufes of the Kingdom.

"4. That no Subjects that have been in hoftility againft the Parliament in the late war, fhall be capable of bearing any office of power or publick truft in the Commonwealth, during the fpace of five years, without the confent of Parliament; or to fit as Member of either Houfe, until the fecond biennial Parliament be paft.

"13. For the prefent form of difpofing the Militia, in order to the peace and fafety of this Kingdom, and the fervice of Ireland,

"1. That there be Commiffioners for the Admiralty, with the Vice-Admiral and Rere-Admiral, with power for the forming, regulating, appointing of Officers, and providing for the Navy.

"2. That there be a General for command of the land forces.

"3. That there be Commiffioners in the feveral Counties for the ftanding Militia, with power for the proportioning, regulating, training and difcipling of them.

"4. That there be a Council of State, with power to fuperintend and direct the feveral and particular powers of the Militia laft mentioned.

"5. That the faid Council may have power as the King's Privy-Council, for and in all foreign negotiations; provided that the making of war or peace with any other Kingdom or State, fhall not be without the advice and confent of Parliament.

"6. That the faid power of the Council of State be put into the hands of truftly and able perfons now to be agreed on, and the fame perfons to continue in that power (*fi bene fe gerint*) for a certain term not exceeding feven years.

"7. That there be a fufficient eftablifhment now pro-

vided for the falary of the forces both in England and Ireland, the eftablifhment to continue until, two months after the meeting of the firft biennial Parliament.

"IV. That an Act be paffed for difpofing the great offices for ten years by the Lords and Commons in Parliament; or by fuch Committees as they fhall appoint for that purpofe in the intervals (with fubmiffion to the approbation of the next Parliament) and after ten years they to nominate three, and the King out of that number to appoint one for the fucceffion upon any vacancy.

"V. That an Act be paffed, for refraining of any Peers, made fince the 21ft day of May 1642, or to be hereafter made, from having any power to fit or vote in Parliament without confent of both Houfes.

"VI. That an Act be paffed for recalling and making void all declarations and other proceedings againft the Parliament, or againft any that have acted by, or under their authority in the late war, or in relation to it; and that the ordinance for indemnity may be confirmed.

"VII. That an Act be paffed for making void all Grants, &c. under the Great Seal, fince the time that it was conveyed away from the Parliament, (except as in the Parliament's propofitions) and for making thofe valid that have been or fhall be paffed under the Great Seal, made by the authority of both Houfes of Parliament.

"VIII. That an Act be paffed for confirmation of the treaties between the two Kingdoms of England and Scotland; and for appointing Confervators of the Peace betwixt them.

"IX. That the ordinance for taking away the Court of Wards and Liveries be confirmed by Act of Parliament; provided his Majefty's revenue be not damaged therein, nor thofe that laft held offices in the fame, left without reparation fome other way.

"X. An Act to declare void the ceffation of Ireland, &c. and to leave the profecution of that war to the Lords and Commons in the Parliament of England.

"XI. An Act to be paffed to take away all coercive power, authority and jurifdiction of Bifhops—extending to any civil penalties upon any, &c.

"XII. That there be a repeal of all Acts or clauses in any Act enjoining the ufe of the Book of Common Prayer, and impofing any penalty for neglect thereof, and for not coming to Church, or for meeting elfewhere; and fome other provifion to be made for difcovering of Papifts, Priests, Jefuits, &c.

"XIII. That the taking of the Covenant be not enforced upon any; but all orders or ordinances tending to that purpofe to be repealed.

"XIV. That (the thing here before propofed, being provided, for fecuring the Rights, Liberties, &c. of the Kingdom) his Majefty's perfon, his Queen and Royal Ifiue may be reftored to a condition of fafety, honour, and freedom in this Nation, without diminution to their perfonal Rights, or further limitation to the exercife of regal power than according to the particulars foregoing.

"XV. For the matter of compofition, &c.

N. B. There are under this head fix articles, which cannot be well underftood, without knowing the particulars of an Act wherein Delinquents were placed under feveral heads or qualifications, and their compofition fettled accordingly. But the knowledge of that can be of no ufe at prefent.

"XVI. That there may be a general Act of Oblivion, &c.

"That fuch of the King's party who fhall appear to have expreffed, or fhall hereafter exprefs their good affections to the peace and welfare of the Kingdom, and to hinder the embroiling of the fame in a new war, may be freed and exempted from compofitions, or to pay but one year's revenue, or a twentieth part.

"Next to the propofals aforefaid for the prefent fettling of a peace, the army defires, that no time may be loft by the Parliament for difpatch of other things tending to the welfare, eafe, and juft fatisfaction of the Kingdom, and in fpecial manner:

"I. That the liberty of the People to reprefent their grievances and defires by way of petition may be cleared and vindicated.

"II. That the common grievances of the People may be fpeedily confidered of, and effectually redreffed; and in particular,

"1. That the Excife may be taken off from fuch commodities, whereon the poor people of the land do ordinarily live.

"2. That the oppreffions and encroachments of Foreft Laws may be prevented for the future.

"3. All Monopolies and reftraints to the freedom of trade to be taken off.

"4. That

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" 4. That a court may be taken to rectify the inequality of rates lying upon several Counties.

" 5. The present, unequal, troublesome, and contentious way of Ministers maintenance by Tithes to be considered of, and some remedy applied.

" 6. That the rules and course of Law, and the officers of it may be so reduced and reformed, as that all suits and questions of right may be more clear and certain in the issues, and not so tedious nor chargeable in the proceedings as now.

" 7. That prisoners for debt may not, by embracing imprisonment, or any other ways, have advantage to defraud their creditors: And that such prisoners for debt, who have not wherewith to pay, may be freed from imprisonment.

" 8. That none may be compelled to answer unto questions tending to the accusing of themselves, or their nearest relations in criminal cases; and no man's life to be taken away under two witnesses.

" 9. That consideration may be had of all Statutes, and the laws or customs of Corporations, imposing any oaths so far as they may extend to the molestation or enjoining of religious and peaceable People, merely for non-conformity in Religion.

" III. That the large power given to Committees or Deputy-Lieutenants, during the late times of war and distraction, may speedily be recalled and made void, and such powers of that nature as shall appear necessary to be continued, may be put into a regulated way, and left to as little arbitrariness as the nature and necessity of things will bear.

" IV. That the Kingdom may be righted, and satisfied in point of accounts for the vast sums that have been levied.

" V. That provision may be made for payment of arrears to the army, and the rest of the soldiers of the Kingdom: and in the next place for payment of the publick debts and damages of the Kingdom; and that to be performed, first, to such persons whose debts or damages are great and their estates small, so as they are thereby reduced to a difficulty of subsistence: In order to all which (*continue they*) we shall speedily offer some further particulars, which we hope will be of good use towards publick satisfaction."

These proposals show, the army did not mean to leave to the Parliament the sole power of settling the Government, though when they were delivered to the commissioners, they had not yet subjected the Parliament and City, as they did some days after. How much more therefore should they think themselves intitled to have a share in this settlement, after they had both Houses at command? Certainly, if the army, had really desired, that the Government should be settled, according to their proposals, there could not be a fairer opportunity, and the Parliament would neither have been able nor have dared to oppose it. But, on the contrary, it is very likely, the army's design, in delivering these proposals, was only to retard the settlement by raising difficulties, which would require time to be removed. For instance, the XIth article, which supposed the restoring of the Bishops, and the XIIIth, which left every one free to take or not to take the Covenant, were directly contrary to the pretensions of the Presbyterians. It was not for the interest of the Independents that the Government should be settled in the manner they proposed: but it was for their advantage to dazzle the People, and make them believe, the army desired only the peace and safety of the publick, though in effect nothing was farther from the thoughts of the leaders and managers. This evidently appears, in that afterwards, they never troubled themselves to press the two Houses to proceed to this settlement. On the other hand, the Parliament was yet the same it had been for some time, that is, almost wholly Presbyterian, and consequently enemy of the Independents, though obliged to show the contrary. The Earl of Manchester, Speaker of the House of Lords, was *Cromwell's* sworn enemy, though he had been the first to apply to the army for protection. The city of London was in the same disposition as the Parliament, and, far from soliciting the settlement proposed by the army, they were very glad it should never be mentioned, in expectation that time would afford some opportunity to settle the Government without the intervention of the soldiery. It is therefore no wonder, this affair should be neglected, when neither army, nor Parliament, nor City, wished to see it accomplished. Some steps however were now and then taken to make the publick believe it was intended. But *Cromwell* and the other heads of the In-

dependents were very far from being willing to leave it to the Parliament for ten years, to manage the affairs of the Kingdom as they pleased, to order the Militia by sea and land, and raise what money they should think necessary. Much less would they have cared to let the People chuse every two years new representatives. All these things were only to throw dust in the People's eyes. The Independents had a mind to be superior, as they were at length, and all their proceedings, though covered with the pretence of the publick good, tended solely to that end. The design of the Presbyterians, Parliament, and City of London, was to ruin the Independent-party, and the army their supporters. But as they were not sufficiently strong to effect it, their project was to join with the King and Scotland, provided they could prevail with his Majesty to abolish Episcopacy. This it was that secretly contriving at London and Edinburgh, whilst endeavours were used to amuse the army by affected delays on their demand of pay and arrears, and whilst the City of London declined to make the necessary advances, in order to render the army odious, by obliging them to oppress the People for want of pay. The army was yet ignorant of the secret practices against them in London. They incessantly demanded their pay, and the Parliament favourably received their demands. Nay, they passed votes to grant them their desires; but some difficulty always occurred to retard the performance, or if they were paid any money it was but a small part of their arrears.

Three other affairs also employed the Parliament and Army for some time, and served for pretence to amuse. The first was, to settle what forces should be sent to Ireland; the second, how many troops were to be maintained in England; the third, to disband the supernumeraries.

Upon the first article, it was resolved to send into Ireland six thousand foot, four thousand horse, and five hundred Dragoons; and that the Parliament's Commissioners should confer with the General concerning the sending these forces, and the officers that were to command them.

Upon the second, it was ordered, there should be maintained in England, seven thousand two hundred Horse, eighteen thousand Foot, and one thousand Dragoons. It was pretended, these forces were continued in England to relieve those in Ireland in case of need. But it is likely, the army would not bear to be considerably lessened.

Upon the third, it was resolved, that all the supernumeraries should be paid and dismissed.

But these things were executed very slowly by reason of several unexpected affairs, of which it will be necessary to speak.

Since the army had thought themselves out of danger from the Parliament and city, their respect to the King was so diminished, that it was easy for him to perceive, he had nothing to expect from them, and that *Cromwell* had only amused him, the better to accomplish his own designs. Besides the visible alteration in the behaviour of those who had the custody of him, he had many other proofs of ill designs against him. In the first place, the army had sent him privately some propositions for peace, much worse than those presented to him at Newcastle; but he had rejected them with indignation (1), which the army very much resented. Secondly, *Cromwell* had very sharply reproached *Abburnham*, who was then the King's confidant, that notwithstanding the army's regard for his Majesty, he had secretly treated with the commissioners of Scotland to excite that Kingdom against the army. This reproach incited the King with the more dread, as it was true, that he had privately treated with the Scotch commissioners, though he had concluded nothing with them, and could not conceive how *Cromwell* came to know it. He was therefore apprehensive, the army would assassinate, or poison him, to free themselves from the fear of his agreeing with the Presbyterians. On the other hand, Major *Huntington*, who had been employed by *Cromwell*, to amuse the King with several private messages, finding at length he had been the instrument to deceive that unfortunate Prince, warned him, that *Cromwell* was not sincere, and would destroy him if he was not prevented. Shortly after he threw up his commission, and would serve no longer in the army. Nay, he went farther; for after quitting the service, he offered to discover to the Parliament, *Cromwell's* ill practices, but they would not hearken to him (2). At last, the King received private notice every day, by indirect and extraordinary ways, that his enemies had ill designs, and he ought to take care of himself (3).

All these things made such an impression upon him, that

(1) When the Proposals were sent to him, he entertained them with very sharp and bitter language. See *Ladlow*, Tom. 1. p. 204.

(2) He delivered in a Paper to the House of Lords, which was read there, containing reasons why he left the Army, being a large Narrative of the persecuted *Ladlow*, and a set of *Cromwell* and *Ireton*, since the Parliament's going to disband the army. In relation to *Overton* to his Majesty, the Proceedings against the Lords, &c. &c. in *Commons*, and *Altamont* that were impeached, &c. *Rajmours*, Tom. 7. p. 214.

(3) The Agitators suppose, that *Cromwell*, *Ireton*, &c. had carried on a private Treaty with the King, and accordingly discovered to reveal him out of the Kingdom.

1647. he resolved, if possible, to escape out of the hands of the army. But it was not easy to determine where to retire. There was no safety for him in any part of the Kingdom. The Parliament and city of London were at the army's command, and though the Presbyterians had been able to protect him, all he could expect from them was, that they would not attempt upon his life. So, probably, his intention was to transport himself beyond the seas (1).

Clarendon.
III. p. 59.

Abburnham was his only confidant, for though he believed *Berley* faithful, he had not so good an opinion of his discretion, as to trust him with such a secret. This resolution being taken, the King withdrew very early to his chamber, feigning to be indisposed, and about one in the morning, went out by the back-stairs, and came with *Abburnham* and *Legg*, to the garden-gate, where *Berley* waited with horses (2). They rid all night with great speed, as well to escape all pursuers, as to get out of the quarters of the army, and in the morning, found themselves in the *New Forest* in *Hampshire*. Then the King asked *Abburnham*, where the ship lay? *Abburnham* riding before, as it were to get information, returned in some little time without any news of the ship; at which the King seemed very uneasy. Mean while, as it was not late for him to stay in the highways, he resolved to go to *Titchfield*, a seat of the Earl of *Southampton*, where the Earl's Mother then lived with a small family. There he consulted with his three attendants, where he should go. It is said, *Abburnham* was the first to advise him to retire to the Isle of *Wight*, and put himself into the hands of Colonel *Hammond*, the Governor, who was reckoned a man of honour. He must however have known, that *Hammond* was *Cromwell's* creature, by whose advice he had married a daughter of *John Hampden*, and who had lately procured him the government of the Isle of *Wight*. Notwithstanding these reasons, which should have diverted *Abburnham* from giving such advice, he ceased not to persuade the King, who after some objections consented to it, provided *Hammond* would faithfully promise not to deliver him up, though the Parliament or army should require him, but to give him his liberty to shift for himself, if he was not able to defend him. Pursuant to this resolution, *Abburnham* and *Berley* repaired to the Isle of *Wight* to talk with the Governor, who seemed very much surprized (3) when they told him, the King was escaped from *Hampton-Court*, and was willing to trust his person in his hands, upon the forementioned terms. His answer was, he would do the King all the service that lay in his power; but as he was an inferior officer, he could not promise to disobey his superiors in what they should please to command him. After some fruitless endeavours to obtain a promise from him, he asked where the King was? They told him, he was not very far off, and at last, after some time spent in debate, it was agreed, he should go with them to the King. So they all three went together to *Titchfield*, and at their arrival, *Hammond* flaid below, and *Abburnham* went up to the King's chamber, to acquaint him, that *Hammond* was in the house, but had not made any promise. Whereupon the King cried out, *O Jack thou hast undone me!* With which *Abburnham* falling into a great passion of weeping, offered to go down and kill *Hammond*, but the King would not consent to it. In short, the King sending for *Hammond*, endeavoured to persuade him to promise not to deliver him up, but *Hammond* still persisted in his first answer. Then the King, not knowing where to go else, and considering there was now perhaps no possible way to get from him, as he had the command of the country, and could call in what help he pleased, resolved to go with him to the Isle of *Wight*. He was conducted to *Carisbrooke* castle, where *Hammond* received him with his attendants, with all demonstrations of respect (4).

Remark on
the King's
Flight.

When a man considers all the circumstances of the King's flight, he can scarce forbear thinking, he was betrayed on this occasion. His design was to go beyond sea, since he asked where the ship lay, but there was no ship ready; which was so great an oversight, that *Abburnham* can hardly be thought to commit it through negligence or imprudence. *Abburnham* is not satisfied with proposing to the King to trust himself with *Hammond*, a creature of *Cromwell's*, who, according to *Major Huntington's* information, had resolved to destroy him, but even puts him under the necessity of confiding in him, though he refused to promise him protection. And yet, the Lord *Clarendon* says very positively, he does not believe the King was be-

trayed by *Abburnham*, nor did his Majesty ever entertain the least jealousy of it. All therefore that can be said in favour of this confidant of the King, is, what the Lord *Clarendon* hints, I mean, That he was outwitted by *Cromwell*, who by some one of his emissaries persuaded him, it should prove for his Majesty's benefit, and his business be the sooner done, that he should withdraw to the Isle of *Wight*. If this were so, *Abburnham*, probably, thinking himself more able than the King, had a mind to serve him, whether he would or no, and not to be forced to answer the King's objections, believed to do him a service in concealing the secret, and putting him under an absolute necessity to take a course, which, in his opinion, was not the most proper. In that case, if it be not treachery, it is at least, the greatest presumption and rashness, a Subject can possibly be guilty of to his Prince. It is not easy to guess the reasons that could induce *Abburnham* to imagine, the King would be safe in the Isle of *Wight*. It is to be presumed, he was deceived himself, and his easiness abused, to cause him to credit general promises, which signified nothing, and of which he durst not afterwards complain. Supposing no treachery in what he did, probably, his easiness to be deceived, procured him afterwards a very favorable and much lower than usual composition, which greatly contributed to increase the suspicions already conceived of him.

The Parliament was informed of the King's escape, by a letter from *Cromwell*, who gave the first notice of it, but without saying where the King was, though in all appearance he knew very well. He also sent a letter, which the King had left upon the table in his room, directed to both Houses. He said in this letter,

"That Liberty being in all times the aim and desire of all men, he had endeavoured to obtain his. He called God to witness, with what patience he had endured a tedious restraint, among men who changed their principles with their condition; who were not ashamed openly to intend the destruction of the Nobility, by taking away their negative Voice, and with whom the Levellers doctrine was rather countenanced than punished. That he thought he was bound, as well by natural as political obligation, to seek his safety, by retiring himself for some time from the publick view, both of his friends and enemies; but should earnestly and unceasingly endeavour the settling of a safe and well-grounded peace wherever he was. Finally, he desired to be heard with freedom, honour, and safety, and then he would instantly break through his cloud of retirement, and show himself ready to be *Pater Patriæ*."

The Parliament at first believed, the King was come to conceal himself in London, till he should find an opportunity to escape out of the Kingdom. They even gave orders to search after, and stop his person. But this uncertainty did not last long. On the 15th of November, the Earl of *Manchester*, Speaker of the House of Lords, received a letter from Colonel *Hammond*, informing him, that the King, from an apprehension of his life being in danger at *Hampton-Court*, was come into the Isle of *Wight*, to put himself under his protection.

The King, as may be observed, speaks in his letter of the principles of the *Levellers*, which I think incumbent upon me to explain. There had been for some time a new faction in the army, called *Levellers*, that is, men who declared, "That all degrees of persons should be levelled, and an equality established both in titles and estates, throughout the Kingdom" (5). This was a doctrine, much like that of *Wat Tyler's* followers in the reign of *Richard II.* This faction was grown so strong, that they began to make the general officers, and particularly *Cromwell*, very uneasy, who feared this new party would subvert all his projects, if they were suffered to increase, though probably, this spirit was raised by himself. They consisted of private Soldiers and Agitators, whom I have already described. During the contests between the Army and Parliament, the Generals had put no restraint upon these men. They had allowed them to form a separate council, by means of their Agitators, and the opinions of this council were received as being those of the army, because they were agreeable to the sentiments of the general officers. But as soon as the Parliament was subdued, the general officers believed it proper to suppress these councils, and send the Agitators to their respective regiments. This was more easily enjoined than executed.

1647.

T. III.
p. 60.

The King's
Letter to
both Houses
left upon his
Table.
Rushworth,
VII. p. 874.
Whitlock.
Heath.

The Parlia-
ment could
hardly believe
that the
King was
in London.
Clarendon,
III. p. 62.
Rushworth,
VII. p. 874.
—874—

Who the
Levellers
were.

Clarendon,
III. p. 60.

T. III.
p. 61.
Warwick.

their hands. Of this *Cromwell* gave the King notice, who thereupon resolved to make his escape from *Hampton-Court*. *Ludlow*, Tom. 1. p. 214. *Life of Cromwell*, p. 80, &c. The Lord *Holles* says, *Cromwell* was afraid the King should come to an agreement with the *Levellers*, and so strikes him to fly, upon pretence that his life was in danger. *Idem*, p. 181, &c.

(1) To *Jerry*, *Jay's* *Martyr*, p. 158. *Ludlow*, Tom. 1. p. 215.

(2) There was a passage from the King's room into the garden, at a back-door of which was discovered the trading of *Horses*. The King left upon his Table a Letter to the Parliament, and another to the General. *Clarendon*, Tom. 3. p. 59.

(3) He grew pale, and fell into such a trembling, that it was thought he would have fallen from his horse. *Ludlow*, Tom. 1. p. 217.

(4) The Parliament allowed him 5000 l. for his expenses there. His Household was all dissolved. *Rushworth*, Tom. 7. p. 878. *Heath*, p. 152.

(5) According to some, they only maintained, That no person, of whatever rank, ought to be exempted from the ordinary course of legal proceedings. *Life of Cromwell*, p. 65.

The

1647. The soldiers refused to obey, and continued their assemblies and conferences, in spite of their officers, and the General's orders. Hence, probably, they acquired the name of Levellers, because they pretended to have as much right as the Officers and Generals to settle the Government; a principle tending to level all ranks and degrees, and consequently to breed confusion in the Kingdom. The assemblies of the Levellers produced sundry petitions; first, from the agitators of four regiments of Horse, and afterwards of seven regiments of Foot joining with them, wherein they made proposals for settling the Government according to their humour, so that the General Officers were not a little embarrassed. They were afraid the army would divide, at a time when their whole strength depended upon their union. For this reason, they at first bore in some measure with the Levellers; which only increased the evil. At last, the insolence of these men being grown to a monstrous height, *Cromwell* undertook with the hazard of his life, to free the army and Parliament from them. To that end, having notice that the Levellers were to meet at a certain place, he came unexpectedly, attended with a chosen guard, and asking some questions of those whom he observed most active, and receiving insolent answers, knocked down two or three with his own hand, and briskly charging the rest, so dispersed them, that he took as many as he pleased, whereof he hanged some on the spot, and sent others to *London*. By two or three such notable encounters, he totally subdued that party, which began to grow very dangerous, and reduced the army to entire obedience. But this was not yet effected, when the King made his escape from *Hampton-Court*, and therefore he mentions the Levellers in his letter, as a party substituting (1).

When the King writ this letter to both Houses, he hoped to be quickly out of the power of the army and Parliament, and assuredly expected no answer, since he intended to keep himself concealed. Besides, this letter required no answer, as he did nothing more than express his desire of peace. But finding himself still, contrary to his expectation, in the hands of the army and Parliament, he conceived, his escape from *Hampton-Court* might be prejudicial to him, and interpreted as a design to hide himself, only to avoid answering the propositions for peace, the Parliament had prepared. For this reason, he resolved to send the following message to both Houses:

Charles Rex,

"HIS Majesty is confident, that before this time, his two Houses of Parliament have received the message which he left behind him at *Hampton-Court*, the eleventh of this month, by which they will have understood the reasons which enforced him to go from thence; as likewise his constant endeavours for the settling of a safe and well-grounded peace, wherefoever he should be; and being now in a place where he conceives himself to be at much more freedom and security than formerly, he thinks it necessary, not only for making good of his own professions, but also for the speedy procuring of a peace, in these languishing and distressed Kingdoms, at this time to offer such grounds to his two Houses for that effect, which upon due examination of all interest, may best conduce thereunto.

"And because Religion is the best and chiefest foundation of peace, his Majesty will begin with that particular.

"That for the abolishing of Archbishops, Bishops, &c. his Majesty clearly professeth, that he cannot give his consent thereunto, both in relation as he is a Christian, and a King; for the first he avows, that he is satisfied in his judgment, that this order was placed in the Church by the Apostles themselves, and ever since their time hath continued in all Christian Churches throughout the world, until this last century of years; and in this Church, in all times of change and reformation it hath been upheld by the wisdom of his ancestors, as the great preserver of doctrine, discipline, and order, in the service of God. As a King at his coronation, he hath not only taken a solemn oath to maintain this order, but his Majesty and his predecessors, in their confirmations of the great Charter, have inseparably woven the right of the Church, into the liberty of the Subjects; and yet he is willing it be provided, that the particular Bishops perform their several duties of their callings, both by their personal residence, and frequent preaching in their personal exercise, no act of jurisdiction or ordination, without the consent of their Presbyters, and will consent, that their powers in all things be so limited, that they be not grievous to the tender consciences of

others. He sees no reason why he alone, and those of his judgment, should be pressed to a violation of theirs: Nor can his Majesty consent to the alienation of Church-lands; because it cannot be denied to be a sin of the highest sacrilege; as also that it subverts the intentions of so many pious donors, who have laid a heavy curse upon all such prophane violations, which his Majesty is very unwilling to undergo: And besides the matter of consequence, his Majesty believes it to be a prejudice to the publick good, many of his Subjects having the benefit of renewing leases, at much easier rates, than if those possessions were in the hands of private men, not omitting the discouragement it will be to all learning and industry, when such eminent rewards shall be taken away; which now lye open to the children of the meanest persons. Yet his Majesty considering the great present distempers concerning Church-discipline, and that the Presbyterian-government is now in practice, his Majesty, to eschew confusion, as much as may be, and for the satisfaction of his two Houses, is content, that the said Government be legally permitted to stand in the same condition it now is, for three years; provided that his Majesty, and those of his judgment, or any other, who cannot in conscience submit thereunto, be not obliged to comply with the Presbyterian-government, but have free practice of our own profession, without receiving any prejudice thereby; and that free consultation and debate be had with the Divines of *Westminster*, twenty of his Majesty's nomination being added unto them; whereby it may be determined by his Majesty and the two Houses, how the Church-government, after the said time shall be settled, or sooner, if differences may be agreed, as is most agreeable to the word of God, with full liberty to all those who shall differ upon conscientious grounds from that settlement; always provided, that nothing aforesaid be understood to tolerate those of the popish profession, nor exempt any popish Recusants from the penalties of the laws; or to tolerate the publick profession of Atheism or blasphemy, contrary to the doctrine of the Apostles, *Nicene*, and *Athanasian* Creed, they having been received by, and had in reverence of all the Christian Churches, and more particularly by this of *England*, ever since the reformation.

"Next, the Militia being that right which is inseparably and undoubtedly inherent to the Crown by the laws of this nation, and that which former Parliaments, as likewise this, have acknowledged to be, his Majesty cannot so much wrong that trust, which the laws of God, and this land hath annexed to the Crown, for the protection and security of his people, as to divest himself and successors of the power of the sword; yet to give an infallible evidence of his desire to secure the performance of such agreements as shall be made in order to a peace, his Majesty will consent to an act of Parliament, that the whole power of the Militia, both by sea and land, for, and during his whole reign, shall be ordered and disposed by the two Houses of Parliament, or by such persons as they shall appoint, with powers limited for suppressing of forces within this Kingdom, to the disturbance of the publick peace, and against foreign invasion; and that they shall have power, during his said reign, to raise moneys for the purpose aforesaid; and that neither his Majesty that now is, or any other, by any authority, derived only from him, shall execute any of the said powers, during his Majesty's said reign, but such as shall act by the consent and approbation of the two Houses of Parliament: Nevertheless his Majesty intends, that all patents, commissions, and other acts concerning the Militia, be made and acted as formerly; and that after his Majesty's reign, all the power of the Militia shall return entirely to the Crown, as was in the times of *Queen Elizabeth*, and *King James*, of blessed memory.

"After this head of the Militia, the consideration of the arrears due to the army is not improper to follow; for the payment whereof, and the ease of his people, his Majesty is willing to concur in any thing that can be done without the violation of his conscience and honour.

"Wherefore if his two Houses shall consent to remit unto him such benefit out of sequestrations from *Michaelmas* last, and out of compositions that shall be made before the concluding of the peace, and the arrears of such as have been already made, the assistance of the Clergy, and the arrears of such rents of his own revenue as his two Houses shall not have received before the concluding of the peace, his Majesty will undertake within the space of eighteen months, the pay-

Cromwell
disperfa
them.
Cirendon,
III. p. 67.
Lallow.
T. L. p. 222.

The King's
Letter is
his House,
Richmorth,
VII. p. 880.
Whiteock.
Heath.

The King's
offer, and
proposals.

(1) Though *Cromwell* totally subdued that spirit in the Army, yet the Lord *Cirendon* says, it continued and increased very much in the Kingdom.
Tom. III. p. 67.

1647. "ment of four hundred thousand pounds for the satisfaction of the army; and if those means shall not be sufficient, his Majesty intends to give way for the sale of Forest-lands for that purpose.

"This being the publick debt, which in his Majesty's judgment is first to be satisfied: And for other publick debts already contracted upon Church-lands, or any other engagements, his Majesty will give his consent to such act or acts for raising of moneys for payment thereof, as both Houses hereafter shall agree upon, so as they be equally laid; whereby his people, already too heavily burthened by these late discontents, may have no more preasures upon them than this absolute necessity requires.

"And for the further securing all fears, his Majesty will consent, that an Act of Parliament be passed for the disposing of the great offices of State, and naming of Privy-Counsellors for the whole term of his reign, by the two Houses of Parliament, their patents and commissions being taken from his Majesty, and after to return to the Crown, as is expressed in the articles of the Militia. For the Court of Wards and Liveries, his Majesty very well knows the consequence of taking that away, by turning of all Tenures into common Soage, as well in point of revenue to the Crown, as in the protection of many of his Subjects, being infants: Nevertheless, if the continuance thereof seem grievous to his Subjects, rather than he will fall on his part in giving satisfaction, he will consent to an act for taking it away, so as a full recompence be settled upon his Majesty and his successors in perpetuity (1); and that the arrears now due be referred unto him towards the payment of the arrears of the army.

"And that the memory of these late distractions may be wholly wiped away, his Majesty will consent to an Act of Parliament for the suppressing and making null of all oaths, declarations, and proclamations against both or either House of Parliament, and of all indictments and other proceedings against any persons for adhering unto them. And his Majesty propheth, as the best expedient to take away all seeds of future difference, that there be an Act of Oblivion to extend to all his Subjects.

"As for Ireland, the cessation therein is long since determined; but for the future, and all other things being fully agreed, his Majesty will give full satisfaction to his Houses concerning that Kingdom.

"And although his Majesty cannot consent in honour and justice to void all his own grants and acts passed under his Great Seal since the 22d of May 1642, or to the confirming of all the grants and acts passed under that made by the two Houses, yet his Majesty is confident, that upon the perusal of particulars, he shall give satisfaction to his two Houses to what may be reasonably desired in that particular.

"And now his Majesty conceives, that by these his offers, which he is ready to make good upon the settlement of a peace, he hath clearly manifested his intentions to give full security and satisfaction to all interests, for what can justly be desired in order to the future happiness of his People, and for the perfecting these concessions, as also for such other things as may be proposed by the two Houses; and for such just and reasonable demands as his Majesty shall find necessary to propose on his part, he earnestly desires a personal treaty at London with his two Houses, in honour, freedom, and safety; it being in his judgment, the most proper, and indeed only means to a firm and settled peace, and impossible without it to reconcile former, or avoid future misunderstandings.

"All these being by treaty perfected, his Majesty believes his two Houses will think it reasonable, that the proposals of the army concerning the succession of Parliaments, and their due election should be taken into consideration.

"As for what concerns the Kingdom of Scotland, his Majesty will very readily apply himself to give all reasonable satisfaction; when the desires of the two Houses of Parliament on their behalf, or of the commissioners of that Kingdom, or of both joined together, shall be made known unto him."

The Parliament took no notice of these offers. Besides that they saw only part of their former demands, they were always upon their guard with respect to the King's proposals, wherein it was but too usual to find ambiguous expressions, restrictions and conditions expressed or implied, which made it impossible to build securely upon such foundations. We have seen several instances in the King's Papers, since the beginning of his reign; and in this here,

where he carries his offers farther than ever, it was easy to perceive the same method; for he was very artful, as well as his Father, in the choice of his expressions. Nay, it seems that in offering to yield the power of the Militia, during his whole Reign, an expression often repeated in these proposals, he had some secret intention, as to resign the Crown to the Prince his son. Otherwise, I do not see why he affected to substitute the term of his reign, instead of that of his life, or of twenty years, as was demanded by the Parliament. At least it is certain, if his offer had been accepted, as expressed in his words, he might, by resigning the Crown, have put the Prince of Wales, by the treaty it self, in full possession of the Militia, and nomination to the great Offices. But this is only a conjecture, tho' very probable. Be this as it will, the two Houses had long since refused to treat but upon their own propositions. Neither would they allow of his explanations, so apprehensive were they of his subtleties, which would have engaged them in discussions where they would have always had the same thing to fear. Such was the distrust the King's character had bred, which made a reconciliation between him and the Parliament ever impracticable. It must however be confessed, that on this occasion there were other reasons which hindered the two Houses from regarding the King's offers. The principal was, they were under the dominion of the army, or rather the Independents, who were not for peace upon any terms whatever.

During the King's stay at Hampton-Court, the Scotch commissioners, as I observed, had treated with him, and put him in hopes that the Scots would join with his party, and the English Presbyterians, to deliver him from the Independents. But they required a thing which he could not resolve, namely, the change of Episcopal Government in the Church of England into Presbyterian. This single point had prolonged the negotiation, and hindered the conclusion of the treaty. Cromwell had some inclination of it, and probably for that reason used all his industry to cause the King to retire to the Isle of Wight, where the Scotch commissioners could not have the same access to him.

When the King went from Hampton-Court, the proposals the two Houses were to send him, were all ready. But the Scotch Commissioners deferred from day to day to approve them, on pretence the interests of Scotland were not sufficiently specified, expecting to agree with the King, before they should be presented. This dispute between the Parliament and Scotch Commissioners still subsisted, when suddenly the House of Lords acquainted the Commons at a conference, that having more maturely considered the King's last message, they were of opinion to admit him to a personal treaty, on condition he would give his assent to four preliminary propositions to be passed into Acts before the rest should be treated on.

1. An Act for settling the Militia of the Kingdom.
2. An Act for calling in all declarations, oaths, and proclamations, against the Parliament, and those who adhered to them.
3. An Act, that those Lords who were made after the Great-Seal was carried to Oxford, may be made incapable of sitting in the House of Peers.
4. An Act for empowering the two Houses of Parliament to adjourn as they shall think fit.

The next day (2), the Commons gave their consent to these propositions, and ordered, that the four Bills should be drawn, and dispatched to his Majesty, after which a personal treaty with him should be entered into. All this was done with so great expedition, that it was not possible for the Independents to prevent what they were not prepared against. The Scotch Commissioners, who had formed other projects, tried in vain to hinder the effect of this resolution. The Parliament wished for peace, thereby to break the measures of the Independents. The 6th of December, the King sent a fresh Message to both Houses, earnestly pressing for a personal Treaty, as being the best means for settling a peace.

The 14th of the same month, the Commons, after passing the four Bills, and approving the instructions for those that were to present them, named a Committee to carry them to the King.

Then they answered the complaints of the Scotch Commissioners, that the four Bills were not communicated to them. They said, it was contrary to the rights and privileges of Parliament, to communicate Bills to any person whatever, before they had received the royal assent, and that there was nothing in the treaty between the two Kingdoms to the contrary: That they desired the Scotch Commissioners to prepare such propositions as they should judge necessary for the Kingdom of Scotland, that the Committee might depart on the 20th.

(1) The House of Commons consented to allow him 20,000 l. a year, as a recompence for it. Rushworth, Tom. VII. p. 871.

(2) Ryley, by mistake, says three days after. See Rushworth and Whitelock.

1647.
Declaration
of the Scots,
Decemb. 17.
Rothwell,
VII. p. 238.

That day, the *Scotch* Commissioners presented to both Houses a large declaration, complaining in very high language, that the Parliament of *England* violated the Cove-
nant, in labouring for peace without the concurrence of *Scotland*. They insisted upon a personal treaty between the King, both Houses, and themselves, that peace might be settled with mutual consent; and declared, as they could not agree to the sending of the four Bills to his Majesty for his assent, before any treaty upon the rest of the propo-
sitions, so they were unsatisfied with the matter of these new proposals lately communicated to them; and desired, that there might be a personal treaty with the King, upon such propositions as should be agreed upon, with advice and consent of both Kingdoms.

The Parlia-
ment of 16
should with
it, p. 519,
946.

The four
Bills are
presented to
the King,
Id. p. 546.
The Scots
declare their
dissent to
them.
Clarendon,
III. p. 67.
Whitlock,
Monthly,
p. 124.

This declaration gave great offence to both Houses. Their reply to it was answerable in terms, to the language used by the *Scots*; and it was ordered, that the printer of the declaration should be committed to prison.

In short, notwithstanding the opposition of the *Scotch* Commissioners, the four Bills were presented to the King the 14th of December. The next day, the *Scotch* Commissioners came to *the Isle of Wight*, and delivered to the King a declaration of their dissent to the propositions they had lately seen, and the four Bills brought to his Majesty. After that, they had a conference with the King, wherein some things passed, which long remained secret, and which it will be necessary to relate, because on them turned the events mentioned hereafter.

Since the King had been in the power of the army, the *Scots* feared, he would unite with them. They knew they were mortally hated by the Independents, and consequently, this union could not but be very prejudicial to *Scotland*. The army's success against the Parliament and City of *London* increased their fear very much, and put them upon seeking means to prevent, as they thought, the impending danger. They found no proper means, than to join with the King, provided he could be persuaded to approve of the Covenant, and abolish Episcopacy in *England*. In their frequent conferences with him at *Hampton-Court*, they intimated, that when he was delivered to the Parliament, it was not with the advice of all *Scotland*, but only by the Marquis of *Argyle's* credit, who tyrannized over the Kingdom: That all the *Scots* were displeased with it, and ready to stone for the fault, by assisting him with all their power to recover his just rights. But they added, that to engage the *Scots* to employ their forces to this end, his Majesty was to give them satisfaction concerning the Covenant, and the abolition of Episcopacy in *England*, for, otherwise, he could not expect the assistance of the *English* Presbyterians, which was absolutely necessary. In a word, they made him hope, that the *Scots* would enter *England* with a strong army, which, by the junction of the King's party, and *English* Presbyterians, would become so superior to the army of the Independents, that he might almost be assured, nothing would be capable to oppose his restoration.

Ibid.

Their overtures were the more agreeable to the King, as the Duke of *Hamilton*, after his freedom from imprisonment by the army, had declared to the King's friends, he was ready to do his Majesty all the service that lay in his power. On the other hand, the Marquis of *Ormond* had informed the King of his project to return into *Ireland*, join with the Lord *Inchiquin*, whom he had privately gained, and with some of the heads of the rebels, and make war upon the Parliament, affirming, that *France* had promised to supply him with all necessaries. It was very probable, that the union between the King's party, the *English* Presbyterians, and the *Scots*, added to a diversion in *Ireland*, would very much embarrass the Independents, and disble them to withstand so great a force. But to execute this project, the King was to approve of the Covenant, and consent to the abolition of Episcopacy, which he could never resolve. These were the two stumbling-blocks, which hindered him from concluding a treaty with the *Scotch* Commissioners, before his flight from *Hampton-Court*. He would never grant these two points, and in expectation that by his steadiness he should induce the *Scots* to desist from their desires, quitted *Hampton-Court*, without any agreement with them. When therefore he so earnestly pressed for a personal treaty at *London*, with honour, freedom, and safety, it was in order to treat more commodiously with the *Scotch* Commissioners, and consult with his friends, what could be expected as well from his own, as the Presbyterian party; and doubtless, in case he concluded a treaty with them, his design was to prolong the negotiation with the two Houses, till the *Scotch* army had entered *England*, and his old and new friends laid all their measures (a). It was very likely, this league would find the army too much employment, that they

would not be able to subdue, a second time, the Parliament and City of *London*. Accordingly, this was the end the *Scotch* Commissioners proposed to themselves, in their objections to the propositions, and in their demand of a personal treaty with the King, upon such proposals as should be agreed upon by both Kingdoms, being well assured, it would be easy for them to prolong the time, till every thing should be ready.

The method the two Houses took to procure the King's consent to the four Bills, amongst which was that of the Militia, before they admitted him to a personal treaty, convinced him, they had no design to relax upon any of the principal articles. He considered, that after passing these four Bills, he should still be forced to treat on propositions much like those presented to him at *Newcastle*: That, after all, what both Houses called treating, was, according to their ideas, consenting to their demands, and upon the least refusal to grant what should be proposed to him, he should be, perhaps, more closely confined, when he had passed one of the most important points in dispute: That then, he should not be able to treat with the *Scots*, and by passing the four Bills, should lose the present opportunity, which should never offer again. These considerations determined him to agree with the *Scotch* Commissioners, at a second conference with them the 25th of December. As there was no time to lose, the Parliament's Commissioners having orders to stay but four days in the *Isle of Wight*, the *Scotch* Commissioners had brought with them a treaty ready drawn, agreeable to the propositions they had made the King at *Hampton-Court*. This treaty was signed by the King and the *Scotch* Commissioners the next day, December the 26th, the King having had but few hours to resolve. Here follows the substance of the treaty, which the Lord *Clarendon* says was read but by very few, and which he represents as the most unjust treaty that could be imposed upon the King. This obliges me to make remarks on some of the articles.

Clarendon,
III. p. 82.

IN the preface, the King acknowledged, that the intentions of those who had entered into the Covenant, were real for the preservation of his Majesty's person and authority, according to their allegiance, and no ways to diminish his just power and greatness. He promised, as soon as he could, with freedom, honour, and safety, to be present in a free Parliament, to confirm the said League and Covenant by Act of Parliament in both Kingdoms, for the security of all who had taken or should take it. With this proviso however, "That none who was unwilling should be constrained to take it (1)."

The substance
of the Treaty,
Id. p. 78.

REMARK (1). If it is considered, that the *Scots* joined their forces with those of *England*, only in defence of this Covenant, which had been solemnly sworn to in both Kingdoms, it will not be thought strange, the *Scotch* Commissioners should require this promise of the King. Without this, there would have been no possibility to engage the *Scots* to employ their forces to restore the King to his rights, and how hard soever this condition might appear to him, it was absolutely necessary to produce the effect which he expected from his union with *Scotland*.

His Majesty engaged to confirm by Act of Parliament in *England*, Presbyterian Government; the Directory for Worship; and the Assembly of Divines at *Westminster* for three years; so that his Majesty and his Household should not be hindered from using that form of divine service he had formerly practised (2): And that during these three years there should be a consultation with the Assembly of Divines, to which twenty of the King's nomination should be added, and some from the Church of *Scotland*; and thereupon it should be determined by his Majesty, and the two Houses of Parliament, what form of Government should be established after the expiration of those years, as should be most agreeable to the word of God.

REM. (2). The *Scotch* Commissioners were not so stupid as to imagine, the *Scots* with their forces alone should be able to restore the King. They depended chiefly upon the aid of the *English* Presbyterians. But how was it possible for them to rely on their aid, if nothing were stipulated for them? Nay, it is astonishing they should be satisfied with an establishment which was to last but three years, considering how they themselves and the *English* Presbyterians, whose assistance was absolutely necessary, stood affected. The King himself did not think, doubtless, he was forced upon this point, since he had offered the same thing to both Houses, in his message of the 10th of December.

"That an effectual course may be taken by Act of

(a) This conclusion is confirmed by the Earl of *Leicester's* Letter to the Earl of *Leicester*, dated at *Leicester*, November 19, 1647, wherein he says, "That his majesty from choice on both sides will, he believes, have divers interpretations, and be disliked by the *Scotch* Commissioners, but the end of it was not to procure a personal Treaty. This he thought necessary to tell him, that he might assure his fellow Commissioners, that change of place had not altered his mind, from what it was when he saw him last." *Memoirs of the Duke of Newcastle*, p. 235.

"Parliament,

1647. "Parliament, and all other ways needful or expedient, for the suppressing the opinions and practices of *Antitrinitarians, Ariani, Saciniani, Anti-Scripturalists, Anabaptists, Antinomians, Arminians, Familists, Brownists, Separatists, Independents, Libertines, and Seekers*, and generally, for the suppressing of all blasphemy, heresy, schism, and all such scandalous doctrines and practices as are contrary to the Light of Nature, and to the principles of Christianity, whether concerning Faith, Worship or Conversation, or the power of Godliness, or which may be destructive to order and Government, or to the peace of the Church and Kingdom (3).

R.E.M. (3). All these Sects mentioned in this article were no less enemies to the Presbyterians than to the Church of England. These three last articles being exactly what the King had officed in his message of the 16th of November, it cannot be said that he granted them through surprize or force.

"The King promised, that in the next session of Parliament, after the Kingdom of Scotland should declare for his Majesty, in pursuance of this agreement, he should in person, or by commission, confirm the League and Covenant in that Kingdom; and concerning all the Acts passed in the last Parliament of that Kingdom, his Majesty declared, that he should then likewise be content to give assurance by Act of Parliament, that neither he nor his successors should quarrel, call in question, or command the contrary of any of them, nor question any for giving obedience to the same."

After these articles concerning Religion, there was a long recital of "the agreement the Parliament of England had made, when the Scots army returned to Scotland, that the army under Fairfax should be disbanded; and of that army's submitting thereunto; of their taking the King from *Holmby*, and keeping him prisoner till he fled from them to the *Isle of Wight*; and since that time both his Majesty, and the Commissioners for the Kingdom of Scotland, had very earnestly desired, that the King might come to London in safety, honour and freedom, for a personal treaty with the two Houses, and the Commissioners of the Parliament of Scotland, which, they said, had been granted, but that the army had, in a violent manner, forced away divers members of the Parliament from the discharge of their trust, and possessed themselves of the city of London, and all the strength and garrisons of the Kingdoms: And that by the strength and influence of that army, and their adherents, Propositions and Bills had been sent to the King without the advice and consent of the Kingdom of Scotland, contrary to the treaties which are between the two Kingdoms, and destructive to Religion, his Majesty's rights, the privilege of Parliament, and liberty of the Subject; from which Propositions and Bills the Scottish Commissioners had dissented, and protested against, in the name of the Kingdom of Scotland."

After this preamble and recital, they said, "That forasmuch as his Majesty is willing to give satisfaction concerning the settling of Religion, and other matters in difference, as is expressed in this agreement, the Kingdom of Scotland doth oblige, and engage itself, first, in a peaceable way and manner to endeavour, that the King may come to London in safety, honour, and freedom, for a personal treaty with the Houses of Parliament, and the Commissioners of Scotland, upon such propositions as should be mutually agreed on between the two Kingdoms, and such propositions as his Majesty should think fit to make; and for this end, all armies should be disbanded; and in case that this should not be granted, that declarations should be emitted by the Kingdom of Scotland, in pursuance of this agreement, against the unjust proceedings of the two Houses of Parliament, towards his Majesty, and the Kingdom of Scotland; in which they would assert the right that belonged to the Crown, in the power of the Militia, the Great Seal, bestowing of honours, and offices of trust, choice of the Privy Counsellors, and the right of the King's negative voice in Parliament: And that the Queen's Majesty, the Prince, and the rest of the royal issue, ought to remain where his Majesty shall think fit, in either of his Kingdoms, with safety, honour, and freedom: That upon the issuing out of this declaration, an army should be sent out of Scotland into England, for the preservation and establishment of Religion, for defence of his Majesty's person and authority, and restoring him to his Government, to the just rights of the Crown, and the full revenues; for the defence of the privilege of Parliament, and liberty of the Subject; for making a firm union between the Kingdoms under his Majesty and his posterity, and settling a lasting peace. In pursuance whereof, the Kingdom of Scotland was to endeavour, that there might be a free and full Parliament in England, and that his

1647. Majesty may be with them in honour, safety, and freedom; and that a speedy period be set to the present Parliament. And they undertook, that the army which they would raise, should be upon its march, before the message and declaration should be delivered to the Houses." It was further agreed on, "That all such in the Kingdoms of England and Ireland, as would join with the Kingdom of Scotland, in pursuance of this agreement, should be protected by his Majesty in their persons and estates; and that all his Subjects in England or Ireland, who would join with him, in pursuance of this agreement, might come to the Scottish army and join with them, or else put themselves into other bodies in England or Wales, for prosecution of the same ends, as the King's Majesty should judge most convenient, and such Commanders or Generals of the English Nation, as his Majesty shall think fit: And that all such should be protected by the Kingdom of Scotland and their army, in their persons and estates, and where any injury or wrong is done unto them, they would be careful to see them fully repaired, as far as it should be in their power to do; and likewise when any injury or wrong is done to those who join with the Kingdom of Scotland, his Majesty should be careful of their full reparation (4)."

R.E.M. (4). When the five last articles are considered, it plainly appears, what great advantages the King received by his condescension to establish Presbyterianism in England for three years. But some mens prejudice against Presbyterianism, makes them think, the King paid very dear for the advantages he expected to reap from his union with Scotland.

"They obliged his Majesty to promise, "That neither himself, nor any by his authority or knowledge, should make or admit any cessation, pacification, or agreement whatsoever for peace, nor of any treaty, propositions, bills, or any other ways for that end, with the Houses of Parliament, or any army or party in England or Ireland, without the advice and consent of the Kingdom of Scotland; and reciprocally, that neither the Kingdom of Scotland, nor any, having their authority, should make or admit of any of these, any manner of way, with any whatsoever, without his Majesty's advice or consent: And that upon the settlement of a peace, there should be an act of oblivion to be agreed upon by his Majesty, and both his Parliaments, of both his Kingdoms: That his Majesty, the Prince, or both, should come into Scotland, upon the invitation of that Kingdom, and their declaration, that they should be in honour, freedom, and safety, when possibly they could come with safety and convenience; and that the King should contribute his utmost endeavour, both at home and abroad, for assisting the Kingdom of Scotland, for carrying on this war both by sea and land, and all other supplies by moneys, arms, ammunition, and all other things requisite, as also for guarding the coasts of Scotland with ships, and protecting all their Merchants, in the free exercise of their trade and commerce with other Nations: And likewise, that his Majesty was willing, and did authorize the Scottish army, to possess themselves of *Berwick, Carlisle, Newcastle upon Tyne*, with the castle of *Tinmouth*, and the town of *Horlisle*: Those places to be their retreat, and magazines; and that, when the peace of the Kingdom should be settled, the Kingdom of Scotland should remove all their forces, and deliver back again those towns and castles."

"The King promised also, and undertook to pay the arrears of the Brotherly Assistance, and likewise the two hundred thousand pounds, which remained still due upon the last treaty, for return of the Scottish army, when they had delivered up the King (5).

R.E.M. (5). If the four hundred thousand pounds promised to the Scottish army, when they quitted England, be considered as the price of the sale of the King's person, nothing could be harder, than to oblige the King to the payment of that sum. But if it was really due to the Scots for their arrears, the King approving of the Covenant of both Kingdoms, by the first article of this treaty, the Scots could urge, that he was bound to see them paid the expence they had been in maintaining the said Covenant.

And also, "That payment should be made to the Kingdom of Scotland, for the charge and expence of their army in this future war, with due recompence for the losses they should sustain therein, and that due satisfaction, according to the treaty on that behalf betwixt the two Kingdoms, should be made to the Scottish army in Ireland, out of the lands of this Kingdom, or otherwise: And that the King, according to the intention of his Father, should endeavour a complete union of the two Kingdoms, so as they may be one under his Majesty, and all his posterity; or if that cannot speedily be effected, that all liberties and privileges concerning commerce, traffick, manufactures, peculiar to the Subjects

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"of either Nation, should be common to the Subjects of both Kingdoms without distinction; and that there be a communication, and mutual capacity of all other liberties of the Subjects in the two Kingdoms (6.)

REM. (6.) If the King could not, by his own authority unite the two Kingdoms, without the concurrence of the two Parliaments, neither could he, without the same concurrence, make the privileges of both Kingdoms common. So, probably, this article was put into the treaty only to dazzle the people of Scotland.

"That a competent number of ships should be yearly assigned, and appointed out of his Majesty's navy, which should attend the coast of Scotland for a guard, and freedom of trade of that Nation; and that his Majesty should declare, that his successors, as well as himself, are obliged to the performance of the articles and conditions of this agreement; but that his Majesty shall not be obliged to the performance of the aforesaid articles, until the Kingdom of Scotland should declare for him, in pursuance of this agreement; and that the whole articles and conditions aforesaid, shall be finished, perfected, and performed, before the return of the Scottish army; and that when they return into Scotland, at the same time, *Simul & semel*, all armies should be disbanded in England." The King engaged himself also, "To employ those of the Scottish nation, equally with the English, in all foreign employments and negotiations; and that a third part of all the offices and places about the King, Queen, and Prince, should be conferred upon persons of that nation; and that the King and Prince, or one of them; will frequently reside in Scotland, that the Subjects of that Kingdom may be known to them."

The King's consent by this treaty to the establishment of the Presbyterian-government in England for three years, lying heavy upon his mind, he prevailed with the commissioners, that it should be inserted under the same treaty. "That his Majesty did declare, that by the clause of confirming Presbyterian-government by act of Parliament, he is neither obliged to desire the settling of Presbyterian-government, nor to present any bills to that effect; and that he likewise understands, that no person whatsoever shall suffer in his estate, nor undergo any corporal punishment, for not submitting to Presbyterian-government; his Majesty understanding, that this indemnity should not extend to those who are mentioned in the articles against toleration."

To this the Scotch commissioners subscribed their hands, as witnesses only, as they said, and not as assenters." The Lord Clarendon, in his history of the civil war of England, exclaims against the injustice of this treaty, in the following words:

No man who reads this treaty (which very few men have ever done) can wonder, that such an engagement met with the fate that attended it; which contained so many monstrous conditions, that, except the whole Kingdom of England had been likewise imprisoned in Carisbrook castle with the King, it could not be imagined, that it was possible to be performed.

I own, whatever esteem I may have for this illustrious Historian, this bare assertion, without any explication, is not satisfactory to me. After having examined every clause of this treaty, I meet with none that to me appear monstrous. It is true, the article of settling the Presbyterian-government in England for three years, might seem so to the Earl of Clarendon, and those who are of his opinion. The reader is to judge, whether this *Novissimus*, if I may venture to use that term, is to be ascribed to the thing it self, or to the Historian's prepossession (1).

The King having concluded his treaty with the Scotch commissioners, delivered his answer to the commissioners of the Parliament, to this effect:

"That his Majesty had always thought it a matter of great difficulty, to comply in such a manner with all engaged interests, that a firm and lasting peace might ensue; in which opinion he was now confirmed, since the Commissioners for Scotland did solemnly protest against the several Bills, and propositions, which the two Houses of Parliament had presented to him for his assent; so that it was not possible for him to give such an answer as might be the foundation of a hopeful peace. That besides, the four Bills as they were offered to him did not only divest him of all Sovereignty, and leave

him without any possibility of recovering it to him or his Successors, but opened a door for all intolerable oppressions upon his Subjects, he granting such an arbitrary and unlimited power to the two Houses. That neither the desire of being freed from that tedious and irksome condition of life, which he had so long suffered, nor the apprehension of any thing that might befall him, should ever prevail with him to consent to any one Act, till the conditions of the whole peace should be concluded; and then that he would be ready to give all just and reasonable satisfaction, in all particulars; and for the adjusting of all this, he knew no way but a personal treaty (and therefore very earnestly desired the two Houses to consent to it) to be either at London, or any other place they would rather choose."

The King, not doubting but his answer would displease the two Houses, would have given it sealed to the Commissioners, because whilst the Parliament should take it into consideration, he intended to make his escape, having already taken some measures for that purpose. But the Commissioners (2) would not receive it in that manner, saying, "They were not to be looked upon as common messengers, and to carry back an answer they had not seen." The King fearing, their return without his answer would be attended with the worst of consequences, gave it to them open; after which they instantly departed. They were no sooner gone, than Governor Hammond [by Sir Thomas Fairfax's order] caused all the King's servants to be put out of the Castle, who till then had been permitted to be with him, and confined him so closely, that no man had liberty to go to him without express leave (3).

It was not in vain that the Governor took these precautions, since, immediately after, one Captain Hurley an inhabitant of the Island, who had been [first a sea-officer, and afterwards] General of the ordnance in one of the King's armies, endeavoured to excite the people to rescue the King from his captivity (4). But he laid his measures so ill, that instead of executing his design he was apprehended, and afterwards condemned, and hanged, drawn, and quartered. Probably, the King depended upon this officer for his escape.

The King's answer being read in the House of Commons, several Members spoke against the King with great warmth. Cromwell among others said,

"That the King was a man of great parts, and great understanding, but that he was so great a dissembler, and so false a man, that he was not to be trusted. That whilst he professed with all solemnity that he referred himself wholly to the Parliament, and depended only upon their wisdom and counsel for the settlement and composing the distractions of the Kingdom, he had at the same time secret treaties with the Scottish Commissioners, how he might imbroil the Nation in a new war, and destroy the Parliament. He concluded, that they might no farther trouble themselves with sending messages to him, or farther propositions, but that they might enter upon those councils which were necessary towards the settlement of the Kingdom, without having farther recourse to the King." This advice being strongly seconded by some other Members, it was at length resolved after a long debate from morning till late at night (5), that no more addresses should be made to, nor messages received from, the King (6), and that a Declaration should be published to satisfy the Kingdom of the reason of it. This Declaration was prepared in a very short time (7). It contained all the reproaches cast upon the King in 1641, in the Remonstrance of the State of the Kingdom, and whatever had been complained of since that time, not without a direct insinuation that the King, when Prince of Wales, had conspired with the Duke of Buckingham against his Father's life. They charged him with having openly betrayed the interests of the Protestant Religion, by lending his ships to the King of France, who employed them against Rochel. When this Declaration came to be debated, it met with much opposition even in the House of Commons. But the contrary party to the King did what is daily practised in the Parliament. They suffered the opposers of the Declaration to talk as much as they pleased, and then called for the question, which was carried by a plurality of voices; after which the Decla-

(1) The Scotch Commissioners, apprehensive of being searched in their return to London, wrote up this Treaty in a piece of Lead, and hid it in a garden in the Isle of Wight, from whence they easily found means afterwards to receive it. Clarendon, Tom. 3. p. 77.

(2) The Earl of Denbigh was the chief, and spoke to his Majesty.

(3) The King, after some expostulations for this usage, "asked Hammond, by what authority he did it?" He said, "By authority of both Houses, and that he hoped his Majesty was not ignorant of the cause of his doing thus." The King replied, "The King professed the contrary, and the Governor replied, 'That he plainly saw, his Majesty was seduced by other Councils than those with the good of the Kingdom.'" [The words in *italic* are omitted by the Lord Clarendon.] Whitehead, p. 287. — Some time before this, there had been consultations and debates, both in the Parliament and Army, "by one mean or other to destroy his Majesty's person." Burnet's Mem. Hist. p. 330. Clarendon, Tom. 3. p. 70. Of this a general Officer gave Sir John Burley information, and advised, that the King should escape if he could. See Ludlow, Tom. 1. p. 237.

(4) Mr. William Lisle had undertaken to provide a ship for the King's escape, but the ship came not. Whitehead, p. 285.

(5) See Lisle Whitehead and Rushworth, whom our Author quotes, and yet says from the Lord Clarendon, that the debate lasted some days.

(6) Upon pain of High-Treason. See Rushworth, Tom. 7. p. 953.

(7) It was prepared by Colonel Nathaniel Pascoe. Ludlow, Tom. 1. p. 235.

1647-8. tion was sent to the House of Peers, where it passed without any difficulty.

Clarendon,
161. p. 55. The Scotch Commissioners, before they returned home, communicated their designs to the King's party, the Marquis of Ormond, and some leading Presbyterians, and early preparations were made for accomplishing the project which was forming in favour of the King. The project was as follows.

Project in favour of the King.
16. p. 4, 6, &c. The Scots were to send an army into England to assist against the Independents, and deliver the King: The Marquis of Ormond was to return into Ireland, where the Lord Inchiquin who commanded the Parliament's forces in *Munster*, had promised to declare for the King, and several heads of the Rebels who were displeased with the tyrannical proceedings of the Pope's Nuncio, had engaged to join the Marquis with a strong body of their Troops. At the same time, the King's friends in England were to rise in several Counties. The Generals and Officers, discarded by the new model, had promised to assemble what forces they could, to countenance the design. The Nobility, Gentry, and Burgesses being dissatisfied that the army should govern the Parliament, and all offices be conferred on persons of their party, it was not doubted but the insurrections in several parts, would be supported and encouraged.

p. 95. On the other hand, Sir *Marmaduke Langdale*, and Sir *Philip Mulgrave*, who had great interest in *Yorkshire* and *Cumberland*, engaged to seize *Berwick* and *Carlisle*. The Presbyterian party being still very numerous in the Parliament and City, were preparing openly to oppose the army, as soon as they should see it employed in so many different places. Had all these projects been well managed, and executed at the same time, very probably, *Cromwell*, with all his art, would have been extremely embarrassed. But of all those who should have acted at the same time, some were too hasty, others too slow, and by that means, the army crushed them with ease one after another. But before I relate how these several projects were attempted to be executed, I think it absolutely necessary to show the interests and views of the different parties, otherwise it would be very difficult to understand what will be said hereafter.

Design of the Independent party. The Independents designed to be masters of the Kingdom, as they were already of the Parliament and City of London. But as they found, it would not be easy to succeed in this undertaking, by the same means they had employed to subdue the City and Parliament, their aim was to make use of the Parliament and govern in their name. It was therefore their interest, that the power they had acquired over the Parliament should not be too visible, for fear of causing both Houses to lose their authority, which they meant to make use of. For this reason they were very careful to manage the two Houses, knowing, that whilst the army subsisted, they would have a regard for them, for fear of incensing them. And in case they should think of taking too much liberty, they knew how to reduce them to a greater compliance. Though they had dissembled their sentiments with respect to the King, after his removal from *Holmby*, they were his mortal enemies, and bent to oppose, with all their power, his restoration on any conditions whatever, because they considered it as entirely destructive of their party. *Oliver Cromwell*, who privately directed their affairs, had found means, as I said, to keep his post in the army, and his seat in Parliament, though he had been the chief promoter of the Self-denying ordinance, whereby the rest of the Members were excluded from all offices military and civil. Moreover, since the conclusion of the war, he had brought into the House many more of his faction, besides those who had been there from the beginning of the Parliament. Hence the Independent party was grown very considerable in the House of Commons, as well by their number as by the junction of several other Members, who through fear, or want of judgment, suffered themselves to be led by the Independents, on some occasions where their artifices were not easy to be discovered. But their principal strength was the support of the army, of which they were secure on occasion. So, when any leading Independent spoke with warmth in the House, he seldom met with opposition, because he was considered as the mouth of the army.

But what was the end the Independents proposed? The event showed, their principles were inconsistent with Monarchy, with Episcopacy, and with Presbyterian Government, and that their aim was to establish a Commonwealth in the State, and abolish Ecclesiastical authority in the Church. Nothing was more opposite to this design than the Hierarchy, especially, as it was known by experience to have supported the Monarchy, not only in its just rights,

but also in its most exorbitant pretensions. Presbyterianism, as established in Scotland, and as intended to be established in England, was no less contrary to their design. They pretended it was inconsistent with the civil Government, and to admit it would be to admit a sort of Commonwealth in the Church, which would aspire to an Independency on the State, and besides, the Presbyterian Clergy were as much against Toleration as the Episcopal. This they proved by the example of Scotland, where under colour of Religion and Godliness, the General-Assembly of the Kirk pretended to intermeddle in all important affairs of the State, and not only to assist the civil authority, but to be bound to it in conscience on certain occasions. Besides, if the Bishops had persecuted those who refused to conform to the Church of England, the Presbyterians, since they were superior, exercised no less tyranny upon those who would not submit to their Government. Thus the principles of the Episcopalians and Presbyterians being directly contrary to those of the Independents, these last were equally enemies to both, and equally laboured their ruin. To execute their designs, they had at first joined with the Presbyterians, on pretence of establishing Presbyterianism, but in reality to destroy the King. And when it was out of the King's power to hurt them, they laboured to destroy the same Presbyterianism, for the establishment of which, they had shown more zeal than the Presbyterians themselves.

Such were the views of the Independents: as for *Cromwell's* *Views.* in particular, it cannot be said when he began to form the project of his advancement. He had spent the two first years of this Parliament in the House of Commons as member for the town of Cambridge, without being very remarkable. Tho he was above forty years old before he exercised the profession of arms, he suddenly grew so expert, and showed such undaunted courage in all the actions where he was present, that he was soon made Lieutenant-General of the army, commanded by Sir *Thomas Fairfax*. It can hardly be doubted, that since the battle of *Naseby*, where he acquired fresh laurels, he had begun to think of raising himself higher. But I dare not affirm, he then thought of what he afterwards accomplished. I should rather believe, he had only some general views, and was led by the events and situation of affairs to form more ambitious projects (1).

I come now to the Presbyterians. The war was ended to the King's disadvantage: but he was still alive though a prisoner, and had several children. It was the general sense of the nation, or at least of those who were not blinded by a spirit of party, that the King should be restored, but upon such terms however as should hinder the constitution of the Government from being liable to the same danger as before this Parliament. It can't be doubted, this was the sentiment of all honest Englishmen, when it is considered, that even those who had nothing left in view than the King's re-establishment, did however publicly declare, they desired it, for fear the contrary opinion should deprive them of the People's favour, which was absolutely necessary for them. This appears in all the Papers published since the beginning of the war and the King's imprisonment. And indeed, nothing was more just and reasonable. The nation's interest did not require that Royalty should be abolished, or the King reduced so low as to be disabled from executing the Laws and protecting his Subjects. But the interest of the Independents required the first of these two things, and that of the Presbyterians, the second. Herein consisted the difficulty of the King's restoration. He was very willing to consent, that the ordering of the Militia, and the nomination to the great offices, should be left to both Houses of Parliament for some time. This was sufficient for the interest of the nation in general, since the People would have been freed from their fears, with respect to the Government for the future. If the Presbyterians had only intended the good of the publick, they would doubtless have been satisfied with the King's offers. But they had another interest, no less dear to them, and which distinguished their party from the rest of the nation, namely, the abolition of episcopal Government, which was their greatest concern. Nay, very likely, if they had applied themselves at first to procure the good of the nation, by endeavouring to humble the regal Power, it was only to effect the more easily their secret designs, to change the Government of the Church. At the juncture I am speaking of, they had not altered their projects. They knew how zealous the King was for episcopal Government, and how averse to the Presbyterian. They could not there-

(1) Some Authors relate, that *Cromwell* privately stipulated with the King, if his Majesty closed with the army's proposals, *Cromwell* should be made Earl of Essex, Knight of the Garter, first Captain of the Guards, and even advanced to the degree of Viscount, as the Lord General was, under Henry VIII. But the King, who would do nothing without the advice of his Queen, with her view, "That though he consented to the army's proposals, 'tis if by approving 'em, then his credit or even power, it would be easier than to take 'em all down, thus was he won the Head that govern'd the army." This Letter was intercepted by *Cromwell*, who thereupon resolved to ruin the King. *R. Grev.* p. 353. *Life of Cromwell.* p. 71.

1647-8. fore, without running the hazard of losing the fruit of their labours, leave their pretensions undecided, and their affairs in such a state, that it should be in the King's power to demolish what they had raised, and the King refused to give them any assurance in that respect. On the contrary, he plainly intimated, it was with reluctance that he granted them any thing, and even for a very short time. Besides, they had no confidence in his promises.

But on the other hand, they had other enemies who were no less formidable. These were the Independents, who had great advantages over them: 1. They had the King's person in their power. 2. They were supported by the army now at the gates of London. 3. The army directed, in great measure, the determinations of the Parliament. Thus, the Presbyterians were extremely embarrassed, since, whichever of the two parties, the King's or the Independent, prevailed, their ruin was inevitable. Mean while, as the danger from the Independents was the most imminent, as soon as they were informed of the resolution taken by the *Scots* to send an army to the King's relief, they thought fit to suspend their quarrel with the King, and join their endeavours with those of the *Scots*, to deliver him from the Independents. Not that they intended to restore him without terms: nothing was farther from their thoughts. But they hoped, with the assistance of the *Scots* and the royal party, to destroy the Independents and army, and that then the Parliament would be perfectly free. In that case, they flattered themselves that their party would be sufficiently powerful in both Houses, to require of the King such conditions as they should think proper for their designs. That is to say, they pretended to free the King from the captivity in which he was held by the Independents, by means of his own friends, to put him under another, which would have been no less grievous to him; in a word, to put him into the power of a Parliament by which he had always been opposed. Chimerical project, if ever there was one! It must be observed, the Presbyterians no longer prevailing in the Parliament, since the 6th of August, their principal strength lay in the assistance they could expect from the city, and the Generals, Officers and Soldiers, who were cashiered by the new model, and very ready to act against those who had robbed them of the fruit of their labours.

The *Scots* had the same interests and views with regard to the King. They knew, the King considered the favours he had granted them, as extorted at a time when he could not deny them without great inconveniences. On the other hand, they had not confidence enough in him, to believe he would be punctual to his promises, in case he remounted the throne of England with all his prerogatives. It was their interest therefore to hinder the King from becoming too powerful in England, and this had induced them to assist the Parliament. But as for the Independents, *Scotland* does not seem to have been so much concerned to oppose the superiority they had acquired in England. Indeed, it would have been more advantageous to *Scotland*, if there had been no Independent-party in England, if the Presbyterian had prevailed, and if the Covenant had been strictly observed. But since affairs had taken another course, and the Independents had gained the advantage, it does not appear what mischief could thence accrue to the *Scots*, since they were no less secured from the King's power, whilst he was in the hands of the Independents than when he was in those of the Presbyterians. The resolution of the *Scots* to assist the King can be ascribed but to one, or perhaps all, of these causes; 1. To the fear of an union between the King and Independents; but this fear was groundless, the principles of the two parties being diametrically opposite; 2. To the desire of being revenged on their sworn enemies, the Independents, who had often mortified the *Scotch* commissioners: 3. To their extreme desire of firmly establishing the Presbyterian Government in the Church of England: 4. and lastly, To their hopes of preserving, by means of this new war, the advantages procured them by the Covenant. The question is to know, whether these three last causes were sufficient to engage them indispensably to undertake a war against England? I say against England, for they could not doubt that the Parliament, directed as it was by the army, would consider their entrance into the Kingdom as an invasion.

On the other hand, the Royalists, though overthrown, being still very numerous, there was great danger, that though the *Scots*, by their union with them, should destroy the Independent party and their supporters the army, this advantage would turn more to the benefit of the King than of the Presbyterians. At least, it cannot be denied, that by uniting with the Royalists, they would, though contrary to their intention, enable them to hold up their heads, and by their own success give new strength to their ancient enemies. These were reflections

which occurred to many in *Scotland*, where the intended new war was far from being universally liked. The King's party appeared very active, which was a sign, their hopes were not confined to the freeing of the King from the Independents, in order to put him into the hands of the Presbyterians. The commissioners had signed the treaty of the 11th of *Wight*, without being authorized by the Parliament of *Scotland*; and the execution of that treaty, on the part of the *Scots*, was entirely founded upon the hopes, the commissioners had given the King, of causing it to be ratified. But they had ventured to impart it only to a few friends, and some leading Presbyterians of England, knowing, it contained not the whole of what the Presbyterians desired. It may therefore be affirmed, the new war, for which preparations were making in *Scotland*, was rather the work of some particular persons than of the nation in general, as will plainly appear in the sequel.

The design of the Royalists was not, as I said, to deliver the King out of the hands of the Independents, to leave him at the mercy of the Presbyterians. They knew, that when the Parliament should be entirely free, the King's condition would not be much better. And therefore, in jointly labouring with the Presbyterians and *Scots*, their aim was to restore the King to his former state, without subjecting him to the terms already proposed. Indeed there were among them some who would not have scrupled to consent to a toleration of the Presbyterian religion, rather than hazard the King's restoration. Nay, some there were who, had they been consulted, would have advised the King to submit to a change introduced against his consent. Though they were persuaded that Episcopal was more perfect than Presbyterian Government, they did not think the difference between them material enough, to hinder the sincere union of the two parties, which they considered as the sole means of restoring the King to his rights. And this was what some had proposed to the King, before he withdrew to the *Scots* army. The Queen and the Court of France, were of this opinion: but the King was not. He was so possessed with the necessity of Episcopacy, that nothing could move him. Unfortunately for him, he had none about him but men, who, like him, believed Episcopacy so essential to Religion, that without Bishops neither the ordination of Ministers, nor consequently the administration of the Sacraments, could be valid. It must not therefore be thought strange, that the King had great scruples upon this point, since, according to his Principles, he could not consider the Presbyterians as members of the Christian Church. For how could they be Christians, if their Baptism was invalid? It cannot be denied, this was the opinion of the Court and of many Church-men of England. If therefore the Royalists had fully known the contents of the 11th of *Wight* treaty, very likely, their zeal for the King's service would have cooled. It has been remembered, how much it displeased the Earl of *Glorcester*. It is very easy to conceive, that men of such sentiments did not mean to labour for the Interest of the Presbyterians. What therefore could be expected from the union of the Royalists with the Presbyterians and *Scots*, since they all acted with different or rather opposite views, and, though their common design had succeeded, they must have therefore disunited, and begun a new war?

As to the King's particular views, they can only be conjectured. He was like a man that is drowning, and catches at whatever he thinks able to save him, or at least, retard his fate. His accepting the service of the *Scots* and Presbyterians of England, was not because he expected much from their condescension. He had too often experienced their injustice to him, to imagine they would leniently think of restoring him, without imposing upon him intolerable terms. But as necessity obliged him to offer him their assistance, so necessity forced him to accept it, if not in expectation of obtaining his desires, at least, in hopes of delaying his ruin as long as possible. For he was told, and by one that was present, that in a council of Officers at *Windsor*, it was moved to take away his life. He hoped, very likely, by the aid of the *Scots* and English Presbyterians, to strengthen his own party, that they would be in condition to act alone, when once the Independent army was dispersed, and by that means he might be freed and enabled to make a peace upon more tolerable terms than those hitherto offered. Thus by a strange blindness, the King pretended to use the *Scots* and Presbyterians to recover his rights, and these last pretended to make the King and his party subservient to their own designs. The King might have another view in setting the Presbyterians and Independents at variance, namely, that the weakest party would join with him without terms rather than see their enemies triumph.

The Parliament consisted of Presbyterians and Independents, and, notwithstanding the efforts of *Cromwell* and

1647-8. his Party, the Presbyterians were still the majority. But this party was considerably weakened by the absence of eleven of their chief members driven from the House of Commons by the army. From that time, the same vigour as formerly no more appeared in that House, because it was not directed as before the exclusion of these members. Besides, this example deterred the boldest Presbyterians. So, the Independents were matters; and though the Parliament was Presbyterian as to number, they acted however like Independents, because they could not do otherwise. As the army was near London, Cromwell had opportunity to be constantly in the House, where his presence alone made the balance incline to which side he pleased, in the debates where his party was concerned. The Lords were under no less constraint than the Commons, nor less exposed to the violence of the army, which had caused seven Peers to be impeached by the Commons of High-Treason, under colour of their being concerned in the tumult of the 26th of July. The translations therefore of both Houses from the 6th of August 1647, and till June 1648, are to be considered as directed by the army, that is, by the leading Independents. It may be imagined, the Presbyterian members were extremely troubled to be forced, notwithstanding their majority in both Houses, to do things manifestly tending to the destruction of their party. But there was no remedy but patience, till time should afford some opportunity to free themselves from this slavery. This opportunity was of course to offer itself the next spring. Though the Scotch commissioners had not thought proper to impart to the leading Presbyterians the particulars of their treaty with the King, they had however intimated to them, that they were going to endeavour to raise an army in Scotland, to free England from the yoke of the Independents, and that the King's party was to join with them, or at least favour their progress by insurrections in several parts of the Kingdom. So the Presbyterian members impatiently expected the happy time, when the army would be indispensably obliged to remove from London, to oppose so many enemies, particularly, in the North. They resolved therefore to be ready to act in the Parliament at so favourable a juncture, and in the mean while, to give no offence, for fear of being prevented by the army, who carefully watched all their proceedings. This dissimulation was necessary, because otherwise they ran the risk of being ruined to no purpose, and of disabling themselves from supporting their friends on occasion.

It remains to speak of the city of London, which was no less concerned in what passed, than the rest of the Kingdom, and could be of great service to the party they espoused. In this great city were men of all sects and parties; but in general, it was Presbyterian, and the Common council was of the same party. The army had done what lay in their power to lessen the number of their adversaries in that council, by causing the Lord-Mayor, some Aldermen, and several Common-council-men, to be accused and imprisoned, for the tumult of the 26th of July: but however, the Presbyterian-party was still superior in number. In expectation of the opportunity to declare openly against the army, and the Independents, the Presbyterian-party so managed, that great difficulties constantly occurred, when it was proposed to advance money for the army. The city it was very much in arrears, with respect to the sums laid upon them for the payment of the troops. They did not want excuses to delay these arrears: but the true reason was, they thereby obliged the army to take free quarters, which made the people with to be rid of them. The expectation of the revolutions, which the entrance of the Scots into the Kingdom might produce, caused the Magistrates of London to continue the same conduct, being ready to do, on all occasions, whatever was in their power to be revenged of the army.

I should willingly add something concerning the character of the Lord Fairfax (1), General of the army, and the ends he might propose to himself; but own, I have met with little information. He was Presbyterian, and yet, suffered himself to be guided by Cromwell, the head of the Independents. What can be said in his favour, is, that he kept the command of the army to avoid a greater mischief, for fear, if he resigned his commission, it should be given to Cromwell, as it would certainly have been.

I thought it necessary, before I proceed to the great revolution in 1648, to show the views and interests of the principal actors, believing this digression would conduce very much to the understanding of what will hereafter be said.

Since the two Houses had resolved to present no more

addresses to the King, nor receive any messages from him, 1647-8. there seemed to be a strict union between the Parliament and Army. The council of war had consented, that all the supernumerary forces, not upon the present establishment, should be disbanded. The Parliament on their part gave the army sufficient security for their arrears, and published a declaration, containing the reasons, why the army ought to be continued, though the war was over. In short, the army desisted from their pretension, to meddle with affairs of State, and left the Parliament free to settle the government as they should think fit. Thus the vote for no more addresses seemed to produce such an union between the Parliament and army, that they appeared to have the same views and interests, though hitherto they had been jealous of each other. This clearly shows, what were the designs of the army, with regard to the King. As for the Parliament, though the Independent members were devoted to the army, it is certain, the rest, who were the majority, only dissembled their sentiments. Mean while, the Independents, who met with no more opposition in the two Houses, being willing to be still more assured of the Parliament, caused it to be ordered, that the General should be desired to take care and guard the Parliament. Pursuant to this request, the General sent a regiment of Foot to Whitehall, and another of Horse to the Abbey, where the King's stables stood. This was to hinder the Londoners from thinking again of using violence to the two Houses.

Though the Scotch commissioners departed not from London till the 24th of January, they had however, by their letters, promoted their affairs, as soon as their treaty with the King was signed, so that it was now resolved at Edinburgh, the committee of Estates should meet the 6th of February, and the Parliament the 10th of March. This resolution was taken, notwithstanding the Marquis of Argyll's opposition, who, though Presbyterian as to Religion, was of the same principles with the Independents as to the Government of the State, and had contracted a fast friendship with Cromwell and Fane. But though he ruled in great measure the rigid Presbyterians, that is, those who would not depart from one single point of the Covenant, the combination was so strong, that it was not only resolved to call a Parliament, but that also the elections of the members were agreeable for the most part to the wishes of those who were for levying an army. The Parliament of England, or rather the Independent-party, by whom the two Houses were directed, doubted not that the aim of those who had procured this resolution, was to support the Presbyterians of England, who were upon the brink of ruin. Wherefore they resolved to send commissioners to Scotland (2), as well to endeavour to content the Scots, as to observe what should pass in the Parliament, and try to strengthen the party of those who were against war (3).

At the opening of the Parliament of Scotland, studied speeches were made by several of the members, to excite the people against the English. They represented, that the army of England kept the King in captivity, and the Parliament in such subjection, that nothing was done but what the army pleased. That, contrary to the tenour of the Covenant between the two nations, the Parliament had refused to debate with the Scotch commissioners, the propositions sent to the King for peace, and rejected their profection, as if Scotland had no interest in the King: That they had in reality deposed the King by divesting him of all his prerogatives, by voting he should be no more addressed, and by hindering the Scots from having access to his person, though he was as much King of Scotland, as King of England: That it was a manifest breach of the right of the Scots, and of the Covenant between the two Kingdoms, and that Scotland ought to resent this affront, or resolve to become subject to England: That for these reasons, their advice was, that speedy means might be devised to send an army into England, which should no sooner enter that Kingdom, but all the English, except the army, would join with them, and by that means the Parliament being restored to freedom, would re-unite with Scotland, and the Covenant be punctually observed.

The Parliament thought not proper to take this important motion so speedily into consideration. But to facilitate the execution of what had been resolved before their meeting, a committee of twenty-four members was appointed, with power to provide for the safety of the Kingdom, in case it should be in danger. For this reason, they were called the Committee of Danger, in which care was taken, that the number of those who were for war, should be superior to those of the contrary party, and to make Duke Hamilton President.

See the union between the Parliament and the army p. 1020.

See the army p. 975.

(1) He was become a Lord upon the death of his Father, who died of a Green-swell in his foot, March the thirteenth, this year. Raynbrooke, Tom. 7. p. 1020.
(2) The Lords appointed the Earls of Nottingham, and Stafford; and the Commons, Mr. Ashurst, Brian Stapleton, and Colonel Birch. Raynbrooke, Tom. 7. p. 975, 979.
(3) They resolved, among other things, to pay the remaining 300,000l. due to the Scots, and till it was paid, to allow them 8l. per Cent interest. Idem. p. 1019.

1648.
The
Committee
are
sent
to
the
Church
of
Scotland,
H. P. 222
R. Shaw 173,
Vol. 1, p. 126,
W. K. 126.

This committee having examined the state of the Kingdom, found it to be in danger, and that it was necessary to raise an army of forty thousand men, to put it in a posture of defence. It was not possible for the Marquis of Argyll, who was of the committee, to prevent this resolution. But he found means to acquaint the commissioners of the General-assembly of the Kirk, who some days after presented to the Parliament certain demands, proper to prolong the affair. The Parliament answered these demands, and the commissioners replied. As this affair will be better understood, by comparing the demands, answers, and replies, I think it necessary not to divide them. This will be of use, as it discovers the obstacles which occurred in Scotland, to the raising of the army that was to act in England. Herein also will appear, what authority the general-assembly of the Kirk of Scotland assumed to themselves, since their commissioners thought they had a right to oppose the Parliament to their face.

W. K. 126,
Vol. 1, p. 127,
H. P. 222,
R. Shaw 173,
Vol. 1, p. 126,
W. K. 126.

“ 1. DEMAND. That the grounds and causes of undertaking a war may be cleared to be so just, as that all who are well-affected, may be satisfied in the lawfulness and the necessity of the engagement, and that nothing be acted in reference to a war, before the lawfulness of the war, and the state of the question be agreed upon.
ANSWER. *The Estates declare, That the grounds and causes of undertaking of war, shall be cleared to be so just, as that all who are well-affected may be satisfied in the lawfulness and necessity of the engagement.*

“ REPLY. They conceive, that notwithstanding any thing expressed in their Lordships answer, there may be an acting in reference to war, before the lawfulness of the war and the state of the question be agreed upon, which is the very thing they desire to be avoided.

“ 2. DEMAND. That as the breaches of the Covenant, by the prevalent party of the sectaries in England are evident, so we desire and hope, that, according to the treaty, it may be contended upon, and declared by the Parliament, what are those breaches which they take to be a ground of war, and that reparation thereof may be sought.

ANSWER. *They think it fit, that the breaches of the Covenant and treaties be presented; and the seeking of reparation, and the best time and manner thereof, considered.*

“ REPLY. They neither find any breach of peace between the Kingdoms, which may be a ground of war, nor any positive resolution of Parliament to seek reparation.

“ 3. DEMAND. That there may be no such quarrel or ground of the war, as may break the union between the two Kingdoms, or may discourage or disoblige the Presbyterian-party in England, who continue firm in adhering to the League and Covenant.

ANSWER. *They declare, that this Kingdom will be so far from making any war against the Kingdom of England, that any engagement they shall enter into, shall be for strengthening the union between these two Kingdoms, and for encouraging the Presbyterians, and well-affected in England.*

“ REPLY. Instead of that clause of the desire, *The Presbyterian-party in England, who continue firm in adhering to the League and Covenant*; change of expression in the answer is, *The Presbyterians and well-affected in England, which may intimate, that there are some well-affected in England, which are not of the Presbyterian-party, nor do adhere to the League and Covenant.*

“ 4. DEMAND. That if the popish, prelatical, or malignant party shall again rise in arms, this nation and their armies may be so far from joining or associating with them, that on the contrary, they may oppose them, and endeavour to suppress them, as enemies to this cause and government upon the one hand, as well as sectaries on the other.

ANSWER. *They agree to the substance and matter thereof; and remit to those who are to sit upon the conference for stating the question to explain the same.*

“ REPLY. For not joining with the popish, prelatical, or malignant party, we cannot conceive wherein it needs explanation, unless there be now more favorable and friendly intentions towards malignants than formerly.

“ 5. DEMAND. Seeing your Lordships undertakings should be in the first place for Religion; we desire, that his Majesty's late concessions and offers concerning Religion (as they have been by the Church, so may be by the Parliament) declared unsatisfactory; whereby your Lordships may give further evidence of the reality of your intentions for the good and safety of Religion.

ANSWER. *They declare, that upon the agreement on the No. 71. Vol. II.*

whole matter and state of the question, they will declare his Majesty's concessions concerning Religion, not to be satisfactory.

“ REPLY. His Majesty's concessions being so prejudicial to the cause and Covenant, they desire the Parliament to declare against them both positively, without any condition, and presently without delay.

“ 6. DEMAND. That your Lordships may be pleased not to fix and settle upon any such state of a question, as doth not contain security and assurance to be had from his Majesty, by his solemn oath, under his hand and seal, that he shall, for himself and his successors, consent and agree to acts of Parliaments, enjoining the League and Covenant, and fully establishing Presbyterian-government, Directory of Worship, and Confession of Faith, in all his Majesty's dominions; and that his Majesty shall never make any opposition to any of these, or endeavour any change thereof; and that this security be had from his Majesty before his restitution to the exercise of his royal power; which we desire for no other end, but because we cannot see how Religion (which has been, and we trust shall be, the principal end of all the undertakings of this nation) can be otherwise secured; but that without this security it shall be left in very great hazard.

ANSWER. *That since Religion hath been, and they trust ever shall be, the principal end of all their undertakings; so they will be careful, that the present question to be stated shall contain security and assurance from his Majesty, by his solemn oath under his hand and seal, that he shall for himself, and for his successors, give his royal consent to pass Acts of Parliament, enjoining the League and Covenant, established by Presbyterian Government, the Directory of Worship, and Confession of Faith, in all his Majesty's dominions; and that his Majesty shall never make opposition to any of these, or endeavour any change thereof.*

“ REPLY. As there is much said in the first part, for security of Religion to be had from his Majesty; so that clause, viz. That this security be had from his Majesty, before his restitution to the exercise of his royal power is laid aside, and they are left unsatisfied in that which is the main of that desire.

“ 7. DEMAND. That the same end in securing Religion (which is professed to be the principal cause of engagement) and for securing all other ends of the Covenant, such persons only may be entrusted by your Lordships to be of your committees and armies, as have given constant proof of their integrity and faithfulness in this cause, and against whom there is no just exception or jealousy, that so we may the more confidently encourage our flocks and congregations to follow the cause of God in their hands, and not to doubt of the fidelity of those, who shall be entrusted by your Lordships.

ANSWER. *That they will be careful that none shall be employed in the command of their armies, nor in their committees, but such as are of known integrity and affection to the cause, and against whom there is no just cause of exception.*

“ REPLY. Concerning such as are to be entrusted in armies and committees, doth admit of some of the qualifications expressed in the desire, viz. Such as have given constant proof of their integrity and faithfulness in this cause, and against whom there was no just cause of jealousy, that so we may the more confidently encourage our flocks to follow the cause of God in their hands, and not doubt of their fidelity.

“ 8. DEMAND. That there be no engagement without a solemn oath, wherein the Church may have the same interest which they had in the solemn League and Covenant, the cause being the same.

ANSWER. *They declare, that to the grounds of their engagements and undertaking an oath shall be joined, wherein both in the framing of it, and otherwise, the Church shall have their due interest. And the Estates of Parliament desire the Commissioners of the Church to appoint some of their number, to meet with such of the committee of Parliament of twenty-four, as shall be appointed by the same committee, for the conference and stating of the question, for agreeing upon the grounds of an engagement, and drawing up such a state of a question, as may unite this Nation in an unanimous undertaking of such duties as are requisite for the reformation and defence of Religion, the safety, honour, and happiness of the King and his posterity, and the good of this Kingdom.*

“ REPLY. Instead of that clear expression used, namely, *That the Kirk may have the same interest in any oath for a new engagement which they had in the solemn League and Covenant*, they find this doubtful and uncertain expression, *That both in the framing the oath and otherwise, the Kirk shall have their due interest.*

1648.

"And upon these and the like considerations, they conceive that their desires, unto which they still adhere as full and necessary, are not satisfied by their Lordships answer."

Swedish Protestations against the War.
Rothworth, VII. p. 129.
1662a.

Clarendon, III. p. 112.

Hamilton is made General.

Order of Parliament touching the Covenant.
Id. p. 100.

Rothworth, VII. p. 103.
Watkins.

Clarendon, III. p. 100.

Id. p. 112.
Rothworth, VII. p. 107.
111a.

Clarendon, III. p. 112.

Notes to Scotland.
Book 1. ch. viii. p. 112.

The opposition of the Kirk Commissioners was not only the form the resolution of leaving an army drew upon the Committee of danger. Eighteen Lords and forty other Members of Parliament, entered a solemn protest against this vote, affirming, the Committee had exceeded their power, which they did not in any manner consent to give them. There were moreover two other difficulties to surmount, before the Parliament could positively order the leaving an army. The first related to the General, who was to have the command. Naturally this post belonged to General *Leff* [now Lord Newark], who had commanded the last army, and of whom there was no occasion to complain. But he was not fit for their purpose who were for a war. That party's scheme was to make Duke *Hamilton* General, because he had privately declared for the King, and it was conceived he would be more proper than *Leff*, to unite the royal party in England, with the army of Scotland. This difficulty was at length removed, *Leff* being artfully prevailed with to quit his pretension, under colour of age and infirmities. Which done, Duke *Hamilton* had no other rival (1).

The second difficulty was much more considerable. Before the *Scott* Commissioners left London, they had intimated to several Officers and others of the King's party, that when the *Scott* army should enter England, they should be welcome to the *Scott*, and with them make but one body and party, for the deliverance of the King out of the hands of the Independents. They had given the same assurances to Sir *Almadrake Langdale*, and Sir *Philip Musgrave*, and by that induced them to promise to seize *Berwick* and *Carlisle*. Upon these hopes a great number of Royalists repaired to *Edinburgh*, to join with the *Scott*, or be employed in their army. Moreover, a troop of horse commanded by Captain *Fogge*, which was to have been disbanded, had retired into Scotland, to join the forces of that Kingdom; and this troop, by the junction of several horse-defectors, was become four hundred strong. Duke *Hamilton* had put *Langdale* and *Musgrave* in hopes, that when the *Scott* army should be in England, there would be no more said of the Covenant, and the Royalists might join with them and make but one body. But it was not in the power of those who made these promises to perform them. The Marquis of *Argyle*, and the rigid Presbyterians strongly represented, both in publick and private, "That under colour of acting against the Independents in England, the Royalists, that is, the mortal enemies of Scotland and of all Presbyterians, were going to be effectually restored. That this was the design of those who were so eager for a war, might easily be perceived, both by the activity of such *Scotts* as had never heartily adhered to the Covenant, and by the extraordinary conduct of Royalists into Scotland. That even men were sent for to *Edinburgh*, who were most attached to the King's party, and most inveterate against the Covenant, such as *Langdale*, *Musgrave*, *Glenham*, *Fleming*, and others, who daily conferred with their friends, whereof the Parliament of England had complained to no purpose. That the junction with the King's party consisting of Papists, Episcopals, and other disaffected persons, was a more manifest breach of the Covenant, than what the *English* were charged with. That, in short, by these proceedings the Covenant, which was the basis and foundation of the union betwixt the two Nations, would be destroyed, whilst it was pretended to raise an army to support it, and even whilst there was no other pretence "to carry the war into England." These representations joined to the endeavours of the Parliament of England's Commissioners, who spared neither solicitations nor money to second them, made such impression on the people, that the Parliament could not help ordering, that those who had not taken, or should refuse to take, the Covenant, should not be received into the army, or joined with it at their entrance into England. After this declaration, it seemed to be out of Duke *Hamilton's* power to perform what he had promised the Royalists. But he found means to evade in time measure this order when he came into England, as will hereafter appear.

These and other obstacles, daily raised by the Marquis of *Argyle*, and the rigid Clergy, were the reason the Parliament could not be so speedy as the authors of the project had expected. As the people of Scotland were strongly

prepossessed in favour of the Covenant and union with the *English* Presbyterians; the Parliament was obliged to publish a Declaration to satisfy them upon that head. But the contrary party pretended, there was no sincerity in this Declaration, full of ambiguous expressions, which discovered the ill designs of those who were for a war. So, though the party who had caused the raising of forces to be ordered, was superior in the Parliament, no soldiers could be levied till the middle of *May*, and the army was not ready till the beginning of *July*, though the *Scott* Commissioners had assured it should be in condition to act by the beginning of *May*. Moreover this army, which was to consist of forty thousand men, was not above half that number, even after the junction of the *English* Troops. But before I speak of the success of these mighty preparations, it will be proper to see what passed in England.

Wales was the place where the first scene was opened. In that Country were three Colonels, namely, *Langborn*, *Pawel*, and *Poyer*, who had faithfully served the Parliament during the war, but unluckily found themselves by the new establishment, in the number of the supernumeraries who were to be disbanded, with which they were extremely dissatisfied. Having communicated their discontent to each other, they resolved all three to declare for the King, as soon as the *Scott* army should enter the Kingdom. *Langborn* even sent a confidant to *Paris*, to acquaint the Queen and Prince of Wales with this design, desiring a commission, with supplies of money and ammunition. The commission was readily granted, but the circumstances of the Queen and Prince, allowed them not to send the desired supplies. Though these three officers had resolved not to declare before the *Scott* had entered England, they were however obliged to it sooner. *Poyer*, being Governor and Mayor of *Pembroke* in South-Wales, saw Colonel *Fleming* unexpectedly arrive with the General's Commission to take the Government of the Castle. As this alteration could not but break the measures of the three Colonels, *Poyer* refused to obey, under colour it was unreasonable to deprive him of his Government, without paying him his arrears (2). The Parliament was inflamed when they heard of this disobedience, and declared *Poyer* a traitor, if he did not deliver the castle within four and twenty hours after the first summons. *Poyer* contemned this ordinance, and even defeated *Fleming*, to whom some troops had been sent to put him in possession of *Pembroke* Castle. As the particulars of this affair are not absolutely necessary, I shall content myself with saying, that it became of greater consequence than the Parliament had imagined. Not only *Langborn* and *Pawel* joined with *Poyer*, but all South-Wales declared for the King, whilst the Lord *Byron* was labouring to draw North-Wales and the parts about *Chester* into a revolt.

During these transactions in Wales, there were commotions in Kent no less dangerous to the army. The King had always many friends in that County, but the neighbourhood of London and the army kept them in awe. Mean time, some Gentlemen of the country having early information of the design of the *Scott*, took care to sow the seeds of revolt, in hopes of producing fruit in due season. The disposition of the people of Kent began to shew itself in a great riot at Canterbury, the 25th of December 1647, [about keeping of Christmas-Day.] The multitude wounded and abused the Mayor and others of the Magistrates, and at last the cry was, *For God, King Charles, and Kent*. The tumult being appeased, and some of the mutineers apprehended, the Parliament had a mind to punish them with death. But they found too many obstacles, that it was *May* before they sent down a commission to try them. The Grand Jury refused to find the Bill, to the great astonishment of the Commissioners. There were at that time commotions forming in the County, in which the Grand Jury were doubtless concerned, and that was the reason of their not finding the Bill against their accomplices.

Though the directors of the affairs for the King had resolved to delay the *Kenish* insurrection till the army was marched against the *Scott*, it was not in their power to defer it so long. Roger *Lifford* a *Norfolk* gentleman (3) being in Kent, at the House of Mr. *Hales* a young Gentleman who was heir to a great estate, persuaded him to undertake something in favour of the King, and to found the *Geentry* and people of the country that frequented his house. Matters were so ordered in the County, that about the middle of *May*, the people rose, took arms, and owned *Hales* for their General, in which they committed two very great errors. The first, in putting themselves under the conduct of

(1) *Pawel* says, he was much against accepting that employment. *Mem.* p. 352.

(2) In 1648 he sent upon his men Dismountments and Arrears, and Indemnity and Arrears for his Soldiers. *Rothworth*, Tom. VII. p. 1294. His Estates, was sold in *Langborn* and *Pawel*, made about eight thousand. *Merley*, p. 171.

(3) The late *Essex* when prisoner by the Parliament, in December 1644, for attempting to betray *London* to the King, and by a Court-martial condemned to die, but being kept in prison till the end of the war, was set at liberty. His estate was sold to *John*, with the Officers, &c. *Commons*, Tom. VII. p. 112. *Watkins*, p. 112, 122.

1648.

Watkins, p. 358.

Contributions to Wales in favour of the King.
Clarendon, III. p. 111.
Rothworth, VII. p. 103b, &c.

March, Clarendon, III. p. 111.

Rothworth, VII. p. 107.

103b, 104a, 105b, 105d.

Id. p. 103b, 104a, 104d, 105b.

p. 1091, 1065, 1098, 1109.
Clarendon, III. p. 112.

Information in Kent.
Rothworth, VII. p. 97b, 1113.

p. 1113.
Watkins.

Clarendon, III. p. 112b, &c.

1648. an unexperienc'd young man without authority. The second, in rising before the army was removed to some distance from *London*. As the General knew, the *Scotch* army was not yet ready, he detached *Cromwell* with part of his forces to reduce the *Welsh* to obedience, and then to march against the *Scots* at their entrance into *England*. For himself, he remained near *London*, as well to be ready to march against the *Kenish-men*, as to prevent the like insurrection in *London*, which the army dreaded of all things. Besides that, he had no inclination, as it afterwards appeared, to act against the *Scots*.

The number of the male contents in *Kent* being greatly increased, they were headed by [George Goring] Earl of *Norwich*, and Sir *William Waller*, and, in expectation that *London* would not fail to declare for them, advanced towards *Black-Heath*. Then *Fairfax* speedily rallied the *Thames* with his army over *London-bridge*, to give them battle. The *Londoners* being too wise to declare at such a juncture, the revolvers thought fit to retire, some to *Rushworth*, and others to *Maidstone*. General *Fairfax* attacked these last so vigorously, that he carried the town by storm, slew many of them, and took a great number of prisoners. At the first news of this defeat, those at *Rechefer* quitted the City, and posted themselves on *Black-Heath*, hoping still that *London* would send them assistance, or receive them into the City. These two refugees failing, and hearing moreover, that a detachment of the army was approaching, they took to flight, and were dispersed; but however, a great many were made prisoners. The Earl of *Norwich* found means to pass the *Thames* at *Greenwich* in boats, with five or six hundred men, and join his friends in *Essex*, who were upon the point of passing into *Kent*, if *Fairfax* had not been so diligent.

The County of *Essex* was in the same disposition as *Kent*. There had been for some time in that County, men, who were earnestly labouring to excite the people against the army, and only waited an opportunity to appear openly, as soon as the army should march to the North, not questioning but the approach of the *Scots* would oblige them to it. Of this number were Sir *Charles Lucas*, Lieutenant-Colonel *Farr*, Sir *Bernard Gages*; and at the same time, the Lord *Capel*, one of the managers of the insurrections, was labouring the same thing in *Hertfordshire*. Though the *Kenish* insurrection had been unsuccessful, the *Essex* Royalists were not discouraged. They still hoped, either that *London* would declare for the King, or the *Scotch* army make so great progress, that the army of *England* would not be able to withstand so many attacks from all quarters. For therewithal scarce a County, but what was to have some insurrection, those especially, where the King's party prevailed during the war. So the Parliament having sent a general pardon into *Essex*, for such as should lay down their arms, most refused it by the instances of Sir *Charles Lucas*, who was the most active Royalist in those parts.

Clarendon, Whitlock.

Rushworth, VII. p. 1131, 1133.

Fairfax marches into Essex, Clarendon, III. p. 1129.

The Revolt of Colchester, Id. p. 1130.

The General marches thence up to Colchester, Ibid. Rushworth, VII. p. 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 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2953, 2954, 2955, 2956, 2957, 2958, 2959, 2960, 2961, 2962, 2963, 2964, 296

1648. and joined him. By this means, he quickly formed a body of three thousand Foot and one thousand Horse, which enabled him to go in quest of General Lambert, who commanded in those parts for the Parliament. But he received very express orders from Edinburgh not to engage in any action, what advantage soever he might thence expect, but to retire about Carlisle till the arrival of the Scotch army, which he obeyed. The reason of this order was, that as the rigid Presbyterians of Scotland were extremely jealous of the Royal party, the directors of affairs were apprehensive, that the progress made in England for the King, would obstruct the levying an army in Scotland. And indeed, it was publicly said, the army was intended for the King's rather than for the service of the English Presbyterians.

The loss of Berwick and Carlisle was followed soon after with another, which seemingly should have embroiled the affairs of the Independents. I mean the revolt of part of the Fleet about the end of May. The Parliament having ordered eight men of war to guard the seas during the summer, these ships lay in the Downs to take in provisions, which was done but slowly, because there was not much to be feared from the Sea. While this part of the Fleet lay in the Downs, some *Kenish* Gentlemen, the King's friends, frequently came on board (1). Whether they were in the sailors an inclination to mutiny, or raised it themselves by conversing with them, it happened shortly after, that the service was not performed in the Fleet with the same submission as before. The Sailors took the liberty to contradict their officers, and obey them no farther than they pleased. The officers perceiving this great alteration, acquainted the Parliament with it, and immediately Vice-Admiral Rainborough, who was to command this squadron, was ordered to repair to the Fleet, and inquire into the causes of this disobedience. Rainborough, being naturally very severe, began to make strict inquiry on board the Admiral's Ship; upon which the men all rose against him, and seizing on him, put him with some more of the officers into the boat, and sent them on shore. This was no sooner known to the rest of the ships, but they followed their example, and used such officers as they did not like, in the same manner. As the Fleet was not yet well victualled, they were obliged to stay some days longer in the Downs, during which the Royalists supplied them with necessaries in the best manner they could. After that, they sailed for Holland, and came to an anchor at the Brill, in order to put themselves under the command of the Duke of York, who was designed by the King to be Lord High-Admiral, as soon as he should be of fit age for that post.

The Duke of York repairing to the fleet, then at Helvoet-Sloot, was received with great acclamations. He declared the Lord Willoughby of Parham, his Vice-Admiral (2), and appointed some other officers in the several Ships, the sailors having kept very few above the rank of a Boatwain or Mate (3). As soon as the Prince of Wales, who was at Paris with the Queen his Mother, heard of this revolt, he resolved to command the fleet himself, and employ it to the best advantage. But want of money detained him longer than he wished, Cardinal Mazarin not being very forward to supply him, more than the Earl of Ormond, who waited in vain at Paris, for the performance of his promises concerning Ireland. The news that the Duke his Brother was preparing to sail with the fleet, made him repeat his endeavours to procure money upon loan, and succeeding at last, came to Calais, and from thence by sea to Helvoet-Sloot. He was received by the fleet with all the respect and joy that could be desired, and having provided what was wanting, by the Prince of Orange's assistance, sent back the Duke of York to the Hague, it not being proper to venture both at one time. His design was to leave Yarmouth, whether to go from thence and head the Scotch army, which it should be in England, or to secure an entrance into the Kingdom, when there should be occasion.

In failing to Yarmouth, he took a ship of London, bound for Rotterdam, laden with cloth by the company of Merchant-adventurers. It was said this ship was worth forty thousand pounds. He ordered the goods to be sealed up, and continued his course. But he succeeded not at Yarmouth as he expected, the town refusing to admit him, though great part of the inhabitants were for the King. Wherefore he resolved to enter the Thames, as well to intercept all outward and homeward-bound ships, as to support the King's party, and that of the Presbyterians in the Parliament and City; for he was not ignorant of the projects that were formed. Besides, the Queen his Mother had enjoined him to court the Presbyterians, conceiving it was only by their means, that the King could be restored.

For this reason also, he afterwards released the Cloth-ship for twelve thousand pounds.

While the Prince lay in the Thames, where he seized some other Merchant ships, the Earl of Warwick, being well assured of the fidelity of the rest of the ships at Portsmouth, and elsewhere, assembled a fleet, and anchored in sight of the Prince; so that in all appearance the two fleets would not part without an engagement. But though the Prince seemed inclined to it, he was advised to avoid it if possible, and not without reason. His ships were fewer, and much smaller than the Earl of Warwick's; besides, the Earl expected others from Portsmouth every moment, which arriving the next day, rendered him very superior. So the Prince sailed back to Holland, and secured his fleet at Helvoet-Sloot. The Earl of Warwick followed him, and appeared before that port, but to no manner of purpose.

Thus ended the Prince of Wales's expedition with the ships revolted from the Parliament. The money he received for the prizes he had taken, was not sufficient to pay his fleet, and provide it with necessaries, so that it procured him more trouble than advantage. Before I leave this subject, it will not be improper, briefly to explain some circumstances in the Lord Clarendon's History.

While the two fleets lay in sight, and seemed to prepare for battle, the Prince sent Harry Seymour to the Earl of Warwick, with a letter to invite him to return to his allegiance. The Earl answered, that he advised his Highness to put himself into the hands of the Parliament. Notwithstanding this discouraging answer, the Prince sent Mr. Crofts to the Earl, who had married his Aunt, imagining, he durst not venture to discover his sentiments to Seymour. But Crofts returned with much the same answer. Hence it appears, the Prince thought he had some room to rely on the Earl of Warwick, as the Lord Clarendon insinuates, and the ground of his hope, which was properly the effect only of his, or rather of the whole Royal party's, prepossession, was briefly this. The Scotch Commissioners, as I said, did not acquit the leading Presbyterians with the particulars of their treaty with the King in the *Isle of Wight*. They only told them, an army would be raised in Scotland to deliver the King out of the hands of the Independents, and that it was necessary the Royalists and Presbyterians should second these endeavours, by acting jointly or separately. This proposal being accepted, the Royalists and Presbyterians prepared, as I have said, to countenance the designs of the Scots by insurrections in several parts of the Kingdom. Matters standing thus, (Henry Rich) Earl of Holland, who had acted an ill part in the late war, had a mind on this occasion, to reconcile himself to the King, by labouring his restoration. To that end, he received a commission from the Prince of Wales, empowering him to raise forces for the King's service, and his brother the Earl of Warwick promised to assist him in his designs. This is what the Prince knew, and what made him believe the Earl of Warwick was in the same disposition with his brother. But there was a wide difference between the views of the Royalists, and those of the Presbyterians. The latter, of whom the Earl of Warwick was one of the heads, did not pretend to restore the King without terms, but only to free him out of the hands of the Independents, to make conditions with him afterwards, which they called settling the peace of the Kingdom. But the Prince, and the King's whole party would not understand this difference, and preposterously imagined, that all who had promised to act against the Independents, had thereby engaged to serve the King without terms. Herein lay the mistake. It is therefore evident, the Earl of Warwick, who acted upon Presbyterian views, could not believe it to be his interest to deliver the fleet to the Prince, since, notwithstanding the present occasion which induced the Presbyterians to be in a readiness to act against the army, they still considered the Royal party as their real enemies.

In the beginning of June, the King's friends found means to surprise Pontefract Castle in Yorkshire, and put a garrison there. Shortly after Scarborough Castle revolted from the Parliament, and declared for the King.

The Scotch army being at length upon the point of entering England, General Fairfax being still employed in the blockade of Colchester, and Cromwell in the siege of Pembroke, and as there were but two regiments in London, [Henry Rich] Earl of Holland, thought he could not have a fairer opportunity to execute his design in favour of the King. This design was so far from being a secret, that it was become the common talk of the city. It was known beforehand, what day the Earl of Holland was to depart, and the Parliament did not seem to regard it. It was not for want of information; but the scene of affairs was much altered since the army's removal from London. The Inde-

(1) Some of the King's friends were also on board, with some authority.

(2) The Lord Willoughby left the Parliament, and withdrew into Holland. *Idem*, p. 1108.

(3) The *Captain of the Dutch* and *Swedish* declared also about that time for the King, but were reduced by Colonel Rich. *Idem*, *Tum*, I. p. 137.

1648.

pendents prevailed no more in the Parliament, and the Presbyterians began to hold up their heads. For this reason, the Independents did not think proper, at such a juncture, to take any steps that might induce the City of London to declare openly. On the other hand, the Presbyterian members were far from endeavouring to prevent the Earl of Holland's design, which they considered as flowing from the general combustion for the delivery of the King out of the hands of the army. So, the Earl publicly departed from London, with about one hundred Horse, and came to Kingston upon Thames, where [George Villiers] the young Duke of Buckingham, the Lord Francis Villiers his brother, [Henry Mordaunt] Earl of Peterborough, [and the family of the Earl of Northampton] met him with some troops (1). As soon as they were joined, they sent a letter to the Lord-Mayor and Common-Council of London, declaring their intention was to join the forces of Surrey, Suffolk, and Middlesex, to release his Majesty's person, to bring him with honour to his Parliament, and to settle peace in the Kingdom: And desired their assistance no farther than their designs were really for the good and happiness of the King, Parliament and Kingdom, according to the Covenant. These last words, according to the Covenant, seemed necessary, because they knew the Presbyterians wished for nothing so much as the confirmation of the Covenant. But the Magistrates of London thought not fit to chuse for leaders, the Earl of Holland, who was in no great repute, or the Duke of Buckingham an unexperienced youth, who had only the King's service in view, without any regard to the publick, or the Covenant; or in short, any of these Lords, whose principles were by no means agreeable to those of the Presbyterians. So, without answering this letter, they sent it to the Parliament, who immediately voted the Lords that had signed it to be traitors, [and their estates to be sequestrated.]

They are declared traitors.

They are declared traitors.

They are sent to St. Neot's, where the Earl of Holland is taken.

St. Neot's, where the Earl of Holland is taken.

The Scotch army enters England.

The Duke of Hamilton's army.

St. Neot's, where the Earl of Holland is taken.

The same day the letter was writ, Colonel Lecggy, with some companies of the two regiments that were quartered in *Wymington*, met these Lords near *Kingston*, and entirely routed them. But, *Lecggy's* Force which was left behind, not being yet arrived, and the Lords having sent thers to *Kingston*, to secure their retreat, the Horse only, on both sides, were engaged. *Lecggy* briskly pursued them to *Kingston*, where the Foot stood their ground, and hindered the enemies Horse from entering the town. That same night they quitted *Kingston*, and retired to *St. Albans*, with about four hundred men.

Mean while, General Fairfax hearing of this Insurrection, sent from the blockade of *Colchester*, Colonel *Scepp* with a regiment of Horse, to the assistance of the Parliament's troops. *Scepp* coming to *Hatfield*, was informed, that the Lords who had been defeated at *Kingston*, were at *St. Neot's* in a negligent manner. Upon this intelligence, he marched thither in the night, and surprised them in that little town, killing some of their men, taking above a hundred prisoners, and dispersing the rest. The Lord Francis Villiers was slain (2). His brother the Duke of Buckingham, found means to escape, and the Earl of Holland was taken, conducted to London, and afterwards sent prisoner to *Warrick Castle*. It has ended this ill concerted enterprise, managed by persons of no experience or skill in the art of war.

At last, Duke Hamilton entered England at the head of the Scotch army, the 9th of July. The eleventh of the same month, *Penrith* Castle surrendered to *Cromwell*, who immediately dispatched a body of Horse to re-inforce the army in the North, commanded by Major-General *Lambert*. He departed himself three days after, with the rest of his forces, which were already very much fatigued by the late sieges, and of which the greatest part wanted shoes and stockings, though they undertook a long march, which probably, would be followed with a battle. These difficulties discouraged not *Cromwell*. He pursued his march with all possible diligence, and yet could not join *Lambert* till the middle of August. We must now see what Duke Hamilton was doing, whilst *Cromwell* was marching towards him.

The design of those who had prevailed for raising an army in Scotland, seemed to be to assist the English Presbyterians, to free the Parliament from the yoke of the Independents, and to deliver the King out of the hands of the army. These at least were the most plausible things that were urged to induce the Parliament of Scotland to consent to this extraordinary expedition. But it may very justly be doubted, whether this was the design of all the leaders of that party. Some, among whom were Duke Hamilton, and his Brother the Earl of Lanrick, probably, fought only to restore the King without terms, or at least without any other condition than what he had himself offered,

namely, his promise to observe the ancient Laws. They did not much concern themselves about maintaining the establishment of Presbyterianism in England, or the Covenant between the two nations. Others, as the Earls of *Lislesdon*, and *Lauderdale*, who had been commissioners in England, really intended to serve the King, but upon these two conditions, that the Presbyterian-government should be established in the Church of England, and the Covenant punctually observed. As they thought, they had taken sufficient care of these two points, by the *Act of Wight* treaty, they little regarded the other conditions required of the King by the Parliament of England, concerning the Militia, nomination to the great offices, &c. But very likely, their design was to deceive one another. These last meant to make use of the King's party to procure the execution of the *Act of Wight* treaty, and the King's party, feigning to agree to what the others desired, intended to make use of them to enable the King not to be forced to receive any terms. The Duke of Hamilton's conduct after his entrance into England, seems to me a very strong evidence, that he designed not to act in favour of the Presbyterians. If he had such an intention, he should not, it seems, have lost, as he did, forty days in the northern Counties, but have marched directly to London. *Lambert* would not have been able to hinder his march, being much weaker than he. *Cromwell* was yet employed in *Wales*, and *Fairfax* in the blockade of *Colchester*. Probably, if, without losing time, he had marched to London, he would have arrived before *Cromwell* and *Lambert* could have joined forces, and if *Fairfax* had quitted the blockade of *Colchester*, in order to throw himself into London, very likely, the inhabitants would have flung their gates against him, since they would have been supported by the army of Scotland. At least, in case *Fairfax* had risen from before *Colchester*, that town, the whole County of *Essex*, and doubtless, *Suffolk*, and *Norfolk*, would have joined with the Scots. In a word, if the Scotch army had marched towards the centre of the Kingdom, there would, doubtless, have been in many places, insurrections, which would have greatly distressed the army of the Independents; and if Duke Hamilton could have reached London, certainly the City and Parliament would have openly declared against the army, and expelled out of both Houses, the Independent members. It will hereafter appear, there are not bare conjectures, considering what passed in the City and Parliament, whilst it was expected, the Scotch army would take the course, I have been speaking of.

But Duke Hamilton had doubtless other views, since he staid above a month in the north, without any necessity. The Lord Clarendon conjectures, the Duke's intention was, to afford time to the English army to defeat those forces which were up in several parts of the Kingdom for the King, that they might not be so united as to obstruct the Presbyterians design. But, whatever regard I may have for that noble Historian, I cannot be of his opinion, for two reasons which to me seem very strong. The first is, that Duke Hamilton was not a zealous Presbyterian. On the contrary, though he had taken the Covenant, he was Episcopal in his heart, as he had sufficiently discovered whilst he could do it without danger. The second is, that he was the man who had most courted and drawn into Scotland the Royalists, whilst the voting of an army was in question. I should rather think, he had a quite contrary aim to what the Lord Clarendon imputes to him; that instead of designing to countenance the Presbyterian party, he rather feared to render them too powerful, by approaching London, knowing, when the King should be in the hands of the Presbyterians, his condition would not be much happier. Very likely, his long stay in the north, was only to give the King's friends in those parts opportunity to join *Langdale's* forces, and thereby render the King's party superior.

However this be, not to dwell too long upon conjectures, as soon as Duke Hamilton entered England, he marched to *Carlisle*, from whence he drew out the English, placed there by *Muggerave*, and put in a Scotch Garrison. Some days after, *Langdale* joined him with about four thousand English Foot, and seven or eight hundred Horse (3). But these troops remained separate, and in the marches, *Langdale* was always a day before the Scotch ill army. This was to evade in some measure the order of the Parliament of Scotland, that the English who should refuse to take the Covenant, should not be received into the army, nor act in conjunction with the Scots. Nevertheless the English and Scots made but one army, under the command of Duke Hamilton, from whom *Langdale* received orders. *Lambert* who was posted near the place where the two armies joined, or at least approached each

The Scotch army enters England.

Duke Hamilton's army.

Conjectures of the Lord Clarendon.

Different conjectures.

The Duke's march.

(1) They made up about five hundred Horse. *Refluxion*, Tom. VII. p. 1172.

(2) He was slain in a skirmish at *Kingston*. *Whitehead*, p. 318.

(3) Duke Hamilton brought with him four thousand Horse, and ten thousand Foot. See *Bonnet's Memoir*, p. 776.

1648. other, retired in such disorder, that probably he would have been defeated, had he been pursued; but Duke Hamilton did not think fit to improve this advantage. He continued some days at Carlisle, after which he marched to Kendal in *Westmoreland*, where he rested again, till finding not wherewithal to subsist his army, he was forced, as it were, to proceed to *Lancashire* with part of his army, leaving the rest at Kendal. At length, he advanced to *Presford*, where he halted, the reason whereof is not known, unless it was to stay for *Menrose*, who was coming with three thousand men out of *Scotland*.

He enters
Lancashire.

Mean while, *Cromwell* having reached *Yorkshire*, *Lambert* instantly joined him, and they marched together directly to *Presford*, where Duke Hamilton lay. *Langdale* who made the van of the Duke's army with his *English* troops, sent him notice that *Cromwell* was approaching with a resolution to give him battle, and consequently it was necessary to keep his army together. But the Duke regarded not this intelligence, believing it to be only some detachment of *Cromwell*'s army. In short, *Langdale* was attacked by the enemies *Horse*, who drove him to *Presford*, where he brought with him some prisoners, who averred, that *Cromwell*'s whole army was near. Whereupon the Duke sent him back to his troops, promising to lend him assistance; but disappointed him. So *Langdale* being attacked, was forced to maintain a very unequal fight, which lasted however five or six hours; but at last he was entirely routed. Immediately after, *Cromwell*'s *Horse* marched directly to *Presford*, where all was in such confusion that nothing was thought of but flight. The Duke himself found it proper to retire by the bridge, which he in vain endeavoured to guard, after passing it. The following letter was sent by *Cromwell* to the Parliament, the 20th of *August*, containing a particular account of what passed between the two armies, on the 17th, 18th, and 19th of *August*.

He defeats
Langdale,
Ibid.

The Duke's
army is
routed.
Id. p. 126.
Burnet's
Memo.

Cromwell's
Letter about
the
route.
Id. p. 127.

After the conjunction of that party which I brought with me out of *Wales* with the northern forces about *Knaresborough* and *Wetherby*, hearing that the enemy was advanced with their army to *Lancashire*, we came the 6th instant to *Huddersbridge* over *Kibble*, where we had a council of war; and upon advertisement the enemy intended forthward, and hence confirmed, that they resolved for *London* itself, and information that the *Irish* forces under *Menrose*, lately come out of *Ireland*, which consisted of twelve hundred *Horse*, and fifteen hundred *Foot*, were on their march towards *Lancashire* to join with them, it was thought, to engage the enemy to fight was our business; and accordingly marching over the bridge that night, quartered the whole army in the fields. Next morning we marched towards *Presford*, having intelligence that the enemy was drawing together reinforcements from all his out-quarters; we drew out a forebody of about two hundred *Horse*, and four hundred *Foot*; these gallantly engaged the enemy's scouts and out guards, until we had opportunity to bring up our whole army. So soon as our foot and horse were come up, we resolved that night to engage them if we could; and therefore advancing with our forlorn, and putting the rest of the army into as good a posture as the ground would bear, (which was totally inconvenient for our *Horse*, being all inclosure and miry ground) we pressed upon them through a lane, and forced them from their ground, after four hours dispute, until we came to the town; into which four troops of my Regiment first entered; and being well seconded by Colonel *Harrison*'s regiment, charged the enemy in the town, and cleared the streets. At last the enemy was put into disorder, many men slain, and many prisoners taken; the Duke with most of the *Scots* *Horse* and *Foot* retreated over the bridge; where after a very hot dispute betwixt the *Lancashire* regiments, (part of my Lord General's and them being at push of pike) they were beaten from the bridge, and our *Horse* and *Foot* following them, killed many, and took divers prisoners; and we possessed the bridge over *Derwent*, and a few houses there, the enemy being drawn up within musket shot of us, where we lay that night, we not being able to attempt further upon the enemy, the night preventing us. In this posture did the enemy and we lie most part of that night; upon entering the town, many of the enemy's *Horse* fled towards *Lancaster*, in the chase of whom we had divers of our *Horse*, who pursued them near ten miles, and had execution of them, and took about five hundred *Horse*, and many prisoners: We possessed in the fight very much of the enemy's ammunition; I believe they lost four or five thousand

"arms; the number of the slain we judge to be about 1648, a thousand, the prisoners we took near about four thousand.

"In the night they marched away, seven or eight thousand *Foot*, and about four thousand *Horse*; we followed them with about three thousand *Foot*, and about two thousand five hundred *Horse* and *Dragoons*; and in this prosecution that worthy Gentleman Colonel *Thornhaugh*, pressing too boldly, was slain, being run into the body, thigh, and head, by the enemies lancers: our *Horse* still prosecuted the enemy, killing and taking divers all the way; but by that time our army was come up, they recovered *Wigan* before we could attempt any thing upon them. We lay that night in the field close by the enemy, lying very dirty and weary, where we had some skirmishing, &c. We took Major-General *Van Druke*, Col. *Harrey*, and Lieutenant-Colonel *Ennis*.

"The next morning the enemy marched towards *Harrington*, made a stand at a pass near *Warrick*; we held them in some dispute until our army was come up, they maintaining the pass with great resolution for many hours; but our men, by the blessing of God, charged very home upon them, beat them from their standing, where we killed about a thousand of them, and took (as we believe) about two thousand prisoners, and prosecuted them home to *Harrington* town, where they possessed the bridge. As soon as we came thither, I received a message from Lieutenant-General *Baily*, desiring some capitulation; to which I yielded, and gave him these terms: That he should surrender himself and all his officers and soldiers prisoners of war, with all his arms, ammunition, and horse, upon quarter for life; which accordingly is done. Here are took about four thousand complete arms, and as many prisoners: And thus you have their infantry routed.

"The Duke is marched with his remaining *Horse* (which are about three thousand) towards *Nantwich*, where the Gentlemen of the county have taken about five hundred of them; the country will force as many of them to pass, but bring in and kill divers as they light upon them. I have sent post to my Lord *Grey* and Sir *Edward Kildis*, to gather all together with speed for their prosecution: *Menrose* is about *Cumberland*, with the *Horse* that ran away, and his *Irish* horse and foot; but I have left a considerable strength, I hope, to make resistance till we can come up to them.

"Thus you have the narrative of the particulars of the success. I could hardly tell how to say less, there being so much of God; and I was not willing to say more, lest there should seem to be any thing of Man; only give me leave to add one word, shewing the disparity of the forces of both sides; that so you may see, and all the world acknowledge, the great hand of God in this business. The *Scots* army could not be less than twelve thousand *Foot* well armed, and five thousand *Horse*; *Langdale* not less than two thousand five hundred *Foot*, and fifteen hundred *Horse*; in all twenty one thousand: in ours, in all, about eight thousand six hundred, and by computation about two thousand of the enemy's slain, betwixt eight and nine thousand. Prisoners, besides what are lurking in hedges and private places, which the country daily bring in, or destroy."

To finish, in a few words, the relation of the unfortunate end of Duke Hamilton and his army, I shall add, to what is said in *Cromwell*'s letter, that the Duke retiring to *Nantwich*, and finding himself pursued by *Lambert* with a strong party of *Horse*, marched to *Unxeter* (in *Staffordshire*;) where *Lambert* was almost as soon as he, and where the *Scots* made not the least show of resistance. In a word, the Duke was taken with all the officers about him; and of the whole army, the *Horse* only escaped, who went and joined *Menrose* in *Cumberland*. To this came the great effort of *Scotland* in favour of the King. I say in favour of the King, for it is certain, most of the authors of this enterprize intended the King's resolution, though they covered their design with other pretences.

The defeat of the *Scotch* army was followed, within few days, by the taking of *Colchester*, the blockade whereof had lasted above two months. The besieged having been forced to surrender at discretion, the General called a council of war, where it was determined, that Sir *George Lisle*, Sir *Charles Lucas*, and Sir *Bernard Gasseigne* (1) should be bound to death. The two first were executed, but the General hearing, Sir *Bernard* was a *Florentine*, spared his life, for fear the Grand-Duke should revenge his

The Duke is taken Prisoner, and his whole army is killed. Clarendon, III. p. 126, 127. Rushworth, VII. p. 127. Clarendon, III. p. 127. Warton's

Collected or forwarded to Clarendon's History. August 27. Rushworth, VII. p. 127. Clarendon, III. p. 127. Warton's

(1) Or rather *Gasseigne*, for that was the name of this *Florentine*, whom the *English* called *Gasseigne*. *Rapin*.

1648. death on the *English* Gentlemen, who frequently travelled into his dominions (1).

Lunderdale
refers the
Prince in
vain to go
into Scot-
land.

Clarendon,
III. p. 134,
139, &c.
Rushworth,
VII. p. 1129.

The State of
the Parlia-
ment and
City.

The Indepen-
dents were
in the Par-
liament.

The Presby-
terians rely
upon the
affiance of
Scotland.

Policy of the
Presbytere-
ans.

They got
better off in
the Parlia-
ment.

A Petition
from the City.
April 27.
Rushworth,
VII. p. 1273.

The Prince of Wales was at the Hague, when the news of Duke Hamilton's defeat arrived there. On the morning, [John Maitland] Earl of Lauderdale waited on him with a letter from the Parliament of Scotland, inviting him to come into their Country, and head their army in England. But the news he had received the day before being confirmed, he did not think fit to hazard his person to no purpose, though the Earl of Lauderdale pressed him extremely to depart. So, the Earl was obliged to return all alone.

After the recital of the fruits of the several commotions raised by the King's friends in the last seven or eight months, it will be necessary, before we proceed, to speak of what passed the mean while in the Parliament and City.

Since the two Houses had voted no more addresses to the King, there was a perfect union between the Parliament and the army. The army no more pretended to meddle in State-affairs. They contented that the supernumerary troops, that is, such as were not upon the late establishment, should be disbanded by Companies, as money was raised to pay them. They promised to retire to the Towns and Garrisons as soon as the Parliament should settle the necessary funds for their regular pay. This concession or rather submission to the Parliament, proceeded from the Independents power in both Houses, no resolution being taken but by their direction, or at least that was contrary to their views. On the other hand, though the Presbyterians were not sorry, there were insurrections in the Kingdom capable of keeping the army employed, and obliging them to remove from London, they were in danger however that the King's party would grow too powerful before the Scotch army should enter England. Upon this army it was that they founded their hope of becoming once more masters of the Parliament and Kingdom. But they perceived, that before the arrival of the assistance expected from Scotland, it was not their interest to second the endeavours of the Royalists, whose views were very opposite to theirs, for fear of enabling them to renew the war by their own strength. On the other hand, they would have acted very imprudently, if they had openly declared against the army, whilst it was about London, without having sufficient forces to resist it. The assistance of Scotland only could enable them to hold up their heads. For which reason the votes of both Houses were always unanimous to condemn the insurrections in Wales, Kent, Essex, as well as those of the Earl of Holland and the Duke of Buckingham. This was also the reason, that the Independents met with no obstacle in causing the eleven Members accused by the army to be declared incapable of serving in Parliament, and the Lord-Mayor, Aldermen of London, and the seven Peers to be prosecuted with the utmost rigour for being concerned in the tumult of the 26th of July.

These were the resolutions of a Parliament yet governed and directed by the Independents. But when once Cromwell was engaged in Wales with part of the army, Fairfax employed at the blockade of Colchester, and when the surprisal of Banwick and Carlisle had made it necessary to send some Regiments into the North, the face of affairs began to change. The Independent Members found themselves obliged, in their turn, to dissemble, and consent to things which they would double have opposed, had the army been near to support them.

The 27th of April, before the army removed from London, upon information, true or false, brought to the Parliament (2), that some officers had plotted to disarm, and then plunder the City, the Common-Council presented a Petition to the House of Commons, desiring, that the chains of the City, which had been lately pulled down, might be set up again; the army removed to a farther distance from London; and Major-General Skippon appointed to command within the lines of communication, and the weekly bills of mortality. It is evident the Common-Council had a mind to have it in their power to act when the Scotch army should enter England. For they could not imagine the Scots had other thoughts than to support the Presbyterian party in England. The House granted two of their requests, and took time to consider of the removal of the army.

The next day the House of Commons having taken into consideration the affair of settling the Government, voted:

"1. That the Government of the Kingdom should be still by King, Lords, and Commons.

"2. That the ground-work for this Government should be the propositions last presented to the King at Hampton-Court.

"3. That any Member of the House should have leave to speak freely to any votes, ordinances, or declarations concerning the King, &c.

These Votes were directly contrary to the designs of the Independents, who meant to abolish regal power, and establish a Commonwealth. But as their intention was yet a secret, or at least they had not declared it, they did not think proper to discover it too openly, by opposing these Votes.

Some days after, sundry of the Inhabitants of London presented a petition to the Common-Council, praying, that the Lord-Mayor and Sheriffs of London might be part of the Committee for the Militia of the City, and that the rest of the Committee might be chosen by the Common-Council.

Upon this, the Lord-Mayor and Common-Council presented a Petition to the House of Commons, shewing,

"That the General having by letter informed that the House of Commons of his design to remove the two Regiments that were at Westminster, they conceived, that there was an expectation, the Parliament should be guarded by the forces of the City, which they were ready to do, provided they were put into a capacity to perform the same, by settling the Militia of London, and being authorized so to do.

"That the Lord-Mayor and Common-Council might, by ordinance of Parliament, be authorized to nominate and present to both Houses of Parliament a Committee for the Militia of the said City; whereby Commanders and soldiers might be the better united and encouraged to perform their duties, for the safety and preservation of the Parliament and City.

"That the command of the Tower of London might be put into the hand of such a person as should be nominated and presented to both Houses of Parliament by the Lord-Mayor and Common-Council.

"That the Soldiers there remaining might be removed."

All this was granted against the interest of the Independents, who, for a few months before, had ordered the contrary, because they knew the Londoners were not for them. Thus the City endeavoured by degrees, under divers pretences, to put themselves in condition to act, when the season was ripe.

It appears also by a declaration of the House of Commons of the 5th of May, how much the Presbyterians began to be superior in the Parliament. This declaration ran: That the House is resolved to preserve and maintain the solemn League and Covenant, and the Treaties between the two Kingdoms of England and Scotland: And that they will be ready to join with the Kingdom of Scotland in the propositions agreed upon by the two Kingdoms, and presented to his Majesty at Hampton-Court. This was a toothing to unite themselves with the Scots, as soon as they should enter the Kingdom. Probably, the Commons believed them to be more ready than they were, and moreover, were yet ignorant, that the aim of those who had promoted the raising of an army in Scotland, was rather to serve the King, than support the Presbyterian-party in England. But they soon perceived, the Royalists intended not to maintain the Parliament's interest. If the Cavaliers, for so the King's party were called, had behaved with a little more policy, and less passion and heat, they might have done the King a signal service. But they so openly showed, that their design was to refuse the King without terms, that they obliged the Presbyterians to be upon their guard, and even to oppose them, instead of acting jointly with them, as the Cavaliers expected. This passion, or, if you please, extreme zeal for the King's service, was always the distinguishing character of that party, and often baffled their designs. Some of this party, inhabitants of the County of Surrey, could not contain themselves so long as would have been requisite for the King's interest. They assembled in great numbers, Horse and Foot, and came to Westminster, where they presented a petition to the Lords, and another to the Commons, worded in such high and strong terms, that they seemed to believe themselves supported by the whole Kingdom. They demanded:

1648.

The Commons
Voted,
Id. p. 1074.

Petition to
the Common-
Council
from the City
Militia.
May 2.
Rushworth
VII. p. 1119.

Petition
from the
Common-
Council
to the Par-
liament.
May 9.
Id. p. 1107.

Declaration
of the Com-
mons.
Id. p. 1112.

The Royal-
ists ex-
press their
disapproval
of the King's
signal service.

(1) The other Prisoners taken at Colchester, were, George Goring, Earl of Norwich, the Lord Capel, Henry Hastings Lord Longborough, Sir William Compton, Sir John Bohun, Sir John Wynn, Sir Loderick Dyer, Sir Henry Appleton, Sir Edward Greville, Sir Richard Manwaring, one Colonel's, eight Lieutenant-Colonels, nine Majors, thirty Captains, Gentlemen sixty-five, Lieutenant-seventy-two, Knights and Cornets, sixty-nine, Sergeants a hundred and eighty-three, private Soldiers three thousand six hundred and seventy. They held out so long, that all the dogs and cats, and most of the houses were eaten. The Women and Children being at the Lord Goring's door, Aug. 20, crying out for bread, he told them, They must eat their Children, if they wanted. Whereupon, the Women reviling him, came out to pull out his eyes. The town was relieved from plunder, upon paying ten thousand pounds. Rushworth, Tom. VII. p. 1231. — 1230. Maitland, p. 344.

(2) One John Howard made an affidavit before the Common-Council, that being in bed in an Inn at Windsor, he heard some officers talking of the assault on the City, and then made them advance a million of money, or plunder them. Whereupon the Common-Council adjudged the House of the same in their session. Rushworth, Tom. VII. p. 1273. — 1273.

1648. "That the King might be restored to his due honour, and just rights, according to the oath of Allegiance and Supremacy: That he might be forthwith established in his throne, according to the splendor of his ancestors: That he might for the present come to Westminster with honour and safety, to treat personally for composing differences: That the free-born Subject of England might be governed by the known Laws and Statutes in force in the Kingdom: That the war beginning might be prevented; and that the ordinances for preventing free-quarter, might be duly executed, and speed made in disbanding all armies, having their arrears due paid them."

Nothing could be more unseasonable than this petition in such a juncture, when the business was to foment the division between the Presbyterians and Independents, whereas the petition tended to unite them against the Royalists. The Lords answered, "They were now upon the consideration of the settling of the Kingdom, and doubted 'not to satisfy all.' Whilst the Commons were debating on the petition, some of the *Surrey*-men (1) quarrelled with the Parliament's guard, disarmed two or three of the soldiers, and killed one. Whereupon, to hinder them from carrying their violence any farther, more Horse and Foot were sent for from the *Muske* and *Whitehall*, who slew and wounded several, before they could be dispersed.

This attempt, and an information brought to the House of Commons, that soldiers were privately lifting in London, and a plot contriving by the Royal Party to ruin both Parliament and City, Presbyterians, and Independents, caused the Parliament and City to enter into a strict union together. It was equally their interest to guard against the Royalists, who hated the city no less than the Parliament and army, and to take measures to hinder the execution of the Cavaliers designs. Thus the impetuous zeal of the Cavaliers was extremely injurious to the King; whereas had it been well managed, it might have procured him great advantages. If they could have resolved to conceal their sentiments, and suffer the Presbyterians to believe, that their sole design was to deliver the King out of the hands of the Independents, and to assist against the army, they would have, doubtless, considerably strengthened their party; and the Presbyterians, instead of hurting, would have assisted them. This was, probably, *Duke Hamilton's* project, and theirs, who laboured to procure him the command of the *Scottish* army. But the rash and impetuous zeal of some particular persons, to whom it was not thought proper to impart the secret, caused the Presbyterians to be as much upon their guard against the Cavaliers, as against the Independents. So in all the insurrections in several parts of the Kingdom, whilst the *Scottish* army was expected, the Presbyterians were wholly unconcerned, except in *Kent*, where some general officers and reformado's were willing to engage. But after that disappointment, they lay still, in expectation of the *Scotts*, on whose assistance they relied very much, though, as I before observed, without any foundation.

Mean while, the Presbyterians were greatly embarrassed. The *Scottish* army was not yet come, and they were in no less danger from the King's successes, than from the army's. They could therefore join with neither of the parties, without labouring their own ruin. The designs of all three were so opposite, that whichever should prevail, the other two would be infallibly ruined. The Presbyterians therefore resolved at length to take advantage of the army's absence, of the number of their voices in the Parliament, and of the assistance of the city, to conclude a peace with the King. But in order to this peace, it was necessary, the King should consent to three conditions, without which they could not resolve to be reconciled to him. The first was, That the Militia of the Kingdom should, for such a number of years, be put into the hands of both Houses. This point having been the immediate cause, or at least the pretence of the war, they could not depart from it, without evidently shewing, the war had been undertaken without an absolute necessity, which would have rendered them odious to the whole Kingdom. For to what purpose had so much blood been spilt, and so much treasure consumed, if a peace could be made without this security? Besides, in neglecting this article, they would, as I may say, have put themselves in the King's mercy, whom they had mortally offended. The second condition was, That the Presbyterian Government should be established by authority of King and Parliament. This condition was no less necessary. It was one of the strongest motives of their undertaking and continuing the war, wherein they had been crowned with success, the advantages of which they were not disposed to relinquish. What would they have gained by the war, if by a peace they were to be liable again to the jurisdiction

of the Bishops, and episcopal Clergy, their mortal enemies? The third condition was, That the King should call in all his proclamations and declarations against the two Houses. The necessity of this condition is evident, for the King having declared the members of both Houses rebels, they could not treat with him as such, without renouncing all their rights and pretensions.

The resolution of treating with the King being taken by the leading Presbyterians, the question was, to put it in execution. General Fairfax departing from Windsor the 22d of May, to march into the North, tho' within a few days he was forced to take the *Kenilworth* route, the next day, the Common-Council of London presented a petition to both Houses of Parliament, wherein they said:

"That they thankfully acknowledged the favour of the House, in granting their desires concerning the Tower, and Militia of London; and in communicating to them several votes of both Houses of Parliament, wherein it was resolved, not to alter the fundamental Government of the Kingdom, by King, Lords, and Commons; to preserve inviolably the solemn League and Covenant; and the treaties between the Kingdom of England and Scotland; and to be ready to join with the Kingdom of Scotland, in the propositions agreed upon by both Kingdoms. They further desired, that the Aldermen, the Recorder, and the rest of their fellow-citizens, then in the Tower, might be discharged and restored; and that in prosecution of their said votes, they would be pleased to improve all good opportunities in perfecting the speedy settlement of the peace of both Kingdoms."

This petition was the first step taken by the city of London, to give the Parliament occasion to endeavour a peace. The members, as I said, were for the most part Presbyterians, and yet the Independents prevailed, because they were supported by the army. So, from the 6th of August 1647, to the end of May 1648, the Parliament must be considered as Independent, because the votes were directed by that party. But since the army's removal from London, the Presbyterians had exerted themselves, and no longer fearing the army, passed such votes as were most agreeable to their interest. From that time, therefore, the Parliament is not to be considered as Independent, but rather as Presbyterian. This remark is absolutely necessary for understanding the reason of the difference between the proceedings of this Parliament, of which we are going to speak, and those from the 6th of August the last year.

The petition above-mentioned being read in both Houses, they ordered the Recorder, and all the other prisoners to be released, except the three Aldermen, who had been impeached in form, but who nevertheless were also discharged after some days. They farther ordered, that the soldiers posted in the Tower to reinforce the garrison, should return to their regiments.

On the morrow, the Commons voted, notwithstanding the opposition of the Independent members, That, after his Majesty's assent to the three bills, which should be offered to him, a treaty should be had with him upon the rest of the propositions presented to him at Hampton-Court. These three bills were for settling the Militia, the Presbyterian government, and recalling all his declarations against the two Houses. These bills were ready the 30th of May, and sent to the Lords for their concurrence. The same day, the General having drawn out the troops that were in the Tower, at Whitehall, and the *Muske*, to employ them in his expedition against the *Kenilworth*-men, the House empowered the Militia of London, to send guards to the Parliament, from time to time as occasion should require.

The Presbyterians were very much at ease, since they were no longer curbed by the army. But they still wanted one thing, of which they resolved to take care. Whilst the two Houses were governed by the Independents, the *Scotts* thought to have cause to complain, and on that pretence they were levying an army to march into England. For this reason, the Parliament, now become Presbyterian, believed it necessary to remove all occasion of complaint, by giving them satisfaction, and to shew, they meant to proceed in a different manner from what they had done, whilst checked by the Independents. They now declared, they intended to maintain the Covenant, and the treaties between the two Kingdoms; and to convince the *Scotts*, the House of Commons voted, that the three bills to be presented to his Majesty, should be communicated to the Parliament of Scotland for their approbation. It is easy to perceive, that the aim of the two Houses was to secure the assistance of Scotland, and indeed it seems to have been Scotland's interest to unite with the Parliament of England, since it was become Presbyterian. But, as I observed, those by whom the Parliament of Scotland was then managed, sought not so much the good of the Kingdom, as the

(1) They were almost drunk, and had been animated, as they came through Westminster-Hall, by some of the Royalists. The quarrel began, by some of the Courtiers taking the guards. Why they thus chose to injure a company of soldiers, I cannot say. The soldiers had offered the Petition, because they expected that the army should be disbanded. See p. 551.

1648 King's advantage; but of this the Parliament of England would not permit, or perhaps would hardly believe. There was moreover, in the fore mentioned resolution, one great inducement, namely, loss of time. It was the Presbyterian's intent to halt the treaty with the King, whilst the event of what was preparing, was yet doubtful. But on the contrary, delay was advantageous to the Independents, who, as will hereafter appear, failed not to use that method to break their enemies measures.

The several Members and discharged, June 5. Rushworth, VII. p. 1130.
The next day, the Commons ordered, that the eleven members of their House, and the seven Peers accused by the army, should be fully discharged, and *Glyn* (1) member for *Wiltshire*, who had been expelled, was received into the House.

As the two Houses perceived, that the several Insurrections in the Kingdom were wholly in favour of the King, they prohibited, on pain of death, to take arms without their authority. They imagined to have no farther occasion for such friends to defend them against the Independents. Mean while, as they had no army to protect their adherents against the attempts of the Cavaliers, it was moved to raise forces, and oblige the officers to take the Covenant. But after some debates, this last point was ordered to be laid aside for the present. It was also proposed to remove the King to Windsor. But nothing was determined. Probably, the House knew not how to compel Hamond, in case he refused to deliver the King.

Though the vote to present the three bills to the King passed the 2d of June, it was the 26th before the two Houses appointed a committee to debate upon the manner and place of treaty with the King, and their report was made the 30th. In the mean time, the Lord-Mayor, Aldermen, and Common-council of London, presented a petition to the two Houses, desiring,

"That a personal treaty might be obtained betwixt his Majesty and both Houses, in the city of London, or some other convenient place.
"That the Scots might be invited to the treaty. That, according to the duty of their allegiance, protestation, solemn League and Covenant, his Majesty's royal person, honour, and estate, might be preserved, the power and privilege of Parliament maintained, the just rights and liberties of the Subjects restored, Religion, and government of the Church in purity established, all differences might be the better composed, and a firm and lasting peace concluded, &c."

To this it was answered by both Houses, that they were now employed in considerations of peace, and doubted not but what they had done, and should do therein, would be satisfactory to the city of London, and all others, that desired to see the troubles of the Kingdom ended in a safe and just peace.

The report of the committee appointed to consider of a personal treaty with the King, was:

"1. That the vote of the 3d of January 1647, forbidding any addresses to be made to, or received from his Majesty, should be made null.
"2. That the three propositions sent into the Kingdom of Scotland, and to be presented to his Majesty before a personal treaty be had, should not be insisted upon.
"3. That his Majesty be removed to some of his houses within ten miles of London."

The same day, the Lords acquainted the Commons, that they approved of the propositions reported by the committee, and desired their concurrence. But the Commons were not so expeditious as the Lords. They could not resolve to begin a negotiation with the King, without being first secure of the three conditions which were to be the foundation of the peace. I have already mentioned the reasons. Mean while, both Houses continuing in their respective opinions, it was almost a month before this dispute was ended.

*The Lords urged, [at a conference,] that the three bills should not be insisted on. 1. That there may be no delay in the thing, a speedy personal treaty being so much desired and petitioned for. 2. Because it is the desire of the Parliament of Scotland. 3. The agreement upon the treaty will be the more authentic. 4. It is probable, the King, having no army in being, will consent to that which at *Uxbridge* and *Oxford* he refused. 5. It is not the way of treaty to confirm any particular, before all is agreed, especially those of most concernment, and which will be chiefly insisted upon.*

The Commons answered, "That the dissatisfied party in or near London is so great, that if the King grants not the Militia before he comes, there will be no safety for the Parliament, nor is the treaty like to proceed; for many will endeavour to bring in the King without any agreement, and even with destruction to the Par-

ment. 2. If the Pre-byterian government be not decreed, all things will grow into confusion in the Churches, and the present Ministers be great sufferers. 3. If the declarations be not recalled, the Parliament is not in capacity to treat, having been declared rebels and traitors, and no Parliament, but a pretended one, which was never done by any of the Kings of England. And whereas it may be objected, these things need debate; it is answered, the King is not ignorant of the full demand of these particulars, they having been over and over presented to him; and to the two first he hath declared a willingness; nor yet he is obliged to pass them as bills, unless all other things are agreed upon; and if no agreement, (he being at liberty) a new war is like to ensue."

To these reasons the Lords replied, "That they could not imagine, nor was it probable, that the party of London would have petitioned for a treaty, would put it on to the disadvantage of the Parliament. 2. They did not apprehend any prejudice to the Parliament's party during the treaty. 3. His Majesty had declared, he would consent to all together; and not to any before all was agreed. And that in case there were no agreement, they were in state as before."

*The Commons being by no means satisfied with these reasons, answered (2), "There was no doubt but those in the parts about London, would put forward the treaty, to the disadvantage of the Parliament and Kingdom; being such who had not only petitioned the re-establishment of the King without conditions, but had taken up arms, and were now in arms for no less (as they say at *Colchester*) than to eudge the Parliament into a treaty. 2. For his Majesty's favours, he would not pass any before all were agreed; it seems not; for he pretends to be willing to pass these only upon conditions, or in any way, as that *de facto*, he will; and *de jure*, the power shall be declared in him; which were, for the Parliament to part with that, which will be their irreparable loss and destruction. And besides, as to security, what appears, unless the grant of these propositions? For it is supposed the treaty will be in or near London. And what is said, how his Majesty shall be? Who shall be with him? How the dissatisfied shall be ordered? Moreover if this be not, why may not things settled by law be revived? Episcopacy again set on foot? All the Ministers turned out for scandal re-enters? Others of honest life put to seek their livings? How then, in case no accord be made, can it be thought that the Parliament will be in state as before?"*

This dispute held till the 28th of July, the Independent members heartily joining with the Presbyterians in whatever could retard or obstruct the treaty. But it was not upon this point only that they endeavoured to spend the time to no purpose.

Whilst this contest between the two Houses still lasted, the city of London having presented a petition, declaring, they did concur with the desire of a personal treaty contained in another petition of the military officers, it was ordered that a committee of Parliament, and another of the Common-Council should meet together and examine this affair. In the frequent conferences between these committees, the Independents used several artifices to prolong matters. The Presbyterians concurred with them in the same design, for, as I said, they were against treating with the King before he had consented to the three Bills. The committee of Parliament put several questions to the committee of the Common-Council, which these last were not prepared to answer; and as they had no instructions about them, they were forced to desire time to consult those by whom they were appointed. By this means the conferences were multiplied without any thing done, for no sooner was one demand answered, but another was made, and so the time passed in vain.

*At last, the Common-Council perceiving, these questions were designed only to amuse them, ordered it to be declared to the committee of Parliament, that it was the desire of the city, that a treaty should be entered into with all expedition. They ordered likewise, that the engagement last year (to guard the King and Parliament against all force) which had brought the army to London, should be subscribed by all the inhabitants, either by calling them together, or by carrying it from house to house to be signed. They were not contented with this; for they managed, that the Watermen and others presented also petitions, that the personal treaty might be hastened. In short, they plainly showed, what they could not obtain by fair means, they would have by force. Whereupon Major *Thomson* was privately ordered by the Commons, *Skippin* to lift soldiers in the city, and be ready to guard the Par-*

(1) Recorder of London. He was discharged the 2d of May, upon the Petition presented that day by the Common Council.
(2) By a Member, for this was a free conference. *Rushworth*, Tom. 7. p. 1804.

1648.
The City
complains of
it.
The House
tries to ap-
pease them.
Rothworth.
VII. p. 1263
—1310.
Whitelock.
p. 310, 314.

liament in case of any violence. The Common-Council complained of these levies which were making in the city, without the privacy of the committee of Militia. But the House approved of them, under colour the city was in danger from the Cavaliers. Nay, they imparted to the Common-Council, certain intercepted letters, in one of which was inclosed a declaration from the Prince of Wales. Another was writ from London to one at Edinburgh, intimating that the King's party was very powerful in London: that there was no danger from any but Shippens, who was raising troops; but however they were nothing in comparison of those who were secretly lifting for the King. That it should be so ordered, that Shippens should soon be deprived of his post, and expelled the City.

Several
Roya-
lists
were
the Pres-
byterians.

It is certain, in the present situation of affairs, the Royalists conceived great hopes. Nay, many Cavaliers scrupled not to pass for Presbyterians, and mixed with them, to strengthen the party of those who intended to force the Parliament to a peace. Hence arose this sort of contest between the Commons and city of London. Among the Presbyterians many were apprehensive, that by a too long delay, the opportunity of treating advantageously with the King would be lost. They flattered themselves, that in such a juncture, the King would refuse nothing of what should be desired, and they did not see the necessity of losing time in requiring things beforehand, which in their opinion could not but be granted in a treaty. This opinion, entertained by the Lords and Common-Council of London, was solely founded in a false imagination, that the King could not but think his case desperate, if the Scotch army should once enter England, and consequently would grant every thing to get out of this difficulty; wherein they were much mistaken, as we have seen. But the Commons still insisted upon the three Bills, as absolutely necessary for the security of the Kingdom. Whilst the Presbyterians thus differed among themselves, the time passed away without any effectual endeavours for a peace. The blockade of Colchester was just at an end; Cromwell was upon the point of finishing the siege of Pembroke castle, and going to join Lambert; and Fairfax, after the taking of Colchester, was about to come once more and awe the Parliament. Besides this, the King's party was daily increasing in the North, where Langdale, whose forces were now above four thousand men, was preparing to join Duke Hamilton.

The uncer-
tain state of
affairs.
July.

The affairs of England were then in a terrible confusion. The wisest and most experienced could not form any probable conjecture on what was to happen, each of the parties having almost equal reason both to hope and to fear.

Invitations
of the Independ-
ents.

Indeed the Independents were no longer masters in the Parliament, but were however sufficiently numerous, to obstruct, by sundry artifices, or at least to retard, the peace, or prolong the negotiation. Moreover they were supported by three armies, which, though remote from London, inspired their enemies with terror. Nevertheless they saw, it was intended to take advantage of the absence of these armies to conclude a peace with the King, which could not but ruin them, if made before their forces were re-joined. They knew themselves to be equally hated by the Scots, the Presbyterians, and the Royalists. They were therefore in danger that these three parties would unite against them, as indeed it was projected, and then the Independents would have been too weak to resist so many enemies at once. It was therefore their interest to hinder this union as much as possible, till the events of the war which was going to rekindle, should unravel the affairs of the Kingdom. They confided much in Cromwell's valour and capacity, and impatiently expected, that the end of the siege he had undertaken, would enable him to join Lambert in the North, and oppose the Scots, who were ready to enter England.

Desire of the
Presby-
terians.

The Presbyterians had no army at all. Their whole reliance was on the city of London: but their leaders were extremely troubled to see the magistrates pursuing wrong methods, whether by the artifices of the Cavaliers, or by a too earnest desire of peace. They hoped however, the King, in his present circumstances, would immediately grant their demands, in order to free himself out of the hands of the Independents, and unite the whole Kingdom against them. But they built upon no solid foundation. Had there been a treaty at the time I am speaking of, the King, who knew the Scotch army was not designed against him, would have granted at most but what he was obliged to by his treaty with the Scotch commissioners, which would not have been sufficient to content the Presbyterians, as the sequel will show.

Reliance
of the King's
party.

As for the Royalists, the leading men being informed of Duke Hamilton's intentions, they must have entertained great hopes. They flattered themselves, that the Scots and Presbyterians would equally assist in delivering the King

from captivity, and that when he should be free, and the Independent party subdued, he would be able to withstand the Presbyterians and renew the war, in case unreasonable terms were insisted upon. They saw however with great concern their designs ruined in Kent, in Essex, and by the ill success of the Earl of Holland's and Duke of Buckingham's attempt. Certainly they were in an ill situation, between the Presbyterians and the Independents, what hopes soever they had entertained of deceiving the Presbyterians, and engaging them to serve the King, under colour of acting against the Independents. Their whole refuge therefore lay in the progress to be made by Duke Hamilton and Langdale, and in the expectation of inducing the city to force the Parliament to conclude a hasty peace to the King's advantage.

At last the long expected army of Scotland entered Eng-
land, as hath been said, about the beginning of July. When the raising it was resolved, it was designed against the Parliament of England, then under the direction of the army and Independents. But when the Scots came into England, the face of affairs was changed, and the Parliament not only become Presbyterian, but had taken several steps to show, they intended to preserve an union and good correspondence between the two Kingdoms. Mean while, though the Committee of the Parliament of Scotland was not ignorant of what passed in England, they had not given new instructions to Duke Hamilton, or expressed any desire to join with the Parliament, now freed from the Dominion of the army. Thus Duke Hamilton entered England as enemy to the Parliament, since there was no alteration in his orders. He pretended, indeed, a design to maintain the Covenant, but the Parliament had also declared, they had the same intention. What then could hinder the Duke from making some advances to the Parliament, to demonstrate, he was sent into England to promote that design? At least, when he entered a foreign Kingdom with an army, he should, one would think, have published a Manifesto to declare the intentions of his masters. But he only writ to Major-General Lambert, "That the Committee of the Estates of Parliament had commanded him to enter England with an army, for maintaining the Covenant, settling Religion, delivering the King from his base imprisonment, freeing the Parliament from the constraints put upon them, disbanding the armies, whereby the Subjects might be free from the intolerable taxes and quarter which they had so long groaned under, and for procuring a solemn peace and firm union betwixt the Kingdoms under his Majesty's Government." But if what passed before be considered, it will be easy to perceive, this army was designed to restore the King without conditions, or at least upon terms very different from those that were pretended to be laid on him. Though I have touched upon this subject in several places, I believe it will not be amiss briefly to sum up the reasons, which invincibly prove that the Scotch army was solely intended for the King's service.

1. The Scotch Commissioners had treated with the King without being authorized by their Parliament. They had treated for the affairs of England without receiving any power from the English.

2. They had engaged to endeavour to restore the King to the Throne of England, without any other condition than the confirmation of the Presbyterian Government for only three years. As for the Covenant, they had indeed obliged the King to promise, he would confirm it, for the security of those who had taken it; that is, that they might not be prosecuted on that account: but with full liberty to every one not to subscribe it. They had engaged to maintain the rights of the King and Crown with respect to the Militia, the Great-Seal, nomination to offices, choice of Privy-Counsellors, negative voice in the Parliament. Moreover, they had concealed the contents of this treaty from the leading Presbyterians, and at the same time communicated them to the King's principal friends.

3. These same Commissioners had engaged Sir Marmaduke Langdale and Sir Philip Murgrove to raise forces for the King and seize Berwick and Carlisle.

4. These two Gentlemen had repaired to Edinburgh, where they had often conferred with Duke Hamilton and others of the King's party, and when the Commissioners of England complained of their being suffered at Edinburgh, they were only concealed, and the conferences with them continued.

5. Duke Hamilton, before his departure from London, had declared, he would do the King signal service, and this Duke was placed at the head of the army.

6. The same Duke had entered into an engagement with Langdale, that as soon as the Scotch army was in England, there should be no more mention of the Covenant, and all the King's friends should be received into the army without distinction. It is true, he was afterwards restrained by a decree of the Parliament of Scotland. But

1648

Duke Ha-
milton's be-
haviour
was re-
solved Eng-
land.

He writes to
Lambert.
Rothworth,
VII. p. 1194
Whitelock.
p. 321.

See also the
Scotch army
being fully
designed for
the King's
service.

Clarendon,
III. p. 98.

1648. he found means to evade it, by causing *Langdale* to march one day before him, as if *Langdale* had not acted by his orders. But the contrary plainly appeared, when he was defeated by *Cromwell*.

7. The Parliament of *Scotland* was called by the credit of *Duke Hamilton* and the Commissioners who had treated with the King, and the Members were elected by the cabals of the same party.

8. When the levying an army came to be debated in the Parliament, it was strongly opposed, as well by several Lords, as by the General-Assembly of the Kirk. It was solidly proved, that at least the grounds of the war ought to be declared before it was resolved. Protestations were also made against it; but they were evaded, of which there can be no other reason given, but that the army was designed for the King's service, though it was not thought proper to declare it.

9. Finally, when the Duke had entered *England*, he took not the least step, to intimate he was come to support the Presbyterian party. Instead of marching directly to *London*, whilst *Cromwell* was at a distance, though he might be sure the Parliament and City were very desirous to join him, he spent above a month in the northern Counties without any necessity. This conduct therefore shows, his design was not to assist the Presbyterians, though he intended to set against the Independents.

What has been said clearly proves, the *Scottish* army came into *England* with design to restore the King without terms, under colour of delivering him from the Independents. It is no wonder, that the Parliament, where the King had few friends, should declare his army enemies of the Kingdom, as soon as their entrance was known. Nevertheless, as the Presbyterians were yet perjured, the *Scots* were come to support them, it was with great struggle that this Declaration passed the House of Commons. Fourcore and ten Presbyterian Members opposed it to the utmost of their power, so far were they from imagining, the *Scots* had taken arms for the King's interest. But it was not long before they were undeceived.

The 28th of *July* the Commons agreed at last, that the King should be treated with [upon the *Hampton-Court* propositions] without being obliged to sign the three Bills before-mentioned. In all likelihood the Presbyterians were at length sensible, that by deferring the treaty, they were labouring for the Independents, who fought only to waste the time, till *Cromwell*, who was in the midst of his march, should have joined *Lambert*. But it was not possible to advance so far as would have been necessary to finish or even begin the treaty, before the revolution caused by *Duke Hamilton's* defeat. The formalities which must be observed in a Parliament, several unexpected affairs, the arrival of the Prince of *Wales* before *Yarmouth*, and afterwards in the *Thames*, afforded the Independent Members frequent occasions to prolong the treaty. On all these occasions, they affected to make tedious Speeches, which wasted many days sitting. When they saw it was in their power to set aside the treaty, or oblige the House to insist upon the three Bills, they feigned to consent freely to the negotiation: but withal, perpetually found means to delay it. In a word, to know what were the fruits of these artifices, it need only be considered, that the Commons first resolution to treat with the King was on the 24th of *May*; but they did not desist from the three Bills till the 28th of *July*; that it was the 18th of *September* before the negotiation began, and consequently this affair held four months, without reckoning the time spent in the treaty. So, before the conferences began, *Cromwell* had defeated *Duke Hamilton*, and was marching into *Scotland* to hinder the *Scots* from returning to disturb *England*. On the other hand, General *Fairfax* having taken *Colchester*, was posted with his army within twenty miles of *London* to awe the Parliament. It is therefore certain, when the negotiation began, affairs were far from being in the same state as when the treaty was resolved. The good success of the army made the Presbyterians more timorous, and the Independents more bold. But on the other side, the King, losing all hopes of assistance both from the *Scots* and the Royalists, found himself indispensably obliged to yield in a treaty what he would never have granted, if the face of his affairs had not been changed. These are considerations which I thought requisite, before I proceeded to what passed the five last months of the year 1648.

Since the Commons had consented to treat with the King, without obliging him to sign the three Bills, five days more had passed before the manner, place, and time of the treaty could be settled (1). The King required that all parties might have access to him as when at *Hampton-Court*: That the *Scots* should be invited to assist at the

treaty, and appointed the town of *Newport* in the Isle of *Wight* for the place of conference. The Commissioners who had been sent to him, having reported his desires to the Houses, the Lords, who were willing to dispatch this affair, two days after voted the following Votes:

- "1. That the votes of both Houses of Parliament, against no farther addresses and application to his Majesty, be recalled.
- "2. That such persons as his Majesty shall send for, as of necessary use to him in the treaty, be admitted to wait on him: And that his Majesty be in the same estate of freedom, as he was last in at *Hampton-Court*.
- "3. That such servants as his Majesty shall appoint, be sent to wait on him.
- "4. That the place for the Treaty be in *Newport*, in the Isle of *Wight*.
- "5. That the *Scots* be invited to treat with his Majesty.
- "6. That his Majesty be admitted to invite them.
- "7. That the instructions given from both Houses of Parliament, to Colonel *Hammond* Governor of the Isle of *Wight*, be recalled.
- "8. That five Lords and ten Commoners be chosen Commissioners, to treat with the King.
- "9. That it be referred to the Committee of Lords and Commons for peace, to prepare all things in readiness for the speeding of the treaty."

These Votes being sent to the Commons, they did not think proper to pass them without some amendments.

- "The first was admitted.
- "As to the second, the Commons ordered, That his Majesty should be desired to send to the Houses the names of such persons as he should conceive to be of necessary use about him during the treaty; they not being persons excepted against by both Houses of Parliament from pardon, or that were then under restraint, or in actual wars against the Parliament by sea or land; or in such numbers, as might draw any just cause of suspicion; and that his Majesty should be in the same freedom, honour, and safety, as he was in when he was at *Hampton-Court*.
- "Upon the third, they concurred in the vote for his Majesty's attendants, provided they were such as were not in any of the former qualifications.
- "The fourth was approved of.
- "As to the fifth and sixth, the question, whether the *Scots* should be invited by the Parliament, to send Commissioners to treat with his Majesty upon the propositions presented to him at *Hampton-Court*, it was carried in the negative. But it was ordered however, p. 1331.
- "That if the King should think fit to send for any of the *Scottish* nation, to advise with him concerning the affairs of the Kingdom of *Scotland* only, the Houses would give him a safe-conduct.
- "Concerning the seventh, it was resolved, That before the recalling of Colonel *Hammond's* instructions, they should send again to his Majesty, to let him know, how far they had proceeded, as to a treaty, and to have his Majesty's approbation.
- "The eighth and ninth were admitted without any difficulty."

The next day the Commons ordered new instructions to Colonel *Hammond*, viz.

- "That the King be removed to *Newport*, and be in the same condition and freedom there, as he was at *Hampton-Court*.
- "That no person in the first exception out of mercy, nor under restraints of the Parliament, nor of late actually in arms against the Parliament, be admitted to the King.
- "That no person that hath been in arms against the Parliament, &c. or of whom there is just cause of suspicion, be admitted into any fort or tower in the Isle of *Wight*.
- "That no person of any foreign nation be admitted to come into the same Isle, without leave of the Parliament.
- "If the Kingdom of *Scotland* send any to treat with his Majesty, they shall have a pass from both Houses, and be admitted.
- "That his Majesty pass his royal word, not to go out of the Island during the treaty, nor twenty-eight days after, without the advice of both Houses of Parliament."

The next day, advice was brought of *Duke Hamilton's* defeat. The Independents then hoped, they should hinder the conclusion of the treaty (2), and the Presbyterians, that the King would grant every thing, since he had lost

(1) Both Houses agreed, August 2, to treat with the King in the Isle of *Wight*, and the Earl of *Middlesex*, Sir *John Hoppeler*, and Mr. *Bulley*, were sent, August 4, to his Majesty, with the Votes of the two Houses. See *Rushworth*, Tom. 7. p. 1214, 1216.

(2) *Cromwell* writ to his friends, That it would be a perpetual ignominy to the Parliament, if they should recede from their former vote of, *No further Addresses* to the King, and conjured them to continue firm in that resolution. See *Rushworth*, Tom. 3. p. 141.

1648. the assistance he depended upon, and was without any resource. Thus, this event, though of the greatest importance, caused no alteration in the disposition of the parties to treat. A few days after they received also news of the taking of Colchester.

The King having sent a list of the persons he desired to have about him, the Parliament excepted against three, namely, *Affburnham, Legg, and Dewett*, who were then in custody.

It was not only upon this point, but several others, where difficulties occurred, that they were forced to send expresses to the King. It suffices to say, that the Parliament's commissioners departed not from London for Newport, till the 13th of September, and the conferences began not till the 18th. It was agreed, they should continue forty days only.

Whilst preparations were making for the treaty, the Prince of Wales, who lay in the Downs with his fleet, sent a letter to the House of Peers, wherein he took notice of the progress made as to a personal treaty, and farther expressed his desires.

"1. That the treaty should be in such place and manner, as might consist with the honour, freedom, and safety of his Majesty his Father; so that the agreement might not be blemished with any face of restraint.

"2. That the treaty might be between the King, and his two Kingdoms of England and Scotland. 3. That during the treaty, there should be a general cessation of arms. 4. That a moderate subsistence, during the treaty, might be agreed upon, for all armies and forces then on foot, and particularly the Scots army in England. 5. That a course might be taken to content him, and his ships in the Downs, with money and provision."

It does not appear, the Lords took any notice of this letter, and the rather, as the Prince made no mention, that it should be communicated to the Commons.

The same day the Lords received this letter, a petition was presented to both Houses from the Common-council of London, desiring,

"1. That the King's Majesty might be free from restraint.

"2. Invited to a treaty.

"3. That all acts of hostility by sea and land, might, by command of King and Parliament, cease.

"4. That the government of the Church might be settled according to the Covenant.

"5. That distressed Ireland might be relieved.

"6. The people of England, by disbanding all armies, eased; the liberty of the Subjects restored; the laws of the land established.

"7. The members of both Houses enjoined to attend the House for the service of the Kingdom.

"8. That the Self-denying ordinance might be effectually observed. And

"9. Speedy consideration had of the condition of such merchants, whose ships and goods were stayed by those with the Prince; and that some expedient might be thought of, for discharge of all ships, that trade be not destroyed."

The Reformado-officers presented the same day a petition of the like import; praying moreover, that all officers and soldiers (without exception) might be paid their arrears.

The Commons returned in answer to the Common-council of London, that it was their intention to treat with the King, that they had acquainted his Majesty with it, and that there was no room to question but the King was in the same disposition. Then they communicated to the Council the Votes that were passed in the House on that occasion.

All this passed before the defeat of the Scotch army. But after the news of that great event, and the taking of Colchester, the Independents in and about London, who had been quiet since the removal of the army, and before any decision, began to hold up their heads. The 11th of September, two days before the departure of the commissioners for the life of *Wight*, they presented a petition to the Parliament, subscribed by several thousands, openly complaining of the Commons proceedings, which, they said, flowed from the corruption of most of the members. They also gave them the reasons, why they first assisted them in this war with their persons and purses, and let them know, they expected other ways from them than a treaty with the King, and particularly,

"1. That they would make good the Supremacy of the People from all pretences of negative voices either in the King or Lords.

"2. That they would have made laws for election of representatives yearly, and of course, without writ or summons.

"3. That their time of sitting exceed not forty or fifty

days at the most, and to have fixed an expressed time for the ending of this present Parliament.

"4. That they would have exempted matters of Religion and God's worship from the compulsive or restrictive power of any authority.

"5. That none be forced or pressed to serve in war.

"6. That they would have made both Kings, Queens, Princes, Dukes, Earls, Lords, and all persons, alike liable to every law of the land.

"7. That all Commons be freed from the jurisdiction of the Lords in all cases; and to have taken care, that all trials be only of twelve sworn men; and no conviction but upon two or more sufficient known witnesses.

"8. That none be examined against themselves, nor be punished for doing of that, against which no law hath been provided.

"9. That the proceedings in law be abbreviated, mitigated and made certain, the charge thereof in all particulars.

"10. That all trade and merchandizing be made free from all monopolizing and engrossing, by companies or otherwise.

"11. That the Excise and all kind of taxes, except subsidies, be taken off.

"12. That you would have laid open all late inclosures of fens, and other commons, or have enclosed them only or chiefly to the benefit of the poor.

"13. That they would have considered the many thousands that are ruined by perpetual imprisonment for debt, and provided to their enlargement.

"14. Have ordered some effectual course to keep people from begging and beggary, in so fruitful a nation, as through God's blessing this is.

"15. That they would have proportioned punishments more equal to offences, that so men's lives and estates might not be forfeited upon trivial and slight occasions.

"16. Have removed the tedious burthen of tythes, satisfying all impropriators, and providing a more equal way of maintenance for our poor Ministers.

"17. Have raised a stock of money out of confiscated estates, for payment of those who contributed voluntarily above their abilities, before those that disbursed out of their superfluities.

"18. Bound themselves and all future Parliaments from abolishing propriety, levelling mens estates, or making all things common.

"19. That they would have declared, what the duty or business of the Kingly office is, and what not; and ascertained the revenue past increase or diminution; that so there might never be more quarrels about the same.

"20. That they would have rectified the election of public officers for the city of London, of every particular company therein; restoring the commonalty thereof to their just rights, most unjustly withheld from them, to the producing and maintaining corrupt interest, opposite to common freedom, and exceeding ly prejudicial to the trade and manufactures of this nation.

"21. That they would have made full and ample reparations to all persons that had been oppressed, by sentences in High-Commission, Star-Chamber, and Council-board; or by any kind of monopolizers or projectors, and that out of the estates of those that were authors, actors, or promoters of so intolerable mischiefs, and that without much attendance.

"22. That they would have abolished all Committees, and have conveyed all businesses into the true method of the usual trials of the Commonwealth.

"23. That they would not have followed the example of former tyrannous and superstitious Parliaments, in making orders, ordinances, or laws, or in appointing punishments concerning opinions, or things supernatural, stifling some blasphemies, others heresies.

"24. That they would have declared what the business of the Lords is, and ascertain their condition, not derogating from the liberties of other men; that so there might be an end of striving about the same.

"25. That they would have done justice upon the capital authors and promoters of the former or late wars.

"26. That they would have provided constant pay for the army, and given rules to all Judges, and all other public Officers throughout the land, for their indemnity; and for the saving harmless all that have any ways assisted them.

"27. That they would have laid to heart the abundance of innocent blood that hath been spilt, and the infinite spoil and havoc that hath been made of peaceable, harmless people, by express commission from the King;

1648.

Letter from the Prince of Wales to the Lords.
Whitehall.
Rothw. 11.
VII. p. 1220

Petition from the Common-council.
Ibid.

Another from the reformed officers.
Ibid.

Answer to the City.
P. 1222.

The Independent in the City.

They present a Petition.
Sept. 11.
Rothw. 11.
Whitehall.
355.
London.

1643. "King; and seriously to have considered, whether the justice of God be likely to be satisfied, or is his yet continuing wrath appeased by an act of oblivion."

Though the petitioners did not call themselves Independents, the principles of that party were but too visible in these articles to doubt from what quarter they came.

The same day the masters and commanders of ships presented the like petition, complaining of the tyranny of the Parliament.

The Parliament thought not proper to answer these Petitions (1), though two days after, the first presented another to desire an answer [to every part of their Petition.] It was no proper juncture to provoke the Independents, by such an answer as this petition deserved.

Before I enter upon the particulars of the treaty at Newport, it is absolutely necessary to relate what passed in the North of England, and in Scotland.

Cromwell marches against Monro.
Monroe who was leading from Scotland three or four thousand men (2) to Duke Hamilton, had entered a good way into England, when the Scotch army was vanquished and dispersed. After this victory, Cromwell, without losing time in pursuing the rest of the army which was not in condition to do any mischief, left Lambert with some troops to finish their destruction, and immediately marched in quest of Monroe. The English that were with this Scotch General used their utmost endeavours to persuade him to give Cromwell battle: But it was not possible to prevail with him. He chose rather to retire northward, and always kept at so great distance, that there was no overtaking him. Nevertheless Cromwell continued his march, and hearing that Lambert had entirely destroyed the Scotch army, sent him orders to march to Carlisle, where Mulgrave still remained with some troops, and after clearing those parts, to come and join him in order to enter Scotland together. When Cromwell came near Berwick, he wrote to the Committee of Estates to require them to call home Monroe, and deliver Berwick and Carlisle, otherwise they were to expect a war. A few days after he pursued his march towards Scotland, having left some Regiments to block up Berwick.

Ruthworth, VII. p. 1176. Whitlock.
Duke Hamilton's defeat, and Cromwell's threats, entirely changed the face of affairs in Scotland. The Marquis of Argyll, who had not been able to prevent the raising of an army, and had been forced to submit to the opposite party, became superior again, and was supported by all who were against the war. The Committee of Estates daily lost their authority, and were seconded only by Monroe, who was at length returned into Scotland. So, the Marquis of Argyll being assured of the approbation of most of the people, levied three or four thousand men to oppose Monroe, whom the Earl of Lanerick had joined, with some new-raised troops. They had secured Sterling bridge, which hindered the Marquis of Argyll from making any progress, though his forces had been more numerous. But Cromwell broke all their measures, by not staying at Berwick, but marching directly to Edinburgh. He thereby forced the Committee of Estates to fly from thence, and disperse, for fear of being inclosed between the English, and the Marquis of Argyll's forces. Then the Earl of Lanerick, and Monroe, being unable to continue the war, came to an agreement upon the following terms:

Ruthworth, VII. p. 1176. Whitlock.
1. That both the armies should be disbanded.
2. That a Parliament should be called to sit before the 20th of January.
3. That the settling of Religion be referred to the determination of the General Assembly, and all civil questions to the determination of Parliament.
4. That a new Committee of Estates be appointed, to consist only of such Members as protested in Parliament against the late engagement: And in case any of the forces under Monroe should continue in arms, that then the said Committee should raise forces to suppress the same.
5. That none who had been accessory to the late engagement, should be challenged to take away their lives and estates, &c. provided they did declare under their hand-writings, to the Lord-Chancellor, or President of the Committee of Estates, that they accepted of, and submitted to the present engagement.
6. That all persons taken in war, since the second of August, be released.

Articles between the Earl of Argyll and Monroe, 14. p. 1178.
The face of affairs being thus changed, and the King's party dispersed, Cromwell repaired to Edinburgh, where he was received with great respect. He obtained the restitution of Berwick and Carlisle, and having concerted proper measures with the Marquis of Argyll, returned triumphantly into England.

Cromwell received into Edinburgh; returns into England; leaves Lambert in Scotland.
The House remained answer to the Independents Petition to this effect: "That the House gave them thanks for their great pains and care of the public good of the Kingdom, and would speedily take their desires into consideration." *Ruthworth, Tom. VII. p. 1181.*

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He had, in the beginning of September, above seven thousand men, English, Scots, and Irish, under his command. *Idem, p. 1179.*
They were held in Sir William Holdest's house. *Ruthworth, Tom. VII. p. 1179.* — The Commissioners were Sir Lewis, viz. the Earl of Pembroke, Salisbury, Middlesex, Northumberland, and the Lord Say; and ten Commons, viz. Dives, Hallett, Lord Wrenham, Mr. Pierrepont, Sir Henry Juxon, Sir John Hesketh, Sir John, Mr. Dives, Mr. Crew, Recorder Glyn, Sir John Pett, and Mr. Baskley. *Whitelock, p. 114.*

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The House gave them thanks for their great pains and care of the public good of the Kingdom, and would speedily take their desires into consideration. *Ruthworth, Tom. VII. p. 1181.*

phantly into England. He left Lambert, however, in Scotland, with three or four Regiments, at the request of the Scots, who believed they should want them, to awe those who might desire to raise new commotions.

Whilst Cromwell was in quest of Monroe in Scotland, the conferences for peace began at Newport (3). Though the two Houses had desisted from the condition, that the King should sign the three bills before the treaty, they had not relinquished the thing itself. The very first day, the Commissioners presented to the King, the draughts of the three bills. By the first, the Presbyterian government was established for ever in the Church of England, Episcopacy abolished, with the whole Hierarchy, and the sale of Bishops lands appointed. By the second, the King left the power of the Militia for thirty years in the hands of both Houses. By the third, all the King's proclamations and declarations against the Parliament, or their adherents, were recalled. The last of these bills began with these words, *Whereas the Parliament have been necessitated to make and prosecute a war in their just and lawful defence, &c.* The King scrupled not to agree to the substance of the bill, but objected against the preamble, which charged him indirectly with having made war upon the Parliament, and desired it might be omitted, to which the Commissioners would never consent, because they were, by their Instructions, not to depart from a title of what was contained in the three bills. This dispute held seven days, and it was the 25th of September, before the King consented at last to pass the bill, with the preamble. But it was on condition, that nothing should be binding, unless the whole were agreed on, and the treaty signed. This article being thus dispatched, they proceeded to the rest, on which were great debates, and particularly concerning Religion. As the King saw the Commissioners would not, or could not yield any thing, he hoped to shorten the negotiation, by shewing the two Houses, how far he could comply with regard to the most important articles. He sent therefore a message to explain his intentions, and make them the following offers.

Concerning Religion. "His Majesty will consent, that the calling and sitting of the assembly of Divines at Westminster be continued for three years by act of Parliament, and confirms for three years the Directory, and the form of Church-government, to be used for the Churches of England and Ireland, and Dominion of Wales; provided that his Majesty, and those of his judgment, or any other, who cannot in conscience submit thereto, be not in the mean time obliged to comply with the same; and that a free consultation and debate, be had with the Assembly of Divines at Westminster in the mean time, twenty of his Majesty's nomination being added to them, whereby it may be determined by his Majesty, and his two Houses of Parliament, how the said Church-government, and form of public worship, after the said time, and how Religion may be settled, and the articles determined, and care taken for the ease of tender consciences."

2. Concerning the Bishops lands and revenue. "His Majesty will consent to an act or acts of Parliament, whereby legal estates for lives, or for years, not exceeding ninety-nine, shall be made for those lands, towards the satisfaction of the purchasers, and to others to whom they are engaged, whereby they may receive satisfaction; or provided that the propriety and inheritance of those lands, may still remain to the Church, and the rest that shall be referred to be for their maintenance."

3. His Majesty will give his royal assent for the better observation of the Lord's-day, for suppressing of Innovations in Churches and Chapels, in and about the worship of God, and for the better advancing of the preaching of God's holy word in all parts of this Kingdom; and to an act against enjoying pluralities of benefices by spiritual persons, and non-residency; for regulating and reforming both Universities, and the Colleges of Westminster, Winchester, and Eaton; for the better discovery, and speedy conviction of popish Recusants, for the education of the children of Papists, by Protestants, in the Protestant Religion, for levying penalties against Papists: To an act to prevent the practices of Papists against the State, and for putting the laws in execution, and for a stricter course to prevent hearing, and saying of Mass.

4. As to the Covenant, his Majesty is not yet therein satisfied, that he can sign or swear it, or consent to impose it on the consciences of others; nor

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1641. "doth conceive it proper, or useful, at this time, to be inflicted on (1).
 "5. Touching the Militia, his Majesty will consent to an act of Parliament, to be in the Parliament's hands for ten years.
 "6. Touching *Ireland*, after advice with his two Houses, he will leave it to their determination, and give his consent accordingly.
 "7. Touching public debts, his Majesty will give his consent to such an act, or raising of moneys by general and equal taxations.
 "8. He professeth, that he may have liberty forthwith to come to *Windsor*, and be restored to a condition of freedom and safety, a thing which he shall never deny to any of his Subjects, and to the possession of his lands and revenues; and that an act of oblivion and indemnity may pass, to extend to all persons, for all matters relating to the late differences, which being agreed by his two Houses of Parliament, his Majesty will be ready to make these his concessions binding, by giving them the force of laws by his royal assent (2).
 If these offers concerning Religion are considered, with respect to the King's private opinion, they may be said to be great concessions, perhaps greater than his conscience allowed, since it was his real belief, there was no true Church without Bishops. But if these same offers are considered, with regard to the Presbyterians and Independents, of whom the Parliament consisted, they will be found to be by no means satisfactory. They were only a fort of interim, which tended to make them lose the present opportunity to abolish Episcopacy entirely.

Presented to the offer.

I cannot forbear making another remark on this occasion. The King artfully endeavoured, so to order it, that his own propositions should be treated upon, which the Parliament had ever refused, so apprehensive were they of the usual ambiguities and restrictions in the King's papers, and of which there is even here a fresh instance, in the first article concerning Religion. But he was disappointed now, as well as before. The Parliament, without taking notice of his offers (3), ordered the Commissioners to proceed fully according to their instructions.

Another remark.

Whereupon the King delivered a paper to the Commissioners, containing the reasons why he could not consent to the abolition of Episcopacy, which, he said, he conceived to be of Apostolical Institution. That as to the sale of Church-lands, he affirmed it to be real sacrilege, besides, that at his Coronation, he had sworn to maintain the rights of the Clergy. All these reasons, with many more that might have been added, signified nothing to the Commissioners, who had no power to relax on any point. All they could do, was to send them to the Parliament, and expect their orders. But, this delayed the conclusion of the treaty, and consumed the time which the King and Parliament ought equally to have improved.

The offers are rejected. Rushworth, VII. p. 1255. p. 1257. Whitelock.

Some days after, the King being desirous to gain the good-will of both Houses, and some concession in favour of Episcopacy, which was the principal, and, as I may say, the only point that hindered the conclusion of the treaty, declared to the Commissioners, "that he consented for the settling the Militia by sea and land, in the Parliament's hands for twenty years, and for confirming for three years by act of Parliament, the form of Church-government, and Directory for worship presented to him. But he added, that he was not satisfied in his conscience, or could be content to the utter abolishing of Episcopacy; the substance whereof he conceived to consist in the power of ordination and jurisdiction, as they were exercised by the Apostles themselves, and others, by authority derived from them, superior to Presbyters and Deacons in the primitive times. His resolution being to comply with his two Houses, for the alteration and regulating of his present Hierarchy and Government, so as Episcopacy reduced to the primitive usage, might be settled and continued in the Church of England, and if his two Houses should so advise, his Majesty would be content to lessen the extent, and multiply the number of the Dioceses.

The King consents to the article about the Militia. Rushworth, VII. p. 1251. Whitelock, p. 344.

"As to the exception, that his Majesty had not expressed his consent for settling of Bishops lands upon trustees, and for the sale of those lands; it was true he had, not to alienate the inheritance of those lands, and herein he believed he had the concurrent opinions of many Divines, that in other points differed much among themselves: But his former answer containing a large offer of satisfaction to all those that had purchased or disturbed monies upon those lands, he hoped that answer would be satisfactory to his two Houses.

"1. That he consented to the abolishing of Archbishops, Chancellors, Deans and Chapters, &c. and the whole Hierarchy, except Bishops.
 "2. That for three years no other but Presbyterian

"For the calling and sitting of the Assembly of Divines, his Majesty would assent as was desired.
 "That his Majesty would confirm the publick use of the Directory in all Churches and Chapels, as was desired in the proposition, and would consent to the repeal of so much of all Statutes, as only concerned the book of Common-Prayer, and also the taking the same away out of all Churches and Chapels, provided that the use thereof might be continued in his Majesty's Chapel for himself and his household: And that the same should be confirmed by Act of Parliament for three years, provided only that a consultation in the mean time be had with the Assembly of Divines in such a manner, and for the purposes as were in his former answer expressed.
 "Touching the articles of Religion, his Majesty professed, he had not had time since they were delivered unto him, to look into them with that deliberation which was requisite, before he bound himself up and his subjects in matter of Faith and Doctrine; and therefore desired, that part of the proposition might be repited by his two Houses. But he would consent to an Act for better observation of the Lord's-day; as also to prevent the saying of mass.

"Lastly, concerning the Covenant, and the ordinance concerning the same, his Majesty's answer was, that he not being satisfied to take it or impose it on others, he conceived his two Houses would not insist upon it at that time, and the rather, because the ends thereof would be obtained by the agreement if happily concluded."

Some days after, the two Houses received advice from their Commissioners, that the King had fully consented to the proposition concerning *Ireland*.
 By a letter which came the 17th of *October*, they heard, the King had agreed to the propositions concerning the publick debts, and for taking away all honours and titles conferred since the 20th of *May* 1641.

By another of the 18th, that concerning Delinquents, his Majesty offered,

"That all persons who had any hand in the plotting, designing, or assisting the rebellion in *Ireland*, should expect no pardon, as was expressed in the first branch of the proposition. As to all the rest of the propositions his Majesty could not consent therunto, as was proposed, otherwise than in the following manner: viz. As for all other persons comprised in the said first branch, his Majesty, for satisfaction of his two Houses, would give ways, that they might moderately compound for their estates, and desired they might be admitted to the same; and for removing of distrust and interruptions of the publick settlements, his Majesty would consent as followeth. That such of them as the two Houses of Parliament would insist on, should not be admitted to his councils, and be refrained from coming to Court, at such distance as both Houses should think fit, and should not have any office and employment in the Commonwealth, without the consent of both Houses of Parliament; or should absent themselves out of the Kingdom for some time, if both Houses of Parliament should think fit. That all other persons in that proposition should submit to a moderate composition, and for the space of three years should not fit, or serve as members, or assist in either House of Parliament, without consent of both Houses."

The time fixed for the continuance of the treaty being almost expired, and nothing settled on the article of Episcopacy, which was properly the only point on which difficulties occurred, the two Houses found an expedient to prolong the negotiation a week, by ordering, that the Sundays and Fast-days should not be accounted part of the forty days allowed for the conferences.

The 21st of *October* the King sent a fresh message to both Houses concerning Episcopacy. *Cromwell* was on the road to join the army, and it was to be feared, if the treaty was not concluded before his arrival, he would raise invincible obstacles to it. The King sufficiently knew him, to believe there was no good to be expected from him. He believed therefore, that to hasten the conclusion of the treaty, to which the affair of Episcopacy was the grand obstacle, he ought to make some farther concessions on that point. Wherefore he acquainted the two Houses, by this message:

"1. That he consented to the abolishing of Archbishops, Chancellors, Deans and Chapters, &c. and the whole Hierarchy, except Bishops.
 "2. That for three years no other but Presbyterian

His Majesty's proposals, with regard to Delinquents, &c. p. 1256. Whitelock.

The conferences are prolonged a week. Rushworth, VII. p. 1259.

New offer from the King touching Episcopacy. &c. p. 1301. Whitelock.

(1) This was to avoid incensing the Independents, who were entirely against submitting to the Covenant. *Rogers*.
 (2) More than this (*say's Rogers*) could not be obtained of the King, though most earnestly begged by some of the Commissioners (great persons) with some, and on their knees; partly, as to the proposition touching Religion. *Whitelock*, p. 340.
 (3) They voted them unnecessary. See *Rushworth*, Tom. VII. p. 1228. *Whitelock*, p. 349.

1648. "Government should be used, and the exercise of episcopal Government should be wholly suspended during that time.

"3. Whereas episcopal Jurisdiction, if no other had been agreed upon in the mean time, might have risen up after the three years, he now expressed his consent, that none should be exercised after that time other than Ordination, which was refrained to the counsel and assistance of Presbyters, but such, and in such manner as should be agreed by him and his two Houses; whereby until such agreement, or if it were not otherwise agreed, episcopal Jurisdiction was wholly laid aside."

The King consents to the nomination of the great Officers, and to the suspension of the Court of Wards, &c.

His Majesty also that day consented to the following propositions:

"To that for nomination of the great Officers of the Kingdom, to be by both Houses during the term of ten years.

"To those concerning the city of London, and the great Seal.

"To that concerning the Court of Wards, &c. a recompence being assured to his Majesty of one hundred thousand pounds per Annum to him, his heirs and successors, in lieu of the Court of Wards."

He refuses to give up his place, and his Majesty's answer.

The Commissioners acquainting the King that his answer concerning Episcopacy would not be satisfactory to the two Houses, and earnestly pressing him to give them a fuller, he told them in writing, he could not absolutely relinquish Episcopacy. He repeated his offers on that head, adding only, that if in the space of three years he was convinced, that the function of Bishops was not agreeable to the word of God, or that Christ commanded any other Government, he would most cheerfully embrace it: but till he was so convinced, he believed himself bound in conscience to maintain Episcopacy.

The Commons spent four or five days in debates upon the King's offers and answers, and voted them unsatisfactory, as to the point of Episcopacy, the Lords concurring with them.

The same was voted concerning the King's answer about taking the Covenant, and abolishing Popery, for that he desired to have it tolerated in the Queen's Chapel and Family.

The Houses were likewise dissatisfied with the answers about alienating Bishops lands, and sale of Deans and Chapters, and concerning Delinquents. Thus, the peace seemed more remote than ever, especially, as the Lords concurred with the Commons in the alienation of Churchlands.

At the time limited for the conferences was about to expire, these resolutions were speedily sent to the commissioners, with orders to demand the King's final and positive answer, and by a special message the Commons also desired of the King, that his Majesty would be pleased to declare expressly against the Irish rebellion, and the cessation concluded with the rebels, and forbid the junction of the Marquis of Ormond's forces with the Irish Papists to make war upon the Protestants.

But as there remained only three days, which was not a sufficient time to receive the King's answer, the Lords prevailed with the Commons to prolong the treaty a fortnight, and the rather, as the King had desired to confer with Dr. Usher Archbishop of Armagh, and the Bishops of Worcester and Rochester, upon the affairs of the Church. But as much was not to be expected from this delay, the commissioners were allowed to return to the Parliament, leaving three of their number to receive the King's final answer (1). Twelve of the commissioners coming to London, reported to the Parliament the King's final answer, which had been delivered to them the 9th of November, and was to this effect:

"That his concessions had been misapprehended, and that he did not intend to make any more new Bishops during the term of three years.

"That whereas it might be objected, That in the end of three years the power of Ordination should be practised in the old manner as formerly, that is, the Bishops should be at liberty to call what Presbyters they would to assist in ordaining, but were not bound to their counsel or consent, his Majesty did now intend and consent, that Bishops should not receive any into holy Orders without consent of a limited number of Presbyterians to be chosen in such manner as should be agreed on by his Majesty and his two Houses for that purpose.

"That his Majesty did not intend, that after the end of three years no certain way should be settled concerning Ecclesiastical Government, for that his Majesty did purpose during the three years, to have a consultation with

the Assembly of Divines, twenty being added of his nomination, which if his two Houses should refuse to entertain, it could not well be doubted, but upon the debate, such a Government would be agreed on by his Majesty and his two Houses, as should be best for the peace of the Church, and most proper to prevent those distractions which his two Houses apprehended might ensue.

"As to that part of the proposition concerning the book of Common-Prayer; for the satisfaction of his two Houses, that he would not insist upon any provision for continuance of the same in his Majesty's chapel for himself and his household: Nevertheless his Majesty declared, that he intended to use some other set form of Divine Service.

"As to their request, that an Act be passed for a stricter course to prevent the saying and hearing of mass in the Court, or any part of the Kingdom, or in Ireland, his Majesty would consent thereto.

"As to all other particulars mentioned in the Parliament's paper, he referred himself to his former answers.

"Concluding, that since he had by his concessions brought all differences concerning the Church into so narrow a compass, that the chief visible obstruction was, that wherein really in conscience he was not satisfied, he hoped his two Houses would not put further pressures of so tender a nature upon him."

All this was not capable to induce the Commons to desist from the least of their pretensions. They voted, that his Majesty's answers concerning the Church, form of Prayer, hearing and saying Mass, were unsatisfactory, and ordered the three Commissioners attending the King to inform him of their Votes, and press him for his final answer.

As the Parliament had not hitherto taken any notice of the King's propositions or desires, the House of Commons at length took them into consideration, and passed the following Votes:

"1. That his Majesty's coming to London shall be with freedom, safety and honour, so soon as the concessions of the treaty are concluded and agreed.

"2. That his Majesty shall have his lands and revenues, what is legally his, made good to him, according to the laws of the Kingdom.

"3. What his Majesty shall pass away of his legal rights, he shall have allowance in compensation thereof.

"4. That an Act of Oblivion be presented to his Majesty, to be passed with such limitations as shall be agreed on by both Houses of Parliament.

It is certain, there was never any difficulty either about the King's return, or the restitution of his revenues, or the abolition of the Court of Wards, instead of which he was to have a hundred thousand pounds a year. These three articles were considered as a natural consequence of the conclusion of the treaty. But as to the act of oblivion, the King and Parliament did not agree. The Parliament insisted upon excepting from pardon such a number of Delinquents, that is, of those who had served the King, and were considered as the authors of the troubles. They intended to confiscate their estates, and banish them the realm. In short, after long debates, the number of excepted persons was reduced to seven, about whom the two Houses did not agree (2). Nay, as to those that were to be included in the pardon, the Parliament pretended to inflict a pecuniary punishment on them, and had ranked them under several classes, according to which, some were to forfeit one half of their estates, others a third, others a fourth, and had assigned the money thence arising towards the payment of the publick debts. The King, on the contrary, pretended, that all without exception should have the benefit of the act of oblivion. He contented only that some of those whom the Parliament termed Delinquents, that is, his faithful servants, should be liable to a moderate composition, a general expression, on which there would have been many disputes, had it come to be discussed. However it be, this article, which was considerable, was not yet settled: but it was not impetible to find expedients to satisfy the King and the Parliament, if the difficulties concerning Religion had not hindered the conclusion of the treaty, upon which I cannot forbear making two remarks.

The first is, that if the Commons insisted so long upon the signing the three Bills, it was because they knew how inflexible the King was in the point of Episcopacy, and despaired of concluding a treaty with him, unless he previously granted this article, upon which they were no less inflexible than he, as plainly appeared in the con-

(1) The Earl of Northumberland, Mr. Pierrepont, and Mr. Dudley Holles. Whitlock, p. 317.

(2) The persons excepted by both Houses, were the Lord Digby, Sir Marmaduke Langdale, Sir Richard Greenhill, Judge Twiss, Sir Francis Duden, and several of the Earl of Newcastle, and Sir John Winter, the Lords voted, Sir George Ratcliff, and the Lord Byron. Rushworth, Tom. VII. p. 124.

1648. ferences. This was the principal point, without which perhaps there would have been no war, and from which the Presbyterians could not depart without losing the fruit of all their labours and successes against the King.

My second observation is, that the rigid Episcopalians had room to see in these conferences, what prejudice their former excessive severity against Presbyterianism now brought them, since it was not possible to find any other way to content the Presbyterians than the abolition of Episcopacy. The Presbyterians, knowing by long experience the King's ill-intentions towards them, thought they could not trust to concessions extorted from him by necessity, and were not to be satisfied so long as the name of Bishop subsisted. They were apprehensive, and perhaps very justly, that the function of Bishops, though reduced almost to nothing by the King's offers, would be a foundation on which the King intended to raise the superstructure of the Hierarchy, or a Tothing, which flew that he meant not to leave the building in its present condition. The example of what had happened in Scotland farther confirmed their jealousies and fears. In that Kingdom, all the Episcopal functions had been abolished. The Bishops had retained only the bare name, with some temporal privileges, entirely destitute of authority or jurisdiction. But even this had sufficed to give King James occasion to restore them to all the rights they had enjoyed before the Reformation. Charles I. might intend to do the same thing in England; and the Presbyterians but too well remembered, that at the very time he granted the Scots the extirpation of Episcopacy, he writ to the Scotch Bishops that it was only through compulsion, and till he should have opportunity to restore the Church to her former splendor. Without this prejudice of the Presbyterians, without this want of confidence, of which the King may be said to be himself the cause, it is certain his offers with regard to Episcopacy might have served for foundation to a peace, as the Parliament acknowledged when it was too late. Mean while, the two Houses not despairing entirely to bring the King to their terms, continued the treaty a week longer.

Whilst both Houses were employed in the affairs of the treaty, the officers of the army, whose head-quarters were then at Windsor, met in a council of war, to endeavour to obstruct the peace. They knew what had passed at Newport, and that the conclusion of the treaty depended but on a single point, which they did not question, the King would at last grant. Wherefore they resolved to hinder the conclusion by force. Cromwell was not yet come to the army, but remained about Penfract, to order the siege of that place, which had been surprised by the King's party, and the garrison whereof kept the whole Country in awe, and committed great violence. Colonel Rainborough had been detached from the army, to command at the siege; but had been surprized in a neighbouring town by a party of the garrison, who had killed him, not having been able to carry him off (1). Cromwell had ever loved and esteemed him, and therefore earnestly wished to revenge his death, besides that he was importuned by the committee of Yorkshire, to employ the forces he was leading from Scotland, for the reduction of this place. This had detained him some time in those parts. But as he wanted not all his troops for that siege, because he had there already a detachment of the army, he sent part of his forces before, to join General Fairfax. This reinforcement being arrived, the army believed themselves able to execute what had been resolved. To that purpose, the 18th of November, which would have been the last day of the Newport conferences, if the Parliament had not continued them a week longer, Colonel Ewers, attended with some officers, presented to the Commons, from the army, a Remonstrance, which plainly discovered the intentions of the Independent party. The substance of the army's desires, was to this effect:

- "1. That the King be brought to justice, as the capital cause of all the evils in the Kingdom, and of so much blood being shed.
- "2. That a timely and peremptory day be set for the Prince of Wales, and Duke of York, to come in and surrender themselves; if not, that they be declared incapable of Government, or any right in England, and stand exiled for ever as traitors; and if they render themselves by the time, then the Prince to be proceeded against or remitted, as he shall give satisfaction, and the Duke the like, and that the revenue of the Crown be liquidated. Also the 100,000 l. to be added, be disposed to publick use.

"3. That publick justice may be done upon some capital causers or actors in the war.

"4. That the rest upon submission may have mercy for their lives.

"5. That the soldiers have their arrears.

"6. That publick debts be paid, chiefly to those who voluntarily laid out their estates, and ventured their lives, and this to be done by fines of delinquents, and the estates of those excluded from pardon.

"7. After publick justice thus done, then that a reasonable certain period be put to this Parliament.

"8. That there be a certain succession of future Parliaments, annual or biennial, with secure provision,

"(1.) For the certainty of meeting. (2.) For equal distribution of elections, to render the Commons House an equal representative. (3.) For certainty of the people's meetings, and that none who have engaged in the late war, or shall engage against the right of Parliament and Kingdom, or adhere to the enemies thereof, be capable of electing, or being elected during some years, nor those who shall not join with them, but oppose this settlement. (4.) For clearing the power of this representative, it be declared to have the supreme power, as to the governing and preservation of the whole, as to the people of England, and to altering, repealing, or abolishing of laws, the making war or peace, the highest or final judgment in all civil things; and all ministers or officers of State shall be accountable to them, bound and concluded thereby; provided, first, They may not censure or question any man after the end of this Parliament, for any thing said or done in reference to the late war.

Secondly, They may not render up, give or take away any right, liberty, or safety, contained in this settlement or agreement. That there be a liberty of entering dissent in the said representative; in case of corruption in these highest trusts, the people may know who are free, and who guilty, that so they may not trust such for the future, but with further penalty to any for their future judgment there.

"9. That no King be hereafter admitted, but upon election of, and as upon trust from the people, by such their representative, not without first disclaiming and disavowing all pretence to a negative voice against the determination of the said representative, or Commons in Parliament, and that to be done in such form more clear than heretofore in the Coronation-oath.

"These matters of a general settlement are propounded to be done by this Parliament, and to be further established by a general contract or agreement of the people, with subscriptions thereunto; also that it be provided, that none be capable of benefit by this agreement, who shall not consent and subscribe thereunto, nor any King be admitted to the Crown, or other person to any other office or place of publick trust, without express accord and subscription to the same."

The Parliament returned no answer to this remonstrance as well as to some others of the like nature, presented to them during the treaty. I have already mentioned that of the 11th of September, from thousands of the inhabitants in and about London, and that of the masters and commanders of ships. The 30th of the same month they received another, in the name of many thousands of the County of Oxon. The 10th of October, a petition was presented to the Commons, signed by the Newcastle-men, desiring that speedy justice might be executed upon the greatest Delinquents.

The same day, the Inhabitants of Yorkshire petitioned for the same thing, saying, his Majesty had conspired himself, and his party, to be guilty of the blood that had been shed.

The 30th of the same month, the officers of Jugoldy's regiment, garrisoned at Oxford, presented a petition to the General, desiring, "That immediate care be taken, that justice be done upon the principal invaders of their liberties, namely, the King and his party, and sufficient caution given to future Kings for preventing the inflaming the people hereafter. Adding, that being apprehensive the issue of the treaty now in hand, could neither be just nor safe, they prayed his Excellency to re-establish a General-council of the army, to consider of some effectual remedies to this evil, either by representing the same to the House of Commons, as the petitioners of London, or by some other way."

On the other hand, whilst Cromwell was at Penfract, every regiment of his army presented petitions to him, demanding justice upon the King; which were all sent to the General (2). Hence it appears, that the army's remonstrance was an effect of the plots laid by the Independents, who in

Another proposition of the Treaty, Rushworth, VII. p. 1390. The army prepares to object the Treaty. P. 1338. Rushworth, VII. p. 1413.

Cromwell flies before Penfract, Rushworth, VII. p. 1414. 1314. 1315. White's, Clarendon, III. p. 141. &c.

He sends part of his forces to the General.

Remonstrance of the army, Nov. 20. Rushworth, VII. p. 1370. Whitelock.

1648.

The Parliament returned no answer, as before. Several petitions demanded justice upon the King. Rushworth, VII. p. 1379. 1380.

P. 1311. Whitelock.

Rushworth, VII. p. 1488.

(1) Forty thousand fled out of Penfract towards Doncaster, where they killed the Centinel; then three of them rode on to Doncaster, and asked for Colonel Rainborough's quarters, and coming to his Chamber, there called to him, and said, They had a letter from Lieutenant General Cromwell. The Colonel said and opened his door to them, expecting such a letter that morning; and presenting the three Penfract soldiers told him, that he was in the neck, another that him through the heart, with other wounds, and left him dead, escaping without any alarm given. Whitelock, p. 131.

(2) October 18. Irwin's Regiment presented also a Petition to the General; which, as Whiting observes, was the beginning of the design against the King's person. p. 343.

1648. several parts of the Kingdom infused these violent resolutions into the people and officers, to hinder the conclusion of a treaty which could not but ruin their party. Very likely, the Presbyterians fully perceived the designs of the Independents, and these petitions were but too apt to convince them of the same. But they hoped to amuse them till the treaty was ended, not doubting, the King would at last consent to the abolition of Episcopacy. As for the other articles which were not yet settled, probably, they would have chosen rather to yield them to the King, than retard the conclusion of the treaty, which to them was so necessary. Affairs being in this situation, it was not proper till more to provoke the Independents, by answers which would not have pleased them. On the other side, they could not think of agreeing with the King, without obtaining the abolition of Episcopacy, not thinking themselves safe so long as the very name of Bishops subsisted. In short, it was not proper to attempt a reluctance of the army by force. In all appearance, their preparations would but have hastened the execution of the army's resolutions, whereas it was their interest to amuse them only for some days. All their hopes therefore were grounded upon the King's compliance, which they hardly questioned, considering the manifest danger to which his obliquity would expose him. For it is not likely, he was ignorant of the petitions presented against him, or was not soon informed of the army's remonstrance, since every one had free access to him.

Three days after the Parliament had received the remonstrance, letters came from the Commissioners at Newport, with his Majesty's answer concerning the Marquis of Ormond, and the Bishops lands; namely, that he could not give any orders to the Marquis, before the treaty was signed, but then would do as both Houses desired; and if the Marquis refused to obey, would take such measures against him as should be satisfactory to the two Houses. That as to the Bishops lands, he persisted in his former offers. This answer afforded no great hopes of a speedy accommodation. However, as it was delivered the 16th of the month, two days before the presenting of the army's remonstrance, it was hoped, the next news from Newport would be more satisfactory. But on the 25th, the Parliament was informed, by letters from the Commissioners, that the King had positively refused to add any thing to his former answers (1).

This was not all. They were acquainted at the same time, that the General had required Colonel Hammond to attend him at the head-quarters, and sent Colonel Ewers to take the command of his Majesty in the *Isle of Wight*, who kept the King under very strict custody. Thus the precautions taken by the Parliament, to hinder the King from coming to treat in person at London, for fear he should meet with too many friends, were the cause that they could not be master of his person, when it would have been most necessary. Two days after, the Commons received a letter from Colonel Hammond, with the General's order to him to repair to the army, and resign his command to Colonel Ewers. Whereupon the Commons voted, that Colonel Hammond should be required to stay in the *Isle of Wight*, and the General be acquainted with this vote. But Hammond was now gone to the army, and had resigned the custody of the King to Colonel Ewers. Notwithstanding all this, the Parliament seems not to have despaired of agreeing with the King, since the Commons deferred the consideration of the army's remonstrance, till the first of December, in order to be better able to answer it when they should know the King's final resolution. The same day, the General received petitions from the forces in the North, and in *Wales*, agreeable to the army's remonstrance.

After the General had thus made himself master of the King's person, without the pivity of the two Houses, it was not very likely, he should be disposed to receive their orders. Nevertheless, the Commons told him in a letter from their Speaker, that his orders to Colonel Ewers were contrary to their resolutions, and Colonel Hammond's instructions, and that it was the pleasure of the House, he should recall his orders, and suffer Colonel Hammond to attend his charge in the *Isle of Wight*. But the General, and council of war, took no notice of this order.

The next day, the King, by command of the General, was removed [by Lieutenant Colonel Cobbet] to Hurst Castle in Hampshire, situated on a narrow piece of land, running into the sea, over against the *Isle of Wight*, and the Parliament was not informed of it till three days after (2).

The King alone disfigured upon the several articles, with the Parliament's Commissioners, none of his attendants being permitted to speak. When the King was removed to Hurst Castle, November 30, 1648. The King is removed to Hurst Castle, November 30, 1648. The King is removed to Hurst Castle, November 30, 1648.

Mean while, the army was not idle, being resolved to run all hazards to prevent the conclusion of the treaty. The same day, November the 30th, they published a Declaration or Manifesto, wherein they clearly discovered their designs, and which was to this effect:

"That the army being full of sad apprehensions concerning the danger and evil of the treaty with the King, and of any accommodation with him, or restitution of him thereupon, they did, by a remonstrance, make their application thereby to the House of Commons. That they took this course out of an earnest desire, that those matters of highest concernment to the publick interest of the nation might be pursued and provided for if possible, by those whose proper work and trust it was: But to their grief they found, that instead of any satisfaction, or reasonable answer thereunto, they were wholly rejected, without any consideration of them. For they were laid aside till the Monday following, by which time the treaty, as then supposed, would have been concluded; but that failing, and two days more being added to the treaty, the consideration of their remonstrance in the day appointed was waved and laid aside; the treaty the mean while going on in the former way and terms, and like to be concluded the very next day. The army therefore having received no answer to their former proposals, they could not but remain confident, that the prevailing part of those to whom they did apply, had as it were their eyes wilfully shut, and ears stoppt, against any thing of light or reason offered to them, so as not to discern the dangers wherewith the Kingdom was threatened.

"The army then seeing nothing left, to which the Parliament's engaging and persisting in such ways, could be rationally be attributed, less than a treacherous or corrupt neglect of, and apostasy from the publick trust reposed in them, they thought fit to appeal to the common judgments of indifferent and uncorrupted men, and to the more righteous judgment of God above all."

After justifying this extraordinary appeal in the best manner they could, they admonished such members as were upright, and had a just sense of those things, to protest against the resolutions of the House, and withdraw, promising to look upon them as persons that had the chief trust of the Kingdom remaining in them, and to adhere to them, and be guided by them, till the introducing of a more formal power, in a just representative, were speedily endeavoured. Then they declared, that they were ready to lay down their arms, if their remonstrance were answered; but that the little notice taken of their propositions, made them sensible there was nothing to be hoped. And therefore the case being so extraordinary, and the danger so pressing, they were drawing up with their army to London, there to follow Providence, as God should clear their way.

The first of December, the General writ to the city, to inform them of the army's advance towards London, on account of the Parliament's contempt of their remonstrance: That they had no thought of plunder, or other wrong to the city, or so much as troubling the Inhabitants with quartering any soldiers: But that for prevention of all violence, he desired forty thousand pounds might be provided by the next day (3). The House of Commons agreed, that the city should send this sum to the army, and acquainted the General, that it was the House's pleasure he should not remove nearer London.

The second of this month, the House took the King's offers into consideration, but without coming to any conclusion. Whilst they were debating, the General, with several regiments came and took up their quarters in Whitehall, St. James's, the Mews, and other places in the skirts of the city, which he judged convenient for his designs.

The 3d being Sunday, the Parliament did not sit. But on the 4th, the Commons resumed the debate of the King's concessions, which was interrupted by the news of the King's removal to Hurst Castle. Whereupon they voted immediately, that the carrying the King prisoner to Hurst Castle, was without the advice and consent of the House. After that, they debated again the King's offers, and sat all the day and night, till five a clock in the morning. At last, it was proposed, whether the question should be put, and carried by a hundred and forty, against a hundred and four. Then the main question being put, it was voted, that his Majesty's concessions to the propositions of Parliament upon the treaty, were sufficient grounds for settling the peace of the Kingdom. But I cannot think it was unanimously, as the Lord Clarendon affirms (4). What has been just seen

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1648. seems to shew rather, there were many Members not content with this resolution.

Immediately after, the House appointed a Committee to confer with the General, for the better procuring a good correspondence between the Parliament and the Army; and then adjourned to Wednesday. The same day, several other regiments came and quartered in the suburbs of London, and the General caused a Proclamation to be made, requiring all Delinquents, who had not perfected their compositions, to depart ten miles from London [for a month,] on pain of being proceeded against as prisoners of war.

Wednesday, the 6th of December, the General sent two regiments to Westminster, and the City trained-bands were discharged, who had been set there some months since, for guards to the Parliament. After the soldiers were drawn up in the Court of Requests, on the stairs, and in the lobby before the House, when the Members offered to go in, Colonel Pride, having a paper of names in his hand, seized upon one and forty, and sent them into the Court of Wards, where they were kept under guard. The House having notice thereof, sent their Sergeant at Arms to acquaint these Members, that they should forthwith attend the service of the House. But the officer of the guard answered, he had orders to secure them, which order he was to obey before any other command (1).

Not long after, Colonel Whaley, with other officers, presented to the House a Paper intitled, *Præjulgata et Detecta of the Army in vindication of their conduct*, the substance whereof was to this effect:

"1. Whereas several Members of your House (2), were in the year 1647, impeached by yourselves for treason, or for high crimes and misdemeanours, in relation to the treasonable engagement in the city of London; the violence then done upon the Parliament, the levying of a new war, and other evils, in maintenance and prosecution thereof; and upon clear proofs against them, were by your censure expelled the House, and disabled from farther trust therein, and upon new Writs issued out, new members were chosen and returned in some of their rooms; and yet by the prevalence of their faction, when in the last summer's wars, divers faithful members were engaged abroad upon necessary publick service, and others through malignant tumults and disturbances could not safely attend the House, the same persons were afterwards re-admitted to sit in the House, and vote as formerly, without any trial or satisfaction in the things whereof they were accused.

"2. Whereas by the confederacy of Major-General Brown, now Sheriff of London, with the said impeached members and others, the Scots were invited and drawn in to invade this Kingdom the last summer, inasmuch as when upon their actual invasion the House proceeded to declare them enemies, and those that adhered to them, traitors; yet the said confederators, and other treacherous members, to the number of ninety and odd, as upon the division of the House appeared, did by their counsels and votes endeavour to hinder the House from declaring against their confederate invaders: We desire, that the said Major-General Brown may be also secured and brought to judgment, and that the rest of the ninety and odd persons dissenting against the said vote, may be excluded the House.

"3. Whereas in a continued series of your proceeding for many months together, we have seen the prevalence of the same treacherous, corrupt, and divided counsels, through factions and private interests, opposing or obstructing justice in all kinds, diverting your counsels from any thing of publick good, hindering any proceedings to any such settlement, as would consist with security to the publick interest, or put a real end to the troubles, burdens, or hazards of the Kingdom, and precipitating into treacherous and destructive compliances and conjunctions with the acknowledged enemies thereof, as in the votes of *Non-resistance to the King*, &c. the justness and necessity whereof you had once so cleared to the world; also in the votes for entertaining or seeking after all that personal treaty: And lastly, in the votes declaring the King's past concessions to be a ground for the House to proceed upon for the settlement of the peace of the Kingdom, notwithstanding the visible insufficiency and defects of them in things essentially concerning the publick interest and liberties of the King-

dom, as those propounded in our late Remonstrance are, and in other matters both religious and civil. We therefore most earnestly desire, that all such faithful members who are innocent in these things, would immediately, by profection and publick Declaration, acquit themselves from any guilt of, or concurrence in the several votes or counsels here before particularly mentioned, as corrupt or destructive, that the Kingdom may know who they are that have kept their trust, and distinguish themselves from the rest that have thus falsified the same; and that all such as cannot or shall not so acquit themselves particularly, may be immediately excluded or suspended the House, and not re-admitted until they have given clear satisfaction therein, to the judgment of those who now so acquit themselves, and the grounds of such satisfaction be published to the Kingdom.

"4. Thus, such as by faithfulness have retained their trust, being set in a condition to pursue and perform the same, without such interruptions, diversions, and depravations of counsels as formerly: We shall desire, and hope you will speedily and vigorously proceed to take order for the execution of justice, to let a short period to your own power, to provide for a speedy succession of equal representatives, according to our late Remonstrance, wherein differences in the Kingdom may be ended, and we and others may comfortably acquiesce; as for our parts, we hereby engage and assure you we shall."

It would be needless to make any remarks and observations upon this Paper, the injustice and violence whereof are so very obvious. But it was necessary to inform the Reader of the contents for the following reason. There are Historians whose partiality has caused them either to omit, or but just mention it, without relating the substance, for fear of convincing their Readers, that the Presbyterians were not concerned in what was afterwards transacted, and that the Independents were the true and sole authors thereof.

December the 7th, the Commons as they were repairing to their House, found the door within and without guarded by soldiers, who hindered many from going in (3). The Lord Clarendon says, near one hundred were denied entrance. This makes me think that the ninety mentioned in the Remonstrance were of this number. So from this day, the House of Commons is to be considered as consisting entirely of Independents. Very likely from that day, very few or no Presbyterian-members were admitted any more. However this be, the state of the House was once more changed by this new revolution. The Presbyterians had been superior from the beginning of the war, to the 6th of August 1647. The Independents had prevailed from that day, till about the end of the year 1648, when the army was forced to remove from London, after which the Presbyterians were masters again. At last, on the 6th and 7th of December this same year, the Independents entirely expelled the Presbyterians, or at least disabled them from supporting their party. This must be carefully remembered, if we desire to have a clear idea of this History.

The same day, December the 7th, Cromwell, who came to London the night before (4), sat in the House, and received thanks for his great services.

Though the General had promised the city not to quarter the soldiers upon the inhabitants, as this promise was only conditional, in case the sum demanded were paid, and as the city had not furnished the money, he ordered two regiments into the city, and on the morrow, a third, after which, he took away twenty thousand pounds, from *Exchequer-Hall*, assuring the Treasurer he should be reimbursed out of the assessments of the city due to the army.

About the same time, was presented to the General, a Plan for plan, intitled, *A new Representative, or, an Agreement of the People*, for settling the Government (5). This plan was wholly founded upon Independent principles, and agreeable to the army's Remonstrance, except that it was more large on each article. This agreement was propounded as a rule for future Government, and to be subscribed throughout the Kingdom. But as this plan was not executed, though it was drawn with great pains by the council of war, and even seemed to be approved by the Parliament, I do not think it necessary to insert it (6).

(1) Mr. John Wallis, who had of a house licence to be excluded from appearing in the House, because of the business of the army, the debates about which were extremely high. Wallis, p. 379.

(2) Daniel Holles, Lionel Copley, Major-General Hussy, &c. Rushworth, Tom. VII. p. 174.

(3) Upon presence, that Foucault was to be that day debated concerning them, and therefore they ought not to be judges in their own cause. Rushworth, Tom. VII. p. 175.

(4) He lay in one of the King's rich beds at Whitehall. Wallis, p. 382.

(5) One of the Agreements, who was the Author of this Paper, was that to death he left year, by Cromwell's order. Clarendon, Tom. III. p. 187.

(6) It contained rules for future Elections of Representatives of the People. They to have the supreme Authority, and that Parliament to be dissolved in April next, and then a new one to sit. Divers for the election of the Members, Officers, and Magistrates, to be incapable of election, or being elected, and generally of the power and equal distribution of the Members, to be in all three hundred persons. The terms of the Agreement at the House were thus, to be, for the most part, made by Commandary General Holles, a man full of invention and industry, who had a little knowledge of the Law, which led him into the more errors. Wallis, p. 361.

1648. The secluded members having published a protestation against the violence put upon them, both Houses declared the Protestation to be false, scandalous and seditious, and tending to destroy the fundamental Government of the Kingdom, and ordered, that all persons who had any hand in framing or publishing it, should be incapable to bear any office, or to sit as members of either House. They further ordained, that all absent members, upon their coming to the House, should disclaim their being concerned in, or giving consent to the contriving or publishing the protestation.

After that, both Houses passed an ordinance, that no persons who had been Delinquents, or assisted the King against the Parliament in the first or second wars, [or been aiding in bringing in the Scots army, or subscribed to the treasenable Engagement in 1647, for a personal Treaty] or affected the late tumults within the cities of London and Westminster, or the counties of Essex, Kent, Middlesex, or Surrey, should not be elected, or give their voice for electing the Lord-Mayor, Aldermen, Common-council-men, or any other officers. But within a few days, a committee of the Common-council acquainted the House, that the city was so generally concerned in the engagement for a personal Treaty, that there would not be a sufficient number of persons to supply the necessary offices of the city, if that restriction in the late ordinance should stand.

The 20th of December, the General ordered fifteen or sixteen of the members secured by the army to be released, with liberty to resume their places in the House if they pleased.

We have just seen how much the face of affairs was altered, by the great turn on the 6th and 7th of December. The Commons were now all Independents, openly supported by the army, and their design was to destroy equally, King, Monarchy, Episcopacy, and Presbytery. As for the House of Lords, who had used their endeavour, though in vain, to hasten the peace, they saw themselves, since this revolution, obliged to follow the stream, which was too rapid to be opposed. There were in the House but few Peers, most of them indeed Presbyterians, but too weak, in their present situation, to assert their negative voice, and the rest of their privileges. Whilst the King was able to protect such as applied to him, the Lords retained some authority, because they were not without a resource, in case they were disregarded by the Commons. But after the battle of Naseby it was not the same. The Commons assumed such a superiority, that the Lords had no other way to support themselves, but by approving, or feigning to approve, whatever was done by the other House, for fear of producing a breach which must have been fatal to them, since they would not have known what to do. If they were forced to behave in this manner, whilst their own party prevailed in the Lower-House, it is no wonder, they did not dare to swerve from this policy, when the Independents had gained the advantage. To what purpose would it have been to resist the torrent? We shall see presently, their first opposition to a material point irrecoverably ruined them. They therefore who blame them for a too great compliance with the transactions since the 6th of December 1648, ought to remember, that this is not an occasion, where we are to reason upon the general ideas of the constitution of the Parliament, but rather upon the particular idea of the situation the Parliament was in at that time.

Since the Independents were masters of the Parliament, petitions against the King multiplied so fast, that scarce a day passed without some one being presented to the Commons, especially from the garrisons, which were part of the army. Lambert being returned from Scotland, the regiments under his command failed not to present a petition agreeable to the remonstrance of the army. Somersetshire, where the King had formerly many adherents, distinguished itself on this occasion above all the rest, by presenting a petition, desiring that speedy and effectual justice might be executed upon the chief Delinquents, that is, upon the King. The Commons were so pleased with such a petition from a whole county, that to encourage the rest to present the like, the petitioners were called in and received the thanks of the House, and the petition with the order of thanks were forthwith printed and published. It does not however appear that the other Counties followed this example. Only Norfolk, a few days after, desired by a petition, that the King himself might be brought to impartial justice.

At length, the 23d of December, the House of Commons having resolved, pursuant to the desires of the army, to bring the chief Delinquents to a trial, and intending to begin with the King, appointed a committee of thirty-eight to draw up a charge, and for that purpose to receive all in-

formations and examinations of witnesses for the matters of fact against him.

The same day, the fleet under the command of the Earl of Warwick sent a Declaration to the General, that they concurred with the army in their remonstrance. This did not much redound to the Earl of Warwick's honour, who having been one of the Presbyterian-leaders, was the first that quitted his party to join with the Independents.

The resolution to try the King being taken, (a resolution projected by several officers of the army, when he first retired to the Isle of Wight,) Colonel Harrison was commanded to remove him from Hurst-castle to Windsor. All the time the King was in the Isle of Wight, he kept a private correspondence with the Lord Newburgh. Since his being at Hurst, that Lord had found means to acquaint him, he was to be removed to Windsor, and as his house was in the road, he sent him word, to endeavour to dine with him, and complain of the going of his horse, promising to supply him with one of the best in England, by means of which he might attempt to escape. Accordingly, the King complained all the morning, that his horse was very uneasy, and so artfully managed, that he was conducted to dine with the Lord Newburgh. But when his Majesty came there, he was quickly told, that the horse so much depended upon, was the day before lamed with a kick. This stratagem failing, the King was conveyed to Windsor, where he was kept till the 19th of January 1648-9, when he was carried to St. James's.

He was no sooner at Windsor, than the council of war ordered all the usual ceremonies to the King to be laid aside, as serving him upon the knee, and the like, and most of his domesticks to be dismissed. For though the council of war had no right to take then upon them, yet they daily encroached upon the privileges of the Parliament, which asserted entirely by their orders.

I have before spoken of the representation of the Common-council of London, concerning the election of the Lord-Mayor, and other officers of the city. The House of Commons having heard the report of the committee appointed for that purpose, ordered, that their former ordinance should be punctually executed, not regarding, that the Magistrates of London should be chosen out of the ablest and most substantial citizens, provided they were of the reigning party. They further ordered, that freemen, for the future, should not be obliged to take the oaths of Allegiance and Supremacy.

The same day, being the 28th of December, the committee appointed to consider of drawing up a charge against the King, reported an ordinance for attainting him of high-treason, and for trying him by such commissioners as should be named in the ordinance, which being read the first time, was ordered to be read again the next morning. But as the House knew, the ordinance would be approved at the third reading, they passed an act for erecting a High Court of Justice, with power to try the King. The preface to which extraordinary act was as follows:

"Whereas it is notorious, That Charles Stuart, the now King of England, not content with those many encroachments which his predecessors had made upon the people in their rights and freedoms, hath had a wicked design, totally to subvert the ancient and fundamental laws and liberties of this nation, and in their trade to introduce an arbitrary and tyrannical Government; and that besides all other evil ways and means to bring this design to pass, he hath prosecuted it with fire and sword, levied and maintained a cruel war in the land against the Parliament and Kingdom, whereby the country hath been miserably wasted, the publick treasure exhausted, trade decayed, thousands of people murdered, and infinite other mischiefs committed; for all which high and treasonable offences, the said Charles Stuart might long since justly have been brought to exemplary and condign punishment: Whereas also the Parliament, well hoping, that the refractory and imprisonment of his person, after that he had pleased God to deliver him into their hands, would have quieted the distempers of the Kingdom, did forbear to proceed judicially against him; but found by sad experience, that such their remissions served only to encourage him and his complices in the continuance of their evil practice, and in raising of new commotions, rebellions, and invasions. For prevention therefore of the like or greater inconveniences, and to the end no chief officer, or Magistrate whatsoever may hereafter presume, traitorously and maliciously to imagine or contrive, the enslaving or destroying of the English nation, and to exempt impunity for so doing: Be it ordained and enacted, by the Commons in Parliament, and it is hereby ordained and enacted by the authority thereof, That Thomas Lord Fairfax, Oliver Cromwell, Henry Ireton, Elphinstone,

(1) The Lodge at the King's Park at Baginbun.

1643. "Sir *Hardress Waller* Knight, *Philip Skippon*, (and a hundred and forty-five others) shall be, and are hereby appointed and required to be Commissioners and Judges for the hearing, trying, and adjudging of the said *Charles Stuart*, &c. (1)"

1648-9. The House of Commons the second of *January*, and was sent up the same day to the Lords for their concurrence. Since the sixth of *December*, the Upper-House had consisted only of nine Peers, the rest having absented themselves, that they might not be obliged to countenance the outrageous proceedings of the Commons. But upon notice that the ordinance would that day be sent up to the Lords, there came more Peers than usual, as the Earls of *Northumberland*, *Manchester*, *Rutland*, the Lords *North*, *Rochford*, *Maynard*, *Dacres*, in all sixteen, [and the Lord *Denbigh* Speaker.] The ordinance being read, was unanimously rejected. However, to gain time, if possible, the Lords agreed to acquiesce the Commons, that they would send answer by messengers of their own; and at the same time adjourned for ten days. This artifice was fruitless. The Commons having ordered the Journal of the House of Lords to be examined, and finding the ordinance was rejected, voted, "That all members of the House of Commons, and others, appointed to act in any ordinance wherein the Lords were joined, shall be empowered to sit, act, and execute, in the said several committees, of themselves, notwithstanding the House of Peers join not with them." And therefore they ordered the names of six Lords, who had been appointed for Judges, to be left out of the commission, and others to be nominated in their room. Among these last was *Serjeant Bradshaw*, who was afterwards chosen President of the High Court of Justice. Then, the House voted:

"1. That the people under God, are the original of all just power.
"2. That the Commons of *England* assembled in Parliament, being chosen by, and representing the people, have the supreme authority of this nation.
"3. That whatever is enacted and declared law by the Commons of *England*, assembled in Parliament, hath the force of law, and all the people of this nation are included thereby, although the consent and concurrence of the King, and House of Peers, be not had thereunto (2)."

"These principles, tho' directly contrary to the true constitution of the *English* Government, were however very agreeable to those of the Independents, whose intention was to turn the Monarchy into a Republick.

The ordinance for trial of the King, with the amendments that were forced to be made, for want of the Lords concurrence, passed the House of Commons the 6th of *January*.

The following days to the 20th, were employed in preparations for the trial, the like whereof had never yet been seen in the world. I intend not to swell this history with the circumstances of this famous trial. They are to be found in a little book, entitled, *A true account of the Trial of Charles Stuart*, &c. published at *London* in 1650, and translated into *French*, wherein nothing is omitted. I imagine I shall do the Reader no injury, to refer him to this little book, which is not scarce, and which will inform him of all particulars (3). I shall content my self therefore with briefly observing, what I think most material in this affair.

I. The High Court of Justice observed the same rules in trying the King, as in judging a common malefactor, there being no precedent of such a trial.

II. The principal article of the accusation was, that the King had levied war against the Parliament, which was undeniable. The sieges and battles were evident proofs of it. But this ought not to have been the principal point. It should have been proved, that he was the Beginner and Author of the war. For it is manifest, if this war had been only defensive on his part, he was not to be blamed. And yet, in the charge, he was supposed to have put the Parliament under a necessity of defending themselves, and this point, which was the chief, not only was not proved, but even not attempted to be so. The depositions of the witnesses tended not to shew, that the King had forced the Parliament to take arms, but only that he had been seen forward in hand against the Parliament, and giving orders to levy war. The question, which of the two, either the

King or the Parliament, had begun the war, ought to have been fully cleared. But though it had been so, to the King's disadvantage, who does not know, that the beginning of a war, is not always the aggressor? This was a point of great difficulty, and which impartial judges would have found difficult to decide. For if what has been said in the History of this reign be remembered, it will be observed, that though it is evident the King governed in an arbitrary manner for some years, the ground of the war he undertook, was not in maintenance of this arbitrary power. He had fully consented to the annulling of his usurpations. But the ground of the war, on his part, was the defence of the power the King enjoys by the laws of the Land. On the Parliament's side, the ground of the war was, That in a supposition, the King could not be trusted any more, they would have divested him of the power his legal prerogatives afforded him to return to his former courses, and govern for the future as he had governed before. The King was unwilling to be curbed, and the Parliament would set bounds to his power. This was the true ground of the war. It was not therefore easy to determine who was the first author of it. The King refused to give other security for the future than his word; and the Parliament pretended to have very strong reasons to suspect the word of a Prince, who had so often broke it. To determine on which side justice and reason lay, the King's heart must have been dived into, to know whether he was sincere, or intended to deceive the Parliament. On the other hand, it was necessary to know, whether the directors of the Parliament had not some other end than the publick good, and whether private interests were not concealed under that pretence. But all these things could be known only to God. And yet, the Parliament, being judge and party, supposed, without alleging any proof, that the King was the aggressor and sole author of the war.

III. There are frequent instances in History of Kings afflicted by their subjects, in consequence either of the publick hatred, or of private revenge, or of the interest of some faction. The *English* History furnishes, ever since the Conquest, examples of two Kings solemnly deposed and imprisoned. But till *Charles I.* it is no where appears, that any King was ever tried for his life, before his own subjects as Judges. I shall say nothing here of other Sovereigns, who are possessed of a greater authority over their Subjects than the Kings of *England*; for there may be a wide difference between Sovereigns in that respect. But confining my self wholly to the Kingdom of *England*, and supposing the constitution of the Government such as it was from the Conquest to *Charles I.* I shall briefly set forth what has been said for and against so extraordinary a trial. In the first place, it is demanded, On what Law, natural or positive, was founded the right assumed by the Parliament of *England* to try the King? The most plausible answer in vindication of the Parliament's proceedings, is as follows.

According to the constitution of the *English* Government, the King is no less bound than the Subject, to observe the Laws, to which himself, or predecessors assented, which is the principal clause of the Coronation-oath. If this obligation be equal on both sides, there must be therefore equally means to cause them to discharge it, in case they neglect it. As for the Subject, there is no manner of difficulty. The penalties against offenders are universally known, and the Courts of Justice are appointed to inflict them. It is true, the Laws have ordained no penalty upon the Kings who discharge not their duty, as well out of respect to the regal dignity, as because it cannot be supposed, that the King, to whom the execution of the Laws is committed, should be the first to break them, and betray the trust lodged in him by the People. He is nevertheless bound to observe them himself, and cause them to be observed by the Subject. This is a principle generally acknowledged. But what is this obligation, if the observance of the Laws depends solely on his will, and there be no just means to compel him to observe them, or punish him when he breaks them? Will it not be an empty found without any meaning? And will not the *English* Government be as arbitrary as that of any other country in the world? Since, therefore, the Laws have not decreed any penalty against a King that should neglect his duty, or the manner to constrain him to discharge it; and as, nevertheless, he is bound by the same Laws to procure the observance thereof, and to observe them himself, the Nation's representative in Parliament is of course to call him

(1) Thus the Houses declared, on *Jan. 1.* That by the fundamental Laws of this Realm, it is Treason in the King of *England*, for the time to come, to levy war against the Parliament and Kingdom of *England*. *Redworth*, *Tom.* VII. p. 136.

(2) Thus *Vireux*, *Esq.* *Redworth*, being repulsed to the House, the House put them one after another to the question, and there was not one necessary to answer one of them. *Tom.* VII. p. 133. — At this time *Mrs. Elzing* desired to be admitted from being Clerk of the Parliament, because [say] *Whitlock* of his own knowledge he would have no hand in the business of the King. He was a tall and a bold man, and a much excellent Clerk. *Memo.* p. 304. — *Tom.* 6. The Committee of Estates in Scotland residing in *London*, write a Letter to the Commons, desiring they would not proceed to try or execute the King, without the advice of their Nation. *Redworth*, *Tom.* VII. p. 132.

(3) *John Bradshaw* *Serjeant at Law*, was President of the Court. *William Street*, *Dr. Donistoun*, and *Mrs. Ayle*, were Commissioned assistants to draw up the charge against the King. *John Calve*, Solicitor. *George Dandy*, *Serjeant at Arms*. *Mrs. Popham* and *Mrs. Wharton*, Clerks to the Court. *Lectur.* *Tom.* II. p. 271.

1648-9. to an account, since it is not possible to imagine any other way. Supposing the King has violated the most fundamental Laws of the realm, shall foreigners be applied to, for to bring him to justice? Can it be supposed, contrary to experience, that the King is under an impossibility of breaking the fundamental Laws of the Kingdom, of endeavouring to subvert them, and of establishing an arbitrary Government? Will it be maintained, that he may do it with impunity? But if he is assured of impunity, what difference is there between the *English* Government and the most despotick, since its preservation will solely depend on the King's probity and will? If he runs no hazard in trying to alter the constitution, after ten attempts, he will try again, even till he succeeds. As to the objection, That his violent means than war may be used to oblige the King to the observance of the Laws, and less unjust and extraordinary, than the taking away his life, to punish him for the breach of them; it is answered, This is true, and the Parliament had accordingly tried to secure the Government by other methods, as by demanding of the King that the power of the Militia might be lodged in both Houses. If the King had agreed to it, the realm would have been in peace, and the People's jealousies have ceased. But he had taken arms to prevent the Parliament's using these means, a clear evidence that his design was to maintain himself in a condition to alter the Government when he should have opportunity. This unjust war had been the occasion of infinite mischiefs, of the death of thousands of his Subjects, and the ruin of the rest; and if he was brought to a trial, it was not so much to punish him for violating the Laws, as for preferring the unjust and violent way of arms, before the expedients offered him to prevent his breaking them for the future.

Resolves against the Parliament.

The advocates for the King say, 1. Though the Kings of *England* have not so much authority in their realm as some other Kings, it does not follow, that they may be put upon a level with subjects, and made equally accountable for their actions.

2. The principle laid down for foundation, that there is an equal obligation upon the King and the Subjects to observe the Law, is false, and consequently the whole reasoning founded thereon, of no force. For, private persons being entrusted only with their own conduct, nothing can exempt them from the observance of the Laws. But the King being entrusted with the Government of the State, and the execution of the Laws, he has consequently power to qualify them on certain occasions, otherwise this trust would be to no purpose. The Laws could not foresee every thing, and there are occasions where it is absolutely necessary for the publick good to act contrary to them, or at least, to suspend the observance of them, and therefore the obligation of the King and the Subject is not equal.

3. Supposing the King had violated some of the fundamental Laws of the Kingdom, and levied war against the Parliament after the most unjust manner, it did not follow that he might be punished with death, by reason he has neither superior nor equal in the Kingdom, and he could have none but Subjects for his Judges. Besides, he was the fountain of justice, and it was absurd to make him liable to justice, from whom it flows and derives its whole authority.

4. According to this supposition, the chance of war having put him in the power of his enemies, he might have been detained in prison, and prevented from doing mischief, till he was prevailed with to grant all the securities required. But there was a wide difference between imprisonment and death; as the first could be considered as a reasonable and necessary precaution, and the other as a punishment Subjects were not empowered to inflict on their Sovereign, as indeed, the like had never been heard of.

5. But the supposition that the King had violated the Laws, and levied unjust war against his Parliament, was very far from being well-grounded. In the first place, as to the Laws, if the King, misled by evil counsels, had, on some occasions, carried his power too far, when the Parliament made him sensible of the ill consequences of this conduct, he had cheerfully and willingly renounced the exorbitant power which he believed himself before to be justly intitled to. He had, without delay, consented to all the Acts presented to him on that subject, and agreed that his most intimate counsellors should be brought to justice. The Parliament had accepted this reparation, without expressing the least desire of causing him to suffer for his past faults. After that, it was absurd to allege these same faults, so amply repaired, as a motive of the justice pretended to be executed upon him.

6. As for the war he had levied against his Parliament, it was wrongfully asserted, and without the least proof, that the King had raised and begun it on purpose to avoid giving his People security. And under colour of desiring security for the future, a desire wholly founded upon mere

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suspitions and bare possibilities, that the King might abuse his power, it was pretended to strip him of all his Prerogatives, in a word, of the regal authority, and leave him only a shadow of Royalty. Thus, supposing it true that the King had begun the war, which was by no means evinced, it would also be true, that the Parliament had excited it, by attempting, under a vain pretence of peace and concord, to reduce the King to the most melancholy state a Sovereign can possibly be in.

7. The justice, pretended to be executed upon the King, was founded entirely on two suppositions, supported with no proof. The first, that the King had undertaken the war, only to free himself from giving security. The second, that there was reason to fear he would employ the power that should be left him, in altering the constitution. All reasonable persons were therefore left to judge, whether there was justice in trampling upon all Laws divine and human, and inflicting upon their Sovereign a capital punishment on two such rash suppositions.

8. As for the plunder, ruin, murder, and other mischiefs occasioned by the war, before they could be charged to the King's account, it ought at least to have been well proved that he was the author of the war. But if this point were fully examined, it would doubtless be found, that the complainers themselves could alone be charged with it.

9. The King was proceeded against for intending to change the Government, and make it arbitrary and tyrannical. But every *Englishman* was convinced, that the Government had never been more despotic, more tyrannical, and more arbitrary than since the meeting of this Parliament. There was scarce a Law but what had been violated. The two Houses had, for several years, usurped the supreme authority contrary to the known Laws. And lately the Commons had voted, that all power was lodged in them, without the concurrence of King and Peers, a maxim unknown to the *English* from the foundation of the Monarchy.

10. The Commons in establishing, by a bare vote, that it belonged to them alone to try the King, had plainly declared, they owned neither superior nor equal, which was really introducing an arbitrary Government.

11. Lastly, till 1643, the Parliament had only suspected the King's intention to alter the Government, but after the Parliament had assumed the direction, the Government was really and truly changed. The King was moreover suspected of designing to alter the established Religion: but the Parliament had indeed changed it, and reduced it to a deplorable confusion, and the Project of this unfortunate change had been the true cause of the war, and of all the subsequent calamities.

IV. The fourth circumstance I intend to observe, is, that the King was brought three times before the High Court of Justice, and as often called upon to answer the charge entered against him, which was read in his hearing. But he constantly refused to own the authority of the Court, and of those who erected it. On the other hand, the Court would never hear his reasons for declining their jurisdiction. They always took for granted, that the authority by which the Court was established, was sufficient; which was the very thing the King would have combated, but was never suffered. At last, seeing he could not prevail to be heard on that subject, he left his reasons in writing to this effect:

"That no earthly power could justly call him (who ^{He resolves} ^{for Mr.} ^{Rushworth,} ^{Vol. VII. p. 140.} was their King) in question as a delinquent.
 "That there were no proceedings just against any man
 "but what were warranted, either by God's Laws, or
 "the municipal laws of the country where he lives. As
 "for the proceedings against him, they could not be warranted by God's laws. For on the contrary, it is
 "there said, *where the word of a King is, there is power;*
 "and *who may say unto him, what dost thou?* Eccles. viii.
 "4. Then for the law of the land, no impeachment
 "can lie against the King, they all going in his name:
 "And one of their maxims is, *That the King can do no wrong.* Besides, the law upon which they grounded
 "their proceedings, must either be old or new: If old,
 "they ought to shew it; if new, they should tell what
 "authority, warranted by the fundamental laws of the
 "land, had made it, and when.
 "How the House of Commons could erect a Court of
 "Judicature, which was never one it self, he left to God
 "and the world to judge.
 "And it was full as strange, that they should pretend
 "to make laws without King, or Lords House, to any
 "that had heard speak of the laws of *England*. And admitting, that the people of *England's* commission could
 "grant their pretended powers, he saw nothing they could
 "shew for that; for certainly they never asked the question of the tenth man in the Kingdom.
 "That having concluded, as much as in him lay, a
 "treaty

1648-9. " treaty at Newport, and expelling the House's agreement thereunto, he was suddenly surprized and hurried from " thence as a prisoner; that the higher House, for any " thing he could fer, was totally excluded; and for the " House of Commons it was too well known, that the " major part of them were detained or deterred from sit- " ting: So as if he had no other, this would have been a " sufficient reason for him to protest against the lawfulness " of their pretended Court.

" That the arms he took up, were only to defend the " fundamental laws of the Kingdom, against those who " had suppos'd his power had totally changed the antient " Government (1)."

V. Of all the witnesses, as I said, examined against the King (2), there was not one which proved the King to be author of the war. But among the depositions, there were two which would not pass unobserved, supposing they were neither forged nor altered. The first shows, the King was much less incensed against the Independents, than against the Presbyterians, though afterwards he had but too much cause to perceive, that the principles of the former, were more destructive to him, than those of the latter. The second seems to prove, that the King did not act with sincerity, even in the treaty of Newport.

[Richard Price] a scrivener of London deposed, that the committee of safety being informed, that the King was privately negotiating with the Independents, sent the deponent to Oxford, under colour of carrying proposals to the King, from the Independents: That he was introduced to the King by the Earl of Bristol, and received orders to say to the leading Independents, from his Majesty, that if they would take his part against the Parliament, he would grant them whatever freedom they desired.

The second deposition was of Henry Goache of Great Inn, who said: " That on the 30th of September last, " having access to, and discourse with, the King at New- " port, he told him, that since his Majesty had justified " the Parliament's taking up arms, by consenting to the " preface of the bill, he did not question, but most of the " Presbyterian-party, both soldiers and others, would tick " close to him." To which the King answered, " That " he would have all his old friends know, that though for " the present he was contented to give the Parliament leave " to call their own war what they pleased, yet that he " neither did then, nor ever should decline the justice of " his own cause." Moreover, upon the deponent's say- " ing, " That his business was much retarded through want " of commissions." The King made answer, " That be- " ing upon a treaty he would not dishonour himself, but " if the deponent would go over to the Prince his son, " (who had full authority from him,) he, or any for him, " should receive whatever commissions should be desired." That, besides, he expressed much joy, that his good Sub- " jects would engage themselves for his restoration.

The King refusing to answer before the High Court of Justice, his refusal was taken, according to the laws of England, for a confession, and sentence of death was passed upon him the 27th of January (3). A little before his sen- tence was pronounced, he earnestly desired to be heard be- fore the two Houses, saying, he had something of great importance to offer them. But his desire was rejected. It is generally believed, he intended to propose to the Parlia- ment, that he would abdicate the Crown in favour of his eldest son.

The sentence was executed the 30th of January 1648-9, on a scaffold erected in the street at the windows of the Banqueting House at Whitehall (4). The King suffered death with great constancy, and without showing the least signs of weakness or amazement. His body, after having been for some days exposed to view, in one of the rooms at Whitehall, was carried to Windsor, and buried without any pomp in St. George's Chapel (5).

It is no easy thing to give a just and exact character of Charles I. amidst the excessive commendations bestowed on him by some, and the calumnies wherewith others have

endeavoured to blacken his reputation. If the parties born 1648-9. in his reign, had died with him, we might find in the Histories of that time, composed after the troubles were over, an impartiality which might help to form a true judgment of this Prince's character. But the same parties continuing in the following reigns, with a mutual animosity, it may be said, there is not an impartial English Historian upon this subject. Some had no other view than to vindicate the King, and others, whose aim was to justify the Parliament, could not do it without loading the King, and rendering him odious. We must therefore proceed with the utmost caution when we are in search of this Prince's character, for fear of being misled, and drawn into error by the different representations given their Readers by the Historians. Notwithstanding these difficulties, I shall briefly speak my thoughts, free from all party-passion and pre- judice.

I do not find, the commendations bestowed on Charles I, with regard to sobriety, temperance, and chastity, were ever contested. All agree likewise, that he was a good husband, a good father, and a good master. But some ac- cuse him, and perhaps not unjustly, of sultering his Queen to have too great an influence over him, and too large a share in State-affairs (6). The Kingdom being Protestant, and the Queen a very zealous Catholic, her power, which she greatly abused, in causing the most important offices to be conferred on Papists, must have been looked upon with a jealous eye. This was the chief ground of the opinion spread about the Kingdom, that the Court intended to re- store the Catholic Religion in England.

He was so great a lover of Justice, that no temptation could dispose him to a wrongful action, except it was dis- guised to him, that he believed it to be just. These are the Lord Clarendon's own words, which may be very true, if applied to the concerns of particular persons. But besides the justice which a King ought to administer impartially to private persons, there is another kind of justice due from him, to all his people in general. With respect to this last, it may justly be doubted, that the Lord Clarendon's encomium is inconsistent with the project of altering the Constitution, and assuming a power, which certainly was illegal. Nay, I do not believe, that this was one of the things disguised to him, and I should rather think, it was by him, that his Ministers and Courtiers framed their conduct, and adapted their notions to his, in order to make their court, and advance their fortune.

Next was King perhaps so punctual and regular in his devotions both public and private. This was of some use to him, to repel the charge of his not being well-affected to the Protestant Religion, and he knew how to improve it on occasion.

He adhered all debauchery, and could not endure an obscene or profane word. His Court was very different from his Father's, where oaths, profane jests, and obscene discourse were but too much in vogue. It is hard to conceive, how the Duke of Buckingham, who was used to King James's ways, could accommodate himself to the gravity and severity of Charles I, or how King Charles could adapt himself to the Duke of Buckingham's manners.

James I, was lavish, and his Son Charles inclined towards avarice. But this failing may be excused by the consideration, that he never abounded with money, from the beginning to the end of his reign.

His enemies would represent him as a cruel and bloody Prince; but as they have not been able to reproach him with any particular action denoting such a disposition, it is easy to perceive, this charge is founded on the supposition of his having been author of a war wherein so much blood was spilt.

Sincerity, as appears in his History, was not his favorite virtue. He made frequent use of mental reservations, concealed in ambiguous terms, and general expostions, of which he reserved the explanation at a proper time and place. For this reason, the Parliament could never con- sider in his promises, wherein there was always either some

(1) This, says the King, I intended to speak in Westminster Hall, on Monday, Jan. 22, but again I was hindered to show my self.

(2) See their names at length in Eubank's Hist. Tom. 2. p. 633, and their depositions in Ruffhead, Tom. 7. p. 1406, &c. and in State Trials, Tom. 7.

(3) The names of those who were present, and gave their assent to the sentence, were as follows: Ruffhead, President; Lisle, Sec. Criminal; Innes, Hargreave, Waller, Birch, Brouncker, Denham, Martin, Pender, Birchard, Haining, Blackbourn, Mollington, Constable, Ludlow, Hatching, Fox, Lively, Tichborne, Roe, Lilbourne, Smith, Edwards, Clement, Wogan, Norton, Harvey, Venn, Scott, Andrews, Fleetwood, Mayor, J. Temple, Scrope, Dean, Okeley, Hewlin, Gille, Holland, Crew, Jones, Corbet, Allen, Pelham, Blagrove, Walton, Harrington, Whitler, Pildes, Ewer, Grey of Groby, Danvers, Mores, Aldred, Cowley, Smyth, Downes, Horton, Hammond, Lewis, Potter, Goring, Dursell, P. Temple, Wainwright. At their liberality, [except those whose names are printed in Italick Characters] with Impudency and Chalmers, signed the Warrant for the King's execution. Ruffhead, Tom. 7. p. 1416, 1418. See an account of them in Hearn, p. 296, &c.

(4) Two men in disputes and vires, stood upon the Scaffold for executioners. Watched, p. 376. William Haler was tried and condemned on Oath 11. 1666, in being one of them State Trials, Tom. 2. p. 381, &c. In the same Trial it is said, That Brandon the Hangman cut off the King's head, p. 386. Others say, it was Colonel Rogers, Lord's Council.

(5) After the King's head was struck off in one blow, his body was put in a Coffin, covered with black velvet, and removed to his Lodging room in St. James's Hall. Being embalmed, it was delivered the 7th of February to four of his servants, Herbert, Midway, Pryor, and Joyce, who had been appointed to be upon him during his imprisonment, and by them, that same day, removed to Heston, where some, by print fluke, the Duke of Richmond, the Marquis of Hertford, the Duke of Devonshire and Lordings, with Dr. Thomas Bilney of London, Colonel Whitlock, the Governor, sent permitting the Bishops to the Duke's office, according to the Liberty, the body was finally interred in February 9. in a Vault about the middle of the Church, over against the eleventh aisle on the North-side, near Henry VIII, and Jane Seymour, with this Inscription in Capital Letters, on a Vault of Lead, KING CHARLES. 1648.

The whole funeral charges cost but 1200 l. See Herbert's Mem.

10, but Philip Heston says, that King Charles " was always more chary of the Queen's profits, than of his subjects," p. 204.

1648-g. ambiguous term, or some restriction that rendered them useless. This may be said to be one of the principal causes of his ruin, because giving thereby occasion of distrust, it was not possible to find any expedient for a peace with the Parliament. He was thought to act with so little sincerity in his engagements, that it was believed there was no dependence on his word. The Parliament could not even resolve to debate on the King's propositions, so convinced were they of his ability to hide his real intentions under ambiguous expressions. But they sent their own propositions to the King, with the liberty only of saying *Content*, or *not Content*, to apprehensive were they of his explication. But as I may be accused of loading the King too much upon the point of sincerity, I think it incumbent on me, to justify what I have said, by an unexceptionable evidence. I mean the Earl of Clarendon.

Clarendon.

III. P. 335.

A Law enacted by violence and force, says that illustrious Historian, is not rightfully enacted, was one of those positions of Aristotle, which both never been since contradicted, and was an advantage, that being well managed, and stoutly insisted upon, would, in spite of all their machinations have brought his Majesty's enemies to a temper of being treated with. But I have some cause to believe, that even this argument which was unanswerable for the rejecting the bill [for taking away the Bishops votes], was applied for the confirming it; and an opinion, that the violence and force used in procuring it, rendered it absolutely invalid and void, made the confirmation of it less considered, as not being of strength to make that all good, which was in it self null. And I doubt this logic had an influence upon other acts of no less moment than these.

Let the Reader judge after this, if we may boast of King Charles's sincerity, since even in passing Acts of Parliament, which is the most authentick and solemn promise a King of England can make, he gave his assent, merely in an opinion, that they were void in themselves, and consequently he was not bound by this engagement. I pass over in silence the manifest breach of the Petition of Right, perhaps upon the same principle, and of his many assurances to his Parliament of his intention to maintain their privileges, which he violated within a few days, because these things have been sufficiently spoken of in the History of his Reign.

Some accuse him of an inclination for the Roman Catholic Religion, nay, there are who carry this charge so far as to say, he intended to restore it in England. These imputations are groundless. But it cannot be denied, that he gave occasion for them by his conduct, though contrary to his intention. During the first fifteen years of his reign, the Roman Catholics were not only screened from the rigour of the Law, but even encouraged and countenanced to such a degree, that he made them Privy-Counsellors, Secretaries of State, and Lords-Lieutenants of Counties. Two things induced him to this condescension. The first, the Queen's importunities, who was extremely zealous for her Religion. The second, his project to render himself assiduous, for the execution of which, he believed the assistance of the Catholics, as well English as foreigners, to be necessary. But I will not affirm, that the Queen, and some of the Ministry had not formed with regard to Religion, more extensive projects, which they did not think proper to impart to the King. The assistance of the Catholics, whom the King had managed for another occasion, became necessary for his own defence, after his breach with the Parliament. How unwilling soever he seemed to receive any aid from the Papists, it is certain, many were entertained in his service, and that he was privately assisted by the Catholics on sundry important occasions.

Though it cannot be proved that he excited the Irish rebellion, it may however be affirmed, it was not against

him that the Irish took arms, since they never had less cause to complain, than in this and the late reign. Besides, the Papists, both Irish and English, always looked upon this Prince as their proscriber, and were ever ready to assist him. Had he succeeded in his designs, very likely, the condition of the Catholics in England and Ireland, would have been much more happy, and the penal Laws in great measure repealed. But it does not follow, that the King himself had any inclination to Popery, or intended to establish the *Romish* Religion. In short, that he was a sincere member of the Church of England, can hardly be doubted, since he affirmed it on the Scaffold, at a time when it could be of no service to him to dissemble his belief.

Many people give him the surname of *Martyr*, pretending, he suffered death in maintenance of the truth of the Protestant Religion, against the Presbyterians and Independents, and call the day of his death, which is commemorated yearly on the 30th of January, the day of his Martyrdom. But in the first place, there was too great a complication of causes which brought him to this tragical end, to ascribe his death solely to Religion. 2. Though it were true that Religion was the sole cause of his death, it would not be universally agreed that he died for defending the truth of the Protestant Religion, since, among Protestants, the English alone, or rather a great part of the English, hold Episcopacy to be a doctrine of Faith. 3. Though dying for Episcopacy were really Martyrdom, the King in his last proposals at *Newport*, agreed to reduce Episcopacy to a very small matter. 4. Had he been condemned by the Presbyterians, he might in some manner be said to suffer for Episcopacy. But it is evident the Presbyterians had no share in this sentence, nor ever thought of bringing him to a trial. The Independents were the men that condemned and executed him, and surely, it was not on any religious account, but to turn the monarchy into a republick. 5. If the Scrivener's evidence be true, King Charles cannot be said to suffer death for supporting Religion against the Independents, since, according to the deposition, he offered to grant them all the freedom they should desire, if they would but take his part. However this be, the Church of England having recovered, in the reign of Charles II, the advantage she had lost in that of Charles I, appointed the day of his death to be kept every year with fasting and humiliation, which has caused some to give him the glorious title of Martyr.

To conclude, Charles I, was endued with many virtues, and noble qualities. There is even room to believe, that his failings flowed entirely from his design to enslave England, and if, on some occasions, he followed not exactly the rules of sincerity, it was only the more easily to execute what he had undertaken. Without this unfortunate project, he might be reckoned one of the most accomplished Princes that has ever been on the English Throne (1). The Duke of Buckingham, the Earl of Strafford, Archbishop Laud, and the Queen herself used to a very different Government from that of England, were the persons that ruined this unhappy Prince, whom they so passionately desired to raise higher than his predecessors. But who can forbear making a very natural reflection on this subject? I mean, upon the punishment of those evil Counsellors, and of the King himself. The Duke of Buckingham lost his life by the hands of an assassin; Laud, Strafford, and the King himself died on the Scaffold, and the Queen spent the residue of her days in a melancholy widowhood, being even slighted by her nearest relations. She lived however long enough to see the Prince her Son's Restoration; but found not with him, all the satisfaction she expected, which doubtless was the cause of her return to France where she died in the year 1669.

(1) Dr. *Walton* mentions these particulars, in his Character of King Charles, not taken notice of by *Rapin*. He was a Prince of a comely Person, and of a sweet, grave, but melancholy Aspect. His Face was regular, handsome, and well complexioned; his Body strong, healthy, and well made; and though of a low stature, was capable to endure the greatest fatigues. He had a good taste of Learning, and a more than ordinary skill in the Liberal Arts, especially Painting, Sculpture, Architecture, and Metals; he acquired the noblest Collection of any Prince in his time, and more than all the Kings of England before him. He spoke several Languages very well, and with a singular good Grace; though now and then, when he was warm in discourse, he was ineluctable to flammer. His spirit a tolerable hand for a King; but his Sense was strong, and his little leucocic. Mem. p. 68, 69.

By an Indenture in the 50th year of King Charles I, a pound weight of Gold, of the old Standard, of twenty three Carats, three Grains and a half fine, and half a Grain alloy, was coined into 44 l. 20 s. by tale; namely, into Rote Rials at 30 s. a piece; Spur Rials at 12 s. 2 p. each, and Amers at 10 s. 4 p. each. And a pound weight of Crown Gold, of twenty two Carats fine, and two Carats alloy, into 41 l. by tale; namely, into Units at 20 s. Dutch Guineas at 10 s. 6 p. English Crowns at 5 s. 6 p. And a pound of Silver of the old Standard, of sixteen Quoins, Two-penny weight fine, into fifty two Shillings by tale; namely, into Crowns, Half-Crowns, Shillings, Half-Shillings, Two-pence, Pence, and Half-pence.

1648-9. The Gold Coins of this King (as appears by the Indenture above) are, *Ref. Rial*, *Spar-Rial*, *Angels*, *Unites*, *Double* and *British Crowns*. The *Ref. Rial* has, on one side, the King's Figure in wrought Armour, crowned, and holding in his right hand the Scepter, resting upon his left shoulder; and in his left hand the Ball, CAROLVS. D. G. MAG. BRITAN. FRAN. ET. HIB. REX. Reverse, under a Crown, the Arms quartered, *Settled* in the first and fourth Quarter, between C. R. crowned, HIS. PRÆSVM. VT. PROSIM. *Stork*, probably, when the King was in Scotland, and weighing Six Penny weight, eight Guineas, and a quarter. (Fig. 1.) The *Spar-Rial*, weighing just half the other, exhibits the King's head crowned, looking the contrary way, and extending to the edge, CAR. D. G. MAG. BRIT. FRAN. ET. HIB. REX. Reverse, the Arms, as before, VNITA TVEMVR. The *Unites* has XX. behind the King's head crowned in Ruff, CAROLVS. D. G. MAG. BRIT. FRAN. ET. HIB. REX. Reverse, Arms in a square shield crowned, CULTORE. SVI. DVVS. PROTE. GIT. Another, with the falling Band, has a Sun for the Mint-mark; and reverse, the Arms in an oval shield crowned, C. R. FLORENT. CONCORDIA. REGNA. — The Silver Coins of this King are *Crowns*, *Half Crowns*, *Shillings*, *Six pence*, *Two pence*, *one*, and *Half pence*. As also, *ten* and *twenty Shilling pieces*, peculiar to this King, which have his Figure on both sides. The *Crowns* have the King on both sides, with his sword in his hand, CAROLVS. D. G. MAG. BRITA. FRAN. ET. HIBER. REX. Reverse, between C. R. the Arms in an oval shield crowned, CHRISTO. AVSPICE. REGNO. Another has on one side a plain Cross, on the other V, with a above it. The *Half Crowns* are various; some with the Arms in an Oval, some in a square Shield. They have for Mint-marks, a Lion Passant, and in some Gardant, Archer, Ship, Fleur-de-lis, &c. The *Newest Half Crown*, in form of a Lescage, has C. R. on each side of a Crown, and XXX. below. Reverse, OBS. NEWARK. 1646. (There is also a *Newest Shilling*, exactly in the same form, and with the same inscription; only it has XII. instead of XXX.) (Fig. 6.) The *Portugal Half-Crown* is in the same form as that of *Newark*: On one side C. R. crowned, DUM. SPIRO. SPERO. Reverse, the Castle, and a hand out of one of the Towers, holding a drawn Sword, OBS. P. C. 1648. (The *Portugal Shilling* wants the sword and Hand, and has XII. instead of XXX. but in other respects it is like the *Half-Crown*.) (Fig. 5.) There is also a *Three Shilling piece*, coined at the Siege of *Carlsruhe*, having C. R. and III. below: Reverse, OBS. CARL. 1645. Of the *Shillings*, some have the King's head crowned, with the Ruff, and XII. behind the Head: Reverse, the Arms, and CHRISTO. AVSPICE. REGNO. a cross the Mint-mark. (Fig. 2.) Another is with a falling Bear, (Fig. 3.) One has 1637, and ARCHETYPVS. MONETÆ. ARGENTÆ. ANGLIÆ. The *Carlsruhe Shilling*, which is an *Obolone*, has a Crown with C. R. XII. Reverse, OBS. CARL. 1645. The *Six pence* are strictly like the *Shilling*, only have VI. instead of XII. The *Carlsruhe Sixpence*, has C. R. crowned. Reverse, VI. D. The *Carlsruhe Gros*, is *Obolone*, and has on the Reverse III. (Fig. 7.) The *Three pence* has the King's Head, Tail, and Arms, as the larger piece, CHRISTO. AVSPICE. REGNO. One has the *Obverse Feather*, (the whole made of Welsh Silver,) with this Motto, EXVRGAT. DEVS. DIS-SIPENTVR. INIMICI. In the Field, RELIG. PRO. LEG. ANG. LIBER. PAR. 1645; (Fig. 4.) The *Two pence* has II. behind the King's head, with Title and Arms as the *Three-pence*, Legend IVSTITIA. THRONVM. FIRMAT. One has the King in Ruff, bearded, CAR. DG. MAG. BRIT. FRAN. ET. HIB. REX. Reverse, two Ca. interlinked under a Crown, FIDELI DEFENSOR. (Fig. 8.) The *Ferry* has I. behind the King's head.



The History of the *INTER-REGNUM*, from the Death of *Charles I.* to the Resto- ration of *Charles II.*

B O O K XXII.

The HISTORY of the INTER-REGNUM is divided into three principal Parts. The first contains what passed, whilst England was reduced to a DEMOCRACY. The second, what happened during the Protectorates of OLIVER and RICHARD CROMWELL. The third, what passed from the Deprivation of RICHARD CROMWELL, to the Restoration of CHARLES II.

P A R T I.

The COMMONWEALTH of ENGLAND.

1649. **T**O understand the Revolutions in England after the death of *Charles I.* we are necessarily to remember some material things which have already appeared in the foregoing reign, and of which it will not be amiss to make here a short recapitulation.

A recapitulation of some important matters.
First, The Parliament now sitting consisted properly but of a House of Commons, who refused to acknowledge the Negative voice of the Peers. This they had manifestly shewed in erecting a Court of Justice to try the King without the concurrence of the Lords, whose consent was voted unnecessary.

Secondly, This House of Commons was composed of a small number of members, all Independents, Anabaptists, or other Sectaries. All the Presbyterian members who sat in the House the 6th of December were expelled by the army; and the absent, whose Principles agreed not with those of the Independents, durst not resume their places. If ever there was an usurpation, it was this named Parliament's Government, founded only in violence, and wholly supported by the army. For tho' the House of Commons pretended to represent the People of England, it is very certain, the nation afforded but few persons, who were pleased to see the Sovereign Power lodged in the hands of such representatives.

Thirdly, The Independents, of whom this House was chiefly composed, were distinguished by two principles, one relating to the Civil, the other to the Ecclesiastical Government. By the first, they asserted, that the Republican Government was not only the most perfect, but also absolutely necessary for England, after so many oppressions from her Kings, who had changed the Government into a real tyranny. With regard to Religion, tho' they called themselves Protestants, their principle was, that every particular Church was independent, and might be governed as the members thought proper. Their notions concerning the vocation of the ministers of the Gospel, were also very singular; as they believed that, without any other Call, every man was free to discharge the office of Minister, and use the talents given him by God. The other Sectaries, who had joined the Independents because they found in that party a full Toleration, were united with them in the first of these principles, and had declared for a Republican Government. But with respect to Religion, there were between them some differences, which the Independents regarded the less, as they wanted to increase their adherents, and, besides, believed, that in matters of Religion, Toleration was absolutely necessary.

Fourthly, There was still in the army a remnant of Levellers, who adhered to their Principle, and were always ready for any attempt to recover their credit. It is true, *Cromwell*, after having himself raised this faction, had in some measure dispersed, but not entirely destroyed it. An able leader would still have made it as formidable as ever.

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Fifthly, It was with the utmost concern that the Presbyterians saw the Independents in possession of Sovereign Power. By that all their measures were broken: Their progress for eight years became fruitless, and the storm, they had raised against the King, returned upon their own heads, or at least, it was apparent, they had all this while been labouring for others without any thing done for themselves. For indeed the Independents were equally enemies to Presbyterian and Episcopal Government. As to civil Government, it is certain, the Presbyterians were not averse to Royalty in general. If they had undertaken to limit its power, 'twas not from a belief that the thing was evil in itself, as established by the Laws of England, but because the two last Kings had used their power to destroy Presbyterianism. So, whatever they had done against King *Charles I.* was not pointed so much against his Dignity as his Person, because they considered him as their enemy, and depaired of establishing a Presbyterian Government in the Church, so long as he had power to prevent it. Very likely however many of them would have complied with a Republican Government, notwithstanding the tenour of the Covenant, had that Government not been in the hands of the Independents, who were by no means inclined to support Presbyterianism, and whose principles upon Toleration were entirely rejected by the Presbyterians. And therefore an union between the Presbyterians and Independents was morally impossible.

Sixthly, The Royalists, equally enemies of both, could unite with neither of the parties, considering the opposition there was between their principles. The Independents were for a Commonwealth, to which the Royalists could not consent. On the other hand, the Presbyterians were for maintaining their Government in the Church, and most of the Royalists could hardly believe, the Presbyterian Churches, as they had no Bishops, to be true Christian Churches. Thus the Royalists, though persecuted by both parties, were far from joining with either. On the contrary, they conceived some hopes, that the division among their enemies would, one day, give them a good opportunity to restore the Monarchy to its former state. Wherefore they industriously sowed this division, in expectation that the Presbyterians would at last be obliged to abandon their projects, and unite with the Royal Party, to free themselves from the Persecutions they suffered.

Such were the interests of the Parties which divided the People of England immediately after the death of *Charles I.* The remembrance of all this is absolutely necessary for understanding the transactions during the Interregnum.

Presently after the King's death, the House of Commons published an Act to forbid the proclaiming of *Charles Stewart*, eldest son of the late King, or any other person whatever, on pain of High-Treason. Here was laid, as it were, the foundation of the Commonwealth, which the Independents meant to erect in England. The same day the Lords desired a conference with the Com-
An Act to forbid proclaiming the son of the late King, or any other person whatever, on pain of High-Treason. Here was laid, as it were, the foundation of the Commonwealth, which the Independents meant to erect in England. The same day the Lords desired a conference with the Com-
Curmston, III. p. 201.
BROOK Whistock.

1649. mons about settling the Government, and the administration of Justice, the Judges commissions being determined by the death of the King. The Commons, without answering the message, voted the House of Lords to be useless and dangerous, and therefore to be abolished. They only left the Lords the power of being elected members of Parliament, in common with other Subjects. This privilege was embraced by a few (1), but rejected by most of the Peers, nay, some published a Protestation against the power assumed by the Commons, which was little regarded. Thus, the Parliament, which at first was composed of the King, six-score Lords, and five hundred and thirteen Commons, was reduced to a House of Commons consisting of about eighty members, of whom very few at the beginning, had five hundred pounds yearly income. And yet, these members, though so few in number, assumed the name of a Parliament, and acted as if in their body had been united the power, which before resided in the King, Lords, and Commons. This might appear very surprising, if we had not seen the foregoing transactions, and the universal terror inspired by the Army. Hence appears with what care and ability Cromwell and his associates had, upon the self-denying ordinance, filled the army with their creatures. Certainly, nothing less than an army entirely Independent and Republican could have procured a power to execute and extraordinary to so inconceivable a number of members of Parliament. But it must also be confessed, that of these new Governors, some were men of a great genius and uncommon capacity, and that if they erred in their principles, they wanted not skill to pursue the consequences. Their principle was, that the Sovereign Authority resided originally in the People, by whom a part of it was committed to the Kings, chosen to govern them according to law. That the King's abuse of this trust, had broken the original Contract between King and People, and by this violation, the Contract subsisting no longer, the Sovereign Power returned to the People as the fountain thereof. So, considering themselves as the representatives of the People, they believed, they had a right to change the form of the Government, without any regard to the original Contract annulled by the King in his violation of the laws.

Clarendon. Mt. p. 203.

Principles of the Commons relating to Government. Heath, p. 225.

They abolish the Monarchy. February 7. March 27. Clarendon. Whitelock. p. 177. D'Ewes. Al. severians. Ibid. Phillips.

A new Great Seal made. Ludlow. T. I. p. 256. Clarendon. III. p. 255. 254. Whitelock. p. 177. 371. 372. 374. 375.

Council of State. Whitelock. p. 381. Dugdale's View.

A new High-Court of Justice. Butler. Clarendon. III. p. 254. Whitelock. p. 377.

Courts of Justice. The Parliament, without doubt, was apprehensive, that a Jury, impelled as usual, would never find persons of quality guilty of death, for supporting the cause of their Sovereign. The Independents were not sufficiently numerous among the people, to be secure of a Jury of their sort. Besides, they were not assured of the Judges, six of whom had refused to accept commissions from the Commonwealth. But in erecting a Court of Justice, the Parliament could name such Judges as would be obedient to their orders.

Before this new Court, of which Bradshaw was President, as he had been of that which condemned the King, were brought Duke Hamilton, the Earl of Holland, the Lord Goring, lately created Earl of Norwich, the Lord Capel, and Sir John Owen, all for the same crime, namely, for having appeared in arms against the Parliament. When the King had a mind in the beginning of the civil war, to put to death prisoners taken at Edge-hill and Chelmsford, the Parliament thinking it unjust, declared, they would inflict the same punishment on their prisoners, if the condemned persons were executed. But when victory had decided in their favour, it was then found very agreeable to justice, to punish with death those who had fought for the King. This will seem the less strange, when it is remembered, that the King himself had been put to death, for making war upon the Parliament.

The Duke of Hamilton represented, That being a subject of Scotland, he had entered England with an army, as an open enemy, by virtue of a Commission from the Parliament of Scotland, which he was bound to obey, and consequently, could be treated but as a prisoner of war. As this objection had been foreseen, he was told, he was not proceeded against as Duke Hamilton in Scotland, but as Earl of Cambridge in England; and since he had accepted that title, and as such, taken a seat in Parliament, he was thereby become a subject of England: That if the title of Duke of Hamilton obliged him to obey the Parliament of Scotland, that of Earl of Cambridge ought to have engaged him to refuse the commission. Besides, they were informed, that his accepting the command of the Scotch army, was not owing to mere obedience, but to his own solicitation, and that he had been the principal author of the war.

The Earl of Holland spoke but little in his defence. Besides, the steps he had taken, and his frequent changing sides, did not much favour his cause.

The Lord Goring (Earl of Norwich) represented, That he had been educated in the Court from his cradle, having been a Page to King James I: That he had never served any other master than the King, whom he had followed without examining the justice or injustice of his cause, not having had opportunity to be informed in such points, which were above his capacity.

The Lord Capel, steadfast to his principles, and zealously attached to the cause of his Sovereign, defended himself with more courage and resolution. He refused, at first, to own the authority of the Court, alleging, That if he had committed any crime he ought to be tried in the usual form, and not before a Court unsupported by any law. But the condemnation of the King himself, by a Court of the like nature, might have convinced him, of the unserviceableness of such a defence. He said afterwards, that having furnished himself prisoner at discretion, he was, by the Law of Nations, exempted from death, if not inflicted within so many days, which were long since expired. He urged, that when after the taking of Chelmsford, the council of war had condemned Lucas and Lisle to be shot, General Fairfax promised life to the other prisoners, and therefore he demanded the benefit of that promise. The Court being a little embarrassed, sent to the General, to know what promise he had made the Lord Capel. His answer was, That as General, he had promised the prisoners an exemption from military execution, to which three had been condemned, and that his intention reached no farther. Upon this answer it was decided, that the General's promise did not exempt the prisoner from the justice of the Parliament.

Sir John Owen said only, he was obliged in conscience to serve the King according to his oath of allegiance.

(1) The Earl of Salisbury, and the Lord Edward Howard of Effingham, signed the Engagement, it is true and faithful to the Commonwealth, as it was established, without a King or House of Lords, and took their Seats in Parliament by virtue of an election from the People. Ludlow, Tom. I. p. 255. And also, April 16, 1649, upon the death of Sir Francis Pile, a West Indian out for a new Election, and the Earl of Pembroke, with all his Titles, was renewed his Knight of the Shire for Berks, prima impetrans, and his Lordship was accordingly admitted into the House with great respect. Whitelock, p. 376.

(2) Infused intercal a new Oath was prepared, called the Engagement, whereby every Man swore, That he would be true and faithful to the Government established, without King or House of Peers. Clarendon, Tom. III. p. 304.

(3) The Name, Side, and Tell, of the Wits were to be, Capades Libertatis Anglie, Antiquitate Parliamenti. And in Indictments, instead of, contrary to the Peace of—the King, it was to be—against the Peace, Justice, and Council of England. Whitelock, p. 371, 374.

(4) The Lord Clarendon lays, on one Side was engraven the Arms of England and Ireland, viz. a Red-Cross and Harp, with this Inscription, The Great Seal of England, and on the other the Purport of the House of Commons came forth, viz. the First Year of Freedom, by God's Blessing, 1649. Tom. III. p. 254. This Seal, and the Inscription, were the fancy of Henry Marten. Whitelock, p. 375.

(5) Mr. Whitelock and Whitelock were first appointed Keepers of the new Green Seal, but Whitelock declining to be executed, and his excuse being allowed, an Act passed, appointing, Nathaniel Whitelock, Richard Kettle, and John Lisle, Lords Commissioners of the Great Seal, quoniam si non esset. Whitelock, p. 378, 379.

(6) See a List of this Council in Whitelock, p. 381.

1649.
They are
condemned.
Petition in
their favour.
Clarendon,
III. p. 206,
207.
Whitelock,
p. 386.

March 9.

The Duke of
Hamilton
executed.
Burnet's
Memoir,
p. 464.
Clarendon,
III. p. 209.
Whitelock,
Phillips,
Dodd's
View,
p. 388.

Lord Capel
executed.
Clarendon,
III. p. 209.
110.

Order Exec-
utions.
Phillips,
Whitelock.

The absent
Members
executed in
Parliament.
Ludlow,
T. I. p. 281.
Whitelock.

Notwithstanding their defence, they all received sentence of death (1). But as they had many friends, petitions were offered to the Parliament in their name for a pardon. These petitions were examined in the House, and those of Duke Hamilton, the Earl of Holland, and Lord Capel rejected. The votes were equally divided upon that of the Earl of Norwich, and as, according to custom, the Speaker's vote was to decide, he declared for pardon, saying, He had formerly received from the Earl some civilities, and therefore voted in his favour (2). The execution of Sir John Owen was suspended, because, as a Commoner, he ought to have been tried before an inferior Court. This saved his life. The three first were executed on a scaffold, erected below Westminster-Hall.

Duke Hamilton complained, when on the scaffold, that he was condemned to die for obeying the Parliament of Scotland, which if he had not done, he must have been put to death there. But it was with little reason that he insinuated a danger of being put to death in Scotland, for a refusal to accept the command of an army raised by his intrigues and authority. He intimated, that if he would have confessed who invited the Scots army into England, it would probably have saved his life. Before his process was formed, he had been strongly solicited to make this discovery, which he utterly refused to do (3). The character of this Duke is not easy to be conceived. All that can be inferred from what has been said for or against him, is, that he had the art to adapt himself to the times. And the Earl of Clarendon plainly insinuates, That when he was employed by the King, he was secretly making friends in the contrary party, in case affairs should turn to the King's disadvantage.

The Lord Capel maintained, That he had acted nothing contrary to the Laws, and consequently was unjustly sentenced to die. He spoke of King Charles I. as of a Saint, and enlarged upon the great understanding, excellent nature, and exemplary piety of the Prince, to whom he gave the title of King, affirming, he would never be shaken in his Religion. In all appearance, the Lord Capel spoke his real sentiments. But the sequel discovered, either that he did not sufficiently know Charles the 1st, or that Prince had other principles when reformed to the throne, than those he had imbibed in his youth.

At or about the same time, many others were executed for the same crime in several parts of the Kingdom; and amongst the rest were *Merrick* and *Blackburn*, who had surprised the Castle of *Penfrid* for the King. *Poyr*, *Pewell*, and *Langhorn*, who had drawn into a revolt from the Parliament the Principality of *Wales*, cast lots for their lives, and the first was executed.

When the army drove from the House above a hundred Members, who were unacceptable to them, those only were expressly excluded, which were then present: but many were absent, against whom nothing had yet been determined. Indeed, these last had never since taken their seats in the House, being apprehensive of the same fate. But possibly they might return in great numbers, whenever a favourable opportunity offered. This the House resolved to prevent, by an Act, which excluded for ever, all who had not fate since the trial of the King, unless they gave the House an entire satisfaction. At the same time, Committee was appointed to examine those who should offer themselves. This Committee received, without scruple, those who were of Independent principles, and found reasons to exclude their enemies. This indeed was a good expedient to prevent divisions in the Parliament, because the Members were all of one party. But this precaution bred an inconvenience, which called for other measures. The Parliament consisted of so few Members, that they perceived the tiduloufness of filling themselves the representative of the Common-wealth. It is true, the vacant seats might have been filled by new elections, but the Parliament did not care to run that risk, knowing, their party was yet too inconsiderable, to hope for new Members of their own principles. The House therefore resolved, in order to increase their authority by a greater number of Members, to permit all who had fate in the present Par-

liament, to resume their places, on condition of signing an Instrument, called the *Engagement*, by which "they re-
"jected all concessions made by the King in the treaty of
"Nepert; approved of all the proceedings against him;
"and engaged themselves to be true and faithful to the
"Common-wealth, as established without King or House
"of Lords." By this Engagement were excluded all the
Royalists, and the Presbyterians, who were the most rigid
observers of the Covenant. But however, a good number
of the latter signed, and took their seats in the House,
being either less scrupulous than their brethren, or in hopes
to recover more influence in the Parliament. Notwith-
standing, those who were known to be most inclined
against the Independents, were excluded by the Committee.
Edmund Ludlow, a member of this Committee, freely owns
in his *Memoirs*, that an expedient was found to admit only
those, from whom it was believed, there was no danger
(4).

The Prince of Wales received at the Hague the melancholy news of the tragical death of his Father, and immediately assumed the title of King, being then eighteen years of age. Within two or three days, the States-General, the States of Holland, and the Ministers of the Hague (5), paid him their compliments of condolence. He caused those of his Father's Council, who attended him, to be sworn of his Privy-Council, with the addition of only one person (6). He had no sooner established his Council, than he received a letter from the Queen his mother, who, after expressions of her extreme affliction, advised him to retire into France, and form no Council till he had spoke with him, but her advice came too late. Probably, the Queen designed to govern her Son, as she had governed his Father, tho' the power of the new King was insignificant. His condition was deplorable, not having wherewithal to maintain his household, or any table but that of the Prince of Orange his Brother-in-law, and subsisting entirely by his assistance, which too could not last very long. The States of Holland, foreseeing the Parliament would shortly solicit the King's removal out of their dominions, would have been very glad to be freed, by his voluntary retreat, from the necessity of desiring him to depart. Some of the States Deputies were even of opinion, to prevent the desires of the Parliament. The King was informed of this disposition, and wished to be gone, but knew not whither. He had been ill-received in France, whilst his Father was alive, and had no reason to expect a better reception. He knew too well the Queen Regent and Cardinal *Mazarin*, to imagine, they would prefer his friendship to that of the new Common-wealth of England. So, though he had resolved to withdraw into France, it could have been but for a very short space. On the other hand, he had no great inclination to be with the Queen his Mother, knowing, she would hold him in a sort of servitude, which he could neither brook, nor avoid without a quarrel. Ireland alone seemed to promise him an honourable retreat, by reason of the situation of affairs in that Kingdom, which it is necessary to describe.

In the year 1646, the Marquis of Ormond by express orders from the King, concluded a peace with the Irish Rebels, in hopes of receiving sufficient forces to drive from that Island the English Parliamentarians and the Scots. But however advantageous this peace was to the Catholic Religion, the Pope's Nuncio did not think fit to consent to it. The pretence was, that the Catholics found in it neither sufficient advantages, nor security. But the true reason was, that by this peace he would have lost all his credit, since the Marquis was to be acknowledged Governor by the Irish. He caballed therefore with such success against the People, that not only they deserted the Marquis, but also by their insults obliged him to retire to Dublin, unprovided of every thing to defend that capital, which they were preparing to besiege. In this extremity, he chose rather to deliver Dublin and Drogheda to the Parliament, than see them fall into the hands of the rebels. He capitulated therefore with the Parliament, and surrendered these two places to Colonel *Jones*, who took possession the 17th of June 1647. After that the Marquis withdrew

(1) When Sentence passed, That they should all lose their Heads, Sir John Owen made a low reverence, and humbly thanked them. And being asked by a Stander-by, who he meant? He said aloud, "It was a very great honour to a poor Gentleman as I was, to lose his head with such noble Lords; and I swore a great Oath, That he was afraid they would have hanged him." Clarendon, Tom. III. p. 206.

(2) Upon this occasion Whitlock observes, This may be a caution against the Abuse of Popularity, when the Earl of Holland, who was as full of Generosity and Generosity to all sorts of Persons, and readiness to help the oppressed, and to stand for the Rights of the People, as any person of his quality in the Nation, was given up by the Represenatives of the People; and the Lord Goring, who never made profession of being a friend to Liberty, either Civil or Spiritual, and exceeded the Earl at much in his Crimes, as he came short of him in his Popularity, was spared by the People. p. 386.

(3) Rapin, misled by Duke's Continuator, says, "he offered to discover what had been desired, if his Life might be spared," which contradicting all the History, is altered by the Translator from Whitlock, &c. — Indeed, of speaking Edward Phillips, Duke's Continuator, says he all along in the Marquis quoted Duke himself, but that is refuted every where. See Richard Baker died in 1644, in the Fleet.

(4) To support their Authority, the Powers in being ordered, That there should be twenty-eight thousand Horse and Foot kept up in England, and twelve thousand in Ireland, whose pay should be 80,000 £ a month. Whitlock, p. 386.

(5) The Body of the Clergy in a Latin Oration delivered by the chief Preacher of the Hague, lamented the misfortune in terms of as much alperity and detestation of the rebels, as was worthy the name of Christians, as could be expressed. Clarendon, Tom. III. p. 218. For which reason perhaps the States inclined their Ministers from meddling upon matters of State in Great Britain, and particularly not to meddle with England's, or Great Kingdom's Proceedings. Whitlock, p. 392.

(6) Mr. Long his Secretary.

into

1649. into *England*, where he had frequent leave to visit the King, then a prisoner of the army, till at last he was forced to pass into *France*.

After the Marquis had quitted *Ireland*, the Nuncio exercised a tyranny, which grew intolerable to the *Irish*. They therefore sent to the Queen and Prince then at *Paris*, that they were disposed to shake off the Nuncio's yoke, and if the Marquis of *Ormond* were sent to them with a supply of arms and ammunition, they would put him at the head of an army capable of expelling all the King's enemies out of the Island. The Nuncio had notice of this plot, and excommunicated the authors, but for this once, he proved not the strongest. He was forsaken by all his adherents, and even forced to ask as a favour, the liberty to withdraw.

The Marquis of *Ormond* long waited at *Paris* for the performance of a promise made him by the Cardinal, of a supply of money, arms and ammunition. But finding at last, he was only amused, he departed without any assistance, and arrived in *Ireland* the beginning of *October*

Rushworth, 1648. Three months alter, he concluded a new treaty with the Grand Council of the *Irish* assembled at *Kilkenny* (1). At the same time the process was forming in *England* against the King. But this peace was not general. *Owen Roe O'Neal*, who commanded in *Ulster*, rejected it, because, as he pretended, it was not advantageous enough to the Catholic Religion. Much time was spent to gain him, without success. At last, the Marquis of *Ormond*, not to lose the opportunity of making progress in *Ireland*, while the Parliament was erecting their new Common-wealth, resolved to take no farther notice of *O'Neal*, but ad- singly, with the army which the Council of *Kilkenny* had at their disposal. He put himself therefore at the head of this army, and advancing towards *Dublin*, took *Dundalk*, *Newry*, *Trim*, *Drogheda*, and some other towns and castles, which facilitated his intended siege of *Dublin*. On the other hand, Prince *Rupert*, Admiral for the King, being pursued by the Parliament's fleet, put into *Kingsale*, where he was secure, and in a condition to favour the Marquis of *Ormond*'s designs. This disposition of affairs made the King judge that *Ireland* was a convenient retreat, where at the head of an army, he might make himself master of *Dublin*, and then of the whole Island. After which he hoped, that with his *Irish* succours and his friends in *England*, he might recover his throne. But news from *Scotland* made him suspect his resolution of going to *Ireland*. And this it will be necessary to explain.

Id. p. 216. Since *Cromwell's* expedition into that Kingdom, after the defeat of *Duke Hamilton*, the face of affairs was entirely changed. The Marquis of *Argyle*, with all the rigid Covenanters who opposed the war against *England*, had regained the advantage they had lost. The new Parliament had declared incapable of all employments, those who were concerned in the Engagement formed by *Duke Hamilton*, and the Kirk had excommunicated them: so that they were considered as enemies of God and the State. Of this number were *William Earl of Lanerick*, Brother of *Duke Hamilton*, the Earl of *Loutherdale*, and many others, who formed a faction, which I shall call *Hamiltonian*, and which was entirely crushed. By this revolution *Scotland* remained united with *England*, so long as the *English* Parliament continued Presbyterian, that is, to the 6th of *December* 1648.

The revolution in *England*, upon the army's expelling the Presbyterian members from the Parliament, to leave only Independents, changed the interests of *Scotland*. The Independents mortally hated the *Scots* on account of their attachment to the Covenant, and these again looked upon the Independents as enemies, no less formidable than the Royalists. This might have sunk the credit of *Argyle*, which partly subsisted upon his friendship with *Cromwell* and *Vane*, the chiefs of the Independents. But the *Scots* had a confidence in him, because in religion he was an approved Presbyterian, though in politics he leaned to the republican scheme. When the Parliament of *England* had erected a Court of Justice for the trial of the King, the *Scots* found themselves extremely embarrassed. To suffer the Independents to remain matters of *England* after the death of the King, which was visibly their design, could not but be very disadvantageous to them. They perceived, that a Parliament so compoised would disregard *Scotland*, and infallibly ruin the Covenant between the two Kingdoms, which it was of the utmost importance for the *Scots* to maintain, because the Presbyterians might possibly one day recover the ground they had lost. But on the other hand, they could not take arms for the King without manifest danger. After their late loss, they were hardly able to raise another army, to fight the Independents; and though they had done it, they would not

have saved the King's life. They therefore resolved to shew the *English* and all *Europe*, that they highly disapproved the proceedings of the Parliament of *England*, which was all they could do on this occasion.

Pursuant to this resolution, Commissioners were sent to *London*, where they arrived the beginning of *January* 1648-9, and presented a Memorial to the Parliament, setting forth the reasons which ought to divert them from their purpose of trying the King. But this Memorial produced no effect. At last, after the King had been twice brought before the High-Court of Justice, they gave in their protestation, in which they put them in mind, "That they had, near three weeks before, represented to them, what endeavours had been used for taking away the King's life, and for the change of the fundamental Government of the Kingdom, and introducing a sinful and ungodly Toleration in matters of Religion; and that therein they had expressed their thoughts, and fears, of the dangerous consequences that might follow thereupon; and that they had also earnestly pressed, that there might be no farther proceeding against his Majesty's person, which would certainly continue the great diffusions of the Kingdom, and involve them in many evils, troubles, and confusions; but that by the free counsels of both Houses of Parliament of *England*, and with the advice and consent of the Parliament of *Scotland*, such course might be taken in relation to the King, as might be for the good and happiness of both Kingdoms; both having an unquestionable, and undeniable right in his person, as King of both; which duly considered, they had reason to hope, that it would have given a stop to all farther proceedings against his Majesty's person. But now understanding, that after the imprisonment and exclusion of divers Members of the House of Commons, and without, and against the consent of the House of Peers, by a single Act of their own, and theirs alone, power was given to certain persons of their own Members of the army, and some others, to proceed against his Majesty's person, in order whereunto he had been brought before that extraordinary new Court; they did therefore, in the name of the Parliament of *Scotland*, for their vindication from false aspersions and calumnies, declare, That though they were not satisfied with his Majesty's late concessions in the treaty at *Neurport*, in the *Isle of Wight*, especially in the matters of Religion, and were resolved not to crave his restoration to his Government, before satisfaction should be given by him to that Kingdom; yet they did all unanimously with one voice, not one Member excepted, disclaim the least knowledge of, or occasion to the late proceedings of the army here against the King; and did sincerely profess, that it would be a great grief to their hearts, and lie heavy upon their spirits, if they should see the trusting his Majesty's person to the two Houses of the Parliament of *England*, to be made use of to his ruin, contrary to the declared intentions of the Kingdom of *Scotland*, and solemn professions of the Kingdom of *England*: And to the end that it might be manifest to the world, how much they did abominate and detest so horrid a design against his Majesty's person, they did, in the name of the Parliament and Kingdom of *Scotland*, declare their dissent from the said proceedings, and the taking away his Majesty's life; protesting, that as they were altogether free from the same, so they might be free from all the miseries, evil consequences, and calamities, that might follow thereupon to the distracted Kingdoms."

The Parliament answered this Protestation, but after the King's death, saying, "They had heretofore told them, what power this nation had in the fundamentals of Government: That if *Scotland* had not the same power and liberty, as they went not about to confine them, so they would not be limited by them; but leaving them to act in theirs as they should see cause, they resolved to maintain their own liberties, as God should enable them. And as they were very far from imposing upon them, so they should not willingly suffer impositions from them, whilst God gave them strength or lives to oppose them." They said, "The answer they made to their first and second letter was, that after a long and serious deliberation of their own intrinsic power and trust, (derived to them by the Providence of God, through the delegation of the people) and upon the like considerations, of what themselves and the whole nation had suffered, from the mis-government and tyranny of that King, both in peace, and by the wars; and considering, how fruitless, and full of danger and prejudice the many addresses to him for peace had been, and being conscious how much they had provoked and tempted God, by the neglect of the impartial execution

Clarendon, III. p. 218.

The Scots Protestation. Id. p. 220. Whitlock. p. 272.

Affairs of Scotland, Ed. p. 218.

Burnet's Memoirs, p. 348, &c. Whitlock.

(1) This Treaty it is to be met with in *Bate's Secretes History*, p. 147. and was very advantageous to the Roman Catholics. Rayn.

1649. "of Justice; in relation to the innocent blood spilt, and mischief done, in the late wars, they had proceeded in such a course of justice against that man of blood, as they doubted not the just God (who is no respecter of persons) did approve, and would countenance with his blessings upon the nation; and though perhaps they might meet with many difficulties, before their liberties and peace were settled, yet they hoped they should be preserved from confusion, by the good will of him who dwelt in the bush, which burned and was not consumed; and that the course they had taken with the late King, and meant to follow towards others, the capital enemies of their peace, was, they hoped, that which would be for the good and happiness of both nations; of which, if that of Scotland would think to make use, and vindicate their own liberty and freedom, (which lay before them, if they gave them not away) they would be ready to give them all neighbourly and friendly assistance, in the establishing thereof; and desired them to take it into their most serious consideration, before they espoused that quarrel, which could bring them no other advantage, than the entailing upon them, and their posterities, a lasting war, with all the miseries which attended it, and slavery under a tyrant and his issue."

Shortly after, the Scotch Commissioners were recalled. But just after their departure, an answer was in their name presented to the Parliament, which charged the sitting Members with unfaithfulness, breach of promises and oaths, and other things very offensive. This was ill received by the Parliament, that they ordered them to be arrested on the road, and put under guard, till it should be known whether they were avowed by their Principals. But, the Scotch Parliament justifying them, and complaining of the violation of the law of nations violated in their persons, they were immediately discharged.

In so nice a juncture, the Scots had but two ways to prevent their falling into a dangerous anarchy. They were either, with the English, to change their Government into a Commonwealth, or else acknowledge the eldest Son of the late King for their Sovereign. But each of these ways had its difficulties. A Republican Government was directly contrary to their ancient Constitution, the two Covenants, and the inclination of the People. Besides, it was not seen what advantage could accrue to the nation from such a change. The second way was likewise very embarrassing, considering the circumstances of Scotland for many years past. Had James I. and Charles I. not invaded the privileges of Scotland, by introducing the Religion of England, contrary to the inclinations of the People: Had the differences between Charles I. and his Scotch Subjects produced no civil war: Had not the treaty which ended that war, and reformed to the Scots their ancient Religion, been extorted from the King: Had not the invincible distrust of the Scots, with regard to Charles I. armed them to lessen his power in England, and disable him to revoke his concessions to Scotland: Had not the Scots sworn two Covenants, the one national, and the other common, to both nations, to maintain Presbyterianism: Had these things, I say, never happened, the Scots might, nay, ought to have acknowledged for Sovereign the next heir of the Crown, according to the immemorial custom of Scotland. But in the recognition of this new King, the maintenance of their Laws, their Privileges, their Religion, was concerned. Herein lay the difficulty, for the accession of a new King to the Crown, was no reason to oblige them to relinquish things, which had cost them a ten years war. They knew, Prince Charles, eldest Son of the late King, had the same principles as his Father, concerning Religion, and civil Government; and had never entertained, nor did now entertain, any persons about him, but what were mortal enemies to their Nation and Religion. Wherefore, in receiving him for King without any previous condition, they ran the risk of being replunged into their former state under Charles I. who by artifices, and, as they thought, by deceit, and at last by open violence, had undertaken to reduce the Kirk of Scotland to a perfect Conformity with the Church of England. As therefore, agreeably to the laws and customs of the Kingdom, it was natural to acknowledge for Sovereign him, to whom the Crown was to devolve, it was no less proper, in the present juncture, to take care to preserve what they had with so much difficulty recovered. Was it reasonable for them, to deliver themselves to the mercy of a young Prince, yet a stranger to them, and cause their peace and happiness to depend on his sole will, notwithstanding their suspicions, that he had no more affection for them than his Father? Nevertheless, as his affairs were almost desperate, they imagined, the offer

of their Crown, might engage him to become a good Scot, and dismiss his English counsellors, who were not proper for Scotland; in a word, would think himself very happy to recover one of his Kingdoms, and see himself in the same state in which his ancestors were, before his Grand-father's accession to England. They resolved, therefore, to acknowledge and proclaim him, but however with restrictions, which left them at liberty to capitulate with him. The Proclamation was thus worded:

"The Estates of Parliament presently (1) convened in this second session of this second triennial Parliament, by virtue of an Act of the Committee of Estates, who had power and authority from the last Parliament, for convening the Parliament; considering, that first, as the King's Majesty, who lately reigned, is, contrary to the dissent and protestation of this Kingdom, removed by a violent death; and that by the Lord's blessing, there is left unto us a righteous heir, and lawful successor, Charles Prince of Scotland and Wales, now King of Great-Britain, France, and Ireland; We the Estates of the Parliament of the Kingdom of Scotland, do therefore most unanimously and cheerfully, in recognition and acknowledgment of his just rights, title, and succession to the Crown of these Kingdoms, hereby proclaim and declare to all the world, That the said Lord and Prince Charles is, by the providence of God, and by the lawful right of undoubted succession, King of Great-Britain, France, and Ireland, whom all the Subjects of this Kingdom are bound, humbly and faithfully to obey, maintain, and defend, according to the national Covenant, and the solemn League and Covenant betwixt the two Kingdoms, with their lives and goods, against all deadly enemies, as their only righteous Sovereign Lord and King."

And because his Majesty is bound by the Law of God, and the fundamental laws of this Kingdom, to rule in righteousness and equity, to the honour of God, the good of Religion, and the wealth of his People: It is hereby declared, That before he be admitted to the exercise of his royal power, he shall give satisfaction to the Kingdom, in those things that concern the security of Religion, the unity betwixt the Kingdoms, and the good and peace of this Kingdom, according to the national Covenant, and the solemn League and Covenant, for which end we are resolved, with all possible expedition, to make our humble and earnest addresses to his Majesty. For the testification of all which, We the Parliament of the Kingdom of Scotland, publish this our acknowledgment of his just rights, title, and succession to the Crown of these Kingdoms, at the Market cross at Edinburgh, with all usual solemnities in like cases, and ordain his royal name, portrait, and seal, to be used in the publick writings and judicatories of this Kingdom, and in the Mint-house, as was usually done to his royal predecessors, and command this act to be proclaimed at all the Market-crosses of the royal Burghs, and to be printed, that none may pretend ignorance."

When the proclamation was published, the Council did patch Sir *Japhet Douglas*, to give the King notice of it, and the States sent also two Commissioners (2), only to inform him of what had been acted in his favour, but without any order or instruction to treat with him. Before the conditions on which he was to be invested with the royal authority were proposed to him, it was necessary to know, if he would accept the Crown upon terms not yet known, but easy to be guessed (3). The Commissioners found the King at the *Hague*, where there arrived at the same time, but in another Ship, the Earls of *Lennox* and *Leuthers*, and some time after, the Earl of *Montrose* also from France. When the late King, after his retreat to the Scotch army, ordered *Montrose* to lay down his arms, he retired into Germany, and served in the Emperor's army. Afterwards he went into France, where the Queen and Prince of Wales gave him a reception very different from what he expected, after his great services in Scotland. This coldness was owing to his arrival in France, at the very time the Queen was using her endeavours to persuade the King her Husband, to throw himself upon the Presbyterians and Scots, and grant all their demands, imagining, he had no other refuge. It was therefore no proper season to caress a man, who was extremely hated in Scotland. He had been very successful in serving the King, but had used his advantages with such barbarity, that he had been degraded by the Parliament, and excommunicated by the Kirk; so that in Scotland he was considered as an enemy to the nation, and to Presbyterianism. As his residence in France was very disagreeable, he no sooner heard of the

(1) Properly in the Scotch Papers it is said for Now, or at Present.

(2) The Commissioners of the Kirk sent also four of their Ministers. Clarendon, Tom. 3. p. 217.

(3) The Kirk desired, That he should first sign the Covenant, submit to the Kirk's censure, renounce the sins of his Father's House, and the inquiry of his Mother. Ibid. p. 218.

1649. death of Charles I, then he repaired to the *Hague* to offer his service to the new King. In his retinue, were some *Scottish* Lords and Gentlemen attached to his fortune.

The King receives the News of the Proclamation publicly.

The King received very coldly the news of his being proclaimed, by reason of the restriction in the Proclamation. There was however nothing strange in it, since the *Scots* pretended only to require what had been asked of Charles I. agreeably to their Covenant, and the Covenant of the two Kingdoms. But the King and his Council, it seems, were persuaded, that the *Scots* had not the least right to exact such conditions. That is to say properly, the *Scots* in their recognition of the new King, ought at the same time to acknowledge the injustice of their Covenants, and depart from all their pretensions. There were two contraries which they thought to be irreconcilable, namely, That the *Scots* should own the King's undoubted right, and yet desire to capitulate with him. In a word, they pretended that the transactions of the last ten or twelve years, ought to be entirely buried in oblivion. Charles I. Charles II. and their Councils, were prepossessed with an opinion which often deceived them, namely, that there was no mean between an absolute attachment to the King, and a total enmity to him. The Lord *Clarendon's* History abounds with instances of this prepossession. But to confine myself to the present occasion, this illustrious Historian in representing the *Scotch* Nation, as animated with a just indignation against the *English* Parliament, for the King's death, would inter, that *Scotland* was inclined to accept the Prince his Son for successor without any condition. But as this did not happen, he ascribes it to the artifices and credit of the Marquis of *Argyle*. He says, The Marquis would have been glad to prevent the King's being proclaimed, but as he durst not oppose the general sentiment of his Country, he was forced to consent to it. According to him, the Marquis of *Argyle* was the sole cause of the restriction in the Proclamation. This supposes the Proclamation to have been the general sense of the people, and the restriction the effect of *Argyle's* intrigues. But if this restriction was agreeable to the interests and sentiments of the ruling party, as I have shown, why is it ascribed to the Marquis alone? Was it impossible for the people of *Scotland* to acknowledge King Charles II. without an entire confidence in him? But the *Scots* acted with him only in the same manner as they acted with his Father, as appears in the Covenant itself, wherein they showed an extreme distrust of the late King, even when they engaged to defend his person and rights. The restriction therefore contained nothing new, or extraordinary. It was a natural consequence of the troubles begun in 1637.

Drives off through the Scots at the Hague. Clarendon, III. p. 328; 329.

However this be, Charles believed, that no great regard was due to what had yet been done for him in *Scotland*. He understood, that in the intended capitulation, things would be demanded which he had resolved not to grant, as the confirmation of the Covenant and the Presbyterian Government. He withheld however to justify his disinclination to *Scotland*, by the advice and opinion of the *Scotch* Lords who were with him at the *Hague*. For this purpose he would have had them appear together before his Council, and upon being consulted, disavow him from going to *Scotland*, and the Council thereupon form their resolution. The Marquis of *Montrose* approved of this proceeding; but the Earl of *Louthbridge*, and the Earl of *Lanrick* who took the title of Duke *Hamilton*, on hearing at the *Hague* the tragical death of his Brother, would not consent to it. They thought it too nice a proceeding, for *Scotch* Lords to appear before an *English* Council. By this the Earl of *Traquair* had been ruined. On the other hand, they were so enraged against the Marquis of *Montrose*, that they would have no communication with him. When the King found he could not bring them together to consult upon this subject, he declared however, he would not go into *Scotland*, and persisted in his resolution for *Ireland*. Thus, upon a bare information that *Scotland* would not receive him without conditions, he resolved to refuse the Crown of that Kingdom. And, what is more, he gave commission to the Marquis of *Montrose* to raise forces in *Germany*, and make a descent upon *Scotland*. So, receiving with acknowledgment, the offer made him by the *Scots*, he ordered a war to be levied upon them, as upon enemies, because they refused to admit him for their Sovereign, without a previous engagement. Nothing is more proper to demonstrate the necessity of the precautions taken by the *Scots*, though some Historians are pleased to represent them as very unjust.

Clarendon, III. p. 328.

The King could not reside any longer in *Holland*, where it was intimated to him, that the dread, the States

were under, of a quarrel with the new Commonwealth of *England*, made his stay there very unwelcome. Besides, they received advice, the Parliament was to send an Agent, to propose between the two Commonwealths a strict alliance; and this affair was not to be negotiated whilst the King remained at the *Hague*. This Agent, named *Dorville*, arrived indeed before the King left the place. But the same evening that he came to the Town, as he was at supper in his Inn, with some other persons, six *Scots* of the Marquis of *Montrose's* retinue entered the room, and dragging him from the Table, murdered him (1). The Assassins were neither arrested, nor immediately pursued; and though afterwards some pains were taken to apprehend them, the States showed on that occasion a great regard for the King, which offended the Parliament. Nevertheless, the King knew, after this action, there was no remaining at the *Hague*, and the Prince of *Orange* advertised him, that he would be desired to depart. He therefore sent his heavy baggage and some of his Domesticks to *Ireland*, with a resolution to follow them, after he had paid a visit to his Mother in *France*. But as he was not yet ready, he prevented the ungrateful compliment he was to receive, by presenting himself to the States a Memorial of the state of his affairs, and asks the States their opinion, whether he ought to go for *Ireland* or *Scotland*. The States observing he was about to depart, thought it not convenient to press him; and thereby he gained time to be prepared.

While the King was deliberating at the *Hague*, concerning the offer from *Scotland*, the States of that Kingdom were settling the terms on which he was to be received, not doubting his inclination and readiness to accept the offered Crown. But he had friends in *Scotland*, who, better informed of his sentiments, resolved to disturb the public deliberations, by an insurrection, in hopes that a happy success would cause the King to be admitted without any condition. With this view *Middleton*, *Murray*, the *Gordons* and others, assembled some forces in the North, and seized the Town of *Inverness*. But the Parliament having before received intimation of their design, had already raised forces, which immediately marched to the north, under *Strauchan* and *Kerr*, and dispersed the mutineers before they could assemble all their forces.

Though the King had firmly resolved to go into *Ireland*, it was impossible for him to execute his design, by reason of the turn in his affairs in that Island. After the Parliament was become matter of *Dublin*, it had been often moved in the House, to send a powerful reinforcement to *Ireland*: but the opposite interests of the Presbyterians and Independents hindered the taking any resolution. The first were for sending Sir *William Waller* to command there, and the latter were as earnest for Major-General *Lambert*. The division between the Parliament and Army which arose quickly after, brought new obstacles to this affair. At last, the revolt of *Wales*, the insurrections in other Counties, and the preparations of the *Scots* to invade *England*, discharged all thoughts of *Ireland*. If, in this interval, the Irish could have come to an union amongst themselves, and have joined the Marquis of *Ormond*, they might have expelled the Parliament's forces, and rendered themselves masters of the whole Kingdom. But their divisions hindered them from improving so favorable an opportunity. It was not, as I observed, till the end of the year 1648, that they made peace with the Marquis of *Ormond*, and the opposition of *O'Neale* kept the Marquis from taking the field till April 1649, when the King was dead, and the Government of *England* modelled into a Commonwealth.

The union of the Irish with the Royalists, the progress of the Marquis of *Ormond*, the extreme weakness of the Parliament's party in that nation, brought at the last the House to a resolution of sending thither a good army, with all possible diligence. *Waller*, who was a Presbyterian, was no longer considered as a proper General to serve the Parliament; and *Lambert*, till then supported by *Cromwell*, was now supplanted by him. *Cromwell* believed, the Government of *Ireland* was a post not unworthy of himself, and so managed by his intrigues, that he was unanimously chosen to fill the dignity of Lord-Lieutenant of that Kingdom. But before his troops could be ready for that expedition, he had a difficulty to overcome, which might have had dangerous consequences.

Besides the Cavaliers and Presbyterians, the Parliament had other enemies, who only waited an opportunity to declare, and were in the army itself. These were the Levellers, who were dissatisfied, for that after they had

(1) He was Doctor of the Civil Law, born in *Dorset* in *Holland*, and bred at *Leyden*, but afterwards lived long in *London*, having been received into *Gray's Inn*, as a Professor in one of the Chairs, which are endowed for Publick Lectures in that Society; and had been from the beginning of the Troubles, in the exercise of the Judge Advocate's Office in the Earl of *Essex's* Army. The Lord *Clarendon* says, they were *Scots*, and depended upon the Marquis of *Montrose*, that murdered him. Tom. p. 329. But *Whitelock* says, That they were twelve English Cavaliers who stabbed him in several places, and cut his Throat, one of them lying at the same time, That one of the King's Judges. *Whitelock*, p. 402. *Luttrell* says, They were English and Scots. Tom. I. p. 293.

1649. ferred as instruments to ruin the Presbyterian Parliament, they were not only disregarded, but even called seditious and rebels. This occasioned their assembling upon *Cromwell's* being appointed to command in *Ireland*, under a pretended necessity of inquiring what troops were proper to serve in that Kingdom (1). To that end they met at *Burford* to the number of five thousand, and without any precaution continued there, pretending a promise from *Cromwell*, that no part of the army should approach within ten miles. But *Reynolds*, by the command of General *Fairfax*, unexpectedly fell upon them with five or six thousand men, and gave them an entire defeat. Nine hundred Horse, and four hundred Foot were sent prisoners to *London*, and some of them executed. Others obtained their pardon by *Cromwell's* mediation. This affair being thus happily ended, the army was prepared which *Cromwell* was to lead into *Ireland*.

May 15. While this army was assembling, the Marquis of *Ormond* approached *Dublin* to besiege it. Whereupon, *Cromwell* immediately sent about three thousand men to reinforce the garrison which was very weak. Mean while, as he believed he could not arrive soon enough to save that city, he resolved to land his army in *Munster*, where he hoped to find no obstacle, because he knew, the Lord *Inchiquin*, President of that Province, was departed with his English troops, to reinforce the army under the Marquis of *Ormond*. But the Marquis having notice of his intention, immediately dispatched the Lord *Inchiquin* with the forces under his command to prevent his landings, by which he considerably weakened his army. He however continued his march, and began the blockade of *Dublin* about the middle of *June*. He stayed some time at *Finglas*, five miles from *Dublin*, in expectation of fresh troops, and at last passed the river, and posted himself at *Rathminis*, to lay the siege in form. While he was in this camp, the succours sent by *Cromwell* arrived in *Dublin*. A few days after, the Marquis of *Ormond* resolved to repair an old castle, which by its situation was proper to hinder any fresh relief from entering the Town. Then Colonel *Jones* the Governour, who from a lawyer was become a good officer, perceiving how much these fortifications might annoy him, resolved to endeavour to prevent their being finished. For that purpose he put the garrison under arms in the night, and at break of day making a fall, marched directly to the castle, and carried it sword in hand.

This happy success caused him to advance towards the enemy's camp. He met by the way a body of Horse, which stopped him some time. But this body being dispersed, brought such terror to the Irish army, that they fled in confusion without striking a blow. The Marquis of *Ormond* was forced to follow them, for fear of falling into the hands of his enemies. After this defeat, he was obliged to retire to some distance, to wait for the succours, he had been promised.

Cromwell informed of this good success whilst he was imbarcking his army, altered his design, and instead of going to *Munster*, sailed to *Dublin*, where he safely arrived about the middle of *August* [with about fifteen thousand men.] When the Marquis of *Ormond* knew that *Cromwell* was in *Dublin*, he retired to a still greater distance, and left in *Drageba* a numerous garrison (2), under the command of Sir *Arthur Aston*, an officer of reputation, who had been Governour of *Reading*, and afterwards of *Oxford*. About the same time *Londonderry*, the most considerable city in the north of *Ireland*, which was besieged by the King's forces, was relieved by a fallly made by Sir *Richard Cost*, much in the same manner as *Dublin* was by *Jones*.

From what has been seen, it is manifest the King could not venture into *Ireland*, where he had no other succour to carry but his person, while *Cromwell* was assembling his army on the coast, and still less, after *Ormond's* defeat. But as, on the other hand, he was looked on with no good eye in *France*, where, since his arrival, the Court had made him no offers of service, he resolved to withdraw into the Isle of *Jersey*, as the only place where he could hope to be favorably received (3). He retired therefore to that island with his brother the Duke of *Tork*, and his small Court, where he continued some months (4).

The commotions raised by the King's friends in *Scotland* being appeased, the committee of estates assembled to prepare the conditions to be demanded of the King. It seems, they were not informed in *Scotland* of the King's sentiments, since they continued to deliberate upon that subject, which doubtless they would not have done, had they been acquainted with his resolution. In all probability, as the estates had not yet expressly invited him to come and receive the Crown, he did not think himself obliged to communicate his thoughts to them, and if the envoys of the estates and council had received an answer from him, it was too general for anything to be inferred from it. However this be, the committee of estates having learned, the King was in *Jersey*, sent Mr. *George Windram* to acquaint him, they were desirous to treat with him concerning his establishment in *Scotland*: but as the Isle of *Jersey* was neither safe, nor commodious, he was desired to name some town in the *Low Countries*, where he might receive their commissioners. For this purpose, it was required of him as a preliminary, without which there could be no negotiation to acknowledge the authority of the present Parliament, and particularly of the two last sessions. *Windram* left *Edinburgh* the 25th of September, but was not with the King till towards the end of October, being detained by contrary winds: so that the King was fully informed of what had passed in *Ireland*, where *Cromwell* having taken *Drageba* by assault, had put the garrison to the sword, and was continuing his progress with wonderful rapidity. This news made the King look upon *Scotland* with another eye than before. He knew, he should be unwelcome both to *France* and *Holland*. From *Ireland* he was entirely excluded, nor could *Jersey* long afford him subsistence. Besides, he was told, the Parliament had given orders for a fleet to reduce that Island, which was not in a condition of defence. *Scotland* therefore was the only place where he could find safety and subsistence. For this reason, he received *Windram* very graciously, and named *Breda* for the reception of the Scotch commissioners, promising, he would be there the 15th of the following March. It was not however without some uneasiness that he came to this resolution. Besides his little affection for the Scots, whom he regarded as the principal authors of his father's misfortune, not one counsellor advised him to put himself into their hands, though it was impossible to direct him to another retreat. So it was meer necessity which caused him to resolve to listen to the propositions the Scots were to make him. That this was his only motive, can hardly be doubted, when it is considered, that on the 30th of January 1649-50, he writ to the Marquis of *Montroze*, that the Scots had sent *Windram* to him, and that their Commissioners were to repair to *Breda*, in March to treat with him. Wherefore, he pressed him to hasten his preparations for a descent into *Scotland* before this affair should be settled, in order if it was possible, and should please God to favour him with success, to prevent the conclusion thereof (5).

Windram being returned with the King's answer, the committee of Estates laboured incessantly to finish the propositions to be sent to the King. The draught was laid before the Parliament, and after some amendments, ordered to be communicated to the general assembly of the Kirk, where it was approved. Hence it appears, that these propositions were settled with the common consent, since they had the concurrence of both Parliament and Kirk, though some have been pleased to ascribe them solely to the Marquis of *Argyle*, as if they were more agreeable to his interest than that of the Kingdom. After this, the Parliament and general Assembly named Commissioners to carry them to the King. These Commissioners arrived at *Breda* at the time appointed (6), and presented the conditions to him, on which the Scots would admit him to the exercise of the regal power. They consisted of these four articles:

1. That all those who have been, and continue excommunicate by the Kirk of *Scotland*, may be removed from having any access to the Court.

2. That he would be pleased to declare, that he would by solemn oath under his hand and seal, allow the national Covenant of *Scotland*, and the solemn League and Covenant of *Scotland*, *England* and *Ireland*: and that he would prosecute the ends thereof in his royal station.

3. That he would ratify and approve all Acts of Parliament, enjoining the solemn League and Covenant, and

1649.

Phillips.

Clerendon, III. p. 266. 276. Phillips. Bate.

The King names Breda for the Place to treat with the Scots Commissioners. Phillips, p. 591. Clerendon, III. p. 266. Burnett.

He writes to Montrose to hasten his Preparations. See end. 1649-50. Phillips, p. 403. Burnett, p. 51. Warwick.

Hutch.

Conditions presented to the King by the Scotch Commissioners. Phillips, p. 592. Clerendon, III. p. 267. Dims. Whitelock.

(1) On either upon the Parliament's voting. That eleven Regiments, mostly consisting of Levellers, should by lot be chosen for the service of *Ireland*. Bate, p. 231.

(2) Of three thousand Foot, and two or three Troops of Horse. Clerendon, Tom. 3. p. 611.

(3) He had been lately proclaimed King there, by Sir *George Carteret* the Governour. *Whitelock*, p. 326.

(4) This year, upon information, that the *Irish* *disorder* was printing in *England*, it was ordered, on March 30, to be suppressed.—May 2, the Queen of *Bahama's* Pension of 10000*l.* was followed.—June 7, at an Entertainment in the City, the *Earl of Pembroke* refused to sit above Mr. *Whitlock*, the senior Commissioner of the Great Seal, saying, "As much honour belongs to that Place under a Commonwealth, as under a King." *Whitelock*, p. 390, 400, 406.

(5) The *Earl of Clerendon* says nothing of this Letter from the King to the Marquis of *Montroze*; but Phillips, Bate, and others, are positive that it is so writ. *Supra*.—The Lord *Clerendon* owns, The King had given the Marquis's Commission to make a more journey. See Tom. 3. p. 269. And *Whitelock's* Mem. p. 355.

(6) The Commissioners from the Estates were, the *Duke of Cailli*, and *Lutias*, the Lord *Burley*, and Sir *John Windram*; and those from the Kirk were, *Lawson*, *Wood*, and *Breda*. Phillips, p. 594.

1649. establishing Presbyterian Government, the Directory of worship, the confession of Faith and Catechism in the Kingdom of Scotland, as they are already approved by the general assembly of the Kirk, and by the Parliament of that Kingdom; and that he would give his royal assent to the Acts of Parliament injoining the same in the rest of his dominions, and that he would observe the same in his own practice and family, and never make opposition therein, or endeavour any change thereof.

4. That he would consent and agree that all matters civil might be determined by the present and subsequent Parliaments of the Kingdom of Scotland, all matters ecclesiastical by the ensuing general Assemblies of the Kirk, as was formerly contended and agreed to by his late father.

After hearing these conditions, the King demanded, whether these papers they had delivered to him, contained all the particulars which they had to propound or desire? Whether they had power to recede from any particular article, or to treat with him concerning the assistance of Scotland, to place him on the throne of England? They answered, their commission extended only to the offering of these propositions, and to receive either his consent or refusal.

These conditions, which to the Scots appeared very just, lawful, and absolutely necessary for the safety of Scotland, seemed to the King very hard and unreasonable. This contrariety will not appear strange, if it is considered, that the King and the Scots reasoned upon different principles, and with opposite views. And this it will not be improper to unfold.

The people of Scotland were persuaded, they had been oppressed by James VI. in the establishment of Episcopacy in Scotland by that Prince, which had been abolished by the Reformation: That this had been effected by address, by artifice, by violence, whilst corrupt Parliaments were employed to enact new Laws concerning Religion, without consulting the Kirk, contrary to her will and express declarations: That Charles I. by a fraud supported with force, had invested himself with a power of ordaining whatever he pleased in matters of Religion, by virtue of an act supposed by him to be granted by a plurality of voices, though it was rejected: That by this pretended power, he had not only restored Bishops to their revenues and government in the Church, but also given them a jurisdiction more extensive than ever: That he had established a High-Commission to support this injustice, and entirely suppressed the General-assemblies. In a word, that he had changed the Presbyterian Government, established by the Reformation, into an Hierarchy, exactly like that of the Church of England: That he had also attempted to impose upon them a Liturgy and Canons, unknown to their ancestors, and to reduce the worship of the Church of Scotland, to a perfect conformity with that of England: That the people of Scotland, for their own preservation, and the maintenance of their rights, so manifestly invaded, had judged it proper to unite in a Covenant, intended for the preservation of the King's just rights, and the privileges of the People and Kirk: That the King, not contented with what of right belonged to him, had twice made war upon his Scotch Subjects to maintain his usurped power, and render Scotland dependent upon England: That this war had been ended by a treaty, to which the King would not have consented, if he had not been forced to it by the affairs of England: That after this treaty he came into Scotland, where he granted his Subjects whatever they demanded, and even those things which before he had haughtily and obstinately refused: That therefore it was to be suspected, he had only accommodated himself to the times, till a favorable opportunity offered, to revoke his concessions: That it was not strange the Scots should entertain this suspicion, since the King, by the same conduct in England, had destroyed all confidence in him: That it was therefore absolutely necessary to reduce him to a state, which would remove all danger of his retracting: That to this end, the Scots had made with the English a solemn League, as having the same common interest, and that the sword had decided in favour of the allies, against the King: That notwithstanding this decision, the Scots had never thought of withdrawing from the obedience due to the King, but only of obtaining other security than his bare word: That the tragical death of Charles I. had not changed the state of affairs in Scotland, or procured them the so long desired security: That they required no more of the new King, than they had a right to demand of his Father: That their desires were not unjust, since they expected only to be maintained in the state, which they enjoyed before the two last Kings had attempted to alter the established Religion, according to their caprice, and the pleasure of their English counsellors: That they had run all hazards to restore themselves to the condition from whence they were fallen: That God having granted them

a happy success, they saw no sufficient reason to oblige them to desist, and expose their repose and Religion to the caprices of a young Prince, who was known to be of the same sentiments and principles as his Father and Grandfather: That the conditions offered him, limited not his Prerogative as King of Scotland, but only put it out of his power, to tread in the steps of the King his Father: That in offering him the Crown of Scotland, it was lawful to require, that he should govern according to the true interest of that Kingdom: That if these conditions appeared to him contrary to his interest with regard to England, he was at liberty to reject them; but his interest with respect to England, was not a good reason to engage the Scots to venture their happiness, in leaving him to govern as he pleased: That it was not yet fifty years since James VI. became King of England, and that Charles I. having lost that Crown by his ill conduct, and Charles II. being utterly unable to recover it, he ought to esteem himself happy, that his Scotch Subjects had offered him the Crown of an ancient Kingdom, on the same terms it had been enjoyed by his ancestors for many ages; and that in becoming a good Scots man, he would be restored to what his predecessors, Kings of Scotland, had formerly been: That it was not reasonable to suffer persons excommunicate, and conspirators against the State, in attempting, by force, to restore the late King, to approach the new King with their pernicious counsels, tending to sow division between him and his Subjects.

But the King reasoned upon other principles. The offer of the Crown of Scotland was no farther regarded by him, than as a means of restoring him to the throne of England; that was the principal object of his attention. He little cared to be King of Scotland, if he could not use the forces of that Kingdom to procure him the English Crown. Mean while, his power was to be so limited, that it should not be possible to receive any advantage from Scotland to that end. Those who were esteemed by him as his best friends, and had used their utmost endeavours to free his father and restore him to the enjoyment of his rights, were to be removed from his person and council, and yet these were the men he designed to employ for the recovery of England. In accepting the Crown of Scotland, he was to forget, he had any just claim to England; he was to govern Scotland as his ancestors governed it before their accession to the English throne; that is to say, he was to look upon his English friends with continual distrust, and consequently renounce all hope of a re-establishment in England. He was to swear to the National Covenant, made against the King his father, the intent of which was to prevent for ever the introducing the Church-government and worship of England into Scotland, which alone in his opinion were lawful. He was to swear to the Covenant of the two Kingdoms, the sole design of which was to maintain Presbyterianism already established in England, which was an intoltable way to make him lose all his friends. He was, lastly, not only to approve and protect Presbyterianism in the two Kingdoms, but also promise a sincere and constant profession of it himself. But this was directly contrary to his sentiments and conscience, since he hardly believed the Presbyterians to be any part of the Christian Church.

Hence it appears that the interests of the King and those of the Scots were no less opposite than during the life of Charles I. and that the same difficulties still subsisting, could be surmounted only by the arm or acquiescence of one of the parties. The King was unable to use force, and yet the terms to be imposed upon him appeared so hard, that he would have immediately rejected them, if he could have taken any other course. But his melancholy circumstances, not knowing where to subsist or even to be safe, obliged him, though very unwilling, to dissemble his resentment, and to treat with the Scotch Commissioners upon propositions which to him seemed most unjust. There were two Articles which he could not digest. The first was, the obligation to swear to the Covenant. He said, the Covenant was made for the Subjects, and not for the Prince, since the taker swore to be faithful to the King, and it was absurd to make him swear allegiance to himself. This objection would have been unanswerable, had the Covenant contained only this article. But there were others, in which it was said, the King was no less concerned than his Subjects. The second related to Religion. He was willing he said, to consent to the establishment of Presbytery in Scotland by Act of Parliament: but, as to his own person, he could not with justice be required to renounce the Religion for which the King his Father had dyed a Martyr; however he would content himself with only three Chaplains to celebrate Divine Service in his presence after the manner of the Church of England. But all he could allege was ineffectual: the Commissioners had not power to recede from any article. Thus had the Parliament of England offered to treat with his Father, without

Reflections upon these Propositions.

1649.

The King dissolves his Parliament, and Charles II. p. 267. Phillips. Breviary.

Forms dissolves upon the Covenant and Religion as they relate to the King. Phillips, p. 267.

The Commissioners' power would not recede.

1650. without leaving him other liberty than to accept or refuse their propositions. But tho' the King perceived it would be to no purpose to dispute upon the articles, he desired however to prolong the negotiation as much as possible in hopes of good news from *Scotland*, where he knew the Marquis of *Montrose* would shortly make his appearance. This was his last refuge; and had the Marquis been attended with his former success, the treaty of *Breda* would soon have ended, since it was the King's power to reject absolutely the offered conditions. But the Marquis's progress did not answer the King's expectations.

After that Lord had left the King at the *Hague*, he went into *Germany* to endeavour to raise forces and money, the King having only given him a bare commission without other assistance. The King of *Denmark*, as *Charles's* near relation, furnished him with a sum of money, and the *English* settled in *Sweden* assisted him to the utmost of their power. With this relief he was enabled to buy arms and ammunition, and to lift five hundred soldiers, which he sent in *March* to one of the Isles of *Orkney*. He followed them himself in *April*, and from thence repaired with his troops to *Cathness* in the north of *Scotland*. This was at the very time the *Scottish* Commissioners were with the King at *Breda*. As the King was informed that *Montrose* was now gone for *Scotland*, he waited the success of this expedition, before he would conclude with the Commissioners, whom he nevertheless entertained with hopes of granting their demands.

After the Marquis's arrival at *Cathness*, he seized a castle where he might secure his arms and ammunition, and then writ to his friends to join him. At the same time he published a Manifesto, declaring, "That he was come with a commission from the King to protect his good Subjects; but with no design to obstruct the negotiation at *Breda*; on the contrary, he hoped to hasten the conclusion of it by means of his army. If the treaty succeeded, he should readily lay down his arms on the first command from his Majesty."

The *Scottish* Parliament then sitting at *Edinburgh* was surprised to hear of *Montrose's* arrival in that juncture, with the King's Commission. It was not difficult to perceive that, whatever was pretended, this was not to advance the treaty, but rather to obstruct it, and force the Parliament to desist from conditions which were thought necessary for the safety of the Kingdom. It may well be imagined, this tended not to breed a good opinion of the King's sincerity.

Mean while, as *Montrose* was very formidable, by reason of his former great successes in favour of the late King, the Parliament gave immediate orders for raising, with all possible expedition, an army of six thousand men, under the command of *David Leslie*. 'Till this army was ready, Colonel *Straughan* was detached with three hundred Horse to the *Northward*, in order to awe the country, and prevent the King's friends from rising and joining *Montrose*. This precaution had a surprising effect. The King's adherents, whether through fear of falling into the hands of this Cavalry, or because of the six thousand men which were to follow, durst not stir, and *Montrose* was joined only by some ill-trained and worse disciplined Highlanders. So, his little army, if it deserves that name, composed of soldiers of different nations, strangers to one another's language, and in a barren country, could make no great progress. Besides, as *Montrose* had no cavalry to send out for intelligence, he knew not what passed in other places; and particularly *Straughan's* march, vainly expecting the King's adherents to come and join him. To this ignorance was owing his being surprised by *Straughan's* little troop, which, after a long march, fell upon him when least expected.

At the approach of the enemy, the Highlanders deserted and fled; the foreigners made more resistance, but were routed at last (1). The Marquis himself being forced to fly, threw away his *Ribband* and *George*, disguising himself like a peasant to prevent a discovery. He wandered some days in this habit, and at last put himself into the hands of a Gentleman, named *Allen*, who had formerly served under him, and promised to conceal him. But, whether through the hope of the reward published for taking him, or the fear of being rigorously punished if he did not discover him, it is certain, he delivered him to *Lesley*, who immediately sent him to *Edinburgh* (2). The Parliament now sitting resolved to try him themselves; and as, since his degradation, he was called only *James Graham*, and was universally hated, no regard was paid to his birth. He was condemned to be hanged on a gallows thirty foot high; with this addition to his sentence, that, after he was dead, his head should be severed from his body, and set on *Edinburgh* Tolbooth; his arms and legs sent to four several Towns, to be exposed as a spec-

tacle; and his body buried under the gallows. He met death with extraordinary courage, and before his execution, made a speech to the People, in which, far from owning himself worthy of death, he testified, on the contrary, an entire persuasion of the justice of the cause he had supported. He said that *Charles I.* died a Martyr, and assured the people, the new King would observe all his promises to the *Scotts*, wherein he was as false a prophet as the *Lord Capel* had been in *England*. Thus fell the Marquis of *Montrose*, who had rendered himself famous by his great actions for the late King in *Scotland*, but withal, odious to his country-men, by his inhumanity to them, when he had the advantage.

The tragical death of the Marquis of *Montrose* disappointed all the King's hopes, who was thereby deprived of his last refuge. He complained loudly to the Commissioners of the execution of that Lord, during the negotiation, affirming it to be a breach of faith. He writ in the same strain to the committee of Estates, but was silenced by their answer, and told, it would be much better not to insist upon this affair. The answer imported, that Papers were found upon *Montrose*, which it was more for his honour to conceal than to publish. The King easily understood, that by this was meant his commission to the Marquis after the news of his being proclaimed, and his letter of the 30th of *January*, after the time and place of conference was fixed. This justified the Parliament of *Scotland* from breach of faith, of which he himself was not entirely guilty.

The death of *Montrose* leaving the King without refuge or retreat, he at last accepted the conditions presented to him by the Commissioners. Only the signing of the Covenant was deferred till his arrival in *Scotland*, upon his promise however of compliance, in case it was judged proper to press him when he should be at *Edinburgh*. The Commissioners were willing to grant him this favor, knowing, the Estates would never desist from that article. It is certain, the King submitted to these conditions only because he had no other course to take, and it is, perhaps, no less certain, that he meant to observe them but whilst he should be forced. This plainly appears in the history of those times, penned by the King's adherents. For they could not forbear to think it strange that the King, when in *Scotland*, should be obliged to a strict observance of what he had promised by oath. As if his promise and oath had been only formalities, which were not to bind him.

When the King had signed the conditions, he went to *Schelling* near the *Hague*, and embarked, being attended by Duke *Hamilton*, the Earl of *Lautherdale*, and some other *Scotts*, who gave him hopes that his presence in *Scotland* would remove all suspicions, and that an exact observation of what he had promised would be dispensed with. But at his arrival, before he was suffered to land, the Covenant was so pressed upon him, that he could not avoid taking it. He had positively promised it at *Breda*, and no man durst advise him to break his word. This exactness of the Estates convinced Duke *Hamilton* and the Earl of *Lautherdale*, that it was not safe for them to appear publicly in *Scotland*. Wherefore, finding means to land with the King, they retired to their own estates, or their friends, in expectation of a more favourable juncture.

The Marquis of *Argyle* received the King with extraordinary reverence and outward marks of respect. But within two days, all his *English* domestics were removed, except the Duke of *Buckingham*. Some were obliged to return into *Holland*, others withdrew at a distance from the Court, to friends who were willing to entertain them. This rigour at first appears very strange, and by some is so represented. But it must be considered, the *Scotts* were for receiving the King on those terms only, on which they would have admitted his father, had he happily escaped from captivity, and retired into *Scotland*. Certainly they would never have suffered about him, men whose principles and maxims were directly opposite to the interests of *Scotland*, and who were the Kingdom's reputed enemies. Why then were they to repose more confidence in *Charles II.*? Precaution was not more necessary under the last, than under the present reign.

When the friends and confidants of the King were thus removed from his person, he saw himself in the hands of men whom he knew not, and whose principles were entirely different from those in which he had been educated; so that he was extremely uneasy, though outwardly he received all the respect due to his rank. What troubled him most, was the importunity of the Ministers, who thought 't was their duty to instruct him in the Presbyterian Religion, and scrupled not to brand the Hierarchy and worship of the Church of *England* with the name of *Doctrins* of De-

1650. Makes a speech before his Execution. May 21. Id. p. 275. Phillips, Id. p. 276. Hume.

The King complains of his Execution. Phillips, p. 276. Id. p. 275. Clarendon, III. p. 276. The Answer of the Estates.

The King from the Treaty. June.

He embarked in Holland for Scotland. June. Phillips.

Arrives there, June 16. and is obliged to sign the Covenant. Clarendon, III. p. 285. Hamilton adds several circumstances.

The manner of the King's Reception. Id. p. 286. Burnett's Hist. p. 131. and Mead. Reason for

The King under great suspicion in Scotland. Clarendon, III. p. 286. Burnett, Id. p. 131.

(1) There were about three hundred slain, and five hundred taken prisoners. Whitlock, p. 474.
(2) There is in *Clarendon's* account (2), that *Allen* received two thousand pounds, in reward of his treachery. *Rapin*.

1650. *viz.* They pretended, the King's promise and oath to profess Presbyterianism obliged him to receive their instructions. His Embarrassment on this occasion was a natural consequence of the promise he had made, without intending to keep it. To be rid as well as he could of this trouble, he was present at their sermons and prayers, but with little attention, that it was plainly against his will (1). The reluctance he shewed upon this article bred in the Scots a very ill-opinion of him, being persuaded, he had sworn against his conscience, and with an intention to break his promises when freed from restraint. It ought not therefore to seem strange, that they had no confidence in him, and that those who were at the Helm, imparted not to him all the affairs. He was not considered as a Prince attached to the interests and Religion of the Kingdom, but as intending to establish other maxims if it was in his power. But if the transactions of some years past, and the occasion of the troubles, be considered, it will not be thought so strange, that the Scots took precautions with regard to their new King, and refused him a confidence, which in that juncture, appeared to them very dangerous.

It was quickly perceived how necessary these precautions were, by the King's endeavours to reconcile to the State and the Church, those who had entered into the late Duke Hamilton's engagement to raise an army, which under colour of aiding against the Independents, was designed to restore the late King to the Throne of England without any condition. The authors of that design had thereby plunged Scotland into a war not only unnecessary, but directly contrary to her interests. Besides, their ill conduct had occasioned the loss of a numerous army, and a great effusion of blood. What might not the Scots have added in aggravation of the crimes of the Hamiltonians, had they known the secret treaty made with the late King in the life of *Wigton*, so contrary to the Covenant of both Kingdoms? It is not therefore strange, that men who had acted with views so opposite to the interest of the Kingdom, or at least of the prevailing party, were regarded by that party as enemies of the State and Religion. And yet these were the men for whom the King laboured so strenuously, under the pretence of procuring a happy union amongst his Subjects. But at the same time he clearly discovered his aversion to the maxims by which Scotland was then governed, and his intention to enable his friends to oppose the Marquis of Argyll, who was the head of the contrary faction and of the Government. That Lord easily fathomed the King's design. And therefore, whereas he had hitherto constantly attended him, he gradually withdrew himself from him, as from a secret enemy who only wanted an occasion to ruin him.

While these things passed in Scotland, the Parliament of England were not idle. When they learned that Commissioners from Scotland were to confer with the King at *Breda*, they imagined, Charles would accept the Crown of Scotland on any terms, in order to use the forces of that Kingdom to invade England, in which they were not mistaken. This war, which the Parliament deemed unavoidable, could not but be very dangerous to the Independent party, if it was brought into England. The Independents, tho' uppermost, had no support but the army, with the Presbyterians, the Royalists, and the City of London for their enemies. It was therefore very likely, that if the King entered England with a Scotch army, he would be joined by the Royalists, and favoured by the Presbyterians. To prevent therefore this danger, the Parliament resolved to carry war into Scotland. This resolution was founded entirely upon policy, forasmuch as the Parliament had no cause to complain of the Scots, who in recognizing for their Sovereign, the eldest Son of their late King, did not injure England. Nay, it was their consequence of the Covenant between the two Kingdoms, though manifestly violated by the English Parliament. But on this occasion, the Parliament believed themselves not bound to a scrupulous observance of the rules of equity, for fear of the prejudice which such scruples might in time be attended. Interest therefore was solely regarded, which required, that the war should rather be carried into Scotland than expected in England.

After this resolution, Cromwell was hastily recalled out of Ireland to take the command of the army which was to act against Scotland. In the late Scotch invasion under Duke Hamilton, the behaviour of General Fairfax had

given occasion to judge, that he would unwillingly accept of the conduct of this new war, which was really the case. Cromwell's success in Ireland had been such as the Parliament could have wished. After the taking *Drighda*, he seized *Kilkenny* and many other places, and in a little time reduced the greatest part of the Island to the obedience of the Parliament. The Marquis of Ormond was little capable of resisting him, because of the division still reigning amongst the Irish. This division went so far that *O'Neill* had at last concluded a treaty with *Monte* one of the Parliament-Generals, commissioned by the Council of State. But the Parliament refused to ratify the treaty, as being too favorable to the Catholics, and therefore *O'Neill* had begun to treat with the Marquis of Ormond, and was upon the point of joining him, when his death prevented the execution of his design. His troops dispersing upon his death, were of no advantage to the Marquis of Ormond. In the mean time, Cromwell continued his conquests with surprising rapidity, and to prevent the agreement and junction of the Irish amongst themselves, he thought of an expedient, which succeeded. He published by Proclamation a permission to all the Irish officers to lift, in the service of foreign Princes, what soldiers they pleased of their own nation, with a promise to give them no disturbance or molestation. More than twenty-five thousand immediately chose to serve France and Spain, and afterwards a much greater number (2). This precaution prevented the Marquis of Ormond from bringing an army into the field capable to resist that of the Parliament. So, when Cromwell was recalled, the Irish were in so good condition, that his Son-in-law *Ireton*, whom he left there as his Lieutenant, had but little to do.

Cromwell being returned to London, took his seat in the Parliament, where, by order of the House, the Speaker thanked him for his late services. After this, the Scotch war being the most pressing affair, the Parliament caused Fairfax to be asked, whether he would take upon him the conduct of the war? He replied, if the Scots entered England with an army, he would endeavour to repel them; but desired to be excused from attacking them in their own Country. Some endeavours were used to convince him of the justice and necessity of this war, but without any success. Cromwell acted his part so well, that though he passionately wished to be commander in chief, he gave his opinion in favour of Fairfax, and pretended he should be well satisfied to serve as his Lieutenant. Fairfax perceived, that being a Presbyterian, (though he had but too faithfully served the Independents) the Parliament would have had no great confidence in him, and that the zeal shewn on his behalf was only ceremony. He therefore sent his commission to the House, which was cheerfully received, and an annual pension of five thousand pounds was settled on him in acknowledgment of his services. Immediately Cromwell was declared General of the armies of the Commonwealth, and his Commission presently dispatched (3).

While the army, which was to act against Scotland, was raising, the Parliament appointed a Committee to draw up a Manifesto, concerning the intended war. This precaution appeared the more necessary, as the House was not ignorant, that the Cavaliers and Presbyterians would industriously represent this war, as the most unjust that ever was, since the Scots had given no provocation. The Committee employed about the Manifesto, being unwilling to publish the true reason of the war, namely, to support the Independents, contented themselves with supposing, that the Scots designed to force the English to acknowledge King Charles II, tho' hitherto they had not moved one step towards it. It was nevertheless, very likely the King would attempt to engage them in a rupture with the English Parliament; but there was no probability of success, considering his manifest aversion to become a good Presbyterian.

The Scots hearing of the preparations against them in England, raised an army with all possible diligence (4), and gave the command to General *Leven*, not daring to trust the King for the reasons above-mentioned. He was even suffered to see this army but once, for fear of gaining the officers and soldiers by his intrigues. *David Leslie* formed his camp between *Leith* and *Edinburgh*, and fortified it with such intrenchments, that he was not to be attacked without manifest danger.

About the middle of July, Cromwell put himself at the head of the English army, consisting of eighteen or nineteen thousand men, and marched to the frontiers of Scotland.

(1) *Edmonstone* writes, that in one Fast-day there were six sermons preached before the King without intermission. — And adds, The great favour the King did towards him, contributed not a little to better in him an aversion to all forms of superstition in Religion. *Tom. I. p. 212.*

(2) The Lord *Clermont* observes, That Cromwell found a way to send above thirty thousand men out of that Kingdom, for the service of foreign Princes, when the Marquis of Ormond, notwithstanding all the promises, obligations, and constraints of the *Treaty* with him, could not draw together a Body of five thousand. *Tom. III. p. 275.*

(3) *Widdow* says, The Lord Fairfax being advised with, seemed at first to like well of carrying the War into Scotland, but afterwards, being being persuaded by the Presbyterian Ministers, and his own Lady, who was a great Patroness of them, he declared it was against his Conscience, whereas the Council of State appointed Cromwell, *Hampton*, *St. John*, and *Widdow*, to concert with Fairfax, and endeavor to bring him to the service of the undertakers. *Widdow* gives us the Conference at *Leith* in his Memoirs, wherein, though Cromwell and the rest of the Scots, were very earnest with him not to say down his Commission; yet, says *Widdow*, there was cause to believe, they did not much desire he should continue it. *Atm. p. 452-453.*

(4) *Clarendon* of six thousand Horse, and fifteen thousand Foot. *Phillips*, p. 645. Twenty-six thousand Men in all, see *Widdow* p. 466.

1650. lodged, the bloodied in the late wars lay at his Father's door. He expressed a deep sense of his own ill education, and the prejudices he had drank in against the *cons of God*, of which he was, now very sensible. He confessed all the former parts of his life to have been a course of enmity to the work of God. He repented of his commission to Montrose, and of every thing he had done that gave offence. And with solemn protestations he affirmed, that he was now sincere in his Declaration, and that he would adhere to it to the end of his life, in Scotland, England, and Ireland. When this Declaration was offered to him to sign, he appeared at first resolute to reject it; saying, *That if he passed it, he could never look his Mother in the face*. But upon a representation of its absolute necessity to gain the confidence of the Protesters, without which he could never execute his designs, he swallowed the bitter pill, and the Declaration was published.

This Declaration procured not all the advantage the King was made to expect. No man could believe he had voluntarily signed a paper so scandalous, and so prejudicial to the memory of his Father. The Protesters, on the contrary, imagining, he concealed some deep design in this strange proceeding, united still more closely against him, and at last declared, *They would have no communication with the Revolutioners, nor with Cromwell and the Independent party in England*.

Charles was extremely troubled, to see that his Declaration produced no other effect, than the loss of the confidence of both parties, and of his own reputation. It was universally believed, so scandalous a diffimulation was intended to deceive the people. At last, this false step, taken so contrary to his own opinion, joined to the sad life he had led, made him listen to propositions offered by some of his friends in the High-lands (1), who would receive no employs at the price of an hypocritical repentance. These Gentlemen sent a message to him, that if he would come and head them, they would send to a place appointed, a good body of troops to receive him. Dr. Frezier, [Charles's] Physician, was the conductor of this intrigue, and took care to convey the letters. The King therefore consented to join the male-contents, being extremely desirous to withdraw from the Presbyterians, who had put so many hardships upon him. He had prepared a declaration, shewing the ill treatment he had received from the Marquis of Argyle, and the cruel servitude in which he had been held since his arrival in Scotland. The Duke of Buckingham, having discovered this secret, by letters left upon the King's table, informed the Marquis of Argyle, who would not believe, the execution of the project was so near. Nevertheless, two days after, the King withdrawing from St. Johnstown, repaired to the place appointed, where he found only a very inconsiderable body, instead of the good number of troops he had been promised. But while he was deliberating what to do, the committee of Estates dispatched Major-general Langworthy to him, who very rudely pressed his return to St. Johnstown, to which he at last consented, believing, doubtless, that those who had wished him among them, were not in so good a condition to receive him, as they had made him believe (2).

This design, however imprudent, produced a good effect for the King, though, withal, it lost him the confidence of the Presbyterians, who saw plainly, his heart was not with them, and that he little regarded his promises at Brenda. Mean while, the Marquis of Argyle, and the committee of Estates perceived, a too great rigour might throw the King upon desperate resolutions, and, in the present juncture, great disorders might happen, if the King should desire to head the male-contents. This procured him better treatment, and a larger share in the public affairs. The King, on his part, saw also, he should never be easy in Scotland, or able to execute his designs, without the assistance of Argyle, who was at the head of the Kirk party. He therefore courted him extremely, making him great offers, and even talking of marrying his Daughter. But the Marquis, knowing his sentiments, looked upon these offers as so many snares, and was upon his guard, though he outwardly paid the King all due respect. The Lord Larn his Son, Captain of the King's guards, did him

many services, and privately brought to him those persons, 1650. whose company he desired (3).

At last, the King was crowned at *Scots*, the first of 1650-t. January 1650-1 (4), and from that day all persons had access to him. After this, the *Scots* were wholly intent upon raising an army, into which all who desired it were received, without distinction of party. This army was ready the beginning of June, before Cromwell could take the field for want of forage. It consisted of fifteen thousand Foot, and three thousand Horse, which the King headed himself with David Leslie for his Lieutenant-General (5). As they were mostly new-raised troops, the King judged it not proper to go in quest of Cromwell, who was formidable for his courage and experience, and was besides at the head of a disciplined and victorious army. He posted himself therefore very advantageously at *Toroway*, between *Edinburgh* and *Stirling*, having behind him (6) a large and deep river, of which the passes were all secured, and by that means he received provisions out of the plentiful county of *Fife*, whereas the country before him was entirely laid waste. This army in the front was so strongly intrenched, that it would have been rashness to attack it. Here he resolved to wait the enemy's motions, and take his measure accordingly.

Cromwell, having assembled his army, marched directly to the King with design to give him battle, but found him so strongly intrenched, that he thought it not proper to attack him. The armies remained in their respective camps about six weeks, all Cromwell's artifices to draw the King out of his intrenchments, proving ineffectual. The last year's experience had taught the *Scots* greater circumspection. At last, Cromwell, unable any longer to stay in his camp by reason of the difficulty of getting provisions, whilst the county of *Fife* plentifully supplied the King, resolved to make an attempt to deprive the King of this advantage. For he saw plainly, it was in the King's power to avoid fighting as long as he pleased, and oblige him to spend the whole Campaign in a state of inaction.

Wherefore he detached sixteen hundred men under Colonel Overton, who marched towards *Edinburgh* to a place provided with boats, and passing the *Firth*, took his post in the County of *Fife* (7). Overton was immediately followed by Lambert with a more considerable body. At the same time, Cromwell with the rest of the army, advanced towards the King's intrenchments as if he intended to attack them, in order to prevent any detachment from the King's army to oppose the landing of his forces. As soon as the King was informed that the *English* were in *Fife*, he detached Major-general Brown with four thousand men to fight them. Brown was routed, and Cromwell thereby feigned to transport his whole army into *Fife*. By this means he deprived the King of any farther supplies from that country.

It was indeed an advantage to Cromwell to put the King under a necessity of quitting a post where he could not be attacked. But withal, he had made it impossible to fight him, because there was a deep river between the armies which joins the lake of *Lomond* to *Edinburgh-Firth*. The King might have passed the river because he was master of all the passes, but it was not thought proper to pursue Cromwell, who was now at a distance, having taken St. Johnstown, and threatened *Stirling*. On the contrary, the King suddenly resolved to march into *England*, since he had no opposition before him, being pleased, that Cromwell had given him opportunity to form and execute a design so agreeable to his interest. He saw himself at the head of eighteen thousand men, and doubted not that his army would be greatly increased in *England*, by the junction of the Royalists and Presbyterians equally oppressed by an Independent Parliament. This was the idea the King and his Council formed of this expedition. The Marquis of Argyle was alone of the contrary opinion, and so far incurred the suspicion of disloyalty, that the King was advised to put him under arrest. But it was not thought proper to follow this advice, from which no advantage could be received. The Marquis therefore was left in Scotland, and the King began his march to *Carlisle* with extraordinary diligence. He had now marched

(1) The Marquis of Huntly, the Earls of Argyll and Sutherland, the Lords Ophely, Gordon, and Middleton, &c. *Bates*, p. 111.

(2) The English withdrawing of the King's was afterwards called, the *Scots*. *Cromwell*, Tom. III. p. 157.

(3) In the course of this year, on March 25, died John Williams, Archbishop of York, formerly Lord-keeper, and the learned Antiquarian Sir Simonds Dives. As also, Oliver 27, William Prince of Orange, Father of the late King William III. — This year, the English Merchants were commended by the *Chart of Privilege*, to depart his Dominions, and not come thither, unless in the King's name, and by his Patents, and this was intended by the *Dutch*. — Five Dutch ships in *Scythia* agreed to drink the King's health in their blood, and then each thought cut off a piece of his buttock, and drank, which four of them did, but the Wife of the fifth coming into the room, and taking up a piece of Tongue, had about her to, took the fourth's cutting her Husband's Blood. — May 14. The Act for suppressing Intell, Adultery, and Fornication being passed, Henry Martin declared his Opinion, "That the severity of the punishment being death, would make these sins to be more carefully committed, and so being undecorated, would be more frequent." — July 2. An Act passed for preventing and suppressing Curbing and Swearing; whereby it was enacted, That for the first offence, a L. of 100. should pay 50 s. a Barret and Knight 20 s. an Esquire 10 s. a Gentleman 6 s. 8 d. every other Person 5 s. 4 d. And double for the second offence, and so forth twice. Then to be bound to his good behaviour. *Whitelock*, p. 427, 451, 455, 461.

(4) And then he returned again the Governor. *Burnet*, p. 31.

(5) Duke Hamilton was Lieutenant-General, David Leslie Major-General; Middleton Lieutenant-General of the Horse, and Maffey Major-General of the Foot. *Whitelock*, p. 466.

(6) The Lord Gordon says, The River was between the two Armies, but it is a mistake; for the King had the River behind him. *Rapin*.

(7) These Passes were defended by Major-General Brown, with a Body of four thousand Men. *Cromwell*, Tom. III. p. 339.

1651. some days (1) before *Cromwell* heard of it, and entered *England* the sixth of *August*, where he was proclaimed by his army.

discouraged the King's friends of those parts, who intended to repair to his army.

1651.

Cromwell was surprised at the news of the King's march greatly surprised *Cromwell*, who never expected it. He believed, he had gained a considerable advantage in forcing his way into *Essex*, but this had given the King opportunity to march into *England*, where, very likely, he would be joined by a great number of adherents. The avoiding of this, was the sole aim of the Parliament in carrying the war into *Scotland*.

Precautions and Orders of Cromwell.
Whitlock.

Phillips.
Bates.

The King's reason for his Relief from England.
Cromwell.
III. p. 309.
311.

Phillips.
p. 606.

Cromwell.
III. p. 311.

Id.

The Earl of Derby's force.
Aug. 15.
Phillips.
p. 807.
Cromwell.
III. p. 314.
Whitlock.
p. 604.
Lockhart.

It may therefore be said, that *Cromwell* was guilty of an error, which might have been attended with very ill consequences to the new-modelled Commonwealth, and the governing party. Accordingly, his greatest care was to prevent the mischief that might follow. As he doubted not, the Parliament would be alarmed at the news of the King's march, he speedily informed them of it, and withal, of his intention closely to pursue him. He advised them also to put the Militia in arms in all counties of the Kingdom, with all possible diligence, to keep the King's party in awe, and prevent their joining his army. He gave himself the same orders in the northern counties, as well to hinder the Cavaliers from rising, as to find several Bodies of the Trained-bands ready to reinforce his army on his arrival in *England*. At the same time he detached Major-General *Harrison* with three thousand Horse, which were to be followed by *Lambert* at the head of another body of cavalry, to retard the King's march as much as was possible. After these precautions, he left Major-General *Mank* in *Scotland* with five thousand men, with orders to endeavour to make himself master of *Sterling* and *Dunfermline*. At last, he put himself upon the march, [three days after the King's departure] making all possible haste to reach the King before he should arrive at *London*, not questioning but he would march thither without halting.

The King entered *England* full of hopes that all the enemies of the Independents, as well Presbyterians as Royalists, would eagerly join him. For this purpose he sent Colonel *Maffey* before with a detachment to receive all who were willing to serve him (2). He writ likewise to the Earl of *Derby*, then in the Isle of *Man* (3), to repair to him, greatly relying on his credit in *Lancashire*. But many things conspired to disconcert his Projects.

1. As he advanced, the *Scotch* soldiers deserted in such numbers, that it was computed four or five thousand returned to *Scotland*. These deserters were probably the zealous Presbyterians, who believed, they could not in conscience assist the King in the recovery of *England* by force of arms, which was the opinion of most of the *Scots*.
2. The Militia, every where in arms, hindered the King's friends from assembling, by guards placed on all the public roads.
3. The committee of the Kirk, which had followed the army, feared, if the King's forces were augmented with too great a number of Royalists, their superiority might oblige the *Scotch* army not only to assist in the ruin of the Independents, but moreover in the restoration of the King without any conditions, which was directly contrary to the interests of *Scotland*. In this belief the committee sent *Maffey* a declaration, with orders to publish it, signifying, that the King being zealous for the Covenant, no persons were to be received into his army who refused to sign it. This was done without the King's privity, who was extremely troubled at the news. He even forbid *Maffey* to publish the declaration. But the import of it being now every where spread, the King's friends thought it proper to conceal themselves, not daring to mix with the *Scotch* army, because they could not resolve to take the Covenant.
4. The *English* Presbyterians were indeed enemies to the Independents; but not such friends of the King, as to restore him to the throne without a previous assurance of his ratifying the concessions made by the King his father at the treaty of *Windsor*. But this not being a proper season to enter into such a negotiation, they did not appear very eager to serve him.
5. The Earl of *Derby*, who had been sent by the King into *Lancashire*, and had there raised twelve hundred men, was defeated by Colonel *Liburn* at the head of ten troops of Horse brought from *York* to join *Cromwell*. It was with great difficulty that the Earl escaped to the King after the loss of his forces, the Lord *Widdrington* and Sir *Thomas Tidley* being left dead upon the spot. This defeat much

discouraged the King's friends of those parts, who intended to repair to his army.

At last, after a very fatiguing march, the King arrived at *Worcester*, where he was honorably received by the magistrates, and solemnly proclaimed. He resolved to refresh his weary troops in the neighbourhood of that city, as they were not able to continue their march without some repose. Probably his design was to have marched directly to *London*, if his army, according to his expectation, had been considerably strengthened on their rout. But on the contrary he saw it so diminished by desertion, as to be reduced to twelve or thirteen thousand men, without any hopes of its being augmented, for the forementioned reasons. It is therefore likely, he durst not further advance, and thought the ground about *Worcester* proper for defence in case of an attack.

Whilst the King's army refreshed themselves at *Worcester*, *Cromwell* was advancing with speed. His orders for assembling the forces and Militia of the North were well obeyed, that on his arrival in *England*, his army was daily increased by parties from all quarters. By this means, after his junction with *Lambert* and *Harrison*, he found his army much superior to the King's, which lay encamped about a mile from *Worcester*, with a resolution to stand upon the defence. *Cromwell* before he attacked the King's army, thought proper to make a diversion on the other side the *Severn*. For this purpose he detached *Lambert*, who marched directly to *Upton*, where was a bridge guarded by *Maffey*. This passage was vigorously attacked, that after a sharp engagement, *Maffey* was obliged to abandon it. Immediately after, *Cromwell* ordered part of his army to go over to the western side of the *Severn*, which forced the King to send some of his forces the same way, and so to weaken that part of his army which was to sustain *Cromwell's* attack.

The 3d of *September*, a day fortunate to *Cromwell* by the defeat of the *Scots* at *Dunbar* the year before, he charged the royal army on both sides the *Severn*. After an engagement of some hours the King's forces were repulsed on both sides the river, and forced to retire into the town in such confusion, that the entrance was forced to be defended. The King's solicitations were fruitless, to inspire his now vanquished troops with resolution to resist any longer the conqueror. At last, his cavalry seeing the enemy breaking into the town, fled, and left the infantry to the mercy of the *English*. The King himself was forced to fly through St. *Martin's* gate, and with great difficulty avoided falling into the enemy's hands. The Foot were almost entirely killed or taken; and the Horse being warmly pursued, were easily dispersed; so that most of the officers and Cavaliers were made prisoners. It is pretended, of the *Scots* there were slain about two thousand, and seven or eight thousand taken prisoners (4), who being sent to *London*, were sold for slaves to the Plantations of the *American* Isles. Duke *Hamilton* mortally wounded, died nine days after. Amongst the principal persons were General *Lesley*, the Earls of *Lantherdale*, *Rothery*, *Carnwarth*, *Killy*, *Derby* and *Cleveland* (5).

The King, though happily escaped from the defeat, was under great difficulties. He was so avoid his pursuers; that was his only concern, but the thing was not easy. He found himself in the middle of *England*, which he could consider but as an enemy's country, tho' he had in it still some friends. He was under a necessity to quit it, and find some way to convey himself beyond seas, which seemed impracticable. It was still more dangerous to attempt a return into *Scotland*, because he would probably be searched for most carefully on that road, and though he should safely reach that Kingdom, the danger would be almost the same there as in *England*. The Parliament-army, victorious in *Scotland*, as we shall see presently, would not have afforded him a secure retreat there. He resolved therefore to go that night as far as possible. After that, he dismissed his attendants, who could only serve to discover him more easily, and put himself into the hands of a trusty guide, by whom he was disguised like a peasant, and conducted through by-roads. In this melancholy state he spent a whole day in a tree near the road (6), from whence he saw and heard people as they passed by, talking of him, and wishing he would fall into their hands. He travelled only in the night, his guide concealing him by day in cottages where he was not known, and where

The King's army at Worcester.
Aug. 25.
Cromwell.
III. p. 313.
Lockhart.

Cromwell's army at Worcester.
Sept. 3.
Cromwell.
III. p. 314.
Phillips.

Phillips.
Cromwell.
III. p. 315.
Whitlock.

Gains a Passage over the Severn.

Battle of Worcester.
Sept. 3.
Cromwell.
III. p. 318.
Whitlock.
(50).
The King's Army dispersed.
Lockhart.

Phillips.
p. 608.
Cromwell.
III. p. 320.
See his
Recent's
Memo.
p. 432.

The King's flight and arrival in France.
Cromwell.
III. p. 321.
See
Phillips.
Bates.
Whitlock.

(1) Only a whole day. See Lord *Cromwell*, Tom. 1. p. 309.

(2) Captain *Caust Howard*, Son of the Lord *Howard* at *Eljrich*, brought him a Troop of Horse. *Phillips*, p. 606.

(3) Where he had secretly repaid himself since the end of the former War. *Cromwell*, Tom. 5. p. 309.

(4) Of the King's side there were three thousand slain, and ten thousand taken prisoners; and of *Cromwell's* Army one hundred slain, and three hundred wounded. Among the Prisoners were three *English* Earls, seven *Scotch* Lords, six hundred and forty Colonels, and other Officers; & the King's Standard, and one hundred and fifty-eight Colours were also taken. *Whitlock*, p. 508.

(5) *Lesley* reached *Lanarkshire* before he was apprehended, and the rest were overtaken and made Prisoners, at *Newport* in *Cheshire*, by a Detachment of *Liburn's* Horse. *Phillips*, p. 601, 602.

(6) This Tree grew in the thicket part of the Wood, which was creased with the ground cashe. This Wood was situated in, or on the Borders of *Staffordshire*. *Cromwell*, Tom. 3. p. 321.

1651. his diet generally was only a little milk. At last, after two months great fatigues, after infinite dangers escaped, after a great part of the Kingdom traversed from Worcester to the county of Suffolk (1), he embarked, and safely arrived in Normandy the 23d of October. The curious are referred to the Earl of Clarendon, who, from the mouth of the King himself, has given a circumstantial account of the means of his escape, and the adventures in his flight (2).

T. III. p. 111
—331—

Monk makes
King of Scot-
land.
Philip, p. 611.
Whitlock.
Luskow.

We must now return to the transactions of Scotland, since the two armies left that Kingdom. While Cromwell was in pursuit of the King, Monk, in obedience to his orders, laid siege to Sterling, which resisted but few days. This place, one of the strongest of Scotland, where the publick Records were kept, surrendered the 14th of August (3). All the papers and records were sent to London, from whence they never returned, the Ship which was bringing them back, after the Restoration, being cast away. After the surrender of Sterling, Monk besieged Dundee, where the inhabitants of Edinburgh had conveyed their best effects, after the battle of Dunbar. During this siege, some Scotch Gentlemen assembling some forces to relieve the town, they were surprized and dispersed by a detachment from Monk, and their leaders taken prisoners. Notwithstanding this misfortune, [Major Lamfale] the Governor made a stout defence, till the town was taken by storm the 11th of September, two days before the battle of Worcester. The taking of Sterling and Dundee were followed by that of Aberdeen, St. Andrews, and all the rest of the towns and castles, capable of making resistance. Thus, in a short time, Monk reduced the whole Kingdom of Scotland to the obedience of the English Parliament. And this was the remarkable consequence of the King's resolution, to conduct the Scotch army into England.

The King in
great distress.
Whitlock.
III. p. 113.
332.

The victory of Worcester, and the reduction of Scotland, gave such a reputation to the new Republic, that every State in Europe, either courted its friendship, or dreaded its arms. For this reason, most of the Sovereigns excused themselves from making offers to the King, or supplying him with money, for fear of being suspected by the Parliament. So, the King saw himself reduced to great extremities, and even to a want of common necessities. He lived at Paris, maintained by his Mother, who had a pension from the Crown, but Cardinal Mazarin making his court to the Parliament of England, took no notice of the distress of her unfortunate Son.

Cromwell
in great
credit.

On the other hand, Cromwell's glory and credit were so increased since the battle of Dunbar and Worcester, that as he was master of the armies of the three Kingdoms, he was in effect, master of the resolutions of the Parliament, no man daring openly to oppose him. He had, besides, in the House so great a number of creatures, that it was easy for him to procure what resolutions he pleased. So, it may be truly said, that he was the Head of the Commonwealth, whilst he had only the title of General.

Power of the
Common-
wealth of
Kingdoms

This Commonwealth was very powerful from its beginning. This appears strange at first, considering the great sums that were expended, and the blood that was shed, during the civil war. But it is to be considered, with regard to the expence, that the money had not been carried out of the Kingdom. The only alteration was, that the rich were become poor, and the poor rich, which had not sunk the capital of the Kingdom. And as to the number of men killed in the war, it must also be considered, that England swarmed with people in the year 1642, having had no wars since the death of Elizabeth. So the effusion of blood had not diminished the inhabitants so, as to weaken the Kingdom to any degree. This is evident, from the calms, wherewith, in the space of one year, the Parliament raised an army for Ireland, and another more considerable for Scotland, besides the forces remaining in England. The navy, having had no enemies to engage during the war, was in a flourishing condition. In a word, England was not less powerful than under Elizabeth, or than it might have been under James I. and Charles I. had those Princes thought proper to engage in foreign wars. Nothing therefore was altered but the Government, and that was in the hands of the most able men England had for a long while produced, though their usurpation was the most un-

just. In this respect, England found itself in a very different state from what it was under the two foregoing Kings, whose capacities to govern, cannot be greatly commended by the Imperial.

1651.

Cromwell returned to London the 21st of September, leading with him, in triumph, his principal prisoners, who were committed to the Tower, from whence Massey, some time after, found means to escape (4). A majority of the Parliament, with the Speaker at their head, attended by the Lord-Mayor and Aldermen of London, met him as far as Acton. Eight days after, the Earl of Derby was tried, and sentenced by a council of war, and beheaded at Bolton in the county of Lancashire (5).

While these things passed in England, the Parliament's fleet became master of the life of Jersey, Carnot Cattle in the life of Guernsey, and the life of Man. In January following, Sir George Ayscough reduced the life of Barbadoes, then governed by the Lord Willoughby [of Parham], for the King; and the Isles of Nevis and St. Christopher's submitted without opposition.

England enjoying a profound tranquillity, and Ireland The Parke- being almost reduced, the Parliament thought of means to unite Scotland with the Commonwealth of England. As they had conquered that Kingdom, they believed they had a right to do with it as they pleased, without consulting the Scots, who were no longer able to oppose their will. An Act therefore passed in the English Parliament, which entirely abolished kingly power in Scotland, and united that Kingdom to the English Commonwealth, with a power to send a limited number of Representatives to the Parliament. Commissioners were afterwards sent into Scotland, to adjust the particulars of this union. Most of the Scotch Nobility seeing themselves unable to resist the Parliament, submitted to their pleasure. The Marquis of Argyll became one of the most zealous adherents of the Commonwealth, but the Clergy were very much dissatisfied with this union.

The Parke-
ment offered
to Holland

Since the Independents had openly appeared, they had made a great progress. They had beheaded King Charles I, abolished the House of Lords, turned the Monarchy into a Commonwealth, quelled the faction of the Levellers, humbled the Presbyterians, subdued Scotland, and almost finished the conquest of Ireland. By the victory at Worcester, they seemed to have deprived the King of all refuge, and to have nothing more to fear from him. Nevertheless, the Royalists were still a thorn in their side, and gave them continual apprehensions. Indeed, this party appeared too weak to recover by their own strength, but they were not without a possibility of receiving assistance from foreign powers. Of these powers, they dreaded neither France nor Spain, because they were fatigued, that the managers of the affairs of these two Kingdoms had no design to attempt the Restoration of King Charles, and though they should have attempted it, their naval forces could not withstand the navy of England. But there was another Power which inspired them with fear. This was the Republic of the United Provinces, who could strongly assist the Royalists: Nay, it was likely, the Prince of Orange, Brother-in-law to the King, would use his great credit in those Provinces, to engage them in the quarrel between the King and the Parliament. It was therefore no less important, to prevent any assistance to the King from Holland, than it had been to hinder the Scots from assisting the Presbyterians.

For this purpose, the Parliament, in the year 1649, sent Dorchester to Holland, to propose a strict union between the two Republics. The assassination of that Agent at the Hague, made the less noise in England, because the Parliament intended to prevent the danger which might come from that quarter, by a strict alliance with the States. The Prince of Orange dying October 1650, the Parliament judged the occasion favorable to treat with the States, because the interest of that Prince could no longer obstruct the negotiation. They sent therefore, in March 1651, Oliver St. John, and Walter Strickland, to the Hague, to negotiate, not a bare alliance, but such an union, as might render them one Commonwealth. This proposal met with great opposition from the States. First, the English pretended, the States should renounce all their alliances,

(1) He went in a little Bark from Brightelmston, a small Fisher-Town in Suffolk. Whitlock says, the King and the Lord Mount went to London, where they lived three weeks, and the King went up and down in a Gentlewoman's Habit, and at Westminster-Hall he saw the State's Arms, and the Scotch Colours. *Ibid.* p. 485.

(2) See likewise Bate's Remembrance, and a little Book called Bishops. *Repon.*

(3) Over the door of the Chapel belonging to Sterling Castle, this Motto in the Reign of King James I. was written, *J. C. R. Nobis hoc munitur* *delictum coronis in Procer. 1679. Philip's p. 611.*

(4) As also the Earl of Middleton. *Philip's p. 610.*

(5) James Stanley, Earl of Derby, confined upon his Trial, this Plot for a general rising of the Presbyterians in Lancashire, to join with the King; but it was anticipated by the apprehension of Mr. Borlase. He confessed also the Matters of Treason charged against him, and submitted to the mercy of the Parliament. And for Plea, he pleaded guilty, and desired to be tried by a Court-Martial. He was granted his request, and the trial was held by the Parliament. But these Pleas were over-ruled; and he was sentenced to lose his Head at Bolton. *Whitlock, p. 514.* He married the Daughter of the Duke de la Tremouille, in France. What Reward his Son had for this famous Earl's Loyalty, will appear by the following Description, made by the present Earl of Derby, on a Building erected at Kenilworth, his Seat in Lancashire:

“I James Stanley, Earl of Derby, Lord of Arden, and his Grandson of James Stanley, Earl of Derby, and of CHARLOTTE, Daughter of CHARLES, Duke de la Tremouille, whose Husband James Stanley was beheaded at Bolton, in 1651, the Breach of my Mother, to which she was bound, when she refused a Bill put unanimously by both Houses of Parliament, for restoring to the Family the Estate lost by the Loyalty to him, in 1649.”

except

1651. except those common to them with the Republic of England. Secondly, the conditions proposed by the English were of such a nature, that all the advantages were of their side, and the forces of the United Provinces were properly but to serve for augmentation of those of England. Thirdly, if the time of the arrival of the two Envoys at the Hague be considered, it will be easily seen, that the affairs of the Parliament were not yet in a situation to oblige the States to be contented with conditions, so little advantageous. Indeed, Cromwell had, the year before, gained the battle of Dunbar: But that was not a decisive victory, since the King was going to head a new army, as he afterwards did, before the English Envoys left the Hague. The States would therefore have acted with too much precipitation, had they concluded this union before a decision between the King and the Parliament. Lastly, the party of the House of Orange not being yet entirely suppressed, strongly opposed the union of the two Republics, which would have destroyed all the hopes of the young posthumous Prince of Orange. On all these accounts, the English Envoys returned in July, dissatisfied not only at their ill success, but also at some insults on their persons from the rabble at the Hague (1). By that they perceived, the Subjects of the States were more inclined to the King, than to the Parliament, and were confirmed in the suspicion, that the States waited only a favorable opportunity to espouse openly the King's interest. So, their report to the Parliament, contributed to exasperate them against the States. Their resentment would perhaps have been immediately shown, had they not been engaged in the war with Scotland. Wherefore, it was judged proper to dissemble, till that war was ended, to which the battle of Worcester, and Monk's success in Scotland gave at last a prosperous conclusion.

But if the happy end of this war enabled the Parliament to undertake another against Holland, it seems, on the other hand, to have removed the motives of a fresh war. For after the Parliament was become master of Scotland and Ireland, there was no likelihood, the States of the United Provinces would think of assisting the King. Besides, as the Prince of Orange was dead, it was not even probable, the States would contribute to the King's restoration. Uncle of the young Prince, whom they designed to reduce to the condition of a private person. Nevertheless, the Parliament's resentment against the States was so great, that a war was resolved (2). Pretences were sought from injuries said to be done to the English by the Dutch thirty years before, at Amoyna, and other places in the Indies. It is pretended, Cromwell consented to this war, of which he saw no necessity, in pure compliance to St John, and some others, who appeared extremely incensed against Holland.

The strong desire shown by the Parliament to engage in this war upon such remote pretences, gives room to conjecture, there were other motives than what publicly appeared. Very probably, even then some Members, secret enemies or enviers of Cromwell, sought means either to ruin him, or at least considerably to lessen his power. This power in a private person seemed to them too dangerous for a Commonwealth. They had participated in his Councils and designs to subvert the Presbyterian Parliaments, and therefore knew his Genius, and of what it was capable. Wherefore they could not help dreading, that instead of labouring for the Commonwealth, he was labouring for himself, however careful he was to hide his ambition under the mask of the public good. They saw at least with uneasiness, that if he was forming his own advancement, nothing could hinder him from executing his designs as long as he was master of the army. This support was therefore either to be taken from him, or the Commonwealth exposed to his ambitious designs. But it was difficult to obtain his consent to disband an army which was at his devotion, and his great credit in the Parliament afforded no hopes of effecting it there, without a pressing necessity. It was believed therefore, that if the Republic could be engaged in a sea-war, the great expense of which was foreseen, the Parliament would by degrees be induced to disband a land-army, to avoid an unnecessary charge. This policy perhaps may appear at first too refined, but three things strengthen this conjecture. First, The causes alleged for this war appear not of sufficient weight to engage the Parliament in so great an expence, at a time when it would have been on the contrary very advantageous to let the people enjoy the sweets of peace, in order to make them relish the late effluviated Republican Government. Secondly, It will appear in

the sequel, that all the submissions of the *Hollanders*, were ineffectual to procure them a peace, and that the Parliament would scarce hear their proposals. This plainly shows, the Parliament had some secret motive for the continuation of the war; and it is difficult to discover any other than what I have mentioned. Thirdly, It is certain, Cromwell at last perceived, as will hereafter appear, this war was continued only to give the Parliament occasion to disband the army, and that this made him resolve to destroy a Parliament which fought his ruin. I own, it is not easy to prove, that the authors of this war against the United Provinces, had at first the design I have ascribed to them; and that with respect to the beginning, it is only a conjecture. But this conjecture is confirmed, when it is considered, that the principal members joined together to humble the power of Cromwell, and that the war was only continued to make the expence of it a proper reason for disbanding the land-army, as useless, but which was necessary to Cromwell's support.

However this be, Cromwell returning victorious from *Worcester*, as he had before done from *Ireland* and *Scotland*, his credit so increased, that he became as it were the Soul of the Parliament and Commonwealth. Whether he did not at first perceive the secret motives of the projected war, or for some other reason, he readily consented to the design of humbling Holland, which was considered as the only foreign Power the Parliament had to fear. But as the People were to be managed, who would not have been easily persuaded of the necessity of this war, it was resolved to force the *Hollanders* to be the aggressors, or at least to furnish a pretence for the war. For this purpose the Parliament, under colour of encouraging navigation, made an Act prohibiting the importation of all foreign commodities except upon English bottoms, or such as were of the country from whence the commodities came. By this Act, which was to commence the first of December 1651, all commerce between England and Holland was destroyed, since that commerce consisted only in foreign merchandizes imported from Holland in their own vessels. Besides this, the Parliament granted Letters of Mart to several private men, who complained of an unjust Confiscation of their ships in Holland.

The States early perceived the Parliament's design, but instead of beginning hostilities, as was expected by the English, they sent an embassy to London, to solicit a revocation of the Act. The Parliament received the Ambassadors with marks of respect, and granted them several audiences, their aim being to intimate, that it should not be their fault if the peace between the two republics were not preserved. But when the particular articles came to be discussed, it was plain the Parliament was bent upon war. Instead of revoking the navigation-Act, several false pretensions were revived. Satisfaction was demanded for the massacre of the English at Amoyna in the year 1622; for the losses sustained from the Dutch since the year 1618 in the *Indies*, *Perisa*, the *Mogul's* Dominions, *Majoor*, *Greenland*, and the life of *Pelorus*. These losses, according to the Parliament's estimation, amounted to seventeen hundred thousand pounds Sterling. A suitable reparation was also insisted on for the murder of *De-rijanus* committed at the Hague, under the eye of the State, who had taken no proper measures to bring the authors to punishment. In fine it was pretended, that satisfaction should be given for the secret intelligence which the last Ambassadors from the States had held with the late King during the civil war. For these satisfactions and reparations, the Parliament offered to make an alliance with the United Provinces upon the terms proposed by their envoys at the Hague (3).

These propositions convinced the States that they were to prepare for war. Accordingly with great care and expence a fleet was put to sea of a hundred and fifty sail. They were unwilling however to declare war against the Parliament, and resolved, if possible, to cause the English to be aggressors. For this purpose, while the States Ambassadors were still at London, their Admiral *Martin Van Trump*, one of the bravest and most experienced Sea-officers in Europe, appeared in the Channel with a fleet of forty five ships of war, pretending to convey some merchant-men, and came and anchored in *Dover-Head*, probably with design to give the English a provocation to begin hostilities. Admiral *Blake*, who commanded the English fleet consisting only of twenty-six sail, appearing in fight, the Dutch weighed anchor, and put to sea without striking their flag, whereupon *Blake* fired three

(1) And from some of the English there. Clarendon, Tom. 3. p. 355.

(2) Hostilities began between the two Nations in October 1651, when an English Man of War, meeting with some Dutch Fishermen, demanded of them the tenth Sharing, as an acknowledgement of England's Sovereignty in those Seas. For this, indeed upon their striking sail, which the Dutch refused; whereupon they fell from words to blows, and the Dutch shooting first at the English, the English Man of War sank one of their Ships, and all the Men were lost. *Whitelock*, p. 512.

(3) They also insisted upon a Free-trade upon the Subjects from *Middleburgh* to *Amoyna*. *Harb.* p. 364.

guns without ball for a signal to strike, to which *Trump* answered no otherwise than by drawing up his ships in line of battle, and in contempt of the signal, discharged one single gun; and coming up to the *English* Admiral gave him a broad-side. So, the fight begun without any certainty which side was the aggressor (1). The two Admirals had positive orders to behave, as not to come to an engagement without apparent necessity. The *English* say, *Trump* had orders from the States not to strike to the *English*, to oblige them to begin hostilities. This is not improbable, though the *Dutch* authors, do not mention it (2). *Blake* being reinforced with eight ships, the engagement lasted from four in the afternoon till night. The *English*, if their Historians are to be credited, had not a single ship damaged, and the *Dutch* lost two, one taken, and one sunk. They say farther, that night coming on, *Trump* drew his fleet to the back of the *Godwin Sands*, and the next morning sailed for *Zealand*. The *Dutch* own the loss of two ships, but affirm the *English* had six sunk, and that the night only saved their fleet from entire destruction. It is difficult exactly to discover the truth in such contradictory accounts, particularly concerning sea-engagements. It seems however, that the conference at *London* occasioned by this battle, and the insults offered to the *Dutch* Ambassadors from the populace, which obliged the Parliament to give them a guard, show, the People were not pleased with the success.

The *Dutch* Ambassadors, knowing the intention of their masters, endeavoured, in an audience obtained of the Parliament, to show, the battle was a pure effect of chance. On the other hand, the States sent to the Parliament an Ambassador extraordinary, to propose an agreement. This was *Adrian Pau*, who had been Plenipotentiary at the peace of *Munster*. But the Parliament not receding from any of the articles proposed before the rupture (3), the States recalled the Ambassadors, and resolved to continue the war, since there was no other way to procure a peace. A Manifesto was published, in which they pretended to demonstrate, the Parliament attacked them, without any provocation; and the Parliament answered in another, declaring all the occasions of complaint above-mentioned. To this was added the refusal of the striking the Flag, a right they were resolved to maintain, at all hazards. The States replied, it was true, their republic, in its infancy, had paid that compliment to the Royal Dignity, when *England* was under the dominion of a King, but they could not believe themselves obliged to the same respect since the Monarchy was changed into a Commonwealth. After all, this was by no means the real cause of the war. But these Manifestos were necessary on both sides, for an intimation to the People, that they were not engaged without necessity in extraordinary expences to support a war.

The war being sufficiently declared, as well by the Manifesto's, as by a battle, *Van Trump* put to sea with a fleet of seventy Ships, whilst *Van Gallen* failed to the *Mediterranean* to fight the *English* there. *Trump's* design was to engage Admiral *Afengh* who lay in the *Devon* with part of the *English* fleet. But, while he was waiting an opportunity, Admiral *Blake* with forty ships failed to the northward, to attack the *Herring* fleet, and their convoy (4). *Trump* being informed of it, follows and overtakes him near *Nau-Castle*. But while he was preparing for the fight, a furious tempest dispersed his fleet, that he returned to *Holland*, but with forty fail. The rest that escaped *Shipwreck*, arrived not at the *Texel* till some weeks after.

About the same time, *Ruyter* conveying a fleet of merchant-men with thirty four ships (5), was met by Sir *George Afengh*, and a furious engagement ensued, which was bravely fought on both sides, till *Afengh* at last was forced to retire to *Phymouth*, and leave *Ruyter* free passage to convoy his fleet into *Holland*.

During the Engagements in the Channel, *Van Gallen* attacked and beat the *English* into the *Mediterranean*: But his victory cost him his life, being slain in the fight.

Mean time, the *English* putting to sea with a formidable fleet, made themselves masters of the Channel, the *Dutch* not daring to appear. Mean while, a considerable number of *Dutch* vessels returning from *Holland*, without being informed of the war, fell into the hands of the *Eng-*

lish, and amongst others, a fleet of sixty fail from *Portugal*, 1652. and six *India* ships richly laden.

Whereupon the *Dutch*, not to expose their Merchants to greater losses, gave notice to the Merchant-men, homeward bound, to fail to the life of *Ris*, where a fleet should be ready to convoy them. Pursuant to this project, *Trump* left the *Goree* in *November*, with seventy men of war, and six fire ships, and met *Blake*, who expected him in the Channel. The fight lasted from eight in the morning till night, when part of the *English* fleet retired to the *Devon*, and part into the *Thames*. A wound received by *Blake* having thrown his fleet into some disorder, he could not hinder *Trump* from pursuing his course (6).

Since the death of *Charles I.*, the Duke of *Gloucester*, his third Son, had been confined in the life of *Wight*, and educated as a private Gentleman, they who had the charge of his education, being expressly commanded to show him no respect, that might put him in mind of his being the King's Son. At last, the Parliament resolved to send him out of the Kingdom, for which purpose he was conducted to *Dunkirk*, from whence he visited his Sister the Princess of *Orange*, at *Breda*, and then repaired to the King his Brother at *Paris*.

In *February*, *Blake* again put to sea, [with a Fleet of eighty fail] being assisted, at his own request, with *Mont Dean*, newly arrived from *Scotland* for that purpose. The intention of the three Admirals was to fall upon *Trump* in his return from the life of *Ris*, with three hundred Merchant ships, he was to convey to *Holland*. The States being informed of the great preparations in *England*, had equipped twenty ships to join their Admiral in his passage, but they were hindered by contrary winds. In the mean time, *Trump* entering the Channel, and conducting the Merchant-men along the coasts of *France*, met the *English* fleet, much superior to his own in number of ships. But finding himself too far advanced to recede, a furious engagement began, which lasted three days, and would have been renewed the fourth, had the ships on either side been able to sustain a fresh charge. The *Dutch* lost in this engagement eighteen men of war, and eight Merchant-men (7). But their Historians pretend, that one and twenty ships of the enemy were sunk, and three stranded. Each side challenged the victory. However that be, *Trump* conveyed his three hundred Merchant-men into *Holland*, the eight excepted, which fell into the hands of the *English*. After he had secured the Merchant-men, he engaged the *English* four several times, but not in so important a manner.

Shortly after, the King imagining, he had many friends amongst the commanders of the *English* fleet, offered the States to put himself on board their fleet, without any command, except of such *English* ships as should come and join him. But the States thought not fit to accept his offer. It was considered by them as a snare, to engage them to declare for him, to which, in their present circumstances, they had no inclination. They wanted peace, and were unwilling to remove, or render it impossible, by espousing the King's cause. They even found a way to convey privately, to *Lentbal* the Speaker, a letter from the particular States of *Holland*, to propose an agreement. Some say, this was owing to a private intimation from *Cromwell*, who began to discover, that peace was now proper for his interests. He had the address to obtain from the Parliament a civil answer to the letter received by *Lentbal*; but the answer was directed to the States General. This drew from the States a letter of the 30th of *April*, in which it was openly desired, the Parliament would please to name a place for a treaty.

Cromwell at last perceived, the continuation of the war *Duyts* was a contrivance of his enemies, that the expence might render it necessary to disband the army, now become useless, to which he saw the House was inclined. This tended manifestly to undermine his authority. For though he had excellent qualities, and by his valour and capacity had raised the Commonwealth to its present grandeur, he was, however, still feared. Had he not been supported by the army, his ruin had been infallible, the Parliament fearing that his credit, already too great, would become still greater, to the prejudice of the Commonwealth. *Cromwell* had even private information, that a conspiracy was forming against him, in which were engaged not only several Pres-

(1) The refusal of striking the Flag, and the Brand file given by *Trump* to *Blake*, seems to put it out of all doubt, that the *Dutch* were the Aggressors. Though *Ruyter* takes this account from the Lord *Clarendon*, yet either himself, or the French Translator has so managed this passage, that I thought best to insert it, as it is in the Author he quotes.

(2) The Lord *Clarendon* says, the Council of the Admiralty of *Holland*, who govern the maritime Affairs without communication with the States General, ordered *Trump* not to strike. Tom. 3. p. 356.

(3) They would hear of no Propositions, without being first satisfied for their Charges and Damages. See *Whitehead*, p. 537.

(4) Which consisted of twelve Men of War. *Clarendon*, Tom. 3. p. 358.

(5) Our Historians say, there were ninety fail of them, whereas thirty were Merchant-men. *Afengh* had but thirty eight fail. *Whitehead*, p. 543; 542.

(6) With a Broom on his Main-top-mast, as if he had swept, or would sweep, all the *English* shipping out of the Channel. *Phillips*, p. 615.

(7) This year Prince *Maurice* was lost in a burricane in the *West-Indies*. In September died Ralph Lord *Hopson*, at *Brager* in *Flaccara*. And this year also died Jacob Lord *Albany*, and John Dugly Earl of *Bristol*. *Indes*.

(8) Some say, that they lost in the three days Engagement eleven ships of War, thirty Merchant-men, and had fifteen hundred Men killed. *Berebet*, p. 383.

1633. byterians and Royalists, but also some considerable Members of the House, though of the Independent party. Affairs therefore were in such a situation, that the Parliament was either to be subdued, or himself ruined. Such a choice does not long amuse the ambitious. *Cromwell*, displeased at a design to requite his services with ingratitude, easily determined to risk every thing to make himself master of the Parliament, rather than become their slave, who properly owed all their power to him.

which all persons were forbid to present such petitions, under pain of being declared guilty of High-treason.

This was what *Cromwell* expected from the Parliament. After *fo* express a declaration, it could not be doubted, that the Members who had fate more than twelve years, and had but too much abused their power, would always retain the supreme authority in their hands, under colour of being the representatives of a Republic, which properly consisted only of themselves. *Cromwell* being therefore very certain, this Parliament was odious to the people, and not less disagreeable to the army, believed, he owed no farther regard to men, who only sought his ruin. When things were concerted with the principal officers, he came to the House, the 20th of *April*, with some officers and soldiers, and without any ceremony, told the Members, he was come to put an end to their power, of which they had made an ill use; and therefore, they were immediately to be dissolved. The officers and soldiers entered at the same time, and stayed at the door till the Members walked out. *Cromwell*, as they came by him, reproached one with drunkenness, another with corruption, not sparing any of those whom he knew to be his enemies. After that, he gave the Mace to one of his officers, and locked the door (!). This was an extraordinary action, but no more than was done a few years before by General *Fax*, when he expelled and imprisoned the Members, who were disagreeable to the army.

It cannot yet, however, be affirmed, that *Cromwell*, by this proceeding, had pulled off the mask. He might still be thought to have good intentions to the publick, since he had only delivered the nation from a Parliament, which had long held them in servitude. And had he, after this, called a free Parliament, and submitted to it himself, the people would have loaded him with blessings. But the sequel clearly discovered, he was only labouring for himself (2.). And yet, if it is considered that the nation was then divided into three parties, each mortally hating the other two it is not easy to conceive, how a Parliament, though ever so free, would have been able to fettle the peace of the nation. It was hardly possible to find expedients to content the three parties, whose interests and principles were so opposite, as well concerning Government as Religion. Only force, by giving a superiority to one of the three, was capable of awing the other two. This doublets was considered by *Cromwell*, and therefore he resolved to model the Government after his own way, support his settlement by force, and regard not the chimerical project of contenting every man. He saw the necessity of a supreme authority capable of commanding obedience, without which all would run into confusion, and that this authority was to be supported by the army; and doubtless, he believed himself more capable than any other, to manage the reins of the Government. I pretend not here to justify all the actions of this great man, whose ability was never contested; but only to shew, that, in this juncture, he could have taken any other course, without throwing the State into the most terrible confusion that can be imagined. Since therefore, as matters then stood, *England* was to be governed by force, was it more inconceivable to see the nation ruled by the greatest General and Statesman the Kingdom had for many years produced, than by a Parliament, Independent or Presbyterian, or by a King intoxicated with arbitrary power? The people had made trial of these three several Governments, and found them insupportable. A fourth therefore was to be tried, things being in such a state, that it was neither possible nor proper to submit to any of the other three. This supposed, it is not to be denied, that *Cromwell* was more capable to govern this great State, than any other man then in *England*. No objection could be raised against him, which might not with more justice, have been urged against any other man who should have seized the Government, or any body of men invested with the supreme power. If, on certain occasions, he abused his authority; if, in his actions, he had only a view to his own glory and interest, this is what I pretend not to vindicate. It is however certain, that things have been greatly aggravated, and some of his actions mis-represented, which with disinterested and unprejudiced persons, are capable of being easily justified. All the difficulty concerning this affair, lies in the supposition made by each of the three parties, that their scheme of Government was the best and most perfect. But as *Cromwell* disregarded all the three schemes, he was equally exclaiming against by the three

Cromwell
differs the
Parliament.
April 20.
Clarendon,
III. p. 373
374.
Batch.

Cromwell's
Measures to
support his
Authority,
Clarendon,
tit. p. 374.
Whitlock.

*Petition of
the Officers
to the Par-
liament,
Charlodon,
Ill. p. 372.
Phillips,
Whitlock.*

*They demand
its Diffu-
sion.*
Carendon,
Ill. p. 372.

Ed. p. 373.
Phillips.

**The Paymaster
meets with
a Dissolution.**

and prepares
an Act to
forbid such
Petitions.

The Parliament, as I observed, was entirely supported by the army, and by their means held the nation in subjection. But since the battles of *Dunbar* and *Worcester*, *Cromwell* had to acquire the esteem and affection of the officers and soldiers, that they supported the Parliament as its interests were confounded with those of their General. The leading Members perceived it, and therefore had formed the project of disbanding the army, to ruin *Cromwell* with more ease. But such a project was not to be long concealed from one of *Cromwell's* penetration. As soon as he discovered the design of his enemies, he judged, there was no other way to support himself, than by withdrawing the confidence of the army from the Parliament; after which, it would not be difficult to destroy them. This was the very method practised by himself and the other Independents, to ruin the Presbyterian Parliament. He therefore causes the officers of the army, in a general council, to frame a petition, and present it to the Parliament; in which they demanded, "The arrears of their pay, that they might not be compelled to take free quarter upon their fellow subjects, who already paid too great contribution and taxes, which they were well assured, if well managed, would defray all the charges of the war, and of the Government."

The Parliament, as *Cromwell* had foreseen, complained of the influence of this petition, and ordered a reprimand to the officers for their presumption, to intermeddle in affairs which belonged not to them, and to arraign the Parliament's management of the treasury. This drew from the army a second petition, which put the House in mind of former former professions they had made, "That they would be glad to be dissolved, and that there might be successive Parliaments, to undo the same trouble they had done." They therefore desired them to remember, how many years they had fate, and though they had done great things, yet it was a great injury to the rest of the nation, to be utterly excluded from bearing any part in the service of their country, by their ingrossing the whole power into their Hands: And thereupon sought them, that they would settle a council of war for the administration of the Government, during the interval, and then dissolve themselves, and summon a new Parliament; which, they told them, would be the most proper act they could perform."

This Remonstrance, though intended to exasperate the Parliament, appeared however very just in itself, and agreeable to the general sentiment of the nation. This will be evident, when it is considered, in what manner the Members, which composed this Parliament, had possessed themselves of the supreme authority. The violence they had used to their colleagues, the late King's tragical death, the change of the Monarchy into a Commonwealth, and the taxes imposed on the People for an unnecessary war, had rendered them odious to the whole Kingdom. They were themselves sensible of these things; but, besides that it was very mortifying to them to divest themselves of an authority which had so many charms, they had reason to fear, that an account would be demanded of their actions. They were therefore unwilling to quit possession, and yet, could not avoid solemnly deliberating upon the petition, which was of a nature not to be neglected. In this debate, all the Members, who were officers in the army, strenuously supported the petition. The Presbyterians, who had been received into the House upon their swearing to the Engagement, were also of opinion, that the Parliament ought to dissolve themselves, since it could not be doubted, that it was the nation's desire. But the negative was carried by a majority of voices. It was therefore resolved, that it was not yet time to dissolve this Parliament, while affairs were depending that could not be left unfinished, and particularly the important war with *Holland*. That nevertheless, the Speaker should issue out writs for filling the vacant seats in the House. At the same time, a committee was appointed, speedily to prepare a Bill, by

(1) *Whitech*, who was present, says, *Crowell* led him to the House a File of *Musqueters* with him, and in a furious Tone bid the Speaker leave his Chair, and told the House, "You had lay long enough, unless they had done more good; that some of them were *Frenchmen*, looking toward the *West-Indies*, and *St. Peter's-Waters*, others of them were *Drunken*, and some corrupt and full of *Whoredoms*, and *Whore-mongers*, and *Whore-masters*, and that it was not in time they should fit any longer, and desired them to go away." *Crowell*, among all the Parliament Men, was the only one that was so bold, and would sometimes talk big, not one offered to draw against *Crowell*, but all tamely departed the House. He bid one of his Soldiers "take

(2) It is probable, he had joined the design of invading the Government, just after the Battle of Worcester. For he had a meeting at the Speaker's, with several Members of Parliament, and principal Officers of the Army, to consider of the settlement of the Nation. The Soldiers were for a Republick, the Lawyers for a mix'd Monarchy, and many for the Duke of Gloucester to be made King, but Cromwell still put off that debate. And it is thought, his design in that Conference, was only to find those great Men, that he might manage accordingly. See Whitelock. p. 516.

1653. parties. The Independents, fond of their Democracy, which was, however, but an empty name, were enraged at him, for overturning a building which he himself had erected. The Presbyterians could have wished, he would have restored the Parliament to the state it was in, at the beginning of the year 1648, when they were matters; and could not forgive him, for not taking that course, which, in their opinion, was the most natural. The Cavaliers or Royalists were well pleased that Cromwell had dissolved the Independent, without restoring the Presbyterian Parliament. But to satisfy them, he must have restored the King to his throne, and the Church of England to all her rights. The Reader is left to judge, whether, in the present situation of affairs in England, what the three parties desired, was either just, proper, or practicable. It is no wonder therefore, if these three parties were equally displeased with Cromwell's proceedings, and loaded him with invectives.

A little after, Cromwell published a Declaration to justify the dissolution of the Parliament, and as his designs were not yet manifested, this Declaration was subscribed by the colonels of the army, and all the sea-captains, and met with a general approbation.

The Parliament being dissolved, the sovereign Power was necessarily to be lodged some where. Cromwell might have taken the administration of the Government, by the same authority that he had dissolved the Parliament. But he had no design to usurp it so notoriously. He had contrived, that it should be given him by a Parliament, in order to dazzle the eyes of the publick with so venerable an authority. The council of officers, who had presented the petition to the Parliament, being still assembled, Cromwell caused them to resolve, that a hundred forty-four persons should be intrusted with the supreme power.

In the choice of these persons, Cromwell at once displayed his abilities, and discovered, that he had some secret design, which, would at a proper season manifest itself. They were all men of no birth, illiterate, with no particular merit, unexperienced in affairs, in a word utterly incapable of an employ of that consequence (1). Cromwell easily foresaw, they would soon be weary, and forced to put the Government into his hands, and so, furnish him with a pretence to assume it to himself. This notable chance being made, he writ to each in particular, to require them to assemble at Whitehall the 4th of July in order to take upon them the administration of the Government (2).

Their new Sovereigns meeting on the day appointed, Cromwell made a speech, and when it was ended, gave them an Instrument signed by himself and the principal officers of the army, by which the supreme power was lodged in their hands. This instrument imposed, that all these members, or any forty of them, were to be held and acknowledged the supreme authority of the nation, to whom all persons were to yield obedience and subjection till the 3d day of November, in the year 1654, that is, during one year and four months. That three months before their dissolution, they were to make choice of other persons to succeed them, whose authority should not exceed one year, and then they were likewise to provide and take care for a like succession in the Government. But it will presently appear, that Cromwell did not intend, this regulation should be exactly observed. These members, thus empowered, made no scruple to call themselves a Parliament, and chose one Roush (3) for their Speaker. The whole nation was surprized to find themselves under the dominion of such men, most of whom were artificers, or retail merchants (4). Amongst these members was one Barebone a Leather-seller, who in his neighbourhood passed for a notable speaker, because he used to entertain them with long harangues upon the times. From this man the people, in derision, called them Barebone's Parliament (5). I shall leave this ridiculous assembly for a moment, which did nothing worth remembering, to resume the recital of the war and the affairs between England and the United Provinces.

The letter writ by the States-General to the Parliament the 20th of April, the day on which the Parliament was dissolved, was referred to the council of State, established by Cromwell and his officers, till the new Parliament should assemble. This Council, under the direction of Cromwell, gave a favourable answer to the States, with hopes of a peace, upon sending plenipotentiaries to London.

The English affairs were then in a state of uncertainty, of which it was difficult to foresee what would be the event. Cromwell had, by his sole authority, dissolved the Parliament, and named a council of State which governed the Kingdom, with no other right than what was derived from the officers. It was therefore not very proper for the States either to treat of, or conclude a peace with men so little authorized. But the Provinces of Holland and Zealand, the greatest sufferers by the war, wished to end it at any rate. At last, after great councils, the States General named four ambassadors to negotiate a peace at London.

Whilst their instructions were preparing, the fleets of England and the States, met the 2d of June, and came to an engagement, which was renewed the next day. In this last engagement, Trump fighting with great disadvantage, was obliged to retire in disorder, having lost many ships, which were sunk or taken by the English (6).

After this battle, the English fleet, reinforced to the number of a hundred ships, saw it self, some time, mistress of the sea, and gave frequent alarms to the coasts of Holland. At last, Trump having repaired his fleet as much as possible, though it was inferior to the English both in the number and largeness of the ships (7), attacked the enemy's fleet again near the Texel. The fight lasted from morning till night without any considerable advantage to either side. It was renewed the next day with the same fury, Trump being reinforced with twenty-seven ships, nor did this second day decide the victory. The third day opened with a fresh engagement, in which Trump was killed by a musket-ball. But Vice-Admiral De Witzen continued the fight, till the two fleets, as if by consent, retired to their own coasts, unable to fight any longer. The loss on both sides was very considerable (8), and neither could justly boast of the victory; but the loss of Admiral Trump was irreparable to Holland.

Cromwell took care speedily to repair the English fleet, in hopes of receiving some advantage from the confirmation caused by the death of Trump, the loss of so many ships, and the division then reigning amongst the United Provinces. But a violent storm so damaged his fleet, that he was under a necessity of either making a peace, or loading the people with new taxes, which, in his present situation, was very improper. He listened therefore to the propositions of the States, and the whole following winter was spent in this negotiation.

Barebone's Parliament did nothing considerable in a session of more than five months (9). Nor was it called for that purpose. At last, the 12th of December, the Speaker, with a good number of the members, who knew Cromwell's intentions, being assembled sooner than usual, one of them rose up and said, that they were unequal to the burthen laid upon them, and therefore proposed a dissolution of themselves, and a resignation of the sovereign authority into the hands from whom it was received. This proposal met with a ready and unanimous approbation. Then the Speaker and all the present members, without waiting for those who were not yet come, left their seats, and went directly to Cromwell and the council of officers: To whom they declared, that they found themselves incapable of the trust reposed in them, resigned the instrument they had received, and besought them to take care of the Government. Thus Cromwell and his council of officers were once more invested with the supreme power, by that Parliament on which themselves had conferred their pretended authority. It is manifest, this had been resolved from the calling of the Parliament, in order to derive a Parliamentary authority to those, who had by their

(1) The Lord Clarendon says, There was amongst them divers of the quality and degree of Gentlemen, and who had Estates, Credit, and Reputation. *Tom. III. p. 276.*

(2) As for the first preamble, the Letter ran thus: "I Oliver Cromwell, Captain General, and Commander in Chief of all the Armies and Forces (3) (4), and so to be called within this Commonwealth, do hereby summons and require you (being one of the Persons nominated) personally to appear at the Council Chamber at Whitehall, on the 4th of July next ensuing the date hereof, then and there to take upon you the Trust and such other as shall be called and appointed, to serve as a Member of the County of— and heretofore you are not to fail." O. Cromwell.

Given under my Hand at St. Jul. the 10th Day of June 1653. *Whitehall. p. 481.*

(5) An old Gentleman of Devon, Prebend of Exeter, and Member of the late Parliament.

(6) It was much wondered by those, that the Gentlemen, many of them being Persons of Fortune and Knowledge, would at this Summons, and from these Harangues, take upon them the supreme Authority of this Nation, considering how little Authority Cromwell and his Officers had to give it, or oblige Gentlemen to take it, but it was accepted by them. *Whitehall. p. 455.*

(7) His Name was Fraunce-Gil-Bartolme, from whom he bore a great Speaker in it, the Parliament was called as above.

(8) There were six Ships, and twelve taken, with thirteen killed and many Prisoners. The English Fleet was at first commanded jointly by Blake, De Witt, and Bruce. Bruce was killed, and in the last engagement was killed, and so on. *Whitehall. p. 552. Philips. p. 619.*

(9) Twenty-seven Dutch Ships were taken or sunk, and one hundred and sixty English taken. The English lost four Ships, four hundred common Soldiers, and nine Captains. As for the Dutch, seven hundred killed, and a great number wounded. *Cromwell. Tom. III. p. 387.*

(10) They made an Act for better ordering the House to be published in the next Market, three several days, and the Ceremony to be performed by a Judge of Peace. And that there should be a Register appointed in every Parish to keep an account of them. *Whitehall. p. 552.*





From a most excellent Limning, done by Samuel Cooper, in the possession of the Hon.^{ble} J.^r Thomas Frankland Esq.

1653. own power dissolved the former Parliament. This artifice was so gross, that *Cromwell's* belief to impose upon the People, is amazing. But any absurdity is swallowed by means of an irresistible Power.

Two days after, the council of Officers, by virtue of the authority lately given them by the Parliament, declared, that for the future the Government of the Republick should reside in a single person, namely, *Oliver Cromwell*, Captain-General of the forces of *England, Scotland and Ireland*, who should have the title of Protector of the three Kingdoms, and be assisted by a council of twenty one persons.

On the 16th of December the council Officers sent for the Commissioners of the Great-Seal, with the Lord-Mayor and Aldermen of London, and informing them that *Cromwell* was made Protector, caused to be read in their presence a writing called the *Instrument of Government*, the substance whereof was: I. A Parliament to be called every three years by the Protector. II. The first to assemble on the 3d of September 1654. III. No Parliament to be dissolved till they have sat five months. IV. Such Bills as are offered to the Protector by the Parliament, if not confirmed by him in twenty days, to be laws without him. V. That his Council should not exceed the number of one and twenty, nor be less than thirteen (1). VI. That immediately after the Death of *Cromwell*, the Council shall chuse another Protector before they rise. VII. That no Protector after the present shall be General of an army. VIII. The Protector shall have power to make war and peace. IX. That the Protector and his Council may make Laws, which shall be binding to the Subject, during the intervals of Parliament. After the reading of this instrument, *Cromwell* took an oath to observe it to the utmost of his power. Then he was conducted to *Whitehall* with great ceremony, *Lambert* carrying the sword of state before him, and from that time the title of Highness and Lord Protector was given him. Immediately after, he was proclaimed as such at London, and then in the three Kingdoms, which formed but one Commonwealth. The city of London invited him

to a splendid entertainment, where the solemnity of his reception was such as had been at any time performed to the King.

Thus *Cromwell*, whose birth seemed to have placed him at an infinite distance from sovereignty, found means to be invested with the supreme power. We then the proceedings of the long Parliament against the late King, the methods used to effect his ruin, his obstinate refusal of grace without the abolition of Episcopacy, and reduction of the regal Power, the policy of the independents in concealing themselves many years among the Presbyterians, and in not discovering themselves, till the King was unable to hurt them, their artifices to gain the army, their tyranny against the Presbyterians and the King himself, and lastly, *Cromwell's* early adherence to that party, (when these things I say) are confuted, one is apt to believe, the project of his advancement was formed from the beginning of the long Parliament, and that the subsequent transactions flowed freely from that project. Accordingly this is insinuated by some, their aim being to prove, that *Charles I.* was persecuted only to render that project the more practicable. But when I considered, on the other hand, that it was almost impossible for *Cromwell* to have any such views, at a time when he had but little credit, and was scarce known in the Parliament; that his reputation increased by a series of contingent events entirely out of his power, and by battles which he might have lost, it is difficult to believe, he could have formed such a design before his victory at *Worcester*. He had, very probably, even before that battle, his own advancement in view, but not to the Supreme Power. There were in his Party men of too great a penetration not to discover such a design, had it been entertained by him. But as they thought not of his ruin till after that victory, very likely, his designs were not sooner perceived, and that it was only from that time, or perhaps not so early, that he began to ruminate on his grand project. For being then General, he had less way to go, than if he had formed the design while he was but Lieutenant-General (14).

OLIVER CROMWELL, PROTECTOR.

1654. *Treaty concluded between England and the United-States, 1763. Treaty of Commerce, 1794. T. tit. p. 67. Gresham, tit. p. 352.*

THE peace between England and the United Provinces was at last concluded, and the treaty signed the 31st of April 1654. By this treaty Cromwell made great advantage of the necessity, the States were under, to make peace. They could not obtain it without promising to pay large sums for the damages done to the *English* thirty years since (3). They consented to strike to the Ships of the Commonwealth, as they had before done to those of the King. They entirely abandoned the interest of *Charles II.* and obliged themselves to receive no exile from England into their dominions. They promised to restore to the *English* twenty two merchant ships confiscated by the King of Denmark, or to pay their full value. In this treaty I find no mention of the Navigation Act, which had been the cause of the war (4). It is likely, either that article was adjourned in a private and particular treaty, or the States were contented with a bare promise, that they should not be disturbed on account of that Act. Lastly, by a separate article the States bound themselves never to admit the young Prince of Orange to be their Stadt-holder, General, or Admiral. But this article was ratified only by the Province of *Holland*, the other Provinces refusing it, and Cromwell not judging it proper to continue the war to force them to it. This ended a war which had been very warm on both sides, and inexplicably destructive to both nations. It is said, the two Provinces of *Holland* and *Zeland* lost in fifteen hundred ships, which fell into the hands of the *English*. And this very war, which had been undertaken to

ruin *Cromwell*, served to advance him, as it obliged him to dissolve the Parliament for his own preservation.

Though these two Protectors met with a general submision, it was however with pretty open complaints of his usurping the supreme power by a pretence of law conferred on him by men without authority. The Royalists considered *Cromwell's* advancement as a mortal wound to the King. The Pre-bysterians were not much more pleased with it; for though their Government full subfitted in the Church, they could hardly endure the liberty of conscience enjoyed by all the Protestants. Besides, they were excluded from the best posts, which it was *Cromwell's* care to fill with men of approved fidelity to himself. The Prebysterians were nevertheless excused by him, because their assisstance was needful to accomplish his project of being confirmed in his dignity by a few Parliament, where he foresaw they would have considerable influence. But he hated the Cavaliers, and kept them very low. This occasioned many conspiracies against him, the authors of which were rigorously punished(s), particularly *Mr. Fawell* and *Mr. Gerard* (6), the first of whom was hanged in *London*, and the other beheaded in the *Tower*.

At the fame time, and upon the fame scaffold, *Don Pantaleon Sa*, Knight of *Malta*, and Brother of the *Portuguese* Ambaffador, loft his head. That Gentleman having quarrelled with the fame *Mr. Gerard* on the *New Exchange*, returned next day with a ftrong retinue. Unhappily, he singled out a man in the crowd whom he miftook for *Gerard*, and entering into a new quarrel, killed him.

(*) The first Council chosen, in pursuance of this Instrument, were, Colonel Montague, Colonel Lambert, Viscount Lisle, Colonel Desborough; *Gilbert Fiskering*, Anthony Ashley Cooper, Charles Weyffe, Baronets; Major General Stuyven, Walter Strickland, Colonel Sydham, Colonel Jones, Francis Rayn, Daines Barrington &c.

(a) Cromwell said to Mr. Beillevue: *L'on ne mentait jamais si haut, que quand on ne fait en l'on va*. That is, a blow never rises so high, as when he turns and where he is going. *Rein Memo. Tom. III, p. 389.*

(3) To deliver up the Island of Palawan in the *Philippines*, taken from the *English* in the Reign of King *Jamr*, and to pay, 'tis said, three hundred thousand pounds for the affairs of *Amoyana*. (1850-51. *Western Asia English East India Company*) for which the two said King could never get any satisfaction. *Coramion*, Tom. III, p. 382. The Commissioners of the Peace were presented in a Silver Box to the *Procedural*, *Waisiele*, p. 588. *Collected of Treaties*, Tom. III, p. 132. — The *Diamonds* of the *English* amounted to two millions, six hundred ninety five thousand, nine hundred and ninety nine pounds, fifteen shillings. At the end of the *Dutch* to two millions, fifty nine thousand, eight hundred sixty one pounds, three shillings, and six pence. *Id.* p. 132. 131.

[4] The Author of *Cromwell's Life*, says, one of the Articles was, "That the Dutch should comply with the Act of Navigation," p. 230.

⁴ Having a design against the late of the President, &c. *Memorandum*, Tom III, p. 383.

10. *Lucile* calls him *Lucien*, but he was a young *Gentleman*, and had been only *Eugén* in the King's Army. 114

1654. and others were wounded by his servants; after which, he retired to his Brother the Ambassador's. This tumult drew the people together, who surrounded the Ambassador's house, and threatened to drag the criminals to justice. Cromwell being informed of it, dispatched an officer, with some soldiers, to demand the murderers. The Ambassador loudly complained of the insult offered him, and demanded an audience of the Protector, but was refused, and told, that if the criminals were not delivered, the people would not be easily appeased, nor could the Protector answer for the consequences: That as a man had been killed, and several wounded, justice must be satisfied. In the mean time, the people continued their noise and menaces; so that the Ambassador, seeing himself too weak to resist, was at last forced to deliver up his Brother, and the rest that were concerned, in expectation of afterwards obtaining their pardon. But Cromwell continuing inflexible, the Portuguese Gentleman was beheaded in the *Tower*, and his accomplices hanged at *Tyburn*. I pretend not to decide, whether this act of justice could be done, without a violation of the privilege of Ambassadors, or whether Cromwell had not done better, in conniving at the prisoner's escape. I shall only shew very briefly, that the present juncture was not favorable to the Ambassador, or the King his master.

Den John IV. King of Portugal, formerly Duke of Bragança, had, in 1640, seized the Crown of Portugal, pretending, it was unjustly wrested from his ancestors by Philip II. of Spain. This had engaged him in a fierce war with Spain, during which Charles I. had, in a treaty signed at *York*, the 22d of May 1641, owned him for King of Portugal. Thus the two Crowns of England and Portugal were in peace and alliance, before the war between Charles and the Parliament was declared: Upon this foundation, the two Princes *Palatine*, *Rupert* and *Maurice*, the first of which commanded the King's navy, being obliged, in 1650, to leave *Ireland*, where they could no longer continue in safety, failed into the river of *Lisbon*. They were no sooner there, than a fleet from the Parliament arrived in the mouth of the *Tagus*, and immediately the Admiral required of the King of Portugal the delivery of the ships commanded by Prince *Rupert*, saying, they belonged to the Commonwealth of England. This demand extremely embarrassed the King. He had made an alliance with the King of England; but on the other hand, England was the King's enemy, and in that juncture, *Don John* was under a necessity of declaring for one or the other. Policy required a declaration for the Parliament, but honour and hospitality demanded a protection for the King's ships, which were come for refuge to Portugal. This question was warmly debated in his Council. The majority advised him to relinquish a King, expelled his dominions, who could do him neither good nor hurt, and thereby gain the friendship of a powerful Commonwealth, from which he might expect great assistance against Spain: Whereas, in declaring against the Parliament, he would perhaps engage himself in fresh difficulties, at a time when all his forces were hardly sufficient to resist his enemies. But the King, by his reasons and authority, caused it to be decided, that the King of England's ships should be protected. Pursuant to this resolution, a squadron was immediately equipped of thirteen men of war, to join Prince *Rupert*'s. The two squadrons failed together with design to fight the *English*, if they were between the two Capes (1). For the Portuguese squadron had orders to sail no further, that it might appear, the King intended only to secure the entrance of the *Tagus*. Upon notice of this juncture, the *English* Admiral failed away. But to be revenged for the protection granted to Prince *Rupert*'s, he fell upon a Portuguese fleet returning from *Brazil*, and took fifteen ships. The approach of winter obliging him to return to England, the two Princes *Palatine* failed to America, after causing a sort of rupture between England and Portugal. To adjust this difference, the King of Portugal had sent to London the *Comde de Penagui*; his circumstances, during a war with Spain which had now lasted thirteen years, not suffering him to remain in a state of hostility with the Commonwealth of England. Probably, for the same reason he did not think proper to recall his Ambassador, after the execution of *Don Pantelien Sa*. I do not know whether this accident did not retard the peace between England and Portugal, which was not signed till two years after in 1656 (2).

Since Charles II's arrival in France, after his miraculous escape from the battle of *Worcester*, he had lived in extreme want, not having wherewithal to subsist. The Court of France took no notice of his necessities, whether in compliance to Cromwell, or from a desire of making a strict alliance with him, or through dread of his declaring in fa-

vour of Spain. So, the King was in a melancholy state. He had even the mortification to see *Monsieur de Bourdeaux*, who till then had been his Resident in England, appointed Ambassador by the French Court (3), upon Cromwell's being declared Protector. This alteration convinced the King, that France designed an alliance with Cromwell, and he did not doubt but the treaty would be followed with a request to him to depart the Kingdom. Wherefore, to prevent this compliment, he let Cardinal *Mazarin* know, that he intended to withdraw, which was welcome news to the Cardinal. To facilitate the execution of this design, the Cardinal promised him the arrears of a pension of six thousand Livres a month, which had been granted him, but never regularly paid, and the continuance of the same, as long as he should be out of France. At the same time, the King received another small relief, which enabled him to discharge his debts. Prince *Rupert* arrived safely at *Nantes* with the fleet, after having lost his Brother *Maurice* in a storm. Besides that the ships were extremely damaged, and the King unable to repair them, he was in great want of money, which determined him to sell the ships, with the ordnance and tackling. Cardinal *Mazarin* was the purchaser, tho' at a very cheap rate, if we may believe the Lord *Clarendon*, and paid him the money without delay. After that, Prince *Rupert* repaired to *Paris*, and taking leave of the King, withdrew into Germany. The King, as soon as he had received the money, left *Paris*, and chose *Cologne* for his retreat, where he continued many years.

The King, before his departure from France, sent *Wilmont*, now Earl of *Rochester*, Ambassador to the Emperor, and some other Princes of Germany, to procure a supply of money. He even applied to the Pope, by the mediation of Cardinal *de Retz*, and it is pretended, that in order to succeed, the Cardinal prevailed with him to change his Religion, and privately received his abjuration. At least, Dr. *Burnet*, in the History of his own Times, assures, that the King embraced the Catholic Religion before he left France, where he returned no more, after the time I am speaking of. But others, who think themselves better informed, assign this change of his Religion to the year 1659.

While the King was in this state of adversity, Cromwell was honoured, respected and feared by all the powers of Europe, who equally courted him. In England, his enemies durst not look up; Scotland was entirely subdued, and Ireland reduced to the last extremity. But before I return to the affairs of England, it will be necessary briefly to relate what passed in Ireland and Scotland, to midsummer 1654.

Since Cromwell had left Ireland in 1650, *Ireton* his Son-in-law, who commanded there as his Deputy, treated the *Irish* rebels, who fell into his hands, with great severity, the Parliament having ordered no mercy to be shewn to the Malfactors. But this was not capable to lead the *Irish* to an union with the Marquis of *Ormond*. On the contrary, a religious zeal prevailing among them, by the persuasions of their Monks and Clergy, they could not bear to be under a Protestant commander. Nay, they conspired against the life of the Marquis, and in an insurrection at *Limerick*, raised by a Monk, he was in danger of being killed. At last, the *Irish* Bishops, in a full Assembly, published a Declaration, protesting, they would have no communion with Heretics, nor obey the Marquis of *Ormond*. Then, they required him to resign his command to a Catholic, on whom they could better rely. The Marquis being thus exposed to the suspicions and treacherous designs of the *Irish*, and utterly unable to restore the King's affairs, made the Marquis of *Clanrickard* his Deputy, and retired into France, from whence, afterwards, he accompanied the King to *Cologne*.

Ireton dying of the plague in 1651, the Parliament gave the command of their forces in Ireland, to Lieutenant-General *Edmund Ludlow*, a great Republican, and one of *Charles* the First's Judges.

The *Irish* were not more obedient to *Clanrickard* than to *Ormond*. The Catholic Clergy, and all *Ulster*, refused to have any society with the *English*, under the command of the Marquis, though a Catholic. It was sufficient that he had received his commission from a Protestant to render him odious. A certain number of men were therefore chosen to form a Council for the administration of their affairs. This Council judged it expedient to call to their assistance a foreign Catholic Prince, who might be capable to conduct them, and put him in possession of the Government of their Island. They cast their eyes on the Duke of *Lorraine*, then at *Brussels*, and resolved to send Deputies to treat with him. This resolution being taken, they demanded of the Marquis of *Clanrickard* a commission

(1) Cape *Flores*, and Cape *St. Vincent*.

(2) It was signed July 10. 1654. See *Colli. of Treaties*, Tom. III. p. 97. *Life of Cromwell*, p. 188.

(3) He made an Entry into London in great State, being attended with no less than sixty Coaches. *Whitelock*, p. 374.

Clarendon, III. p. 339. &c.

Prince Rupert arrives in France. The King fills the ships he brought, into Germany, and the King returns to Cologne. Clarendon, III. p. 400 — &c.

P. 393. 394. P. 246. 247. P. 73. 74. Whitelock, p. 379.

Affairs of Ireland. Ludlow, Bates. Clarendon, III. p. 313. &c.

The Marquis of Ormond leaves Ireland. P. 337.

Ireton's Death. Ludlow.

The Duke of Lorraine invited by the Irish to accept their Government. Clarendon, III. p. 363.

Burnet.

1654.
Clarendon,
III. p. 163.

for the Deputies, fearing, they would be ill received, if not authorized by the King's Governor in Ireland. But the Marquis refused to give such a commission, till he knew the King's pleasure. This refusal inflamed their animosities against him. He was exclaiming against with great bitterness, and their Deputies were sent notwithstanding his opposition (1). The Duke of Lorrain judged it not proper to engage in such an undertaking, without better information of some particulars, which it concerned him to know. He sent a certain Abbot into Ireland, who having learned, that the affairs of the Irish were almost desperate, and this resolution taken without the consent of the King's Lieutenant, refused to treat with them. The Irish, enraged with the Marquis of Glencarick for opposing their design, persecuted him several ways, and at last, treated with Ludlow, by means of a certain Monk, without the Marquis's privacy, who seeing himself unable to serve the King, informed him of what passed, and desired leave to retire. The King readily granted his request, as seeing no way to save Ireland, and left the Irish to their own measures, whose affairs from that time daily grew worse.

Rejoins the
offer.
III. p. 166.

But.

It was then, and in the following years, that the Irish wholly unable to resist the Parliament forces, were exposed to the utmost severity of the English commanders. The barbarity they had exercised upon the English Protestants, settled in Ireland, was justly retaliated upon them. Many were executed, and others, to the number of a hundred thousand, most of whom perished with hunger and misery, had leave to go into the service of foreign Princes. The families which remained in the country, were for the most part, removed into Connaught, where some lands were assigned them for their subsistence, while the rest was delivered to the Adventurers, who advanced money for the Irish war. Part also of these confiscated lands was given to the officers and soldiers in payment of their arrears, and part was sold to the best bidders. From this time, the nation has been kept so low, that there is no appearance of its ever recovering. In 1654, Fleetwood, who had married Ireland's widow, Cromwell's daughter, was made Governor of Ireland, and two years after, was succeeded by Henry Cromwell, younger Son of the Protector.

Sept. 19.
Whitelock.

Affairs of
Scotland.
Clarendon,
III. p. 394.
395.
Bacon.

Though Scotland was subdued, it was not entirely free from disturbances. The general Assemblies of the Kirk had been suppressed by Cromwell, knowing, that from thence flowed all the troubles which had been for so many years in Scotland. Besides, as it was his intention to introduce in that Kingdom a liberty of Conscience as well as in England, he knew, it would be impossible to execute his design so long as these Assemblies subsisted. The people of Scotland were enraged at a liberty so contrary to their Covenant, and the maxims of the Kirk. They sufficiently discovered their sentiments, though to no purpose, since they had neither places, nor forces, nor arms, nor leaders, to enable them to attempt a deliverance. On the other hand, some Lords and Gentlemen of the King's party still kept in the High-lands, with troops under the command of the Earl of Glencarn. But these troops, neither well armed nor disciplined, were defeated by Colonel Morgan (2). Nevertheless, with the remains of their troops, they still kept in some inaccessible places, where it was impossible to attack them. But at last, discord arising among them, they were forced to fend to the King for Colonel Middleton and obtained his consent. On Middleton's arrival, Glencarn quitted them, and made his own peace. Middleton supported the remains of this party about a year, and then was obliged to forsake it, seeing it was not possible to do the King any notable service in that country. It is time now to return to the affairs of England.

Burne.
p. 78.
Whitelock,
Phillips,
Head.

Whitelock.
p. 197.

Cromwell
calls a Par-
liament.
Clarendon,
III. p. 386.
Whitelock,
p. 191.
Phillips.

As, by the Instrument of Government, a Parliament was to assemble the 3d of September, Cromwell called one for that day. But in his writs for election of Members, there was a strict order not to elect any persons, or their sons, who had born arms for the King; and this was punctually obeyed. A new regulation was likewise made to proportion the number of Representatives to the largeness of the Burroughs and Counties, and to their respective shares of the publick expences. This regulation, as being very just in itself, met with universal approbation (3).

The Parliament being assembled, Cromwell made a Speech in the Painted-Chamber, where the House waited on him. He briefly touched upon the disorders of the preceding Government, and endeavoured to justify the present Establishment. After an assurance of his good intentions, he represented to them his services for the nation, since the dissolution of the long Parliament, and told them, he had called a free Parliament, agreeably to the desire of all good Englishmen; adding, that he did not speak to them as one that would be a lord over them, but as one that would be a fellow-servant, in the great affair of settling the Government.

Cromwell hoped, this Parliament, free indeed, excepting the exclusion of the Royalists, who could not have been admitted with safety, would confirm his Protectoral dignity, and that the confirmation of a free Parliament, would stop the mouths of his enemies. Upon his own recommendation, Lenthol, Speaker of the long Parliament, was chosen again to that post. It appeared very soon, that the Parliament had many Members who were enemies of tyranny, and having served in the long Parliament, had imbibed maxims very contrary to those established by Cromwell. The first thing proposed, was to examine by what authority they were assembled; a question unexpected by Cromwell. In all appearance, his enemies designed to give him a mortal blow, by a decision that his authority was imaginary and illegal, as indeed it was. Perhaps too, the Parliament intended to seize the Sovereign Power, tho' conveyed by an unlawful authority. Cromwell himself had given them an instance of what could be done with the assistance of force. But as he had friends, as well as enemies, in the House, he found means to make them lose time, by the opposition they met with, from the officers and others who espoused his interest, whether thro' friendship or fear. So though he could not hinder the frequent debates on this question, he gave his enemies cause to apprehend, that they should not carry it, when it came to be decided. At last, perceiving they only waited a favorable opportunity to put the question, he sent for the Members to meet him in the Painted-Chamber. Though in his first Speech he told them, that he would only be their fellow-servant, in this he spoke as their Lord, and told them, they were too free in calling an established Government into question, from which themselves had derived their authority, since if they were not lawfully convened, they had no power to debate. At their return to the House they found a guard at the door, refusing entrance to any person, who would not first sign an Engagement in these words:—*I A. B. do hereby freely promise and engage myself, to be true and faithful to the Lord Protector, and to the Commonwealth of England, Scotland, and Ireland, and shall not (according to the tenor of the Indenture, whereby I am returned to serve in this present Parliament) propose or give any consent to alter the Government, as it is settled in one single person and a Parliament. Many refused to sign this Engagement, were excluded from the House (4).*

Notwithstanding all this, the Members themselves, who had signed the Engagement, were not more tractable, and ceased not to shew their ill-will to Cromwell. They had only signed, to have it in their power to destroy him, when a favorable occasion offered, which they hoped would not be long. A plot was formed chiefly by the Cavaliers, but with the privacy of many Members of Parliament, to raise an army in several parts of the Kingdom. Cromwell being informed of it by his spies, prevented the design of his enemies, by a dissolution of the Parliament eleven days before the time fixed for its continuance, by the *Infringement of Government* (5), namely, on the 22d of January. At the dissolution he told the Members, he was not ignorant of their projects, and that several were engaged in a conspiracy against the Government (6).

It was not without foundation that he mentioned a conspiracy, which was now ready to open. Though he was not informed of all the particulars, he knew, however, in general, that an insurrection was intended in several places, and had the names of some that were to be the principal actors. Two days after the dissolution of the Parliament, Major Wildman was arrested by his order, and a declara-

1654.
His speech
to the
September 4.
Clarendon,
III. p. 379.
Whitelock,
p. 197.

Lenthol
made Speaker
Clarendon,
III. p. 387.
Whitelock.

Cromwell's
Power confi-
rmed in
Clarendon,
III. p. 388.

He speaks to
the House
and Represent-
ment.
Bacon,
Clarendon
III. p. 389.
Whitelock,
p. 609.

Excludes se-
veral Mem-
bers.
Whitelock.

1654-5.

Dissolves the
Parliament.
Clarendon,
III. p. 389.
Whitelock.

Plots against
the Protec-
tor.

February 13.
Clarendon,
III. p. 389.
Whitelock.
p. 613.

(1) The Lord Clarendon gave, after he had been inveighed against with great violence, he could not withstand the importunity of the Assembly of Conscience Catholics, but gave his Credentials to the Person recommended to him. However, the Commissioners were refused to follow the instructions of the Assembly, and not the Marquis of Glencarick. Clarendon, Tom. III. p. 164.

(2) The Scots sent an Invitation to King Charles to come among them, but he did not think proper to do so. Bacon, p. 66.

(3) By the 9th and 10th Articles of the Instrument of Government, (which see in Whitelock, p. 554.) it was provided, that the Persons to be chosen in England and Wales, should not exceed four hundred. Those for Scotland and Ireland, (but the three Kingdoms united in one Commonwealth, and the Isles of Jersey and Guernsey were also included) were to be thirty for each Kingdom. Thus the Persons to be chosen in England, and Wales were to be in a certain proportion their fit down at large. A Proposition, which it would have been well for England, had it been always observed, saw little advantage. Burroughs being omitted, and the number of the Kingdom of the Shire increased from four to twelve, according to the Extent of the County. This says the Lord Clarendon, was then generally looked upon as an exemption to be most warmly made, and in a better time. Tom. III. p. 387.

(4) This year, on November 1st, died the learned John Druden. An able Mr. Druden, who had the chief hand in compiling the *Massachusetts*.

(5) By the 11th Article of the Instrument of Government, the Parliament was not, during the space of five months, to be assembled from the day of their first meeting, to be adjourned, postponed, or dissolved, without their own consent. Whitelock, p. 773.

(6) See his long Speech in Whitelock, p. 610.—618. He says, the Parliament was dissolved January 31. p. 610.—Before their dissolution they would him and his Successors, a Revenue of two hundred thousand pounds a year, p. 619.

1655. tion was found in his house, containing the reasons which obliged the *English* to take up arms against *Cromwell* (1). Some others, as well Republicans as Royalists, were also apprehended.

A Design laid for two Insurrections. Whitehead, p. 415 & 419. 420: Even of the Royalists.

Since the King's retreat to *Calenge*, he had received frequent Expresses from his friends, informing him of the general dislike of *Cromwell's* Government, and of the favourable opportunity for a general Rising. What they said concerning the general discontent, was very true. But they built upon a false principle, which had often deceived *Charles I.* and now likewise deceived them. They imagined, that all who were displeased with the Government were disposed to serve the King, and restore him without any condition. Indeed, the Presbyterians would have gladly restored the King, provided it was on the terms granted by the King his father in the treaty of *Neuport*, that is, with the limitation of the Royal Power, and the establishment of the Presbyterian Government in the Church. But it was not likely, *Charles II.* being at liberty, would grant the same conditions as were accepted by *Charles I.* under confinement. On the other hand, 'tis also true, that in general, the Independents, Anabaptists, and in a word, all the zealous Republicans, were enemies of *Cromwell* since his seizing the Government, and that in the army itself there was a strong party against him. But nothing was farther from these men's thoughts, than the King's restoration, and yet the Royalists imagined, all *Cromwell's* enemies would strive to restore the King to the throne, as if there was no possibility of being enemy to the Protector, without being devoted to the King. Upon this foundation it was, that they formed the project of an insurrection in the West, and of another in the North, not doubting of the army's joining, or at least suffering the Cavaliers to act undisturbed against *Cromwell*. This project was communicated to the King, who approved of it as well as of the day appointed for the execution, namely the 18th of April. The King dispatched the necessary commissions, and privately came into *Zeland* to be ready to pass into *England* if the undertaking should be crowned with success. At the same time, *Wilma* Earl of *Rochester* repaired secretly to *London* (2), with Sir *Joseph Wagstaff*, who had been Major-general in the army of the late King. At *London* their friends were consulted, and it was resolved, *Wagstaff* should conduct the insurrection, which was to be in the West, and the Earl of *Rochester* that in the North (3).

Salisbury imprisoned. March 11. Ibid. Whitehead, p. 420. Phillips.

On the day appointed, *Wagstaff* came within two miles of *Salisbury*, where he found *Penruddock*, a Cornish Gentleman, *Jones*, *Grove*, and some others, who had assembled about two hundred Horse. With this small force, they entered *Salisbury* without any opposition. For as it was then the time of the Assizes, little notice was taken of those who entered the city. The market-place was immediately seized, and all the Stables locked up, that the Horses might be at their devotion. After this, the Judges were seized, with the Sheriff, and were in great danger of being hanged for their refusal to proclaim the King, who notwithstanding was proclaimed. But soon after, the conspirators perceiving, that the inhabitants remained in their Houses, without offering to join them, they were discouraged, and leaving the town, took the western rout. A troop of Horse, accidentally quartered in the neighbourhood, pursued and inspired them with such terror, that at their approach, they laid down their arms. *Wagstaff* fortunately escaped, but *Penruddock*, *Grove* and *Jones* were taken. The two first were beheaded, and the other hanged (4). Notwithstanding the great hopes conceived by the Royalists of a general rising throughout the Kingdom, the people no where attempted to favour the enterprise. It is impossible to know what would have been the behaviour of the army, since there was no necessity of their being assembled, this affair being ended in two or three days. One may here remark, what commonly happens on these occasions, namely, that the contrivers of such projects, keeping company for the most part with only men of their own party, are apt to believe the whole nation to be in the sentiments of those with whom they converse, wherein they are frequently mistaken. This was, as it were, the peculiar weakness of the Royalists, of which the Earl of *Clauden*'s History furnishes various instances.

The Design in the North comes to nothing. Clauden, III. p. 426.

The insurrection in the North vanished before it was begun to be executed. The Earl of *Rochester* repaired to

the County of *York*, where he found some Gentlemen zealous for the King's service. But after an inquiry into what they could perform, he thought it not proper to make any attempt, but returned to the King with an account of what had passed.

The King, having lost the hopes he had been made to conceive, returned to *Calenge*. Soon after his arrival, it was discovered, that one of his domesticks, named *Manning*, lately come from *England*, held a secret correspondence with *Thurlow*, *Cromwell's* Secretary, and acquainted him with the transactions of the King's Court. He was apprehended and shot to death in a cage belonging to the Duke of *Newburg*. It is now time to speak of *Cromwell's* affairs with *France* and *Spain*.

In the reign of *Charles I.* Cardinal *Richelieu*, as hath been said, was concerned in the troubles of *Scotland* in the year 1637, from which those of *England* were afterwards produced. The Court of *France* all along seemed to espouse the interest of *Charles I.* during his life, but never gave him any real assistance. Cardinal *Richelieu* believed, that nothing could more advance his project of humbling the House of *Austria*, than to prevent *England* from assisting *Spain*, in order to preserve the balance of *Europe*, as the interest of *England* required. For this reason, that able Minister, instead of assisting *Charles I.* thought only of fomenting the troubles of *England*. Cardinal *Mazarin* his successor, under the minority of *Louis XIV.* followed the same maxim, and never gave any real assistance to *Charles*. But it may be said, he carried this Policy too far, since instead of keeping the balance even between the King and Parliament, he gave the Parliament room to acquire a superiority, which might become very prejudicial to *France*. After the death of *Charles I.* the Commonwealth of *England* grew so powerful, that it was too late to endeavour to weaken it, especially as *France* was then engaged in a war with *Spain*. If *France* had assisted *Charles II.* she would have run the risk of seeing the Parliament in alliance with *Spain*, which in that juncture was not to be hazarded. For this reason, the interests of *Charles II.* were entirely abandoned by *France*, and all his assistance from thence was a pension too inconsiderable for his subsistence. And even this was privately, left the Parliament should be jealous. The *English* feared her so little, that in 1652, their fleet made no scruple to attack that of *France*, sent to the relief of *Dunkirk* besieged by the *Spaniards*, and taken by them the same year. Notwithstanding that affront, *France* sent an Ambassador to the Parliament to desire their friendship. *Cromwell*, when advanced to the Protectorate, held, for some time, the two Crowns of *France* and *Spain* in suspense, equally flattening both Kingdoms with hopes of the friendship of *England*. But it appeared afterwards, he only intended to amuse *Spain*, being resolved to make an alliance with *France*.

Spain had given no more assistance to *Charles I.* than *France*. On the contrary, *Don Alonso de Cardenas*, the Spanish Ambassador in *England*, had shewn a partiality for the Parliament, which was considered by *Charles* as a sort of declaration against him. After the death of *Charles I.* the King of *Spain* paid great regard to the Parliament, and gave them no just cause to make war upon him. All that *England* could reproach him with, was, his receiving, though very coldly, in 1649, Lord *Cottingham*, and Mr. *Hyde* as ambassadors from *Charles II.* but without entering with them into any negotiation, that might create jealousy in the Parliament. The sole design of this embassy was, to procure some money from the Spanish Court for the King's subsistence, in which the ambassadors were unsuccessful. The murder of *Acham*, the Parliament's envoy at *Madrid*, by some Irish, and the little zeal shewn by the Court of *Spain* to punish the murderers, might be another cause of complaint. But things of this nature are liable to so many discussions, that it is difficult to know, whether it was in the King of *Spain's* power to give the Parliament an entire satisfaction. However that be, these causes of complaint did not seem of sufficient weight to breed a war between the two nations. Nevertheless, *Cromwell*, now made Protector, had no sooner concluded a peace with *Holland*, than he resolved to attack *Spain*. The grounds of this war are not easy to be guessed (5), but what may be conjectured is this. *Cromwell*, as I observed, intended to be confirmed by a Parliament, in his Protectoral dignity received only from the officers of the army. It con-

(1) The Title of it was, "The Declaration of the free and well-affected People of *England*, now in Arms against the Tyrant Oliver Cromwell, Esq." See

(2) See *first* General's design in General before him, in case the Plot succeeded. Clauden, Tom. III. p. 421.

(3) He sent Sir *Alexander Down*, a gallant Gentleman, and nobly allied in these parts, to prepare the King's party there. Ibid. p. 425.

(4) *Grove* says, *Jones* was treacherous. *Rapin* by mistake says, *Grove* was hanged, but he was beheaded at *Exeter*, with *Forcades*. Clauden, Tom. III.

(5) It is probable, the chief motive of it was, That he might be able, with the help of Spanish Gold, to carry on his design in *England*, without depending upon a Parliament for Money. *Whitehead*, p. 100.

1655. cerned him therefore First, to render some signal service to the State, in order to make his usurpation pass the more peaceably. Secondly, as Spain was then upon the decline, he believed perhaps, it would be easy to make some conquest upon that Crown, which might render his Protectorate famous, and shew the English that if he fought to advance himself, it was in order to be more servicable to the Republick. Thirdly, it is likely, *Mazarin* was concerned in this resolution, in order to give a powerful diversion to Spain.

A Defeat
given to
Domingo,
Clerendon,
III. p. 472.
473.
Bates.
Whitelock.
Burnet.
Phillips.
Ludlow.

However this be, *Cromwell* on his advancement to the Protectorship, sent out two fleets, one under the command of *Blake*, to the *Mediterranean* to chastise the *Algerines*, who frequently took English vessels, and the other under *Penn*, with thirty Ships, about five thousand land-forces commanded by *Venables* (1). The two last commanders had sailed orders from *Cromwell*, which were to be opened at a prefixed time (2). This fleet sailed from *Perthmouth* the 27th of December, and arrived at *Barbadoes* the 28th of January, from whence they sailed again the 30th of March 1655. By the sailed orders, the two Commanders were to proceed to *Hispansia* and take *St. Domingo* the capital of the Island. *Cromwell's* instructions for this undertaking were so particular and circumstantial, that they appeared to be drawn by men thoroughly acquainted with the country (3). At the approach of the English fleet the *Spaniards* abandoned *St. Domingo*. But *Venables*, instead of landing his troops (4), according to his instructions, within a mile of the Place, disembarked them at a much greater distance (5). This gave the inhabitants time to come to themselves, return to the town, and put it in a posture of defence. The English, when they approached *Domingo*, were so fatigued, by a long march, by the excessive heat, by hunger and thirst, that they were easily repulsed, and forced to retire to their Ships, leaving many dead and wounded in the island.

April.
Whitelock.

Mazarin.

Cromwell's
Jamaica.
May 17.
Clerendon,
III. p. 474.
Whitelock.

The King of
Spain gives
the rights of
the English
Merchants.
Fitch.
R. Coke.

Peace made
with France.
October 23.
Clerendon,
III. p. 475.
Whitelock.
Phillips.

Cromwell
surrounded
with Bar-
badoes.
Burnet.
P. 46.

This attempt miscarrying, the English fleet sailed to *Jamaica*, and seized the Isle with little opposition. Some troops were left there, which were afterwards re-inforced by *Cromwell*, in order to preserve this conquest, where the English have since established a rich Colony. *Venables* was sent to the Tower on his return to London, but soon discharged. The war being sufficiently declared by this attempt which the *Spaniards* had no cause to expect, the King of Spain ordered the effects of the English merchants in all his dominions to be seized, which was a very considerable loss to them. Nor did the mischief stop there; for by this war unjustly undertaken, the English forfeited the Spanish trade, which transferred to the Dutch, helped them to repair the losses sustained in the last war.

The war with Spain was soon followed by a peace with France, proclaimed at London the 23d of October. This peace was easily made, since France was willing to forget the injury received from the English in 1652. That point was only to renew the ancient treaties, to which there was no obstacle, after *Cromwell's* declaration against Spain (6).

Besides the insurrections and conspiracies from the Cavaliers and Presbyterians, *Cromwell* was also in danger from the male-content of his own party, who had effectually served him, without knowing what were his designs, but who were extremely provoked at their having been tools to his private ambition. The Republicans were incited against him. The republican Government was as much their idol as the Covenant was that of the Presbyterians. So *Cromwell* by being invested with the Protectorship, had offended them no less than the Cavaliers and Presbyterians. It was not easy to curb three Parties, which, if they could have resolved to unite, would have been strong enough to ruin him. But he knew such an union was very difficult, and yet it was not impossible, that particular men of each party, whether openly or privately, might combine for his destruction. The army was his only support, in which too there were republicans who hated him mortally, as appears in the *Memoirs of Ludlow*, one of the most inveterate against him. Nay, very likely, if he had been obliged to allemble the dispersed army, and the officers could have communicated their thoughts to one another, they would not have entirely obeyed him. As to the Royalists, he never wanted pretences to persecute them, which not only

pleased the other Parties, but was agreeable to their interests. As for the Presbyterians, as they were equally enemies of the Cavaliers and Independents, in keeping them low, he obliged these two last Parties, who knew, if the Presbyterians should again be superior, they would treat them no better than *Cromwell*. But the rigid Republicans were his most dreaded enemies, because he had no pretence against them. They had the more cause to complain, and speak freely, as *Cromwell*, being their head, had made use of them, under colour of acting for the publick, and brought them to labour for his own private advancement. So, to hold all these parties in subjection, he divided England into eleven districts, and established in each, officers, whom he called Major-Generals, with an almost absolute power, that they might be always ready to prevent or disperse insurrections. In this establishment his principal view was to awe the Republicans, though the pretence was to curb the Cavaliers. These Major-Generals became true tyrants, and so oppressed the People, that *Cromwell* at last was forced to reduce their power within much narrower bounds (7).

Though *Cromwell's* ambition inclined him to support by force the dignity conferred on him, he saw the ridiculousness of exercising an authority given by men who had no lawful power to bestow it. He easily perceived it to be a fertile source of plots and conspiracies against his person and government. There was no law by which he could punish the conspirators, since his dignity, far from having any solid foundation, was a pure usurpation. On such occasions therefore it was necessary to use a tyrannical power, and such violences might produce in the end very ill effects. To remedy this inconvenience, he had called a free Parliament in expectation of having his authority confirmed, but was disappointed. He resolved therefore, instead of a free Parliament, to call one, on which he might depend, and to use their authority to establish his own.

The Parliament, according to the natural meaning of the word, is the representative of the Nation, whose decisions and laws are looked upon as conformable to the sentiments of the People in general. The extreme respect, veneration, and attachment which the English have for the Parliament, are therefore not to be thought strange, since in supporting its privileges, they maintain their own liberty. But this supposes a Parliament agreeable to the constitution, composed of King, Lords, and Commons, with an entire freedom in the elections. A Parliament thus composed may truly be called the Nation's representative. It is unnecessary here to observe, that artifices, intrigues and cabals have sometimes altered this happy constitution. The frequent instances which have occurred in this History, render it unquestionable. We have seen Parliaments regardless of their Country's good, and devoted entirely to the will of the Prince. By others, Kings have been deposed, and their Sovereigns deprived of their most lawful prerogatives. But without being obliged to look so far back, it needs only be considered, what passed in the late Reign, particularly since December 1648. A Parliament reduced by force and violence to less than a hundred Members, brought the Sovereign to the Scaffold, abolished the House of Lords, destroyed Monarchy, changed the Government into a Commonwealth, and invested themselves with a supreme authority, under the specious pretence of representing the Nation, tho' without King and House of Peers. Nevertheless, tho' the constitution of the Parliament was entirely subverted, and tho' the name of Parliament, one would have thought, should not have deceived the people, that venerable name was still used to force them to obedience, on a groundless supposition. That an Assembly with only the name of Parliament was invested with all the authority of the most legal Parliament. Upon this foundation, these tyrants claimed a right to enact laws, to ordain, to decree, as the most regular Parliament might have done. I shall not stay to shew the extravagance of this pretension. Very probably, those that claimed it, were not themselves satisfied with it. But as they were destitute of all other foundation, they built upon this, though weak and insecure.

Cromwell's authority was no better supported. His usurpation was so visible, that a man must have wilfully shut

1655.

Confederates
Major-Ge-
nerals,
October,
III. p. 471.
Whitelock.
p. 474.
Ludlow.

Reflected
on the Parlia-
ment,
Clerendon,
III. p. 460.

1656.
Reflected
upon Parlia-
ment.

Upon Crom-
well's Au-
thority.

(1) A Gentleman of a good Family in *Cheshire*. Clerendon, Tom. III. p. 471.

(2) People could not imagine where the Fleet was to go. Some fancied it was to rob the Church of *Lewes*, which occasioned a Fortification to be drawn round it; Others talked of *Rome* itself; others of *Lisbon*, &c. Burnet, p. 73.

(3) The fleet, *Thomas Gage*, who had been a Priest, and was cured from the *High-Indies*, engaged him in this design, by giving him an account of the weakness as well as riches of the *Spaniards* in those parts. Burnet, p. 74. Whitelock, p. 521.

(4) *Foster* had in all, reckoning the Forces he took up at *Barbadoes*, above nine thousand Men with a Troop of Horse. Clerendon, Tom. III. p. 473.

(5) Ten Leagues more within. Whitelock, p. 527.

(6) The Consideration was deeply put into the mind of England, for by it the balance of the two Crowns of France and Spain was destroyed, and a foundation laid for the future greatness of the French, to the unspeakable prejudice of all Europe in general, and of the English Nation in particular, whose Interest it had been hitherto accounted so material that equality as near as might be. Ludlow, Tom. II. p. 159.—It is very remarkable, that, in this Treaty, *Cromwell* would not allow the French King to call himself King of France, but of the French, when he himself assumed the Title of Protector of England and France. And, what is more, in the instrument of the Treaty, *Cromwell's* Name was put before the French King's. Whitelock, p. 529.

(7) *Burnet* makes the number of Districts to be sixteen. The Major-Generals were, *Kelsey*, *Goff*, *Dishborough*, *Elstow*, *Shyres*, *Whalley*, *Baile*, *Berry*, *Windsor*, *Lambert*, *Brighthelm*, who was also Lieutenant of the Forces. They had all the Authority which was before divided among Committee-men, Judges of Peace, and other Officers. They could condemn to prison all English Persons, levied Monies, regulated trade who refused to pay, had power to sell Horse and Force upon occasion, and from them lay no appeal, but to the Protector himself. Clerendon follo, there were twelve. Tom. III. p. 475.—Thus you died *James Stewart*, Duke of *Rutland*, and the learned *James Usher*, Primate of *Armagh*.

1656. his eyes not to see it. He himself was so convinced of the unlawfulness of his power, that he would fain have had it confirmed by a free Parliament, being the only way which could furnish him with a plausible pretence to exercise it. But failing of success, he continued where he was, that is, invested with the dignity of Protector, by men who had no power to confer it. Wherefore, the authority of a Parliament appeared to him absolutely necessary to confirm him in his own. But, as he had experienced what was to be expected from a free Parliament, he refused to call one which might be more at command. He therefore summoned a Parliament to meet the 17th of September; but he took such just measures, that though the People seemed to enjoy a perfect freedom in the choice of their Representatives, he secured a majority of voices. Besides, he would admit no man into the House, who had not first promised under his hand, to do nothing against the established Government. This Parliament, composed of the Representatives of the three Kingdoms, met on the day appointed (1). But above a hundred Members refusing to sign the Engagement, were denied their seats in the House. The rest appeared ready to perform *Cromwell's* desires. An Act was forthwith passed, for renouncing the title of *Charles Stuart*, (for so they called the King) which was signed by all the Members. By another Act it was declared High-treason to attempt the life of the Protector. In short, in the space of some months, the Parliament liberally granted all the money desired by *Cromwell*, as well for the maintenance of the army and Government, as for the continuation of the war against *Spain*.

Some days before the Parliament met, *Blake* and *Montague*, their Admirals, falling in with eight Spanish ships, returning from the *West-Indies* richly laden, took two, and stranded some others. This action was performed near *Cadix*, where the English Admirals had long expected this fleet. *Cromwell* ordered the two prizes to be brought to *Portsmouth*, and the money and goods to be conveyed in waggon, in a fort of triumph, to *London*.

1656-7. In January 1656-7, a conspiracy against his person, was discovered by *Cromwell*, by one *Sindercomb*, discharged out of his guards. This man being convicted, and condemned to die, was found dead in prison, the day on which he was to be executed (2).

1657. About two months after, some Anabaptists were discovered, who had projected to kill *Cromwell*. Major-General *Harrison*, Vice-Admiral *Lewin*, Colonel *Rich*, Major *Danvers*, and some others, all Anabaptists, on suspicion of being concerned in the conspiracy, were put under arrest.

Since *Blake* and *Montague* had taken the two prizes, they had continued cruising off *Cadix*, in expectation of the Spanish fleet returning from *Peru*. As this fleet did not appear, that it should now have arrived, *Blake* had notice, it was retired to *Tenriff*, one of the *Canaries*, till the English fleet should be sailed from *Cadix*. Whereupon, he stood for the *Canaries*, the beginning of April, and found there the Spanish fleet, consisting of six Galeons richly laden, and ten other ships of less burthen. The commander of this fleet had anchored in the Bay of *Santa Cruz*, and taken all imaginable care to secure himself against an attack. The ten smaller ships were moored close to the land, and defended by two forts well mounted with guns, and several batteries erected on the shore. But the Galeons drawing more water, could not come so near the land, but lay farther off, with their broad-sides towards the Sea. *Blake* seeing no possibility of approaching the ten ships, resolved, notwithstanding the rashness of the undertaking, to attack the Galeons. Accordingly, with a fair wind, he approached the Galeons, received their fire, and boarded them. The particulars of this engagement are very confusingly related by the Historians. Thus much, however, is certain, that *Blake*, after an obstinate fight, possessed himself of the Galeons, and as the wind, which had brought him into the Bay, would not serve to carry them out, set them on fire. Immediately after, a land-breeze arising, put him safe to sea again. The Spaniards on this occasion sustained a very great loss, in ships, money, men, and merchandize: but the English acquired nothing but glory. *Blake* dying in his return to *England*, was pompously buried by *Cromwell*, in Henry the VIIth's chapel, among the monuments of the Kings.

1657. The Parliament, which met the 17th of September, continued their session without interruption, being employed in the most important affair that could ever come under their consideration. Whether *Cromwell* had now formed the project of his higher advancement, or the disposition of the House in his favour, inspired him with the thought, he suddenly became more popular than ever. He cared not for parties alike. The Presbyterians were told, he was not far from their sentiments; the Nobility met with great respect from him; and he appeared less incensed against the King's party. At last, after his friends and creatures had been long labouring to dispose men in his favour, [Mr. *Pack*] a Member of Parliament, and one of the City Aldermen, proposed, in direct terms, that he might be invested with the title of King. This proposition was immediately seconded by a great many Members (3), and it was even observed, that his known enemies very readily gave their consent to it. These imagined, there was no better way to ruin him, and excite plots against his life. But for the same reason, his principal friends opposed it with all their power. It is, nevertheless, very probable, he was privy to this proposal, though he thought not fit to tell it to *Deborah* his Brother-in-law, or *Fleetwood* his Son-in-law, from whom it met with the greatest opposition. This Contraband between *Cromwell's* friends, held those in suspense, who only intended to make their court to him, and caused them to be irresolute. Wherefore this proposal was debated in the House two days successively. In all appearance, the irresolute were informed, in this interval, what they were to do. However that be, it was at last carried by a majority of voices, that the Crown should be offered to *Cromwell*. Pursuant to this resolution, the House immediately appointed a Committee, to acquaint his Highness with what had been resolved for the public good. He seemed surprized at the offer, and told the Committee, he thought it very strange, the Parliament should entertain such a design: That he did not believe it proper for them to offer, nor would his conscience give him leave to accept it. The Committee expecting this answer, replied, They did not question but he would grant their desire, when he should be informed of the reasons which had induced the Parliament to take this resolution, and which they besought him only to hear. Whereupon, he appointed a day to hear what they had to say to him (4).

The Committee (5), on the day appointed, entertained him with long discourses, concerning the reasons on which the Parliament founded their request, of which the principal were: "That the people of *England* had for many ages been accustomed to the government of Kings: "That in changing this Government, there had necessarily been an abolition of many laws, customs, and formalities, and an establishment of others, which would never be endured by the people on account of their novelty: "That according to the laws of *England*, there could be no security to any Act concerning the Government, without the intervention and authority of a King: "That hitheerto, those concerned in the war, and the late changes, could not be safe, but would remain liable to dangerous inquisitions, agreeable to the laws of the land: "That the daily conspiracies against the present Government, clearly shewed, the people were inclined to a King, nor would be satisfied without one: In a word, That the Kingdom would never be in peace, till things were brought back to their ancient channel. That it was very true, the royal family had been rejected on account of their tyrannies; but this was no objection to the choice of a King of another family, nor could any Kingdom be produced, where the like had not happened, as well as in *England*."

These very reasons had been alleged in the debates in the House, and were answered by the Republicans to this effect: "That an oath had been taken to be faithful to the 'Commonwealth without a King; and to make a new King, was returning to *Egypt*. Where was the necessity of recurring to Kings, since it was agreed, they invaded the rights of the Subject? That it was advantageous that all the Subjects should be equally liable to be called to an account, that they might be more united amongst themselves. That if a King was at last necessary, they would chuse rather to have the true Heir to the Crown." *Cromwell* was not unacquainted with the

1657. *Debate, in the House concerning making an Offer of the Crown to Cromwell.* *Butter*, p. 67, 68. *Cromwell*, III. p. 461. *Whitelock*. The Proposal brought in by an Alderman of London, and seconded by others. *Feb. 21.* *Dr. Pride's* View, *London*, *Cromwell*, III. p. 461.

Cromwell waited on by a Committee, with the Offer of the Crown. *April 3.* *Cromwell*, III. p. 461. *House*.

Reasons laid before him to prevent him to accept it. *Apr. 11.* *Cromwell*, III. p. 461.

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(1) Sir *Thomas Widdington* was chosen Speaker. *Whitelock*, p. 651.

(2) He was tried at the Upper-bench-bar. The Court declared, "That by the Common Law, to compass or imagine the death of the chief Magistrate, by what Name soever he was called, whether Lord Protector, or otherwise, is High-Treason, and that the Statute 25 Hen. III. was only declaratory of the Common Law." *Whitelock*, p. 655.

(3) Particularly by *Charles Lord Lord Brough*, Chief Justice *Glyn*, &c. *Life of Cromwell*, p. 163.

(4) *Whitelock's* account is that: The Parliament had been long about the settling of the Nation, and had framed a writing, which they filed, *The Humble Petition and Advice of the Parliament of England, Scotland, and Ireland, to his Highness*. The first business of it was, for the Protector to have the Title of King. The Petition and Advice was presented to his Highness by the House, and he desired that a Committee might be appointed to confer with him about it, which was named, and *Whitelock* one of the Committee, was made Chairman. When the Committee attended his Highness, *Whitelock* spoke to him upon the Title of King, giving reasons why he should accept of it. The Protector urged his reasons against it, and his Highness replied. The whole debate is in print. *Whitelock*, p. 651.

(5) Of this Committee *Whitelock* was Chairman, and the chief Speakers were, the Lord *Brough*, Mr. St. John, *Glyn*, *Fleming*, *Life*, *Leveson*, Sir *Daniel Woffey*, Sir *Richard Ouseley*, and Colonel *James*. *Life of Cromwell*, p. 164.

1657. reasons alleged on both sides in the House, and therefore to show, he would neither accept nor refuse the offer without deliberation, he appointed the 8th of May for his final answer.

He is greatly perplexed, what choice to make. Whitelock, p. 556. Clarendon, lib. p. 465.

Burnet's Hist. p. 70.

Refuge the Crown, May 8. Clarendon, lib. p. 465. Hask.

In response to his Protectorship by one Parliament. Whitelock, London. T. lib. p. 591.

Contents of the Bill of the humble petition and Advice. Whitelock, p. 657. Clarendon, lib. p. 466.

It is pretended, that in this interval, he was in the utmost distraction, not knowing what to determine. His ambition prompted him to accept the offered Crown, the whole intrigue probably being directed by himself. But the disposition of his relations and principal friends made him tremble. For how could he promise himself allegiance from strangers, when he saw his own most intimate friends determined to abandon him? Nay, it is said, some of them threatened to kill him, and that he was informed of a plot to assassinate him, the moment he accepted the Crown. The very day, he was to give his answer, *Dorchester* and *Flitwood*, walking with him in St. James's Park, told him, if he accepted the Crown, they could serve him no longer. He was discouraged by all these things, at the very instant the Crown was going to be placed on his head. His answer therefore to the Committee was, that he could not accept the Government under the title of a King (1). Whether this refusal was for or against his interest, is a Problem that admits of great dispute. For my part, I believe, that being so able a Politician, he did not think the advantages equal to the inconveniences, of accepting the Crown.

Nevertheless, to reward in some measure for great a moderation, the Parliament confirmed his dignity of Protector, with more power than was annexed to it by the council of officers. This was done by a solemn Instrument, called *The Humble Petition and Advice* (2), the Parliament thereby showing it was not a Law to be imposed on him but an Advice, which was submitted to his judgment and discretion, with freedom to accept or refuse it, as he should think proper. The substance of it was:

"That his Highness *Oliver Cromwell* should, under the title of Protector, be pleased to execute the office of chief Magistrate, over *England, Scotland and Ireland*, and the territories and the dominions thereunto belonging, and to govern according to all things in that Petition and Advice. And also that he would in his lifetime appoint the person that should succeed him in the Government: That he would call a Parliament consisting of two Houses once in a year (3) at farthest: that those persons who are legally chosen by a free election of the People to serve in Parliament, may not be excluded from doing their duties, but by consent of that House whereof they are members: That none but those under the qualifications therein mentioned, should be capable to serve as members in Parliament: That the power of the other House be limited as therein is preferred: that the laws and statutes of the land be observed and kept; no laws altered, suspended, abrogated, or repealed, but by new laws made by Act of Parliament: That the yearly sum of a million of pounds *Sterling* be settled for the maintenance of the navy and army; and three hundred thousand pounds for the support of the Government; besides other temporary supplies as the Commons in Parliament shall see the necessities of the nation to require: That the number of the Protector's Council shall not exceed one and twenty, whereof seven shall be a *Quorum* (4). The chief officers of the State, as Chancellors, Keepers of the Great-Seal, &c. to be approved by Parliament: That his Highness would encourage a godly Ministry in these nations; and that such as do revile and disturb them in the worship of God, may be punished according to law; and where laws are defective, new ones to be made: That the Protestant Christian Religion, as it is contained in the Old and New Testament, be asserted and held forth for the publick profession of these nations, and no other; and that a confession of Faith be agreed upon, and recommended to the people of these nations; and none to be permitted, by words, or

"writing, to revile or reproach this said Confession of Faith."

The general terms in which the three last articles concerning Religion are expressed, plainly show, that the intention of the Parliament, or rather of *Cromwell* who directed them, was, to oblige equally the Presbyterians and Independents. The first, by supporting the Ministry, upon the present establishment, and the others, by introducing into religion, a latitude which left every man free to believe and practise as he pleased, and both parties, by equally flattering them with a confession of Faith, in which each party should find their account. The Episcopalians alone could not expect any advantage.

Cromwell having solemnly sworn the punctual observation of these articles, appointed the 16th of June for the day of his Inauguration, which was performed with great pomp (5). He was, doubtless, of opinion, that this second Inauguration was necessary to supply the defects of the first, which had been made without any lawful authority. This done, the House adjourned to the 20th of January 1657-8.

Since the renewal of the ancient treaties between *France* and *England*, another negotiation was begun for a league offensive and defensive against *Spain*. This negotiation led on foot by the Ambassador of *France* in 1656, at *London*, was concluded at *Paris* the 13th of March 1657, by a treaty of League, importing, that *Cromwell* should join six thousand men with the *French* army; that *Mar-dyke* and *Dunkirk* should be besieged, and when taken, delivered to the *English* (6).

King Charles being informed of this negotiation, sent a trusty messenger to *Arch-Duke Leopold*, first Governor of the *Low-Countries*, to offer a League with *Spain*. The King's design was to give himself some reputation by a league with that Crown; and, besides, he wished to reside in the *Low-Countries* in order to be nearer *England*, in case his preference there should be necessary. The Arch-Duke accepted the proposal, believing, if the King of *England* was attached to *Spain*, he would have credit enough to draw the *Irish* forces from the *French*, into the *Spanish* service. This was all the advantage *Spain* could expect from a junction with a Prince, who had properly nothing to offer. Besides he was to be subsided, when he should be deserted by *France*. However this be, the King and the Arch-Duke concluded a treaty, by which the King's residence at *Bruges* was only to be connived at by *Spain*, which was little able to maintain him according to his dignity. *Spain* was moreover to furnish him with six thousand men, as soon as he should be possessed of some good port in *England*. The King, satisfied with these conditions, because he had nothing to offer to procure better, signed the treaty which was ratified by the King of *Spain*. With the ratification, *Philip* settled upon the King April, a monthly pension of six thousand *Guineas*, and another of three thousand upon the Duke of *Gloucester*, who had been sent out of *France* by his brother the King, where his mother was perishing with intent to change his Religion. So, the King left *Cologne* in April 1657, and retired to *Bruges*, at the same time that *Arch-Duke Leopold* resigned the Government of the *Low-Countries* to *Don John of Austria*, natural son of *Philip IV*. Afterwards, the King prevailed with the Lord *Maukerry*, Colonel of an *Irish* regiment in the service of *France*, to desert that service, and join the *Spanish* army with his regiment. He also found means to cause four regiments, of *English*, *Scott* and *Irish*, to come in single companies, and offer him their service. These regiments, though not in very good order, served in the *Spanish* army.

As soon as the Treaty of league between *France* and *England* was signed, Cardinal *Mazarin* signified to the Duke of *York*, that he was to retire out of the Dominions of *France*. All the *English* of the King's party, in the service of *France*, had the same orders, and amongst the rest the Lord *Digby*, now become Earl of *Bristol* upon the

(1) Though a Crown was actually made, and brought to *Whitehall*. *Hume*, p. 100.

(2) The Reader may find it in *White's* *Mem.* p. 87.

(3) This expression is taken from the clause inserted in most constitutions, in which, after the number of commissioners is fixed, the King appoints some particular persons amongst them, who are to be present to give a validity to all acts done in virtue of the commission, and this he does by saying, *quorum ego sumus columen*, &c. *Reps.*

(4) A place being prepared at the upper end of *Whitehall* Hall, in the middle of it was set a rich cloth of State, with a chair of State under it, upon an ascent of two steps. Before it a table and chair for the Speaker, and on each side of the Hall covered with one over another, for the Members. About two o'clock his Highness came, the Earl of *Warwick* carrying the Sword before him, (and being the only Noblemen that was present at this solemnity, *See Lad-wood*, *Tom.* 2. p. 194.) and the Lord-Mayor of *London*, with the City-warden. His Highness standing under the cloth of State, the Speaker presented to him a Rubric of purple velvet lined with Ermine, which Sir *J. Wolvenstone* the Speaker, offered by *Whitehall*, not upon him. Then he delivered to him two Bible richly gilt and bound; after that he girt on his Sword, and delivered into his hands the Scepter of costly Gold, and then made a Speech to him, and gave him the oath. After this, the People gave several shouts, and the trumpets sounded: The Protector rose in the chair of State, holding the Scepter in his hand, on his right side sat the Ambassador of *France*, on the left the Ambassador of the United Provinces: Near him stood Sir *John Richard*, Forward Lord Deputy of *Ireland*, *Clarendon* Master of the House, the Council and others of State. The Earl of *Warwick* held the Sword on the right, and the Lord-Mayor the City-Sword on the left side of the Chair. Near the Earl of *Warwick* stood *Vilcount Lytle*, General *Monck*, and *Whitlock*, each of them with a drawn sword in their hands. Then the trumpets sounded, and a Herald proclaimed his Highness's Title, and Proclamation was made to the People, saying, *God save our Protector*. The Ceremonies being ended, he went in State to *Whitehall* Hall Gate, where he took Coach, and went to the House, and passed some days. *Whitehall*, p. 66.

(5) Some authors, by confounding the two Crowns, the one of the 23d of October 1655, and the other of the 3d of March 1657, have fallen into some mistakes. *Reps.* See *Collect.* of *Straker*, *Tom.* 3.

(6) Done in three years, or oftener. *Ibid.*

1657. death of his Father, and a convert to the Catholick Religion. All these *English*, dismissed from *France*, retired into the *Low-Countries*, some to their King, and the rest to *Dona John of Austria*, to seek employment in his army.

In consequence of the league, *Cromwell* sent six thousand men of his best troops into *France* under the command of *Reynolds*, who had concluded the Treaty at *Paris* in quality of his Ambassador. In this Campaign, the *French* took several places from the *Spaniards*, and amongst the rest *Mordyk* which was delivered to the *English*. *Reynolds* was unhappily drowned in his return to *England*, and was succeeded in the command of the *English* forces in the service of *France*, by *Lockhart* a *Scotchman*, and Ambassador to that Crown.

As by the 2d article of the Humble Petition and Advice, the Protector was every year to summon a Parliament, consisting of two Houses, *Cromwell* resolved to observe that article, which had been inserted in the instrument by his sole direction. He therefore chose a certain number at his own pleasure, to compose the other House. Most of these were officers, or other persons devoted to him, to whom he added some of the antient Peers; but they refused to take their seats with these men (1). This choice being made, he issued out Writs for their meeting in Parliament, in a separate House, the 20th of *January* 1657-8. His intention was to have this House considered as a House of Peers, and invested with the same privileges, the Peers had formerly enjoyed. He durst not however give it that name, but contented himself with calling it the *Other House*, till a more proper name could be given it (2).

Cromwell, as hath been observed, had created himself many enemies, not only amongst the Royalists and Presbyterians, but even among the Independents themselves. These last were extremely provoked at his having made use of them for his advancement, under colour of labouring with them to establish a Republican government. The Sequel had shown them, that in suppressing Kingly power, he had never intended to abolish the Monarchy, since under the name of Protector, he had seized the supreme power. They therefore looked upon him as the most perfidious of men, and were not less his enemies than the Presbyterians and Royalists. He was supported only by the army, filled by himself with Fanatics and Enthusiasts, who imagined the time was come to erect a Fifth-Monarchy, or the Reign of *Jesus Christ* upon earth. *Cromwell* was not ignorant, his enemies had designed to destroy him, on pretence of raising him higher, and this had made him refuse the title of King. It was also to break their measures, that he had asked and obtained a power of erecting another House, to oppose it occasionally to the House of Commons, where he knew he had but too many enemies, of which he had cause very soon to be still more sensible.

His enemies having had time to concert their measures during the adjournment, took another course to destroy him when the Parliament re-assembled. As by the III^d article (3) of the humble Petition and Advice, it was said, the Members legally chosen, should not be excluded without the consent of their House, a motion was made to admit all the elected Members, who had refused to sign the Engagement. This motion was so suddenly received and approved, that *Cromwell* had not time to oppose it, and he could have done it, so much the less, as it was founded on a solemn act, which he had sworn to observe. By this means above a hundred Members, Republicans and Presbyterians, all enemies to the Protector, were admitted into the House of Commons (4).

From that time, the face of affairs began to change, *Cromwell's* enemies having gained the superiority in the very House which would have made him a King. As they had formed great projects against him, their first care was to hinder the *Other House*, wholly consisting of his creatures, from using their pretended negative voice to break their measures. The authority therefore of the *Other House* was called in question, and it was affirmed to be absurd, that they should have a negative voice, since the Commons, by whom they were created, never pretended to make Peers, of men who had no other power than what they voted them. It was added, that therefore it was said in the Humble Petition and Advice, that the power of the *Other House* should be limited. *Cromwell*, perceiving to what all this tended, sent for the Parliament to *Whitehall*, and in a speech maintained the authority of the *Other House* with such vehemence, that the Commons fearing an immediate dissolution, found it ne-

cessary to acknowledge the *Other House* as an essential part 1657-8. of the Parliament.

Notwithstanding this, the Commons took into consideration the Humble Petition and Advice, and many were of opinion, it was null and void, because it was made when many Members were excluded from the Parliament, without any lawful cause. This manifestly tended to a Revocation of the Act, and withal of the subsequent confirmation of *Cromwell's* Protectorship. *Cromwell* was too quick-sighted not to see how much it concerned his interest, not to suffer this Parliament to sit any longer. Wherefore he came to the *Other House* and sending for the Commons, spoke to them in these terms:

"I had very comfortable expectations that God would make the meeting of the Parliament a Blessing; and the Lord be my witness, I desire the carrying on of the affairs of the Nation to these ends. The blessing which I mean, and which we ever climbed at, was mercy, truth, righteousness, and peace, which I desire may be improved."

"That which brought me into the capacity I now stand in, was the Petition and Advice given me by you, who, in reference to the antient Constitution, did draw me to accept of the place of Protector. There is not a man living can say I fought it; no, not a man, nor woman treading upon *English* ground; but I, contemplating the sad condition of these nations, relieved from an intestine war unto a fix or seven years peace, I did think the nations happy therein. But to be petitioned thereunto, and advised by you to undertake such a Government, a burden too heavy for any creature, and this to be done by the House that then had the legislative capacity, I did look that the same men that made the frame, should make it good unto me: I can say in the presence of God, in comparison of whom we are but like poor creeping ants upon the earth, I would have been glad to have lived under my Wood-side, to have kept a flock of sheep, rather than undertake such a government as this is; but undertaking it by the Advice and Petition of you, I did look that you that had offered it unto me should make it good."

"I did tell you, at a conference concerning it, that I would not undertake it, unless there might be some other person that might interpose between me and the House of Commons, who then had the power to prevent tumultuary and popular spirits, and it was granted I should name any other House; and I named it of men that shall meet you wheresoever you go, and shake hands with you, and tell you it is not Titles, nor Lords, nor Parity, that they value, but a Christian and an *English* Interest, men of your own rank and quality, who will not only be a ballance unto you, but to themselves, while you live *England* and Religion."

"Having proceeded upon these terms, and finding surh a spirit as is too much predominant, every thing being too high or too low, when virtue, honesty, piety and justice are omitted: I thought I had been doing that which was my duty, and thought it would have satisfied you; but if every thing must be too high or too low, you are not to be satisfied."

"Again, I would not have accepted of the Government, unless I knew there would be a just accord between the Governor and the Governed, unless they would take an oath to make good what the Parliament's Petition and Advice advised me unto; upon that I took one oath, and they took another oath upon their part answerable to mine; and did not every one know upon what condition they swore? God knows, I took it upon condition expressed in the Government: And I did think we had been upon a foundation, and upon a bottom; and thereupon I thought my self bound to take it, and to be advised by the two Houses of Parliament. We standing unstilled till we were arrived at that; the consequences would necessarily have been confusion, if that had not been settled. Yet there are not constituted hereditary Lords, nor hereditary Kings; the power consisting in the two Houses and my self. I do not say, that the meaning of your oath was to you, that were to go against my own principles, to enter upon another man's conscience: God will judge between me and you: If there had been in you any intention of settlement, you would have settled upon this basis, and have offered your judgment and opinion."

(1) *Ludlow* says, None of the antient Nobility, except the Lord *Evers*, sat in the *Other House*. The Earl of *Warwick* himself, though his Grandson had married one of *Cromwell's* daughters, would not be persuaded to sit with Colonel *Burton*, and Colonel *Prich*, whereas the One had been a *Shutemaker*, and the other a *Drayman*. *2^{em} Tim.* 2. p. 591.

(2) The form of the writs was the same with those which were used to be sent to summon the Peers in Parliament. They were in all fifty; twenty, of *England*, *2^{em} Tim.* 2. p. 582; among whom were seven Noblemen, Knights, and Gentlemen of antient Families, and good Estates, and nine *Catholics* and *Officers* of the army. This in *Widdelock's* account, who was one of them, and who has given us the names of all the fifty. Among whom were four Earls, two Viscounts, and several Lords, as the Reader may see, p. 665; of *Widdelock's* *Memoirs*. And here again, there is notice in *Widdelock's* *Memoirs*.

(3) *Rapin* says the IVth. See the Petition in *Widdelock*, p. 637.

(4) Among whom particularly were Sir *Harry Vane*, *Haynes*, and many others of great credit and learning.

1657-8. "God is my witness, I speak it, it is evident to all the world and people living, that a new business hath been seeking in the army against this actual settlement by your consent; I do not speak to these Gentlemen or Lords, (pointing to his right hand,) whatsoever you will call them, I speak not this to them, but to you; you advised me to run into this place to be in a capacity by your advice; yet instead of owning a thing taken for granted, some must have I know not what; and you have not only disowned your selves, but the whole nation, which is in likelihood of running into more confusion in this fifteen or sixteen days that you have fate, than it hath been from the rising of the last session to this day, through the intention of devising a Commonwealth again, that some of the people might be the men that might rule all, and they are endeavouring to engage the army to carry that thing; and hath that man been true to this nation, whoever he be, especially that hath taken an oath, thus to prevaricate? These designs have been upon the army, to break and divide us: I speak this in the presence of some of the army, that these things have not been according to God, nor according to truth (pretend what you will.) These things tend to nothing else, but the playing the King of Scots his game, if I may so call him; and I think my self bound before God, to do what I mean to prevent it. That which I told you in the *Banqueting-House* was true, that there were preparations of force to invade us; God is my witness it hath been confirmed to me since within a day, that the King of Scots hath an army at the Water-side ready to be shipped for *England*. I have it from those who have been Eye-witnesses of it. And while it is doing, there are endeavourers from some who are not far from this place, to stir up the people of this town into a tumult: What if I laid into a rebellion? and I hope I shall make it appear to be no better, if God assist me; it hath been not only your endeavour to pervert the army, while you have been sitting, and to draw them to flate the question about a Commonwealth, but some of you have been lifting of persons by commission from *Charles Stuart*, to join with any insurrection that may be made: And what is like to come upon this (the Enemy being ready to invade us) but even prebent blood and confusion? And if this be so, as I do assign to this cause your not assenting to what you did invite me to by the Petition and Advice, as that which might be the settlement of the nation, and if this be the end of your sitting, and this be your carriages, I think it high time than an end be put unto your sitting, and I do dissolve this Parliament: And let God judge between me and you." At which many of the Commons cried *Amen*.

When the Parliament was dissolved, *Cromwell* suspected, or perhaps being informed, that *Lambert* was one of the principal authors of the plot formed against him, dismissed him from all his employments (1). *Fleetwood* was recalled from *Ireland* to succeed *Lambert* in the Lieutenant-Generalship, and *Henry Cromwell*, younger Son of the Protector, was sent into *Ireland* in *Fleetwood*'s room. Since *Cromwell* had been confirmed in the Protectorate, he had called his eldest Son *Richard* to Court (2), and made him Chancellor of the University of *Oxford*. He had married his second daughter to the Lord *Falconsbridge*, and his third to Mr. *Rich*, Grand-son to the Earl of *Warwick*. His eldest had been long since married to Mr. *Claypole*, and a fourth lived unmarried, if I am not mistaken, till the reign of *William III.* (3). Soon after the dissolution of *Lambert*, *Cromwell* so reduced the authority of the Major-Generals, that they had no longer the power, as they had before, of oppressing the people. In all appearance, they were deeply concerned in the plot to gain the army, mentioned by *Cromwell* in his Speech to the Parliament. It is pretended, he meant to make a greater reform in his army, and was resolved to dismiss every person of suspected fidelity. But he had not time to execute this project.

It was not without reason that *Cromwell* spoke of a conspiracy forming in *England* in favour of the King. The Royalists ever believing, that all who were enemies either of *Cromwell*'s person or government, were the King's secret friends; built upon that foundation to place him on the throne by the assistance of his greatest enemies. This would appear incredible, if they had not given frequent instances of their prejudice. The project was, as usual, to raise insurrections in several parts of the Kingdom, in the belief, that the King's private Friends would not lose the occasion of joining those who should be in arms. The principal managers of this plot were *John Mordaunt* brother of the Earl of *Peterborough*, Sir *Henry Slingby* a rich and popular man in the county of *York*, and Dr. *Hewet* a Minister of the Church of *England*. This Plot had been represented to the King in so advantageous a manner, by reason of the general discontent under the present Government, that he conceived hopes of success. And therefore he had himself made some preparations in the *Low-Countries*, and the four regiments raised by him, and after the miscarriage of the design, added to the Spanish army, were intended for his service. He had moreover sent commissions into *England*, for those who would engage in his interest. One of these Commissions to raise a regiment of Horse had been granted to one Mr. *Stapley*, whose father had been *Cromwell*'s great friend, and one of the King's Judges. *Cromwell*, upon some intimation, sent for *Stapley*, and artfully drew from him a confession of whatever he knew, and that he had received his commission from Mr. *Mordaunt*. He also told him, the Marquis of *Oxford* had been at *London*, and stayed there three weeks to concert measures with the conspirators, and give them his directions, which was true. The Earl of *Clarendon* intimates, the Marquis had not found things in *England* ripe for the execution of what was intended, and yet the great number of Commissions show, that the Court had a better opinion of the undertaking. However this be, the Marquis had the good fortune to leave *England*, and return to the King, before *Cromwell* knew, he had been there. Immediately after the dissolution of the Parliament, *Mordaunt*, *Slingby* and *Hewet* were committed to the Tower, and many of their accomplices, were apprehended in all parts of the Kingdom. After which, *Cromwell* erected a High-Court of Justice (4) for trial of the criminals, and especially of the three principal. Mr. *Mordaunt* escaped death by means of his wife, who bribed some of the Judges, and prevailed with [Colonel *Mallory* (5)], one of the two witnesses against her husband, to make his escape. Sir *Henry Slingby* and Dr. *Hewet* were condemned and executed (6). Before the same Court were tried, condemned, hanged and quartered for the same crime, *Affens*, *Stacy*, and *Battley*. Some others were condemned, and pardoned by *Cromwell*, not to multiply any more the number of his enemies. It is certain he had a great many; and that those who had been most attached to him while he was believed to be in their views, hated him mortally, when they found themselves deceived.

The Earl of *Clarendon* relates on this occasion a long address to the King, from several Independents, Quakers, some *Sectaries* and Anabaptists, brought him by a young Gentleman (7), wherein they supplicated the death of *Cromwell* to be near, which seemed to intimate a design to assassinate him. To this address were annexed some conditions required of the King, with which certainly he could not comply. Wherefore he contented himself with returning a general answer, that he did not intend to persecute or trouble any men for their opinions, if their actions were peaceable, and that they might hope for his favour, if he received service from them; by which he seemed to encourage them to execute their design. It is certain, these men abhorred *Cromwell*, but depended too much on their own strength, and filled their heads with chimerical designs. After all, though their projects should have succeeded, the King would have received no advantage, their principles being so opposite to his. Probably, their intention was to make use of the King to accomplish their aim, but not to place him on

(1) But however, allowed him two thousand pounds a year. *Ladlow*, Tom. 2. p. 194.

(2) He had till this time lived privately at *Marly* in *Hamshire*, upon the fortune brought him by his wife, who was *Dorothy*, eldest Daughter of *Richard Major*, Eldest *Clarendon*, Tom. 3. p. 469.

(3) The marriages of his Daughters; *Mary* to the Lord *Falconsbridge*, and *Irene* to Mr. *Rich*, the Earl of *Warwick*'s Grandson, were celebrated with ceremony in November then in use, but privately afterwards, according to the rites of the Church of *England*. *John Bridger* and two *Holbachs*, *Terre* and *Fleetwood*; and *Elizabeth* (whom *Rapin* by mistake says lived unmarried) was wife to *Claypole*. The Lady *Falconsbridge* lived to extreme old age.

(4) Of which *Whitelock* was one of the commissioners; but never sat with them, it being against his judgment. He was for trying the conspirators in the ordinary court of Common Law; but, says he, his Highness was too much in love with the new way, which he thought to be more effectual, and so did the most virulently the offenders. *Mem.* p. 673.

(5) He had been crucified by Mr. *Mordaunt* in the business of *Sejfer*, and apprehended about the same time with *Stapley*. He was brought from the Tower in custody, to give in evidence against Mr. *Mordaunt*, but was prevailed with, when he was brought to the Hall, to withdraw from his guard, and slip away in the crowd. *Ladlow*, Tom. 3. p. 436.

(6) They were both beheld on *Tom-bell*, June 8. *State-Trials*, Tom. 2. p. 296. *Hewet*'s greatest crime was colluding and lending money to the King, and dispersing his commissions. *Mrs. Clapton* used all her interest with her Father the Protector, to save the Doctor's life, but without success; which doubt is sufficient here, that it was supposed to be one cause of her death; she dying August 6. *Idem.* p. 435. *Ladlow*, Tom. 2. p. 607.

(7) *Stapley* was not the person sent with the address, (as *Rapin* says by mistake) though he was an Agent both for these people and the *Spaniards*. He was an illiterate but sensible man, so far from being, and acted only a common Soldier in *Cromwell*'s troops. The person that brought the Address, was, the Lord *Clarendon* says, a young Gentleman of an honorable extraction. *Clarendon*, Tom. 3. p. 488, 499.

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Dunkirk
Clarendon
III. p. 500.

The Battle
of Dunbar
Id. p. 502.
Whitelock.

Dunkirk
delivered to
Cromwell
Clarendon
III. p. 504.
Lucius.

Clarendon
III. p. 505.
Whitelock.

Cromwell's
Dunkirk.

Defect and
Character
Life of
Cromwell
Appendix
p. 437.
Wates.

Warwick's
Mem.
p. 297.

In June, this year, Marshal Turenne, General of the French army, besieged *Dunkirk*, contrary to the opinion of *Don John of Austria*, who expected that he would have opened the campaign with the siege of *Cambray*. As this belief had made him neglect to provide for the defence of *Dunkirk*, he was forced to hazard a battle to save that place, which was not in a condition to make a long resistance. But this battle proved fatal to the Spaniards, who were entirely defeated (1), and the siege was continued by Turenne, who made himself master of *Dunkirk* the 26th of June. The town, in pursuance of the treaty with England, was surrendered to Cromwell, who placed a strong garrison in it, and made *Lockhart* the Governor (2).

Cromwell had for some time, appeared more uneasy and fearful than ever. This is not very strange, since he had informations from divers parts, of a design to assassinate him, by some of his former most zealous adherents. This caused him to use new precautions, as not to lie two nights together in the same chamber, nor appear in public without a strong guard. But all these precautions to avoid a violent, could not secure him from a natural death. In August, this year, he was seized with a fever at *Hampden-Court*, which at first had no dangerous symptoms, but his distemper daily increasing, he was removed to *Whitehall*, where, after nominating his eldest son *Richard* for his successor, he expired in the 60th year of his age, on the 3d of September, on which day he had gained the two great battles, of *Dunbar* in 1650, and of *Worcester* in 1651 (3).

Cromwell's family was originally of *Glamorganshire* in *Wales*, and called *Williams*, one of which marrying a Sister of Cromwell Vicar-General in the Reign of *Henry VIII.* assumed the name of *Cromwell*, and transmitted it to his posterity. *Oliver Cromwell* was born at *Huntington*, April 25, 1599. His Education had nothing extraordinary (4), nor is it known how he spent his time before he arrived at the age of thirty five years, when he began seriously to reform his manners and lead a very regular life, without indulging himself in any indecent or ill action. Probably he then, if not sooner, engaged in the Presbyterian party (5). The reputation he had acquired of an honest man and good Christian, and doubtless his principles concerning the government, were the cause of his being returned for the town of *Cambridge*, to the Parliament which met the 3d of November 1640 (6). He sat two years without being distinguished, nor having a genius for speaking to place him upon a level with some of the Members of that Parliament. His delivery was ungraceful, and his Speeches prolix and confused. It was, probably, in these two years that he was gained by the Independents, and lifted in their party, though concealed under the name of rigid Presbyterians. Agreeably to the views and interests of that party, Cromwell afforded an extraordinary zeal for Presbyterianism, and the liberty of the Nation against the usurpations of the Court, in which he followed the directions of the then leading Members of the House. So, when the civil war began in 1642, he had a Post in the army, as a man entirely devoted to the House of Commons, of which he was Member. He was at first a Major of Horse, and though he was two and forty years of age before he had drawn a sword, he was so distinguished by his valour in that office, that he had soon after a Regiment given him. There was not in the army an officer that faced danger with more intrepidity, or that more ardently sought occasions to signalize himself. His reputation increased to such a degree, that he became Major-General, then Lieutenant-General under *Fairfax*, and at last his Successor. His great talents for war gave him occasion to show, that he had no less genius for civil affairs. He entered into the deepest details of his party, and at last became one of the principal leaders, advancing here with the same rapidity as in the army. It was he, who accusing the Earl of *Manchester* of not having done his duty in the second battle of *Newbury*, broke the ice, and gave occasion to the new model of the army, which was

the first step to the triumph of the Independents. From that time, he was looked upon as the chief of the Independent party, and properly as General of the army. *Fairfax* being only as directed by Cromwell, I shall no further insist upon what has been related at large, but only observe, that the troops believed themselves invincible under his command, and that he was never once forced to turn his back. The Victory gained over Prince *Rupert* at *Marston-Moor*, was chiefly ascribed to his valour. The reduction of *Ireland* in less than a year, greatly increased his fame, and the battles of *Dunbar* and *Worcester* carried it to the highest degree.

Let us now view him in his government after he was Protector. If his government be compared with those of the two last Kings, there will appear a very great disparity with regard to the glory and reputation of the English Nation. *James I.* and *Charles I.* seemed to have studied to disgrace the English name, whereas Cromwell, in the space of four or five years carried the glory of his Nation as far as possible, and in that respect was not inferior to *Elizabeth* (7). He made himself equally dreaded by *France* and *Spain*, and the *United-Provinces*. These three States courted his alliance and friendship with such ardor, that they may be said to cringe to him beyond what was becoming. *Charles Gustavus*, King of *Sweden*, thought himself honoured in being his ally and particular friend. His greatest enemies cannot help praising him on this account.

As for his morals and conduct, as a private person, they may be said to have been very regular. He was guilty of none of the vices to which men are commonly addicted. Gluttony, Drunkenness, Gaming, Luxury, Avarice, were vices with which he was never reproached. On the contrary, it is certain, he promoted virtuous men; as, on the other hand, he was inflexible in his punishments of vice and ill actions. It is true, his own preservation obliged him sometimes to employ men of ill principles, but this is not uncommon to those, who are at the head of a Government.

Though, as to his Religion, he was an Independent, his principle was to leave every man at liberty in the Religion he had chosen, and never persecuted any person on that account. He even connived at the private meetings of those, who remained attached to the Church of England, though he was well informed of them. If they were not favoured with the free and public exercise of their Religion, it was because they were considered by him as Royalists, always ready to form plots in the King's favour, and from whom, consequently, he had great reason to secure himself. Though he was in the sentiments of the Independents, and therefore averse to all union with the national Church, he however considered all Protestant Churches, as part of the Protestant Church in general; and without aiming to establish Independency and Fanaticism by force and violence, he expressed, on all occasions, an extreme zeal for the Protestant Religion. Dr. *Burnet*, in the History of his own Times, says, That if Cromwell had accepted the title of King, he intended to establish a Council, in imitation of the Congregation *de propaganda fide* at Rome, to have an eye to what passed all over the world, with regard to the interests of the Protestant Religion. He adds, that a fund was to have been settled upon this Council, of ten thousand pounds a year, for ordinary emergencies, besides a salary of five hundred pounds a-piece to four Secretaries.

It may also be added, to Cromwell's honour, that never man was better acquainted with the inward springs of human actions, though he seemed not to have made it his particular study: Never man had more address to manage people, and lead them to his ends, nor more natural capacity for affairs, which had received no assistance from learning; for he scarce remembered the little *Latin* he had brought from school: In a word, never man chose at once his most advantageous course with more judgment, or executed a design with more vigour and readiness. Such, in short, were the virtues and shining qualities of Cromwell; but we must not conceal the vices and imperfections with which he is charged.

This charge turns solely upon three points. The first, that through a boundless ambition, he seized a Government

(1) Chiefly by means of *Lockhart*, (who had married Cromwell's Niece) and his fit thousand English Foot. *Clarendon*, Tom. 3. p. 502. — There were twelve hundred Spaniards slain, and two thousand taken prisoners. *Whitelock*, p. 673.

(2) The French General had several orders not to deliver that place to the English. But Cromwell had an information of it, though it was known but to four persons, and rebuked that order inconsiderate, as the Reader may see in *Whitelock*, p. 56.

(3) *Whitelock* says, Cromwell went to visit the grave the same day he had obtained the victories at *Dunbar* and *Worcester*: after his many great actions and reverses, he never died quietly in his bed. Some were of opinion he was poisoned. *Mem.* p. 674. — There was that day one of the greatest storms of wind that ever was known. *Clarendon*, Tom. 3. p. 505.

(4) His education was suitable to his birth, he being first sent to *Cambridge*, and then to *Lincoln's Inn*.

(5) In 1637, Cromwell, *Majesty*, *Harpley*, and some others, resolved to take refuge into *New-England*, (on account of the persecution raised by Archbishop *Land* against the Puritans) and were actually embarked for that purpose; but they were prevented, by a Proclamation against transporting the Majesty's Subjects to the Plantations in *America*; and by an order of Council, for stopping eight ships in the river of *Thames*, prepared to go for *New-England*, one of which Cromwell was. *Life of Cromwell*, p. 15.

(6) The reason of his being chosen, was, because he opposed the draining the Fen-lands in the life of *Eg*, which was then proposed, and not liked by the town of *Cambridge*. *Ibid.*

(7) He said once in Parliament, "That he hoped he should make the name of an Englishman, as great as ever that of a Roman had been." *Barrow*, p. 81.

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Burnet's
Hist. p. 81.

Whitelock

p. 77

Burnet
p. 635

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1658. to which he had no right. The second, that he maintained himself in his post, by an excessive diffimulation. The third, that he put to death many of his private enemies, without any regard to Laws immemorably practised in England. Upon these three articles I shall offer some considerations to the Reader, to assist him in forming a just idea of Cromwell's character.

Upon the first, it must be considered, that though the Royalist Authors traduce Cromwell's memory as much as possible, and though in particular, the action by which he was possessed of the Government, is the principal foundation of all their complaints, it is certain, the King was no way interested in the change it produced. It was not Charles II, but a Republican Parliament, that was deprived of the supreme power by Cromwell. Though he had been subjected to this Parliament; though he had miscarried, and himself been ruined by his ambition, the King's affairs would have received no advantage, since the Parliament was not left his enemy than Cromwell. Of what therefore do they complain with respect to the King? It must be one of these two things, either that Cromwell was too wise, to suffer himself to be supplanted by all the efforts of the Royalists; or that, after seizing the supreme power, he did not restore it to the King, to whom alone it belonged; that is, that Cromwell did not at once turn Royalist, and entirely change his principles. But this charge lies no more against Cromwell, than against all the Independents and Presbyterians, who were at least three parts in four of the Kingdom, and who, no more than Cromwell, thought it proper to declare for the King.

As for the Republicans, they have not left us many writings on their side. The only *Memoirs* of that party, which I know of, are those of Edmund Ludlow. It appears there, that the Republicans were enraged against Cromwell, and deemed him the most perfidious of men. This is not very strange, since he had wrested from that Parliament the sovereign power, seized by these Republicans without any lawful authority. But, what was this Parliament? It was an assembly of Independents, Anabaptists, Fanatics, Enthusiasts, and others of no Religion, who, under colour of establishing a free Commonwealth, held the nation in servitude; who, to confirm their own authority, had treated their fellow-members with unheard of violence, and dared to embroil their hands in the blood of the late King, at a time when he had almost granted every thing that was desired; who, in short, were industrious to break the union of the Church, to subvert all Religion, or introduce the most ridiculous and extravagant one. Was it therefore more eligible for England to be governed by these men, than by a Cromwell? If, therefore, Cromwell be blameable, it is not for dissolving a Parliament, which certainly deserved to continue no longer, and had strangely abused the power they had assumed. But if, after the dissolution of that Parliament, Cromwell had restored the King, (for this, in all appearance, is what the Royalists would have) he had drawn upon himself the hatred and curses of all England, which, at that time, was by no means disposed to such a reformation, whatever the Royalists may say. He was, therefore, to do one of these three things; either to restore the King, contrary both to his own principles, and to those of the Presbyterians and Independents; or to abandon the State to a horrible Anarchy, which must have followed, if he had left things in the state they were in after the dissolution; or to take himself the administration of the Government, unless he had intrusted it with some other person, which, in respect of the justice of the action, had been the same. Let it now be examined, which was most advantageous for England, considering her circumstances, and whether it was not better, he should himself take the Government, than attempt a reformation, in which he could never have succeeded? Since his sole support was the army, which at that time was very opposite to the King, not to mention the opposition he would have met from the Republicans and Presbyterians. On supposition that he was in the right to dissolve the Parliament, was it not also better for him to assume the Government, than relinquish the State to a fatal Anarchy? Those who pretend, he had long before projected his advancement, speak only by conjecture. They consider not, that they had never been in a condition to form such a design, before the battle of Worcester; nor that this Parliament, which he dissolved, had, in seeking to ruin him, reduced him to a necessity of destroying them, for his own preservation.

But what cannot be justified in his conduct, is, his throwing himself, from the beginning of the Parliament, into a violent party, which aimed at the ruin of Church

and State; his directing afterwards that party; and his being the chief author of the violence put upon the Parliament and the King. This, however, is slightly passed over, because it is common to him with the whole Independent party; and yet, it is, in my opinion, the only thing he can justly be reproached with, and on which it is hardly possible to excuse him.

The second charge against him is, his excessive diffimulation; but here we are to distinguish. If it be true, as is pretended, though without proof, that he carried his diffimulation so far, as to mock God and Religion, by expressing a piety and devotion which he had not, and by making long prayers, full of seeming zeal. If it be true, that his mouth uttered what his heart never meant, no man ought to endeavour to vindicate him. But his strong bias to Enthusiasm is well known; and who can affirm, it was rather out of hypocrisy than real persuasion? We are not rashly to ascribe to men inward motives, which no mortal can know. His diffimulation, practised for the better management of the several parties, all equally his enemies, has nothing that I can see, very blameable in it, unless it was a crime, not to leave it in the power of his enemies to destroy him with ease. I shall just mention some of his methods, to maintain himself in his dignity, by which it may be judged, whether Cromwell's diffimulation is to be justly imputed to him as a crime.

The Parliament he dissolved, was composed of Independents, Republicans, Enthusiasts, or Fifth-Monarchy-men. If this Parliament had continued longer, things would have been carried to the last extremity. They began to talk of dissolving down the Churches, [discharging the Tithes,] destroying the Clergy, and every thing that looked like the union of a national Church. The Presbyterians, who knew this, were in continual apprehensions of their executing their designs, and consequently, the dissolution of this Parliament was considered by them, as a great happiness. Cromwell, to gain their confidence, positively promised, that he would maintain their Ministry on the foot of the present establishment, and kept his word, though he was far from being Presbyterian. By this means, the Presbyterians were attached to his interest, by reason of their dread to fall again under the tyranny of the Independents.

In the Republican party were two sorts of men, whom it was very difficult to govern. The one were Deists, or men very indifferent as to Religion, who acted only upon the principles of civil liberty. The others were Enthusiasts, who expected every day when Christ should appear to reign upon earth. These were the most difficult to manage, because they would not hear reason, when it contradicted their headstrong and violent zeal. Cromwell's accepting the Protectorship, was considered by them as a step to Kingship, to which they were such enemies, that they affirmed it to be the great Antichrist, that hindered Christ's reign upon earth. Cromwell found means for to divide these two parties, that all combinations betwixt them, for his ruin, became impossible. To the Deists, he made himself merry with the extravagant zeal of the Fanatics; and to these last, he talked of the others as of Heathens and Infidels. But as the Enthusiasts were the most obnoxious, he intimated to some of them, that he would rather have taken a Shepherd's staff than the Protectorship, had it not been to prevent every thing from running into confusion: That he would reign this dignity with more joy than he accepted it, as soon as things should be settled: That nothing was more contrary to his inclination, and principles, than a grandeur which obliged him to assume an outward superiority over his fellow-labourers. To convince them of what he said, he frequently called them into his closet, and shutting the door, made them sit covered, familiarly talking with them as his equals. Commonly these discourses ended in a long prayer. It is not to be doubted, but there was in this much diffimulation. The question is, whether it was so criminal as it is pretended?

He had likewise Chaplains of all sorts. So, hinting sometimes to one, sometimes to another, that he was not averse to their principles; the report was spread throughout the whole party, and made each hope for an advantageous change.

He took care to have spies amongst all the parties, and was thereby fully informed of what was contriving against his person or Government (1). Among others, he gained Sir Richard Willis, Chancellor Hyde's agent, for conveying the King's orders to his friends in England. All the Royalists confided in Willis, knowing he received the King's orders, and yet he betrayed them. But to keep the correspondence more secret, Cromwell assured him, that the in-

(1) He laid it down for a maxim, to spare no cost or charge in order to procure intelligence. When he understood what desires the Jews were every where in that Trade, that depends upon News, the advancing Money upon high or low interest, in proportion to the rise they run, or the price to be made as the Times might turn, and in the buying and selling of the actions of Money for advanced, he brought a company of them over to England, by which some say, he received a consideration of two hundred thousand pounds, and gave them leave to build a Synagogue. Burnet, p. 71. Among other good regulations, he also appointed a Council of Trade, to consider how to improve, order and regulate the Trade and Navigation of the Commonwealth. Whitelock, p. 632.

1658. formations from him should only be used to disconcert the plots of his enemies, that none might ever suffer for them; and if he imposed any of them, it should only be for a little time, and on other pretences. By that means, he defeated their designs, as by accident, in committing them to prison for supposed crimes, and releasing them when their measures were broken.

He sometimes intimated a willingness to treat with the King. Probably, his aim was to engage the Royalists to offer propositions, which would have given him opportunity to amuse them, and prevented any conspiracies against his person; for he was informed from several parts of designs to assassinate him. Wherefore he affected to speak publicly of assassinations with the utmost detestation, and to declare, he would never begin them, but if an attempt was made upon his life, and miscarried, he should not scruple to use the same method, and that he did not want instruments to execute it, nor money to reward them.

This declaration kept the Royalists in awe, through a fear of their own danger, or that of the King and Royal Family.

If this conduct of Cromwell be considered impartially, it will, doubtless, appear, that his dissimulation and artifices for his own preservation, were not so criminal as they have been represented. What has most offended those who speak of them with most passion, is, that they were proper to disconcert the projects of his enemies. The dissimulation of Queen Elizabeth, for the same reason, has been extolled, though she used it only for her own preservation.

The third and last charge against Cromwell, is, cruelty, for having, whilst Protector, put some men to death, for conspiring against his person and government. That is, according to this reproach, he should have patiently suffered the Plots against him, and when one failed, liberty should have been given for a second and a third, till some one had succeeded. This deserves no confutation. But to shew, that Cromwell was not for an unnecessary effusion of blood, we need only recite what is owned by the Earl of Clarendon in his History, who assures, that when it was proposed in a council of officers, that there might be a general massacre of the Royalists, Cromwell would never consent to it.

To finish Cromwell's character, I will add, that in the beginning of the Long-Parliament, he was a Presbyterian. After that, he threw himself into the Independent party, and was even one of their leaders, and affected to be of the number of the Enthusiasts. But when he had accepted the Protectorship, he was neither Presbyterian, nor Independent, nor Republican, nor Enthusiast. As he had to manage all these different Parties, who were equally opposite to him, he was not to appear an enemy to any in particular, and this management furnishes convincing proofs of his great ability.

It is, nevertheless, certain, that Cromwell was very much hated, while he lived, by all the parties then in England, though they could not help fearing and esteeming him. But if it be now considered, that the prejudices against him are not so strong as they were then, it will be found that the hatred of him was owing to interest, and founded chiefly upon his ability to disconcert the measures and designs of all the Parties. This general hatred is solely referred to his principal action; that is, to the usurpation of the Government, which equally disgusted the Royalists, Presbyterians, and Republicans. The Royalists thereby

saw their hopes more desperate than ever of the King's restoration. The Presbyterians could hardly expect, by their intrigues, to render themselves once more superior in the Parliament, after the dissolution. The Republicans were enraged to see the supreme power, which they had assumed, wrested from them. It is therefore no wonder, that he has incurred so much censure, since all the people of England, that is these three parties, were equally concerned to alter him. It was not for the enormity of the action, but because, by his advancement, each party despaired of acquiring the superiority over the rest. This is what has drawn from many writers, expressions so injurious to his memory. The Lord Clarendon speaks thus of him, and his usurpation. *Without doubt no man with more wickedness ever attempted any thing, or brought to pass what he desired more wickedly, more in the face and contempt of Religion, and morality, yet wickedness, as great as his, could never have accomplished these designs, without the assistance of a great spirit, an admirable circumspection and sagacity, and a great magnanimous resolution.* It is easily seen, that this wickedness is referred only to his usurpation of the Government. In a word, (continues the same author) *as he was guilty of many crimes, against which damnation is denounced, and for which hell-fire is prepared, so he had some good qualities which have caused the memory of some men in all ages to be celebrated, and he will be looked upon by posterity as a brave wicked man.* Here the author, no doubt, has an eye to the murder of Charles I. in which Cromwell was too deeply concerned for me to pretend to excuse him. I shall only observe, that this accusation is not peculiar to him, but is common to him with the whole Independent-Parliament.

To form a just and rational idea of Cromwell's character, his conduct and actions in themselves, must be examined, and joined to the juncture of the time, independently of the opinions of his enemies. We have no other Historians of those times than the Royalists, who have laid down certain principles, by which he is condemned. But, it must be observed, these principles were not generally received, in England, during his life. What can never be entirely excused in him, is the death of Charles I. to which he contributed to the utmost of his power, and which will be an indelible blot upon his memory. Another principle, and of which he made great use, is likewise to be condemned in him: which was, that moral Laws were only binding on ordinary occasions, but might be dispensed with upon extraordinary cases, which is absolutely false. His usurpation of the Government has been already considered, and the Reader is left to his judgment. I shall only observe, that the confusion which prevailed in England, soon after the death of Cromwell, clearly shews the necessity of this usurpation.

In general it can't be denied, that Cromwell was one of the greatest men of his age, if it is considered, that without the advantages of birth or fortune, he rose to near a throne, that it was in his power to mould it. History furnishes very few instances of this kind (1). Cromwell's death was followed with so many alterations in the Government, that the interval between that and the restoration, may be justly called a time of true Anarchy. Cromwell should have had a successor like himself, to finish what he had so ably begun. But two so great men are not commonly found to near one another, nor often in the same age.

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RICHARD CROMWELL, PROTECTOR.

1658.
Richard
Cromwell
successor his
Father.
Whitlock.
p. 674.
Life of
Cromwell.
p. 475.
Luttrell.
Hutch.
Phillips.

IN the last days of Cromwell's illness, some of his most intimate friends, seeing him in danger, asked him twice concerning the succession, and he readily answered, he would have his Son Richard to succeed him. He had however, in the time of his Protectorship, signed an instrument by which he appointed Fleetwood his Son-in-law for his successor; but probably he had burnt that paper, for it could never be found (2). An hour after his death, the Privy-Council met, and upon the report made of the will of the deceased, as also upon the Instrument of Government, empowering them to chuse a Protector, they immediately elected Richard Cromwell.

Fleetwood even relinquished before them, the right, he might have, in case the paper signed in his favour, should be found. Presently after, the Lord-Mayor of London was acquainted with the election, and the day following Richard was proclaimed Protector of the Commonwealth of England, Scotland, and Ireland. The same proclamation was made in all the principal towns of the three Kingdoms, without the least opposition. On the contrary, Addresses were presented to Richard from all parts, signed by many thousands to congratulate him upon his accession to the dignity of Protector, and to assure him, they would willingly hazard their lives and fortunes to

(1) The Wife of Oliver Cromwell, was Elizabeth Daughter of Sir James Throckmorton. Life, p. 2.—His Mother, who was Daughter of Sir Richard T. (H. p. 77. Steward, must have lived to a very great age, for she was buried in Westminster-Abbey, November 17, 1654. Whitlock, p. 681.
(2) Some say, that Oliver had actually made Fleetwood his Heir; but one of his Daughters knowing where his Will was, took it away, and burnt it, before Fleetwood could come at it. And a few minutes before Cromwell's death, when he was asked, "Who should succeed him?" He replied, "In each a Drawer of the Cabinet, in my closet, you will find it." Life of Cromwell, p. 407.

1658. support him. But such Addressees are not always to be depended upon, experience having often shewn, they are far from being sincere, though carefully expressed in the strongest terms. Thus *Richard* was infallible successor to his father *Oliver*, and took the same oath. The first care of the new Protector, after his installation, was to gain *Mont*, Governor of *Scotland*, to his interests. After the voluntary resignation of *Fleetwood* his Brother-in-law, of *Dunbargh* his uncle, and all the officers of the army, as well Republicans as Presbyterians, he seemed to have nothing to fear from *England*. *Henry Cromwell* his Brother, then Governor of *Ireland*, held that island in subjection. *Scotland* therefore only remained to be secured to his interests. *Mont* had commanded in that Kingdom, ever since his reduction of it, and had fitfully managed the and the exact discipline of his army, that he had acquired their esteem and affection, who were never more happy than under his Government, tho' the Earl of *Clarendon* insinuates that he ruled like a tyrant, which seems to have no other foundation, than his disabling the *Scots* to withdraw their obedience from the Parliament or the Protector, by means of forts erected in convenient places. However this be, it is certain, *Mont* was master of *Scotland*, and *Cromwell* himself would have found it difficult to deprive him of that Government against his consent. Many blamed the confidence *Cromwell* reposed in *Mont*, who had born arms for the late King, and only engaged in the service of the Parliament, to free himself from captivity after the battle of *Nantwich*, where he was taken prisoner. It was, perhaps, for these suspicions, that *Richard* thought himself obliged to neglect nothing to gain him to his interests. For this purpose, knowing *Mont*'s esteem and affection for *Charles* his Brother-in-law, he sent him to desire his friendship. But *Charles*, as well as *Mont*, had been zealously attached to the King, and was still so in his heart, though outwardly he complied with the times. So, in the discharge of this commission, he took occasion to found him, and easily found he was far from being the King's enemy. From that time *Mont* and *Charles* held a strict correspondence. *Charles* informed *Mont* of the transactions at *London*, and, in all appearance, designed then to serve the King, though perhaps he thought it not yet proper to explain himself to *Mont*, who was very reserved. *Charles*, according to his instructions, acquainted *Mont* with the new Protector's great esteem for him, in which he followed the sentiments of *Oliver* his father, who had expressly charged him to be entirely directed by his advice. *Mont* readily submitted to *Richard*'s Government. He obligingly acknowledged his civilities, and only told him, in general, that having no particular advice to give him, by reason of his distance, he recommended to him to encourage a learned, pious, and moderate Ministry in the Church, to permit no councils of officers, a liberty they had too often abused, and to endeavour to be master of the army.

At the beginning of his Protectorship *Richard* had, as I said, the pleasure of receiving Addresses from Burroughs, Cities, and Counties, to the number of fourscore and ten, and afterwards, he had the like compliment paid him from all the regiments, without any exception, so that he had reason to believe his power sufficiently established. Mean while, preparations were making for *Oliver*'s funeral, which was solemnized with great magnificence, large sums of money being borrowed for that purpose by the new Protector (1). After the ceremonies usually paid to deceased foreign princes, his body was deposited in *Henry*'s VII's Chapel, amongst those of the Kings and Queens of *England* (2).

Though the late Protector was both careful and capable to preserve himself amidst the parties then in *England*, and to keep them in awe, it was not however in his power to extinguish them. When he was taken out of the world, each party hoped to gain the advantage under the Protectorate of *Richard*, who had not his Father's qualities, and to these hopes perhaps must be ascribed, their ready concurrence in declaring him Protector. The Royalists justly flattered themselves, that the different parties into which their enemies were divided, having no longer a common head capable to govern them all together, would dis-unite, and that disunion be serviceable to the King, and perhaps procure his restoration. Those who had approved of the Government by a single person in the deceased Protector, and had been most trusted by him, hoped to preserve the same credit under the Son, which they had enjoyed under the Father, and to direct the new Protector according to their pleasure. These were the principal members of the

Council, though they had also amongst them a mixture of 1658. Republicans and Fanatics.

If the Republicans had consented to acknowledge *Richard*, it was because they were unprepared to make any opposition. The army, chiefly composed of this party, being dispersed in several counties, the officers had neither time nor opportunity to consult together. But they despaired not of finding an occasion to displace the new Protector, and restore the Commonwealth to the state it was in, till the year 1653, when *Oliver* dissolved the Parliament which had formed it.

The Anabaptists were all of the Republican party, because they perceived the impossibility of establishing their Fifth Monarchy under a Protector. These were the most zealous Republicans, and the hardest to be managed, on account of their singular notions, which caused them to refer every thing to their extravagant Religion, and rendered them deaf to any reasons not drawn from their principles.

There was another set of Republicans, who regardless of Religion, were governed by political views. They were accused of having no Religion, or of being properly Deists.

As for the Presbyterians, who were very numerous in *England* and *Ireland*, besides the *Scots*, who were almost all of this Sect, they had not changed their principles, since their expulsion from the Parliament in 1648. They would have gladly admitted the King with a limited power, and the firm establishment of Presbyterian Government in the Church. This principle had always caused them to remain by themselves, without being able to unite either with the Royalists, who would hearken to no limitation upon the King's power, and were averse to their Church-Government, or with the Republicans, who would have neither King nor Protector. Besides, these last granted an entire liberty to all Sects, which had joined the Independent party, a liberty which was inconsistent with the principles of the Presbyterians. For, though the Presbyterians had under the reigns of *Elizabeth*, *James* I, and *Charles* I, taken it very ill to be denied the free exercise of their Religion, they were by no means inclined to grant others the same liberty they had demanded for themselves. Nevertheless, as their number was considerable, and they might at last find a leader capable to conduct their affairs, the deceased Protector thought it proper to manage them, and preserve their Government in the Church, but without obliging any person to conform to it. This moderation kept the Presbyterians quiet under *Oliver*'s Government; and the more, as they could expect no assistance from the army, as it was then modelled. But in remaining thus separate from all the other parties, they disabled themselves from making any great progress against the Independent party, who took care to keep them low. This gave the Royalists room to hope, the Presbyterians would at last be obliged to unite with them, to free themselves from the servitude in which they were held by the Independents and Republicans. The sequel will shew, this hope was not groundless.

This short recapitulation of the interests of the several parties, plainly demonstrates *Cromwell*'s capacity, who could keep them all in awe, without a positive declaration in favour of any one party. *Richard* proposed to begin his Protectorate with his Father's maxims. He formed the design of making himself master of the deliberations of his Council, and of reducing the army to receive his orders with submission. By these two things *Oliver* maintained his authority, and if he had lived, he would not have left an officer in the army of suspected fidelity. But to pursue these maxims, and execute this project, *Richard* should have had his Father's capacity for civil and military affairs, his bravery and resolution, and, in a word, by a series of victories, should have been able to strike terror into all who could oppose his designs. But *Richard* had none of those great talents to command fear and respect, or to inspire his friends with hopes of a powerful protection. So, heading no party, and being incapable to govern all, he stood exposed to their ambition and violence, without being able to obtain an effectual assistance when he should want it. Mean while, knowing that the bare election of his person by the Council, and the Addressees presented to him, were insufficient to establish his authority, he believed it expedient to have his dignity confirmed by Parliament, and accordingly summoned one to meet the 27th day of *January* 1653-4. This Parliament was to consist of two Houses, namely, a House of Commons, containing four hundred English, thirty *Scots*, and thirty *Irish* members; and of the other House (for as yet it had no other name) which was instead of a House of Peers, and consisted chiefly of officers. They were generally men of no birth, who had advanced themselves by military polls, during the last war.

Richard

(1) The Charges of it came to forty thousand pounds. *Mont*, p. 279.

(2) The Corp was removed, Septemb: 26, privately in the Night, from *Whitehall*, to *St. Dunstons*; where it lay in State till the 2d of November, and then it was carried, in a very solemn and magnificent manner, to *Westminster Abbey*, where it was deposited. — Some say, that it was deposited, as to outward appearance there, but that in reality, it was carried below bridge, and thrown into the *Tyburn*. — And again, others also, say that it was laid out in *Nelson's field*. See *Compt. Hist. and Life of Cromwell*, p. 413—422.

1658-9. Richard had made no change in his Father's Council, but he was soon sensible, that this Council, which was entirely directed by Oliver, was aspiring to more power under his successor. On the other hand, the army appeared less devoted to the Son than to the Father. They had even begun before Oliver's death, to appear less submissive, which had obliged him to remove Lambert, and some other Colonels and Officers, who were sowing division among the troops. His design was to make other changes, by degrees, in the army, in order to reduce them to an entire obedience, but he was prevented by death. He wanted no assistance nor advice for such purposes, and commonly his designs were executed before they were publicly known; and so well established was his authority, that no officer whatsoever retained any credit amongst the troops, the moment he was cashiered. This Lambert and some others had lately experienced. Richard was desirous to tread in his Father's steps, but being sensible that his authority was not great enough, he thought he should attempt nothing, without consulting some of his principal friends. He therefore held a Privy-Council, in which he proposed, first, the admission of more new Counsellors, to secure a majority, and make himself master of the debates, in spite of the old Counsellors, who were less tractable than in the time of his Father. Secondly, he proposed to reduce the army to an entire dependence upon him (1).

His friends, whom he consulted on this occasion, were self-interested, and attached to him, only in hopes of governing in his name. They apprehended, the Protector's proposal might be prejudicial to themselves, and that in procuring him an absolute power, they might be the first sufferers. He therefore found a strong opposition in these pretended friends. Instead of approving his design, they advised him to call into his Council two Colonels, wholly devoted to the Republican party. Nor was this all; some of the leading officers of the army were informed of the Protector's designs, and that was sufficient to put them in motion. Fleetwood his Brother-in-law, and Desborough his Uncle, were the first to combine against him, and cabal with the officers, to deprive him of the Generalship of the army, to which they were authorized by the Instrument of Government. But, probably, they would never have thought of using that power, if Richard had not discovered his intentions of becoming absolute master of the army, and putting himself in a condition not to want their assistance. However, as the army lay dispersed, and it was necessary, that the officers should consult together, and act in concert, for the preservation of their authority, and the opposing the Protector's designs, a snare was laid, in which he suffered himself to be taken. It was insinuated, that the Parliament which was going to sit, might prove dangerous to his authority, should they not be tractable, and therefore it was necessary to fortify himself with a good number of officers, as well to consult them, as to shew the Parliament, he was supported by the army, which could not but produce a good effect. Richard believing, this advice proceeded from their zeal for his service, was easily persuaded to order every regiment to send to London as many officers as could be spared. This order was punctually executed, and immediately a great number of officers appeared in London, who formed amongst them a Council, which frequently met, and assumed the title of the Great Council of the Army.

Besides this great Council, some members of the Privy-Council, and officers of the army met also at Desborough's house, as well to consult how to deprive Richard of the Generalship, as to direct the great Council, which being composed of many inferior officers, wanted to be directed in their deliberations. The result of this Council was, that Desborough, attended with several officers, waited on the Protector with a petition, "That no officer or soldier should be turned out but by sentence of a Council of war; That no member of the army should be proceeded against capitally, otherwise than by martial law; And lastly, That the army might have power to chuse their own General." As nothing was more contrary to Richard's designs than this demand, he positively rejected it, and threatened even to cashier them if they brought him any more such proposals.

The Parliament assembling the 17th of January (2), it was immediately debated in the lower House, by what right the Scots and Irish sent representatives to the English

Parliament. The authority of the other House was also taken into consideration, and the same objections made to it, as had been in Oliver's last Parliament. As there were many Republicans in the House of Commons (3), great endeavours were used to suppress the other House, for fear of its becoming at last a House of Lords, and opposing the re-establishment of the Commonwealth, which was the object of their most ardent wishes. The debate upon these two articles held two whole months, and it was the 28th of March, before it was resolved, by a majority of voices, that the other House should subsist, and the Scots and Irish Representatives continue to sit in the House of Commons. After that, the Parliament made an Act, to recognize Richard Cromwell for Protector of England, Scotland, and Ireland (4).

While these things were transacting in Parliament, the Great Council of Officers at Fleetwood's house, and the private Council at Desborough's continued their conferences and deliberations. At last, they presented a Petition to the Protector, desiring Fleetwood for their General. This was directly depriving the Protector of the command of the army, to which he could not consent, without exposing himself to the caprices of the principal officers, who directed the army as they pleased. Wherefore, instead of returning a favorable answer to their petition, he sharply reprimanded them, ordering them to dissolve their Council, and return to their quarters. On the other hand, the House of Commons perceiving, the officers were contriving some plot which might be prejudicial to the Parliament, voted against the holding a Council of Officers during the session of the Parliament; and moreover, that no person should have any employ in the army, till he had taken an oath not to disturb the deliberations of the Parliament. Immediately after, these votes were sent to the other House, now called the Upper-House, for their concurrence. But as the Officers were most prevalent there, they believed it no part of their duty to contradict what their comrades were doing. So, the votes of the Commons were no more capable, than the orders of the Protector, to dissipate the councils of the Officers who still continued to assemble.

At last, on the 22d of April, Richard had notice, that the officers had resolved to force him to dissolve the Parliament. He immediately assembled his Council to prevent, by their advice, this attempt. Some were of opinion, that he ought absolutely to refuse such a demand, and adhere to the Parliament, as his only support. But he was not directed to the means to defend himself against the officers, who began to assemble in the neighbourhood of Whitehall, and would probably have been too strong for his guards. Others advised him to leave Whitehall, and suffer the officers to do as they pleased with the Parliament, without any promise to dissolve it. But the officers, foreseeing, he might take that course, had now seized all the avenues about Whitehall. In short, every man proposed expedients, to which others objected insuperable difficulties. During these irresolutions, Desborough, with a strong retinue, demanded an audience of the Protector, and required him, in the name of the officers, to dissolve the Parliament (5). Richard at first refused to grant this demand; but he was told, that in a word, they were resolved to obtain, by fair means or foul, what they demanded. In fine, Richard, who, before Desborough's came, had not been able to take any resolution, was still more incapable to consider what was to be done, after he was surrounded with men who showed but little regard for his authority. He therefore promised to dissolve the Parliament by commission under the Great Seal. But as the Commons, informed of what passed, had adjourned themselves for three days, the Parliament was dissolved by Proclamation.

From that time, Richard was no longer regarded, though he still bore the title of Protector. The officers considered him as an impotent enemy, incapable of hurting them. So he lost on a sudden the support of the Parliament, without gaining that of the army. This is what cannot be denied. But those who imagine, that if he had stood by the Parliament, he would have engaged the People in his interests, and been supported by Monk and his army, build their conjecture upon a very uncertain supposition. Besides, was it in his power to refuse a dissolution of the

(1) The Officers of the Army were then divided into three Parties. The first, or Commonwealth-party, consisted of Colonel Ayscough, Lilburn, Fitz, Mafon, Miff, Farly, Gerd, &c. The second, called the Waiting-for-his-estate, or Army, party, who had set up Richard Cromwell, in expectation of recovering as they pleased, were, Fleetwood, Desborough, Sydenham, Clark, Kelsey, Berry, Haues, Blackwell, &c. The third, or Richard's party, were, Langdale, George, Whalley, Howard, Goddard, Kelsey, &c. Ludlow, Tomlin, &c. p. 631.

(2) Cadwallan Jones, was chosen Speaker of the Parliament. Whitelock, p. 635.

(3) Particularly Mafzelger, Henry Nedli, Sir Henry Vane, Berry, Desborough, Fleetwood, &c. Idem. p. 637.

(4) In the examination of the public accounts, brought into this Parliament, it was found, That the yearly incomes of England, Scotland, and Ireland, came to eighteen hundred sixty-eight thousand, seven hundred, and seven-pence pence. And the yearly expenses to two millions, two hundred and one thousand, five hundred and forty pounds. And so maintain the Conquest of Scotland, cost yearly, one hundred forty-three thousand, six hundred, and nineteen pounds. Heath, p. 411.

(5) Threatening, if it were not speedily done, they would lay fire to the House, and kill all who should resist. R. Cote, p. 75.

1639. Parliament, without hazarding his own life, or to support himself, till he should have received a sufficient aid, against the violences of the army? Be this as it will, after the Parliament was dissolved, the great council of officers thought themselves impowered to settle the Government as they pleased, without consulting the Protector, who was now regarded but as a private person (1). This Anarchy however lasted only a few days, during which the officers elected *Fleetwood* for their General. They discharged also by their own authority five Colonels, who advised *Richard* to adhere to the Parliament, namely, *Ingelby*, *Giff*, *Wholey*, Lord *Fakenbridge* Brother-in-law to *Richard*, and *Howard* afterwards, Earl of *Carlisle*, and restored *Lambert* and others disinclined by *Cromwell* a little before his death. After this, they considered of settling the Government, it being impossible for things to continue long in their present situation.

Lambert was a man of immoderate ambition, and would not have scrupled to follow the example of *Oliver*, had the juncture seemed favorable to him. But *Fleetwood* being his General, and the idol of the army, he could not hope to succeed in an attempt to seize the Government. He therefore thought proper to wait a more favorable opportunity, and, in the mean time, hinder *Fleetwood* from putting himself at the head of the Government, whether under the name of Protector, or any other title, to which he had several reasons to believe he was aspiring. First, *Cromwell* had once named him for his successor by an instrument under his own hand, and many believed this instrument had been artfully conveyed out of the way, either during *Cromwell*'s life, or after his death, least it should obstruct his Son *Richard*'s election. It was even said, that *Cromwell*'s nomination of his Son in the time of his illness, was only the contrivance of Secretary *Thurlo*, and another person, to procure the succession for *Richard*. Secondly, *Fleetwood* was one of the most zealous Enthusiasts, of whom the army was full, and therefore looked upon with veneration by the soldiers, and judged most worthy to be *Cromwell*'s successor. Thirdly, it was hardly to be doubted, that it was the interest of the army to chuse a Protector, who should depend on them, and in his turn support their credit. This *Lambert* considered, but as it was not for his advantage to have *Fleetwood* raised to a Dignity to which he himself aspired, he secretly engaged Colonel *Liburn* to cabal among the inferior officers, and break *Fleetwood*'s measures, if they pointed to the Protectorship, whilst he regularly made his court to him, and endeavored by his flatteries to influence him as *Cromwell* had formerly influenced *Fairfax*. This example made *Lambert* hope, that he might the same way put himself one day at the head of the Government.

Lambert's cabal being made with the greatest secrecy, *Fleetwood*, as General, convened his officers to *Wallingford* House to settle the Government. All the superior officers came, but at the same time the inferior, by the intrigues of *Lambert* and *Liburn*, assembled at St. *James*'s in much greater numbers. In this assembly the settlement of the Government was likewise debated, and occasion taken, to magnify the happiness which England enjoyed under the administration of the Parliament, from the 6th of December 1648, to the 20th of April 1653 when it was dissolved by *Cromwell*. Their prudence, stedfastness, and happy success in England, Scotland, Ireland, and in the Dutch war were extolled, with some intimations of advice, that nothing could be more advantageous to the three nations, than the restoration of that Parliament (2).

This debate was carried no farther; but it sufficed to convince the assembly at *Wallingford* House that a division between them and the inferior officers could not be dangerous to both, and that their best way was to join with the inferior officers in restoring the Long-Parliament. It is not known what was the design of the chief officers with regard to the Government, but it is certain, the proposal of the inferior officers was contrary neither to the principles nor the sentiments of the army in general. This will be easily perceived, when it is considered, that the officers and soldiers, for the most part, were Independents, Anabaptists, Enthusiasts, Republicans, such in a manner as were the members of the Parliament dissolved in 1653, and now proposed to be restored. However this

be, all the officers being united, declared for the good Old Cause, that is, for the cause supported by the Parliament, which brought the King to the scaffold, and turned the Monarchy into a Commonwealth. It was therefore resolved in a General Council at *Fleetwood*'s house, to restore the Long-Parliament.

Mean while, as this Parliament had no reason to be pleased with the army, which, in 1653, took part with *Cromwell* against them, the great officers were afraid, that when the members were restored to their authority, they would think of being revenged. Besides, they knew the resolution and firmness of these members, who would infallibly keep the army in a state of dependence. The officers therefore judged it absolutely necessary, before they proceeded, to demand certain conditions, and to be previously assured of the compliance of the Parliament, when they should resume their authority. For this purpose, they had conferences with some of the members, who had been the leading men in that Parliament, namely, *Vane*, *Hoyter*, *Scar*, *Salway* to engage them to promise, these conditions should be granted. But these members would not make any such promise, under colour, it did not belong to them to preclude the resolutions of the Parliament. This refusal rendered them suspected to the superior officers, but the inferior, being the most numerous, overlooked this difficulty, and were contented with a verbal promise from these four members, that they would use their endeavours to procure a grant of these conditions.

THINGS being thus settled, *Lambert* at the head of a considerable number of officers (3), repaired to the house of *Leinbal*, Speaker of the Long-Parliament, and presented to him the Declaration of the great Council of Officers, by which the members of the Parliament, dissolved by *Cromwell* April the 20th 1653, were invited to return to the exercise of their authority. *Leinbal* answered, he would communicate the Declaration to the members then in London, which he did the next day, and the invitation being accepted, they met in Parliament the 7th of May, to the number of only forty-two (4). Thus the three nations were once more under the tyrannical dominion of a Parliament, which had not feared to imbrue their hands in the blood of their Sovereign: but with this difference, that the number was reduced to the half of what it was in 1648, when the Presbyterian members were excluded. Hence they were called in derision the Rump-Parliament, in allusion to a fowl all devoured but the Rump. The Presbyterian members, who had been excluded in 1648, would have resumed their seats, but none were admitted besides those who had sat, from the first of January 1648, to the 20th of April 1653, and in this the pretended Parliament was supported by the officers, whose interest it was, not to suffer the Presbyterians to prevail in the House.

When this Parliament was restored to their authority, they sent *Charges* to *Mont*, to engage him to submit to the new Government. They knew, *Mont* was not of their principles, and if they had dared, instead of desiring his acquiescence, they would have sent him a successor, to govern Scotland. But *Mont* had to establish himself in that country, that being master of the fortified Places, and assured of the affection of the Scots and of his army, it would have been dangerous to deprive him of his Government against his will. It was therefore judged safest by the Parliament to gain him by fair means, and undermine by degrees his credit and authority in the army. *Mont* had but little foreseen the late change in England, that he had not time to take any measures to regulate his conduct. When he founded his officers, he found they were pre-occupied by letters from their friends in London. So, all he could do after the arrival of *Charges*, was to acquiesce, and express his satisfaction to see the Parliament restored, though he was convinced, the leading men both in the Parliament and army were not his friends.

Four days after the Parliament met, *Lambert*, attended by several officers, presented a petition and address from the general Council of officers, in which, after some compliments, they demanded,

“ 1. That the liberty of the persons, and property of the estates of all free People of these nations, be main-

(1) *Ludlow* says, one great offence given by *Richard* to the Nation was, by his Irreligion. For an Officer having murmured at the advancement of persons, who had been Cavaliers, in Commission in the Army, was brought to *Wallingford* to answer for it. *Richard*, in a desolating manner, asked him, “ Whether he would have him pierce none but those that were guilty? Here, continued he, is *Dick* *Ingelby*, who can neither pray nor preach, and yet I will trust him before you all.” *Mon.* Tom. 2. p. 613.

(2) *Winstanley* says, upon the Dissolution of the Parliament, all matters were at a stand; the Army had thoughts of raising Money without a Parliament; but upon advice, they durst not adventure upon it, but thought it later way to restore the Members of the Long Parliament. The great Officers of the Army were advised to consider better of their design of bringing in the Members of the Old Parliament, who were most of them disaffected, for their being so violently broken up by *Cromwell*, and did dilate the proceedings of the Army; and whether this would not possibly, more increase the divisions, and end in bringing in the King; but the Officers had resolved on it. *Mon.* p. 677.

(3) *Lambert*, *Vane*, *Croft*, *Hoyter*, *Liburn*, *Apsall*, *Selwyn*, *Zaneby*, *Kilby*, *Oly*, *Blackwell*, *Haines*, *Allen*, *Packer*, and *Pierce*. *Whitelock*, p. 678.

(4) See a List of them in *Black*, p. 419.—*May* 7. They went in a body to the House, *Lambert* guarding them with Soldiers. Then they passed a Declaration touching their Meeting, and, “ their purpose to secure the Property and Liberty of the people, both as *Men*, and as Christians, and that without a single Person, Kingdom, or House of Peers, and to uphold Majesty and Morality.” *Whitelock*, p. 678.

1659. "tained, preserved, and kept inviolable, according to law, under the Government of a free State and Commonwealth, without a single Person, Kingship, or House of Peers.

"2. That there may be such a just and due regulation of Law, and Courts of Justice and Equity, as that they may be a protection, and not vexatious or oppressive to the People of these nations.

"3. That by an Act of oblivion, all and every person and persons, who have, since the 19th of April 1653, mediately or immediately advised, acted, or done any matter or thing whatsoever, in reference to the several changes or alterations in the Government of these nations, since the said 19th of April 1653, or in order to the publick service, peace, or safety of these nations, be indemnified and saved harmless, to all intents and purposes whatsoever.

"4. That all Laws, Ordinances, Declarations, and Establishments, made in the several changes and alterations of Government, that have been in these nations, since the 19th of April aforesaid, and not as yet particularly repealed, be deemed good in law, until particularly repealed.

"5. That such debts as have been contracted for the publick service and affairs of this Commonwealth, and for the charges of the Government, since the 20th of April 1653, be carefully paid and satisfied.

"6. That all persons who profess faith in God the Father, and in Jesus Christ his eternal Son the true God, and in the Holy Spirit God co-equal with the Father and the Son, one God blessed for ever, and do acknowledge the holy Scriptures of the Old and New Testament, to be the revealed or written word or will of God, shall not be restrained from their profession, but have due encouragement, and equal protection in the profession of their Faith, and exercise of Religion, whilst they abuse not their liberty to the civil injury of others, or disturbance of others in their way of worship: So that this liberty be not extended to Popery or Prelacy, nor to such as shall practise or hold forth licentiousness or prophaneities, under the profession of Religion: And that all laws, statutes, or ordinances, and clauses in any laws, statutes, or ordinances to the contrary, may be declared null and void.

"7. That a godly, faithful, and painful Gospel-preaching Ministry be every where encouraged, countenanced, and maintained.

"8. That the Universities and Schools of learning be so countenanced and reformed, as that they may become the nurseries of piety and learning.

"9. That such persons as have, at any time since the 20th of May 1642, aided, or assisted, or adhered to the late King, Charles Stuart his Son, or any other person or persons whatsoever of that party, against the Parliament or Commonwealth of England, and all other persons whatsoever, that have made use of any authority or power under pretence of law, or otherwise, to deprive or abridge any of the good people of these nations of their Christian Liberty, or have, or shall express themselves in any way mockers, scoffers, or revilers of godliness, or of the professors thereof, or are otherwise scandalous or loose in their conversations, or have not given good satisfaction of their affection and faithfulness to this cause, may be speedily removed out of all places of power or trust in the Magistracy, or other management of the publick affairs of these nations; and that no such persons may be admitted unto any such place of power or trust for the future.

"10. And so far as much as no godly, or other good interest can be preserved, or maintained, unless the persons, who are chiefly intrusted with the management and exercise of the Government, be of suitable spirits to those interests; that those who are or shall be intrusted therein, be such persons as shall be found to be most eminent for godliness, faithfulness, and constancy to the good cause and interests of these nations.

"11. That to the end the legislative authority of this Commonwealth may not, by their long sitting, become burthenfome or inconvenient, there may be effectual provision made for a due succession thereof.

"12. And for the better satisfaction, and more firm union of the forces of this Commonwealth, in this juncture of affairs, for preserving and maintaining the principles, and other matters thereunto subservient, we do unanimously acknowledge and own the Lord Charles Fleetwood Lieutenant-General of the army, to be com-

mander in chief of the land-forces of this Commonwealth.

"13. That in order to the establishing and securing the peace, welfare, and freedom of the people of these nations, for the ends before expressed, the legislative power thereof may be in a representative of the people, consisting of a House, successively chosen by the people, in such a way and manner as this Parliament shall judge meet, and of a select Senate, co-ordinate in power, of able and faithful persons, eminent for godliness, and such as continue adhering to this cause.

"14. That the administration of all executive power of Government, may be in a Council of State, consisting of a convenient number of persons qualified, in all respects, as aforesaid.

"15. That all debts contracted by his late Highness, or his Father, since the 15th of December 1653, may be satisfied, and that an honourable revenue of ten thousand pounds per Annum, with a convenient house, may be settled upon him and his heirs for ever; and ten thousand pounds per Annum more upon him during life; and upon his honourable Mother, eight thousand pounds per Annum during her life, to the end a mark of the high esteem this nation hath of the good service done by his Father, our ever renowned General, may remain to posterity."

The Parliament returned a general answer to this petition, *The Parliament* and thanked the army for their affection to the publick. *men's des* Then, taking it into consideration, they approved of all *their* articles in general, but appointed a particular Committee *parliament* to examine those which concerned the Government. As to what related to Richard Cromwell and his Mother, it was not to be debated, till they should be assured of his submission to the Government. For this purpose, a Committee was sent to inform him of the resolutions of the House, and to require his acquiescence in the late change. The day after, Richard delivered to them the following answer in writing:

"I have perused the resolve and declaration which you were pleased to deliver to me the other night, and for information touching what is mentioned in the said resolve, I have caused a true state of my debts to be transcribed, and annexed to this paper, which will shew what they are, and how they were contracted.

"As to that part of the resolve, whereby the Committee are to inform themselves, how far I do acquiesce in the Government of this Commonwealth, as it is declared by this Parliament:

"I trust, my past carriage hitherto hath manifested my acquiescence in the will and disposition of God, and that I love and value the peace of this Commonwealth much above my own contentments; and I desire, that by this, a measure of my future deportment may be taken, which, through the assistance of God, shall be such as shall bear the same witness, having, I hope, in some degree, learned rather to reverence and submit to the hand of God, than to be unquiet under it. And (as to the late providences that have fallen out amongst us) however, in respect of particular engagements that lay upon me, I could not be active in making a change in the government of the Nations; yet, thorough the goodness of God, I can freely acquiesce in it being made; and do hold my self obliged, as (with other men) I expect protection from the present Government, so to demean my self with all peaceableness under it, and to procure to the utmost of my power, that all in whom I have any interest do the same."

RICHARD CROMWELL.

When the Parliament examined the account of Richard's debts, the article of expences for his Father's funeral was rejected, so that Richard was forced to pay that debt out of his inheritance, which swept away the greatest part of his estate, which was not very large, considering Cromwell's advancement during his life. As to the revenue, and annual pension desired by the officers for Richard and his Mother, the Parliament referred the consideration of them to another opportunity, and contented themselves with assigning twenty thousand pounds for the payment of his private debts (i.) The Members had but too much cause to complain of Oliver Cromwell, who had deceived, and shamefully dismissed them, to think themselves obliged to do so much honour to his memory, and bestow so great advantages on his Widow and Son. When they granted him the twenty thousand pounds, they required him to remove from Whitehall in six days (2).

(1) Fitzhick says, That his Debts were in all, twenty nine thousand, six hundred, and forty pounds. p. 681. And Ludlow, That the Parliament ordered twenty thousand pounds to be presently paid him, and passed a Resolution to pay those Debts he had contracted on the publick account. Tom. 2. p. 606.

(2) After the Restoration he went to France, and continued some years in obscurity at Paris; but upon the summons of a War between France and England, he returned to Great-Britain. Some years before the death of King Charles II. he returned to England, and was at City-point in Westminister in 1723. Lloyd's Council, p. 432.

1659
Fleetwood
appointed
General but
for one Year
only.
Philips.
Whitlock.

It may be observed in the 12th article of the petition of the officers, that, as they expressed themselves, they did not intend to leave to the Parliament the liberty of not appointing a General, or of naming any other than Fleetwood, since, instead of petitioning, they said in that article, *We do unanimously acknowledge the Lord Charles Fleetwood to be commander in chief of the land forces of the Commonwealth.* The Parliament thought it not proper then to examine the manner in which this article was expressed, for fear of raising some difference between them and the army, at a time when they derived their authority only from the declaration of the officers who had reformed them.

1660
Fleetwood
was appointed
commander in chief
of the land-forces of England, Scotland, and Ireland, but only for one year.

This resolution being taken, the Parliament voted, that Fleetwood should have power to sign and seal such commissions, for the constituting of officers under him, as should be approved by the Parliament, and nominated by Sir Henry Vane, Sir Arthur Haslerig, Lieutenant-General Fleetwood, and the Colonels Lambert, Desborough, Ludlow, Lery, or the major part of them, who were made commissioners for that purpose. But upon the second reading of the Bill, the clause empowering Fleetwood to sign commissions was altered, and it was ordered, that all commissions, both to the commission-officers of the army, and the captains of the fleet, should be signed by the Speaker of the Parliament of the Commonwealth of England, to be written by the Clerks attending the Council of State (1), and delivered to the officers gratis by the Speaker, in the Parliament-House. This was a plain indication, that the Parliament pretended, that the officers should owe their advancement to them alone. The same day the Parliament voted, That the Government of Ireland should be by commissioners, nominated and appointed by Parliament, and not by one person, and that Henry Cromwell should be acquainted with the order, and required forthwith to repair to the Parliament. He peaceably submitted, though, in all probability, if he had been inclined to resist, the new Governors would have found it difficult to remove him.

Ludlow.
Bro.

The Parlia-
ment ordered
all military
Commissi-
ons to be signed
by the
Speaker.
Cromwell.
H. p. 520.
L. 1660
T. H. p. 616.
K. 10. 1660
Whitlock.

President for
the Govern-
ment of Ire-
land, and
recol. Henry
Cromwell.
H. p. 518.
L. 1660
p. 615.
Philips.

Hisgr.
Cromwell.
Ludlow.
T. 1660.

He was extremely beloved in Ireland, both by the army and the English inhabitants, having never injured any person, but, on the contrary, obliged every one, as far as lay in his power. But, doubtless, not thinking himself secure of success, and receiving no orders from his Brother, he was unwilling to undertake so important an affair. All the Historians are unanimous in their praises of him, and generally believe, that if he had been Protector instead of his elder Brother, the officers would have met with their match, or not attempted what they undertook against Richard.

The Parlia-
ment ordered
again that
all military
Commissi-
ons of the Army
should be
signed by
Philips.
p. 648.

Fleetwood, Desborough, Lambert, and the rest of the principal officers, were by no means pleased with the proceedings of the Parliament, but knowing, the inferior officers considered their dependence on the Parliament as an advantage, they dissembled their resentments, and received their commissions from the Speaker. On the other hand, the Parliament believed it of the utmost importance, to be master of the army; which they flattered themselves, would enable them to rule peaceably and absolutely, and without doubt, perpetuate their authority. But till this was done, they saw they were to expect a strong opposition, considering the restless temper of the principal officers, who were ever seeking to make themselves necessary, for fear of losing their posts. This was the first, and almost open design of the Parliament. For this purpose, the Committee appointed to examine commissions was continued, who knowing the intentions of the House, made great alterations in the army, displacing such as were suspected, and substituting others of more assured fidelity. The same thing was done to the army commanded by Monk, and many officers being removed, others were appointed to succeed them, and those that were displaced were most confided in by Monk. Clarges had now acquainted Monk with the Parliament's design, which were so manifest, and Monk had but too much cause to perceive them, by the alterations the Committee would have made in the army of Scotland. He writ to the Committee so, as to shew them, he plainly saw their design to undermine his authority. He used some expressions in his letter, which made the Parliament apprehensive there would be danger of driving a man to extremities, who had twelve thousand men, and all Scotland at his disposal. For this reason, the

1660.

officers, appointed by the committee to go into Scotland, received orders, not to proceed on their journey. But this was only to gain time, in expectation of a more favorable opportunity.

1659.

The 18th of June the Parliament voted the continuation of the monthly assessment of thirty-five thousand pounds imposed by the Parliament of the year 1656. Then, commissioners were named for the civil Government of Ireland, and a commission granted to Edmund Ludlow, who was one of the King's Judges, and a most zealous Republican, to command the forces of that Country.

The money
then ap-
pointed
for the civil
Government
of Ire-
land.
Ludlow.
T. H. p. 665.

Mean time, the Parliament having received confused intimations of a plot forming in favour of the King, the Royalists had orders to withdraw twenty miles from London. This intimation was not groundless. In March this year, the King, by a declaration, had impoverished commissioners to treat in his name with those, who having been against him, or his Father, were willing to return to his obedience. These commissioners spared neither pains nor promises, to increase the number of the King's friends, and certainly there could not be a more favorable opportunity. All were weary of the tyranny of an Independent Parliament, consisting of forty persons, and of an army, whose officers were mostly Fanatics, and who, under colour of promoting piety, and extending the Kingdom of Christ, had only their interest in view. The Presbyterians themselves, and the members of that party, who had been expelled the House in 1648, seeing little appearance of ever recovering the ground they had lost, and that nevertheless they remained exposed to the tyranny of the Independents and Fanatics, agreed at last with the King's party, to deliver the nation from the servitude to which it was reduced. The particulars and terms of this union are not known, because the Historians who speak of it, being all Royalists, have not thought fit to do so much honour to the Presbyterians. But it can't be concealed, that from this time, the Presbyterians no longer appeared as the King's enemies, but on the contrary, as will hereafter be seen, very much promoted his restoration.

Intima-
tions of a
plot forming
in favour of
the King.
L. 1660
H. p. 521.
Philips.

The Pres-
byterians
themselves
were ex-
pelled the
House in
1648.
K. 1648
p. 31.

The Project
of an Inqui-
sition.
H. p. 521.
Philips.
p. 648.

It was on the hopes, that the Presbyterians would assist, or at least not oppose them, that the Royalists projected an insurrection in several parts of the Kingdom, in expectation, it would at last become general. For this purpose, they intended to seize at once Gloucester, Lynn, Plymouth, Exeter and Chester. They believed their measures so well taken, that they doubted not of success. For they still relied on the People's affection for the King, in which they were often mistaken. Mr. Mordaunt crossed the sea, to inform the King of the project, which he thought so well laid, that he repaired secretly to Calais (2), and then to St. Malo's, to be nearer England, in case the Plot succeeded. But this project vanished like the rest. Sir Richard Willis who, as I have said, betrayed the King's Party, informed Thurlow of it, and Thurlow the Council of State, who immediately put the Militia in safe hands, and took other precautions, which inevitably obstructed the execution of the project. Messy was taken in attempting to surprize Gloucester, but found means to escape. The Lord Willoughby of Parham, and Sir Horatio Townshend, who were gone to the West (3) to serve the King, were arrested and sent to prison. There was only Sir George Booth, who assembling about four or five thousand men, took Chester, and published a Manifesto against the tyranny of the Parliament, without any mention of the King, intending to make the publick believe, that the People's discontent was the sole motive of his taking arms. Sir Thomas Middleton joined him with some troops, but these two united bodies were so inconsiderable, that Lambert, who marched against them, by order of Parliament, easily defeated them, and re-took Chester. Sir George Booth had the good fortune at first to escape, but was taken some days after in woman's clothes, and brought to the Tower of London. Middleton retired to a castle of his own, which held out but few days. It did not appear on this occasion that the People had the King's interest much at heart (4).

He betrayed
the King's
Party.
H. p. 521.
Philips.

Sir George
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him with
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able, that
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feated them,
and re-took
Chester.
H. p. 521.
Philips.

He was taken
in attempting
to surprize
Gloucester,
but found
means to
escape.
H. p. 521.
Philips.

He was taken
in woman's
clothes, and
brought to
the Tower
of London.
H. p. 521.
Philips.

During these transactions, the King's friends not doubting of success, sent the Reverend Nicolas Ashmole, as General's brother, into Scotland, to engage him in the King's party. Some have pretended, that Ashmole, full of hopes, that the King's party in England would succeed, was upon the point of marching to support them, but was stopped by the news of Booth's defeat, and forced to feign

He was taken
in attempting
to surprize
Gloucester,
but found
means to
escape.
H. p. 521.
Philips.

(1) The Parliament had named a Council of State, for the more immediate executive power. It was to consist of thirty: no Persons, whereof twenty-one were to be Members of Parliament, and ten more. The twenty-one were, Whitlock, Sir James Harrington, Sir Arthur Haslerig, Sir Henry Vane, Thomas Clarges, Henry Newell, Chief Justice Sir John's, Thomas Scott, Robert Reynolds, William, Lieutenant-General Burnard, Mary's, Secretary, General Sir John, Agostino Sidney, Walter, Drury, Thomas, Sydenham, James, Drury, and Ludlow: The ten more, were, Richard Braithwaite, Lord Fairfax, Major-General Lambert, Sir Anthony Ashley Cooper, Sir Horatio Townshend, Colonel Desborough, Henry, Barlow, John, and Heywood. Ludlow, Tom. 2. p. 636. They had also nominated the Judges and Commissioners of the Great Seal, a new one being made different from the old, &c. Whitlock, p. 639.

(2) Where he died some time, before he went to St. Malo's.

(3) They undertook to secure Newcastle and Lynn for the King. Those that designed to act in the West, were, Arundell, Edward, Cromwell, Trevelyan, &c. Clarendon, Tom. 3. p. 521, 522.

(4) After this defeat, the Parliament thought of transplanting the Royal Families into Barbadoes, Jamaica, and other Plantations; and by degrees to remodel the Army, that they might never give them more trouble. Clarendon, Tom. 3. p. 521.

1659. himself entirely devoted to the Parliament. I cannot easily believe that *Mank* so early thought of serving the King. However, it can't be denied, that the Parliament looked on *Mank* as a man in whom they could not confide, because his principles were very far from Fanaticism, which then incited both Parliament and army. 'Tis the Parliament plainly showed, immediately after *Booth's* and *Middleton's* defeat by *Lambert*. For judging that victory would keep *Mank* in awe, they readily confirmed the changes before intended in the army of *Scotland*. *Mank* was so offended with this proceeding, that he wrote to the Speaker, to desire his dismissal, but *Charges* his Brother-in-law prevailed with the Speaker not to communicate this letter to the Parliament, who doubtless would not have failed to grant his request.

As the peace between *France* and *Spain* was to be treated at *St. Jean de Luz*, by the prime Ministers of the two Crowns, the King believed his presence at this negotiation might procure him some advantage. He therefore departed for *Fontarabie* in *September*, and crossed the Kingdom of *France* incognito. I shall speak presently of the success of this journey, but must first relate the change which happened in *England*.

The principal officers of the army, who kept in *London*, were still highly displeased with the Parliament, plainly perceiving, their design was to become master of the army. Wherefore, they began to think of means to prevent this design, and maintain themselves in their credit and poss. They had for this purpose several secret meetings. But one difficulty was to be surmounted, before any resolution could be taken. This was, that the inferior officers were very well pleased with the Parliament, who greatly cared for them, intending to use them, to get rid of their commanders. *Lambert*, who commanded the forces about *Cheshire*, was entirely in the party of *Fleetwood* and *Debarough*, knowing, the Parliament had no better intention for him, than for the others. Besides, his chief aim was to procure a perpetual confirmation of the Generalship to *Fleetwood*, in hopes to govern and make use of him for his own advancement to that post, as *Cromwell* had before done to *Fairfax*. Though he was absent from *London*, he was informed of what passed at their meetings, and gave his advice. At last, after many deliberations, it was resolved, that *Lambert* should try to gain the inferior officers of his army, which was less difficult, than to gain the officers of the rest of the army, who were dispersed in different quarters. Pursuant to this resolution, *Lambert* coming to *Derby*, so managed, that his officers, whom he had carefully inspired with discontent, met to draw a petition, which, before it was offered to the Parliament, was to be communicated to *Fleetwood*, for the approbation of the general-council of officers. Sir *Arthur Haslerig* having received advice that the petition was come to *London*, informed the Commons, and told them, the army was contriving a very dangerous plot, of which it was necessary to prevent the consequences. Upon this declaration *Fleetwood* was examined by the Parliament, whether he knew any thing of the petition? He answered, he had a copy of it, and the original was in the hands of three officers, whom he named. Whereupon he was ordered to give notice to these officers to attend the House that afternoon with the Petition, which was done, and the petition read. The stile was in the fashionable language of that time, amongst those who pretended to a more exalted piety. The substance of it was to this effect:

"1. That the Parliament would be pleased not to suffer the petition of the general-council of officers at *Wallington* House to be laid asleep, as it was the best expedient yet offered to a happy and durable settlement.

"2. That since a great many ill-affected persons, were endeavouring to sow division in the army, the Parliament would be pleased, for the preservation of that union, wherein its greatest strength lay, to establish firmly the Lord *Fleetwood* in the command of the army, whose commission was to expire in a few months, with *Lambert* for his Lieutenant-general, *Debarough* for the command of the Horse, and *Atank* of the Foot.

"3. That considering the negligence of a great many persons intrusted with publick employ; the ill-designs of the enemies of the good Cause; the activity of some to favour those designs, and the affection and zeal shewn by others for a blameable neutrality, at a time, when their assistance is most wanted; the Parliament would be pleased to make a diligent inquiry upon this Subject, and proceed to the depriving of the guilty of all their employ: That on the contrary, such as in this distracted juncture declared willingly and cheerfully for the good Cause, either in the county-troops, or Militia-voluntiers, or otherwise, may be looked on as friends, en-

couraged, satisfied in their arrears, and invested with authority in their several countries.

"4. That in the late insurrections some confidable corporations having assisted the enemy, received and furnished them with arms, the Parliament would be pleased to give some signal mark of their detestation against them; and for the future to regulate the corporations, that persons well qualified, according to the government of a well constituted Commonwealth, may be intrusted with authority of the magistracy in any of the several towns, that for the footsteps of monarchy may be rooted out.

"5. That all persons whatsoever, Magistrates, Ministers, or others, who have secretly stirred up the inhabitants of these nations to war and commotions against the Parliament, and particularly to the late Insurrection, may be proceeded against as the Parliament in their judgment shall think fit."

The House, in a debate upon this petition, the next morning voted, That to have any more general officers in the army than are already settled by the Parliament, is needless, chargeable, and dangerous to the Commonwealth; and that *Fleetwood* shall acquaint them with this resolve (1).

Fleetwood having communicated this vote to some officers at his own house, it was resolved, That the petition should not be insisted on, but, on the contrary, an address offered to the Parliament, to profess an adherence to their authority against the common enemy, and that they would stand by them in the settlement of the Commonwealth, against all disturbances whatsoever; and that this should be prepared and brought to be read, and considered by a general Council of officers, to meet for that purpose, the 27th of *September*.

Those who had the care of preparing this address, discharged their trust, in a manner little agreeable to the intention of the persons who ordered it, as will be seen presently. However, the address was approved in the general Council of officers, by a majority of voices, and signed by two hundred and thirty officers, who were in and about *London*, but was not presented till the 5th of *October*.

In this interval of seven or eight days, the officers sent a copy of the petition to General *Mank* for his concurrence, tho' they were resolved not to stay for his answer. On the other hand, the Parliament took all possible measures to hinder its being presented, whether by satisfying the army in its arrears, or by sowing division amongst the officers, as they knew the address was not universally approved, the visible aim whereof was, to beget a breach between the army and the Parliament. But all their endeavours were fruitless. The 5th of *October*, *Debarough*, with many other officers, went to the House to present the petition. It was introduced by a long Preamble, in which it was pretended, That the intentions of the army were maliciously repugnant to the Parliament by ill-affected persons, to create division betwixt the Parliament and the Army; and that it was in justification of themselves, from such false accusations, that they presented this humble address, containing the four following assertions:

"We do humbly and plainly declare,

"1. That notwithstanding what any persons may suggest, or say to the contrary, We are not for, but against *Fleetwood*, the setting up any single person whatsoever in supreme authority: And for a demonstration hereof we may appeal to your own judgments, upon our late actions, wherein, since our Declaration of the sixth of *July* last, we have, with all industry and faithfulness, endeavoured to render ourselves servicable to you and the Commonwealth, and have cheerfully observed your commands, some of us with our lives in our hands in your late service: Wherein to our great encouragement, the Lord hath once more appeared to own you and your army, and the Good Old Cause, for which we have contended. And at the late return of this Parliament to the discharge of their remaining trust, we did with simplicity and plainness, in our humble Petition and Address presented to you, manifest our hearts and desires, and that with much unanimity and fullness of consent, which we apprehend was well accepted by you.

"2. That we have not since changed our principles leading to a well-regulated Commonwealth, wherein the liberties of the people thereof, both spiritual and civil, may be fully secured, and persons of known integrity, piety, and ability, employed in places of trust and command; but resolve, by the assistance of God, to remain constant to them: And make it our humble prayer to God, that he would incline your hearts effectually to procure the same, and make you instrumental in bringing forth such a foundation of Government, whereby all the good people of these nations may rationally expect,

(1) This Vote was conveyed and promoted by *Hagge* 2. Nov. 1. 65. 116. cl. 4. p. 654.

1659.

"that such liberties and rights shall be preserved to them and their posterities. And we can truly say, that it is our hearts earnestly to desire that God would crown you with the honour of making these nations happy, by such a Settlement as may not be liable to every change of Governors, and to have the peace thereof disturbed by introducing new Governments.

"3. Whereas a Petition and Proposals were lately drawn up by the officers of the Brigade, that (under the command of Major-General Lambert) hazarded themselves in your service with good success, whereby, through the blessing of God upon them, and others of your faithful forces and servants, the peace of this Commonwealth is still continued: And the said Petition was sent up to some officers here, to be presented to the Lord Fleetwood; which had been by some interpreted to evil and sinister ends, and from thence faggotious derived, as if they were intentions to violate the Parliament, to set up a single Person, or another General: In order thereto, we do sincerely profess (whatever the design of any persons may be to promote such causeless jealousies) we have had no other than faithfulness and candour in our hearts and actions towards the Parliament; nor do we apprehend (with submission we may speak it) any reason or cause of offence to be conceived against your faithful servants, who lately gave so ample proof of their fidelity and courage.

"4. We cannot but esteem our selves unhappy to have been so misrepresented to the Parliament, as should occasion such a public admonition upon record; and considering what evil use may be made of these things by the public enemy, and to the end they may be disappointed of their hopes, and all such persons discouraged, as shall go about for the future to promote jealousies, or by misinformation, to breed divisions betwixt the Parliament and their faithful servants the army: And that a good understanding may be preserved between them, we humbly pray:

"1. That the officers of the army, and particularly those who have reason to bear the marks of your favour for their faithful service in the late northern expedition, may find light in your opinion, and have your countenance.

"2. That whatsoever person or persons shall for the future groundlessly and causelessly, inform the House against your servants, thereby creating jealousies, and scandalous imputations upon them, may be brought to examination, justice, and condign punishment.

"3. That it being an undoubted right of the people to have a liberty, in a peaceable and submissive way, to petition the supreme authority, which liberty hath been by your selves asserted, allowed, and approved of; We cannot but also assert the said liberty, and humbly conceive, that your faithful servants of the army, have no ways forfeited their rights as freemen, and that therefore they hope it will be no offence for them to submit their humble desires to the Parliament.

"4. That you would be pleased to take into your serious consideration, the necessitous condition of the poor soldiers of your armies, and that all possible care may be taken for their timely supply, their wants being such as earnestly call for it: And that some speedy and effectual course may be taken to provide for the maimed soldiers, and the poor widows and orphans of such as have been slain in your service, that the blessing of God may be upon you.

"5. That such who have freely offered themselves in the several counties and cities of these nations, to own and stand by you and your cause in the late insurrections, with the hazard of all which is dear unto them, may have your encouragement, and be employed in places of trust and command.

"6. That it being a thing granted by all, that without due execution of martial Discipline, the peace, union, and good-government of an army cannot be preserved; the discipline of the army may be preserved inviolable; and in particular, that no officer or soldier of the army may be cashiered, or dismissed from their places, without a due proceeding at a Court-Martial, or by his own consent, except in case of reduction or disbanding.

"7. That it being judged necessary by the Parliament, for the keeping of the army under such a conduct, as may render the same serviceable to the Commonwealth, to appoint a Committee of Nominations, for the proposing of officers to the Parliament, for their approbation; We humbly pray, that no officers may be brought into the army, but such as shall first come under the consideration of the said Committee, and be by them presented.

"8. The office of the commander in chief of the army, being of so great concernment to the peace of this Commonwealth, and his commission at present (as we conceive) expiring within a few months, we humbly pray, that the consideration of that matter may come before you, and some such effectual course be taken therein, as may prevent our fears, and the hazard of leaving the army to confusion.

"9. And that you would retain a good opinion of your army, and against all discouragement whatsoever, proceed in the carrying on of that good work intrusted in your hands, for the glory of God, and advantage of these nations. In the prosecution whereof, thro' the help of our God, we shall be found (notwithstanding all endeavours to the contrary) faithful to you and this Commonwealth."

How respectful & ever the terms of this address might be, the Parliament were not pleased with the contents, as it seemed to teach them their duty, or rather to reproach them for neglecting it. They had forgot, that this was the language of the army to the Presbyterian Parliament, in support of the Independent-party, and how grateful it had been to them. It was manifest, the officers sought an occasion of quarrel, and the Parliament was but too sensible of it. But they had no support against the army, and the hopes of division amongst the officers, became many opposed the presenting this address, was their only resource. For this reason, after some Members had warmly inveighed against the insolence of the officers, the House, however, returned a moderate answer, to gain time, and keep them in temper, whom they were unable to resist. The officers therefore, who had delivered the address, were called in and thanked by the Speaker, for their affection and faithfulness to the Parliament; to which he added, that the Parliament had already taken into consideration the relief of the maimed soldiers, orphans, and widows; and had also settled a way for satisfaction of the arrears due to the army, and would endeavour to bring the same to speedy effect.

Derborough brought this answer to the general Council of officers, who assembled that day. But as they were informed of the Speeches against them in the House, it was suspected, that the Parliament intended only to gain time, to strengthen themselves, or to change the constitution of the army. Wherefore, they resolved to cause their address to be signed by all the regiments in England, Scotland, and Ireland, and to write to them on that subject, which was done the same day.

Two days after, the Parliament receiving a letter from Monk, with assurances of his entire obedience, returned him a gracious answer, letting him know the high esteem they had of his services, with a promise to revoke all the orders which might have given him any cause of disgust. The Parliament and officers thought it of great importance to gain Monk to their interest. The Parliament's hopes of that General's good disposition towards them, gave them a little more firmness than they had at first shown. So, in their debates upon the proposals of the officers, a particular answer was returned to each article, and the officers given to understand, that their complaints were causeless, and the Parliament neither obliged nor pleased to give them an account of their conduct. This answer convinced the officers, that things were come to that point, that they were either to submit to the Parliament, or endeavour a dissolution. But they could not resolve to submit, without trying first to render themselves superior. To this end, Lambert marched his Brigade towards London, and appeared there himself to support his friends. The Parliament, on their side, seeing a breach with the army was not very remote, hastily passed an Act, to declare it High-treason to levy money upon the People, without the consent of Parliament.

Herein their aim was to hinder the army's subsistence. They did still more: For Monk the Clergyman being arrived from Scotland, with assurances from his brother the General of his supporting the Parliament, and marching to their assistance, if required, Lambert, Derborough, and some other principal officers, who had signed the address, were displaced by the Parliament. Then they annulled Fleetwood's commission, and named commissioners (1) for the government of the army, from the 11th of October to the 22d of February. But these proceedings not being supported with power, the officers received the Parliament's orders with scorn.

Mean time, the Council of State, being informed that Lambert was assembling the army, ordered two regiments to Westminster, to guard the Parliament, whose colonels and officers were devoted to them, and had refused to sign the address. This did not prevent Lambert from executing his design. Having drawn some regiments into London, on the 13th of October he secured all the avenues

1659.

The Parliament most of us did not see the address, as it was not presented to the House.

The officers of the Parliament were not present.

Monk's letter to the Parliament was not presented.

The Parliament received the letter from Monk.

The Parliament received the letter from Monk.

The Parliament received the letter from Monk.

The Parliament received the letter from Monk.

The Parliament received the letter from Monk.

The Parliament received the letter from Monk.

The Parliament received the letter from Monk.

The Parliament received the letter from Monk.

1649.

Lambert
killed the
Speaker
from a ship
in the House
of Commons.
III. p. 547.
The Members
not suffered
to assemble
at Fleetwood.
T. II. p. 713.
— 715.
The Parliament
Grand
order.
A Guard
placed by
Fleetwood
at the Door
of the Parlia-
ment House.

to the Parliament (1). Presently after, the Speaker appearing in his coach as he was going to the House, was stopped by Lambert, and forced to return. Then he sent to the colonels of the two regiments in Palace-yard, to retire to their quarters, which they refusing to do, he killed and bid them flay there as long as they pleased. But at the same time, he took care to stop all the members who were going to the House, and hinder them from entering (2). So the Parliament, as well for want of a sufficient number of members, as for the absence of the Speaker, not being able to sit that day, the two Regiments placed at *Whitehall* to secure them from violence retired, after having remained there till night. They were no sooner gone, than *Fleetwood* seized the posts, and placed a strong guard at the door of the Parliament-house, to hinder the members from assembling. Next day, the discontented officers called by, by their own authority, those of the two regiments appointed to guard the Parliament, and sent others to fill their places. The soldiers obeyed their new officers, and abandoned the old.

An Anarchy
of a few
days. 1649.
The officers
from a Council
of ten.
End their
own Govern-
ment.
Whitehall.

This ANARCHY lasted ten days, before the officers, now grown superior, thought of settling any form of Government. All they did, was to nominate ten of their own body to form a Council, to take care of the most urgent affairs. Then they declared *Fleetwood* their General, *Lambert* their Lieutenant-general, and *Desborough* Com-military-general of the Horse. They established likewise a Council of Seven to nominate such officers as were not suspected, with orders to exclude those, in whom they could not confide. Mean while a discipline so exact was observed by the troops, that it was wonderful to see soldiers so submissive to their officers, and so inoffensive to the People during such an anarchy. As the officers were still uneasy about *Munk*, whom they suspected, because he was not of their principles, and besides, was an enemy to *Lambert*, Colonel *Cibber* was sent to try to gain him to their party, with secret orders, in case he could not succeed, to endeavour to corrupt his troops, and, if possible, put him under an arrest. *Clarges* gave *Munk* intelligence of *Cibber*'s secret commission.

The exact
Discipline of
the Army.Colonel Cib-
ber sent to
Munk by
his officers.Skinner.
Clarendon.
III. p. 547.The King's
Smells at
Fontarabia.
Id. p. 537.

During these transactions in England, the King was in his journey to *Fontarabia*, where he arrived but very little time before the treaty between the two Crowns was concluded, having by mistake (3) proceeded to *Sareggissa*, where he had no business, while the two Ministers of France and Spain finished their treaty. But in all likelihood, he would have received no advantage from that treaty, tho' he had arrived at the beginning. Nay, it is difficult to conceive, what advantages he proposed to himself from this journey, nor has the Earl of Clarendon thought fit to inform his readers. *Don Louis de Haro*, prime Minister of Spain, received him very civilly, and expressed a sense of his unhappy condition, by making him a present of seven thousand pistoles. But Cardinal *Mazarin*, for fear of rendering himself suspected to the Parliament, for fear of much as see him. So the King left *Fontarabia*, in order for *Brussels*, where he arrived the latter end of December.

The Army
recall a Com-
missioner of
Safety for
the Abolish-
ment of the
Government.October 26.
Phil. 64.
p. 652.F. II. 11.
Whitehall.
p. 682.

Id. p. 692.

MEAN time, the Great Council of Officers held frequent assemblies in London, to endeavour at some settlement of the Government, which could not be in greater confusion than at present. At last, on the 26th of October, thirteen days after the dispersion of the Parliament, they agreed to establish a Committee of Safety (4), and put the Government into their hands. Sir *Henry Vane*, who, since the last change, had come into the measures of the army, was of this committee, with *Fleetwood*, *Lambert*, *Desborough*, *Ludlow*, &c. The Great-Council of Officers as sole sovereign then of the three Kingdoms, authorized this Committee to execute all the Powers of the late Council of State, with authority to punish Delinquents concerned in the late conspiracy: to give indemnity to all who had acted for the Commonwealth since the year 1649: to oppose and suppress all rebellions and insurrections: to dispose of all places of trust that were void, and remove such as were scandalous: [to treat with foreign States:] to raise the Militia: and lastly, to make sale and composition for the estates of Delinquents. At the same time, a declaration was published, to annul the Acts or Orders of the Parliament, of the 10th, 11th, and

The Dis-
solution of the
Council of
Officers.

12th of October. In this Paper the officers declared, that they had no design to erect a military Government, but had already lodged the executive part in a Committee of Safety, who were to prepare such a form of Government as might best comport with a free state and Commonwealth, without a single Person, Kingship, or House of Lords. This declaration ended with some scriptural expressions, adapted to the taste and practice of the Giddy Party.

While the officers ruled in England, *Munk* was greatly embarrassed in Scotland. He was indeed at the head of the Government, and of twelve thousand men, most of whom he could rely on, though many of the officers were Fanatics, or inclined to be so, and consequently justly suspected by him. But this army was supported by money regularly paid from England, Scotland being unable to maintain them. *Munk* had thereby been able to keep the army under strict discipline, and to procure Scotland a tranquillity, to which the had long been a stranger, tho' the Clergy were dissatisfied with the liberty of Conscience granted to all except Catholics and Prelates. But forts erected by *Munk* in several parts of the Kingdom, and well garrisoned by him, prevented all insurrections. The changes in England since *Cromwell*'s death, disturbed *Munk*'s peaceable state in Scotland. For though he was equally caressed by the army and Parliament, because they either wanted or feared him, he perceived, that on which side forever the advantage should turn, he was to be the victim. He had already experienced it in the Parliament's endeavours to undermine his credit, and could not doubt, if that Parliament had subsisted, he should have been, by one means or other, displaced, because he was feared. On the other hand, his hopes were no better from the army, which was properly commanded by *Lambert*, under the name of *Fleetwood*. *Lambert* considered *Munk* as a formidable rival, who would never suffer him to execute his designs, if it was in his power to prevent him (5). *Munk*, for his part, would never have been willing to submit to *Lambert*. He was nevertheless under an absolute necessity of taking one of the two courses. A neutrality would have exposed him to the danger of being sacrificed by both, if they should be reconciled, which was not impossible. Besides, on such occasions, the victorious party never thinks any great regard due to those who have stood neutral. In fine, a neutrality would have entirely deprived him of the supplies received from England for the subsistence of his army. He therefore determined to side with the Parliament, and, without any evasion, sent his resolution to *Fleetwood*. For this purpose, he prepared for a speedy march into England with the best part of his army.

When this resolution is considered, it is difficult to believe, that *Munk* could take it, without being influenced by other motives than what appear at first sight. First, he had no cause to be pleased with this Parliament, nor is it seen what interest, either publick or private, he could have, to restore a Parliament generally hated, and which had been always distrustful of him. Secondly, *Munk* had joined with the Republicans only to free himself from confinement. Thirdly, though he had twelve thousand men, he could, at most, take with him but half, unless he would give the Scots opportunity to shake off the English yoke. How therefore could he venture to go with five or six thousand men, to encounter an army stronger than his own? Lastly, The people of England hitherto had declared for neither Parliament nor army, but equally hated both. *Munk* therefore could not expect the People's assistance, to restore a Parliament which had ever held them in servitude. This was not, at least, the interest of the Royalists or Presbyterians, who properly were the body of the nation, there being but very few who were really attached to the Parliament or the army, tho' fear compelled them to obedience. And, by the way, the small interest which the Parliament had in the Boroughs and Counties, was the true reason that they never filled the vacant seats, because they could not be assured that such members would be chosen as they desired. These are the considerations which naturally create a belief, that *Munk*, when he refused to march into England, under colour of re-establishing the Parliament, secretly intended to serve and restore the King. This is almost universally agreed. But it is not equally

Refused to
march into
England.Motives of
this
Refutation.He designs
to restore the
King.
Clarendon.
III. p. 549.
Skinner.

(1) *Richard* Eschyn who commanded the Life-Guard of the Parliament, marching forth with his Troop, was met by *Lambert* at *Scotland*. *Eschyn*, who commanded him to dismount, which he thought lawful to do, though at the head of his Troop, and tho' *Lambert* was alone, and on horse back. The Troop offered *Lambert*, which he placed along *King's* officers, and it speed the Speaker. *Id.* p. 682.

(2) *St. Peter* *Wentworth* shot, being pined by some side Watermen, broke through the Guard on the River, and got into the House. *Ludlow*, *Tom. II.* p. 722.

(3) This mistake arose not from the Ignorance of the way leading to *Fontarabia*, but from a mistake in the King's Intelligence. That the Treaty between the two Crowns was finished, whilst it was actually in negotiation. In the first case, the King had no business at *Fontarabia*, and therefore *Clarendon*, and perhaps some better view, determined him to go to *Madrid*. When his mistake was removed, he turned back, and pursued his first intended journey to *Fontarabia*. See *Clarendon*, *Tom. III.* p. 537.

(4) One of the twenty three Persons *Whitlock* (who was one) says, he was not desirous of that employment, at such a time as this. *Mem.* p. 682.

(5) In order to weaken them, the Parliament sent him an order, when *Lambert* was marching against *Perth*, to send *Lambert* two Regiments of Foot, and two of Horse, but he excused himself, under colour of the Enemy's strength, and inclination to retreat, though *Eschyn* then thought, that his engagements with *Eschyn* were the true reason of his refusal. *Ludlow*, *Tom. II.* p. 691.

1659. clear what was his plan, or his means to accomplish such a design. If the Royalist authors are to be credited, he marched into England with only five thousand men; and the terror of that army, joined to the wishes of the nation, and *Monk's* prudent conduct, produced this happy restoration. All this is true, but it is not the whole of the truth, party-interest having obliged the Historians to conceal, or speak confusedly of some things. For my part, I shall give my opinion, and leave it to the judgment of the unprejudiced reader. I own, I cannot support it with the clear and undeniable testimony of the Historians of those times. But I think, I can ground it upon something stronger than the testimony of the Historians; I mean, upon the facts themselves, and General *Monk's* whole conduct. The Reader will judge of it hereafter.

His Plan in order to the King's Restoration.

Ladlow, T. II.

Since the Presbyterians had been expelled from the Parliament in 1648, they had been kept extremely low, because their number ever rendered them formidable to the Independent Parliament, and afterwards to *Cromwell*. They had never been able to recover their seats in Parliament, a few only excepted, who had thrust themselves in by a dissimulation, which nevertheless, as appears in *Ladlow's Memoirs*, could not deceive the Independents. Sir *William Waller*, one of their Generals, was not in condition to head an army, and *Messy* had espoused the King's cause. So, having nothing more to say in the Parliament, and wanting a leader to head them, they had remained in subjection to the Independent Parliament, and afterwards to *Cromwell*, without any likelihood of reviving their humbled party. They had for enemies *Cromwell*, the army, the Parliament, the Royalists, and were in no places of trust which might give them credit. We have already seen, that being weary of this situation, they had discovered an inclination to unite with the King's party, or at least shew, that they should not be displeased with the good success of that party's design for an insurrection in several parts of the Kingdom. The miscarriage of that undertaking was doubtless the reason, that the union was carried no farther. Nevertheless, *Monk* knowing how the Presbyterians stood disposed, employed, in all likelihood, *Clarges* his confidant, to make a secret agreement with some of their chiefs for restoring the King by their means. The scheme formed for that purpose, and which could not be executed without the Presbyterians, was, as appears by the sequel, briefly this:

Monk engaged, no doubt, to march into England and restore the Rump-Parliament, dispersed by the officers. This was the first step he was to take. The Parliament being restored, *Monk* was to join with the city of London, wholly Presbyterian, and demand that the members expelled in 1648, might resume their seats, or, if the Rump refused to admit them, to introduce them by force. These restored members could not but, by their number, have a great majority in the House, and compose properly a Presbyterian Parliament. It was agreed, that this Parliament should dissolve itself, after summoning another free Parliament, composed, agreeably to the ancient constitution, of a House of Lords and a House of Commons. This new Parliament must have naturally consisted of Royalists and Presbyterians (the Independents having too little credit to carry any elections) and was to restore the King, to which the Presbyterians should consent. In all likelihood these last stipulated some conditions, the particulars whereof are not known. It cannot however be doubted, that there were conditions, since, after the restoration of *Charles II.*, they complained bitterly of breach of promise. This also appears in that, to vindicate *Charles II.*, for not keeping his word with the Presbyterians, 'tis pretended, it was not in his power to dispense with the laws, and consequently his promise was void. This was the scheme for restoring the King, which, as will hereafter be seen, was closely pursued. If, on some occasion, *Monk* seemed to swerve from it, 'twas because he believed dissimulation absolutely necessary, and that he could not discover his intention without danger of rendering the project abortive. It was to be done on a sudden, and under other pretences, before the enemies to Royalty should have time to oppose it. Now he could not use more proper instruments than the Presbyterians, who were little suspected of desiring the King's restoration. But the Historians are very unwilling to allow the Presbyterians any share in this unexpected event, though they are forced in some measure to follow, in their Histories, the scheme I have explained. They are contented to insinuate, that this restoration was owing to the prayers of the People, as if the Presbyterians had not been a considerable, and perhaps the major part of the People. This scheme being

supposed, all difficulties will vanish, and *Monk's* proceedings appear natural, and consequences of it. But if it be supposed, that *Monk* restored the Presbyterian members, expelled from the Parliament in 1648, without any previous agreement, it can never be conceived, that he should think it necessary to restore a Presbyterian Parliament, in order to place the King on the throne without any conditions.

The first thing done by the Committee of Safety, lately established by the general Council of officers, was to send *Clarges* to *Monk*, to bring him to some agreement. They were ignorant of the error committed by the officers, in usurping the sovereign power, without the approbation of a General at the head of twelve thousand men, and would have gladly repaired it. But they could not chuse a worse messenger than *Clarges*, whose sole aim was to serve the King, and who, probably, had engaged *Monk* in the same design.

Mean while, *Monk* was preparing with all possible diligence for his expedition, tho' not without several obstacles. 1. His forces being dispersed through all Scotland, required, at least, six weeks to draw them together. 2. Ready money was to be provided for their maintenance, because he could expect no more from England. For this purpose, the taxes were to be anticipated, and even extraordinary supplies obtained of the *Scots*. 3. In his troops were some officers, on whose fidelity he could not rely. 4. In short, it was absolutely necessary to his design, to have some towns on the frontiers of England, to facilitate his entrance, as he knew that *Lambert* was marching to oppose him. All these difficulties were happily surmounted, except the first, because of the remoteness of his forces. As to the rest, he began with cashiering several of his suspected officers, and substituting others in their room. He kept those whom the Parliament had displaced, and whose successors were not yet come. Then he summoned to *Edinburgh* the officers of the nearest regiments, and communicating to them his design of marching into England, to restore the Parliament, he had the satisfaction to meet with their concurrence. This done, he found means to secure *Hewick*, and arrest Colonel *Cabbot*, who was there, and whose secret instructions were told him by *Clarges*. *Cabbot* was sent to *Edinburgh*, and there imprisoned. *Monk* also attempted to surprize *Newcastle*, but was disappointed. As to the money he wanted, he raised as much as was possible, and with his army was assembling, solicited the *Scots* for an extraordinary supply.

While *Monk* was making these preparations, *Clarges* his Brother-in-law arrived in Scotland, with a proposal for a treaty with the Committee of Safety. It was resolved betwixt them to accept the proposal, but with design to conclude the treaty, but to gain time till *Monk's* army was ready (1). Pursuant to this resolution, *Monk*, with the consent of his officers, made choice of Colonel *With*, Lieutenant Colonel *Chiberry*, and Major *Knight* to go and treat in his name with the Committee, and sent them away with such instructions, as he thought would raise insurmountable obstacles to the conclusion of the treaty. These three commissioners met *Lambert* at *Tark*, who told them, he was sufficiently empowered to treat with them (2). But to their demand for restoring the Parliament, he answered, his power did not extend to that article, and so they were obliged to go on to *London*.

These Commissioners, ignorant of *Monk's* secret intentions, were no sooner at *London*, than they made all possible haste to conclude with the Committee of Safety, and the rather, because every thing which they proposed was accepted. So, the treaty was concluded and signed the 15th of November, to the great dissatisfaction of *Monk*, whose aim was to prolong it, and then break off the negotiation. It would be needless to insert the treaty, because it was never executed. I shall only observe, that by the first article, a vigorous opposition to the King's restoration was agreed to by both parties. *Monk*, upon receiving the treaty, sought evasions to hinder the ratification, pretending, his Commissioners had acted contrary to their instructions, and thereby became still more suspected by the Committee of Safety.

While *Monk* was preparing to march into England, the Members of the late Parliament were not idle. They were ardently endeavouring to re-establish themselves, and wrest from the officers their usurped authority, but without the least thought of restoring the King. They believed, or pretended to believe, that *Monk* had no other view than the restitution of the Parliament, and, in this belief, considered *Monk's* friends as their own. This was true in general, though some there were of *Monk's* adherents in *Lon-*

The Committee of Safety had chosen to restore the Presbyterian members, expelled from the Parliament in 1648, without any previous agreement, it can never be conceived, that he should think it necessary to restore a Presbyterian Parliament, in order to place the King on the throne without any conditions.

Monk proposed to the Committee of Safety, to bring him to some agreement.

Whitelock, Ladlow, Clarendon, tit. p. 546.

Phillips, p. 664.

Ladlow, tit. p. 71.

Clarges comes to him to Scotland, May 2.

R. Coke, Monk's letter to a friend in a treaty for a negotiation by a Negotiator.

Clarendon sent to London for that purpose.

Clarendon, tit. p. 746.

Phillips, p. 667.

Whitelock, p. 681.

Ladlow.

A Treaty concluded contrary to Monk's intention, who reflects to vanity.

Nov. 15, Phillips, p. 672.

Clarendon, III. p. 749.

Ladlow, tit. p. 752.

Skinner.

The Members of Parliament were not idle. They were ardently endeavouring to re-establish themselves, and wrest from the officers their usurped authority, but without the least thought of restoring the King.

(1) He also desired the Independents, by his solemn Protestations, and publick Declarations of his firm Resolution to adhere to the Parliament and their Cause, against a King, single Person, or House of Peers. *Ladlow, Tit. II. p. 747, &c.*

(2) *Monk's* Commissioners for the Treaty of *London* of the treaty at *Monk's* command, the *Ladlow* kept his Forces from marching further northward. When notice of this came to *London*, *Whitelock* was for ordering *Lambert* to advance speedily with his forces, and attack *Monk*, before he should be better provided; believing, as he says, that *Monk* only sought delay. But his advice was not taken. *Whitelock, p. 682.*

1659. don, better informed than the rest, who knew what they were to believe. Be this as it will, all the friends of the Rump united to support *Munk's* designs, imagining, his sole intention was to reëstablish the Parliament. For that reason, the Members who had formed the Council of State, before the interruption of the Parliament, being privately assembled, sent to *Munk* a commission, constituting him General of the armies of *England, Scotland, and Ireland*.

Nov. 14.
Phillips
p. 671.

The Govern-
ment of the
Rump united
to support
Munk's de-
signs for the
restoration of
the Parlia-
ment.

R. Cooke,
Whitehead,
The Town is
divided up,
and the fol-
lowers desert,
Clarendon,
III. p. 119.

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On the other hand, [Colonel *Whitman*] Governor of *Portsmouth*, *Munk's* particular friend, declared for the Parliament, and received into his garrison *Holcroft, Walton, and Morley*, three Members of Parliament, the most intemperate against the army. The Committee of Safety, upon the first notice of this defection, sent a detachment of the army to block up *Portsmouth*, but the soldiers deserted their officers, declared for the Parliament, and were received into *Portsmouth* as friends. Another detachment sent from the army on the same errand, did almost the same thing, so that the Committee knew not on whom to rely. At the same time, *Latoun*, Vice-Admiral declared for the Parliament against the army, and entered the *Thames* with several of his ships, to awe the adherents of the Committee. *Lambert*, who commanded a body of the army in the North, being informed of the ill situation of the Committee's affairs, detached [*Deloroughe's*] regiment to the assistance of his friends in *London*, but that regiment, at *St. Albans*, declared for the Parliament.

Mean while, the Committee of Safety feeling all this opposition, seemed to be discouraged. They took no measures for their own preservation, and instead of assembling the army, suffered it to be dispersed into quarters. It is likely, they feared to fee the army together, since the soldiers of the two detachments sent to *Portsmouth* had deserted their officers. Mean while, *Holcroft, Walton, and Morley*, finding themselves sufficiently strengthened by the soldiers of the army, which had retired to *Portsmouth*, marched at the head of these troops, towards *London*. Then it was that *Fleetwood*, and the rest of the Committee of Safety, were in the utmost perplexity. They durst not trust their own soldiers, and knew not what course to take. *Whitehead*, as appears in his *Memorial*, advised *Fleetwood* either to head the army, or agree with the King (1). He seemed to approve of this last course, but presently altered his mind, and did neither. At last, his Colleagues and himself wanting capacity and resolution to extricate themselves out of such an emergency, consented to the meeting of the Parliament, and voluntarily resigned their usurped authority. They had no sooner given their consent, than they were entirely abandoned by their whole party.

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1659-60. million of the members secluded in the year 1648. *See*, one of the Commissioners from the Parliament, interrupted the London Commissioner who was reading the address, and commanded him silence, looking upon this proposal as tending directly to the destruction of the Republican Parliament. Nevertheless, *Mont* received the address. As he continued his march, he received many such, so that it seemed to be the general sense of the nation, that the Presbyterians should restore the reins of the Government. Let us reflect here a little on this extraordinary change.

It cannot be denied, that the secluded Members in 1648 were Presbyterians, who had, on all occasions, shewn an extreme animosity against the King and the Church of England. If they had testified a desire to restore the late King by the treaty of *Neusport*, this was owing to conditions, which he looked upon as intolerable, and which necessarily alone compelled him to grant. Nay, the Parliament could not refuse to allow some restrictions desired by the King to their demands. If they voted that the King's concessions might serve for foundation to a peace, it was at a time when the army was now in London, ready to execute the violence which was acted the next day. The Presbyterians therefore cannot be considered as having been at any time, favourable to *Charles I.* Since the 6th of December 1648, they had been kept very low, having constantly had for enemies the Royalists, Parliament, Protector, and Army, so that they were without any power. And yet, during *Mont's* march, this party not only revives, but even becomes superior to all the rest, and the whole nation seems to conspire to restore them the supreme authority, in demanding the re-admission of the secluded members in 1648. What could be the motive of so great a number of addresses on this account, presented to *Mont* in his march? And why did *Mont* receive them so favorably? Certainly, when he left *Scotland*, his intention, however concealed, was to labour the King's restoration (1). But if the Presbyterians had not engaged to favour this restoration, the raising their party, and putting them in possession of the Government, would have been a very unlikely means to accomplish it. All that *Mont* could thereby have gained, was, the King's restoration on the same terms which his father had granted in the treaty of *Neusport*, which, doubtless, was very far from his intention. Let us therefore conclude, that all these addresses were an effect, or consequence of a secret agreement between the Royalists and Presbyterians, whereby these last had consented to the King's restoration, on conditions relating to their Religion alone, without insisting, as they had before constantly done, on any terms concerning the Government. Without this supposition, the steps, afterwards taken for the King's restoration, can never be conceived, and, with it, all the proceedings are natural.

This agreement was a secret which was carefully to be concealed, lest its discovery should produce an accommodation between the Parliament and the army, in which case *Mont*, who had but five thousand men, would have been little able to execute his designs. Wherefore, though he received all the addresses, he was very careful not to express the least signs of approbation, but contented himself with a general answer, that they should be laid before the Parliament (2).

Mont, as I said, had but five thousand men (3). With this army it was not possible to withstand the others, which was three times as numerous; and of which several regiments were now in London. If the Parliament and army could have united together, they would, doubtless, have rendered all *Mont's* projects impracticable. But the Parliament was still more jealous of their own army than of *Mont*. They only suspected that General of having secret designs, without knowing exactly wherein they consisted. But that the general officers of the army would become masters, if their assistance was necessary, could not be doubted. It was *Mont's* interest therefore to foment this disunion, and he could not more successfully do it, than by professing an entire devotion to the Parliament. He thereby removed from the Parliament all thoughts of an union with the army, which appeared unnecessary, while *Mont's* fidelity could be relied on. This was the true reason of *Mont's* extreme dissimulation, and of his pretending on all occasions, that his march to London was only to serve and obey the Parliament.

When he came to *St. Albans*, within twenty miles of London, he writ to the Parliament, to desire that the regiments in the city, might be sent to more distant quarters, it not being convenient, that troops, which had so lately been in Rebellion, should mix with those which

were entirely devoted to the Parliament, and come to offer their service. With this letter he sent the manner in which his soldiers might be lodged in London, and the quarters that might be assigned to the regiments which were to be removed. Though this demand was suspected by many members to have some mystery in it, it was however granted by a majority of voices, and the regiments in the city were ordered to remove. This shews, either that *Fleetwood* and *Desborough* were no great politicians, if they did not see that *Mont's* demand tended to make himself master of the City and Parliament, or that they believed they had not a sufficient influence over their inferior officers, to venture to oppose it. It seems, they could resolve nothing without *Lambert*, who was now prisoner in the Tower.

However this be, *Mont* artfully improving the division between the Parliament and the army, entered London, in triumph, the 3d of February 1659-60. After he had given orders for quartering his troops, he repaired to the Council of State, who immediately tendered him the Abjuration-Oath, which all the members were obliged to take. But he asked time to resolve, saying, he had been informed that strong objections had been made to this oath, even in the Parliament itself. Upon this refusal he was denied admittance into the Council of State, till he had taken the oath, and was obliged to withdraw.

The 6th of February he went to the Parliament, where by the mouth of the Speaker, he received the compliments and thanks of the House; to which he returned the following answer:

Mr. Speaker,
"Amongst the many mercies of God to these poor nations, your peaceable restitution is not the least. It is (as you said) his work alone, and to him belongs the glory of it; and I esteem it as a great effect of his goodness to me, that he was pleased to make me, amongst many worthy in your service, some way instrumental in it. I did nothing but my duty, and deserve not to receive so great an honour and respect as you are pleased to give me at this time and place, which I shall ever acknowledge as a high mark of your favour to me.

"Sir, I shall not now trouble you with large narratives, only give me leave to acquaint you, that as I marched from *Scotland* hither, I observed the People in most counties in great and earnest expectations of a settlement, and several applications were made to me, with numerous subscriptions to them. The chiefest heads of their desires were for a free and a full Parliament, and that you would determine your fitting; a Gospel-Ministry; encouragement of Learning and Universities; and for admittance of the members secluded before the year 1648, without any previous Oath or Engagement. To which I commonly answered, that you are now in a free Parliament; and if there be any force remaining upon you, I would endeavour to remove it; and that you had voted to fill up your House, and then you would be a full Parliament also; and that you had already determined your fitting: And for the Ministry, their maintenance, the Laws, and Universities, you had largely declared concerning them in your last declaration; and I was confident you would adhere to it: But as for those Gentlemen secluded in the year 1648, I told them you had given judgment in it, and all people ought to acquiesce in that judgment; but to admit any members to sit in Parliament without a previous oath or engagement, to preserve the government in being, it was never done in England.

"But although I said it not to them, I must say, with pardon, to you, that the less oaths and engagements are imposed (with respect had to the security of the common Cause) your settlement will be the sooner attained to. I am the more particular in these matters to let you see how grateful your present consultations about these things will be to the People. I know all the former Gentry will close with you, if they may be tenderly and gently used; and I am sure you will use them, as knowing it to be the common concern, to amplify, and not to lessen our interest, and to be careful that neither the Cavalier, nor Fanatick Party have yet a share in your civil or military power, of the least of whose impatience to Government, you have lately had so severe experience. I shall say something of *Ireland* and *Scotland*; indeed *Ireland* is in an unsettled condition, and made worse by your interruptions, which prevented

(1) Bishop *Barnes* must necessarily suppose, that *Mont* had no settled design any way, but resolved to do as occasion should be offered to him, p. 84.
(2) He kept himself under such a reserve, that he declared all the while in the most solemn manner for a Commonwealth, and against a single Person, in particular against the King. *See* *London*, *Tom. II.* p. 311. The same day he entered London, *London* vowing him, he told London, "That he was fully resolved to promote the interest of a Commonwealth." Adding, "We must live and die for it by a Commonwealth." *Idem.* p. 312.
(3) Dr. *Stinner* says, his Army, upon a Review at *Higworth*, amounted to five thousand eight hundred Men, (p. 127.) Newly, four thousand Foot, and eighteen hundred Horse. The Parliament's Regiments in London consisted of two thousand Horse, and eight thousand Foot. *Phillips*, p. 679.

1659-60, "the passing an Act for the settlement of the estates of adventurers and soldiers there, which I heard you intended to have done in a few days; and I presume, it will be now quickly done, being so necessary at this time, when the wants of the Commonwealth call for supplies; and people will unwillingly pay taxes for those estates, of which they have no legal assurance: I need not tell you how much you were abused in the nomination of your officers of your armies there; their malice that deceived you, hath been sufficiently manifested: I do affirm, that those now that have declared for you will continue faithful, and thereby evince, that as well there as here, it is the sower interest must establish your dominion. At for Scotland, I must say, the people of that nation deserve to be cherished; and I believe your late declaration will much glad their spirits; for nothing was to them more dreadful, than a fear to be over-run with fanatic notions. I humbly recommend them to your affection and esteem; and desire the intended union may be prosecuted, and their taxes made proportionable to those in England, for which I am engaged by promise to become a tutor to you. And truly, Sir, I must ask leave to intreat you to make a speedy provision for the civil Government there, of which they have been destitute near a year, to the ruin of many families: And except commissioners for managing of the Government, and Judges to sit in Courts of Judicature, be speedily appointed, that Country will be very miserable.

"I directed Mr. Gumble lately to present some names to you, both for Commissioners and Judges; but by reason of your great affairs, he was not required to deliver them in writing: But I humbly present them to your consideration."

This speech was not agreeable to all; some of the Members complained, *Munk* spoke too positively, and assumed too great an authority: that he affected a popularity, which justly rendered him suspected: that he engaged for the fidelity of the *Irish* officers, which, however, was to be doubted: In short, that in saying, the Cavaliers were not yet to have a share in the Government, he gave that party hopes of being one day admitted.

Two days after, the Parliament had occasion to try *Munk's* fidelity, and to be assured, whether he was so devoted to their interest as he studied to appear. The Common-Council of the City of London, assembling the 7th of February, resolved to pay no more taxes till the Parliament was called (1). They knew *Munk's* design was to restore the Members secluded in 1648, and, doubtless, thought by this resolution to advance the affair. They had nothing to fear from *Munk*, and knew the Parliament would not recall the regiments which were removed from London, to force the City to obedience. Upon advice of this resolution, the Parliament ordered *Munk* to lead his army into the City, seize eleven Members of the Common-Council, and pull down the chains, gates, and portcullises. *Munk* readily and instantly obeyed the order (2). He assembled his forces, entered the City, and arrested the eleven Members of the Common Council. Then he writ to the Parliament an account of what he had done, praying them wital to moderate their rigour, with respect to the gates and portcullises. But the Parliament, whether through animosity against the City, or a farther trial of *Munk's* fidelity, and perhaps to engage him in an irreconcilable quarrel with the City, insisted upon a punctual compliance with their order, and were immediately obeyed. After that, he returned with his troops to *Whitehall*, which displeased the Parliament, believing *Munk* ought not to have quitted the City without their order. The same, or the following day, *Prair-God Barbone*, formerly mentioned on occasion of *Oliver Cromwell's* first Parliament, presented a petition to the House, subscribed by many persons, desiring the oath of abjuration of *Charles Stuart* might be taken by all persons without exception, and he received the thanks of the House.

Munk's late proceedings astonished both his friends and the City of London. The Magistrates, enraged at this treatment, looked upon him as a perfidious man, who had amused them with hopes of his supporting the re-admission of the secluded Members, in order to know their sentiments, and as one absolutely devoted to the Parliament. On the other hand, his friends represented to him, that he was guilty of an irreparable fault, in quarrelling with the *Londoners*, who alone were able to support him against the

Parliament bent upon his ruin, whatever they might pretend. That this Commission was a snare, which had lost him the confidence of the City, and exposed him to the Parliament's designs against him; besides that, without the assistance of London, he would never, with his small army, be able to execute his intentions (3).

Munk, convinced by these reasons, that he had carried his diffimulation too far, thought only of repairing his error, by an open rupture with the Parliament, in order to regain the esteem of the City. He therefore sent, without loss of time, *Clarges* his confidant, to Sir *Thomas Allyn* Lord-Mayor, to tell him, he was very sorry for what he had done, and desired a conference with him, and the Common-Council, to make reparation for his fault. But *Clarges* could obtain nothing from the Lord-Mayor, who was persuaded that *Munk* was deceitful and treacherous, and only sought to deceive him. Notwithstanding all this, *Munk* assembled his forces, with a resolution to march once more into the City, and be reconciled to the Magistrates, whatever might be the consequence. At his departure, he sent a letter to the Parliament, writ with the approbation of his principal officers, complaining, "That they gave too much countenance to *Lambert*, *Fane*, and several others, that engaged with the late Committee of Safety; and that they had permitted *Ludlow* and some others to sit in their House, that had been, by Sir *Charles Coote* and some of the *Irish* officers, accused of High-treason; and had countenanced too much a late petition to exclude the most sower and conscientious, both Ministers and others, by oaths, from all employment and maintenance; and in fine, peremptorily demanded, that by Friday next, they would issue out writs to fill up their House; and when filled, should rise at an appointed time, to give place to a full and free Parliament."

By this letter the Parliament easily perceived, *Munk* fought an occasion of quarrel, which, as it was difficult to avoid, it was judged the wisest course to vote *Munk* the thanks of the House, for his care, and that his desires should be satisfied without delay. At the same time, *Sett* and *Robinson* were dispatched to him with this resolution. But *Munk* was now marched into the City, and had, tho' with great difficulty, prevailed with the Mayor to assemble the Common-Council that afternoon. Mean time, the two Commissioners of the Parliament, having waited on *Munk* with the message, returned with little satisfaction. He only told them, *All would be well, if his letter was complied with*. Upon this answer, the Parliament voted, that the command of the army should be lodged in five Commissioners (4), of whom *Munk* himself was one, and that the *Quorum* of them should be three; but when it was moved, that *Munk* should always be one of the three, it was carried in the negative.

In this interval, *Munk* repairing to the Common-Council, made a Speech, in which he testified his concern for having accepted a Commission, so disgraceful in the execution to the City. That he was forced to accept it, or quit his command, which he had thought proper to keep at such a juncture, for the good of the City, and of the whole Nation, whose happiness and advantages he should always promote to the utmost of his power. To give an unquestionable proof of the sincerity of his intentions, he communicated to the Council his letter to the Parliament, and answer to the two Commissioners. As these last proofs were convincing, the Council was appeased, and *Munk* looked upon as a friend come to their relief, notwithstanding the transactions of the foregoing day. When the news of this reconciliation was dispersed thro' the City, it was followed with ringing of bells, and bone-fires in every street, at which were raised numberless Rumps in contempt of the Parliament (5). Some days after, the COUNCIL of STATE sent to desire *Munk* to come and assist them with his counsels, in regulating the affairs of the nation: but he did not think fit to expose himself to this danger. He answered, that the inhabitants of London were so dissatisfied, that his presence was absolutely necessary in the City, to keep them in awe. On the other hand, the Lord-Mayor and Aldermen conjured him to stay in the City, acquainting him, that the Parliament was severely endeavouring to corrupt his army, and that Sir *Arthur Hagerig* had writ to several persons in London, to that purpose. So *Munk* took care to avoid the snare laid for him.

Since *Munk's* union with the City, addresses for the re-admission of the secluded Members were more frequent than ever. Very likely, there were emissaries dispersed in seve-

(1) It was an Affirmation of one hundred thousand pounds a month, barely impudic. *Heath*, p. 436. *Whitehall* says, The Council of State found the City of London generally inclined to the bringing in of the King; or to have imbrued a free Parliament for that end. p. 695.

(2) "I do offered himself; if they would command these things to be done, to see their Orders put in execution." *Ladlow*, Tom. II. p. 824.

(3) In *Shinner's* Life of *Munk*, "in fact, that the orders to march the Army into the City, were not directed to *Munk* alone, but also to the other Commissioners, whereas *Hoffie*, *Walton*, and *Merley*, were upon the Place, and, ever since his arrival in London, had only quietly wait him; so that he had the General related his orders, the others might have done the business without him, and consequently, put it to the hazard of retaining him from the command of his Army. But as he did not let his friends know this reason, the Action was variously confused." p. 237.

(4) They were, Sir *Arthur Hagerig*, Colonel *Merley*, *Walton*, *Alwyn*, and *Munk*. *Ladlow*, Tom. II. p. 827, 828.

(5) That Sunday Night, Feb. 11. was called the *Ruining of the Rump*. *Shinner*, p. 232.

1659-60. ral quarters, to incite the people to offer these petitions, which were always favorably received by *Munk*, it being necessary for him to support his designs, by the general inclination of the people. He knew what use was to be made of the petitions, imagined, that Presbyterianism was going to re-mount the Throne.

At last, on the 18th of February, *Munk* so ordered it, that some of the fitting Members had a conference with some of the secluded, concerning their re-admission. He could have wished, this might have been done by common consent. But the conference was fruitless, because the fitting Members could not, or would not, undertake for the Parliament's accepting the conditions which should be agreed on. They were for leaving that to the determination of the Parliament, who, doubtless, would have found means to prolong the affair. But *Munk* saw himself indispensably obliged to bring it to a speedy conclusion, for fear a delay might produce an agreement between the army and Parliament. This union was so natural, in the extremity to which the affairs of the Parliament were reduced, that it is astonishing, no endeavours were used to procure it. At least, History is silent upon that head. So *Munk*, desirous to improve so favorable a juncture, resolved to introduce the secluded Members into the Parliament, in spite of those who were now fitting. But as this could not be done without the assistance of the army, he assembled his officers, to acquaint them with his intentions. All consented, on certain conditions relating to their own interests, and which were positively promised. Then *Munk* made the secluded Members engage, that after their re-admission, they would call a free Parliament, and dissolve the present (1).

These resolutions being taken, *Munk* repaired to Whitehall the 21st of February, attended by all the secluded Members, and after an exhortation to take care of the interests of the nation, gave them a guard to conduct them to the Parliament, where they took their seats, without any previous notice to the fitting Members. They were so superior in number to the Independents, that the heads of that party, after a short demur among themselves, thought fit to withdraw, and abandon their cause.

The same day, *Munk* writ a circular letter to all the regiments, to inform them of the change in the Parliament, to assure them of the zeal of the restored Members for the interests of the army, and to desire their opposition to all attempts in favour of *Charles Stuart*. This last clause was thought necessary to keep the army in temper, which was yet far from desiring the King's reformation. This letter was signed by *Munk* himself, and his principal officers, and sent the same day to the Colonels of the several regiments.

This Parliament continued their Session but twenty five days, during which they did several things, plainly shewing they were far from being the King's enemies. Some of their proceedings shall here be laid together, that I may not be obliged to break the thread of the narration. 1. They annulled all votes and orders made by the Parliament since the 6th of December 1648, against the secluded Members. 2. They released all the imprisoned friends of the King, and amongst the rest Sir George Booth (2). 3. They constituted *Munk*, by Act of Parliament, Captain general of the armies of the three Nations. 4. They repealed the Oath of abjuration of *Charles Stuart*, and all the Royal Family. 5. They appointed a new Council of State consisting of one and thirty Members, most of them Royalists, and well-disposed to serve the King (3). 6. They made great changes in the Militia of London, and the several counties, and revoked all commissions granted by the Republicans. 7. They abrogated the engagement to be true and faithful to the Commonwealth without a King, or House of Peers, by which the Lords, who were generally the King's

Adherents were restored to their right of constituting a separate House in Parliament. Lastly, they dissolved themselves the 16th of March, after having issued out writs for a free Parliament to meet the 23rd of April, who were to re-form the King, which was no longer doubted (4). However, as such a change could not please every one, after so long an interruption of Kingly power, the Parliament, before their separation, thought it still necessary to amuse the publick, or at least to leave room to doubt whether the King's Reformation was intended. Wherefore it was voted, first, that no person should be admitted to any military employ, before he had sworn to acknowledge the lawfulness of taking arms against the late King (5). Secondly, that no person who had been in arms against the Parliament, should be chosen a Member of the next Parliament. In all appearance, these resolutions were only taken to prevent disturbances from the Male-contentants, in the interval between the two Parliaments. It is at least certain, that the last was neglected in the new elections of Representatives, among whom were great numbers of Royalists. As the non-observance of it was to be questioned by the next Parliament only, there was nothing to be said, till they should meet.

But these deceitful votes were not capable of imposing on the Republicans, who saw too plainly, that a resolution was taken to re-form the King. To prevent this blow which could not but crush them entirely, they endeavoured to persuade *Munk* to take upon himself the Government, and supply the Place of Oliver Cromwell (6), chusing rather to own him for Governor or even Sovereign, than be exposed to the King's vengeance. *Munk* having confidently rejected this offer, they applied to *Clarges* to desire him to persuade the General to accept the Government. But *Clarges* discovered their plot to the Council of State, who, if *Munk* had not interceded for them, would have punished them severely.

This attempt failing, they privately excited a good number of Officers of their own principles to draw up a Declaration, by which they engaged to support the Republican Government. They brought this Declaration to the General to sign, pretending it should afterwards be subscribed by the whole army. But *Munk* excused himself, alledging, this precaution was needless after the vote. That no adherent of the King should be elected to serve in the ensuing Parliament. But they made no account of this evasion, knowing, that it belonged to the House of Commons to judge of the qualifications of their Members. In short, as they continued to importune him, he forbore them with an air of authority, to assemble without his permission.

The transactions in England being quickly carried to Cardinal Mazarin, it was not difficult for him to perceive, that *Munk* had some great design in view. But as he could not judge whether that General was labouring for himself or the King, he ordered Monsieur de Bourdeaux the French Ambassador at London, to offer his friendship to *Munk*, and every thing in his power, whatever were his designs. Probably, the Cardinal, who had always treated the King with neglect, and was but little, if at all, desirous of his Reformation, would have been glad, *Munk* had been labouring for himself (7). But in case *Munk* intended to re-form the King, the Cardinal was willing to have some share in it, in order to make amends for his harsh usage of the King, on sundry occasions. The Ambassador applying to *Clarges*, intimated to him, that the Cardinal was ready to serve the General in all his undertakings, and desired a conference with him. But though *Munk* would not absolutely refuse a visit from the Ambassador, he ordered *Clarges* to tell him, it was on condition, he should not propose any thing to him in reference to the English affairs. So, the visit passed in general compliments.

(1) *Munk* made the secluded Members, before their Admission, subscribe these four Articles. 1. To settle the Council of the Armies in the three Nations by as much better choice the peace of the Commonwealth. 2. To provide for the support of the forces by sea and land, and money calls for their arrears, and the contingencies of the Government. 3. To constitute a Council of State for the Civil Government of Scotland and Ireland, and to discuss Writs for the summoning a Parliament to meet at Westminster the 23rd of April. 4. To consent to their own dissolution, by a vote that should be in record to them. *Stuart*, p. 241.

(2) The Earls of Cromwell and Lauderdale, and the Lord Sinclair, were "to be released." (3) To let the Reader who were then the leading men, it may not be amiss to insert the Names of this Council, which *Rapin*, by mistake, says, consisted but of twenty one Members. General Monk, William Pierrepont, John Crew, Colonel Rogers, Richard Kington, Colonel Popham, Colonel Menley, Lord Fairfax, Sir Anthony Ashley Cooper, Sir Gilbert Gerard, Lord Chief Justice Sir John, Sir John Temple, Lord Commissioner Widdrington, Sir John Evelyn, Sir William Waller, Sir Richard Onslow, Sir William Lewis, Colonel Edward Montague, Colonel Edmund Herley, Colonel Richard Norton, John Ainslie, Daniel Holles, Colonel George Thompson, John Trevor, Sir John Holland, Sir John Pett, Colonel John Birch, Sir Harbottle Grimston, John Sainsbury, John Weaver, Sir Henry Maynard. Phillips, p. 699.

(4) They also raised an Allowance of one hundred thousand pounds a month, for the payment of the Army, and defraying the publick expenses for six months. *Clerendon*, Tom. III. p. 165.

(5) In the Act of the Militia of London was a Clause, that every Commissioner shall acknowledge and declare, "That the War undertaken by both Houses of Parliament in their Defence against the Forces raised in the Name of the late King, was just and lawful, and that Magistrary and Ministry are the Ordinances of God." *Whitelock*, p. 699.

(6) Among the rest, (says *Shimmer*) Sir Arthur Haslerig, to preclude the King's Reformation, offered him one hundred thousand hands that should subscribe his Title, p. 276.

(7) Mr. Loke says, That *Munk* had agreed with the French Ambassador to take the Government on himself, by whom he had promised that *Mazarin* of assistance from France, to support him in this undertaking. This bargain was struck between them late at night, but not so secretly, but that *Mazarin*'s Wife, who had posted herself behind the hangings, where the could hear all that passed, finding what was resolved, sent immediately notice of it by her Brother *Clarges* to Sir Anthony Ashley Cooper. She was jealous for the Reformation of the King, and promised Sir Anthony, to watch her Husband, and inform him from time to time how matters went. Upon this notice Sir Anthony summoned the Council of State, and before them, indirectly charging *Munk* with what he had intended, proposed, That to remove all Craples, *Munk* would at that instant take away their Commissions from him and such Officers in his Army, and give them to those whom he named. By this means the Army cried to be at *Munk*'s devotion, and was put into hands that would not serve him, in the design he had undertaken. *Memors of the Earl of Shaftesbury*.

1659-60. The day after the dissolution of the Parliament, Sir John Greenhill, sent by the King to General Monk, was introduced to him in the night. He told him, the King expected great services from him, and that he would finish a work he happily begun, and even very far advanced. Monk answered, He was always disposed to serve his Majesty to the utmost of his power: But the troops of the two armies were yet so averse to his Restoration, that the design could not be kept too secret, because a discovery would give occasion to the Republicans to subvert it. Dissimulation therefore was yet necessary, till the Parliament which was to meet should complete the work; and, in the mean time, it should be his care to model the army to the King's advantage, by the removal of the most suspected Officers. He added, the better to execute the projected design, he thought it absolutely necessary for the King to prepare a declaration capable of dispelling the fears of those who were most guilty, and promise a free and general pardon to all his Subjects, except such as should be exempted by Parliament; and that he would consent to any Act which should be presented to him for the payment of the arrears due to the army, and for the settlement of public sales and dispositions of lands to officers, soldiers and others; as also for toleration or liberty of conscience, and that no person should be molested on account of his Religion, who should not disturb the public peace. Lastly, his advice was, that the King should remove in time to some town of the United Provinces, to prevent his being arrested by the Spaniards, should they have any such intention, which might ruin the whole undertaking.

The King punctually followed these instructions, as will be presently seen, and removed from *Brussels* to *Breda*, not without danger of being stopped at *Brussels*, according to the Lord *Clarendon*.

Mean while, *Monk* made good use of the time, which remained till the meeting of the Parliament. He displaced, on divers pretences, such officers as were most suspected by him, and filled their posts with others in whom he could entirely confide. Moreover, some officers, by his direction, framed an engagement in form of an address to the General, by which they promised a ready obedience to the orders of the Parliament, when assembled. This engagement being presented to *Monk*, he approved it, and ordered it to be subscribed by all the regiments in *England*, *Scotland*, and *Ireland*. This gave him a pretence to remove such as refused to sign it.

While the hopes of the King and his party were daily increasing, an accident happened, which might have been attended with ill-consequences, had it not been speedily remedied. This was *Lambert's* escape out of the Tower, and his putting himself at the head of some troops (1). As he was greatly esteemed by the soldiers, there was danger that all the Republicans, who were very numerous in the army, would declare for him. Wherefore *Monk* lost not a moment to prevent this danger before the mischief reached any farther. *Lambert* having assembled some discontented troops at *Dover*, *Ingoldby* was immediately sent against him, with *Monk's* own regiment, and ordered to take some other troops in his way, and give him battle. This extreme diligence did the business effectually. *As Lambert* met him the 22d of April, thirteen days after his escape, defeated, and sent him to the Tower. Thus the fear which *Lambert's* escape had infused into the King's party was entirely dispelled.

Two days before the Parliament met, the Republicans made another attempt to prevent the King's Restoration, by dispersing a forged letter from *Brussels*, in which it was said, that the King only waited his restoration, to be severely revenged upon all his opposers. It was also added, that his party was preparing to put them all to the sword. This forged letter beginning to do mischief, the Lords, and others of the King's party, published a Declaration signed by seventy persons, in which they disavowed the intentions ascribed to them, and protested, that their desire was to live peaceably, without any thoughts of revenge upon the authors of their sufferings.

The new Parliament met the 25th of April, in two Houses, the one of Lords, the other of Commons, agreeably to the ancient Constitution (2). In the House of Lords most were the King's friends. In that of the Commons, it was found, that many Royalists were elected, notwithstanding the above-mentioned vote. Some Presbyterians, who were not in the secret, had a mind to complain, and moved for an examination of the elections, but were not heard. Most of the Presbyterian members were no less zealous than the Royalists for the King's restoration, which every one wished, not so much, perhaps, out of affection to him, as to deliver the Kingdom from the

dominion of the Independents and Fanatics, and from the tyranny of the army, which had lasted twelve years.

Two days after the opening of the Parliament, *Green-land*, returning from *Brussels*, waited on *Monk*, with a commission from the King, constituting him Captain-general of all the forces of the three Kingdoms, and also with a letter from his Majesty to be communicated to the Council of State, and the officers of the army. But *Monk* declined to open the letter, till he had received the Parliament's directions. Mean time, the Commons having adjourned themselves for two or three days, *Greenland* applied himself to the Lords, and presented to them a letter from the King, with a Declaration dated the 14th of April.

In the letter the King told the Lords, that hearing, they were again acknowledged to have the authority, belonging to them by their birth, he hoped they would make use of it for the public good, for composing the distractions of the Kingdom, and for restoring him to his just Prerogatives, the Parliament to their privileges, and the People to their liberties. As for the Declaration, it will be necessary to insert it at large.

CHARLES REX.

"CHARLES by the Grace of God, King of *England*, *Scotland*, *France* and *Ireland*, Defender of the Faith, &c. To all our loving Subjects, of what degree or quality soever, greeting. If the general distraction and confusion which is spread over the whole Kingdom, doth not awaken all men to a desire and longing, that those wounds which have so many years together been kept bleeding, may be bound up, all we can say will be to no purpose: However, after this long silence, We have thought it our duty to declare how much we desire to contribute thereunto: And that as we can never give over the hope, in good time to obtain the possession of that right, which God and Nature hath made ours due; so we do make it our daily suit to the Divine Providence, that he will, in compassion to us and our Subjects, after so long misery and sufferings, remit, and put us into a quiet and peaceable possession of that our right, with as little blood and damage to our People as is possible; nor do we desire more to enjoy what is ours, than that all our Subjects may enjoy what by law is theirs, by a full and entire Administration of Justice throughout the land, and by extending our mercy where 'tis wanted and deserved.

"And to the end that fear of punishment may not engage any, conscious to themselves of what is past, to a perseverance in guilt for the future, by opposing the quiet and happiness of their country, in the restoration both of Kings, Peers, and People, to their just, ancient, and fundamental rights; We do by these presents declare, That we do grant a Free and General Pardon, which we are ready, upon demand, to pass under our Great Seal of *England*, to all our Subjects of what degree or quality soever, who within forty days after the publishing hereof, shall lay hold upon this our Grace and Favour, and shall by any public Act declare their doing so, and that they return to the loyalty and obedience of good Subjects, excepting only such persons as shall hereafter be excepted by Parliament: Those only excepted, Let all our Subjects, how faulty soever, rely upon the word of a King, solemnly given by this present declaration, That no crime whatsoever, committed against us, or our royal Father, before the publication of this, shall ever rise in judgment, or be brought in question against any of them, to the least endamage of them, either in their lives, liberties, or estates, or (as far forth as lies in our power) so much as to the prejudice of their reputations, by any reproach, or terms of distinction from the rest of our best Subjects; we desiring and ordaining, That henceforward all notes of discord, separation, and difference of parties, be utterly abolished among all our Subjects, whom we invite and conjure to a perfect union among themselves, under our protection, for the resettlement of our just rights and theirs, in a Free Parliament, by which, upon the word of a King, we will be advised.

"And because the passion and uncharitableness of the Times have produced several Opinions in Religion, by which men are engaged in parties and animosities against each other, which, when they shall hereafter unite in a freedom of conversation, will be composed, or better understood; We do declare a liberty to tender consciences; and that no man shall be disquieted, or called in question for differences of opinion in matters of religion, which do not disturb the peace of the Kingdom, and that we shall be ready to consent to such an Act of

(1) Seven or eight Troops of Horse, and one Company of Foot. Phillips, p. 658. — Four Troops of Horse in all says *Whitlock*, p. 699.

(2) *Edward Montagu*, Earl of *Montagu*, was chosen Speaker for the Lords, and *Sir Herbert Grimston* for the Commons. Phillips, p. 701.

1660 "Parliament, as upon mature deliberation shall be offered unto us, for the full granting that indulgence.

"And because in the continued distractions of so many years, and so many and great revolutions, many grants and purchases of estates have been made to and by many officers, soldiers, and others, who are now possessed of the same, and who may be liable to actions at law, upon several titles: We are likewise willing, that all such differences and all things relating to such grants, sales, and purchases, shall be determined in Parliament, which can best provide for the just satisfaction of all Men who are concerned.

"And we do further declare, that we will be ready to consent to any Act or Acts of Parliament, to the purposes aforesaid, And for the full satisfaction of all arrears due to the officers and soldiers of the army under the command of General Monk, and that they shall be received into our service upon as good pay and conditions as they now enjoy."

Vote of the Lords in favour of the King. Phillips, p. 703. The Commons receive a Letter from the King, with the Declaration. 14. p. 703.

Immediately after the reading of this declaration, the Lords voted, *That, according to the ancient and fundamental Laws of this Kingdom, the Government is, and ought to be by Kings, Lords, and Commons.*

Then, Sir John Grenville came to the House of Commons, and presented a Letter to them from his Majesty, with the same declaration inclosed, which was read, as well as the Letter directed to General Monk to be communicated to the Council of State and the Army. These papers, which, three months before, would have lain unregarded on the tables, were now considered as convincing proofs of the King's good intentions, and sufficient reasons to restore him to the exercise of the Kingly power, without requiring other conditions than what he should himself be pleased to grant. The Commons therefore readily agreed to the vote of the Lords; and so the King saw himself restored without any of the conditions which had caused so long a war, and so great an effusion of blood. This is a clear evidence, either that the Royalists were much superior in number in the House, which nevertheless is not very probable, or that the Presbyterians were willing to desist from conditions which they had formerly so ardently demanded, for certain terms relating to their religion, which had been positively promised, but which,

as they were never performed, gave afterwards too just cause of complaint.

The King being effectually recognized, by the vote of both Houses, the Commons order'd, that fifty thousand pounds should be presented to him, ten thousand to the Duke of York, and five thousand to the Duke of Gloucester. These Princes had never before been masters of such Sums (1).

Then the Commons ordered, that all the Journals should be searched, and those Acts and Orders razed out which were inconsistent with the Government of King, Lords and Commons. The army, the navy, and the city of London prepared Addresses to congratulate his Majesty on his restoration, and to promise him perfect obedience, and these Addresses were delivered to *Clarendon*, who undertook to carry them to the King. The 8th of May, the King was proclaimed in London with great solemnity, and Commissioners from the Parliament and City departed on the 11th to wait on the King, who expected them at the Hague. Some Presbyterian Ministers also repaired thither, as well to imprint on the King a sense of the service lately done him by their sect, as to found his inclinations with regard to the liberty, which they had probably stipulated, before they engaged in the affair of his restoration. The King confirmed by word of mouth what he had promised by his declaration. But when they brought him not to revive the use of the Common-Prayer in his Chapel, and that the Surplice might be discontinued, he warmly answered, *That whilst he gave them liberty, he would not have his own taken from him* (2).

After the King had given audience to the Parliament's Commissioners the 16th of May, and received the homage of Admiral Montague, and the other officers of the navy, who waited on him at *Schwerling*, he still remained some days at the Hague, as well to prepare for his departure, as to receive the compliments of the States (3), and embarked the 23d. He arrived at *Dever* the 25th, and the same day at *Canterbury*, where on the morrow, he honoured Monk with the Order of the Garter. The 29th, his Birth-day, he arrived at *Whitehall*, thro' a numberless multitude of People, who, by their acclamations, demonstrated their joy at his restoration (4).

(1) The City of London sent also ten thousand pounds to the King, and a thousand pounds a-piece to his two Brothers. Phillips, p. 707.

(2) *Whitelock* says, "The Ministers had discourse with the King, and were much satisfied with him." p. 704. But the Lord Clarendon's words are: "Though they were much unsatisfied with him, they ceased further troubling him." Tom. 3. p. 604.

(3) Who made him a present of six thousand pounds. *Whitelock*, p. 704.

(4) *Barnet* observes, in the History of his own Time, that such unanimity appeared in the proceedings of the Parliament for the King's Restoration, that there was not the least dispute among them, but upon one single point, yet that was a very important one. *Hale*, afterwards the famous Chief-Justice, moved, That a Committee might be appointed to look into the propositions that had been made, and the conditions that had been offered by the late King, and from thence digest such propositions, as they should think fit to be sent over to the King. This was seconded, but by whom the Bishop surges. As such a motion was necessary, Monk was informed of how to answer it: He told the House, That he had information of such numbers of incendiaries still in the Kingdom, that if any delay was put to the sending for the King, he could not answer for the peace either of the Nation or Army. And as the King was to bring neither Army nor Treasure with him, either to fright or corrupt them, propositions might be so well offered to him when he should come over; so he moved for sending Commissioners immediately. This was seconded with such a shout over the House, that the motion was no more suffered on. And this, says *Barnet*, was indeed the great service Monk did. To the King's coming in without conditions, may be well imputed all the errors of his Reign, and it may be added, many mischiefs that followed afterwards, p. 38, 39.

The Parliament, on April 25. 1649, agreed upon a new Set of Coins, whereof there were three, Crowns, Half-Crowns, Shillings, Six-pence, Pence, and Half-pence. The larger pieces were inscribed on one side, THE COMMONWEALTH OF ENGLAND, and had St. George's Cross in a Shield, beset with a Palm branch and a Laurel; Reverse, the same Shield conjoined to another, in which is a Harp for Ireland, (vulgarly called the Brethren) above which there is XII. the Legend GOD WITH US. The Six-pence has VI. above the Shields. The Two pence and Pence have no inscription, only the Initial Figures 1 and the Half-penny only the single Shield, with the Harp on the Reverse. There were likewise coined pieces of fine Gold, of the same Form and Inscription as the Silver money, XX. above the Arms. The Half of them have X. (Fig. a.) The Six-pence 1651, is, firstly looking, the first milled Money, Queen Elizabeth's being only marked on the flat edge. The Copper Farthing has the Cross under a Garland, ENGLANDS. FARTHING. Reverse, a TOR NECESSARY CHANGE. Oliver Cromwell's Crown-piece is minutely performed, and preserved as a choice Medal in the Cabinet of the Curious, being the first milled Money that has an inscription upon the Rim. It has his Head Laureate, OLIVAR. D. G. RP. ANG. SCQ. HIB. GR. FRO. Reverse, In a Shield crowned with the Imperial Crown of England, St. George's Cross in the first and fourth quarters; St. Andrew's for Scotland in the second; and the Harp for Ireland in the third; and in a South-east of Pretence his paternal Coat, namely, a Lion Rampant, LEGEND PAX QVÆRITVR. BELLO. 1649. upon the Rim, HÆC NISI PERITVRVS. MIHI. ADIMAT. NEMO. The Dye of this piece having received a Fine or Crack the first stroke, leaves a Mark upon the Money just below the Neck; a fine taken in distinguishing the true Crown-pieces from the counterfeit. The Half-Crown is equally beautiful, though not so rare. The Shilling is likewise a very fair piece, milled on the Edge, and very rare. (Fig. a.)



T H E

HISTORY of ENGLAND.

BOOK XXIII.

26. CHARLES II.

1660,
Bishop of the
Several Par-
ties at the
King's Ab-
scond.
Burnet.

AT the arrival of the King, the face of England was entirely changed, and joy, pleasures, public and private rejoicings succeeded to trouble, fear, and consternation. The People were so tired of the life they had led for twenty years past, that they did not believe it possible to be in a worse state. Every one rejoiced to see at last a calm after so long a storm, and expected to enjoy a tranquillity, sought in vain for so many years. The Royalists and Episcopalians were at once raised to the height of their wishes, in beholding *Charles II.*, on the throne of his ancestors, and the Church of England about to resume her former lustre. The Presbyterians flattered themselves, that their late services for the King, would at least, procure them an entire Liberty of Conscience, and the free exercise of their Religion. The Republicans, Independents, Anabaptists could not, indeed, hope to be restored to the state they had enjoyed so many years, but expected at least an entire impunity, agreeably to the *Breda* declaration. The Regicides, that is, the late King's Judges, were the only persons that could not but expect the punishment, they justly deserved, and yet, even they depaired not of the King's clemency, as indeed, such as cast themselves upon it, were not wholly disappointed. It is not therefore strange that the whole Kingdom should resound with joyful transports, and unite in receiving with loud acclamations a King, who, according to the general expectation, was to restore the public tranquillity and happiness, and put all things in their natural order.

Extreme
prejudice
in favour
of the King.
idem.

Charles II., at the time of his restoration, was thirty years of age, and but little known to most of his Subjects, because he had long lived out of his Dominions. His actions in the West, during his youth, where he commanded for the King his father, had been distinguished by no advantageous event. His conduct in *Scotland*, when he was called to the Crown of that Kingdom, had not redounded to his honour, since, in his Declaration published there, he had not scrupled to sacrifice the King his father to his own private advantage. In short, the battle of *Worcester* had acquired him no reputation, in which some pretend he had been too careful of his person, though others speak of his valour on that occasion with great commendation. However this be, his defeat did not contribute to raise his fame as a General. Nevertheless, his friends, with a view to his restoration, had published such extravagant praises of him, and with such assurance, that, before his arrival in England, he passed there for an accomplished Prince, endowed with all the virtues and noble qualities of a hero. This prepossession did more mischief to England, than all the calumnies thrown upon the last King. Every one was thereby almost equally disposed to put an entire confidence in the new King, in the belief, that a Prince of such a character could never abuse it (1). It was hoped, that content with restoring the Government to the state it was in under *Queen Elizabeth*, he would avoid treading in the steps of his Father and Grandfather, without attempting to extend his Prerogative. This hope was the more readily entertained, as it was not doubted, that the example of his Father had made a strong impression upon him. It will hereafter appear, to what excess this confidence was carried, and what use

Charles made of it to begin the ruin of the Liberty and Religion of the English, which his successor *James II.* had certainly accomplished, had not God, by a revolution the most wonderful, blasted his designs, when he thought himself most secure of success. This project to render the King absolute, and equally employ for that purpose the assistance of Catholics and Protestants, begun by *James I.*, was vigorously pursued by *Charles I.*, interrupted by twenty years troubles, was eagerly resumed under *Charles II.* If this be not laid down as the basis of the events of this reign, I don't think it possible to account for the conduct of *King Charles II.*, unless it be believed, that he acted by mere caprice, without principles, maxims, or any design, which can't be thought of a Prince, who had as much wit and sense as any Prince in Europe. But it is not yet time to descend to these particulars, especially as it is uncertain whether this project was formed at the beginning of his reign, or owing to some favorable junctures. At least, the conduct of *Charles* immediately after his restoration, gives no occasion to suspect he had already thought of it.

1660.
Defers to
render the
King abso-
lute.

Charles had, as I have said, embraced the Catholic Religion, before his return into England. Some say, he abjured the Protestant Religion to Cardinal de Retz, before he left France the last time. Others pretend, it was in the year 1659, in his journey to *Fentabria*, in order to procure his restoration, by the assistance of the two Crowns of France and Spain. However this be, the secret, known only to the Earl of *Brissol*, and Sir *Henry Bennet*, afterwards Earl of *Arlington*, was so well concealed, that the publick was ignorant of it, till after the King's death, when his successor, *James II.*, was pleased to divulge it. But at present, it is a thing of which there is no room to doubt. It may be affirmed, his embracing the Catholic Religion was not through a principle of Conscience, since, in the whole course of his life, he showed no sense of Religion. The greatest compliment a famous Author thinks fit to pay him, is, to say he was no Atheist (2). This is confirmed by the character given of him by the Earl of *Mulgrove*, who cannot be suspected of a design to slander him. His sentiments of Religion in general may be judged of, by what Dr. *Burnet* says of him, in the *History of his own Times*, namely, that he scrupled not to communicate the same day in two different Chapels, publicly in the Protestant, and privately in the Popish. However, he lost no opportunity, in his Speeches to the Parliament, to boast of his attachment to the Protestant Religion, and his zeal for its advancement. Such behaviour, so unworthy of a Christian, cannot but be very injurious to his memory. Accordingly, those, who have most endeavoured to palliate his failings, have not been able to deny, he was a perfect master of dissimulation.

He had, besides this, a maxim not much less dangerous, namely, that there was neither sincerity nor charity in the world out of principle, but that some had the one or the other out of humour or vanity, and believed no body served him out of love, and therefore he was quite with all the world, and loved others as little as he thought they loved him. He was extremely affable, and so easy and complaisant, that he seemed to take a pleasure in bestowing favours, by his manner of receiving the requests that were made to him. But he forfeited at last the esteem and af-

The King's
Religion.
Burnet,
p. 73. 74.

id. p. 75.

idem.
The Earl of
Mulgrove
in his Dis-
course of
Charles II.

King
Charles's
generous
Maxim.
Burnet,
p. 34.

(1) When the Earl of *Strathmore* came to see what *Charles II.* was like to prove, he said once, in great wrath, to Chancellor *Hode*, That it was to him they owed all they either felt or feared; for if he had not seduced them, in all his Letters, with such an opinion of the King, they would have taken care to have put it out of his power, either to do himself or them any mischief. *Hode* answered, He thought the King had so true a Judgment, and so good a Nature, that when the Age of Pleasure should be over, and the necessity of his exile turned to an obligation to mind Affairs, that he would have shewn of their ingratitude. Burnet, p. 89.

(2) Burnet's words are, "He said once to me, he was no Atheist, but could not think God would make a man miserable, only for taking a little pleasure out of the way." Tom. i. p. 93.



From a Picture in Brudenell Hall, London, the Original painted by S^r Peter Lely K^t. Geo. Vertue Sculp. 1736.

1660. fection of his Subjects, who had almost adored him in the beginning of his reign, because they discovered how little they could depend on kind words, and fair promises, in which he was liberal to excess.

His Faults.
Burnet.
Mulgrev.

He was so addicted to his pleasures, that though he was very capable of business, had a good judgment, quick apprehension, and great penetration, his Ministers could hardly prevail with him to suspend his pleasures some hours, and attend to affairs, which required more application. But it happened also, sometimes, that when he would apply himself to business, he dispatched more in one day, than his Ministers in several.

As his Mistresses devoured his whole time, so they consumed all his treasures. Though his revenues were larger than those of any of his predecessors, except *Henry VIII.*, and the Parliament often granted him extraordinary supplies, he was ever in want, because he spent his money without measure or discretion, as he received it. This threw him upon his Parliament, and, not to break with the Commons, he was obliged to promise what he never intended to perform.

His good Qualities.

These are the principal faults imputed to King *Charles*. But, on the other hand, it cannot be denied, that he had many good qualities, which might have produced happy effects, had he made a better use of them. His wit was lively, his conception wonderful, and his judgment exquisite. He knew the interests of the Princes of *Europe*, better than any of his Ministers. He had applied himself, during his exile, to the study of *Physick* and the *Mathematics*, and more particularly to *Navigation*, and the building of *Ships*, in which he had made great progress. With these qualities, he might very easily have governed his Dominions, in a manner glorious to himself, and advantageous to his Subjects, and made himself arbiter of *Europe*. And yet, his reign cannot be said to be either glorious to himself, or happy to his Subjects. The reason is, that because of his attachment to his pleasures, and natural remissness, he delivered himself up to the counsels of his Ministers, and particularly of his Brother the Duke of *York*, who, during this whole reign, had but too much influence upon the resolutions of the King's Council, into which he found means to introduce such, as he believed proper for the execution of his projects, with regard to Church and State. The Duke of *York* was of a temper more active, violent, haughty, and revengeful. He had formed the design of raising the royal authority to a great height, and withal, of restoring the *Catholic Religion in England*. He never ceased, through this whole reign, to pursue these projects, but more especially, after he was assured, the King his Brother could not expect any legitimate children. All the principal events of this reign, depending properly upon the humour and character of these two princes, I thought it necessary to premise this description of them.

Duke of York's Character.

The King was received in *London* with extraordinary acclamations, and it began then to be perceived, that, under colour of rejoicing for the King's restoration, the *English* were throwing themselves into a dissoluteness, which would not have been endured under the *Presbyterians* and *Independents*, but which daily increased during this whole reign, by the ill examples of the King and the Court.

The King's first care was to establish a Council, composed chiefly of those who had shown most zeal or affection for himself, or the King his Father. He received, however, some men into it, who seemed naturally to have no pretensions thereto (1). This was the effect of his policy: for it appeared, in his conduct at first, that his principal aim was to suppress the former troubles, in which he could not better succeed, than by securing a perfect reliance on his promises, published in his *Breda Declaration*. His intention was to stifle, as much as was possible, the enmities which had so long divided his Subjects, and to unite them all in an obedience to the Laws, and a sincere attachment to his person as their true center. He laboured thus for some time with zeal, even, as I said, to the receiving into his Council Men, who had professed themselves his greatest enemies. Herein he imitated his Grandfather *Henry IV. of France*; but, as will be seen hereafter, he was not suffered long to pursue this course.

Edward Hyde Lord Chancellor, and soon after Earl of *Clarendon*, was the King's Prime Minister, in whom, with great reason, he entirely confided. But, as very visibly appears in his History of the Civil Wars, he was a mortal enemy of the *Presbyterians*, and consequently, little

proper to preserve the King in his resolution of procuring tranquillity for all his Subjects without distinction.

As soon as the King was arrived in *England*, the Assembly, which from the 25th of *April* had been honoured with the name of Parliament, was only called the Convention, as the King being unwilling to own for Parliament, an Assembly which had not been summoned by his writs. But this change of name was of no long continuance. Two days after his arrival, the King went to the House of Lords, where he sent for the Commons, and gave the royal assent to three Acts; the first was, to change the Convention into a Parliament (2); the second, to continue the monthly tax of seventy thousand pounds for three months; and the third, to continue all judicial proceedings.

Had the directions and orders of the foregoing Parliament been followed, this Parliament should have admitted no member, who had either served the last or present King. But this order having been neglected in the elections, all were admitted without distinction, or examination, who had been chosen. As the scheme for the King's restoration was entirely formed, when this Parliament met, the *Presbyterians*, who were much superior in number, did not think proper to exclude the Royalists, with whom they had agreed to restore the King. Neither was it thought fit to exclude the *Republicans*, nor the *Regicides* themselves, who were not considerable enough to obstruct the project agreed on. This Parliament is therefore to be looked upon as an Assembly, where the *Presbyterians* had certainly a superiority of voices, and it was this Parliament that restored the King to the Throne of his ancestors, and, during their short continuance, gave him very real marks of their zeal for his service, and the re-establishment of peace and tranquillity in the Kingdom (3).

The affairs of this Parliament, after the King's arrival, consisted in three principal points. The first was an Act of Pardon or Indemnity for whatever had passed since the beginning of the troubles. This Act was absolutely necessary for the security both of the Persons and Defencens of those who had been concerned in these troubles, and were liable to be called to an account, if the laws had been strictly executed. For as, from the year 1642, the King's party had been deemed rebels by those who were in power; the King, coming to rule in his turn, might have declared rebels all who had been in arms either against him or his father. The question of right concerning the war between the King and the Parliament, remaining undecided, it was natural for him who had the power in his hands, to explain the laws in his own favour. But, on the other hand, it was to be feared, that rigour, on this occasion, would kindle a new flame. Besides, it was very difficult precisely to explain wherein consisted the Rights of the King and those of the Subject, considering the arguments on both sides, and the infinite cavils to which such a discussion was liable. In a word, explanations of this nature had occasioned the troubles, which, if it was possible, were intended to be buried in eternal oblivion. It was thought therefore that the best means to quiet the minds of the subjects was, an Act of Indemnity for every thing during the troubles.

The second affair of the Parliament, was to enable the King to disband the army. There was no reason for keeping on foot an army which had been the principal cause of the disorders committed of late years, and which would have been still capable of disturbing the peace of the Kingdom under an able leader.

The third affair was the settling the King's revenue, since it was absolutely necessary to give him wherewithal to support the Government, and put him in a condition to be courted and feared. On these three important affairs the Parliament bestowed their first care, and began with the Act of Indemnity, as being the most urgent. For this purpose the House of Commons solemnly declared, in an address presented to the King by the whole House, that they accepted, in the name of themselves, and all the Commons of *England*, the gracious Pardon offered by his Majesty in his declaration from *Breda*, with reference to the excepting of such as should be excepted in an Act of Pardon. The Lords likewise presented a petition of the like import.

Immediately after, the King published a Proclamation, declaring, that all such of the late King's judges as did not surrender themselves within fourteen days, should be absolutely excluded from the general Pardon. Though, by

(1) They were thirty in all. The Dukes of *York*, and *Gloster*, Sir *Edward Hyde*, General *Moor*, Admiral *Montague*, [Earl of *Sunderland*], the Marquis of *Ormond*, the Marquis of *Dorchester*, the Marquis of *Stafford*, the Earl of *Southampton*, *Lincoln*, *Berkeley*, *Norwich*, *Manchester*, *Northampton*, *St. Albans*, and *Leicester*; Viscount *Sey*; the Lords *Worcester*, *Raynham*, *Culpepper*, and *Roberts*; *Direll* *Holles*, Sir *Fredrick Cornwallis*, Sir *George Carteret*, Sir *Anthony Ashley Cooper*, Colonel *Howard*, *Arthur Ashley*, Sir *Charles Berkeley*, Sir *Edward Phillips*, and Sir *William Morris*.

(2) And to prevent all doubts and scruples concerning this Parliament, it was enacted, That the Lords and Commons then sitting at *Westminster*, were the two Houses of Parliament, and so should be declared and adjudged to be, notwithstanding any want of the King's Writs of *Summons*. Statute, 12. Car. 2. c. 1.

(3) Burnet says, there are following Persons, all *Presbyterians*, had the chief hand in the Restoration; Sir *Anthony Ashley Cooper*, afterwards Earl of *Shaftsbury*, Sir *Arthur Ashley*, afterwards Earl of *Argyle*, *Denzil Holles*, created Lord *Holles* of *Spald*, the Earl of *Mansfield*, and the Lord *Rochester*, p. 90.

1660. the words of this Proclamation, those who surrendered themselves could not be assured of their lives, it was nevertheless understood, that the King made use of this artifice only to have it believed, that he would not limit the power and resolutions of the Parliament on this point, and it was not doubted that the two Houses considered this Proclamation as a sort of Pardon, at least for life, to those who should confide in it. In consequence of this proclamation, twenty of the late King's Judges voluntarily surrendered themselves. Others withdrew out of the Kingdom, and some were taken in attempting to escape.

While the Parliament proceeded in the Bill of Indemnity, some leading Republicans, who had not been the King's judges but had exercised civil or military employs during the troubles, fearing to be called to an account, demanded of the King Letters of Pardon under the Great-Seal, in order to screen themselves from all prosecution. The King very readily granted their request, showing thereby that he really intended to perform his promise in his *Breda* declaration. For he was persuaded, there was no better way to pacify the troubles, and give his subjects confidence, than the exact observance of his promises.

The 5th of July, the City of London invited the King and the two Princes his Brothers, the great Officers of the Crown, and both Houses of Parliament to an entertainment, the magnificence whereof was suitable to the riches of the City which gave it, and the quality of the persons invited.

Though the King really intended the Act of Indemnity should be quickly dispatched, it met with great obstacles in the House of Commons with regard to the clauses which were to be inserted. Some were for having no regard to the *Breda* Declaration, but for making examples of all who had most ardently supported the late usurpation. This raised a suspicion that the King encouraged these men, and intended to suspend the effect of his Declaration by means of the Parliament, till he was revenged of his enemies. This was industriously dispersed amongst the people in libels, tending to destroy all confidence in the King's promises, and revive the troubles by driving to despair those who knew themselves most guilty. To dispel therefore these suspicions, which might have produced ill effects, the King sent a message to the House, to press them to dispatch the Act of Indemnity, and to make it agreeable to his Declaration from *Breda*. This message so quickened the debates, that a few days after, the Act passed the House of Commons, and was sent up to the Lords for their concurrence.

In this Bill, the House of Commons excepted for life and estate, but a few of the most notorious and active Regicides. But the Lords, incited by divers petitions of the widows, children, and relations of persons executed by the sentences of the Courts erected during the usurpation, were for excepting from Pardon all who had been Judges in those Courts. The King fearing new delays from this difference of sentiments between the two Houses, came to the House of Lords, the 27th of July, and in a pathetic Speech, endeavoured to persuade them to pass the Bill as sent up by the Commons. He represented to them "that" "he was obliged in honour to perform what he had promised in his Declaration; that he never thought of excepting any but the immediate murderers of his Father; that the peace and tranquillity of the Kingdom entirely depended upon the performance of his promise, which" "(says he) if I had not made, I am persuaded neither I nor you had now been here: I pray therefore let us not deceive those who brought or permitted us to come together, and earnestly desire you to depart from all particular animosities and revenge, or memory of past revocations, and pass this Act without other exceptions than of those who were immediately guilty of the murder of my Father."

This Speech, and a message sent by the King to both Houses on the same subject, determined the Lords to conform to the Declaration from *Breda*. They therefore sent the Bill to the Commons with two amendments. The first concerned twenty persons, who by the Commons Bill were liable to all the penalties, it should please the Parliament to inflict, death excepted, though they were not the King's Judges. The Lords refused their consent to this clause (1), because it was contrary to the declaration from *Breda*. The other amendment related to the twenty Judges of the late King, who had voluntarily surrendered themselves upon the King's Proclamation of the 6th of June. For the Lords included in the pardon, both for life and estate, these twenty, who had distinguished themselves from the rest by their confidence in the King's clemency, whereas the Commons were only for grant-

ing them life, leaving them liable to forfeiture of estates, imprisonment, banishment, or such other penalties as the Parliament should think proper. This was the subject of several conferences between the two Houses, which in the end, produced an unanimity of sentiments, according to which the Act was formed. In one of these conferences, Chancellor Hyde declared. That being employed in an embassy to Spain, he was expressly charged by his Majesty to avow, That the horrible murder of his Father was not the Act of the Parliament, or People of England, but of a very wretched and little company of misdoers in the Kingdom. This was so agreeable to the Commons, that they ordered such of the Privy Council, as were Members of the House, to thank the King for this just defence of the Parliament and People of England. At last, the King repairing to the House of Lords the 29th of August, gave the royal assent to the Act of Indemnity, which contained in substance:

Penalties against those who should use any words of reproach tending to revive the memory of the late troubles, with an absolute pardon to all who had been engaged in them, excepting the following persons, namely,

Forty nine of those who had been the late King's Judges, with this distinction that as to the twenty, who had voluntarily surrendered themselves, if they were condemned, their execution should be suspended till the King and Parliament should order the same.

Oliver Cromwell, Bradshaw, Pride, and one and twenty others, who were dead, were made subject to confiscations, and other penalties which the King and Parliament should ordain.

Philips and Sir Arthur Haslerig were put in the same condition. Hutchinson and Leffels were declared incapable of exercising any office, and condemned to one years forfeiture of the revenue of their estates.

It was moreover ordained, that Oliver St John, and seventeen others named in this article, should be excluded from any benefit by this Act, if they accepted, or executed any office in England, either ecclesiastical, civil, or military.

All that had given sentence of death in any of the late illegal High-Courts of Justice, except Colonel Ingham and Colonel Thurlinpin, were disabled from being Members in any Parliament, or bearing any office in England or Wales.

Those who had converted to their use any goods, belonging to the Church, were excluded from the benefit of this Act.

Sir Henry Vane and Lambert were excepted from pardon, both as to life and estate.

The King likewise passed on this occasion the following Acts.

1. An Act for confirmation of Judicial Proceedings on the 1st of May 1642, notwithstanding their illegality.

2. An Act for provision of monies to pay off the armies and navy.

3. An Act to fix the interest of money at six per Cent.

4. An Act for a perpetual Anniversary Thanksgiving on the 29th of May, the day of his Majesty's nativity and restoration.

After the King had given his assent to these five Acts, he made a Speech to both Houses, to testify how much he was pleased with them: concluding, "I am so confident of your affections, that I will not move you in any thing that immediately relates to my self: And yet I must tell you, that I am not richer, that is, I have not so much money in my purse, as when I came to you. The truth is, I have lived principally ever since, upon what I brought with me, which was indeed your money: for you sent it to me, and I thank you for it. The weekly expence of the navy eats up all you have given me by the bill of Tunnage and Poundage; Nor have I been able to give my Brothers one shilling since I came into England, nor to keep any table in my house, but what I eat at my self. And that which troubles me most is, to see many of you come to me at Whitehall, and to think you must go some where else to seek your dinner. I do not mention this to you as any thing that troubles me: Do but take care of the publick, and for what is necessary for the peace and quiet of the Kingdom, and take your own time for my own particular, which I am sure you will provide for, with as much affection and frankness, as I can desire."

The Commons observing what the King said concerning his Brothers, made a present to the Duke of York of

(1) Only they agreed, That Sir Arthur Haslerig, Sir Henry Vane, and Colonel Lambert, should be subject to Pain and Penalties. Phillips, p. 717.

Confession upon that Subject. Ibid.

All of Indemnity. Sources, in Gen. Phillips.

Oliver Act Statutes.

The King's Speech to the Parliament. Phillips, p. 718. Kennet's Register.

Present made by the Parliament to the Duke of York. Phillips.





Drawn and Engraved by G. Vertue 1736.

1660. ten thousand pounds, and of seven thousand to the Duke of Gloucester. After this, they proceeded to the settling the King's revenue, and resolved to raise it to twelve hundred thousand pounds, which was more than any King of England had ever enjoyed, except Henry VIII (1). But before this could be completed, the King came to the Parliament the 15th of September, and passing some Bills that were ready, they adjourned themselves to the 6th of November. The Acts passed on this occasion were:

The Parliament passed several Acts.
Duke of Gloucester's Revenue.
King's Revenue.
P. 1660.

1. An Act for the speedy raising of a hundred thousand pounds for a present supply by way of Land-tax.

2. An Act to empower and direct the Commissioners in what manner to disband the army, and to pay off some part of the Fleet.

3. An Act for raising one hundred and forty thousand pounds, at seventy thousand pounds a month, to begin the first of November.

4. An Act for regulating the Bay trade.

5. An Act for encouraging and increasing Shipping and Navigation.

6. An Act for restoring some Ministers to their places, and confirming others in vacant places.

Duke of Gloucester dies.
Sanctified.
Philip.
P. 1730.

The same day died the Duke of Gloucester, the King's brother. This Prince, now twenty years of age, was unexpectedly taken out of the world by the small-pox. As he had very good qualities, the King his brother who loved him tenderly, appeared more concerned for this loss, than for any misfortune which had ever befallen him.

Total and Execution of the Regicides.
October.
Sirey-Trial.
T. H.
Oct. 9-19.

During the adjournment, the King appointed Commissioners for trial of the Regicides. The number of those concerned in the late King's death, as Judges, Officers of the Court of Justice, and others, amounted to fourscore and one, of whom twenty-five were dead, nineteen had made their escapes, seven others, for having been less ingaged in the crime were thought worthy of the King's clemency, and twenty-nine were condemned to die. But of these, twenty who had surrendered themselves upon the proclamation of the 6th of June, were pardoned as to life, but reserved for other penalties, as imprisonment, banishment, and forfeiture of estate. So, ten only were executed, namely, *Harrison, Carew, Cook, Peter, Scot, Clement, Scrope, Jones, Hacker, Astell*. What was most remarkable in the death of these men was, that not one expressed any signs of repentance, or did not think himself a martyr. Two only were prevailed with to pray for the King. They were almost all Anabaptists, Enthusiasts, Fifth-Monarchy-Men, who believed no violence unlawful to advance the Kingdom of Christ, and all men of mean birth, except *Carew* and *Scrope*.

A Proclamation concerning Religion.
October 25.
Kennel's Register.
P. 1879.

A few days after the adjournment of the Parliament, the King published a proclamation concerning Religion, containing eight articles, most of which prescribed certain rules to the Bishops in the exercise of their spiritual Jurisdiction. The two last deferve a particular notice, because they discover that the Presbyterians were not like to continue long undisturbed. The Vllth ran, that a certain number of Divines should be appointed to revise the Liturgy, and make such alterations in it as should be judged necessary, and that scrupulous persons should not be punished or troubled for not using it at present. The Vllth was concerning Ceremonies, to which, for the present, no person should be obliged to conform. This resolution, for the present, clearly shews, that those who advised the King to this proclamation, had no intention to leave the Presbyterians in possession of that liberty which had been promised them by the *Breda* declaration, and, doubtless, by General *Mons*, when they engaged to promote the King's restoration.

The Bishops restored.
Philip.
P. 1879.

There were yet living, nine of the old Bishops, who were restored to their Sees without any difficulty (2). Seven or eight others were newly consecrated for other Dioceses, and *Cylin*, against whom so many complaints had been brought before the Parliament in 1640, for the See of *Durham*, where he had once been Prebend (3). Bishops and Ecclesiastical Benefices were offered to the most eminent Presbyterian Ministers, but all refused except *Reynolds*, who accepted the Bishoprick of *Norwich* (4).

The Bishops restored.
Philip.
P. 1879.

I shall not enlarge on the embassies to the King from divers Princes of Europe, to congratulate him upon his restoration; the States of the United-Provinces were the first who paid their compliments on this occasion, and at the same time, sent him several excellent pictures, drawn by the best hands.

September the 25th, the Princess Dowager of Orange came to London to congratulate the King her brother upon his restoration. And in November arrived from France the Queen-Mother, who brought with her the Princess *Henrietta* her daughter, and the Prince *Palatine Edward*, brother to Prince *Rupert*. It is pretended, the Queen endeavoured to persuade the King to marry *Hortensia Mancini* niece to Cardinal *Mazarin*: but her proposal being coldly received, she advised him to pursue the negotiation already begun, of his marriage with the Infanta of Portugal. Thus much is certain, the proposal to the King the marriage of the Princess *Henrietta*, with the Duke of Orleans, to which she found no obstacle. If some authors are to be credited, she had two other ends in her visit. The first was to draw the King her son into the interest of France, against Spain. The second, to persuade him to remove the Chancellor, whom she did not love, as he himself shews in his History. But the King did not think fit to part with so serviceable and affectionate a Minister, to please his mother.

1660. The Princess Dowager of Orange arrives in England.
And the Queen-Mother.
Her Daughter at the Court of England.
P. 1730.
Kennel's Register.
P. 1879.
R. Coke's Echard.

The Parliament meeting the 6th of November, appointed a Committee to congratulate the Queen-Mother on her return to England. Shortly after, the Commons made a present of ten thousand pounds to each of the two Princesses her daughters.

The Parliament meets.
Philip.
Echard.

The Duke of York had, since his return to England, married *Ann*, Chancellor *Hyde's* eldest daughter, to which he had been in some measure compelled (5). The young Lady proving with child, there were not wanting persons to dissuade the Duke from so unequal a match. But the King's affection then for the Chancellor, over-ruled all consideration of the injury which the Duke his brother, and the Royal Family, might receive from it. He signified to the Duke, that it would oblige him not to use any shifts, and plainly told him, he must drink as he had brewed, to which the Duke submitted from a motive of obedience. It may easily be imagined, the Queen-Mother, who hated the Chancellor, was not pleased with this marriage. Accordingly she long refused to see her daughter-in-law, and it was at the pressing instances of the King that she at last consented to receive her respects. But during her stay in England, she ever treated her with so much coldness, that her aversion to the marriage was very visible.

The Duke of York's first Marriage.
Barnet.
P. 1730.
Kennel's Register.
P. 1879.
R. Coke's Echard.

The Parliament having, in their first session, dispatched every thing relating to the Act of Indemnity, applied their next care to put the King in a condition to disband the army. For this purpose, several sums were granted him, and as the money was raised, regiments were broke, so that this work was finished in the space of a few months. Thus, the army, which had so long been the terror of England, was reduced to *Mons*'s single regiment. But in disbanding the army, the King introduced a novelty, which displeased many people. He formed, for his ordinary guard, two regiments, one of Horse, and one of Foot, in imitation of the practice in France, and other Kingdoms. This was so much like a standing army, which the English have always opposed, that many began then to fear, the King had ill-designs upon the public Liberty. His predecessors had no other guards than the Gentlemen Pensioners, established by Henry VII.

Money granted for disbanding the army.
The King's ordinary Guard.
R. Coke's Echard.
P. 1879.

The disbanding of the army being in such forwardness, the King told the Parliament, it was his intention to dissolve them in December. Whereupon, the Commons, to give his Majesty a fresh instance of their zeal, confirmed and renewed their former resolution, of granting the King an annual revenue of twelve hundred thousand pounds. But the time being too short to settle the funds on which this revenue was to be raised, the House thought it more proper to employ what remained, in preparing the Bills to be passed, before the dissolution.

The Vote of the Commons.
P. 1879.

Little care has been taken to shew the reasons inducing the King to dissolve a Parliament, which had been so favourable to him, and expressed such zeal for his interests. It is my private opinion, that the Ministry, and particularly the Chancellor, looked with no good eye upon a Parliament, which had so many Members of that of 1640, and who, in all appearance, whatever they might pretend, had not relinquished their ancient principles, concerning kingly power. They, doubtless, believed, it would be very difficult to manage and govern such a Parliament, at their pleasure. Besides, very probably, the Chancellor, great enemy of the Presbyterians, had formed the design of depriving them of their promised liberty, which would have

The Author's conjecture upon the Dissolution of this Parliament.
P. 1879.

(1) It was to defray all the ordinary expenses of the Government. *Barnet*, p. 1660.

(2) Namely, *James* of London, *Pierce* of Bath and *Wid*, *Shinner* of Oxford, *Warner* of Rochester, *Roberts* of Bangor, *Wren* of Ely, *Dagga* of Salisbury, *King* of Winchester, and *Francis* of Lichfield and Coventry.

(3) The Author by mistake says, *Dean*, he was *Dean* of Peterborough. The rest of the new Bishops were, *Lacy* of St. David's, *Lacey* of Peterborough, *Steele* of Carlisle, *Lloyd* of Llandaff, *Walter* of Exeter, *Graham* of Exeter. *Kennel's Register*, p. 1879.

(4) *Colman*, *Bealer*, *Alston*, *Barn*, and *Ward*, were offered Bishopsricks and Deaneries.

(5) They were contracted at *Breda*, November 24, 1659, and privately married at *Windsor* house, September 3, 1660, in the Night, by Dr. *Jephth* Chamber, the Duke's Chaplain. *Kennel's Register*, p. 1879.

1660. been impossible, if this Parliament had continued. They believed therefore, that in the present favorable disposition of the people to the King, their credit would be sufficient to have a new Parliament, more proper for the execution of their designs. The transactions of the next Parliament confirm this conjecture. It must, however, be said for the Chancellor, that though he detested the maxims of the Parliament of 1640, with respect to the royal authority, yet he went not the lengths of the other side, nor believed it for the interest of England, to have a King, whose will should be a law. This is manifest, from an incident at the very time I am speaking of. A Member of the Commons, Mr. *Alexander Peppam*, who had a considerable influence in the House, offered the King, that provided he was supported by the Court-party, he would undertake to procure an Act, for settling on him and his successors two millions a year, which would free him from any dependence on his Parliament, except in extraordinary cases. The King was pleased with the proposal, and spoke to the Chancellor of it, as of a project advantageous for his interest. But he bravely answered, *That the best Revenue his Majesty could have, was the affection of his Subjects, and if he would trust to them, he would never want supplies in time of need.* Nor did he resist satisfied with this answer to the King, but even took pains to undeceive the Lord-Treasurer the Earl of *Southampton*, who had approved of the project, and by very solid reasons, convinced him, that the success of it would be the ruin of the Kingdom. It is pretended, the Chancellor's opposition to *Peppam's* proposal, was one of the chief causes of his disgrace.

The Dissolution of Cromwell, and other Rebels and Peppam.

A treatise also called Cromwell's Review, in which he endeavored to prove, that the said Parliament was not yet legally dissolved. The Commons brought an impeachment of High-treason against the Author, but had not time to bring it to a trial.

A printed list of names of several officers, who had served under Cromwell, Denbrough, Morgan, Overton, and several others, were arrested upon an uncertain rumour of a plot to seize the King's person, seize the Tower, and kill the Queen-mother, but it did not appear that this rumour had any good foundation.

At last, on the 29th of December, the King came to the Parliament, and gave the royal assent to the following Acts:

1. An Act for levying the arrears of the twelve months assise.
2. An Act for the farther supplying several defects in the Act for disbanding the army.
3. An Act for six months assise, at seventy thousand pounds per month, to begin the 1st of January.
4. An Act for the better ordering the selling of Wines by retail, and for preventing abuses in the mingling, corrupting, and limiting the prices of the same.
5. An Act for erecting a Post-Office.
6. An Act for an impost upon Ale, Beer, Cyder, and other liquors, to hold for his Majesty's life.
7. An Act for the raising of seventy thousand pounds for his Majesty's father supply.
8. An Act for the Attainder of several persons guilty of the horrid murder of *Charles I.*
9. An Act for confirmation of Leases and Grants for Colleges and Hospitals.
10. An Act to prohibit the exportation of Wool, and Fuller's-earth.
11. An Act for prohibiting the planting of Tobacco in England and Ireland.
12. An Act for taking away the Court of Wards, and Liveries, together with *Tenure in Capite*, Knights Service, and Purveyances, and for settling a revenue upon his Majesty in lieu thereof (1).

After giving the royal assent to these Acts, the King made the following Speech to both Houses,

My Lords and Gentlemen,

I Will not entertain you with a long discourse, the sum of all I have to say to you, being to give you thanks, very hearty thanks: And I assure you, I find it a very difficult work to satisfy my self in my own expressions of those thanks. Perfunctory thanks, ordinary thanks for ordinary civilities, are easily given; but when

"the heart is full as mine, it is a labour to thank you. 1660. You have taken great pains to oblige me; and therefore it cannot be easy for me to express the sense I have of it. I will enlarge no further to you upon this occasion, than to tell you, when God brought me hither, I brought with me an extraordinary affection and esteem for Parliaments. I need not tell you how much it is improved by your carriage towards me. You have out-done all the good and obliging Acts of your Predecessors towards the Crown; and therefore you cannot but believe, my heart is exceedingly enlarged with the acknowledgement. Many former Parliaments have had particular denominations for what they have done: They have been styled Learned and Unlearned, and sometimes have had worse Epithets: I pray let us resolve, that this be for ever called the HEALING, and the BLESSED PARLIAMENT. As I thank you, tho' not enough, for what you have done, so I have not the least doubt, by the blessing of God, but when I shall call the next Parliament, (which I shall do as soon as you can reasonably expect or desire) I shall receive your hearty thanks for what I have done, since I parted with you. For I deal truly with you: I shall not more propose any one rule to my self in my actions and counsels than this: *What is a Parliament like to think of this action, or this counsel?* And it shall be a want of understanding in me if it will not bear that test. I shall conclude with this, which I cannot say too often, nor you too often where you go: *That, next to the miraculous blessing of God Almighty, and indeed as an immediate effect of that blessing, I do impute the good disposition and security we are all in, to the happy Act of Indemnity and Oblivion:* That is the principal corner-stone which supports this excellent building, that creates kindness in us to each other, and confidence is our joint and common security. You may be sure, I will not only observe it religiously and inviolably myself, but also exact the observance of it from others: And if ever any person shall have the boldness to attempt to persuade me to the contrary, he will find such an acceptance from me, as he would have, who should persuade me to burn *Magna Charta*, cancel all the old laws, and to erect a new Government after my own invention and appetite."

This flattering speech was received by the people with great applause, every one hoping, that a Prince of this character would have no other view, than the causing his Subjects to live in peace and plenty. After the King had done speaking, the Chancellor made a speech to both Houses, much longer than the King's, but tending to the same end, namely, to persuade them, that the King being extremely tender of his people, all his actions would be directed to render them happy. He forgot not to mention the pretended conspiracy, for the subversion of the present Government. But without entering into any particulars, he contented himself with assuring, that the conspiracy was real, and *Ludlow*, one of the fugitive Regicides, deeply concerned it. This insinuation was necessary for two purposes. The first was to convince the People of the necessity of putting the Militia into the King's hands, to enable him to suppress the male-content. The second, to get a pretence for the breach of the King's promise, in his *Breda* declaration, by the indispensable necessity of providing for the safety of the State, against the ill-designs of the sectaries. This will appear more clearly hereafter. When the Chancellor had ended his speech, he declared the Parliament dissolved.

This ended this Parliament, about eight months after the first meeting, and seven after the King's restoration. I have already observed, that most of the members were Presbyterians, or at least, that party was superior in the Parliament. For this reason, no doubt, some writers magnifying what this Parliament did for the King, and their disposition in his favour, have insinuated, it was a sort of miracle, that they did not throw up at once all the Liberties of the nation, upon the King's restoration. But this is a groundless exaggeration. For if all the Acts of this Parliament be considered, not one will appear to support this opinion. They recalled the King, but certainly that will not be thought strange. They voted a Revenue of twelve hundred thousand pounds for the King, but it was only a vote which was executed by the next Parliament. They passed the Act of Indemnity at the King's pressing instance, and which was indeed necessary. They granted the King a supply, to pay off the fleet and the army. But could this be avoided without endangering the public tranquillity? They presented the King with, after all, an inconsiderable sum, for his occasions, and his Brothers and Sisters, with thirty-seven thousand pounds. But was any thing more just or more natural than to enable him to maintain his Household, till his revenues were settled? There is nothing therefore in the actions of this Parlia-

Id. p. 339. Richard.

(1) The Royal Assent was given to the 6th, and 12th, December 24. See *Kew's Register*, p. 331.

1660. ment which infers a disposition, to throw up the liberties of the nation. But it will be seen, that this disposition, which is groundlessly supposed in this Parliament, was really and truly in the next: and that after doing too much, they were forced to alter their measures, and use extraordinary means to oppose the designs of that very King, to whom they had given an almost unlimited power. This second Parliament however has not been censured, whilst the compliance of the first has been indifferently aggravated. The reason of this difference is very obvious, namely, that the second Parliament best follows the views and principles of the Writers, who have thus remarked on the former. In short, if it be considered, that the first Parliament sat only seven months after the King's restoration, and that the second continued eighteen years, it will be easily perceived, to which of the two may most justly be ascribed the design of throwing up the Liberties of the nation.

The conclusion of this year brought the King a new cause of affliction in the death of the Princess of Orange, his sister, who died of the small pox the 24th of December, at the age of twenty nine years (1). She left but one Son, who was afterwards King of England by the name of William III.

This same year died [William Seymour] Earl of Hertford, lately referred to the title of Duke of Somerset. He has been often mentioned in the reign of Charles I. Doctor Hammond the famous Divine, died a little before the King's restoration.

It was also this year that the Royal Society was erected by the King's Letters Patents, who besides granted it all the necessary encouragement towards a discovery of the Secrets of Nature, and of what is most curious and necessary in natural Philosophy and Mechanics.

Before we close this year, it will not be improper briefly to mention the transactions of Scotland, from the time of the King's restoration.

After the King left Scotland, with an army to invade England, the English entirely conquered that Kingdom, under the conduct of General Monk, who served the Parliament. If the King, after that, thought of Scotland, it was only to cherish the discontents, and try, by means of his adherents, to excite a revolt. For though he had been recognized and crowned in Scotland, he always considered his interests as directly opposite to those of that Kingdom, or at least, of the governing party. He never loved the Scots, and his belief of their selling the King his Father to the English Parliament, greatly inflamed his prejudice against them, nor was it diminished by his residence in that country. His restoration to the English throne rendered him doubly master of Scotland; first, because he was her natural King, and had even been crowned there; secondly, because Scotland had been conquered by the English. Nothing would have been easier than to leave Scotland in dependence upon England, there being no likelihood, that the Scots would ever be able to recover their liberty. It even seems, the King was not averse to this thought, since he left Scotland to be governed by the English, more than two months after his restoration. But at last he resolved to restore that Kingdom to its ancient form of Government. For this purpose, Monk writ in the King's name to the English Commissioners who had been employed as Judges there, to discontinue their functions the 22d of August; and at the same time Proclamation was made, for the convening of the Committee of Estates, till a Parliament should be called. The King named the great officers of the Kingdom, and took care to chuse for these posts and for his Council, such as were believed most firmly devoted to him. The Earl of Glencairn was made Lord Chancellor, the Earl of Crawford, Lord-Treasurer, the Earl of Gifford, Justice-general, the Earl of Lauderdale, first Secretary of State, and General Middleton, the King's Commissioner. These men, as well as those who formed the Council, had been always firmly attached to the King's interest. Thus the Scots, freed from the yoke laid on them by Cromwell, were exactly in their former state, as before the troubles in 1637, that is, under the Government of a King and Ministers of the very same principles with Charles I. and the Ministers of that time. But there was this disadvantageous difference, that they were no longer able to make themselves feared, being entirely subdued. They had soon occasion to know what they were to expect. Some of their Ministers assembling for the drawing up a Remonstrance concerning their Grievances, were sent to prison by the Committee of

Estates, without any examination of the nature, motive, or language, of the Remonstrance, as if the bare design of presenting it had been criminal. Moreover, a Proclamation was published against all unlawful assemblies and seditious writings, on supposition, that the assembly of the Ministers and their petition were of that nature. This might have satisfied the Presbyterians, who were the body of the Scottish nation, what was preparing for them, and that they had no remedy but submission and patience.

They had still another very convincing proof. The Marquis of Argyll repairing to London to pay his duty to the King (2), was arrested, sent to the Tower, and afterwards to Scotland, to be tried on an impeachment of High-treason (3). The King in his declaration from Brede, had not mentioned Scotland. So, the Scots were exposed to the resentment and vengeance of their enemies. Amongst these, Chancellor Hyde was one of the most violent, as he has plainly discovered in his History of the Civil Wars, and, unhappily for the Scots, he was prime Minister in England, and had the principal direction of the King's affairs. Some indeed of the English Council were of opinion, it would be very advantageous to the King, to suffer the Scots to enjoy the benefit of this Brede Declaration. But the contrary advice prevailed, whether from the King's animosity, and that of his counsellors, or from the hopes of such as had factiously served the King in his troubles, of having the estates of the condemned.

This resolution being taken, the King summoned a Parliament in Scotland, to meet the 12th of December, and published a Proclamation, declaring, that he left it entirely to this Parliament, to examine the conduct of his Subjects of Scotland; and that after his honour was vindicated, and his prerogative established, he would grant a pardon which would witness how much he desired the happiness of his people. It will appear what method he took to procure this happiness to the Scots.

As for Ireland, the King committed the Government of it to Sir Maurice Eustace Chancellor, and the Earl of Orrery, and Montrath, in quality of Lords-Justices, till a Lord-Lieutenant should be appointed.

The year 1661 was ushered in by an extraordinary event. This was an Insurrection of some Fifth-Monarchy-Men, who believed themselves bound in conscience to use their utmost endeavours to advance the Kingdom of Christ on earth. As I have elsewhere spoken of these men, and as their principles are sufficiently known by the tragedies acted by them at *Musster*, and other places of Germany, it will be needless to give a more particular account of their tenets (4). The 6th of January, while the King was attending the Queen mother, and the Princess his Sister to Dover, in their return to France, about fifty of these men, under the conduct of one *Thomas Venner*, assembled in the evening in St. Paul's Church-yard, and killed a man who upon demand, had answered, *for God and the King*. This giving an alarm to the City, some Trained-bands were sent against them, whom these men quickly routed, and then marched through several streets, and at last retired to *Cane Wood* (5), from whence a party of Horse and Foot, sent by General Monk, dislodged them, and took some prisoners. But this did not prevent the rest from returning to the City, where they fought furiously, till they were obliged to take Sanctuary in a house. They there defended themselves like men fearless of death, or rather, as secure from all danger, under the protection of Jesus Christ. Here it was that *Venner*, being wounded, and twenty of his men killed, with as many of the assailants, was taken with the rest of his fellows. A few days after, they were all tried, condemned, and executed, without any confession of guilt, and perishing in their extravagances to the last. Two young men only shewed some signs of repentance.

Though this attempt could not justly be considered as the consequence of a design formed by a whole party, and though the Anabaptists had been all guilty, there was no reason to blame the other Scots, yet the Court urged this insurrection to confirm the rumours of a conspiracy against the Government. The King took occasion to publish a Proclamation, forbidding all Meetings, and Conventicles, under pretence of Religion, and commanding the oaths of Allegiance and Supremacy to be tendered to all persons affected to the Government, and in case of refusal, they were to be prosecuted on the Statute of the 7th of James I.

It will, doubtless, be thought strange, that by reason of the extravagance of some Anabaptists, all the other Scots should be included in the prohibition of all meetings on account of Religion, contrary to the express terms of the de-

ibid.

Barnes.
p. 115.

1660.

14. p. 101.
Hume.

Barnes.
p. 115.

History of
Ireland.
vol. 1.

1660-1.
History of the
Anabaptists
under
Venner.
Phillips.
p. 734.
Hume.
Barnes.
p. 162.

January 17.
Kenett's
Register.
p. 361.

The Court
expressly
declared
from this
insurrection
to be
a
revolt
against
the
Government.
January 17.
id. p. 357.

A Remark
upon this
subject.

(1) She was buried December 29, in Henry VIII's Chapel. *Hume*, p. 479.

(2) He writ by his Son to the King, asking leave to come and wait on him. *Thorn*, p. 106.

(3) Bishop *Barnes* says, it was done at the instigation of the Earl of Middleton and his Party, "For the Marquis of Argyll's craft made them afraid of him, and his clamour made them desire to divide it among them," p. 106.

(4) They thought, it not enough to believe that Christ was to reign on earth, and to put the Saints in possession of the Kingdom, but that the Saints were to take the Kingdom themselves. Some of them seemed persuaded, that Christ would come down and beat them. *Barnes*, p. 460, 161.

(5) Between *Higglegate* and *Hampstead*.

1660-t. clation from *Breda*. But it will be immediately seen, that the ruin of the Presbyterian-party was now resolved, and that pretences were seeking to execute this resolution, particularly, pretences which might create a belief, that what was done, was only for the security of the King's person and government. The end proposed was to intimate, that Religion was no way concerned, but only the State, and thereby obviate the objection which would naturally be drawn from the *Breda* declaration, wherein the King solemnly promised, that no person should be molested

The Name of Non-conformity applied indifferently to all Sects.

for his Religion. To succeed the better in this design, an admirable expedient was devised. This was to range under the same denomination, all the Sects differing from the Church of England, in order to impute to the whole body consisting of all these Sects, what could have been imputed but to one, had they been distinguished. This denomination was, that of Dissenters, or Non-conformists, under which were comprehended, as well the Presbyterians, as the Papists, Anabaptists, and other Sects. Thus, by this affected confusion, all the Non-conformists were charged with the faults of one of the Sects comprised under that name, and, as if they had made but one body, punished without distinction, on pretence of keeping them in awe, and preventing them from disturbing the State. The Catholics, the Independents, the Anabaptists, were Non-conformists. Precautions therefore were to be taken against the Non-conformists, and consequently against the Presbyterians, because their enemies were pleased to comprehend them under the same general appellation. Undeniable proofs of what I advance, will hereafter appear. The truth is, the Presbyterians only were properly aimed at, whose ruin was resolved, notwithstanding the declaration from *Breda*. For indeed, it is not likely, that a King, who had privately embraced the *Romish* Religion, would turn persecutor of the Catholics. And the Independents and Anabaptists made then so inconsiderable a figure, that the King's Ministers had but little reason to fear them. But though there had been cause to suspect them, why were they not distinguished from the Presbyterians, who had given no room for such suspicions? All this was only to pave, in some measure, the King's honour, at a time when his promises, contained in his declaration from *Breda*, were openly evaded. This name of Non-conformists, is therefore to be considered as a very ambiguous term, which indeed signifies men who conform not to the Church of England, but not in the sense which was given it, namely, of a body of men inseparably united, composed of all the Dissenters, and acting with the same views, and for the same interest.

Conference at the Savoy between the Bishops and Presbyterian Ministers. Accounts of that Conference. London 1661. Collier, Buxier.

Some of the Presbyterian Ministers observing, they were indistinctly confounded with Sects, with whom they had no relation, petitioned the King for a conference between them and the Bishops, in order to examine wherein consisted their differences, and the objections of the Presbyterians, to the Book of Common-Prayer. The King granted their request, and immediately named twelve Bishops, as Principals, and nine other Clergymen as assistants; and on the Presbyterian side, twelve Ministers as Principals, and nine others as assistants, to confer together at the Bishop of London's house, who then lodged in the *Savoy* (1). The Commission ran: "That the Commissioners appointed should act for four months, from the 25th of March, and particularly were ordered to advise upon and review the Book of Common-Prayer; — to take into their serious and grave considerations, the several directions and rules, forms of prayer, and things in the said Book of Common-Prayer contained; and to advise and consult upon and about the same, and the several objections and exceptions which shall now be raised against the same; and (if occasion be,) to make such reasonable and necessary Alterations, Corrections, and Amendments, as shall be agreed upon to be needful and expedient, for giving satisfaction to tender consciences, and the restoring and continuance of Peace and Unity in the Churches under his Majesty's government and protection. — And to certify to his Majesty in writing, under their several hands, the Matters and Things whereupon they shall so determine, to be by his Majesty approved, &c." Thus the King gave to these twenty one Ministers, a power they had not desired, to decide, as well for themselves as their Brethren, who were more than two thousand, and for the whole body of the Presbyterians, what was necessary to be altered in the Liturgy, without empowering them to meet beforehand to settle their demands, in order to an union with the Church of England.

1661.

From the first day of the conference, it was easy to foresee it would be fruitless. For though the Ministers had already acquainted the King and the Chancellor that they could decide nothing, since they were not authorized by

their Brethren, [Shelden] Bishop of London immediately told them, that as themselves had requested this conference, they were to produce at once all their exceptions to the Liturgy in writing, together with the additional forms and alterations which they desired. The Ministers answered, that they had before done to the King and the Chancellor, That they could decide nothing, without having first consulted their absent brethren, and received from them a commission in form. This tended to a request, that they might be permitted to meet in Synod, and debate together on these matters: But this was never intended to be granted. They were therefore urged, only to declare their own sense, when it was seen, that they could not be brought to act as deputies of a body, by which indeed they were not commissioned. To this it was answered, That they were willing to give in writing their particular sentiments, provided, at the same time, the Bishops would bring in their utmost concessions, that when both were compared, a judgment might be made of the success. But the Bishops absolutely rejected this proposal. At last, the Ministers consented to produce at once all their exceptions, referring to themselves, however, a power to make additions according to the answers, they should receive, and their offer was accepted. Whereupon, the exceptions were drawn up, and an answer given in by the Bishops, who accepted a reply, and at length some slight alterations in the Liturgy were agreed on. But, besides that the Ministers considered these alterations as insufficient, there was an invincible obstacle to an agreement, which was, that the Ministers not being commissioned, whatever they said, could be esteemed but as their private opinion.

I shall enter no farther into this conference, because, to understand it, requires a competent knowledge of the English Liturgy, and the manner in which divine service is celebrated, which cannot be supplied with regard to the generality of foreigners, for whom this History is designed (2). I shall content myself therefore with some general remarks, to assist the Reader to understand wherein consisted the differences betwixt the Church of England and the Presbyterians, and the conduct of both sides.

During the whole reign of King James, and the fifteen first years of Charles I, the Presbyterians were oppressed, or, at least, may be said, not to be treated by the Church of England as Christian charity seemed to require. From the beginning of the Parliament of the 3d of November 1640, the Church of England was persecuted in her turn, and Episcopacy itself at last entirely abolished. When the Independents were become masters of the Parliament and army, the Episcopals still continued under oppression, and though the Presbyterian Church-government was outwardly preserved, there was nevertheless an entire liberty for all Protestant sects, which the Presbyterians considered as a violent persecution. This state continued till the beginning of the year 1660, when Monk forming the design of restoring the King, believed it could not be effected without a restitution of that very Presbyterian Parliament which had abolished Episcopacy. This expedient was crowned with success; and by the united endeavours of the Presbyterians and Episcopals, the King was at last replaced on the throne. The restoration of the King produced that of the Church of England, which was at once in almost the same state she had been before the year 1640. There was, however, this difference, that, during the troubles, the number of the Presbyterians was exceedingly increased, and thereby they were grown much more formidable than under the reign of King James, and the first fifteen years of Charles I. It was therefore the interest of the Church of England, either to ruin entirely the Presbyterian party, which could still raise fresh troubles in Church and State, or oblige them to unite with the national Church, by some small concessions. And for this last purpose, the conference now mentioned seemed to be intended.

But, such conferences upon Religion are seldom attended with a happy success; first, because the two parties must be equally animated with the spirit of peace and charity, which is rarely found amongst men; and, if I may venture to say it, still more rarely amongst Churchmen. Secondly, because in these conferences, one of the parties is usually superior, and in possession of power, and therefore not very ready to quit that advantage, to be reduced to an equality. So, no success can be expected, unless one of the parties will yield every thing to the other. This recalls to my mind a saying of a French Catholic, a man of wit, to a Minister after the conclusion of the religious war in France: *Is, said he, you had come to a composition with us while the sword was in your hand, we might have made you some concessions; but now that you are conquered, we would not yield you so much as the christening of bells.* The case was much the same in England, at the time I am speaking of. We

(1) R. p. by mistake, has put the number of the Principals of each side for that of the Assistants, and the contrary.
(2) See the Account of this Conference, London 1661.

1661. have seen the concessions of Charles I. in the treaty of *Neurport*, with regard to Episcopacy, which, if it was not entirely given up by him, was however reduced to a very small matter. But after the restoration of Charles II, the use of the Surplice was of too great consequence to Religion, to be relinquished. Thirdly, the animosity between the two parties, generally hinders the conferences from succeeding. The one cannot bear to receive laws from the other, nor think of revoking what has been once advanced. Fourthly, instead of thinking seriously on peace, both parties seek only to surpize one another. Lastly, it too often happens, that these conferences are granted by the prevailing, to the oppressed, party, only to have it said, that peace was offered, but rejected by the contrary party. There is room to believe, that in this conference all these circumstances met, and therefore it is no wonder, it succeeded like the rest of the same nature; for, in short, it broke off without any effect, and, as too commonly happens, each party threw the blame upon the other. Mr. Baxter, in his relation of it, says, that the Bishops were absolutely against all concessions. But in another relation it is said, the Presbyterians were so obstinately attached to their opinions, that they would not recede from a single point, and that at last, upon the Bishop of *Durham's* proposal, being required to declare in writing what they thought sinful in the Liturgy, they put into the list all the articles which kept them from joining with the Church of *England*, without one exception. They thereby showed, that they considered as sinful, all the forms and practices of the Church of *England*, even to the use of the Surplice, and by consequence their refusal of an accommodation, unless their opinions were entirely conformed to. There are the mutual accusations of the two parties, on which I am far from deciding any thing as to the truth of the facts. All I can say, without wronging either party, is, that the Presbyterians ought to have receded from several points, which are manifestly indifferent; and that the Bishops should not have scrupled to give up the same points. But people were then very far from being inclined to charity and confederation.

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During this conference at the *Savoy*, the King was magnificently crowned on *St. George's day*, the 23d of April (1).

The Parliament, which had been summoned for the 8th of May, met on the day appointed. The Representatives, for the most part, were elected agreeably to the wishes, and without doubt, by the influence of the Court. The greatest part were High-Church-men, that is, violent enemies of the Presbyterians, great assertors of the minutest ceremonies of the Church, and most devoted to the King and the royal Prerogative. They literally followed the principles of *Land Archbishop of Canterbury*, which had caused the troubles in the late reign. In a word, this Parliament may be said to be composed by Chancellor *Hyde*, Prime-Minister, and on the 26th of April created Earl of *Clarendon*. Let it also be added, that this Parliament was called the *Penitentiary Parliament*, because it was afterwards discovered, that many of the Members received pensions from the Court. It is true, many will not allow that this was so at first, but pretend, that by length of time, and changes upon death, the new Members suffered themselves to be bribed. I cannot however help remarking, that, at the very beginning, this Parliament did things in favour of the King, which no other had ever done, and that it was not till afterwards that they retracted their extravagant maxims, concerning the royal Prerogative. This shows, the Parliament was bribed betimes, notwithstanding the insinuations of some to the contrary. However it be, it may be judged how favorable this Parliament was to the King, since it continued almost eighteen years, on which account it was more justly called the long Parliament, than that of 1640.

As Religion, whether Popery, or Presbyterianism, and the royal Prerogative, are concerned in almost all the transactions of this reign, it is absolutely necessary to acquaint the Reader with some things concerning the Historians. Otherwise, they will be extremely embarrassed, when they read in some Histories things quite contrary to what they read in others. My design is, therefore, by a few remarks upon this subject; first, to prevent their being insensibly, and for want of examination, misled by the opinions or prejudices of the Historians. Secondly, to incline, and thirdly, to assist them, in some measure, to make this examination.

There are three sorts of authors, who have writ the History of this reign. The first are those, who profess to be High-Church with regard to Religion, and with respect to the Government, ascribe to the King an almost unlimited power, provided the King be of their party. These are,

in a word, what are called the *High-fliers*, or *rigid Tories*. They are good Protestants, but, however, much less enemies of the Papists than of the Presbyterians. For hardly will they allow the latter to be Christians, because they have no Bishops. Now, according to their principles, no valid Ordination can be had without Bishops, and consequently no valid administration of the Sacraments; whence it follows, that Presbyterians baptized by Ministers unordained by Bishops, are not truly baptized.

There is another set of writers of this reign, who, being Protestants, embrace not the extravagant principles of the former, either concerning the Church or the Government. These are of the number of those who are called *Whigs*, among whom there is a mixture of Churchmen and Presbyterians.

Lastly, there are Popish Historians, whose tenets and principles are sufficiently known.

Each of these Authors has writ the History of this reign according to his principles; for this reason what is praised and approved by one Historian, is blamed and censured by another. For instance, as to this second Parliament, some openly insinuate, that the first years transactions, whether for extending the Royal Power, or oppressing the Presbyterians, were agreeable to reason, justice, and the good of the Kingdom; but what was done, after the breach with the King, was only the effect of corruption and cabal. Others on the contrary maintain, that this Parliament's zeal, whether for the King or against the Presbyterians, was an extravagant zeal which threw them upon measures very detrimental to the nation, and unavouably engaged them to favour the ill designs of the Court; but perceiving at last the ill use the Court made of this disposition, they espoused the true interests of the Kingdom, in opposing the King's designs.

The Popish Historians are of the same principles with the High-flying Tories concerning the Government. But, whereas King Charles's design of introducing Popery into *England* is very unwillingly owned by the Tories, the Papists, on the contrary, make it a glorious design, as being very just and religious.

A man must therefore prepare himself to meet these contradictions, if he reads several Histories of this reign, and to chuse that scheme which appears most coherent and best supported. For this purpose it will be proper to adhere only to plain facts, without regarding the frequent insinuations of the Historians, most of whom suppose without ceremony their own scheme, even in the facts they relate. I own this is difficult: but I suppose the Reader's search is after truth, which he will never attain, if he implicitly follows, without examination, the first Historian which comes in his way. Wherefore, I thought it proper to inform him before hand of what he is to expect, and to wish to leave him at liberty to examine my scheme as well as that of others. But to return to the Parliament.

The King going thither the 8th of May, made a speech to both Houses, in which, after some expressions of his great affection for his People, he recommended two Bills, which he had prepared to confirm the Act of Indemnity. He repeated the same words he had said to the last Parliament. Adding, that they might be as severe as they pleased against new offenders, but he should not think him a wife man or his friend, who should persuade him to infringe the act of Oblivion, or to consent to a breach of a Promise so solemnly made when he was abroad. Lastly, he communicated to them his intended marriage with the Infanta of *Portugal*, which had been resolved with the approbation of his whole Council.

The Earl of *Clarendon*, Lord-Chancellor, afterwards enlarged on the particulars mentioned by the King in his Speech, but chiefly upon two points untouched by the King. The first related to the seditious Sermons of certain Preachers, which tended to renew the old troubles, and whose license it was necessary to curb. The second point on which he insisted, was the late insurrection, which he aggravated in the strongest expressions, intimating, that by intercepted letters it might be concluded, that the combination reached very far, and if the vigilance of the Lord-Mayor had not prevented it, the City had been in danger of being burnt to ashes. He did not name the authors of the seditious Sermons, because his design was not to accuse this or that person, or any particular sect, but only to obtain a general order against the Preachers who were not of the Church of *England*. As to the pretended conspiracy discovered, as he assured, by a multitude of intercepted letters, it does not appear that any one was prosecuted in consequence of these letters, or that others besides *Fenner* and his companions, were proved to be con-

(1) For the greater splendour of this Solemnity, the following Titles of Honour were conferred, Sir Arthur Anselm, was made Earl of *Angley*; Sir John Grenville, Earl of *Bath*; Frederick Comwall, Lord Comwall; Sir George Booth, Lord *Booth*; Sir Horatio Townshend, Lord *Townshend*; Sir John Ashley Cooper, Lord *Ashley of Wimborne*; John Crook, Baron Crook; Sir Charles Howard, Earl of *Carlisle*; Daniel Holles, Lord *Holles*; Edward Hyde, Earl of *Clarendon*; Arthur Lord Capel, Earl of *Essex*; Thomas Lord Broucker, Earl of *Cardigan*. See *Dedgins's* *Barony*, Tom. ii.

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tians
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cerned in it. It is therefore manifest, this Speech tended only to incense the Parliament against the Sectaries or Non-conformists in general, under colour of providing for the safety of the King and the State, in a supposition, that it was only from them any danger could be feared. This will appear hereafter to be more than a mere conjecture.

Sir Edward Turner, the Duke of York's Attorney-General, being chosen Speaker of the House of Commons, at the recommendation of the Court, both Houses unanimously voted their thanks to the King for the gracious communication of his resolution to marry, and went in a body to congratulate him. Then the House of Commons ordered all their members to receive the Sacrament according to the prescribed Liturgy within a certain time, upon pain of being expelled the House.

The 20th of May the two Houses jointly ordered, that the writing called the *Solemn League and Covenant* should be burnt by the common Hangman; which was performed with great triumph. Three days after, the following Acts were also ordered to be burnt. The Act for erecting a High-Court of Justice for trying and judging Charles Stuart, &c. The Act for subscribing the Engagement against a King and House of Peers: The Act for declaring the People of England to be a Commonwealth, &c. The Act for renouncing the title of Charles Stuart, and another for the security of the Protector's person.

The zeal of the two Houses breeding a fear in the Republicans, that the Act of Indemnity passed in the late Parliament, would not be sufficient for their security, if it was not confirmed by the present, they addressed the King for this confirmation. Upon their petition, the King writ to both Houses the 13d of June, earnestly recommending to them to pass the Bill he had prepared for them. He even told them plainly, however necessary the bills might be, that were ready for the royal assent, he had no mind to pass them till the Act of Indemnity was likewise presented to him. This letter having produced the desired effect, the King came to the Parliament the 8th of July, and passed the following Acts.

An Act to confirm the Act of Indemnity passed in the late Parliament.

An Act to empower the King to receive from his Subjects a free and voluntary contribution for his present occasions.

After this, the King made a short Speech to both Houses, to remind them of his Declaration from *Breda*, and of that signed by his adherents when his Restoration began to be talked of, in which they promised to renounce all memory of former unkindnesses, and vowed all imaginable good will to each other. Therefore, continues he, let it be in no man's power to charge me or you with breach of our word or promise.

These two Acts being dispatched, the Parliament proceeded with vigour in finishing the other Bills which were before them, and in particular, one for the confiscation of the estates of twenty one Regicides deceased, and to punish three, who were spared as to life, but liable to other Penalties. These were the Lord *Mansfield*, Sir *Henry Midway* and Robert *Wallop*. It was ordered, that they should [on January 30.] be drawn upon sledges with ropes about their necks to the gallows at *Tyburn*, and from thence conveyed to the Tower, there to remain prisoners during their lives.

The 30th of July the King came to the Parliament, and gave the royal assent to several Acts.

1. An Act for the safety and preservation of the King's person and government; which had three remarkable clauses.

The first, that if any person should compass, imagine or intend the King's death, destruction, or bodily harm, to impose or restrain his royal person, or depose him, or should levy war against him within or without his realm, or stir up any foreign power to invade him; or should declare or express such his wicked intention, by printing, writing, preaching, or malicious and advised speaking, he should, being thereof legally convicted, be adjudged a traitor.

The second, that if any man should maliciously or advisedly publish or affirm his Majesty to be an Heretic or a Papist, or that he endeavoured to introduce Popery; or should stir up the people to hatred or dislike of his royal person or government; that every such person should be made incapable of any office or employment either in Church or State.

The third, that if any man should maliciously and advisedly affirm, that the Parliament, begun in *Windsor* the 3d of November 1640, is yet in being, or that any Covenant or Engagement since that time imposed upon the People, doth oblige them to endeavour a change of the

Government either in Church or State, or that either, or both Houses of Parliament have a legislative power without his Majesty, that then every such offender, being legally convicted thereof, should incur the Penalties of a *Præmunire* mentioned in the Statute of the 16th of Richard II.

The other Acts now passed were:

An Act to repeal the law made in the 17th year of Charles I, for the exclusion of the Bishops from the House of Peers.

An Act to prevent tumults and disorders committed under pretence of preparing, or presenting petitions to the King or Parliament.

An Act to declare the sole right of the Militia to be in the King.

An Act to empower his Majesty to dispose of the Land-forces.

An Act for the regulation and government of his Majesty's Navies and Forces by sea.

An Act to impose certain pains and penalties upon the persons or estates of those who had a hand in the horrible murder of the late King.

An Act for the collection of the great arrears of the duty of Excise.

An Act for providing necessary carriages for the King in all his progresses and removals.

After these Acts had received the royal assent, the King thanked the two Houses for them, and particularly for that which restored the Bishops to their seats in Parliament, and that which concerned the Militia. This done, he gave them leave to adjourn to the 20th of November.

When the King called this Parliament, he had no intention to assemble the Clergy in Convocation, believing, the *Savoy* conference was equivalent to a Convocation. But Dr. *Hobbes*, in a letter to a Minister of State, showed, that this conference ought not to hinder the King from assembling the Clergy. He alleged, among other reasons, that the Clergy could not be bound by the Acts of the *Savoy* assembly. This was precisely what the Presbyterian Ministers, appointed by the King, had alleged, to show they had no power to Act for their brethren. This Convocation did nothing considerable, except granting the King a Benevolence by virtue of the Act above-mentioned (1).

While these things passed in England, the Parliament in Scotland proceeded with no less vigour. Being assembled in January, they began first with abrogating and annulling the solemn League and Covenant of the two Kingdoms; and commanded that none of his Majesty's Subjects presume, on pretence of any authority whatsoever, to require a renewing, or swearing to the said League and Covenant, without his Majesty's special warrant and approbation.

They next declared the power of the Militia to be in the King alone, and the Act of the 16th of January 1647, by which the late King was delivered to the *English*, to be infamous, disloyal, and contrary to all Laws divine and humane.

Episcopacy was restored in Scotland, and for that purpose, four Presbyterian Ministers, *Sharp*, *Hamilton*, *Barrowell* and *Leighton* came to London, where, after being ordained Deacons and Priests, they were consecrated Bishops by the Bishop of *Winchester*, [with two other assisting Prelates.] All four renounced their first Ordination as invalid, and before their departure for Scotland, obtained from the King a declaration of his pleasure to restore in Scotland the Government of the Church by Archbishops and Bishops, as it was in the year 1637. Upon this declaration, the Privy-Council of Scotland strictly discharged all ecclesiastical meetings at Synods and Presbyteries, &c. till they should be authorized by the Archbishops and Bishops. An Act was also passed in the Scotch Parliament to prohibit all Meetings and Conventicles in private houses for religious worship. By another Act the right of Patronage was revived. And lastly, by another, it was ordained, that all persons in any public office, should sign a solemn declaration against the national Covenant in 1638, and the solemn League and Covenant in 1643, in which they declared it unlawful to Subjects upon pretence of Reformation, or any other pretence whatsoever, to enter into Leagues and Covenants, or take up arms against the King, or those commissioned by him.

The Marquis of *Argyle* having been sent prisoner to *Edinburgh*, was there tried, and condemned; and beheaded the 27th of May. Many believed, that revenge, and the avarice of some persons (2), who hoped for the confiscation of his estates, were more powerful motives for the

(1) In this Session, the Papists petitioned the Parliament for the repeal of the Penal Laws against them, and for toleration of their Religion. See *Kennet's Register*, p. 473, &c.

(2) Particularly the Earl of *Middleton*. See *Erast*, p. 134. The Marquis was condemned, as guilty of High-Treason, upon some Letters formerly writ by him to *Ac 4*, wherein he expressed a great zeal for the Republican Cause. These Acts being sent down to the Marquis's Judges. *Id.* p. 125.

1661.
May 11.

sentence, than justice. A few days before his death, the remains of the unfortunate Marquis of Montrose were solemnly interred, and the head of the Marquis of Argyll was set up in the place where his blood.

June 7.
Heath.

In England the bodies of Sir Charles Lucas and Sir George Lisle, who were shot at Colchester in 1648, were likewise honourably interred.

Complaints
of the Royal
Dile.
Burnet,
p. 161.
Richard.

During the recess of the English Parliament, the Cavaliers or Royalists made great complaints of the King's ingratitude, for suffering them to perish with hunger, while, by the Act of Indemnity, he procured his enemies the secure enjoyment of immense riches, acquired by illegal means. The city swarmed with libels on this subject. One, amongst the rest, writ by *L'Esfrange*, told the King bold truths with great freedom. But the King thought not proper to take notice of them, believing, the least he could do for the loyal sufferers, was to let them complain, since it was neither in his inclination nor power to reward them.

Rumours of
a Conspiracy.
Heath.

To suppress these complaints, the city was filled with rumours of projects and plots against the King's person and government (1). But many believed this only an artifice to incense the Parliament against the Non-conformists in general, and the Presbyterians in particular, and afford a pretence to proceed against them. The Presbyterians were always confounded with the other Sects, under the denomination of Non-conformists, who were charged with ill-intentions against the Government, though hitherto the Presbyterians had given no cause of suspicion, at least, nothing was proved against them. The most plausible thing urged, was, that the Independents, Anabaptists, and the other Republicans, seeing the Presbyterians no better treated than themselves, formed great projects, in hopes of being joined by the Presbyterians at a proper time. Thus much is certain, the project of the Act of Uniformity, which will be mentioned hereafter, was now formed, and the rumours, true or false, of Plots carried on by the Non-conformists, might be very useful to palliate the breach of Declaration from *Breda*, under colour of providing for the safety of the State. For the Presbyterians could not be attacked on account of Religion, without a most manifest violation of the King's promise.

Active Ex-
position of
Protestant
opinion.
July.
Heath.
p. 500.
Kennet's
Register.
The Parlia-
ment meets.
The King's
Speech is
read.
Id. p. 561.

The Earl of Sandwich, Vice-Admiral, being sent with a fleet to Lisbon, to bring home the new Queen, appeared before *Alger* to make a treaty with the *Cejairts*, or reduce them to reason by force. But he found them so well prepared, that he was obliged to return to Lisbon without any thing done.

The Parliament re-assembling the 20th of November, the King made a Speech to both Houses, without any necessity, as they had only been adjourned. He gave for reason, that it was to have the pleasure to see the Bishops restored to their places in Parliament. He then desired the Commons, "To think seriously upon settling his revenue, and providing for the expenses of his Navy; adding, that he asked nothing for himself, but as his interest was united with that of his People." He told them, "That he was willing they should make a full inspection into his disbursements and receipts, but would not have them believe any loose discourses, of giving away eighty thousand pounds in a morning. That he had much more reason to be sorry, that he had not to reward those who had ever faithfully served the King his Father and himself, than ashamed of any bounty he had exercised towards any man." After this, he told the two Houses, "That he was sorry to find, the general temper and affections of the nation were not so well composed, as might have been expected, after such signal blessings from God Almighty upon all, and after to great indulgence and condescension from him towards all interests. That there were still many wicked instruments, who laboured night and day to disturb the public peace, and make all people jealous of each other. That it was worthy of their care and vigilance, to provide proper remedies for the diseases of that kind; and if they found new diseases, they must study new remedies. That the difficulties which concerned Religion were too hard for him, and therefore he recommended them to their care and deliberation, who could best provide for them."

Remarks
upon this
Speech.

When the King published his declaration at *Breda*, and expressed so much zeal for passing an Act of Indemnity, agreeably to this declaration, he did not think it out of his power to give a positive promise, that no person should be molested on account of Religion. But, in all appearance, since the elections of the Members for this new Parliament had been made, according to the wish of the Ministry, in favour of High-church, it was suggested to the King, that the best expedient to obtain whatever he desired, was to fa-

crifice the Non-conformists to the Parliament. It is not very strange, that a Prince of his character, who had secretly embraced the Roman Catholic Religion, or, to speak more properly, had no Religion at all, should not think it a point of honour to support the Presbyterians, at the hazard of losing the affection of his Parliament. He visibly begins therefore, in the conclusion of this Speech, to use evasions; and by talking in general of persons, labouring to trouble the peace of the Kingdom, furnishes the Parliament with a pretence of treating the Non-conformists with rigour, as disturbers of the public tranquillity. As to Religion, he leaves the care of it to the Parliament, as of a thing too difficult for him. By this he entirely deserts from his *Breda* declaration, and the Act of Indemnity, which till now he had so much insisted on.

This Speech was as the signal to the persecution, which, soon after, broke out against the Non-conformists, and particularly the Presbyterians, for they alone were properly aimed at. We shall see presently, that upon rumours of conspiracies forming against the State by the Non-conformists, without distinction of any sect, Acts were grounded, which manifestly destroyed the *Breda* declaration, as well as that published by the Royalists, when the King's restoration was in view.

I shall briefly state the argument used to support this persecution. It is true, the King generously pardoned the offences committed before this declaration; but he did not promise to pardon such as should be afterwards committed. Now, since the King has been refused, the Non-conformists are plotting to disturb the Government. It is therefore necessary to take all possible precautions, to disable them from executing their designs. In answer to this argument, it is needless to urge the slender foundation of these pretended plots, for which no man was ever punished, or even prosecuted (2). It suffices to remark, that it supposes, what is entirely false, that the Non-conformists made but one body, because their enemies had been pleased to give them all one common name. And yet, upon this supposition so notoriously false, it was thought lawful, to deprive all the Sects, and particularly the Presbyterians, of the benefit of the declaration from *Breda*, only because their enemies were pleased to confound them with the Independents and Enthusiasts, under the same appellation of Non-conformists. I do not think it necessary to stay any longer to demonstrate the weakness of this argument. But it was sufficiently valid, for men who had the power in their hands.

To prepare the way for the designed alteration, solely founded upon rumours of an imaginary conspiracy, the Parliament thought proper to support these rumours, by a petition to the King for a Proclamation, to order all officers and disbanded soldiers to depart twenty miles from London (3). It was natural to infer from thence, that there were grounds for fear, which was indeed the design of this proclamation.

The same day, the Commons voted the King a supply of twelve hundred thousand pounds for his present necessities, that is, to be disposed of as he pleased. This was the first fruits of his condescension, with regard to the *Breda* declaration.

Then, the Parliament resumed the affair of the nineteen Regicides, who had voluntarily rendered themselves upon the Proclamation of the 6th of June, and yet had been sentenced to death. They were asked, what they had to say, why judgment should not be executed upon them? They alleged the King's proclamation, on which they had relied, believing it was his intention to pardon them. But this did not prevent a Bill from being brought in for their execution, which was read twice, and then dropped, probably, on the King's powerful solicitation in favour of the condemned, who could not have been executed without great prejudice to his honour and faith.

The rumours, as I said, of plots, were absolutely necessary to serve for foundation to what was intended to be done. The Earl of Clarendon had mentioned these plots at the close of the late Parliament, and the King at the opening of this. To strike a greater blow, the Earl of Kennet's, Clarendon, at a conference between the two Houses, affirmed positively, that there was a real conspiracy, which had been forming ever since *March*, to disturb the peace of the Kingdom. He named several persons engaged, and gave an exact account of the manner how it was to be executed. He said, though the design seemed disconcerted as to the City of London, where the officers and disbanded soldiers had been invited to repair the 11th of the instant *December*, it was still pursued in the country. The Lords, upon this information, named a Committee of twelve of their House, to whom they desired the Commons to add a proportionable number of their Members, to examine this

(1) Of which the Authors were, *Prigge*, *Bartholomew*, *Colwell*, *Seaton*, *Miles*, *William*, *Altman*, *Tetter*, &c. Heath. p. 500.

(2) One *John James*, a small-coat man, was charged and questioned for it, on November 27, or rather for being engaged in *Kenner's* business, for he was one of his accomplices. Heath. p. 501.

horrible

1661. horrible design, that the execution of it might be prevented, and the peace of the Kingdom secured.

A Remark upon this Subject.

Certainly, it cannot but appear strange to all, who are not prejudiced by passion or party, that a plot, of which the Court so well knew all the circumstances, the parties engaged, the day of its designed execution in London, the endeavours still used to promote it in the Country, and concerning which a multitude of Letters had been intercepted, that this plot, which was examined by a numerous Committee of both Houses, should not be attended with the death of any of the complices, nor even with the prosecution of one single person. It was, however, upon this sole foundation, that the Corporation Act, of which I am going to speak, and all the proceedings against the Non-conformists were built.

Kennet's Register, p. 132. Addit. b.

The 20th of December, the King came to the Parliament, and passed the two following Acts:

An Act to grant the King twelve hundred and fifty thousand pounds, for his present obligations, to be levied by a monthly tax of seventy thousand pounds, for eighteen months.

An Act for regulating Corporations.

This Act, which was called the Corporation Act, ran, That in order to perpetuate the succession in Corporations, in the hands of persons well-affected to the Government, it was ordained, that every Mayor, Alderman, Common-Council-man, or any other officer in a Corporation should be obliged, besides the common oath of Allegiance and Supremacy, and a particular declaration against the solemn League and Covenant, to take an oath, declaring, *That it was not lawful, upon any pretence whatsoever, to take arms against the King; and that he did abhor that traitorous position, of taking arms by his authority against his person, or against those commissioned by him.*

Oath required by the Corporation Act.

A Remark.

If the oath had imported, that it is not lawful, on any pretence, to take arms against the established Government, there had been nothing in it extraordinary. But in this oath, the King was supposed to be sole master of the Government, which is manifestly false, since he can neither make nor repeal a law, without the concurrence of the Parliament, and consequently, the sovereign authority does not reside in him alone. This supposition was exactly like that of the Parliament of 1640, that the supreme authority resided in the people, or their representatives in Parliament, the absurdity of which was exposed by Charles I. in almost every one of his Papers. They are both equally false, and to show that the people of England do not think them true, we need only observe, the absurd consequences they have produced, and which have been constantly rejected by the English. By the maxim of the Parliament of 1640, that Parliament believed, they had a right to abolish Monarchy, and change the established Religion. By the maxim contained in this oath, James II. believed he had a right to introduce a new Religion, and establish an absolute power. But the English nation thought themselves bound by neither the one nor the other of these extravagant maxims. Charles II. was restored, notwithstanding the decision of the Parliament of 1640; and James II. was dethroned, notwithstanding the decision of this Parliament, which had ordered the oath we are speaking of, though the King had concurred to the Act. It is impossible in England to mark out the degree of obedience due from the people to the King, or the Parliament, when they are divided. The reason is evident, because in their union consists the essence of the Government. It is in the King and Parliament united together, that the absolute power, necessary to all Governments, is lodged. Wherefore, to say, that upon any pretence or reason whatsoever, it is not lawful to resist the King or the Parliament, is, properly throwing up the liberties of the nation to the mercy of the one or the other. The High-Churchmen, of which this Parliament was principally composed, had then extraordinary ideas of the royal authority. And I know not whether they have yet entirely lost them. But it is certain, many of them at last opened their eyes, and saw the dangerous consequences of their maxims, and even this Parliament did not think fit to admit them all, as will hereafter appear.

When these Acts were passed, the Parliament was adjourned to the 10th of January.

Death of the Queen of Bohemia.

Elizabeth Stuart, Daughter of James I, Electress Palatine, and Queen of Bohemia, died at London the 13th of February (1).

1661-2. Report of the Conspiracy made by the Commissioners, Parker, Knapton's Register.

The Parliament being assembled the 10th of January, the first thing the Lords did, was to receive the report of the Committee, appointed to examine the conspiracy, supposed to have been forming now almost a year, but which had yet produced no effect. The Earl of Clarendon, who made the report, says, that Two persons, namely, Wild-

man and Salmon were particularly engaged, and that a list of one hundred and forty officers of the late army had been found with the latter; that it was further discovered, that the conspirators were to have had a meeting at London the 10th of December, and designed to have secured Shrewsbury, Coventry, and Bristol, by the end of January: That where they were prevalent, they were to begin with horrible assassinations, which moved one of them to relate, that the fugitive Judges of the late King were entertained in France, Holland, and Germany, and held a strict correspondence with the English conspirators, and were encouraged by foreign Princes: That they had bought a large quantity of arms, and boasted, if they could once get foot in England, they should not want means to carry on their work. That this had been discovered by one of the complices, and confirmed by such intelligence from abroad, as never failed: That many met at Huntington, and rode about the town in the night, to the great terror of his Majesty's good Subjects: That it might be wondered, that some proposals were not made to remedy the impending evil, but the King, having conferred with the Duke of Albe-marle, had ordered two troops of Horse to Shrewsbury, and as many to Coventry, who, in their way, had dispersed a great knot of thieves, and taken twenty: That a rumour was spread, that the appointing of this Committee was only a plot of the Court to govern by an army, but the Committee was very sensible of the reality of the danger, and hoped the two Houses would be so too: That since their enemies were united for their destruction, they should also be united for their own preservation.

A Remark upon this Subject.

When it is considered, that after a strict examination of this conspiracy by a numerous Committee of both Houses, the whole amounted only to a list of one hundred and forty officers found upon a man, without any other circumstance; and concerning one of the Complices not named; to secret intelligence that never failed; to a Company of men assembled about Huntington, in the night, for some unknown reason; That not any of these pretended conspirators, who might have been known by one of their party who had discovered the whole Plot, was either punished or prosecuted for this supposed crime; that in Dumet, short the noise of this conspiracy ceased at once after the Uniformity-Act had passed: when these things, I say, are considered, who can help thinking it a mere invitation, to give some colour to this Act. The Government durst not attack the Presbyterians directly on account of their Religion. The declaration from Breda was too express on that article. But they were to be charged with new crimes, in order to be deprived of the benefit of that declaration. They were not even accused of attempting to disturb the State, since the King's restoration; but the Non-conformists in general were accused in order to punish the Presbyterians, as if they made but one body with Independents, Anabaptists, Enthusiasts, because to all these Sects was given the common name of Non-conformists.

The 1st of March, the King sent for the Commons to the King's Whitehall, and reproached them, though very civilly, with having done nothing towards the settling of his revenues. He artfully insinuated, that the late troubles had principally been owing to the wants and necessities of the Crown, thereby intimating, that this had obliged his Father to stretch the royal prerogative. He added, that there was still in the Kingdom a Republican-party, who promised themselves a second revolution, and therefore the only way to disappoint their hopes, was to enable the Crown to support it self, and secure them. He continued his speech in this manner.

"Gentlemen, I hear you are very zealous for the Church, and very solicitous, and even jealous, that there is not expedition enough used in that affair. I thank you for it, since I presume it proceeds from a good root of piety and devotion: But I must tell you, I have the worst luck in the world, if after all the reproaches of being a Papist while I was abroad, I am suspected of being a Presbyterian now I am come home. I know you will not take it unkindly, if I tell you that I am as zealous for the Church of England, as any of you can be, and am enough acquainted with the enemies of it on all sides; that I am as much in love with the Book of Common-Prayer as you can wish, and have prejudice enough to those who do not love it, who, I hope, in time will be better informed, and change their minds; and you may be confident I do as much desire to see a Uniformity settled as any amongst you. I pray trust me in that affair; I promise you to hasten the dispatch of it with all convenient speed; you may rely upon me in it. I have transmitted

(1) She came from the Hague to London, May 17, 1661, and died February 13, 1661-2, aged sixty six years.—She was interred in Westminster Abbey, in the same Vault with Prince Henry her Brother. She had eight Sons, and five Daughters, of whom the youngest surviving, the Princess Sophia, Mother of the late King George, was, in 1701, declared Heir to the Crown of Great-Britain.—March 6, died the famous Cardinal Mazarin. Avarice's Register, p. 393. And November 29, Brian Walton Bishop of Exeter, the Compiler of the Polyglot-Bible. This year also died Sir Arthur Lee, 1661, in the Tower.

1661-2. "the Book of Common-Prayer, with those alterations and additions, which have been presented to me by the Convocation, to the House of Peers, with my approbation, that the Act of Uniformity may relate to it (1). So that I presume it will be shortly dispatched there: And when we have done all we can, the well settling of that affair will require great prudence and discretion, and the absence of all passion and precipitation."

The King's design in this part of his Speech, was to obtain, that the execution of the Act of Uniformity when it should be passed, might be left entirely to him, in order to have it in his power to dispense with whom he pleased. This he afterwards discovered in words more clear and precise, though the Parliament would not grant his desire.

The Commons being returned to their House prepared several Bills, and amongst the rest one against the Quakers, for refusing the oaths. Not that they believed themselves freed by this refusal from the obligations imposed by these oaths, but because they considered all oaths as unlawful. This Act, and another for the repairing of the streets

Id. p. 687.
See.

At last, on the 17th of May, the King coming to the Parliament, gave his assent to several Acts, of which I shall only mention the most important.

Order AG.
Statute-b.

An Act for the Uniformity of publick prayers, and the administration of the Sacraments.

An Act for the better regulation and ordering of the standing forces of the nation.

An Act for laying a perpetual and annual tax of two shillings on every Chimney-hearth in each House, Alms-houses excepted.

An Act to impower his Majesty to levy, for the next ensuing three years, a tax of seventy thousand pound *per* month, if necessity shall so require.

Moreover, the House of Commons ordered sixty thousand pounds which exceeded the sum of twelve hundred thousand pounds, granted by a former Act, to be distributed among the poor Cavaliers, who had been sufferers in the late troubles.

After the passing of these Acts, the Parliament was prorogued to the 18th of February.

All of Uniformity.
Ibid.
Kennet's
Register.
p. 676, Sec.

Amongst these AAs three are particularly remarkable. By the A2 of Uniformity, every Minister was obliged, on pain of losing all his ecclesiastical Preferments, to conform to the worship of the Church of England, according to the new Book of Common-Prayer, before the Feast of St. Bartholomew next, from whence it was called the *Bartholomew A2*. Every Minister was also obliged to sign the following declaration: *I do here declare my assigned assent and consent to all and every thing contained and prescribed in and by the Book intitled, the Book of Common-Prayer, &c.* Besides this, every Person was obliged to sign a declaration contained in the Militia-A2, in which declaration he was not only to promise to conform to the Liturgy of the Church of England, but likewise to renounce the solemn League and Covenant, declaring it to be an unlawful oath, and imposed upon the Subjects of this realm against the known laws and liberties of the Kingdom.

The penalties annexed to this Act were many, particularly, — *No person should be capable of any benefice, or presume to consecrate and administer the holy Sacrament of the Lord's Supper, before he be ordained Priest by Episcopal Ordination, upon pain to forfeit for every offence the sum of one hundred pounds.*

Remarks upon the *AC*

I shall make but three observations upon this Act; the first shall be in the very words of the declaration from *Breda*. *And because the passion and uncharitableness of the times have produced several opinions in Religion, in which men are engaged in parties and animosities against each other, which, when they shall hereafter unite in a freedom of conversation, will be compelled or better understood; we do declare a liberty to tender Conscience, and that no man shall be persecuted or called in question for differences of opinion in matters of Religion, which we do not disturb the peace of the Kingdom; and that we should be as ready to consent to such an Act of Parliament, as upon mature deliberation shall be offered to us for the full granting that indulgence.*

Let this clause be compared with the Act of Uniformity, and it will easily be seen, what care the King's own Ministers, who were the real authors or promoters of this

A^d, had of his honour, and what regard he himself payed to his promise. Notwithstanding all this, some did then and do still consider this A^d as the great support and bulwark of the Church of *England*, and extol the authors as deserving the everlasting praises and blessings of the Church; whilst others, perhaps, no less sincerely attached to the Church of *England*, looked upon it as her reproach.

My second remark is, that to this came the promises made to the Presbyterians by the King's party, upon the assurance of which they had so cheerfully laboured for his restoration, according to the directions received from his friends.

My third observation is, that by an artifice the most gross, not only conspiracies were invented which had no reality, but which, though they had been true, could not have been imputed to the Presbyterians, who were not to answer for the crimes of the other Sects.

It will perhaps be imagined, that being a Presbyterian, I speak out of interest and partiality. But I protest, I have always had, and still have, a profound respect and veneration for the Church of England, which I always conformed during my residence there, and am ready to do it again, were I to return. But this does not oblige me to consider all her members as free from failings, passions and prejudices; especially on the present occasion, wherein, as a Historian, truth requires of me to shew clearly so material a point of History, as the teachery which was used to the Presbyterians. For at their ruin it was that the Uniformity Act was principally levell'd at.

The Act concerning the Militia, intitled, *An Act for Militia* &c the better regulating and ordering the standing forces of the nation, contained amongst others the following clause,

Forasmuch as within all his Majesty's realms and dominions, the sole and supreme power, government, command and disposition of the Militia, and of all forces by sea and land, and of all forts and places of strength, is, and by the laws of England ever was, the undoubted right of his Majesty, and his royal predecessors, Kings and Queens of England; and that both or either of the Houses of Parliament, cannot, nor ought, to pretend to the same; nor can, nor lawfully may raise, or levy any more offensive or defensive against his Majesty, his heirs or lawful successors, &c.

It was ordained by this Act that all Lord-Lieutenants, Deputy-Lieutenants, Officers, and Soldiers, should take the following oath: — *I do declare, and believe, that it is not lawful upon any pretence whatsoever to take arms against the King; and that I do abhor that traitorous position, that arms may be taken by his Authority against his Person, or against those that are commissioned by him, in pursuance of such military commissions.*

When in the latter part of the oath the words, *commiffioned by him*, came to be debated in the Houfe of Commons, a great Lawyer (5) moved, that the word *lawfully* Edward. should be added to make all clear. But the Attorney-General Sir *Henry Finch* answered, "That it was not "necessary, for the very word Commiffion imported it; "since if it was not lawfully iffued out to lawful perfons, "and for a lawful reason, it was no Commiffion." And the whole Houfe affented to this interpretation. The fame difficulty, offered in the Houfe of Lords (6), was removed in the fame manner (5). But in fuppofing that by commiffioned could be only meant lawfully commiffioned, where would have been the hurt to add the word *lawfully*, in order to take away all obfcurity, if the Parliament had intended to put any refftriction upon the Royal Power?

Suppose now, the King invested with such a power, had attempted to abrogate all the old, and substitute new laws, at his pleasure, to abolish the use of Parliaments, and force his subjects to embrace the Popish Religion; which way could they have maintained their Liberties and Religion, since there was no supreme Court to call the King to an account, and thence by this oath it was High-treason to take arms against him upon any pretence whatsoever? These are the usual effects of factions in a State. Each party, when superior, thinks only of doing the contrary to what the other has done, without considering the consequences, and generally both parties run into extremes. The Parliament of 1645, incensed against *Charles I.* for attempting to stretch his prerogative, are not content to reduce him within due bounds, but assume also Privileges inconsistent with the constitution, and proceed at last entirely to destroy the Monarchy. The Parliament of 1661

(1) There were added some new Collects, as the *Prayer for all Conditions of Men*, and the *general Thanksgiving*, and the *Prayer for the High Court of Parliament*, and a new Office was made for *Baptism of such as were of riper years*, and two more, one for the 7th of January, the other for the 19th of May. In the Collect for the Parliament, the King was styled, *our most religious King*, an Epithet that gave great offence, and occasioned much indecent railing. Some new Holy days were added also, as *St. Barnabas*, and the Conversion of *St. Paul*, and more Lessons were taken in out of the *Apocrypha*, particularly the story of *Belshazzar* and the *Dream*. *Barnes*, p. 113. *See Knap's Reader*, p. etc. and *Nichols*.

the study of *Levi and the Dragon*. Burnett, p. 183. See *Knutson's Register*, p. 535; and *Nichols*.

(3) Sir John Vaughan. He offered many lands "were commissioned by the King." A hard

(5) By the Earl of Anglesey.

1662. not satisfied with restoring the King to his just rights, invest him with an unlimited power, and render him as absolute as any Monarch in the universe.

Citizens' Act. The annual tax of two Shillings upon every Fire-heap, not only to this King for his life, but to his successors for ever, shewed, that this Parliament acted not upon a bare motive of zeal and affection for the reigning King, but also seemed to have an intention of putting the Kings of England in a condition to support themselves without Parliaments, by a great power ascribed to them. And indeed, this single tax amounted to about two hundred and fifty six thousand pounds a year, which, together with Tunnage and Poundage, Excise, and other Duties, made the revenue of the King double to any of his predecessors; so fearful was this Parliament of not sufficiently shewing their zeal for monarchical Government, which had been, many years, so unworthily treated.

The session of Parliament being ended, the Court was wholly employed in preparing for the reception of the new Queen, who was daily expected. She left Lisbon the 15th of April, and arrived at *Perthmouth* the 14th of May, where the King went to receive her (1). A report was spread, that the marriage was solemnized by *Sheldon*, Bishop of London, though others, who believe themselves better informed, say, the Queen refused to be married by any but a Catholic Priest; that the King consented to it, and that very few persons were present at the solemnity (2). This marriage had been proposed by *D. Francisco de Melis*, the Portuguese Ambassador, to General Monk (3), at the time that he was labouring the King's restoration. The Ambassador's aim, was to procure Portugal a powerful assistance from England, since by the *Pyrrean* treaty, the King his master had no farther expectations from France. To prevail with Monk, and, by his means, with the King, he engaged, that the King of Portugal should give with the Princess his Sister, three hundred thousand pounds Sterling, the Town of *Tangier* upon the Coast of Africa, and the *Isle of Benbaim* in the *East-Indies*. Monk, pleased with these offers, proposed this marriage to the King immediately after his arrival (4). The King approved of it, and accordingly it was concluded in the year 1661 (5). Some pretend, that Chancellor *Hyde* strenuously opposed the marriage upon an information, that the Princess of Portugal, by some natural infirmity, was incapable of having children, but that the King took this for an artifice of the Court of Spain to prevent a marriage, which could not but prove prejudicial to their great designs upon Portugal. Others say, the Chancellor was the chief author of this match. Before the consummation of the marriage, the King, in a treaty with Portugal, engaged to assist that Kingdom against Spain (6), and in the nineteenth article, obliged himself never to restore *Dunkirk* to that Crown.

When this marriage was completed, the Queen-mother arrived in England (7), with design, as it seemed, to spend there the residue of her days. The King assigned *Somer-set-House* for her residence, and gave her wherewithal to keep a splendid and magnificent Court. But she did not, it seems, find in England, the satisfaction she expected, for after three years she returned to France.

The most considerable transaction at the English Court, in the remaining part of this year, was the sale of *Dunkirk*. The King looked upon this place as his property, since it was surrendered to *Cromwell* by France, in consideration of the succours he had received in her war with Spain. Whether this reason was solid or not, it is certain, the King believed he had a power to dispose of the town as he pleased. The two years large supplies granted him by Parliament were all consumed, and his coffers empty, though his extraordinary occasions had been only the disbanning of the army, and payment of the arrears due to the fleet. Whatever were the King's motives to part with this important place, he resolved to sell it to France, by which it was gladly purchased. The negotiation for this sale began in July 1662, and ended the following October. The King's first demand was, twelve millions of *Livres*, and Count d'E-

Stradei, who managed this affair for *Louis XIV.*, offered but fifteen hundred thousand. This great difference between the sum demanded and offered, was the sole subject of the negotiation. Each feigned, however, to be unwilling to recede, though both were equally impatient, the one to sell, and the other to purchase, and knew one another's intention. *Charles* told Count d'Estrade, his Chancellor, that four ways were proposed for the disposal of *Dunkirk*. The first was, to surrender it to the *Spaniards*, who offered what price the King should be pleased to demand. The second was, to treat with the *Dutch*, who offered immense sums. The third was, to put it into the hands of the Parliament, who would keep it, without any diminution to the King's pretensions as Sovereign. The fourth, which he thought most just, and suitable to his interests, was to sell it to the King of France. There was also a fifth way proposed by the Earl of *Sandwich*, which was to demolish it, and fill up the harbour, to render it entirely useless.

The King of France answered, He much doubted the offer of the *Spaniards*, who had not yet been able to pay his Queen's portion, though on that payment depended the validity of her renunciation: That it would be more advantageous to the King of England, to make a free gift of the place to the *Spaniards*, than to receive for it twenty millions from the *Dutch*, which, most certainly, they would not give. And as to delivering it to the Parliament, the King knew better than he, how dangerous it was to increase the Parliament's power.

In short, *Charles* came to seven millions of *Livres*, and the Count d'Estrade offered him two, then two and a half, and at last three. But the King his master had given him power to offer four, at the very time that *Charles* consented, that the sale should be fixed at five millions. The King of France was obliged to come up to his price, when he found nothing would be abated, and that he run the risk of being disappointed, if he stood out any longer. There was also some difficulty about the time of payment; the King of England would have all the money at once upon the delivery of the place, and the King of France offered to pay it at several times. At last it was settled, that one half should be paid down, and the other in two years, at two several payments.

Dr. Burnet, in the *History of his own Times*, says, that *Charles* squandered away the money, received for *Dunkirk*, among the Mistress's creatures (8). Others assure, that *R. Cade*, with one part he discharged his Sister the Duchess of Orleans's Dowry, and with the other assisted Portugal.

The motives alleged by the Chancellor to the Count d'Estrade, to shew, the King was under a necessity to sell *Dunkirk*, were, that, his coffers being empty, he could only by that means be enabled to assist Portugal. But in England, this reason was not to be urged, because all knew what vast sums the King had received from the Parliament. To cover therefore the dishonour of this sale, it was pretended, that the garrison and repairs of the fortifications cost the King immense sums to no purpose; that the sea was so tempestuous, and the grounds so rising upon the storm, that there would never remain a certain storage to that port (9). On this occasion several pamphlets were published, tending to shew the injury done to the nation in the sale of *Dunkirk* to France, and others to palliate, or to demonstrate the necessity of this sale.

But the greatest dispute concerning this subject, was upon two questions, Whether the proposal came from France or England? And whether the Earl of *Clarendon*, as he was generally accused, was the author and promoter of this sale, or, as some pretend, protested he would not be concerned? I find Mr. *Richard*, in his *History of England*, and Dr. Burnet, in that of his own Times, entirely clear the Earl of *Clarendon*. It is however a fact, as certain as a fact of this nature can be, that the Earl of *Clarendon* proposed it, negotiated the sale, and concluded it. To prove this truth, I need only quote the letters of Count d'Estrade, who was commissioned to manage this affair,

(1) *Rapin* had committed several mistakes in this Paragraph, particularly concerning the date, which are rectified from the Journal of *Edward Earl of Sandwich*, Vice-Admiral. See *Kennet's Register*, p. 660, 666.

(2) *Burnet* says, when *Sheldon* came to perform the Ceremony, he would not say the Words of Matrimony, nor bear the sight of the Bishop. The King fed the Words himself, and the Bishop pronounced them married Persons. But the Duke of *York* told *Burnet*, they were married by the Lord *Albany*, according to the Roman Ritual, the Duke being one of the Witnesses, p. 174.—Queen *Catherine* was born November 14, 1618. See *Kennet's Register*, p. 659.

(3) The first proposal of it was made to *Monk* by a Jew, that managed the concerns of Portugal. *Burnet*, p. 166.

(4) D'Almeida, King Count *Schomberg* first proposed it to the King. *Atm.* p. 57.

(5) The *Spaniards* Ambassador opposed this marriage to the utmost of his power. He proposed to the King a Protestant Princess, namely, either the Princess of Denmark, or of Savoy, or of Orange. But, at *Rich* *Burnet* observes, King *Charles* pretended a consent of the *Germans*, and of the northern Crowns. France had no *Sallet*. Spain had only two Infants; the eldest whereof was married to the King of France, and the second was to go to *Turkey*. So *Cardinal* of *Perugia* only remained to furnish the King a Wife. — *France* thenceforward proposed this Marriage, and to succeed the better, ordered the Earl of *Clarendon* a Pension of ten thousand pounds a year; but the Earl vented out offer with great indignation. *Southey's Letters*, p. 67. *Burnet*, p. 166, 167.

(6) Namely, to send into Portugal three thousand Foot, one thousand Horse, and eight Frigates, to cruise upon their Coasts. *D'Almeida's Mem.* p. 57.

(7) With Henry Tempe, Earl of *St. Albans*, and others.

(8) Though the King pretended, That he would lay out all the Money in the Tower, and that it should not be touched, but upon extraordinary occasions. *Burnet*, p. 174.

(9) The *Mistress* here mentioned was *Barbara Villiers*, the King's first Mistress, afterwards created Duchess of *Cleveland*. See *Burnet*, p. 174.

(10) These were the Words of the Earl of *Sandwich*, according to *Richard*. *Burnet* says, Count *Schomberg*, who was lately come into England, advised, in opposition to all this, that the King should keep it, for, considering the naval power of England, it could not be taken, and that the housing it would keep both France and Spain in a dependence upon the King. But he was singular in that opinion. *Clarendon* said, he knew nothing of these matters, but assented to *King's* judgment, who was not falling in. p. 173.

1662. and consequently knew more of it than any other. It must however be said, in excuse of Mr. *Eschard* and Dr. *Burnet*, that when they writ this part of their Histories, Count *d'Eftrades's* letters, concerning the *Dunkirk* negotiation, were not published, and that they knew no more of this affair, than what they had received from the Earl of *Clarendon's* friends.

Count *d'Eftrades*, being Ambassador at London the beginning of the year 1662, had secretly agreed with the King, that the French King should supply him with a certain sum of money, to enable him to assist Portugal. But this was to be kept very secret, because of the *Pyrenean* treaty, by which *Levis* had solemnly engaged to give no assistance to Portugal, either directly or indirectly. This secret, however, took air, and occasioned a letter from *Levis* to Count *d'Eftrades*, dated the 4th of March, in which are these words: "—You may tell the King of England, that what is known here of the money of *Havre*, came from *Fox* himself, who has not been very careful to keep the secret. This was partly the cause of all the fencible noise made in Paris, which doubtless must have reached London, that I am treating for *Dunkirk* with the said King for a sum of money, in order to exchange it with the King of Spain, for *Cambray*, or *Aire*, and *St. Omer*. You know better than any man, whether I had ever such a thought."

It is not unlikely, that this was an insinuation which began in *Charles's* thought of selling *Dunkirk* to France; but the sale was not mentioned till some months after. Count *d'Eftrades* being returned to France in April this year, was appointed Ambassador extraordinary to Holland. But as he was on his journey, he received a letter from the King of England, of the 17th of July, to desire him to come to London, where he wished to communicate to him an affair proposed by the Chancellor. Count *d'Eftrades*, with his master's leave, went to London, and there received from him a letter, in which he told him, "—You may guess with what impatience I expect the arrival of your packet, which is to inform me of the reason of the King of Great Britain's desiring to speak with you, and obliging you to defer your journey to Holland, &c."

As all the other letters, till October, shew, that Count *d'Eftrades* was employed only in this negotiation during his stay at London, there is no reason to doubt, that the first proposition for the sale of *Dunkirk*, came from England.

As to the share the Earl of *Clarendon* had in this affair, it clearly appears in a letter of the 17th of August, writ by Count *d'Eftrades*, to the King his master, wherein he gives an account of a conference he had with the Earl of *Clarendon*. These are his words: "The Chancellor added, that the thought of this treaty came from him, and did not contest, that the necessity of the English affairs had inspired him with it. That the King, the Duke of York, and himself, were alone of this opinion, and that *Ment*, the Lord-Treasurer, and the Earl of *Sunderland* were still to be managed, whom he could not hope to gain, but by the great sums which would accrue to the King: That having already proposed it to them from the urgent occasions of the State, they had offered an expedient to preserve the place for the King, and ease him of this expence.——I must not forget to tell your Majesty, that the Chancellor hinted to me, that the King had precautions to observe with the Queen his Mother on this affair: That therefore the King had told the Queen, that his sending for me into England, was to deliver my application to your Majesty, for a sum of money to be lent him in his pressing necessities, and that he had ordered the Chancellor to confer with me upon it. The Chancellor added, that the King and he were agreed, that the King should complain much of my non-compliance, with regard to this loan, and that the Chancellor particularly should tell the Queen, by way of secret, that I was a strange man, and he very much mistaken, if by what I had said to him, I did not intend to demand for security of this loan, some cautionary town, as England had formerly done by France and Holland, in a like case; but that he had pretended not to understand me, as being a demand to which he would never advise his master to consent. All this disguise is used to prepare the Queen to believe, that the knew something of the treaty, if it should come to a conclusion, and that necessity was the motive to it. I am likewise to complain of the Chancellor, as of a man who blindly desires to procure advantages for his master, without regarding the interest of your Majesty. The whole proceeding confirms me in the opinion, that they have a

"mind to a treaty, and that they are reasonable in every thing but the price."

In another letter of the 21st of August, Count *d'Eftrades* writ to the King, that the Chancellor told him,—"That when it should be known for how small a sum this treaty was to be made, the King could not avoid reproach, and that, at the least, he (the Chancellor) would be liable to public censure, which might endanger his life. That therefore it was his opinion to make a present of it to your Majesty, and leave the reward to your generosity: but as he was not master, and was highly concerned to take care of himself in so nice an affair, he was obliged to conceal his sentiments, and pretend to adhere to those of others, that he might not be taken for the principal author of the treaty.——He further enlarged upon the importance of this place, and the advantages which your Majesty might receive from it, if you should ever design to make conquests upon Flanders, &c."

These letters demonstrate, that the Earl of *Clarendon*, son of the Chancellor, was ill-informed, when he told Dr. *Burnet* that his Father kept himself out of that affair entirely. It may be said, however, in the Chancellor's justification, that possibly the thought of selling *Dunkirk* came first from the King; that perhaps the Chancellor endeavoured to dissuade him from it, and not succeeding, had a mind to give him a proof of his obedience, in taking this negotiation upon himself, in order to manage it to the King's advantage. For Dr. *Burnet*, in his character of this Minister, observes, that though a resolution was taken contrary to his sentiment, he executed it with the same zeal, as if proposed by himself. But this is only a bare possibility, which every one will regard as he pleases.

While this negotiation employed the King and his first Minister, three of the late King's Judges, who had found means to escape out of the Kingdom, were publicly executed at Tyburn. They had, after wandering through *Low* and *High-Germany*, settled for some time at *Hanau* under borrowed names, and returned in the spring to *Deift* in Holland, having appointed their wives to meet them there, in order to learn the state of affairs in England, and what hopes were left for them; but Sir *George Downing*, the King's resident at the Hague, and formerly of their party, having intercepted their letters, obtained the consent of the States to seize and put them on board an English ship, which brought them to England, where they were executed. The names of these three Regicides were *Corbet*, *Okey*, and *Berkeley*.

This execution was followed with the trials and condemnation of Sir *Henry Vane* and General *Lambert*, who had been particularly excepted in the Act of Pardon, tho' they were not amongst the King's Judges, because they were considered as the chief authors of the troubles. *Vane* had been confined, shortly after the King's arrival, on a bare suspicion of framing some plot against the Government. But though he was excepted in the Act of Indemnity, he had, by means of his friends, found so much favour from the same House of Commons, who had excepted him, that they petitioned the King, jointly with the Peers, that he might not suffer death, which was granted by the King. He was therefore kept in prison without being tried, till the time I am speaking of. But this second Parliament being composed of men of a different character from the first, the Commons addressed the King to bring him as well as *Lambert* to their trials. In vain did he alledge in his defence the petition of the first Parliament, and many other reasons; he was sentenced to die as a traitor. *Lambert* was also tried and condemned, but was reprieved at the Bar, just as he was going to receive sentence. He was confined in the Isle of *Guernsey*, where he lived a Prisoner thirty-six years (1). Sir *Henry Vane* met not with the same favour from the King. This, it is pretended, was owing to his insolent behaviour at his trial. But many believed him a sacrifice to the Manes of the Earl of *Strafford*, to whose death he had greatly contributed. His infidelity and insolence, as well as his trial as his execution, have been extremely aggravated. But it is easy to see, it was only to save the King's honour, who, having positively promised a pardon to all except the King's Judges, could not avoid granting a pardon to *Vane*, without violating his promise, and especially after sparing his life at the request of the late Parliament (2). It was so feared that he would insist upon this point in his last speech, that drummers were placed under the scaffold, who, as soon as he began to speak, upon a sign given, drowned his voice with their drums. All the favour he could obtain from the King, was to be beheaded. Great care was taken

(1) He is said to live and die a Papist. See *Kramer's Register*.

(2) His friends persuaded him to make some submission to the King, in order to save his life; but he said, "If the King did not think himself more concerned for his Honour and Word, than he did for his Life, he was very willing they should take it. Nay, I declare, I did not value my Life less in a good cause, than the King can do his promise." *State-Trials*, Vol. II. p. 455.

1662. after his death to publish the King's inclination to pardon him, if he had not been provoked by his insolence. But this is a thing very hard to be proved.

The Presbyterian Ministers put their Livings rather than submit to the Act of Uniformity.
St. Bartholomew's day being come (1), on which the Act of Uniformity was to take place, two thousand Presbyterian Ministers chose rather to quit their livings, than submit to the conditions of this Act. It was expected, that a division would have happened amongst them, and that a great number would have chose rather to conform to the Church of England, than see themselves reduced to beggary. It was not therefore without extreme surprize, that they were all seen to stand out, not so much as one suffering himself to be tempted (2). As this is a considerable event of this reign, it will not be improper to enquire into the causes of this rigour against the Presbyterians: I say the Presbyterians, because it was not the other Sects that the Church of England most dreaded.

A Remark upon it.

1. It cannot be denied, that the High-Churchmen, who prevailed in the Parliament, acted in a spirit of revenge. But this revenge should not appear very strange, considering the persecution, and at last, the entire destruction, brought upon the Episcopal Church by the Presbyterians, if honour had not been wounded, nor any promise made to the Presbyterians. The Church of England was the national Church, which had flourished from the reformation, to the time of the war between Charles I. and the Parliament, when the Presbyterians entirely subverted it. It was therefore but just to restore it to its former condition. But it was injustice to violate the promise made to the Presbyterians, especially as they had greatly contributed to the King's reformation, and withal, to that of the very Church, which persecuted them, after being re-established by their assistance.

2. But revenge was not the sole cause of the present rigour exercised against the Presbyterians. The desire of self-preservation was no less concerned. Experience of what had passed, taught the Church of England, that if the Presbyterians should ever find an opportunity like that which they once had, they would not fail to improve it. They were always irreconcilable enemies, though, in the present juncture, they were unable to do any hurt, and obliged to sue for mercy. It was therefore, undoubtedly, the interest of the Church of England, to use all possible precautions to hinder the increase of a party already too powerful, and which, probably, would never cease contending for the superiority.

3. We have seen what were the notions of this Parliament, and of High-Church, concerning the royal prerogative, and to what height it was carried. The Presbyterians, as well as the other Sects, were known to follow quite contrary maxims, and if they were not entirely Republicans, at least, they endeavoured to reduce the royal power within very narrow bounds, as appeared in the resolutions and conduct of the Parliament of 1640. But while the Church of England had no suspicion of the King's Religion, and believed him a zealous member, it was her interest to support and extend the prerogative, and consequently to disable the Presbyterians from prosecuting their maxims.

4. The Church of England's interest required, that the should improve to his advantage an opportunity, which perhaps might never return. It was seen, how greedy the King was of money, to throw it away with the greatest profusion, and that he could not be without the assistance of his Parliament, and the Church had the good fortune to have a Parliament consisting of her most zealous Members, and disposed to sacrifice to the King a little of the nation's treasure, provided the King would, in his turn, make them a sacrifice of the Presbyterians. Though he was not suspected to be a Papist, it could not be thought, he would, from a pure principle of honour and honesty, quarrel with a Parliament so favorable to him, for the sake of the Presbyterians, whom he neither did, nor had reason to love. There was nothing therefore but what might be expected from his compliance, provided care was taken to supply him with money. Such a juncture was not to be neglected.

5. But there was another still more powerful cause of the Parliament's severity against the Presbyterians. This was the interest of the Papists, who had ever a great influence during this reign. Some made an open profession of their Religion, and yet were looked upon with a very favorable eye by the Court. Others, after the King's example, pre-

tended to be good Protestants, and zealous members of the Church of England, in order to be more serviceable to their party. The first used their utmost endeavours to incite the Parliament to a severe treatment of the Presbyterians, in order to destroy a party which had so openly declared against the royal power. The others concealing themselves under a false zeal for the Protestant Religion, laboured with the same ardour, to excite the enmity of the Heads of the Church of England, and of those whom they knew to be most warm, against men, who would not spare them, if ever they were in a condition to ruin them, as they had manifestly shewn. But while they were thus zealously labouring to bring things to extremities, they were endeavouring, on the other hand, by their emissaries, to encourage the Presbyterians, and exhort them to the closest union, by insinuating it to be the most effectual means to defeat the measures of their enemies. They were told, their number was so great, that, in all likelihood, it would deter the Parliament from attempting the ruin of so many at once, for fear of exciting new troubles. Whereas, if their party should divide, they would be infensibly and irrecoverably ruined. In short, to induce them the more easily not to despair, they were told, the King, provoked with the ill-treatment they received, notwithstanding his promise to them, would protect them openly if they would remain united; but a division would put it out of his power to do them any service. It is certain, the Court was in this disposition, not from any pity to the Presbyterians, or regard to the King's honour, but from the hopes that the union amongst the Non-conformists would procure them more favorable conditions, of which the Papists might make an advantage. But when I say the Court, I do not pretend to include the Earl of Clarendon, though prime Minister. This justice must be done him, to say, that not only he did not contribute to the designs of the King and the Papists, but was the man that broke their measures, by secret intrigues, well knowing what was concealed under this feigned moderation of the King to the Presbyterians. However, the King, the Duke of York, and the other leading Papists, believed it necessary, to push the Presbyterians, and then encourage them to hold together, that the danger arising from their union might prevail with the Parliament to grant to all the Non-conformists in general, a Toleration which should extend to the Papists. This is not a bare conjecture. All the King's proceedings demonstrate this was the scheme he had formed.

I have already mentioned the Corporation Act, made to prevent dissipated persons from being admitted into offices. For the better executing this Act, the Parliament appointed commissioners, who were employed all this year in visiting Corporations, and inspecting the conduct of the members. A very extensive power was given to these commissioners, with absolute authority to turn out of the Corporations, all members who were ever so little suspected. For the design of this Act was to divest of all credit, every person not entirely devoted to the King and the Church of England. This power was exercised withal imaginable rigor: so that the Corporations had not one member left, who was not of the same principles with the House of Commons. Moreover, the walls of Gloucester, Coventry, Northampton, Leicester and Taunton were, by order of these commissioners demolished, because their towns had distinguished themselves by their fidelity to the Parliament.

About the end of the year a conspiracy was discovered, formed by the fifth Monarchy-men, and upon the informations of some of the complots, fix were executed. Nevertheless, many believed, this was only an artifice to excite the severity practised against the Non-conformists. The ground of this suspicion was, that in a plot formed to seize and kill the King, the Duke of York, and General Monk, and to seize the Tower, and Castle of Windsor, only six conspirators were discovered, namely, George Phillips a Sergeant at Foot, Thomas Tonge a distiller, Francis Stubbs a cheesemonger, James Hind a gunner, John Sellers a compass-maker, and Nathaniel Gibbs a felt-maker. Few could believe that such men should ever think of succeeding in a design of that nature. It is true, that to render this conspiracy more probable, it was said, the old Colonels were to assemble their disbanded forces, and Ludlow, then in Switzerland, to come and head them. But though such an undertaking required persons of some distinction, yet only these six wretches who were executed (3), could be

(1) The Presbyterians remembered, what a St. Bartholomew's had been held at Paris ninety years before, which was the day of that Massacre, and did not like to compare the one with the other. Burnet, p. 187.—There was a great debate in Council a little before St. Bartholomew's day, whether the Act of Uniformity should be punctually executed or not. Some moved to have the execution of it delayed till the next Session of Parliament. Others were for executing it in the mean, that as to let some eminent Men preach in their Churches, till they should die, and so put on the execution of the Law. Id. p. 188.

(2) Burnet intimates, that their Leaders took great pains to have them all stick together, insinuating it into them, that if great numbers stood out, that would show their strength, and produce new Laws in their favour.—So it was thought, that many went out in the crowd to keep their friends company. p. 188.

(3) Only Phillips, Tonge, Gibbs, and Stubbs, were executed. John Sellers was afterwards made the King's Hydrographer, and published several Maps, Charts, &c. See Heath, p. 117.

1662. discovered. At least, if the conspiracy was real, the plotters had yet made no great progress (1).

Prætor with
Alger.
October 5.
Collect. of
Treaties,
T. III. p. 64.
167.

To finish the most remarkable transactions of this year, I shall briefly add, that after the Earl of Sandwich left *Lisbon*, to conduct the Queen into *England*, Vice-Admiral *Lowson*, failed with a squadron to *Alger*, and forced the *Algerines* to a peace with *England*. As the King was in possession of *Tangier*, they, doubtless, believed, it would not be advantageous to have him for their enemy. Shortly after, the King declared *Tangier* a free port, and invested it with great privileges (2).

1662-3.

The King's
Counsel in the
Presby-
terians.

The King had already discovered, how agreeable it would be to him to have the management of the Uniformity Act, but the Parliament had returned no answer to his desire. Before this Act, the Presbyterians had behaved in a manner which gave no just cause of complaint against them, and the King had made them a positive promise, either that he would never consent to the Act, or procure them a particular exemption, but he performed neither, his aim having been only to keep them united, by giving them hopes of his protection. After the Act was passed, he still continued to feed their expectations, and hence it was, that they addressed the King and Council, for a Dispensation from the penalties annexed to the Act of Uniformity. This petition would doubtless have been rejected, if the King had not signified to the Council the obligation he was under to grant their request. Some time after he published a Declaration, dated the 26th of December, but which appeared not till the beginning of January 1662-3. In this Declaration, after an assurance of his firm adherence to the Act of Uniformity, he said however, that for the sake of others, he was willing to dispense with some matters in it (3). Upon this Declaration, Mr. *Calamy* a Presbyterian Minister being in the Church of *(Aldermanbury)*, of which he had the cure before the execution of the Act, and seeing the Minister, who was expected, did not come, ascended the Pulpit and preached, for which he was committed to Newgate by the Lord-Mayor of *London*. But in a few days, he was discharged by the King's express order.

A Declaration
in their
favour.
Kennet's
Register,
p. 642.

Dec. 28.
Heath,
p. 314.

The King, as we have seen, meant to procure some advantages for the Presbyterians, in order to procure the same for the Papists. This was his scheme, and as it was directly contrary to the Earl of *Clarendon*'s principles, mortal enemy of the Presbyterians, and no friend of the Papists, it is not surprising, it should be formed without the privy of this Minister, whose credit, for that reason, began now to decline. Nay, the King had plainly shewn, he had not the same affection for him, by obliging his intimate friend Secretary *Nicholas*, worn out with age, to resign his post to the Chancellor's professed enemy, Sir *Henry Bennet*, afterwards Earl of *Arlington*. This sufficiently discovered, that his credit with the King was sensibly diminished. On the other hand, though the King affected a great zeal for the Protestant Religion, the choice of *Bennet* to be Secretary of State, shewed his inclination for the Roman Catholic, as *Bennet* was strongly suspected of being a Papist in his heart, and known for their Protector. It is said, he and the Earl of *Bristol* had induced the King to change his Religion at *Fantasia*, and that *Bennet* durst not return into *England*, till after the death of the Lord *Culpeper*, who had threatened him to discover it to the Parliament. Be this as it will, *Bennet* being the Chancellor's enemy, this last could not but look upon his enemy's advancement to the post of his intimate friend, as a prelude to his disgrace.

The Earl of
Clarendon
begins to
lose his credit.

The Earl of
Arlington
made Secretary
of State.
October 2.
Kennet's
Register,
p. 788, 789.

Clarendon.
Richard.
T. III. p. 97.

The King's declaration in favour of the Presbyterians, was a farther indication of the Chancellor's fall. This declaration had been resolved, and prepared, without his knowledge at *Somerfet-houfe*, where the Queen-mother resided, and probably by a Catholic Junto, or by secret favourers of that Religion. Those who knew the Chancellor's principles, easily judged, he had no hand in it. They had reason to be afterwards confirmed in this opinion, when every one evidently saw, the King, in his pretended compassion for the Presbyterians, designed only to procure a Toleration for the Catholics. The Chancellor, however, kept his post for some years, though with a great diminution of credit.

The King's
design in
favouring
the Presby-
terians.

Phillips.

The Parliament meeting the 18th of February, the King made a Speech to both Houses, in which he confined himself to one single point, namely, his declaration concerning the Act of Uniformity. His words were these:

"To cure the dissenters, and compose the dis-

ferent minds among us, I set forth my declaration of 1662-3. the 26th of December, in which you may see, I am willing to set bounds to the hopes of some, and to the fears of others; of which, when you shall have examined well the grounds, I doubt not but I shall have your concurrence therein. The truth is, I am, in my nature, an enemy to all severity for Religion and Conscience, how mistaken soever it be, when it extends to capital and sanguinary punishments, which I am told were begun in Popish times: Therefore, when I say this, I hope I shall not need to warn any here, not to infer from thence, I mean to favour Popery. I must confess to you, there are many of that profession who having served my Father and my self very well, may fairly hope for some part of that indulgence I would willingly afford to others who dissent from us: But let me explain my self, lest some mistake me herein, as I hear they did in my Declaration: I am far from meaning by this, a toleration or qualifying them thereby to hold any offices or places in the Government; nay, further, I desire some Laws to be made to hinder the growth and progress of their doctrines. I hope you have all so good an opinion of my zeal for the Protestant Religion, as I need not tell you, I will not yield to any therein, not to the Bishops themselves, nor in my liking the Uniformity of it, as it is now established; which being the Standard of our Religion, must be kept pure and uncorrupted, free from all other mixtures: And yet, if the Dissenters will demean themselves peaceably and modestly under the Government, I could heartily wish, I had such a power of indulgence, to use upon occasions, as might not needlessly force them out of the Kingdom, or staying here, give them cause to conspire against the peace of it.

"My Lords and Gentlemen, It would look like flattery in me to tell you, to what degree I am confident of your wisdom and affection in all things, that relate to the greatness and prosperity of the Kingdom. If you consider well what is best for us all, I dare say we shall not disagree."

This Speech, with the Declaration of the 26th of December, alarmed the House of Commons. It may almost be affirmed, that whatever the Commons had done in favour of the King, was only to procure his assent to the Act of Uniformity, and yet, they saw him not only dissent with this Act, but even desire a power to dispense with it, that is, to let it slide as often as he pleased: That this was not only in favour of the Presbyterians, who had a better claim to indulgence than the other Sects, but moreover, in favour of all the Nonconformists. Nay, it was easy to perceive, from what he said concerning the Catholics, that his intention was to prevent their being distinguished from the Protestant Sects, in case his desires were complied with. This justice ought to be done to the High-Church party, that though their enemies frequently brand them for Papists, on account of their extreme attachment to certain forms and ceremonies, yet are they as far removed from the essence of Popery, as the other Episcopals, and even the Presbyterians themselves: They have demonstrated on several very remarkable occasions. The House of Commons, which, as I said, was chiefly composed of High-Churchmen, found in the King's demand, two articles equally opposite to their principles, namely, indulgence for the Presbyterians, and indulgence for the Catholics. Wherefore, they resolved to present an address to the King, wherein, after the necessary compliments, they proceeded in the following manner.

The Commons
are alarmed.
Ibid.

"It is with extreme unwillingness and reluctance of heart, that we are brought to differ from any thing which your Majesty has thought fit to propose: And tho' we do so with doubt, but that the unreasonable dissenters of some men's spirits, and the many mutinies and conspiracies which were carried on during the late intervals of Parliament, did reasonably incline your Majesty to endeavour by your Declaration, to give some allay to those ill-humours, till the Parliament assembled; and the hopes of Indulgence, if the Parliament should consent to it; especially seeing the pretenders to this indulgence, did seem to make some titles to it, by virtue of your Majesty's Declaration from *Breda*. Nevertheless, we your Majesty's most dutiful and loyal Subjects, who are now returned to serve in Parliament from those several parts and places of your Kingdom, for which we were chosen, do humbly offer to your

Address of
the Commons
about the
King's De-
claration.
Feb. 27.
Phillips,
Kennet,
Richard.

The King's
Speech to
both Houses
in favour of
his Declaration.
Richard.

(1) However, as *Ladlow* observes, this served the Court for a pretence to seize five or six hundred persons, to disarm all those they suspected, so make the others had taken good bonds not to take up arms against the King; and to invade their standing Guards. Tom. III. p. 114.
(2) This year died Robert *Sunderford*, Bishop of *Lincoln*, Dr. *John Gauden*, Bishop of *Worcester*, the reputed Author of *Eikon Basilike*. See *Kennet's Reg.* p. 773. &c. As also *William Fiermen*, Vicar of *St. Paul*, Lord *Privy Seal*, and, on September 3. at *Burford*, *William Lunsell*, Speaker of the Long-Parliament. Id. p. 671.

(3) His words are, "As for what concerns the penalties upon those who (being peacefully) do not conform their temple and tenders of mis-paid Confession, but modestly, and without fraud, perform their devotion in their own way, we think make it our special care, without invading the freedom of Parliament, to incline their wisdom at this next approaching Session, to concur with us in making some such Act for that purpose, as may enable us to exercise with a more universal satisfaction, that power of dispensing, which we conceive to be inherent in us."

1662-3. "Majesty's great Wisdom, that it is in no fort advisable, that there be any Indulgence to such Persons who presume to dissent from the Act of Uniformity, and the Religion established: For these reasons we have considered the nature of your Majesty's Declaration from *Breda*, and are humbly of opinion, that your Majesty ought not to be pressed with it any further; 1. Because it is not a Promise in itself, but only a gracious declaration of your Majesty's intentions, to do what in you lay, and what a Parliament should advise your Majesty to do; and no such advice was ever given or thought fit to be offered, nor could it be otherwise understood, because there were Laws of Uniformity then in being, which could not be dispensed with but by Act of Parliament. 2. They who do pretend a right to that supposed Promise, put the right into the hands of their representatives, whom they chose to serve for them in this Parliament, who have passed, and your Majesty has confirmed to us, the Act of Uniformity. If any shall presume to say, that a right to the benefit of this Declaration doth still remain after this Act passed, 3. It tends to dissolve the very bonds of Government, and to suppose a disability in your Majesty and the Houses of Parliament, to make a Law contrary to any part of your Majesty's Declaration, though both Houses should advise your Majesty to it.

"We have also considered the nature of the Indulgence proposed, with reference to those Consequences which must necessarily attend it. 1. It will establish Schism by a law, and make the whole government of the Church precarious, and the censures of it of no moment or consideration at all. 2. It will no way become the gravity or wisdom of a Parliament, to pass a law at one session for Uniformity, and at the next Session (the reasons of Uniformity continuing still the same) to pass another law to frustrate or weaken the execution of it. 3. It will expose your Majesty to the restless importunity of every sect or opinion, and of every single person also, who shall presume to dissent from the Church of England. 4. It will be a cause of increasing Sects and Sclanders, whose numbers will weaken the true Protestant profession so far, that it will at least be difficult for it to defend itself against them: And which is further considerable, those numbers, which by being troublesome to the government, find they can arrive to an Indulgence, will, as their numbers increase, be yet more troublesome, that so at length they may arrive to a General Toleration, which your Majesty hath declared against, and in time form prevalent Sect will at last contend for an Establishment; which, for ought can be foreseen, may end in Popery. 5. It is a thing altogether without precedent, and it will take away all means of convicting Recusants, and be inconsistent with the method and proceedings of the laws of England. Lastly, it is humbly conceived, that the Indulgence proposed will be so far from tending to the peace of the Kingdom, that it is rather likely to occasion great disturbance. And on the contrary, that the asserting of the Laws and the Religion established, according to the Act of Uniformity, is the most probable means to produce a settled peace and obedience throughout your Kingdom; because the variety of professions in Religion, when openly indulged, doth directly distinguish men into Parties, and withal gives them opportunity to count their numbers; which, considering the animosities that out of a religious pride will be kept on foot by the several Factions, doth tend directly and inevitably to open disturbance. Nor can your Majesty have any security, that the doctrine or worship of the several factions, which are all governed by a several rule, shall be consistent with the peace of your Kingdom. And if any person shall presume to disturb the peace of the Kingdom, we do in all humility declare, That we will for ever, and on all occasions, be ready with our utmost endeavours and assistance to adhere to, and serve your Majesty, according to our bounden duty and allegiance."

"This Address, notwithstanding the weakness of the reasons alleged in it, produced the effect, the Commons expected, which was, to let the King see, it would be in vain to endeavour to obtain from the Parliament a power of dispensing with the Uniformity Act. He answered in writing, about three weeks after, that he was unwilling to reply to their reasons, though he found he had been misunderstood, but renewed his thanks for their declaration to assist him against any person, that should presume to disturb the peace of the Kingdom.

As in the King's Speech and Declaration, there were two

articles which gave an alarm to the Parliament, the one relating to the Non-conformists in general, the other concerning the Papists in particular, the Commons, after acting against the former, resolved also to proceed against the latter. To this end, they obtained the concurrence of the Lords, for an address to be jointly presented to the King, wherein both Houses said, "That his Majesty's lenity towards the Papists, had drawn into the Kingdom a great number of Romish Priests and Jesuits: They were therefore humble suitors to him, to issue out a Proclamation to command all Jesuits, and all English, Irish, and Scotch popish Priests, and all such other Priests as have taken orders from the See of Rome, or by authority thereof, (except such foreign Jesuits or Priests, as by contract of marriage are to attend the persons of either of the Queen's, or by the law of Nations to attend foreign Ambassadors) to depart this Kingdom by a day, under pain of having the penalties of the Law inflicted upon them." The King answered in writing: "That he was not a little troubled, that his lenity and condescension towards many of the popish persuasion (which were but natural effects of his generosity and good nature, after having lived so many years in the dominions of Roman Catholic Princes; and out of a just memory of what many of them have done and suffered in the service of his Father and himself) had been made use of to ill use of, and so ill deserved, that the resort of Jesuits and Priests into this Kingdom, had been thereby increased, with which his Majesty was and is highly offended. But that he would issue out a Proclamation as he was desired, and take care it should be more effectual than any Proclamation of that kind had ever been. He declared farther to both Houses, and all his loving Subjects, That as his affection and zeal for the Protestant Religion, and the Church of England, had not been concealed or untaken notice of in the world, so he was not, nor ever would be, so solicitous for the settling his own revenue, or providing for the peace and tranquility of the Kingdom, as for the advancement and improvement of the Religion established, and for the using and applying all proper and effectual remedies to hinder the growth of Popery, both which he in truth looked upon the best expedients to establish the peace and prosperity of all his Kingdoms."

The Proclamation was accordingly published, but no better observed than all those published for the same purpose, since the beginning of the Reign of James I. As it was not then known that the King was a Catholic, his assurances of zeal for the Protestant Religion were taken for so many truths, which removed all suspicion of his having the least design to restore the Catholic Religion in England. As we are now better informed, we are better able to judge of his intentions.

This affair being ended, the Commons proceeded next to examine the state of the King's ordinary revenue, and to think of means to raise it to twelve hundred thousand pounds, according to their promise (1). But as this affair required a long discussion, the King, who designed an immediate prorogation of the Parliament, thought proper to make an attempt for a speedy and extraordinary supply from the Commons, till his revenues should be settled. For this purpose he sent for them to the Banqueting-House, and in a Speech, the most flattering, pathetic, and affectionate, he had ever yet made, demanded a present supply of money, without which he assured them it was impossible to struggle with the difficulties, he was pressed with. He offered to shew, that the twelve hundred thousand pounds formerly granted him, had been, to the last penny, disposed for the publick service. But he well knew there was no danger in the offer, though it was not easy to imagine to what publick use this money had been applied. However that be, the Commons moved with the King's great affection for his people, and his ardent zeal for the Protestant Religion, granted him four entire subsidies, and the Clergy in Convocation, following their example gave him the same.

Mean time, the Chancellor's credit daily declined, not that his affection for the King was lessened, but, probably, because the King, entering into new projects advantageous neither to the State nor Religion, did not believe this Minister a proper instrument to assist him in the execution thereof. If the Chancellor's enemies had met with encouragement from the King, he would have been already disgraced, but his services, affection, and fidelity, as well during the King's exile, as since his restoration, could not easily be forgot. Wherefore he was continued, not only in his post, but even in some degree of favour, which made the Papists fear, he would at last recover his credit, and

The King's Answer.
March 16.
Eschard.

The King addressed by the two Houses.
April 1.
Eschard.

The Answer.
Eschard.

A Proclamation issued against Romish Priests.
April 3.
Eschard.
1662.

The King demands a supply.
June 13.
Eschard.

Eschard.

The Chancellor's Credit declining.
Eschard.

(1) The particular branches of the Revenues were, the Customs, the Excise, the Crown-Lands, the Hearth-money, the Post-Office, the First-fruits and Tenths, the Coinage, the Admiralty-Office, with other smaller matters, which all amounted to seven hundred thousand pounds, or thereabouts. Eschard, Tom. III. p. 1024.

1663.
Burnet,
p. 196, 197.

break all their measures. This probably engaged the Earl of *Brifol*, a professed Papist, to endeavour utterly to ruin the Chancellor, by impeaching him before the Lords of High-treason, believing doublets, the King would not be displeased to see him fall by this means, without his having any hand in it. But if it was easy to accuse the Chancellor, it was difficult to draw an impeachment so plausible and coherent as to make him appear criminal. The articles exhibited against him by the Earl of *Brifol*, were to this effect:

Articles of
Accusation
against him
July 10.
State-Trials.
T. II. p. 59.
Kennet.

"1. That he had endeavoured to alienate the hearts of his Majesty's Subjects, by artificially insinuating to his creatures and dependants, That his Majesty was inclined to Popery, and designed to alter the established Religion.

"2. He had said to several persons of his Majesty's Privy-Council, That his Majesty was dangerously corrupted in his Religion, and inclined to Popery: That persons of that Religion had such access, and such credit with him, that unless there were a careful eye had unto it, the Protestant Religion would be overthrown in this Kingdom.

"3. Upon his Majesty's admitting Sir *Henry Bennet* to be Secretary of State, in the place of Sir *Edward Nicolas*, he said, That his Majesty had given ten thousand pounds to remove a zealous Protestant, that he might bring into that place of high trust a concealed Papist.

"4. In pursuance of the same traitorous design, several friends and dependants of his have said aloud, That *corre it not for my Lord Chancellor's standing in the gap, Popery would be introduced into this Kingdom.*

"5. That he had persuaded the King, contrary to his reason, to allow his name to be used to the Pope and several Cardinals in the solicitation of a Cardinal's cap for the Lord *Ashbury*, great Almoner to the Queen: In order to effect which, he had employed Mr. *Richard Bealing*, a known Papist, and had likewise applied himself to several Popish Priests and Jesuits for the same purpose, promising great favour to the Priests here, in case it should be effected.

"6. That he had likewise promised to several Papists, he would do his endeavour, and said, *He hoped to compass the taking away all penal Laws against them*; to the end they might presume and grow vain upon his Patronage, and by their publishing their hopes of a toleration, encrease the scandal endeavoured by him to be raised throughout the Kingdom.

"7. That being intrusted with the treaty betwixt his Majesty, and his royal Consort the Queen, he concluded it upon articles scandalous and dangerous to the Protestant Religion: Moreover he brought the King and Queen together, without any settled agreement about the performance of the Marriage-rites: whereby the Queen refusing to be married by a Protestant Priest, in case of her being with child, either the succession should be made uncertain for want of due rites of matrimony, or else his Majesty be exposed to a suspicion of his being married in his own dominions by a *Romish Priest*.

"8. That having endeavoured to alienate the affections of the King's Subjects upon the score of Religion, he made use of all malicious scandals and jealousies to raise to himself a popular applause of being the zealous Upholder of the Protestant Religion.

"9. That he further endeavoured to alienate the affections of the King's Subjects, by venting in his own discourse, and those of his emissaries, opprobrious scandals against his Majesty's person, and course of life, such as are not fit to be mentioned, unless necessity should require it.

"10. That he endeavoured to alienate the affection of the Duke of *York*, from his Majesty, by suggesting to him, That his Majesty intended to legitimate the Duke of *Monmouth*.

"11. That he had persuaded the King, against the advice of the Lord-general, to withdraw the *English* garrisons out of *Scotland*, and demolish all the forts built there, at so vast a charge to this Kingdom; and all without expecting the advice of the Parliament of *England*.

"12. That he endeavoured to alienate his Majesty's affections and esteem for his present Parliament, by telling him, That there was never so weak and inconsiderable a House of Lords, nor never so weak and bad a House of Commons; and particularly, That it was better to sell *Dunkirk*, than to be at their mercy for want of money.

"13. That, contrary to a known law made last sessions, by which money was given and applied for the maintaining of *Dunkirk*, he advised and effected the sale of the same to the *French King*.

"14. That he had, contrary to law, enriched himself and his creatures by the sale of offices.

"15. That he had converted to his own use vast sums of public money raised in *Ireland* by way of subsidy, private and publick Benevolences, and otherwise given and intended to defray the charge of the Government in that Kingdom.

"16. That having arrogated to himself a supreme direction of all his Majesty's affairs, he had prevailed to have his Majesty's customs farmed at a lower rate than others offered, and that by persons, with some of whom he went a share, and other parts of money refuting from his Majesty's revenues."

Without entering into the particulars of this charge, I shall content my self with observing, it was unanimously rejected, as improbable, and even contradictory (1). For, besides that the Earl of *Clarendon* was known to be no less prejudiced against the Papists than against the Presbyterians, it could not but appear strange, that an open and declared Papist, as the Earl of *Brifol* was, should accuse the Chancellor of favouring the *Romish* Religion, and, on the other hand, of insinuating, that the King was a Papist, in order to alienate the affection of his Subjects. But what was still more extraordinary in this impeachment, is, that the insinuations the Chancellor was accused of, concerning the King, were true in themselves, and that the Earl of *Brifol* pretended to reprove them as slanders.

In this session, the Parliament granted the Duke of *York* the revenues of the Post-Office (2), and Wine-Licenses: These revenues, which afterwards considerably increased, enabled the Duke of *York* to keep a separate Court, and live independent of his Brother.

The 27th of *July*, the King gave his assent to the Subsidy-Act and some others, after which he prorogued the Parliament to the 16th of *March* the following year 1663-4.

Shortly after, the King and Queen made a progress into the West, where they were received with great pomp and magnificence, particularly at *Oxford*. This was only a journey of pleasure, and after five or six weeks spent in it, they returned to *London* in *October*.

While the King was upon his progress, a Conspiracy was discovered, carried on by the old Republicans and Independents, to reform the Commonwealth. It is pretended, they were to seize several towns, particularly in the North, where they believed themselves strongest, and then raise a general insurrection. But being discovered by one of the complots, many were apprehended, and one and twenty convicted, and executed the *January* following. It was assured, that *Ludlow* and *Lambert* were to lead these rebels, though the first never flirred out of *Switzerland*, where he had fled for refuge. As for *Lambert*, besides that he never left the life of *Gentry* where he was confined, if any proofs had appeared against him, he would, doubtless, not have been spared. It is true, *Ludlow*, in his *Memoirs*, seems to own, there was, this year, some project set on foot by the Republicans in *England*.

This year died Dr. *Juxon* Archbishop of *Canterbury*, and was succeeded by *Gilbert Sheldon* Bishop of *London* (3).

The Parliament meeting the 16th of *March*, the King, in a speech to both Houses, demanded a repeal of the Triennial Act made in 1641. To come to this demand, he enlarged on the late conspiracy, which he said was still on foot, and that there were men, who, on pretence that this Parliament was at an end by some clause in the Triennial Bill, fancied they might assemble themselves, and chuse new members. He desired the two Houses not to leave an Act in being, which passed in a time very uncareful for the dignity of the Crown, or security of the People. Lastly, he told them, he loved Parliaments: That never King was so much beholden to them as himself, nor did he believe the Crown could ever be happy without frequent Parliaments: But he would never suffer a Parliament to come together by the means prescribed by that bill. He then told them, that the four subsidies granted the last session, had fallen very short of what he expected, or they intended: That the revenues of the Excise, and Tunnage and Poundage were greatly diminished by the frauds of brewers and merchants, and the tax upon Chimnies declined, the last half year having brought in less than the former. He therefore prayed them to let him have the collecting of this tax by his own officers.

The Commons returning to their own House, proceeded immediately upon a Bill to repeal the Triennial Act, and made another in its room, namely, That the sitting of Parliament should not be discontinued above three years at most. This Bill being ready, and passed by the Lords, the King came to their House the 5th of *April*, and gave it the royal assent.

The King had sometime since resolved upon a war with

1663.

Rejected by the Lords.
Kennet, Echard.

The Revenue of the Post-Office was the Duke of York's.
Ibid.

The Parliament prorogued.
Kennet.

The King makes a progress.
August.
Phillips, Echard.

A Plot of the Republicans and Independents.
Ludlow, T. II. p. 118, &c.
Phillips, Echard.

III. p. 518.

Dr. Juxon dies.
June 2.
1663-4.
The King's speech to the Parliament.
Kennet, Echard.

1664.
The Act of Triennial Parliament revoked.

(1) Upon their being rejected, the Earl of *Brifol* said, "These Articles were not intended by him as a charge, but as an information." *Echard*, T. II. p. 197.—As soon as he had delivered them, he, it seems, either repented of it, or it was prevailed with to discontinue. *Burnet*, p. 197.

(2) Which then brought in twenty one thousand pounds a year. *Hist. of Taxes*, p. 307.

(3) That year also died, *Jerome Winton* Earl of *Persland*, and Judge *Jenyns*, who had been questioned and imprisoned by the long Parliament.

1664. *Holland:* But it is difficult to know the true motive of this resolution. For the causes alleged were only general, except the taking of two ships in the *East-Indies*, valued at the most but at eight or ten thousand pounds *sterling*. If some *English* Historians are to be credited, the King had no thoughts of this war: The *Dutch* were the aggressors, and being encouraged by promise of great assistance from *France*, started a quarrel with *England*. They also pretend, it was solely at the pressing influences of the Parliament, that the King was drawn into this war, to revenge the wrongs and damages done by the *Dutch* to the *English* in *India*, *Africa*, and elsewhere. But as these Historians defend not to particulars, but keep to generals, the Reader would be very ill informed, if he adhered only to what they say. I shall therefore relate here what I meet with in others, who more fully explain this affair.

Refugee. The 27th of April 1662, the States-general of the *United-Provinces* made a treaty with the King of *France*, by which both parties engaged to assist one another, in case of any attack upon either in *Europe*. The same year they made a like treaty of league and alliance with the King of *England*. This had relation to another made in 1659, between *England* and the States before the King's restoration, and seemed to be renewed only to remove the defect of that of 1659, made on the part of *England* by an unlawful authority. However, it happened, in the interval between the two treaties, that the *Dutch* had sunk or taken in the *Indies* two *English* ships, called the *Benadventure* and the *Gosh-Hope*, which occasioned a misunderstanding between the two nations (1). The *English* pretended, these two ships were attacked without any just cause, and the *Hollanders* maintained the contrary. In the treaty of 1662, the affair of these two ships was again debated; but as their value was inconsiderable, it was not thought proper to delay a treaty advantageous to both nations. It was therefore agreed, that the *English* should be allowed to prosecute the process commenced on account of these ships, and the States deposited fourscore thousand *Florins* by way of security to pay the full value in case the affair was decided against them. Some time after another dispute arose upon the same subject, and this was, the King pretended, that the States-General were judges of this process, to which the States replied, that it belonged to the cognizance of the Admiralty of *Amsterdam*, who only had a right to decide it. The affair remained in this state till

Edward. *D. Edwards.* April this year 1664, when the Commons, after an inquiry into the obstructions of the trade of the nation, voted, and obtained the concurrence of the Lords to their vote, "That the wrongs, dishonours, and indignities done to his Majesty by the Subjects of the *United-Provinces* in *India*, *Africa*, and elsewhere; and the damages done by them to the *English* Merchants, are the greatest obstructions of the trade of *England*. That the same be speedily presented to his Majesty, and he be moved to take some effectual course for redress of these injuries, and all other of the like nature, and for prevention of the like for the future. And in prosecution thereof, they will with their lives and fortunes assist his Majesty, against all opposition whatsoever." In pursuance of this resolution, the two Houses presented, the same day, an address to the King, to which, on the morrow, they received this answer in writing. "That he was pleased with their zeal for the advancement of trade, and the removal of all obstructions which might hinder the same; being convinced, that nothing would more contribute to the honour of the nation, and the prosperity of his People. That he would examine the particular complaints which had been represented to his Parliament, and order his Minister in *Holland* to demand speedy reparation, and in case of a denial, he relied on their promise and declaration to stand by him."

Vote of the Parliament against the Dutch. *Edward.* *Kennet.* *Phillips.* The Parliament addressed for the King. *His Answer.* *Apr. 27, 28.* *Edwards.* It is easy to see, that no particulars were specified either in the address or the answer, and that hitherto all was confined to generals. It will afterwards appear, that the *English* always kept to the same expressions, till the negotiation of the peace, when they were obliged to declare wherein consisted the injuries they complained of, the principal of which was found to be the loss of the two ships before-mentioned. It is now time to shew, that when these complaints were brought to the Parliament, the King had already resolved on the war, and that these complaints were only designed to furnish a pretence, and engage the Parliament to grant him the necessary supplies to support it.

Since the treaty of 1662, the States had great cause of complaints against the *Algerines*, notwithstanding the peace

concluded with them in 1661. *England* was no less concerned than the States in the depredations committed by the *Algerines* upon all sorts of ships, and therefore the States desired the King of *England* to join a squadron of his ships with a Fleet they were equipping, to oblige the *Algerines* to a more exact observance of the peace. The King answered, he had rather act separately.

After this answer, the States sent *Ruyter* into the *Mediterranean*, with a squadron of twelve ships, and the King sent thither a fleet of twenty sail under the command of *Lausijn*. These two fleets departed in May this year, and about the same time the Duke of *York*, as Governor of the *Royal African Company*, sent Vice-Admiral *Holms* to *Cape Verde*, with a squadron of fourteen men of war, to take all possible advantages against the *Dutch East-India Company*. *Lausijn* meeting *Ruyter* in the *Mediterranean*, was saluted by the *Dutch* Admiral, but returned not the compliments, contrary to what had been stipulated in the treaty of 1662. It is not necessary to take notice here of the little success *Lausijn* and *Ruyter* had against the *Algerines*. What *Holms* did at *Cape Verde* is much more material.

In the months of *August* and *September*, *Holms* made himself master of Fort *St. Andrews*, and most other places belonging to the *Dutch* in the neighbourhood of *Cape Verde*, and, after taking the Fort built on the Cape itself, he gave it the name of *York*. He erected a Fort in the mouth of the river *Gambia*, and then sailing for *Guinea*, seized all the Forts the *Dutch* had on that coast, except Fort *Abin* and Fort *St. George de Mina*. After this, he returned to *England*. Now, if it be considered, that *Holms* sailed from *England* in May, or, at the latest, in June: that some time was required to equip this fleet, and that the Parliament's address was presented to the King but the 27th of April, it will be easily perceived, that the war was resolved in *England* before any complaints of depredations committed by the *Dutch* were represented to the Parliament, and that these complaints were only pretences for the war. It must be observed, that not a single *English* Historian speaks of the hostilities committed by *Holms* at *Cape Verde* and *Guinea*, long before any declaration of war (2).

But what clearly shews, the King, since his restoration, had ever intended this war, is, his conduct whilst the treaty between *France* and the States was negotiating at *Paris*: for he did his utmost to obstruct it. The principal condition of this treaty consisted, in a reciprocal guaranty of what the two parties possessed, or should afterwards lawfully acquire. In this general clause, the States comprehended the article of the fishery, as an essential article, and the King of *France* made no objection to it. But *Charles* opposed it, and endeavoured to hinder the King of *France* from agreeing to that article. *Lewis*, in compliance to *Charles*, sought expedients to satisfy him, by confining himself to a general guarantee, which should include all without exception. But the States refused to conclude the treaty, unless the article of the fishery was expressly inserted in the guaranty. *Charles* finding, the King of *France* would at last consent, ordered Count *d'Eftrades*, the French Ambassador at *London*, to be told, that he had resolved to oblige the ships of all nations without exception, to frigate to him. But perceiving, the King of *France*, instead of being intimidated by this menace, answered it in a high strain, he let him know, he would desist from this pretension as to him, provided he would desist from the guaranty of the fishery in favour of the *Dutch*. But *Lewis*, being sensible, the *Dutch* would never recede from that particular clause, agreed to it at last, and the treaty was concluded.

Hence it appears, that *Charles* was then seeking a quarrel with the *Dutch*, on the article of the fishery. But finding, *France* had expressly engaged to be guaranty of it, he himself concluded, that very year, a treaty of alliance with the *Dutch*, in expectation of some other occasion to begin a war with them.

This design was no longer deferred, than till the beginning of this year 1664, when a fleet was preparing in *England*, to act at *Cape Verde*, and in *Guinea*, under the command of *Holms*. Shortly after, some *English* Merchants complained to the Parliament of the horrible depredations of the *Dutch*. But it was never known wherein consisted the injuries received by the *English*. This extraordinary proceeding is a clear evidence, the Court was in good understanding with those who complained to the Parliament. For, naturally, and according to the usual practice in such cases, they should have first brought their com-

(1) Dr *W. H.* told Count *d'Eftrades*, That the difference between the two Nations arose on account of *Dominick's* interests only, who had bought the pretended rights of the Merchants, concerned in those two ships, for a trifle, that to true end he obtained the King of *England's* consent, raising imaginary grievances and injuries received at sea by the *English*, which they never suffered. *D'Eftrades's Letters of June 5. 1664.*

(2) King *Charles II.* the next year after his Restoration, viz. 1655, sent Sir *Robert Holms* with a Squadron of Men of War, and some Soldiers to *America*, with which he reduced *New-York*, and all that which the *Dutch* had taken from the *English* in *Long-Island*. And from thence, Sir *Robert Holms* sailed to *Africa*, and took *Cape Verde*, and some other Places, where the *Dutch* had Factories. See *Tom. II. p. 137.* — *Edward I.* only the *Dutch* Ambassador complained of some hostile attempts of Captain *Holms* on the Coast of *Guinea*. *Tom. III. p. 141.*

1664.

plaints to the King, who should have applied to the States for redress, and, in case of refusal, demanded the assistance of his Parliament. But here the order was inverted. The Parliament was first addressed to, who prayed the King to demand immediate reparation, and offered their assistance to carry on a war against the States, before it was known, whether these complaints had any foundation, or whether the States were inclinable to repair the pretended damages. All this demonstrated, the war was resolved, before the Parliament was informed of the causes and grounds of it. For it was *May* before the King, by his Ambassador *Drauing* (1), demanded of the States reparation for these pretended injuries.

What I have been saying, is further confirmed by the Speaker's Speech to the King, at the prorogation of the Parliament, wherein he said, the House, upon examination of the reasons of the decay of trade, had found, that the *Dutch*, within a few years, had spoiled his Subjects, to the value of seven or eight hundred thousand pounds, though *Drauing* had not yet presented his Memorial to the States, nor, consequently, received any answer.

The 17th of *May*, the King coming to the Parliament, the Speaker presented the Bills which were ready, and amongst the rest, one for empowering the King to levy the Chimney-money by his own officers, as he had desired. This Bill was afterwards the cause of great vexations, complaints, and murmurs, which obliged King *William* III. to drop this tax, though, as it was levied in the reigns of *Charles* II. and *James* II, it amounted to above two hundred and fifty six thousand pounds a year. After the Speaker had mentioned this Bill, he told the King:

"..... Whilst we were intent upon these weighty affairs, we were often interrupted by petitions, and letters, and motions, representing the unsettled condition of some counties, by reason of Phanatics, Sectaries, and Non-conformists: They differ in their shapes and species, and accordingly are more or less dangerous, but in this they all agree, they are no friends to the established Government either in Church or State, and if the old rule be true, *Qui Ecclesie contradicit non est pacificus*, we have great reason to prevent their growth, and to punish their practice. To this purpose, we have prepared a Bill against their frequenting of Conventicles, the feed-plots and nurseries of their opinions, under pretence of religious worship. The first offence is made punishable with five pounds, or three months imprisonment, and ten pounds for a Peer: The second offence with ten pounds, or six months imprisonment, and twenty pounds for a Peer: But the third offence, after a trial by a Jury, and the trial of a Peer by his Peers, the party convicted shall be transported to some foreign Plantation, unless he lays down an hundred pounds. *Immedicabile vulnus: Ense rescindendum ne pars sanctorum trahatur.*"

The Presbyterians were more numerous than all the other Sects together. Since the King's restoration, they had never been accused of an insurrection against the Government, or of entering into the plots of the Anabaptists and Republicans; and yet, by this Act they were made liable to the same penalties as the other Sects; and, on pretence that their religious meetings were nurseries of their opinions against the Government in Church and State, they deserved to be transported to *America*, if they had the boldness to assemble three times. It seems, that by this extreme rigour, it was not so much designed to punish their pretended transgressions, as to drive them to despair, that they might render themselves guilty indeed.

After passing these Acts, the King prorogued the Parliament to *August*, signifying withal, that it should not meet till *November*, unless a certain affair obliged him to assemble it sooner.

This affair was the *Dutch* war, which the King had resolved. For this purpose, *Drauing* presented to the States a Memorial, drawn in very high terms, wherein he demanded, on the part of the King, reparation for the damages done to the *English*, which, by his calculation, amounted to seven or eight hundred thousand pounds Sterling. After the most diligent search, I have not been able to discover the particular Articles of these damages, except the two ships before-mentioned, and another article concerning the *Isle of Palern*, of which I shall speak hereafter. Wherefore, in imitation of the *English* Historians, I am forced to leave the Reader in the dark, with regard to the particulars of the damages on which this war was founded.

The King was bent on a war at any rate, whilst the States used all possible endeavour to avoid it. Nevertheless,

not judging it proper to treat with *Drauing*, who behaved to them with great haughtiness, they said in answer to his Memorial, that they would send an Ambassador to the King. Accordingly, they dispatched *Van Goch*, who had his first audience of the King the 15th of *June*. As he was speaking, at this audience, of the trade of *Africa*, and the *West-Indies*, the King interrupted him, and said, It was not to be suffered, that the *Dutch West-India* Company should pretend, by means of three or four Ships, and a few forts on the coast of *Guinea*, to exclude other nations from that commerce. The Ambassador answered, the difficulties about that affair were terminated by the last treaty, and it ought to be examined, whether the *Dutch* had acted contrary to it. Afterwards, the States being informed of the hostilities committed by *Holms* at *Cape Verd*, and in *Guinea*, their Ambassador complained to the King, who answered, he had not the least knowledge thereof. Some days after, the Ambassador presented a large Memorial on that subject, with a fresh complaint, that the King had forbid the importation of *Dutch* commodities into *England*. The King gave the same answer, as before, to the first article of this Memorial, that he had no knowledge of what was acting by *Holms*; and to the second, that the prohibition of commodities, was upon the account of the Plague then reigning in *Holland*. It appeared afterwards, that the King pretended, the affair of *Cape Verd* and *Guinea* did not concern him, but was a private difference between the *English* and *Dutch* Companies, and therefore it had not been necessary to inform him of it. But it will hardly be conceived, that the Duke of *York*, as Governor of the *Royal African* Company, should fend a fleet of twenty-one Men of War to *Guinea* without the King's knowledge.

While *Drauing* at the Hague, and *Van Goch* at London, preparatory to his intended voyage, the King, who had no knowledge of what was acting by *Holms*; and to the second, that the prohibition of commodities, was upon the account of the Plague then reigning in *Holland*. It appeared afterwards, that the King pretended, the affair of *Cape Verd* and *Guinea* did not concern him, but was a private difference between the *English* and *Dutch* Companies, and therefore it had not been necessary to inform him of it. But it will hardly be conceived, that the Duke of *York*, as Governor of the *Royal African* Company, should fend a fleet of twenty-one Men of War to *Guinea* without the King's knowledge.

The King discovered his design in a manner not to be mistaken. For sending his fleets to sea, under the command of the Duke of *York*, as High-Admiral (3), this fleet met, in *November*, with the *Dutch Bourdeaux* fleet, homeward bound, laden with wine and brandy, and took one hundred and thirty ships, which were brought into *England*, and condemned for lawful prizes, though no war had yet been proclaimed. It is needless to reflect on the King's conduct, or on the judgment of the *English* Admiralty. Every unprejudiced person will easily believe, that the Law of Nations was never more unjustly, or more manifestly violated. In vain do some Historians endeavour to palliate this action with two reasons, which discover by their weakness, how much they themselves were persuaded of the reality of this injustice. The first is, that about the same time, *Ruyter* dispossessed the *English* of their Factories at *Cape Verd*, and on the coast of *Guinea*. But, first, they take no notice, that these Factories were mere usurpations of the *English*, who had the same year dispossessed the *Dutch* of them. Secondly, *Ruyter* did not recover the forts at *Cape Verd*, and on the coast of *Guinea*, till the following year 1665. For it must be considered, that *Holms* committed his hostilities at *Cape Verd*, in the months of *August* and *September*, and afterwards failed to the coast of *Guinea*, where he seized several forts. This news must therefore be brought to *Holland*, the States must send to *Ruyter* in the *Mediterranean* to repair the Streights, and fail to *Cape Verd*; and lastly, *Ruyter* must execute his orders, and the news of his expedition be carried to *England*. Now if all this cannot be effected within the space of six weeks, how is it possible to justify the taking of the *Bourdeaux* fleet in *November*, on account of *Ruyter's* expedition to *Cape Verd* and *Guinea*, three months after? The second reason is, that this war was not the project of the King, but the voice of the People and Parliament; as if, even on this supposition, the People and Parliament were left obliged than the King to observe the Law of Nations. But this was not the only fault of this nature committed by *Charles* II, through a desire of money.

Mean time, the King of *France* apprehending he should

4th.
Edward.
Statute-b.

The speaker's
Speech to the
King
Edward.
T. III. p. 113.

A Reflection
upon this Act.

Prorogation
of the Par-
liament.
Edward.

The King demands re-
paration of
damages.
Bainbridge.
Edward.
III. p. 121.
Phillips.

An Ambas-
sador sent
from the
States.

1664.

D'Estrades.
Kenot.
III. p. 121.

p. 122.

D'Estrades.

For War.
The City of
London.
The City of
London.
III. p. 123.
Kenot.

The English
interrupt the
Dutch Mer-
chant-Men
returning
from Bour-
deaux before
the War was
declared.
D'Estrades.
upon this
Providence.
Edward.
III. p. 123.
Kenot.

Charles re-
joins the
French.

(1) Bishop *Burton* gives *Drauing's* Character. "He was a crafty cunning man, who was ready to turn to every side that was uppermost, and to betray King's Affairs, which, by their former friendship and services, thought they might depend on him. He had been *Commons's* Ambassador in *Holland*, where he had done much mischief. He was a pitiful, fawning fellow. Letter of January 24. 1664.

(2) Though he had received, in the four first years of his Reign, no less than two millions, eight hundred and sixty thousand pounds, according to *R. Coke's* III. p. 123.

(3) The Fleet consisted of Sixteen Men of War. *Kenot's Hist.* Tom. 3. p. 271.

1664. at last be involved in this war by affixing the States, pursuant to the treaty of 1662, believed it incumbent upon him to use some endeavours to prevent it, and to that end offered his mediation to the two Parties. The States willingly accepted it, but it was rejected by *Charles*, who said, he would enter into no negotiation till he had received entire satisfaction on his demands. He had now sent Sir *Richard Fanshawe* to Spain, and the Lord *Halles* to France, to endeavour to engage these two Crowns in a war with the Dutch. But he succeeded neither at Paris nor Madrid. Nevertheless, he persisted in his resolution, to make war, though he had no other reasons to alledge for it than the pretended depredations committed by the Dutch upon the *English*, the particulars of which were never known to this day.

When it is considered, with what animosity this war was undertaken and pursued, not only by the King, the Duke of York, and the Ministry, but even by the Parliament, one can hardly help thinking, that they who excited this animosity, had some other secret end than that of supporting trade. But hitherto, conjectures only have been offered on this subject. Some say, this war ought to be ascribed to the Duke of York's ambition, who was impatient to distinguish himself, by commanding, as Lord High-Admiral, the King his brother's fleet. Others believe, the King finding his coffers empty, notwithstanding all the money given him by Parliament, and that raised by the sale of *Dunkirk*, engaged by his intrigues the Parliament to propose this war to him, to have a pretence of demanding extraordinary supplies, which should not be all expended in the war. There are others who believe, the King, the Parliament, the City of London, found this war absolutely necessary to humble the maritime power of the Dutch, who aimed to engross the whole commerce of Europe, as they had already done that of the *Indies*: That tho' the causes of the war were never fully made known, every one understood, it was a war occasioned by the jealousy of trade. Lastly, there are who suspect, that the project to introduce Popery into England being now formed, the execution of it was only suspended till the Dutch were rendered unable to succour the *English* Protestants, since it was only from them that they could receive assistance. I shall not take upon me to determine what were the secret motives of this war, which certainly was undertaken on very slight grounds, as will hereafter more fully appear (1).

The Parliament meeting the 24th of November, after two prorogations, the King made a Speech to both Houses upon the present affair, namely, the war with the States-General. He said, that upon the stock of his own credit he had set out a fleet, not inferior to any, England had ever seen, and which had cost him eight hundred thousand pounds. All this tended to demand of the Commons a proportionable supply. He then added,

"I know not whether it will be worth my pains to endeavour to remove a vile jealousy which some ill men scatter abroad, and which I am sure will never sink into the breast of any man who is worthy to sit upon your benches; That when you have given me a noble and proportionable Supply for the support of the war, I may be induced by some evil Counsellors (for they will be thought to think very respectfully of my own person) to make a sudden peace, and get all that money for my own private occasions. I am sure you all think it an unworthy jealousy, and not to deserve an answer. I would not be thought to have so brutish an inclination to love war for war's sake. God knows, I desire no blessing in the world so much, as that I may live to see a firm peace between all Christian Princes and States. But let me tell you, and you may be confident of it, That when I am compelled to enter into a war, for the protection, honour, and benefit of my Subjects, I will, God willing, not make a peace, but upon the obtaining and securing those ends for which the war is entered into: And when that can be done, no good man will be sorry for the determination of it."

It will be seen hereafter, how the King discharged his promise in this Speech. After he had done, he farther declared to them, That he did intend the Lord-Chancellor should have made a Narrative concerning the Treaty and manner of proceeding with the Dutch; but the Chancellor being laid up with the gout (?), he had ordered the Nar-

native to be put into writing, which was delivered to both Houses.

It will be easily imagined, this Narrative contained only what should inflame the Parliament. But the Historians have not been pleas'd to relate the Contents, perhaps for want of knowing them. Be this as it will, the King found the Parliament so well disposed in his favour, that the two Houses, by six Lords and twelve Commons, sent their thanks to the City of London for their loan to the King. A few days after, the Commons voted the King a supply of two millions five hundred thousand pounds, towards the maintenance of a war so necessary to the State; and in less than three weeks, Ways and Means were found for raising that Sum in three years; after which both Houses adjourned to the 12th of January.

Immediately after, the King published a declaration, by which General Reprials were granted against the Ships, Goods, and Subjects of the States-General, and the Court of Admiralty order'd to condemn them as prizes according to the Course of Admiralty, and Law of Nations. This declaration was founded upon the grievous damages and insults done to the *English*, but without specifying one article.

When the *Bourdeaux* fleet had been seized and condemn'd, the *English* took all the Dutch Ships they met, tho' the war was not yet proclaimed. But it was much worse since the declaration for general reprials had been publish'd.

When the States were informed of the hostilities committed by *Holms* at Cape Verd and in Guinea, they sent an express to *Ruyter*, to order him to repair the Swifights, and fail towards these coasts, to recover what the Dutch *Holland* Company had lost. *Ruyter* executed this order with great vigour, and retook most of the forts seized by the *English*. He likewise took several of their Ships. This news reached London the beginning of February, and furnish'd the King with a new pretence for the declaration of war, which was published in a few days.

The Parliament meeting the 12th of January, the House of Commons proceeded immediately to the Money-Bill, as the most pressing affair. This Bill being ready, the King came to the House to give his assent, after which, War was formally declared against the States-General. This declaration was founded upon the numberless injuries and unspeakable damages, the *English* had suffered from the Dutch, without being able to obtain the least reparation. The King added, That the Ships belonging to the Dutch were not detained by him, till he found that *Ruyter* was order'd not only to abandon the Confortship against the *Algerines*, to which he had been invited by the States, but also to use all Acts of Depredation against his Subjects in Africa. He therefore declared to all the World, that the Dutch were the Aggressors, and ought in justice to be so looked upon by all men.

What is very astonishing in this declaration is, that the King did not even take care to preserve appearances, as if his Subjects and all Europe had been void of common sense, or it was not known that the fleet from *Bourdeaux* had been intercepted in November, before *Ruyter* had reached Guinea. He pretended, that all the World must be ignorant, because he himself feign'd not to know, that *Holms* had begun hostilities at Cape Verd and in Guinea in August and September. In short, he would have all the World, believe on his bare word, that the *English* had suffered grievous damages, without his vouching to specify one single injury. This declaration was approv'd by twenty two Privy-Counsellors only, the Earls of Southampton and Clarendon having been either unable, or unwilling to be present when it was resolv'd. It was dated the 22d of February, but was not publish'd till the 2d of March.

The King having notice that some bills were ready for the royal Assent, came to the Parliament the 2d of March, and after passing the bills, which were of no great importance, he prorogued the Parliament to the 11th of June. Afterwards, he continued the prorogation to the 1st of August, and then to the 9th of October.

In this session the Clergy voluntarily resigned their right of taxing themselves in Convocation, and from this time have been taxed in common with the People in Parliament. This has made Convocations less necessary to the King, and consequently less considerable in themselves (3).

The war being declared, the Duke of York, in the end of March, 1665.

(1) Burnet says, he was very positively assured by Statesmen of both sides, that the French set this War on in a very artificial manner; for while they insisted on no basis on some extravagant demands, they at the same time press'd the Dutch not to yield to them; and as they put them in hopes, that if a response should follow, they would assist them according to their alliance, so they assured us, that they would do us no hurt. — There was no visible end of War — Peace and Popery were the true springs of their Conduits. It was the interest of the King of France, that the States should be in no condition to make a vigorous resistance, when he should be ready, either to invade them, or fall into Flanders. — The French did thus set on the War between the English and Dutch, hoping that our Fleets in short must inevitably weaken one another in such, that the naval force of France, which was increasing very considerably, should be near an equal to them, when they should be shattered by a War. The States were likewise the greatest strength of the Protestant interest, and there was one to be humbled. p. 108, 109.

(2) It is very probable, as Burnet observes, that his disclaimer was more political than real; for he was utterly against this war, as was also the Earl of Southampton. Tom. 3. p. 121.

(3) It being found, by experience, that their whole Subsidies were inconsiderable, and yet mortally heavy on the Clergy, it was resolv'd on hereafter.

1665. *March*, repaired to the fleet which he was to command, consisting of one hundred and seven men of war, and fourteen *fac-ships*. But as the fleet was not yet ready, he could not sail till *May*.

Some time since, the States, perceiving a war unavoidable, had perfused the King of *France* to declare against *England*, had perfused to the treaty of 1662, but had not yet received the answer. The English Ambassador, *Charles* on his side solicited him to abandon the States, and allured him with very tempting advantages. So, *Lewis* was not a little embarrassed. He was desirous to keep fair with the King of *England*, whom, he fore-saw, he might want; and, on the other hand, if he abandoned the States, there was danger of their being overcome, and of Peninsular *De Witt* losing all his credit. This could not happen, without a change of the Government, the re-establishment of the young Prince of *Orange*, and the King of *England's* being in effect master in *Holland*. It was through the sole influence of the Peninsular that the States were attached to the interests of *France*, and consequently his fall could not but be extremely prejudicial to that Kingdom. The course therefore which *Lewis* took on this occasion, was to gain time, one while by cavilling at the terms of the treaty of 1662, another while, by giving hopes to the States of his declaring against *England*, and lastly, by a splendid Embassy to *London*, with the Duke of *Versailles* at the head of it, to mediate a peace between *England* and *Holland*. In order to know his situation, let us hear what he says himself in a letter to Count *d'Eftrades* his Ambassador at the *Hague*, dated the 19th of December 1664. — “ However, I own, I am

*His Letter
to the Council
of Madrid.*

December 1664. "However, I own, I am a little embarrassed, considering, if I literally execute the treaty of 1662, I shall very much prejudice my principal interest, and this, in favour of a nation, which not only will never be servicable to me, but which shall add oppoite in the only case where I should want them, and then, the assistance I shall have given them, will turn against me. Besides this, I lose England, which is upon the point of concluding a strict alliance with Spain, in case I reject her offers, and these offers, for I may trust you with the secret, are a *carte blanche* in every thing I can desire for the *Netherlands*, without one inch of land expected for *England*. Besides the King of *England* himself suggests to me, how to avoid with honour assilting the *Dutch*. He pretends, they are the aggressors: that he has a right to the forts, they have seized in *Guinea*: that they first armed: that they have made a national quarrel for a private dispute between two Companies, which they should have been suffered to decide: that they committed the first act of violence in ill-treating one of his ships laden with matts from *Sweden*. That however, I am only engaged for what passes in *Europe*: That it is vifible all the differences, except that of *Guinea*, are easy to be adjusted. That it is not reasonable, their capricious obstinacy to maintain a Country for which I am not engaged, should kindle a war in these parts, because as I am not obliged for the principal, I cannot be so for the accessions and dependencies. I omit how I was served by the States at *Maastricht*, &c. What I now write must be a secret.

*Reflections
upon this
Letter.*

I cannot forbear making some remarks on this letter. First it shows, the King of *France* did not excite the war between *England* and *Holland*, as most of the *English* Historians pretend.

Secondly, if Charles had really intended the welfare of his Kingdom in undertaking this war, he would not have offered the King of France a *carte blanche* for the Netherlands, in order to accomplish the destruction of Holland. This was a thing directly contrary to the interests of England, and very different from the satisfaction demanded for the injuries, his Subjects might have received from the Dutch.

Thirdly, in what *Gbarles* alledged to *Lewis*, there appears no proof, that the *Dutch* were the aggressors, nor any thing of the pretended damages of eight hundred thousand pounds: But that the principal point in dispute was the propriety of some forts on the coast of *Guinea*, which, according to him, was an affair between the two Companies, and that the rest was easy to be adjusted.

Fourthly, *Charles* supposes the States to have made it a national quarrel, by sending *Ruyter* to *Guinea*; but that he had not concerned himself with this affair, because *Lawson*

had been sent with twenty-one sail, in the name of the Duke of York, and the Royal African Company.

Lastly, the States had no reason to expect much assistance from *France*, unless the chance of war should render it necessary for them, or the King of *France* find some considerable advantage in espousing their quarrel).

It was therefore to gain time that the Ambassy was sent to *London*, because *Lewis* pretended, that as long as there was any hope of an accommodation, he was not obliged to declare against *England*. Now whilst his Ambassadors were at *London*, he could say, that the hope of a reconciliation was not entirely desperate. He managed so artfully, that he kept them there till the end of the year 1665, declared not against *England* till *January 1666*, and his declaration was of little service to the *States*.

The Duke of York failed with the English fleet in May, and before the Dutch could be ready, alarmed the coast of Holland. He continued a fortnight near the Texel, to prevent the fleet of Holland from joining that of Zealand, in which he could not fail of success. In the mean time, he took several Dutch homeward bound ships, who had not been informed of the war. However, as the war was not made only to hinder this junction, the Duke at last failed away with design to meet *Ruyter*, who was returning to Holland by order of the States. But finding, his provisions were consumed upon an uncertain expectation, he retired with his fleet to *Harwich*, contenting himself with sending some frigates to cruise in the Channel, and bring him intelligence of the enemy (1).

More while the *Holland* and *Squadrons* joined and formed a fleet of one hundred and twenty one men of war, besides fire-ships, under the command of *Obdam de Wastman*. He had under him *Cornetair* Vice Admiral of the *Maas*, *Everstaen* Vice Admiral of *Zeland*, and *Cornelius Tromp* son of the famous *Martin Tromp*. The Rear-Admirals and Captains were very far from answering to their superiors in capacity, more care having been taken to fill these posts with the relations and friends of those, whom the Pensionary wanted to preserve his credit, than with experienced officers. So, except fifteen or sixteen Captains, the rest were unexperienced. This is a misfortune to which Republicks are more liable than Monarchies. Though *De Wit* managed the affairs as he pleased, he had for enemies all the Party of the House of *Orange*, who were spies upon his conduct, and misrepresented all his proceedings, in order to ruin him. The Pensionary was not ignorant of it, and therefore believed, the only way to secure himself, and preserve his authority, was to hazard a Sea engagement.* Success would disarm the malice of his enemies, and the loss of a battle would of course oblige the *French* to execute the Treaty of 1662, and silence the complaints and murmurs of the *Orange* Party, who industriously published, that *Lewis* would amuse the States.

Agreeably to this resolution, which the Peninsular caused the States to approve, an order was sent to *Osborn*, to go in quest of the enemy. He obeyed, and came in sight of them the 1st of *June*, not far from *Harwich*. But the wind being southerly, and the next morning south-west, he retired to the mouth of the *Mayf*. He acquainted the States by an express, with the reason of his retreat, and that he did not think proper to attack the *English* while they had the advantage of the wind. But he received still more positive orders to fight let the wind be as it would, on peril of answering it with his head. After so express an order, there being no way to recede, he weighed anchor at break of day, and within an hour discovered the *English* fleet divided into three squadrons. The first under the Red Flag, was commanded by the Duke of *York*, assisted by *Penn* and *Leveson*. The second being the White Squadron, was conducted by Prince *Rupert*, assisted by *Minnes* and *Sampson*. The third which was the Blue Squadron, was commanded by the Earl of *Sandwich*, who had with him *Cuttings*, and Sir *George Mordaunt*.

I shall not pretend to describe this engagement, fought the 3d of June, for which I own myself unqualified. I shall therefore only say, the Dutch fleet was overthrown, chiefly by the ill conduct of several Captains who were wanting in their duty; by the death of Obdam, who with his ship and all his men were blown up; by the loss of Cortenaar who was killed upon the deck after hoisting the Admiral-Flag, and by many other causes which are scarce intelligible but to those who are versed in sea-affairs.

tion, to 15th the Church-Benefices, temporal Offices were taxed; which proved indeed a lighter burden, not less so it is honorable as when it was given by themselves. Yet I never preaching above the point of honesty; they ministered in it. So the Clergy were not so much necessary to the Crown, this gave rise that there was less regard had to their afterwards. They were often disappointed and persecuted; and when they met, it was only for form. *Barnes*, p. 117. — The custom of the Clergy's taxing themselves was broken during the last troubles. For then the Clergy, either out of voluntary compliance, apprehension of Popularity, or because they wanted Money, to represent their Body, had their Benefices taxed by the Laity. Till the Court found, after the Restoration, to be an evil thing, than to have two bodies of Men to please. And therefore intended to suppress the Clergy of that right, if they had not voluntary re-

(1) By the Duke's sailing from the Coast of Holland, the enemy took the advantage of intercepting the English Homing-bird Fleet. *Essex*, Tom. 3, p. 132.

1665. The *Dutch* lost nineteen ships burnt and sunk, with about six thousand men (1). On the *English* side, the loss was only of four ships, and about fifteen hundred men, among whom were *Charles Berkley* Earl of *Falmouth*, Admiral *Sampson*, *James Ley* Earl of *Marlborough*, and Vice-Admiral *Lawson*, who died shortly after of his wounds (2). The remains of the *Dutch* fleet retired to the *Muse* or the *Tisel*, and were pursued all the next day being *Sunday*, though, according to some, the Duke of *York* did not in this pursuit, discover the same ardour he had shown in the battle. See what Doctor *Burnet* Bishop of *Salisbury* says of it in his posthumous *History of his own times*.

Burnet,
p. 215.

That famous Historian says, "After the fight, a Council of war was called to concert the method of action when they should come up with them. In that Council, *Penn*, who commanded under the Duke, happened to say, that they must prepare for hotter work in the next engagement. He knew well the courage of the *Dutch* was never so high as when they were desperate. The Earl of *Montague*, who was then a volunteer, and one of the Duke's Court, said to me, it was very visible that made an impression: And all the Duke's domesticks said, he had got honour enough: Why should he venture a second time? The *Dutch* had also given a strict charge to all the Duke's servants to do all they could to hinder him to engage too far. When matters were settled, they went to sleep; and the Duke ordered a call to be given him when they should get up to the *Dutch* fleet. It is not known what passed between the Duke and *Brouncker*, who was of his bed-chamber, and was then in waiting; but he came to *Penn* as from the Duke, and said, the Duke ordered the sail to be slackened. *Penn* was struck with the order, but did not go to argue the matter with the Duke himself, as he ought to have done, but obeyed it. When the Duke had slept, he upon his waking went out upon the quarter-deck, and seemed amazed to see the sails slackened, and that thereby all hope of overtaking the *Dutch* was lost. He questioned *Penn* upon it. *Penn* put it on *Brouncker*, who said nothing. The Duke denied he had given any such order. But he neither punished *Brouncker* for carrying it, nor *Penn* for obeying it. He indeed put *Brouncker* out of his service, and it was said, that he durst do no more, because he was so much in the King's favour and in the Mistress's. *Penn* was more in his favour after that than ever before, which he continued to his son after him, though a Quaker. And it was thought, that all that favour was to oblige him to keep the secret. Lord *Montague* did believe, that the Duke was struck, seeing the Earl of *Falmouth* the King's favorite, and two other persons of quality killed very near him, and that he had no mind to engage again, and that *Penn* was privately with him. If *Brouncker* was so much in fault as he seemed to be, it was thought the Duke, in the passion that this muft have raised in him, would have proceeded to greater extremities, and not have acted with so much phlegm."

The Duke of *York* seeing, it was in vain to continue his pursuit, retired to the coasts of *England*, and repaired to *Whitehall* to receive the acclamations of the Court and City of *London*. The King appointed a day of thanksgiving throughout the Kingdom for this victory, and several Medals were struck in honour of the victorious Duke of *York*, who was now in a very agreeable situation (3). For besides that he was Lord High-Admiral, Governor of the Cinque-Ports, and of *Portsmouth*, and had the benefit of the Post-Office, and the Wine-Licences, all which enabled him to keep a splendid Court, he had still a much more considerable advantage. He began to be considered as Heir to the Crown, the King his Brother having no children by his Queen. This attached many to him, and particularly the Papists, who knew his Religion, though he yet concealed it as well as the King.

Shortly after, the Queen-Mother having resolved to pass the residue of her days in *France*, the King and the Duke of *York* attended her [in the *Catherine Yatch*] to the *Nere*, and there took their last leave of her. It is very likely, she was not pleased with having so small a share in the public affairs, having been used to the contrary in the reign of the King her Husband.

However glorious this first Sea-fight of the Duke of 1665, *York* might be, the King and Council did not think it proper he should venture his Person in a second engagement. Therefore the command of the fleet was given to *Edward Montague* Earl of *Sandwich* (4), who used his utmost endeavours to prepare it for the Sea as soon as possible, in order to prevent that of the States, which was *Edward*, repairing with all possible diligence. Besides, the States, having appointed *Ruyter* to succeed *Oldam*, ordered him to return immediately with the fleet, consisting of seventeen men of war. The diligence used by the States to repair their fleet, was not so much to be revenged of the *English*, as to secure their Merchant-men home-bound from *Smyna* and the *East-Indies*. The *English*, on their side were less desirous to fight than to seize the riches which those fleets were bringing to *Holland*.

It happened, in the mean time, that the *Dutch-Smyrna* fleet, and several *East-India* Ships not daring to enter the Channel, retired to the port of *Bergen* in *Norway*. The waiting for *Ruyter* to convoy them to *Holland*. Mean while, the King of *Denmark*, discouraging one day with Sir *Gilbert Talbot*, the *English* Envoy, made great complaints of the *Dutch*, who, he said had drawn the *Swedish* war on him, that he might be forced to have recourse to them for supplies of money and ships, and deliver to them the Customs of *Norway* and the Sound for their security. Upon this the Envoy told him, he had now a good opportunity of being revenged, by the seizure of their ships at *Bergen*, worth many millions. But the King answering, he wanted strength to execute such a design, the Envoy told him, he doubted not but the King of *England* would lend him his ships, provided he was assured of equal partaking of the spoil; to which the King of *Denmark* consented. The King of *England* was pleased with *Talbot*'s project, and sent orders to the Earl of *Sandwich* to fail immediately and seize the *Dutch* ships at *Bergen*. The Admiral readily obeyed, though he had received no intimation of the agreement between the two Kings.

To effect this design, it was absolutely necessary to inform the Vice-roy of *Norway*, and the Governor of *Bergen* of it, that they might favour it, in feigning to protect the *Dutch* ships, the King of *Denmark* being unwilling to appear openly. Nor was it less necessary to acquaint the Earl of *Sandwich* with it, to prepare him against the noise and complaints of the Governor of *Bergen*, on account of the attempt and violence of the *English*. But several accidents ruined this affair. The Governor of *Bergen*, who was to receive orders from the Vice-roy of *Norway*, was not informed soon enough. On the other hand, *Talbot*'s express, sent from *Copenhagen* to the *English* fleet, was taken by the *Dutch*. In fine, the Earl of *Sandwich* hearing, *Ruyter* was shortly expected, and being desirous to perform the deed before his arrival, detached the squadron commanded by Sir *Thomas Tyldeman*, who attacked the *Dutch* with great resolution. But they had now had time to put themselves in a posture of defence. On the other hand, the Governor of *Bergen*, who had not yet received any particular directions how to behave, seeing this open hostility, and observing that the shot from the *English* damaged the town, fired upon them from the citadel. In a word, this squadron was almost entirely ruined, and obliged to return to the fleet. The next day, the 4th of *August*, orders came to the Governor of *Bergen*, but it was too late. It appeared, the King was not pleased with the Earl of *Sandwich*'s conduct, since, instead of continuing him in the command of the fleet, he sent him Ambassador to the Court of *Spain*.

Mean while, *Ruyter* arriving in *Holland* with many *English* prizes, took the oath to the States as Vice-Admiral-General, after which he took the command of the fleet consisting of ninety-three ships well equipped. But though he bore the title of Admiral, three commissioners attended him, namely, *De Wit* the Pensionary, *Huyzen*, and *Bor*, who had properly the command. The grand design of these commissioners was to meet the *India* fleet, which was to fall round *Ireland*, to avoid entering into the Channel. But the wind was so contrary, that the fleet would not have got soon enough out of the *Tisel*, if the Pensionary, who understood sea affairs very well, had

(1) Our Historians say, That we lost but one Ship; and that the *English* took eighteen *Dutch* Men of War, and sunk and fired about fourteen more. They also took two thousand sixty-three Prisoners, whereof sixteen were Captains. See *Burnet*, p. 208. *Edward*, Tom. 3. p. 134.

(2) And likewise the Lord *Mansfield*, and Mr. *Byde*, the Earl of *Burlington*'s second Son, these two, with the Lord *Falmouth*, were killed with the same Cannon-ball, shot by the Duke of *York*, and so near him, that he was sprinkled with their blood and brains. The Earl of *Portland* was likewise killed, *Burnet*, p. 208.

(3) One of these Medals had on one side, the Duke's Effigy in Bust, clad in a Roman Mantle, with these words round it, *JACOBUS DUX ESSEX & ALBAN. DOMIN. MAGN. ADMIRALISUS ANGLIÆ, &c.* The Reverse represented the Admiral and whole Fleet in an Engagement, with their words, *NEC MINOR IN TERRIS. TAN. III. MDCLXV.* Another had on one side, the Duke in Bust, with this Inscription, *JACOBUS DUX ESSEX & ALBAN. FORTIS AUGUSTISSIMUS CAROLI II. REGIS. The Reverse, a Trophy, and Ships engaged, with these words, GAVIS ANTIQVVM.* See *English's Numismata*.

(4) Sir *George Aysack* was Vice-Admiral under him, and Sir *Thomas Tyldeman* Rear-Admiral. Of the *White*, Sir *William Penn* was Admiral, Sir *William Berkley* Vice-Admiral, and Sir *Joseph Jordan* Rear-Admiral. And the *Blue* Flag was carried by Sir *Thomas Allen*, whose Flag officers were, Sir *Christopher Mordaunt*, and Sir *John Horne*. *Burnet*, p. 208.

1665. not by founding it himself all over very carefully, found more ways to get out by different winds, than was thought formerly practicable (1). So the fleet at last, failed out, and appeared before *Bergen*, where the commissioners gave their orders for conveying the merchant-men which were in that port. But it was not in their power to prevent a storm, which dispersed them, and threw twenty of them into the hands of the *English* (2). This storm obliged *Ruyter* and the commissioners to return to *Holland*, with their fleet very much damaged.

Brings the Ships to Bergen.

A great Plague in London, Skinner, Baynard, Kennet.

Defence of the Republicans. Ludlow, III. p. 166, &c. Burnett, p. 226. Made a handle to injure the Presbyterians.

The Bishop of Munster falls upon the Dutch. Temple's Lett. J. Phillips.

The Parliament meets at Oxford.

The King's Speech. Kennet, Richard.

Another by the Chancellor.

Money granted the King. Richard.

The first will Act. Strauch-B. Burnett, p. 226. R. Coke.

In the mean time, the Plague raged dreadfully in *London*, where it first appeared about the middle of *May*. It is said, that in less than a year, it swept away, in that single city, above a hundred thousand persons (3). The King at first retired to *Hampton-Court*, but afterwards, to be farther from *London*, resided at *Salisbury*.

It appears, that this year, the *Republicans* had projected an insurrection, and were even encouraged by emissaries from the *States-General*, who would have been glad to employ the King at home in domestic troubles. But this was a bare project, which served only to furnish the enemies of the *Non-conformists* with an opportunity to magnify the danger with which the Kingdom was threatened from the enemies of the Church in general, and to include, in that number, the *Presbyterians*, though they were not concerned in the *Republican* Projects.

It was not only against *England* that the *States-General* had to defend themselves. *Charles* had raised them another enemy who had no less embarrased them. This was the famous *Bernard Van Ghelen*, Bishop of *Munster*, who, upon very light pretences, entered the Province of *Overyssel* at the head of an army paid by the *English*. He made himself master of a great many small places, and then attempted to surprize *Groningen*, but was repulsed. At last, before the end of the campaign, the King of *France*, and the Dukes of *Lunenburg* having sent a powerful assistance to the States, the Bishop was forced to relinquish his great projects, and think of a peace, especially as the money promised by the King of *England* was not regularly paid.

The Parliament, which had been prorogued to the 9th of *October*, met on the day appointed, but at *Oxford*, on account of the plague which still raged in *London*, whereas it did not much infect other parts of the Kingdom. In his Speech to both Houses, the King told them, the supply of two millions five hundred thousand pounds granted him for carrying on the war, was already spent. He insisted particularly on the great sums paid to the Bishop of *Munster*, for making a diversion in the bowels of his enemies country, tho' it appears in Sir *William Temple's* letters, that these funds were never well paid.

After the King had done speaking the Chancellor by his order enlarged upon the same subject, to signify to the Commons, that they could not dispense with putting the King in a condition to prosecute a war so glorious and necessary. Then, he spoke of the design formed by the *Republicans*, for the subversion of the Government. But, in aggravating with great warmth and eloquence the efforts and designs of these men, he took particular care not to distinguish them from the other sects of *Non-conformists*. It was a constant artifice, as I have observed, to apply to the *Presbyterians*, under the general name of *Non-conformists*, all the actions and extravagances of the *Independents*, *Anabaptists*, and *Republicans* in general.

In a very few days, the Commons voted the King a new supply of twelve hundred and fifty thousand pounds to continue the war, one hundred and twenty thousand pounds to the Duke of *York*, for the great service he had done to the nation.

After this, was brought into the House a Bill, which passed without any difficulty, namely, "That no *Non-conformist* Teacher under what denomination soever shall dwell, or come, unless upon the road, within five miles of any Corporation, or any other place where they had been Ministers, or had preached, after the Act of Oblivion, unless they first took the following oath. "I do swear that it is not lawful upon any pretence whatsoever to take arms against the King; and that I do abhor the traitorous position of taking arms by his authority against his person, or against those that are commissioned by him, in pursuance of such Commissions; and that I will not at any time endeavour any alteration of Government either in Church or State (4).

The reason alleged in the Act to justify this severity was, that the Ministers had settled themselves in the Corporations, sometimes three or four in a place, and took op-

portunities to infill into the minds of the subjects, their poysonous principles of schism and rebellion, to the great danger of the Church and Kingdom.

This Bill met with great opposition in the House of Lords, even from the Earl of *Southampton* Lord Treasurer, though intimate friend of the Earl of *Clarendon*, principal author of the persecution against the *Non-conformists* (5). Indeed, the oath required to be taken by the *Non-conforming* Ministers supposed a thing, which was not generally allowed, namely, that every good Subject and good Christian, was obliged in conscience to believe what was contained in this oath, otherwise it was absurd to impose it on the Ministers. For there is a great difference between injoyning a certain practice, and obliging part of the Subjects to swear that they believe it founded in Religion and Conscience, while the rest are left free, either to believe or not believe it. Accordingly, the Commons, being aware of the force of so pressing an objection, prepared a Bill to oblige all the subjects to take the same oath. But the Bill was thrown out, though only by two or three voices. At last, notwithstanding these difficulties, the Act, called the five mile Act, passed in the House of Lords, and the King gave it the royal Assent the 31st of *October*, as well as to the Money-Bill and some others, after which he prorogued the Parliament to the 20th of *February* 1665-6.

It passes.

The Parliament prorogued. Richard.

Several Writers have endeavoured to justify the rigour of the five mile Act, and what they have said amounts to this.—That this rigour was occasioned more by the seditious behaviour of the *Non-conformists*, than by the exercise of their Religion. In which assertion the ambiguity of the word *Non-conformist* is still retained, as if all the Sects included under that denomination formed but one and the same Body, united by the same common doctrines and interests, which is notoriously false. The *Presbyterians* alone were considerably more numerous than all the other *Non-conformists* together, and had doctrines and interests really separate from those of the other Sects. They could not be, nor were they, accused of being engaged in the conspiracies, real or pretended, of the *Independents* and *Anabaptists* since the King's reformation, who had even positively promised, they should not be molested for their Religion, after the great service they had done him. And yet, because their enemies had artfully included them in the general denomination of *Non-conformists*, they were to partake of the punishment due to the other Sects, who were called by the same name, though they had no fort of union with them. Wherefore the Reader may judge, whether this severity did not partly arise from their religion. In short, by the sole ambiguity of the word *Non-conformist* the objections and just complaints of the *Presbyterians*, are pretended to be combated.

This same year, the Council of *Scotland* shewed no less animosity against the *Presbyterians*; on pretence of some insolence committed by *Alexander Smith*, a private Minister, a Proclamation was published the 24th of *December*, ordering that all the filenced *Presbyterian* Ministers should, within forty days, remove themselves and their families from the places where they had been Ministers, and not reside within twenty miles of the same, or within six miles of *Edinburgh*, or any Cathedral Church, nor within three miles of any royal Borough, nor should be more than two together in the same parish, on pain of incurring the penalties of the Law against movers of sedition. I own, I see no other difference between sentencing men to death, and putting them out of a capacity to live, unless, that the latter punishment offers those who inflict it a more exquisite vengeance. But this rigour will appear the more extreme, if it is considered that the *Presbyterians* made properly the body of the Scotch nation (6).

Extreme rigour shown to the Presbyterians in Scotland. J. Phillips, Richard.

In the beginning of the year 1666, the King's affairs were in an ill situation. The King of *France*, preffed by the repeated instances of the *States-General*, recalled his Ambassadors, and published the 9th of *January* a declaration of war against *England*. This was not owing to his belief that the affairs of the States were desperate, (for the sequel shewed they could defend themselves without his assistance) but because the Pensionary, who was entirely attached to his interest, could no longer support himself without this declaration, which, as will hereafter appear, was not very prejudicial to *England*.

On the other hand, the States found means to secure the King of *Denmark*, by the promise of paying him yearly, as long as the war with *England* should continue, fifteen hundred thousand Florins, three hundred thousand of which were to be paid by the King of *France*. For this

The King of Denmark joins with the States. Richard.

(1) It is said, he got the Ships out, by fastning empty Casks under water to the sides of the Ships, which helped to buoy them up.

(2) Together with twelve Men of War, and two East-India Ships. Richard, Tom. III. p. 141.

(3) There died of a decay eight thousand five hundred and ninety six persons. *Joyce's Contin. of Bova's Survey*, B. I. p. 227.

(4) The penalty was forty pounds, and six months imprisonment, unless they took the said oath before their commitment.

(5) As also from the Lords, *Wharton*, *Affrey*, &c. Richard, Tom. III. p. 149.

(6) This year died *Maurice de Witt*, Earl of *Landsey*, and Sir *Knevel Dight*.

1665-6, he engaged to maintain a fleet at sea of thirty men of war for the service of the allies.

The States also raised for many enemies to the Bishop of Munster, that he was forced to make peace and disband his forces. This peace was concluded at Cleve, and signed the 18th of April.

The naval war was renewed in 1666, with all the disadvantages to England. If the King of France had acted with the sincerity, the States thought they had reason to expect, very probably the English fleet would not have ventured to appear with unequal force against the united fleets of France and Holland. But Louis XIV., as I have said, only declared war against England to save Mr. De Wit, who was just sinking, as appears in several letters of Count d'Eftrades. The Penitency being secure by this declaration, it was not difficult for the King of France to find pretences for retarding the assistance he had promised the States. Though his declaration was published the 19th of January, the fleet which he promised joined that of the States, was in the Mediterranean, under the command of the Duke of Beaufort, who, by accidents, real or pretended, arrived not at Belle-Ile till the end of September.

On the other hand, the King of Denmark, without a junction of his fleet with that of the States, contented himself with guarding his own coasts. So, this year, as the last, the war by sea was carried on between England and the States only.

The King returning to London the 1st of February, proclaimed war against France, [on the 10th.]

A few days before, the Queen miscarried, which entirely destroyed the common report, that she was incapable of having children.

The command of the English fleet was given to Prince Rupert and the Duke of Albemarle (†). They repaired to the 23d of April, but were not ready to sail till the end of May. It consisted of seventy eight ships of the line, besides frigates and fireships. In all appearance, the King was till then ignorant of the French King's secret intentions. But he knew, the Duke of Beaufort had orders to repair to Belle-Ile with his fleet, said to consist of thirty six sail, to join the Dutch fleet in the Channel. Therefore, he sent express orders to Prince Rupert to sail with twenty great ships, and join ten more at Plymouth, in order to go in quest of the Duke of Beaufort, which the Prince immediately obeyed. It cannot well be denied, that this order was sent with too much precipitation, and without due consideration. For, besides that the English fleet could, without danger, have waited for the French, which could not, with safety, have ventured to pass so narrow a sea as the Channel, while the English should be in their station, the French fleet was yet in the Mediterranean, when the order was sent to Prince Rupert, and that of Holland upon the point of failing out of their ports. The King had afterwards reason to see how unseasonably this order was given.

The fleet of the States, commanded by Ruyter, put to sea with seventy one ships of the line, twelve frigates, thirteen fire-ships, and eight yachts, and anchored between Neuport and Dunkirk. Ruyter had under his particular conduct the squadron of the Maes: That of North Holland and Friesland was commanded by Evertzen, and that of Zealand by Tromp. The English having a fair wind, failed to attack the enemy, who, on their side, cut their cables to be the sooner ready to receive them. Tromp's ship was so disabled at the first, that he was obliged to leave it for another. The same thing happened to Ruyter, who was coming to his assistance, and the powder of a Dutch ship taking fire, the blew up into the air. Ruyter sunk an English ship of fifty guns, then another of seventy, and afterwards three others of the first rate. In short, this first day, the advantage was wholly on the side of the Dutch, except that they lost Vice-Admiral Evertzen, who was killed by a cannon-ball.

The fight, interrupted by the night, was renewed early the next morning, but, after lasting some hours, was discontinued till noon by reason of a calm. After that, the wind rising, both fleets renewed the engagement with equal bravery. Tromp being once more obliged to change his ship, found himself so engaged in the English fleet, that he would have been infallibly taken or sunk, if Ruyter, by prodigious efforts, had not brought him off. This second day, the English had still the disadvantage, by losing eight of their largest ships either sunk or burnt, and six taken, with Sir George Aysough Admiral of the White.

The Duke of Albemarle would have taken the advantage of the night to retire, but was pursued too closely to execute his design. So that he was obliged to fight all the next day, as he retired towards his own shore. About the evening, he discovered Prince Rupert's squadron coming to his assistance. Whereupon the two English Admirals attacked their enemies again the next morning. But this fourth day proved as unsuccessful to them as the three former. They lost four of their best ships, and were obliged to retreat with precipitation. A mist happily conveyed them from Ruyter's pursuit. In these four days the English lost twenty three great ships, besides several others of less note, six thousand men, and two thousand six hundred prisoners. Amongst the slain were Sir William Berkeley, Vice-Admiral of the White squadron, and Sir Christopher Mordaunt. The Dutch lost six ships, two thousand eight hundred soldiers, and fourscore sailors, besides the Admirals Evertzen, Vander Hulst, and Stockboer, with some other officers. Though the victory was so evidently on the side of the Dutch, bonfires and rejoicings were made at London, as if the English had been conquerors (2).

The two fleets soon put to sea again, and as they were in quest of each other, they met the 24th of July, and fought a furious battle, where the victory was obviously disputed. The English fleet consisted of above a hundred sail; and the Dutch, of eighty eight ships of the line, besides nineteen fireships. While Ruyter, and young Evertzen, engaged the red and white squadrons, Tromp after a long dispute routed the blue squadron, commanded by Sir Jeremy Smith. But by an unpardonable error, instead of remaining with the fleet, he amused himself with pursuing the flying ships of the enemy. On the other hand, young Evertzen, who commanded one of the Dutch squadrons, was killed with a cannon-ball, and his squadron entirely defeated. But the English Admiral who fought against him, was not guilty of the same error as Tromp. Instead of pursuing the flying enemy, he joined the Red squadron, commanded by Prince Rupert, and the Duke of Albemarle, and these two squadrons attacked Ruyter, who nevertheless, by means of the night, disengaged himself. But the next day, he was obliged to sustain the fight alone against these two squadrons, there being no news of Tromp. He never in his whole life shewed so much bravery and capacity as in this second engagement. He sustained, with his single squadron, the brunt of the two English squadrons, and at last retreated with such wonderful conduct, that he gained more honour by it than he would have done by a victory. The English leaving the chase in quest of *Flushing*, went after Tromp, who, though he was met off Harwich, recovered the *Texel* without any loss. Ruyter at his return, loudly complained of Tromp's conduct, and to satisfy him, the States put Tromp under an arrest, dismissed him from his post, and put Van Ghent in his place (3).

About the time of these engagements between the English and Dutch; the Duke of Beaufort arrived with his fleet at Rochelle, where he staid to take in fresh water, which he greatly wanted.

As in the last engagement the Dutch fleet was dispersed, part retiring to *Flushing*, and part to the *Texel*, the Duke of Albemarle finding himself master of the sea, detached twenty men of war to brave the coasts of Holland. Holms coming to the Isle of *Flus*, burnt a hundred merchant ships, and two men of war designed for convoys. Then he advanced to the Isle of *Schelling*, and making a descent, burnt many houses in the little town of *Brandaris*. His design was to improve a treason carrying on in this life by one *Hemskirk*, for which Boat a French Gentleman, who secretly corresponded with the English, was beheaded at the *Hague*. But Holms not finding things ready as he expected, returned to the fleet.

After this expedition, the English fleet failed into the Channel, and anchored at *St. Helens*; the Isle of *Wight* being the most proper station for hindering the junction of the French and Dutch fleets. Ruyter on his side posted himself in *St. John's bay*, near *Boulogne*, where he was seized by a distemper, which for some time was believed mortal. This obliged the States to recall their fleet, of which they gave notice to the King of France.

Mean time, the Duke of Beaufort, ignorant of the retreat of the Dutch fleet, left Belle-Ile, where he arrived about the 20th of September, and entering the Channel, safely failed by the Isle of *Wight*, without being attacked, and got into *Dieppe*. He staid there a whole day without hearing any news of Ruyter. At last, being informed,

(1) Sir George Aysough was Admiral of the White, and Sir Thomas Allen of the Blue. *Eclairc.* Tom. III. p. 129.

(2) De Wit was on board the Dutch Fleet, who was said to have invented Chain-Shot on this occasion, which did incredible damage to the rigging of the English, and was a great means of the Dutch getting the advantage. And it is thought, if Prince Rupert had not come up when he did, the English Fleet was to be untraced, that they would have been all taken and sunk, or burnt. And yet a day of Transferring was appointed. *Barnes*, p. 229. *Eclairc.* the English had but nine Men of War taken or burnt, and the Dutch lost above fifteen ships, twenty one Captains, and above five thousand common Seamen. *Eclairc.* Tom. III. p. 161.

(3) According to *Eclairc.* there were about twenty Dutch Ships sunk or burnt in this Engagement; four thousand Seamen killed, and near three thousand wounded. *Eclairc.* Tom. III. p. 152.

War proclaimed against France. The Queen miscarried.

Prince Rupert and the Duke of Albemarle commanded the English Fleet. Evertzen, Skinner, Borchgrevink, Kennet.

Prince Rupert really ordered to find and fight the French Fleet. Evertzen, Bouchage.

A Sea engagement. La Nouvelle-Hollande, Bouchage, Eclairc.

Ruyter's brave retreat.

Tromp turned out of the post. Bouchage.

The French Fleet arrived at Rochelle.

The English made a descent upon Holland with great success. The Dutch, Bouchage, Skinner, Kennet.

p. 229.

The English Fleet before the Isle of Wight.

The Dutch Fleet recalled on account of Ruyter's illness. The Duke of Beaufort's illness before the Isle of Wight. Bouchage.

that

1666. that the Dutch fleet was retired, he sailed once more by the Isle of Wight, without meeting with any opposition, and got into the Ports of Bretagne. It is very surprising, that the English, who lay at the Isle of Wight to prevent the junction of the two enemies fleets, should suffer that of France to pass and repass without molestation (1). This may give occasion to suspect, there was some intelligence between France and England. But as I can't trace it, I shall not insist upon it. But it plainly appears, the King of France, after having amused the Dutch a whole year on divers pretences, did not really declare against England till the 10th of January 1665-6, and still amused them all this year, with the hopes of the arrival of the Duke of Beaufort, who entered the Channel but in September, when the Sea-campaign was over. If to this be added, Lewis's unwillingness to succour the States, as appears in his letter to d'Eftrades, there will be no cause to wonder at the little advantage received by the Dutch from the junction of France.

This year, the States had intended to assist the malecontents in England and Scotland, in order to give the English arms a diversion at home. This design was even communicated to the King of France. But he found so many objections to it, that it was suffered to fall unexecuted. Probably, the States had some correspondents among the Republicans, who being partly discovered, a great noise was made, and, according to custom, all the Non-conformists were charged with the plot.

The misfortune which this year befel the city of London, I mean the terrible Fire which laid to great a part of that vast city in ashes, gave a fresh occasion to the enemies of the Republicans, to charge them with being the authors thereof. This was only because the fire happened to break out the 3d of September (2), a day esteemed fortunate by the Republicans, on account of the victories of Dunbar and Worcester, obtained by Oliver Cromwell, when General of the armies of the Commonwealth of England. To represent without any aggravation, the ravages made by this fire in London, I need only infer the Inscription upon one of the sides of the column, erected on the place where the fire broke out. This column at London, is called the Monument, and visited by all strangers, but they only who understand the English language, can read this Inscription (3).

In the year of Christ 1666, the second day of September, at the distance of 202 Foot (the height of this Column) a terrible Fire broke out about midnight, which, driven on by a high wind, not only wasted the adjacent Parts, but also very remote Places, with incredible noise and fury. It consumed eighty-nine Churches, the City-gates, Guild-hall, many publick Structures, Hospitals, Schools, Libraries, a vast number of stately Edifices, thirteen thousand two hundred dwelling Houses, four hundred Streets. Of the six and twenty Wards it utterly destroyed fifteen, and left eight others shattered and half burnt. The ruins of the City were four hundred thirty-six Acres, from the Tower by the Thames side, to the Temple Church, and from the North-East Gate, along the City-Wall to Holborn-bridge. To the Houses and Fortunes of the Citizens, it was merciful, but to their Lives very favourable, that it might in all things resemble the last Conflagration of the World. The destruction was sudden, for in a small space of time the same City was seen most flourishing, and reduced to nothing. Three days after, when this fatal Fire had blasted all human Counsels and Endeavours in the Opinion of all, it stopped, as it were, by a Command from Heaven, and was on every side extinguished.

Men failed not to give a scope to their imagination, and to form conjectures upon the causes and authors of this fire. The pious and religious ascribed it to the just vengeance of Heaven, on a city, where vice and immorality reigned so openly and plentifully, and which had not been sufficiently humbled by the raging Pestilence of the foregoing year. Some again, as I have said, ascribed this misfortune to the malice of the Republicans; others to the Papists. And there were some so bold, as even to suspect the King and the Duke of York. But tho' several suspected persons were imprisoned, it was not possible to discover, or prove, that the Baker's house, where this dreadful calamity first broke out, was fired on purpose. However, [one Robert Hubert] a French Huguenot (4), native of Rouen, and a lunatic, confessing himself guilty of this fact, was condemned and executed. But it appeared afterwards, by the testimony of the master of the ship, who brought him from France, that though he was landed at the time, he did not arrive in London till two days after the fire began. It is pretended likewise, that a Dutch boy, ten years of age, confessed, that his father, and himself, had thrown fire-balls into the Baker's house, through a window that stood open. But, besides the objection which may be made to this testimony from the boy's age, there must have been some cir-

cumstance in his narrative, not agreeable to the fact, since it was not thought proper to make a farther enquiry. Perhaps this was only a groundless report.

But that which gives most cause to believe this fire did not happen casually, is, the testimony of Dr. Lloyd, afterwards Bishop of Worcester. That Prelate told Dr. Burnet,

—That one Grant a Papist had some time before applied himself to Lloyd, who had great credit with the Countess of Clarendon, (who had a large estate in the new river that is brought from Ware to London) and said, he could raise that estate considerably, if he would make him a trustee for her. His schemes were probable, and he was made one of the board that governed that matter; and by that he had a right to come as oft as he pleased to view their works at Islington. He went thither the Saturday before the fire broke out, and called for the key of the place where the heads of the pipes were, and turned all the cocks that were then open, and stopped the water, and went away, and carried the keys with him. So when the fire broke out next morning, they opened the pipes in the streets to find water, but there was none. And some hours were lost in sending to Islington, where the door was to be broke open and the cocks turned; and it was long before the water got to London. Grant indeed denied, that he had turned the cocks. But the officer of the works affirmed, that he had, according to order, set them all a running, and that no person had got the keys from him besides Grant; who confessed, he had carried away the keys, but pretended he did it without design.

This is Dr. Burnet's account, and agrees in the main with Echar's in his History of England. However, an anonymous Author, who has writ against Doctor Burnet's History, accuses him directly of falsehood, and asserts that Grant was not one of the board till after the fire. But it is difficult to know, what regard is due to the testimony of this anonymous writer, whereas one can hardly believe crediting this illustrious Prelate, when he says, he had it from Doctor Lloyd, that Grant was made one of this board before the fire, and that it was by his means. However, this great fire was generally imputed to the Papists, and the more, because several other things afterwards help'd to confirm this suspicion.

The Parliament meeting the 21st of September, the King, in a Speech to both houses, told them, the money granted him had not suffic'd to carry on the war, considering his two powerful enemies. He boasted of the great success with which God had been pleased to bless his arms, supposing his fleet to have been always victorious. Immediately after, the Commons liberally voted the King a supply of eighteen hundred thousand pounds: Thus in the space of two years, this war cost the People of England five millions, five hundred and fifty thousand pounds; that is, above sixty millions of Dutch florins, and above seventy two millions of French livres, allowing thirteen Livres-Tournois to one pound Sterling.

Mean while, the two Houses beginning to discover, that the King was not the zealous Protestant he affected to appear; that the Papists had great influence in his Council, and that their Religion made a visible progress, presented to him an Address for executing the laws against Popish Priests and Jesuits, who were labouring to pervert his Subjects. The King, according to the method of his Father, Grandfather, and his own, immediately published a Proclamation for banishing the Priests and Jesuits, on pain of being punish'd according to Law, it found in the Kingdom after the 10th of December. So banishment was the worst that could happen to them, even supposing the King's order should have been executed. But the more rigorous the Proclamations were, the more favorable was the execution. This manifestly appears in their being so often repeated. But to give a more convincing proof of the Court's disposition in this respect, I shall here produce a passage in a Letter to the Earl of Sandwich, Ambassador at Madrid, from Secretary Bennet, lately created Earl of Arlington, a reputed Papist, tho' he professed the Protestant Religion. In this letter he told the Ambassador, Your Excellency knows sufficiently the Springs upon which the animosity to the Roman-Catholics rises, and how hard it is for his Majesty to forbear declaring against them, when the complaint arises from both Houses of Parliament, and accordingly you can your self frame your answer to the Queen of Spain.

The rigor exercised against the Presbyterians in Scotland caused some of the most impatient to rise in arms to the number of fifteen hundred, and form a regular Body, with officers in proportion to head them. Probably, they hoped, if they should gain some advantage to be join'd by

(1) Three or four of the French Ships fell among a Squadron commanded by Sir Thomas Allig, who took one of them. Richard, p. 163.

(2) That he broke out the 3d of September.

(3) All the Inscriptions, except that round the Pedestal, are in Latin.

(4) Bishop Burnet, and some others, say, That he was a French Papist, p. 250.

1666.

Extract from Burnet's History relating to this Fire. p. 251.

The King's Speech to his Parliament. Richard.

A large supply voted the King.

The Parliament address the King against the Popish Priests. p. 169.

Proclamation against Jesuits, &c. Nov. 10. 1663. Kennet.

An Insurrection in Scotland. Richard.

theirs

1666. their Brethren. But in their first action with the King's forces, they were dispersed with the loss of three hundred men, and one hundred prisoners, who were most of them executed. It was not forgot to say that they held intelligence with the English Presbyterians, and, if they had gain'd the victory, the like insurrection would have appeared in England. But it may easily be judged, that the Presbyterians in England would not have been spared, if they could have been proved guilty, considering how the Government stood affected towards them. Inconsiderable as this insurrection was, the English Historians have been pleas'd to represent it as very important, in saying, the nation was suddenly alarmed with an insurrection of the Presbyterians in Scotland, with whom it was not doubted those of England held a strict correspondence. These Authors are to be forgiven for not being willing to miss the first opportunity to include the English Presbyterians in these conspiracies, though it be only on the authority of a *Tis believed*.

Messengers from the Commons to the King The King was impatient for the dispatch of the Money-Bill, of which it seem'd the Commons took no farther notice. He therefore thought it necessary to quicken them by a message. He likewise told them, he could not permit any adjournment at Christmas, except for the principal Holidays. But this message, it seems, produced no great effect. The Commons were then examining complaints against the Lord Mordant Governor of Windsor Castle, who was accus'd of some arbitrary and tyrannical actions. But neither this affair, nor the money-bill could be finish'd before the conclusion of the year.

1666-7. The Parliament met the 2d of January, after a short adjournment, and immediately the Commons accus'd the Lord Mordant, at the bar of the Lords House, and then preferred articles of high crimes and misdemeanors against him. But they were displeas'd, that the accus'd was suffer'd to be within the bar of the House, whilst his accusation was reading. This occasioned a dispute between the two Houses. There was also another difference between them, concerning the Commissioners appointed by the Commons to levy the Poll-tax, and to take the publick accounts on oath. This was the subject of several fruitless conferences (1).

The King came to the Parliament the 8th of January, and gave the royal assent to the Poll-bill, but complain'd of the nomination of Commissioners, as a mark of their distrust of him (2).

The misunderstanding between the two Houses still continuing, the King came to the Parliament the 8th of February, and after passing several acts, he assur'd them, the money granted should be laid out for the ends it was design'd. Then he prorogued the Parliament to the 10th of October. The Acts pass'd were; an Act to continue for eleven months, the monthly assentment of seventy thousand pounds, which with the Poll-tax, was conceiv'd sufficient to make good the eighteen hundred thousand pounds, granted to the King. The other Acts concern'd chiefly the new buildings in London, which were finish'd sooner than could be expect'd, and in a manner more beautiful and regular than before the fire (3).

It is now time to speak of the Peace between England and Holland, which was now, though very secretly, negotiating, at the time the Parliament granted eighteen hundred thousand pounds for carrying on the war. In November 1665, before the King of France had declar'd against England, the States, for a foundation of peace, had offer'd the King one of these two conditions, either that each of the parties should restore what had been taken, or both keep what they were possess'd of. This was a sure way to obviate all difficulties which might occur in the negotiation of peace. Besides, the last of these conditions was very advantageous to England, by reason the great number of ships taken from the Dutch before even the war was proclaim'd. This offer was renew'd at Paris about the middle of the year 1666, in a conference there between Mr. de Lyonne, the Lord Holles the English Ambassador, and Mr. Van Beuningen Envoy from the States. Probably, Charles expected greater advantages in the continuance of the war, since he return'd no answer to this offer. He only complain'd of its obscurity, without signifying where-in it consist'd. Nevertheless, he received this advantage from it, that he knew how the States were dispos'd, and what he could depend on: so that it was in his power to make peace whenever he should think proper. The 17th of September the same year, the States repeated the same offer in a letter to the King. But as this was when the

Parliament was going to sit, and when the King expected a large supply for carrying on the war, he did not think fit to embrace it. He contented himself with signifying to the States in a letter of the 4th of October, his dissatisfaction at their proceedings, and at the calumnies they had rais'd against him, in accusing him of being the aggressor, and rejecting all proposals for peace. Then he largely justify'd himself upon what had been alledg'd by the States against him. But the most important part of this letter was the King's positive assurance that he had accepted the mediation of Sweden. A place therefore to treat was to be agreed on. The choice of this place afford'd the King a pretence to defer the negotiation some months. He was at first for having the peace negotiat'd at London, to which the States would have readily consented, if the Kings of France and Denmark had believ'd it consistent with their honour. Upon the representation made by the States, concerning the refusal of the two Kings their allies, he answer'd, that he had no affair to negotiate with France, and complain'd of the King of Denmark for making war against him without any reason. He was so offended with that King, that he made no scruple to tell the States, it was at the instigation of Denmark, that he sent his fleet to Bergen, and agreed with him to divide the spoil. At last, the States left the nomination of the place to him, provided it was approv'd by their allies. The King accepted the offer, but insinuated that the States should first write to him to testify that they would willingly have sent their Plenipotentiaries to London, if the two Kings their allies would have given their consent. This Letter was writ, as he desir'd, the 13th of January 1666-7, and the King in his answer of the 20th, nam'd the Hague for the place of conference. He knew, the Pensionary would not accept it, on account of the cabals which the English Ambassadors might make against him in favour of the young Prince of Orange. Accordingly *De Wit* privately caus'd the King of France to reject the proposal.

All the King's proceedings clearly shew, he was desirous of peace, and as it was in his power he might have concluded it before the end of the year 1666. But too much haste would have depriv'd him of the eighteen hundred thousand pounds granted for the continuance of the war. This was the true reason of the difficulties rais'd by him concerning the place of congress, in order to gain time till the Money-Bill was pass'd. After he had given his assent to the last Bill for the continuance of the monthly assentment of seventy thousand pounds, all difficulties began to vanish. Seven or eight days after, the Earl of St. Albans was sent to Paris to notify to the King of France, that Charles consented that things should remain in the State to which the chance of war had reduc'd them. He add'd R. Coke, however one condition, namely, that France should restore to him the Isle of St. Christopher, and three other small Islands in America, seiz'd by that crown the last year. But this was a thing proper to be discuss'd at the Congress, whereas the choice of the alternative made the essence of the treaty with the States. So, it may be said, that from this time the peace was in a manner concluded; nothing being wanted but the formality of a treaty.

Mean while, the King of France, to serve Mr. *De Wit*, in preventing the King of England from insisting upon his nomination of the Hague, for the place of conference, thought of an expedient in which he succeeded. This was to name Dover for the place of Congress. And when it was object'd to, he add'd Breda, Bois-le-duc, and May-reicht, leaving to the King of England the choice of one of these four towns. At last, Charles having no longer interest to delay the Peace, writ to the States the 18th of March, that he was willing to send his Plenipotentiaries to Breda.

The Difficulty concerning the place of Congress being removed, the next thing was to appoint Ambassadors, and dispatch the pass-ports. And it was agreed the conferences for the peace should begin the 10th of May. But the English Plenipotentiaries arriv'd not at Breda till the 20th. These were the Lord Helle, and Mr. Henry Coventry (4). From France came Count d'Eftrades, and Mr. Courtin; from Denmark, Mess. Klingenberg and Canisius, and from the States General, Mess. Beverninch, Habert, and Tonghal, The Mediators from the King of Sweden were, Mess. Fleming and Czet. But the last lying at Breda, during the conferences, Count de Dohna, the Swedish Ambassador to the States, took his place.

At the first opening of the Congress, a very obvious mistake was discover'd, but which, in all appearance, had

(1) *Rapla* has express'd this affair very confusedly, and therefore it is somewhat altered in the Translation.

(2) He gave his assent at the same time to a Bill for burying in Woolwich. See *Statute*, 18 Car. II.

(3) To this end, a Bill was now pass'd, for laying Twelve-pence upon every Child, and Twelve-pence upon every Tun of Coal, that should be brought into the Port of London, for ten years, the better to enable Lord-Mayor and Aldermen to recompence those persons, whose grounds should be taken from them, in order to enlarge the river, &c. And about this time was set up an Office for entering House from Fire, which was principally contriv'd by Dr. Barbon, one of the wiser and most considerate rebuilders of the City. *Richard*, *Tom.* III. p. 177.

(4) Of the King's Bed-Chamber.

1667. been connived at by the two parties for fear of obstructing the Congress. In their letter to the King of England, the 17th of September, the States had made two proposals for peace, the second of which was that each should keep what he had taken, before or during the war. This was what the States had ever adhered to, without any variation. But the King in a letter to the States, the 24th of April 1667, said,—"We take this opportunity to declare to you, that we accept the choice proposed to us, that is, that each party shall keep whatsoever he has taken during this war, which being granted, we shall order our Ambassadors to proceed in the present treaty, upon the foundation of that made between us in the year 1662."

It is manifest, that in the second condition proposed by the States, was included whatever had been acquired by either party, not only during, but before, the war, and in the King's letter was comprised only what had been taken during the war. Now the King, according to the terms of his acceptance, pretended, the States should make him satisfaction for the two ships, the *Good Hope*, and the *Ben Adventure*, taken, or sunk before the treaty of 1662. Moreover, he pretended, that as the States were obliged by the same treaty to restore to him the *Isle of Palerm* in the *East-Indies*, and as that *Isle* was still in their possession, it should be delivered to him. These two articles were the principal subject of the disputes in the conferences of *Breda*, and retarded the conclusion of the treaty, to the great damage of the *English*, as will hereafter appear. The States kept to the terms of their offer, and the King to those of his acceptance.

I have already spoken of the two ships taken by the *Dutch* in the interval between the two treaties of the year 1659, and 1662. As for the *Isle of Palerm*, the States pretended, they had restored it in form, and produced a receipt from the *English* officer, to whom it was delivered. But before this surrender, they had entirely dispossessed it, and cut down all the *Clove-trees*, and in short, had seized it again since the beginning of this war. But the King pretended, there were essential defects in the form of the restitution, and that the States were obliged to restore it by the terms of the treaty 1662. The importance of this *Isle* consisted in that within four or five years it might be new stocked with *Clove-trees*, if it was in the hands of the *English*, and to prove very prejudicial to the *Dutch*, who were masters of the whole *Spice-trade*.

To decide these two articles, from which both parties made it a point of honour not to recede, *Couriers* were to be sent several times to *London* and the *Hague*, and those from *London* brought only stricter orders to the Ambassadors to insist upon the two ships, and the *Isle of Palerm*. But at length the King yielded the last, so that the whole Negotiation was reduced to the satisfaction demanded for the two ships. It is not very surprising, that the King should insist on this article. He had begun the war under the specious pretence of procuring reparation for all the damages done to his Subjects, which he computed at seven or eight hundred thousand pounds Sterling. To enable him to obtain this reparation by force of arms, the Parliament had furnished him with five hundred and fifty-five thousand pounds. He had moreover taken six score ships, before the war was declared, and above four score since. In all appearance, he had not applied the product of these captures to the benefit of his Subjects, who, according to his calculation, had lost seven or eight hundred thousand pounds, and for which the war was undertaken. He could not therefore well dispense with procuring the Merchants, who had lost these two ships, the satisfaction demanded by them, without giving occasion to believe, this war had been undertaken for imaginary pretensions. For the pretensions concerning these ships were properly the only things that were specified. All the rest consisted in general, the discussion whereof was unnecessary, by reason of the choice proposed by the States. It was not that they feared a discussion, since they had offered it in the first of their two conditions. But it was the King's interest to avoid it, and accept the second condition. If he had embraced it, in the same terms as offered by the States, all the grounds of this war, so expensive to *England*, would have remained in obscurity. He could not therefore in honour but insist upon the only article, which could be considered as a just cause of the war, though it did not amount to ten thousand pounds Sterling. Mean while, as since the offer of the States, he saw, he could make peace when he pleased, he thought it a needless expence to put to sea a powerful fleet, as he had done the two foregoing years, and that it was better to save the best part of the money granted for the continuance of the war. To this end, relying on the certainty of a peace, he laid up his great ships, and kept only a squadron of twenty sail, while the States continued their

preparations as usual, in their uncertainty of the King's intention concerning peace.

Mean time, the States seeing what difficulties the King formed upon an article of so little consequence, believed, or pretended to believe, he was averse to peace. They therefore resolved, either to force him to relinquish his pretensions, or at least to continue the war this summer with advantage, because they knew, that the King would have no fleet at sea.

Pursuant to this resolution, *Ruyter* sailed out of the *Texel* the 28th with fifty ships, and came the 8th of June to the mouth of the *Thames*, from whence he detached Vice-Admiral *Fan Ghent*, with seventeen of his lightest ships, and some fire-ships.

Van Ghent, the 10th of June, sailed up the *Medway*, made himself master of the fort of *Sheriff's*, and after burning a magazine full of stores, to the value of forty thousand pounds, blew up the fortifications. This action alarmed the city of *London*; so that to prevent greater mischief, several ships were sunk, and a large chain put across the narrowest part of the river *Medway*. But by means of an easterly wind, and a strong tide, the *Dutch* ships broke through the chain, and sailed between the sunk vessels. They immediately burnt three large ships, the *Mathias*, the *Unity*, and the *Charles the Fifth*, all taken from them in the present war, and carried away with them the hull of the *Royal Charles*, besides burning and damaging several others. After this, they advanced as far as *Upore* castle, and burnt the *Royal Oak*, the *Loyal London*, and the *Great* for as *Charles*. The *English* fearing all the *Dutch* fleet would fall up to *London* bridge, sunk (thirteen) ships at *Woolwich*, and four at *Blackwall*, and Platforms furnished with artillery to defend them, were raised in several places. The conflagration was very great, and the complaints were no less so. It was openly said, the King out of avarice had kept the money so generously given him to continue the war, and left his Ships and Subjects exposed to the insults of the enemy, though he had exclaimed against the injustice done him, in believing him capable of such an action. The King was under an inexpressible concern, as well for fear of greater damage from the *Dutch* fleet, as for the mortification this affair gave him, and the shame of having nothing to say to the murmurs of his people. Besides, he could not but reproach himself for being the cause of this insult, by insisting too long upon an affair of ten thousand pounds, and thereby retarding the conclusion of the peace (1).

After this exploit, *Ruyter* sailed to *Portsmouth*, with a design to burn the ships in that harbour; but finding them secured, he failed to the West, and took some ships in *Terby*. He then failed Eastward, beat the *English* before *Harwich*, and chased a squadron (of nineteen men of war) commanded by Sir *Edward Spragg*, who was obliged to retire into the *Thames*. In a word, he kept the coasts of *England* in a continual alarm all July, till he received the news of the conclusion of a peace.

This event had so changed the face of affairs, that the *English* Ambassadors at *Breda* grew more pliant, and were easily persuaded to yield the article of the two Ships. It was however with the reservation of the King's approbation, before the signing of the treaty. For this purpose, of *Coventry*, after all the articles were settled, passed into *England* the 2d of July, and returned the 8th with the King's approbation, and the 21st the treaty of peace was signed. It was divided however into three separate treaties, by reason of some inconveniences which would otherwise have followed. But by a writing signed by all the Plenipotentiaries, it was declared, that the three treaties should be esteemed but one and the same.

The most important articles of the treaty between *England* and *France*, were,

VII. The most Christian King shall restore to the King of *Great-Britain*, that part of the *Isle of St. Christopher's*, which the *French* have taken from the *English*, since the declaration of war.

X. The King of *Great-Britain* shall restore to the most Christian King, the Country of *Acadia*, in *North America*, some time in possession of the said most Christian King.

XI. The most Christian King shall restore to the King of *Great-Britain*, the *Isles of Antigua*, and *Maniserrat*, if they are still in his possession, and in general, all the Territories, *Isles*, Towns, and Fortresses, which may have been conquered by his Arms, and which belonged to the King of *England* before the beginning of the war with the States-General, and reciprocally the King of *Great-Britain* shall restore the Territories, *Isles*, Towns, &c.

XVII. This article contained a regulation of all the captures, which might be made since the conclusion of the peace.

XVIII. In case of a war, it is stipulated, that six months

(1) *Kennel* infers from a Letter of the Earl of *Arlington*, That the *Dutch* were set on by the *French* to burn our Fleet. *Hist. Tom. 3. p. 127.*

1667. notice shall be given to the Merchants to withdraw their effects.

Principal Articles of the Treaty between Great-Britain and the States-General.

Article III. Both sides shall forget and forgive all offences, damages, and losses, which either have suffered during this war, or at any time before, or under any pretence, as if they had never happened. Each party shall hold for time to come in full right of sovereignty, propriety and possession, all such counties, isles, towns, forts, places and colonies, as, whether during this war, or before, have been taken and kept from the other by force of arms, and in what other manner soever, and that as they possessed and enjoyed them the 10th day of May last.

IV. All ships, goods and moveables, which at any time have come into the power of either party, shall remain in the present possessors thereof, without any compensation or restitution for the same.

V. All actions, demands, and pretensions whatsoever for the same shall remain void, obliterated, and disannulled, &c.

XV. The said Lord the King, and the said Lords the States, shall not receive into their Dominions any such persons as shall be declared fugitive rebels, of the one or the other.

XIX. All ships and vessels of the *United-Provinces*, as well men of war as merchant-ships, and others, which shall meet in the *Britannick Seas* any ships of war belonging to the King of *Great-Britain*, shall strike the flag, and lower the sail as it has formerly been practiced.

XXXII. If the former differences shall be renewed, and turned into an open war, the ships, merchandize, and all moveable effects of both parties, which shall be found in the Sea-ports and Dominions of the adverse party, shall be by no means confiscated or damaged; but there shall be granted to the Subjects of both parties the term of six whole months, during which time they may transport the said effects where they please.

XXXVI. For the greater assurance that the present treaty shall be observed with good faith on the part of the States-General, they engage themselves by these Presents, that those persons who shall be chosen by the said States-General, or the particular Provinces, into the offices of Captain-General, Stadtholder, Field-Marshal, Admiral, shall swear that they will observe, and cause to be observed religiously this treaty.

By a separate article it was agreed, That if any of the Murderers of *Charles I.* should be found in the Dominions of the States-General, they should be delivered to the King, &c.

If it is now considered, what advantages *England* received from a war undertaken upon so slight grounds, and with such animosity, it will not be easy to discover a single advantage that was not really contained in the treaty of the 4th of September 1662. But on the contrary, it will be found, that this war cost five millions five hundred and fifty thousand pounds Sterling, besides the loss of the ships of war, whether in sea-engagements, or in the affair of *Chatham* (1). And yet the King had assured the Parliament, in one of his speeches, that he would never lay down his arms, till he had procured his Subjects a reasonable satisfaction for their losses, which upon his computation, amounted to seven or eight hundred thousand pounds. And if these losses are supposed real, this peace was so much the more dishonourable to the King and the *English Nation*. But, on the other hand, it is easy to perceive, that the King and Duke of *York* reaped by it considerable advantages: the King, by the large supplies of money which were granted him, but not expended in the war, at least, the eighteen hundred thousand pounds given in *January* and *February* this year, and by the sale of above two hundred ships taken from the *Dutch*: the Duke of *York*, by his claims upon these captures as Lord High-Admiral, and by the present of one hundred and twenty thousand pounds made him by the Parliament. Such was the conclusion of this great armament, which was to humble the pride of the *Dutch*, and render them for ever incapable to support their trade and dispute the Empire of the Seas with *England*. The peace was proclaimed at *London*, and at the *Hague*, the 24th of *August*.

The King of *France*, as hath been seen, gave no very real assistance to his allies, since his fleet never joined that of the States, not even this last year, when the *English* were in no condition to oppose the junction. He had then other designs, which he discovered in *June*, by an invasion of the *Netherlands*, on account of his Queen's pretensions to *Brabant*, after the death of *Philip IV.* her Fa-

ther. In the whole course of the war between the King of *England* and the States-General, he clearly showed his intention to make *Charles* his friend, in which he afterwards succeeded but too well. He would never have declared against him, notwithstanding his strict engagement with the States in the treaty of 1662, had he not believed such a Declaration absolutely necessary to support Mr. *De Wit*, who otherwise was in great danger of ruin. He earnestly wished to see the end of this war, in which he had very unwillingly engaged. This appeared chiefly in the conferences at *Breda*, where his two Plenipotentiaries performed properly the office of Mediators, though those of *Sweden* had the name. Accordingly he was greatly suspected in *Holland* of a secret correspondence with *England*.

Complaints and murmurs against King *Charles* and his Ministers succeeded the animosity with which the *Dutch* war was begun. When the advantages obtained by the peace were compared with the expence of the war, they were found so disproportionate, that men could not forbear suspecting, it had been raised by motives repugnant to the interest of *England*. The people had been told, it was undertaken to procure the Merchants satisfaction for the damages received from the *Dutch*: to revenge the indignities the Nation had suffered: and to incapacitate the *United-Provinces* ever to rival *England* again, but nothing of all this had been done. The Merchants had received no satisfaction even for the two ships, the *Good Hope* and the *Ben-Adventure*, though that article was the most specified. Instead of revenging the affronts offered the Nation, *England* had received a real and most mortifying indignity in the business of *Chatham*. Lastly, after the peace of *Breda*, the *United-Provinces* were in a more flourishing condition than before the war, and looked on this peace as a triumph for them. On the other hand, few people could digest the King's pressing the Parliament for money to carry on the war, and that after receiving eighteen hundred thousand pounds Sterling he should be so intent upon peace, as not to put himself in a condition to obtain reasonable terms. This was a subject very apt to raise a suspicion of the sincerity of his intentions for the good of his people.

In short, it was more and more discovered that the Papists had great influence at Court, and that the Proclamations published against them at the desire of the Parliament, were far from being rigorously executed. The Earl of *Arington*, almost open protector of the Papists, was made Secretary of State, and in great favour, while the credit of the Earl of *Clarendon*, their enemy, daily declined. This began to produce suspicions disadvantageous to the King. Besides, his dissolute life did not help to preserve the high opinion conceived of him in the beginning of his reign. His Court was a scene of debauchery, where his mistress ruled absolutely, and nothing was done but through their means. They consumed his vast revenues, with almost all the money granted by Parliament, so that in the midst of riches, he was always in want, and forced to seek new pretences to draw money from his Parliament, to supply his private occasions.

These suspicions and complaints reaching the King, he resolved to appease them by sacrificing the Earl of *Clarendon*, who had hitherto acted as Prime-Minister. He knew, the People are always excessively pleased with sacrifices of Ministers, who have enjoyed the greatest credit, and on whom generally all the miscarriages are thrown. But this was only a pretence used by the King to be delivered of a Minister, whom he no longer loved, and whose presence and counsels were become insupportable to him. The Chancellor's regular life, his aversion to debauchery and libertinism, his grave and severe manners, his neglect of the King's favourites and mistresses, and lastly, his principles and maxims concerning religion and the state, all agreed with the disorderly life of the court, and still less with the projects formed in favour of the Papists, under colour of easing the Presbyterians. For this reason, and for his rough and always too haughty behaviour, he had rendered himself odious to all the courtiers, who never ceased to do him ill offices, especially when they saw him in the decline of his favour. He had often taken the liberty to reprove the King for his disorderly life, and at first his reproofs were well received. But when the King had once abandoned himself to his pleasures, he could no longer bear the presence of a man, whose advice he had formerly received with a sort of submission. The Duke of *Buckingham* and some others perceiving this disposition of the King, neglected nothing to cherish it. As often as they saw the Chancellor coming, they would fly to his Majesty, *Here comes your School-master!* At other times they mimicked him before the King, in order to make him ridiculous. The

(1) The *Dutch* were also, on their part, put to very great charges. For Sir *William Temple* affirms, That in the year 1665, there were mislaid in the Provinces forty millions of *Gulden*, of which twenty two in the Province of *Holland*. And upon the *Bills* put *Raynor's* invading them at the same time by *Leam*, they had, in the year 1666, above thirteen thousand *Leam* men in pay; and a Fleet of above an hundred Men of War at Sea. *Observat. upon the United-Provinces*, p. 74.

1667. Duke of Buckingham used to walk in a stately manner, with a pair of bellows before him for the Purse, whilst Colonel Titus carried a fire-shovel on his shoulder for the mace. The King suffered these buffooneries, and thereby discovered his disgust to his minister. But as these are only trifles, and as the King's disgust turned at last into real hatred, it is proper to relate the more serious causes which have been offered in vindication of the King's resentment.

Cause of his Fall.
Edward.
III. p. 191.
Burnet.
p. 427, &c.

1. It is pretended, the King desirous to be divorced from his Queen on several weak pretences, could never obtain the Chancellor's approbation.

2. The King intended, after his divorce, to marry Mrs. Stuart his relation, of whom he was amorous. The Earl of Clarendon, to prevent this, persuaded the young Duke of Richmond to marry her, by representing, how serviceable it would be to gain him the King's favour. The Duke, following this advice, made his addresses to the Lady, who, knowing nothing of the King's design, believed he ought not to refuse so good an offer, and the marriage was immediately concluded. The King thus disappointed, banished the Duke, with his new Duchess, from the Court, and never forgave the Chancellor.

Welwood,
p. 109.

3. Another, and, as was generally thought, the most apparent cause of the King's resentment against the Chancellor, was his opposing Pepham's project of settling an annual revenue of two millions of pounds Sterling upon the King, which was seconded by the Earl of Southampton.

4. The most probable cause of the Chancellor's ruin was, that the Papists, whose counsels and projects were listened to, and approved by the King, omitted nothing to destroy him, knowing, that under his Ministry they could never hope to accomplish their designs.

Burnet,
p. 249.
Knox's
Regist.,
p. 504.

5. A stately House built by him near St. James's Park (1), and in the very year of the Plague did him great injury in the minds of the people. It is pretended, it cost him fifty thousand pounds Sterling, though at first he designed to lay out but fifteen or sixteen thousand. People gave it the name of *Dunkirk-House*, because it was supposed that his advice for the sale of that place had furnished him with the means to build it. He committed another error, in purchasing for this House the stones designed for repairing St. Paul's.

Has the
Great Seal
been from
him.
Edward.
III. p. 190.
The Earl of
Southampton's
death.
Id. p. 192.
Burnet.

However this be, the King, under colour of giving some satisfaction to his People in sacrificing this Minister, deprived him of his office of High-Chancellor, and made Sir Orlando Bridgeman Lord-Keeper of the Great-Seal.

The Earl of Southampton Lord-Treasurer, dying three months before the Chancellor's disgrace, the King was at once deprived of two great and faithful Ministers, whose loss was never repaired, at least, with regard to their morals, their religion, and affection for their country. A little before Southampton's death, some person in council speaking against the Chancellor, he with some emotion said—*The Earl of Clarendon is a true Protestant, and an honest Englishman, and while he is in place we are secure of our laws, liberties, and religion: but whenever he shall be removed, England will feel the ill effects of it.* In this he proved a true Prophet.

After the Earl of Southampton's death, the King put the Treasury into commission. Among the Commissioners was Sir Thomas Clifford a known Papist (2), on whom afterwards fell the King's choice for Lord-Treasurer.

The Lord-
Keeper's
Speech to
both Houses.
Edward.
Knox.

The Parliament meeting the 10th of October, the King spoke but little, and left it to the Lord-Keeper, to acquaint both Houses with his Intentions. His Speech ran chiefly upon a sort of excuse for the King's having, contrary to custom, after a prorogation to October, ordered the Parliament by Proclamation to meet the 25th of July, and then, by another Proclamation deferred the new session to the time first appointed. He communicated to them the conclusion of the peace, and desired them to settle the balance of trade with Scotland. He said, the King having named Commissioners to state the public accounts, and examine to what uses the money granted by Parliament had been applied, and this commission not having succeeded as he expected, he left them to follow their own method, and examine them as strictly as they pleased. He added, that some malicious persons had dispersed false reports against the Government, with design to create a dissension in his subjects: but that his Majesty promised himself from their affection, they would, on the contrary, endeavour to preserve a good understanding between him and his people. That if any just grievances have happened, his Majesty was ready to redress them, and did not doubt they would imprint upon the hearts of his subjects that

known truth—*That there is no dissimilar interest between the King and his People, but the good of one is the good of both.*

1667.

Some days after, the two Houses presented an address to the King to thank him for several things: 1. That he had disbanded the late raised forces: 2. That he had dismissed the Papists from out of his guards, and other military employments: 3. That he had revoked the Canary patent: 4. And more especially, That he had displaced the late Lord Chancellor, and removed him from the exercise of publick trust and employment in affairs of State. The King answered to this last article, *That he would never employ the Earl of Clarendon again in any publick affairs whatsoever.*

The address of both Houses.
Knox.
Octob. 12.
Knox.
Edward.

The King sufficiently discovering his intention not to protect the Earl of Clarendon, the House was thereby incouraged to seek reasons or pretences to impeach him of Treason. But it is too little to say, the King would not protect him. It is certain, he himself was his adversary, and accused the Commons against him. This he clearly showed, by reprimanding Sir Stephen Fox who was of his Household, and Member of the House of Commons, for having voted in favour of the Earl of Clarendon. To which Sir Stephen replied, *That he knew the Earl to be an honest Man, and that sure could never be guilty of the crimes laid to his charge.* At last, the Commons proceeding with great passion, ordered an accusation to be drawn and presented to the House, the substance whereof is as follows.

Edward.
III. p. 192.

"I. That the Earl of Clarendon hath designed a standing army to be raised, and to govern the Kingdom thereby; and advised the King to dissolve this present Parliament, and to lay aside all thoughts of Parliaments for the future; to govern by a military Power, and to maintain the same by freequarter and contribution.

Edward a.
the Earl of
Clarendon.
Nov. 6.
Knox.
p. 556.
Edward.
Knox.

"II. That he hath, in the hearing of the King's subjects, falsely and seditiously said, *That the King was in his heart a Papist, or Popishly affected, or words to that effect.*

"III. That he hath received great sums of money for the procuring of the Canary-Patent, and other illegal Patents; and granted illegal Injunctions to stop proceedings at law against them, and other illegal Patents formerly granted.

"IV. That he hath advised and procured divers of his Majesty's subjects to be imprisoned against law, in remote Islands, Garrisons, and other places, thereby to prevent them from the benefit of the law, and to produce Precedents for the imprisoning any other of his Majesty's subjects in like manner.

"V. That he procured his Majesty's customs to be farmed at under rates knowing the same; and great pretended debts to be paid by his Majesty, to the payment of which his Majesty was not strictly bound, and afterwards received great sums of money for procuring the same.

"VI. That he received great sums of money from the Company of Vintners, or some of them or their agents, for enhancing the Prices of Wines, and for freeing them from the payment of legal Penalties, which they had incurred.

"VII. That he had in a short time gained to himself a greater estate than can be imagined to be gained lawfully in so short a space: and, contrary to his oath, he hath procured several grants under the seal, from his Majesty to himself and relations, of several of his Majesty's Lands, Hereditaments and Leases, to the detriment of his Majesty.

"VIII. That he hath introduced an arbitrary Government in his Majesty's foreign Plantations, and hath caused such as complained thereof before his Majesty and Council, to be long imprisoned for so doing.

"IX. That he did reject and frustrate a proposal and undertaking approved by his Majesty, for the preservation of Aris and St. Christopher's, and reducing the French Plantations to his Majesty's obedience, after the Commissions were drawn for that purpose; which was the occasion of our great losses and damages in those parts.

"X. That he held correspondence with Cromwell and his accomplices, when he was in parts beyond the seas, attending his Majesty, and thereby adhered to the King's enemies.

"XI. That he advised and effected the sale of Dunkirk to the French King, being part of his Majesty's Dominions; together with the ammunition, artillery, and

(1) It stood at the upper end of St. James's Street, where Alchemie Street, and the Streets adjoining now are. It was built in his absence, In 1666, chiefly at the charge of the Vintners Company, who designing to monopolize his favours, made it more large and magnificent than ever he intended. So that when he came to see it, he said with a sigh, "This House will one day be my ruin." Richard, Tom. 3. p. 292.

(2) The rest of the Commissioners were, the Duke of Albemarle, the Lord Ashley Cooper, Sir William Coventry, and Sir John Dancourt. Sir Thomas Clifford was then Comptroller of the Household. Ibid.

1667 "all sorts of stores there, and for no greater value than the said ammunition, artillery, and the stores were worth."

"XII. That the said Earl did unduly cause his Majesty's Letters Patents, under the Great-Seal of England, to one Dr. *Crewther*, to be altered, and the enrollment thereof to be unduly rased."

"XIII. That he hath in an arbitrary way examined and brought into question divers of his Majesty's subjects concerning their lands, tenements, goods, chattels and properties, determined thereof at the Council-Table, and stopped proceedings at law by order of the Council-Table, and threatened some that pleaded the Statute of the 17th of *Char. I.*"

"XIV. That he hath caused *Quo Warranto's* to be issued out against most of the Corporations of England, immediately after their Charters were confirmed by Act of Parliament, to the intent he might require great sums of money of them for renewing their Charters; which, when they complied withal, he caused the said *Quo Warranto's* to be discharged, and Prosecutions therein to cease."

"XV. That he procured the bills of Settlement for Ireland, and received great sums of money for the same, in a most corrupt and unlawful manner."

"XVI. That he hath deluded and betrayed his Majesty, and the Nation, in all foreign treaties, and negotiations relating to the late war, and betrayed and discovered his Majesty's secret counsels to his enemies."

"XVII. That he was the principal author of that fatal counsel of dividing the fleet about 'June 1666 (1).'"

Edward. 111. p. 157. Upon the foundation of these articles, the Commons, on the 12th of November, impeached the Earl of High-Treason at the Bar of the Lords House, and desired that he might be sent to the Tower. But the Lords did not think proper to commit him upon an accusation of treason in general, without any particular charge.

M. p. 100. This raised a warm dispute between the two Houses, which several conferences could not allay. At last, the Commons came to this resolution. "That the Lords not having complied with the desire of the Commons, in committing the Earl of *Clarendon*, and sequestrating him from Parliament upon the impeachment from that House, was an obstruction of the publick justice of the Kingdom, and a precedent of evil and dangerous consequence." At the same time, they appointed a committee to draw up a declaration to vindicate their proceedings.

But the Earl of *Clarendon* seeing himself exposed to the Commons house, and knowing the King and the whole Court were against him, thought it advisable to withdraw into France, and leave the following apology behind him, addressed to the Lords (2).

State-Trials. 11. p. c74. Knew, p. 157. "I am very unfortunate to find my self to suffer so much, under two very disadvantageous reflections, which are in no degree applicable to me."

"The first, from the greatness of my estate and fortune, collected and made in so few years, which if it be proportionable to what is reported, may very reasonably cause my integrity to be suspected."

"The second, that I have been the sole manager, and chief Minister in all the transactions of State, since the King's return into England, to August last, and therefore, that all miscarriages and misfortunes ought to be imputed to me and my counsels."

"Concerning my estate, your Lordships will not believe, that after malice and envy hath been so inquisitive and so sharp-lighted, I will offer any thing to your Lordships, but what is exactly true; and I do assure your Lordships in the first place, That (excepting from the King's bounty) I have never received nor taken one penny but what was generally understood to be the just lawful Perquisites of my office, by the constant practice of the best times, which I did in my own judgment conceive to be that of my Lord *County*, and of my Lord *Ellisferry*; the practice of which I constantly observed, although the office in both their times was lawfully worth double to what it was to me, and I believe now is."

"That all the courtesies and favours which I have been able to obtain from the King for other persons in Church or State, or in *Westminster-Hall*, have never been worth to me five pounds: So that your Lordships may be confident I am as innocent from corruption as from any

1667. disloyal thought, which after near thirty years service of the Crown, in some difficulties and distresses, I did never expect would be objected to me in my age."

"And I do assure your Lordships, and shall make it very manifest, That the several sums of money, and some parcels of land, which his Majesty hath bountifully bestowed upon me since his return into England, are worth more than all I have amounts unto; so far I am from advancing my estate by indirect means. And though this bounty of his hath yet far exceeded my merit, or my expectation, yet some others have been as fortunate at least in the same bounty, who had as small pretences to it, and have no great reason to envy my condition."

"Concerning the other imputation of the credit and power of being chief minister, and so causing all to be done that I had a mind to; I have no more to say, than that I had the good fortune to serve a master of a very great judgment and understanding, and be always joined with persons of great ability and experience, without whose advice and concurrence, never any thing hath been done."

"Before his Majesty's coming into England he was constantly attended by the then Marquis of *Ormonde*, the late Lord *Culpeper*, and Mr. Secretary *Nicholas*, who were equally trusted with my self, and without whose joint advice and concurrence, when they were all present (as some of them always were) I never gave any counsel. As soon as it pleased God to bring his Majesty into England, he established his Privy Council, and shortly out of them he chose a number of honourable persons of great reputation, (who for the most part are still alive) as a committee for foreign affairs, and consideration of such things as in the nature of them required much secrecy; and with these persons he vouchsafed to join me: And I am confident this committee never transacted any thing of moment (his Majesty being always present) without presenting the same first to the Council-board; and I must appeal to them concerning my carriage, and whether we were not all of one mind, in matters of importance."

"For more than two years I never knew any differences in the Council, or that there were any complaints in the Kingdom, which I wholly impute to his Majesty's great wisdom, and the entire concurrence of his counsellors, without the vanity of assuming any thing to my self, and therefore I hope I shall not be singly charged with any thing that hath since fallen out amiss. But from the time Mr. Secretary *Nicholas* was removed from his place, there were great alterations; and whoever knew any thing of the Court and Council, know well how much my credit hath since that time been diminished, though his Majesty graciously vouchsafed still to hear my advice in most of his affairs: Nor hath there been, from that time to this, above one or two persons brought to the Council, or preferred to any considerable office in the Court, who have been of my intimate acquaintance, or suspected to have any kindness for me; and most of them most notoriously known to have been very long my enemies, and of different judgment and principles from me in Church and State, and have taken all opportunities to lessen my credit with the King, and with all other persons, by mis-representing and mis-reporting all that I said or did, and perswading men I have done them some prejudice with his Majesty, or croft them in some of their pretensions. Though his Majesty's goodness and justice was such that it made little impression upon him."

"In my humble opinion, the great misfortunes of the Kingdom have proceeded from the war, to which it is notoriously known that I was always most averse, and may without vanity say, I did not only foresee, but declare the mischiefs we should run into, by entering into a war, before any alliances made with the neighbouring Princes. And that it may not be imputed to his Majesty's want of care, or the negligence of his Counsellors, that no such alliances were entered into, I must take the boldness to say, his Majesty left nothing unattempted in order thereunto; and knowing very well, that France resolved to begin a war upon Spain, as soon as his Catholic Majesty should depart this world, which being much sooner expected by them, they laid in the two winters before been at great charges in providing plentiful magazines of all provisions upon the frontiers,

(1) The impeachment was carried up by *Edward Seymour*, Esq; who was afterwards the first man that charged him in the House of Commons, with many great and heinous crimes. The rest of the chief Speakers against him, were, *Sir Thomas Lister*, *Sergeant Maynard*, *Sir John Bullock*, *Sir Thomas Owen*, *Sir Robert Howard*, *Mr. Gervase*, *Lord St. John*, *Sir Charles Hildon*, *Mr. Hampden*, *Marlow*, *Fryas*, *Secretary Merrer*, *Waller*, and *Sir John Fagge*, &c. Those that spoke in his favour, were, *Sir Benjamin Finch*, *Sir Francis Godolphin*, *Mr. Coventry*, *Sir Edward Thurland*, *Sir John Brampton*, *Sir John Jellie*, *Sir John Stans*, *Sir Thomas Clifford*, *Sir Stephen Fox*, and the Earl's son, *Laurence Hyde*. *Edward*, Tom. 3. p. 195.—The Bishops of *Exeter*, the *Spartan*, *Amazons* at the Court of England, was the Author of the Earl's defence. See *Salage Ann* Tom. 1. p. 110.

(2) As *Robert*, by assigning this Apology, has rendered it very obscure, the Translator has thought fit to insert it, as it is to be found in the Proceedings against him. See *State-Trials*, Tom. 2. p. 54.

1667.

"that they might be ready for the war, his Majesty used
"all possible means to prepare and dispose the *Spaniard*
"with that apprehension, offering his friendship to that
"degree, as might be for the benefit and security of both
"Crowns.

"But *Spain* flattering itself, that *France* would not break
"with them, at least, that they would not give them any
"cause by administering matter of jealousy to them, never
"made any real approach towards a friendship with his
"Majesty, but, both by their Ambassadors here, and to
"his Majesty's Ambassador at *Madrid*, always perfited,
"as Preliminaries, upon the giving up of *Dunkirk*, *Tanger*,
"and *Jemata*.

"Though *France* had an Ambassador here, to whom a
"project of a treaty was offered, and the Lord *Holles*, his
"Majesty's Ambassador at *Paris*, used all endeavours to
"pursue and prosecute the said treaty, yet it was quickly
"discovered, that the principal design of *France*, was to
"draw his Majesty into such a nearer alliance as might
"advance their design; without which, they had no mind
"to enter into the treaty proposed.

"And this was the state of affairs when the war was
"entered into with the *Dutch*, from which time, neither
"Crown much considered the making any alliance with
"England.

"As I did from my soul abhor the entering into this
"war, so I presumed never to give any advice or counsel
"for the way of managing it, but by proposing many propo-
"sitions, which seemed to the late Lord Treasurer and
"myself to be unreasonable, as the payment of the sea-
"men by tickets, and many other particulars which added
"to the expence.

"My enemies took all occasions to inveigh against me,
"and making their friendship with others out of the Coun-
"cil, of more licentious principles, and who knew well
"enough how much I disliked and complained of the liber-
"ty they took to themselves of reviling all Councils and
"Counsellors, and turning all things serious and sacred
"into ridicule. They took all ways imaginable to render
"me ungrateful to all sorts of men, (whom I shall be
"compelled to name in my defence) persuading those that
"miscarried in any of their designs, that it was the
"Chancellor's doing; whereof I never knew any thing.
"However, they could not withdraw the King's favour
"from me, who was still pleased to use my service with
"others, nor was there ever any thing done but with the
"joint advice of at least the major part of those who were
"consulted with. And as his Majesty commanded my
"service in the late treaties, so I never gave the least ad-
"vice in private, nor wrote one letter to any one person
"in either of those negotiations, but upon the advice of the
"Council, and also after it was read in Council, or at
"least, by the King himself, and some others; and if I
"prepared any instructions or memorials, it was by the
"King's command, and the request of the Secretaries who
"desired my assistance; nor was it any wish of my own,
"that any Ambassador should give me any account of the
"transactions, nor to the Secretaries, whom I was
"always ready to advise; nor am I conscious to myself
"of ever having given advice that hath proved mischievous
"or inconvenient to his Majesty; and I have been so far
"from being the sole manager of affairs, that I have not,
"in the whole last year, been above twice with his Ma-
"jesty in any room alone, and very seldom in the two or
"three years preceding.

"And since the Parliament at *Oxford*, it hath been very
"visible, that my credit hath been very little, and that
"very few things have been hearkened to, which have
"been proposed by me, but contradicted, *ex nomine*, be-
"cause proposed by me.

"I most humbly beseech your Lordships to remember
"the office and trust I had for seven years, in which, in
"discharge of my duty, I was obliged to stop and obstruct
"many men's pretences, and refused to set the seal to many
"pardons and other grants, which would have been pro-
"fitable to those who procured them, and many where-
"of, upon my representation to his Majesty, were for
"ever stoppt, which naturally have raised many enemies
"to me: And my frequent concurring, upon the desires
"of the late Lord Treasurer, (with whom I had the
"honour to have a long and valiant friendship to his death)
"in representing several excels and exorbitances, the
"yearly issue so far exceeding the revenues, provoked
"many persons concerned, of great power and credit, to
"do me all the ill offices they could. And yet I may faith-
"fully say, that I never meddled with any part of the
"revenue or the administration of it, but when I was de-
"sired by the late Lord Treasurer to give him my as-
"sistance and advice, having had the honour formerly
"to serve the Crown as Chancellor of the Exchequer,

1667.

"which was for the most part in his Majesty's presence.
"Nor have I ever been in the least degree concerned,
"in point of profit, in letting any part of his Majesty's
"revenue; nor have ever treated or debated it, but in his
"Majesty's presence, in which my opinion concurred al-
"ways with the major part of the Councilors who were
"present.

"All which, upon examination, will be made manifest
"to your Lordships, how much sooner my integrity is
"blasted by the malice of those who, I am confident, do
"not believe themselves. Nor have I in my life, upon
"all the treaties, or otherwise, received the value of one
"shilling from all the Kings or Princes in the world, (ex-
"cepting the books of the *Lawyer* print sent me by the
"Chancellor of *France*, by that King's direction) but from
"my own master, to whose intire service, and the good
"and welfare of my country, no man's heart was ever
"more devoted.

"This being my present condition, I do most humbly
"beseech your Lordships to entertain a favourable opi-
"nion of me, and to believe me to be innocent from
"those foul aspersions, until the contrary shall be proved;
"which I am sure can never be by any man worthy to
"be believed: And since the diftempers of the times, and
"the difference between the two Houses in the present
"debate, with the power and malice of my enemies,
"who gave out that I should prevail with his Majesty to
"prorogue or dissolve this Parliament in displeasure, and
"threaten to expose me to the rage and fury of the peo-
"ple, may make me to be looked upon as the cause which
"obstructs the King's service, and unity and peace of the
"Kingdom.

"I most humbly beseech your Lordships, that I may
"not forfeit your Lordships favour and protection, by
"withdrawing myself from so powerful a perfection, in
"hope that I may be able, by such withdrawing, here-
"after to appear and make my defence, when his Ma-
"jesty's Justice (to which I shall always submit) may not
"be obstructed, or controlled, by the power and malice
"of those who have sworn my destruction."

The Lords having received this Apology the 3d of *Dec- It is remem- bered, desired a conference with the Commons, to com- municate it to them. The Duke of Buckingham, who was to deliver it, said, The Lords have commanded me to deliver you this scandalous and seditious Paper, sent from the Earl of Clarendon: They bid me to present it to you, and desire you in convenient time to send it to them again, for it has a style which they are in love with, and therefore desire to keep it.*

The reading of this Apology threw the Commons into a *It publicly flame. Some of the Earl's enemies (1) took occasion to make the most virulent speeches against him, and at last, the House voted his Apology scandalous and malicious, and a reproach to the justice of the nation, and ordered it to be burnt by the common hangman.*

The 13th of *December*, the Lords sent to the Commons *1642.* a Bill for the banishment of the Earl of *Clarendon*, which met with great opposition in that House. Some of the members even proposed a Bill of Attainder against him. At last, the House voted, *That the King should be prayed to issue out his Proclamation for summoning the said Earl to appear by a day, and to apprehend him in order to his trial, and that the Lords be sent to for their concurrence in this vote.* But the Lords refused their concurrence, because this vote was contrary to their Bill.

At last, on the 18th of *December*, the Bill sent by the Lords passed the House of Commons, and the King wil- *A Bill pass- ed for the Earl's ban- ishment. Buxton, p. 116. Kennet, Edward.* lingly gave his assent. The truth is, it was the King who had employed the Duke of *York*, to prevail with the Earl of *Clarendon* to withdraw; whether the Earl's friends had at last softened the King, or he was not desirous of having the articles of impeachment discussed, which might have discovered things he had rather conceal.

Thus was the Earl of *Clarendon* sacrificed to the malice of his enemies. But they were such enemies, that it may be said, their persecution did him more honour, than the crimes, which for the most part were groundless, could do him injury. These enemies were, first, the King himself, who on this occasion forgot all the services this faithful Minister had done his father and himself, at a time when his affection and fidelity could not be suspected, since there was no appearance of his being ever rewarded. What is more strange, the King came to hate him, merely because he served him too well, and, in a just concern for his glory, did what lay in his power to prevent his falling into contempt, and engaging in projects which could not but render him unfortunate. His other enemies were, the King's mistresses and favorites, persons of profligate lives, of no Religion, or of one contrary to that of the Establishment, who hated him only because they thought him too honest,

(1) Particularly Sir John Fergulson, Sir Robert Howard, Edward, Tom. III. p. 304.

1667. or believed him incapable of being gained to assist their designs. For it is generally allowed, that not a single article of his accusation, except that of the sale of *Dunkirk*, could be proved.

If the Presbyterians had procured the Lord *Clarendon's* ruin, there had been nothing strange in it, since he was their professed enemy. For it may be affirmed, that from him came all their misfortunes, since the beginning of this reign. But the Presbyterians had then no credit, no access, either to Court or Parliament. What is most surprising in the downfall of this Minister, is the animosity wherewith he was pursued by the same House of Commons, which he himself had, if I may so say, composed of men of the most extravagant principles, with respect to Religion and Government. But he found himself mistaken in his views. For, these same principles, with regard to the royal power, so firmly attached the House to the King, that they made no scruple to abandon the Earl of *Clarendon*, though head of the party, when once the King expressed his displeasure against him. This is not the only instance of the ablest Politicians labouring their own ruin, by feigningly the best contrived projects.

Amongst the great services rendered by the Earl of *Clarendon* to *Charles I.* and *Charles II.* his excellent *History of the Rebellion and Civil Wars* in England, ought to be remembered, which was not published till after his death. In this history are undeniable proofs of the Author's sincere affection for *Charles I.* Nay, very likely, it was with the sole design to justify the conduct of that unfortunate Prince, and place it in the best light it is capable of. If any thing can injure this History, it is, that the views of the Author are too undigged. This gives impartial Readers occasion to think, it was not wit much for the instruction of the publick in the truth of facts, as to prepossess them, by various artifices, and numberless insinuations, in favour of a system, which all Readers, versed in the History and Government of *England*, will, doubtless, not admit. Another charge against this Author, is, the contempt and animosity which he every where shows against the Presbyterians, and the *Stets*, even in places where it seems foreign to his purpose. But this came from his heart. His immoderate passion against Presbyterianism, was this great man's fault. He gloried in his hatred of the Presbyterians, and perhaps contributed more than any other, to that excess of animosity which still subsists among the followers of his maxims and principles.

From a private Gentleman, and a Lawyer, the Earl of *Clarendon* rose to the highest degree of fortune, that a man of his rank could aspire to. For, by his merit, and his invaluable attachment to *Charles I.* and *Charles II.* he was raised to the dignity of Earl, of Lord High-Chancellor, and of Prime Minister of State. But what gives a farther lustre to his glory, is, that from the marriage of his daughter with the Duke of *York*, sprung two Princesses successively Queens of *England*. He spent the rest of his days in banishment, amidst Protestant Presbyterians, and Papists, whose declared enemy he had been, during the time of his favour, but who failed not to pay him all the respect due to his merit, and the dignities with which he had been honoured in his own Country. He died at *Rouen* the latter end of *December 1674*, aged sixty-seven.

The day after the Act for the Earl of *Clarendon's* banishment passed in the House of Commons, the King gave his assent to it by commission. Then, he sent a message to the Commons, by Secretary *Morrice*, to wish them to adjourn to the 6th of *February*. In the Reign of *James I.* there was a difference between the King and Commons, concerning the right of adjournment. The Commons pretended, that though the King had power to dissolve or prorogue a Parliament, he could not adjourn it, and that Adjournment entirely belonged to each House. But the Lords refusing their concurrence, the Commons were obliged to drop their pretension. From that time *James I.* and *Charles I.* always supposed this right as undeniable, and yet the point had never been decided in form. It seems therefore, that *Charles II.* by desiring the Parliament to adjourn, was willing to shew some regard to the pretensions of the Commons, or at least to avoid all occasion of dispute with them. But this concession lasted not long; for it will hereafter appear, that he frequently adjourned the Parliament by his own authority, without any dislike expressed by the Commons. Now the difference between an Adjournment and a Prorogation consists in this, that a prorogation ends the sessions, and annuls all affairs which have been proposed or debated in Parliament without being finished, so that they cannot serve for ground to the resolutions of a new session, unless they are proposed afresh. But an adjournment only suspends them till the Parliament re-assembles. For this reason, when the Commons have voted the King a supply, the Parliament is fel-

dom or never prorogued, but only adjourned when some short recess is necessary, that at their meeting again, they may proceed upon the vote till it be passed into an Act.

Before the Parliament met in *October*, the King published a Proclamation, for the rigorous execution of the laws against those who repaired to hear Mass at the chapels of Ambassadors. He still persisted in his dissimulation with regard to Religion, and in his design to persuade his Subjects, that he was a good Protestant. It was properly for this that these Proclamations were intended. But the non-performance of them had a quite contrary effect. For it could not be thought necessary so frequently to repeat them, if the King had been pleased with seeing them executed according to law.

This same month of *October*, the King rode in great state into the City, and laid the first stone of the foundation of the Royal-Exchange. This Building was finished in a very short time.

This year, death, as I have said, took out of the world *Thomas Wriethley Earl of Southampton*, Lord-Treasurer. The other less remarkable deaths were those of *Dr. Matthew Wren Bishop of Ely*, (great enemy of the Presbyterians, who, out of revenge for his severity to them before the civil wars, kept him prisoner in the Tower from the year 1642 till the Restoration, when he was restored to his Bishoprick of *Ely*, where he died aged eighty one year) and of the famous Poet *Abraham Cowley*, little known to strangers, but very much, and deservedly, esteemed by the *English*.

After the removal of the Earl of *Clarendon*, the King and his Ministers, of whom the Earl of *Arlington*, and *Sir Orlando Bridgeman* were the principal, believed it absolutely necessary to give the people some satisfaction, by demonstrating the Court's attention to the welfare of the nation. The King of *France*, by his invasion of *Flanders*, had so clearly shown, he did not intend to stand to his Queen's renunciation of all the members of the Spanish Monarchy, that he could not possibly be mistaken. Besides, his power was daily increasing, whereas that of *Spain* was visibly declining. It was therefore the interest of *Europe* in general, and of *England* in particular, to take early and effectual measures, to set bounds to this formidable power, which might produce great changes, if care was not taken to stop its progress. Nothing was more popular than such a design, and nothing more capable to re-ingratiate the King with his Subjects. So, the 1st of *January 1667-8*, a resolution was taken, to enter into a strict union with the States-General of the *United Provinces*, to prevent the King of *France's* entire reduction of *Flanders*, and the rest of the *Spanish Netherlands*. The Court likewise resolved, to endeavour to engage the King of *Sweden* into the same measures, and so form a triple alliance capable to intimidate *Levis XIV.* and to oblige him to proceed with more caution.

To execute this project, *Sir William Temple* was ordered to the *Hague*, with the character of envoy extraordinary and plenipotentiary. I shall not defend into the particulars of this negotiation, which are related in the writings of *Sir William Temple*, published in a French version. I shall only observe, that by the address of this Envoy, the treaty of alliance between the King and the States was concluded in five days, and, what is more, signed by the States-General, without communicating it to the particular Provinces, which had never been practised before. Moreover, the Count de *Dhona*, Ambassador of *Sweden*, engaged for his matter, that he should enter into this treaty, if a place was left for him as a principal. Afterwards, this Court signed a like treaty in the name of the King of *Sweden* with the King of *England* and the States General, it being agreed, that this treaty should be considered as part of the former when ratified. These treaties were first sent into *England*, and ratified by the King, and, shortly after, the King of *Sweden's* ratification was likewise received. Thus was concluded, in a very little time, a triple League, the most important that had been long since made in *Europe*, and which was to check the power, as well as vain designs of *France*.

For the understanding this treaty, of which I shall presently give the substance, it must be observed, that *Levis XIV.* after his last campaign, during which he had seized many strong places of the *Spanish Netherlands* (1), had, at the pressing instances of the States-General, consented to a treaty with *Spain*, till the end of *March 1668*. Moreover, he had left to the Queen-Regent of *Spain*, the choice of either yielding to him the places conquered by him in the last campaign, or else the Duchy of *Luxembourg*, or, instead of it, *Franch-Comté*, *Cambray* and *Cambrésis*, *Deuay*, *Aire*, *St. Omer*, *Birgué*, *Furnes*, and *Linck*, for which he promised to surrender all the rest of his conquests. These offers, as it appears, were founded upon the suppo-

A Proclamation against Puritan. Echard. ill. p. 206.

The Royal Exchange built. Olden. 23. Diod. Strype. Death of Bishop of Ely. Wren. Echard.

And Mr. Cowley.

1667-8. The King reflects to give some satisfaction to the people.

A triple alliance concluded between England, Holland, and Sweden. Temple's Lett. fol. p. 45. &c.

Explanation of this treaty. Echard. p. 122.

(1) *Quierzy, Oudenard, Tournay, Dinan, Courtrai, Lille, &c.* *Romer. p. 254.*

[1667-8. tion, that the *French Queen's* renunciation, in the treaty of her marriage, was of no force. Though the thing had been decided only by the King of *France* himself, the States-General, seeing no possibility of obliging him to desist from his pretensions, had approved of this alternative, and positively engaged to join their forces with those of *France*, to compel *Spain* to embrace one or other of these offers. They could not therefore recede, after such an engagement. For which reason, they resolved to make with *England* three different treaties, which, however, were to take place, as containing but one and the same treaty.

Three Treaties
between
France and
England

1st Treaty.
Temple's
Letters,
p. 69. See
Collected
ed. of
Treat. T. I.
p. 116.
2d Treaty.

The first treaty contained a defensive alliance between *England* and the States-General, against all who should attack either of the parties, with a specification of the succours to be mutually given, in case of such an attack. This alliance to be perpetual.

By the second treaty, the King and the States were obliged to use their joint endeavours to dispose of the King of *France* to make peace in the *Netherlands*, upon one of the proposed conditions, and likewise the King of *Spain* to make choice of one of the two before the end of *May*. But, in case of any difficulty from the *Spaniard*, they engaged to use their endeavours to induce the King of *France* to stop all farther progress of his arms in *Flanders*, and leave it wholly to the allies, to procure the ends proposed in this League.

3d Treaty.

The third treaty contained, 1. That if in procuring peace between *France* and *Spain*, any difficulties should arise concerning the renunciation, care should be taken so to settle the articles of peace, as to create no prejudice to the rights of either. But if one side only should reject this expedient, then the allies should proceed against the refuser, in the manner agreed in the second treaty. 2. That the allies should use their endeavours to establish peace between *Spain* and *Portugal*. And though they did not pretend to hinder the King of *France* from assisting *Portugal*, they would however prevent, as far as lay in their power, his assisting that nation by making war in the *Netherlands*. 3. But, in case the King of *France* rejecting the conditions contained in the second treaty, should make farther progress in *Flanders*, then the allies should join with *Spain*, and make war upon the King of *France*, till they should compel him to comply with the terms of the *Pyrenean* treaty. 4. That all these articles should be ratified within four weeks (1).

This treaty which, as I said, was signed by the King of *Sweden* as a principal, and was called the Triple-League, received the applauses of all *Europe*, except *France*. Indeed, the tendency of it was not only to save the *Netherlands*, pursuant to the true interests of *England* and the States-General, but also to prevent a fatal war, which must have thrown all *Europe* into a flame. It is perhaps the only step taken by *Charles*, through the whole course of his reign, really tending to the advantage of *England*. It will hereafter appear, that, probably, he had no other intention than to dazzle the publick, and amuse the world, by a proceeding so much to his honour. But in ill supporting what he had so happily begun, he manifestly shewed, that he erred not through ignorance, or want of knowing the interests of his Kingdom, and those of all *Europe*.

A Peace
between
Spain and
Portugal
Collected
ed. of
Treat. T. I.
p. 146.

Shortly after, *Sir William Temple* concluded a treaty of commerce with the States-General, and about the same time the treaty of peace between *Spain* and *Portugal* was happily finished, under the guaranty of the King of *England*.

The King's
Speech to the
Parliament.
Richard.

While these affairs were transacting, the Parliament met the 10th of *February*. The King, in his speech to both Houses, informed them, that he had made a league defensive with the States of the *United Provinces*, and another for an efficacious mediation of peace between *France* and *Spain*, into which the King of *Sweden* had, by his Ambassador, offered to enter as a principal. He added, that the posture of his neighbours, and the consequence of the new alliance, obliging him to set out a fleet to sea, he should want a speedy supply; that besides, it was necessary to build some large ships, and fortify the ports. He concluded with desiring them to think seriously of some course, to begot a better union and composure in the minds of his subjects in matters of religion.

Dismanagement
received later by
the Commons.
Richard.
T. III. p. 221.

The Commons joyfully received the news of the Triple-alliance; but before they proceeded to the consideration of the King's Speech, they resolved to inquire into the mismanagement during the late war. They appointed for this purpose a Committee, which discovered many mismanagement in the conduct of several persons, "as in the affair of *Bergen in Norway*; in the plundering the *East-India* ships while the *Dutch* passed by; in the not fet-

ting out a sufficient fleet last year; in the separation of those that were out, so that they became useless; in the want of provision and ammunition in the fleet, and in the forts; in payment of the seamen by tickets; in the want of intelligence and dividing the fleets in the second year of the war; in the business of *Chatham*, &c." The Commons accused *Brouncker*, that, after the first battle, he had carried false orders from the Duke of *York*, while that Prince was reposing himself, which had prevented the entire destruction of the enemy's fleet, and expelling him the House ordered him to be impeached. As to the affair of *Chatham*, they accused Commissioner *Pett* for having neglected his duty. *Sir William Penn* was accused of having embezzled great quantities of rich goods taken in a *Dutch* prize (2).

The King was doubly concerned to put an end to these examinations, since most of the miscarriages reflected upon him, though only some particular officers were directly accused, and besides, the Commons waited the time, which according to him, would have been better employed in considering the supplies he had demanded. He therefore pressed the Commons, by three several messages, to hasten the money-bill, telling them in his last message, that he intended to prorogue the Parliament the 4th of *May*. But, being informed, the House was not pleased with his message, because a Prorogation would have defeated all their proceedings against Delinquents, he let them know, the 24th of *April*, that he intended only an adjournment for three months, and withal desired, that the money-bill might be ready against the 4th of *May*.

Besides the supply, the House of Commons was employed in another affair, with which they were greatly affected. They began to discover the King's secret intentions, and believed, that under colour of easing the Presbyterians, his design was to obtain a general indulgence for all the Non-conformists, including the Papists under that general denomination. An insinuation in his Speech confirmed this suspicion. Wherefore, to stop the progress of a design so contrary to their principles, with regard both to Popery and Presbyterians, they presented an address to the King, to pray him "That he would issue out his Proclamation for enforcing the laws against Conventicles; and that care might be taken for the preservation of the peace against all unlawful assemblies of Papists and Non-conformists."—The King, according to his usual custom, failed not to publish a Proclamation, declaring, "That upon information, that divers persons abusing the clemency used to the Dissenters, even whilst it was under consideration to find out a way for the better union of his Protestant subjects) had of late openly held unlawful Assemblies and Conventicles, he would by no means permit such notorious contempts of himself and his laws to go unpunished, &c." He supposed, the Parliament was upon this union, because he had recommended it to them. But the Commons were far from thinking of this affair, unless by this union the King meant an entire conformity with the Church of *England*, which was not his intention.

At this time, a great dispute arose between the two Houses, occasioned by *Mr. Skinner* a Merchant of *London*, who believing to have just cause of complaint against the *East-India* Company, brought the matter by petition into the House of Lords originally. The Lords, after an examination, relieved him in five thousand pounds costs. On the other hand, the Company having petitioned the Commons, *Skinner* was taken into custody, for applying originally to the Lords, in a Common Plea, which was not agreeable to the Law. The petition presented to the Commons by the *East-India* Company was voted scandalous by the Lords, and several conferences between the two Houses, were not capable to decide this difference. At last, the Commons voted "That whoever should be aiding or assisting in putting in execution the order or sentence of the House of Lords, in the case of *Thomas Skinner* against the *East-India* Company, should be deemed a betrayer of the rights and liberties of the Commons of *England*, and an infringer of the Privileges of the House."

The same day this vote passed in the House of Commons, being the 8th of *May*, the King came to the House of Peers, and passing the Bill for raising three hundred and ten thousand pounds by an imposition on wines and other liquors, and some other Acts, he adjourned the Parliament to the 11th of *August*. He adjourned it again a second time to the 11th of *March*, and at last, prorogued it to the 19th of *October* 1669 (3).

I have already mentioned the affairs between *France* and *Spain*, and the alternative offered by the *French* King

The King
presses the
Commons.
Richard.

It is alleged
by some
that the
King's secret
intentions
were to
obtain a
general
indulgence
for all the
Non-conformists.
Richard.

He sent out
a Proclamation.
Richard.

A difference
between the
two Houses.
Richard.

The King
passes some
Acts, and
then adjourns
and afterwards
prorogues the
Parliament.

Lewis XIV.
makes himself
master of
Flanders.
Comté.
Burgundy.
Richard.

(1) This triple alliance was signed January 23. Temple's Lett. p. 59.

(2) Whereby the King was debauched of above a hundred and fifteen thousand pounds. Richard, Tom. III. p. 121.

(3) In the beginning of *May*, the Queen attended a second time. Idem. p. 126.

1668. The Marquis of *Castel Redrige*, or rather the Court of Spain, not being in haste to make a choice, *Lewis XIV.* in February invaded *Franch Comté* (1), and in less than a fortnight subdued the whole Province. This conquest however did not make him rise in his demands, but he was still willing to stand to the offer of the two conditions he had proposed. But the Court of Spain delayed, as much as possible, to declare upon the offered alternative, desirous to engage England and the States in a war against France. Mean while, as the treaty of the triple League was directly contrary to the design of Spain, (the three allies having only engaged to take arms in case the King of France refused to stand to his proposal) it was not possible for the Court of Spain to accomplish their end. At last, after many tergiversations, the Marquis of *Castel Redrige* declared, he accepted the first condition, by which France was to keep what had been conquered the last campaign. This choice greatly surprized the States, who had relied on the *Spaniards* accepting rather the second condition, which appeared less advantageous to them. But the policy of the Spanish Court was to throw England and the States into an unavoidable necessity of making war against France, if she should offer to pursue her conquest in the Netherlands.

The Court of Spain accepts one of the alternatives. Temple's Lett.

Peace concluded at Aix la Chapelle. Temple's Colloquy of Treat. T. I. p. 156. Arlington's Lett.

The Dutch challenge the honour of it. Badinge.

and Britain Abolish. Hall, Metell, Badinge, H. p. 151, 150. La Newville at. Badinge.

Reasons, which show, Charles may consider the publick. Temple's Lett.

Temple, Echard, III. p. 275.

This choice being made, the peace was no longer difficult. The town of *Aix la Chapelle* was agreed on for the place of treaty, and the Plenipotentiaries of France and Spain, of England, Sweden, and the States, repairing thither, the treaty was concluded and signed the 2d of May, after a fortnight's negotiation. The treaty contained in substance, That the King of France should keep possession of *Charleroy*, *Binche*, *Ath*, *Duway*, *Fort-de-la-Scarpe*, *Tournay*, *Oudenarde*, *Lille*, *Armentiers*, *Courtray*, *Bergues*, *Furnes*, with all their dependencies. The King of France, on his side, restored *Franch-Comté* to the Crown of Spain. The allied States were Guaranties of this Peace, and all other Princes and States were allowed to be so, if they pleased (2).

Though the treaty of *Aix la Chapelle* had considerably increased the power of France, the States-General of the United-Provinces believed it a great advantage, to have stopped the progress of the French arms. They ascribed to themselves the whole glory, tho', indeed, the Triple-League would never have been thought of by them, had it not been first proposed by the King of England. To immortalize their glory, they struck a medal, on one side of which was seen *Holland* leaning against a trophy, and on the reverse, an inscription to this effect: *That they had secured the Law; reformed Religion; assisted, defended, and reconciled Kings; restored Freedom to the Ocean; procured by their Arms a glorious Peace, and established the Tranquillity of all Europe.* On the other hand, *Jesuah Van Brunningen*, who had been employed in negotiating this peace, struck a medal, and compared himself to *Jesuah* stopping the course of the sun. As the King of France had taken the sun for his device, the meaning of this medal could not be mistaken. But the States immediately suppressed it. As for the first, and some others, which discovered too great presumption, they were not broke till two years after. They had afterwards cause to repent of this insult offered to *Lewis XIV.*

When I said, that *Charles*, in all appearance, proposed the Triple-League only to amuse the publick, and appease in some measure the discontents of the people, which began to appear, I founded this conjecture, first, upon Sir *William Temple's* suspicion, that the King would not long continue in this resolution. This suspicion appears in several of his letters. But as they were writ to the Earl of *Arlington*, Secretary of State, he contented himself with insinuating his belief, without daring to speak too openly. Secondly, it has been seen in a letter of the King of France, to *d'Eftrades*, how little *Charles* concerned himself for the preservation of the Netherlands, since, believing, that *Lewis* directed his views that way, he offered to let him make that conquest unmoletted, without reserving an inch of land to himself, provided *Lewis* would abandon the States-General. Thirdly, the sale of *Dunkirk* to France shewed, that *Lewis's* conquests in Flanders would give but little jealousy to *Charles*. In the fourth place, at the very time that all Europe was dissolved in joy for the conclusion of the Triple-League, Sir *Thomas Clifford*, the King's favorite, said openly, — *Well, for all this noise, we must yet have another war with the Dutch before it be long.* Fifthly, France herself did not discover much uneasiness at this Triple-Alliance. She not only insisted upon all her pretensions, but even Mr. de *Lionne*, Secretary of State, writing to *d'Eftrades* on occasion of this Triple-Alliance, has these words, — *If the Dutch enter into Alliances contrary to the*

interests of his Majesty, we shall not be so much troubled at it as they imagined: I knew what I say, and upon what foundation I speak it. If to this be added, King *Charles's* strange conduct afterwards, in making a League with France against *Holland*, it cannot but be suspected, that there was at that time a secret correspondence between France and England. Sixthly, events are commonly the best interpreters of men's actions. And it will presently appear, that *Charles* made but little account of his engagements, entered into by the Triple-Alliance; but it is not time yet to speak of these matters.

After the removal of the Earl of *Cleveland*, the face of the English Court was entirely changed. The King, more at ease by the absence of a troublesome Minister, whose preience was a reproach to his conduct, gave himself up to his pleasures, without any reserve or discretion. The Duke of *Buckingham*, who had no Religion, and gloried in his debaucheries, and *Wilnot* Earl of *Rochester*, the greatest wit, and the most satirical and licentious Poet of his age, were his principal favorites. With these two men, and his mistresses, the King spent almost his whole time, and it was with difficulty that his Ministers could find an opportunity to speak to him of his affairs. Pleasures and debauches were the sole entertainments of the Court, and vice appeared there bare-faced. In a word, England had never seen a more disorderly Court, and, unhappily, their example had but too much influence on the rest of the people. The King was prodigal of excess. Besides his hand-revenues, which, as we have seen, amounted to twelve hundred thousand pounds Sterling, he had consumed the eighteen hundred thousand pounds given him the last year by the Parliament, in uses for which that money was not intended. This year, he had asked a supply of his Parliament, pretending a necessity to build some new ships of war, and to put a great fleet to sea, in maintenance of his engagements by the Triple-Alliance. The Parliament had granted him three hundred and ten thousand pounds, but the Act not passing till two days after the signing of the treaty of *Aix la Chapelle*, not a single ship was built, and the necessity of putting a fleet to sea, vanished at once. Notwithstanding this, he was always in want, and his revenues perpetually anticipated.

But a still greater misfortune to England was, that only Papists, or men of no Religion, had any credit at Court. The Duke of *Buckingham*, the Earl of *Rochester*, and the King's Mistresses, were not persons who gave themselves any trouble to stop the progress of Popery. The Earl of *Arlington*, Secretary of State, was, like the King, a disguised, and *Clifford*, a declared Papist. The Duke of *York* was not only a Catholic, but also very zealous for his Religion. Being considered as presumptive heir to the Crown, great court was made to him, and with the more application, as his revenues being large, and his management frugal, he had wherewithal to gain Courtiers. It may be judged, that his zeal had suffered him not to advance Protestants to places of trust, when he could introduce persons of his Religion. He had so powerful a party at Court, and so many creatures about the King's person, that he was in a manner absolute there, and directed the resolutions of the Council. Lastly, if the King had any Religion, he was most inclined to Popery. He found, besides, a considerable advantage in carressing the Papists, whom he esteemed his firm friends, whereas he could not help dreading the zeal of the Protestants, in case they should discover, he had abjured their Religion.

After this view of the state of the English Court, it is easy to conceive, that those who had most credit, and access to the King, could hardly intend the benefit of the Kingdom. Every one of his most intimate Counsellors would have been glad to see the King absolute, that he might have at command the whole riches of England to lavish upon them. The King himself was so unsteady to be continually forced to devise fresh pretences to demand money of his Parliament, that he could have wished to be delivered from that trouble, and to have free liberty to take what he wanted without asking. But on the other hand, he thought himself obliged to proceed circumspectly, the example of his father not permitting him to engage in the same course, before he had taken greater precautions. This was the reason, that for some years the Court projects were executed gradually, and with great dissimulation, notwithstanding the warm temper of the Duke of *York*, and the eagerness of the Papists. For it may be affirmed, that the King alone opposed their career, whether out of fear or prudence.

This summer, the King diverted himself with making several Progresses into the country, to view the ports and

The King lives in great disorder. Echard.

It very profuse.

Great progress of the Papists.

It is Design to make the King absolute.

The King visits diverse Places.

(1) Which then belonged to the King of Spain. Echard, Tom. III. p. 225.

(2) From this time, England had the best opportunity of building the balance of Europe, which if it had inhumanly observed, and with reasonable vigor, it might have laid the foundations of the most glorious and happy reign of *Charles II.* — Whatever the Spanish King by the French success, the English gained a very great private benefit by it: For some *French*, had no less than *English* Parents, who, about fifty *Maidens*, who were brought and dyed like woollen cloths, thereupon came into England; and by them the English were in a few years instructed to make and dye blue woollen cloths, cheaper by forty per cent. than they could before. R. Ode, Tom. II. p. 151.

1668. the navy. He sent a squadron into the *Mediterranean*, commanded by Sir *Thomas Allen*, who forced the *Algerines* to a peace very advantageous to England.

Nothing more of any importance passed during the rest of this year, except some Embassies, which the sequel requires should be mentioned. Sir *William Godephus* was sent to the Court of Spain; Mr. *Ralph Montague* was first Envoy, and soon after Ambassador to France; the Earl of *Carlisle* went Ambassador to Stockholm (1), and Sir *William Temple* Ambassador extraordinary to the States-General. On the other hand, Monsieur *Colbert* was sent from France to reside as Ambassador at the English Court.

There were also some changes at Court: Among others, Sir *Thomas Clifford* was made Treasurer of the Household, the Duke of *Monmouth*, the King's natural son, was made Captain of his life-guard of horse; Sir *John Trevor*, lately returned from France, where he had been Envoy, was sworn one of his Majesty's principal Secretaries of State, on the resignation of Sir *William Morrice*, to whom was given ten thousand pounds Sterling.

This year died *Algernon Percy*, Earl of *Northumberland*, who was succeeded by his son (2); the famous Poets *Davenant*, and *Drumby*, and the great soldier Sir *William Waller*, so often mentioned in the History of the civil wars. He had been imprisoned by the Independent Parliament, and confined till the King's restoration, when he was delivered, being considered on account of his sufferings as a sort of Royalist.

Though the year 1669, produced no memorable events, it was however fatal to Europe, since it was, probably, this year that measures began to be taken for the strict union of France with England. At least, it appears in Sir *William Temple's* Letters, that Mr. *Puffendorf*, who had this year been sent Envoy from Sweden to the Court of France, calling at the Hague in his return, said to Sir *William Temple* (3), that a Minister at the French Court had assured him, that the Triple-alliance would not subsist, and that the English Court had already changed their measures.

The same Mr. *Puffendorf* saw a letter in Marshal *Turenne's* hands at Paris, from Monsieur *Colbert* the French Ambassador in London, wherein that Ambassador, speaking of the English Court, has these words:—"I have at last made them sensible of the whole extent of his Majesty's liberality. So, it is scarce to be doubted, that *Colbert's* embassy to London was designed to gain or corrupt the English Court, and that he succeeded. It is the time only that is questioned, since the thing itself appeared manifestly in the sequel."

The latter end of *March*, *Casus de Medicis* Prince of *Tuscany* arrived in England, where he was received with all the respect due to his birth and particular merit. As his design was only to see England after he had visited Spain and France, he was shewn, by order of the King, whatever was curious, and particularly the two Universities.

Shortly after his departure, Prince *George of Denmark* came also to pay the King a visit, but made no long stay then in England.

The 9th of July the large and magnificent Theatre at *Osford*, built at the expense of Dr. *Sheldon* Archbishop of *Canterbury*, was opened. He was Chancellor of the University, and shortly after resigned that honour to the Duke of *Ormond*. The Duke was still Lord Lieutenant of *Ireland*, but soon after was removed, and succeeded by the Lord *Roberts*, who was not of the Duke's principles.

In all appearance, the King had now formed a sort of scheme with regard to Religion. This was to incorporate the Presbyterians with the Church of England, and procure a Toleration for all the other Non-conformists. He might have in this a double view. First, to gain the Presbyterians, who were very numerous in the Kingdom, and perhaps make use of them, thus united with the Church of England, to check the fury of the Episcopalians, who were not less enemies to the Papists than to the Presbyterians. If the King had not been a Papist, which was then little known, it would be difficult to understand this policy, since, supposing him a zealous member of the Church of England, what occasion had he to guard against her? But being a Catholic, the advantages of these precautions are very visible. His second view, universally allowed, and afterwards manifestly discovered, was, by procuring an Indulgence for all Non-conformists without distinction, to procure also the same favor for the Papists. In pursuance of this scheme, the King and his Ministers affected to express great kindness for the Presbyterians, and this kindness encouraged them to appear more

openly, and hold their assemblies with less caution and secrecy. In short, Sir *Orlando Bridgman* Lord-Keeper, whether privy to the King's secret Intentions, or led by motives of mildness and humanity, acquainting two of the most eminent Presbyterian Ministers (4), that he desired a conference with them. They waited on him accordingly, and he freely told them, he designed to make them some proposals for a comprehension for the Presbyterians, and a Toleration for the Independents and the rest. Upon this occasion, these two Presbyterian Ministers had several conferences with two Episcopal Doctors (5), one of whom was Chaplain to the Lord-Keeper. When it is considered, that in the *Savoy* conference, at the beginning of this Reign, the two parties could not agree in any one point, and that in the present conference an agreement was immediately made, it can hardly be doubted, that the two Episcopal Divines came fully prepared to facilitate the accommodation. However this be, they agreed among them, concerning Re-ordination, which was the point they most differed about, That all Presbyterian Ministers who had been already ordained, should be admitted into the Ministry of the Church of England with this form of words, *Take thou legal authority to preach the word of God, and administer the Holy Sacraments, in any congregation of England, where thou shalt be lawfully appointed thereunto*. This was not properly a new Ordination, but only a power to exercise their ministry in the Church of England. It was also agreed, that Ceremonies should be left indifferent, so that they might be used or not, according as every one should think fit; and that the Liturgy should be altered: Moreover, that those who could not be comprehended should be indulged: and for security to the Government, the names of the Teachers, and all the members of the congregations should be registered. Agreeably to this scheme, the Lord Chief Justice *Hale* undertook to draw up a Bill against the ensuing Parliament, and the Lord-Keeper promised to support it with all his power. It is easy to perceive, this project, however necessary to the King's design, was however directly contrary to the principles of the Parliament, who were averse to all concession. Accordingly it came to nothing.

Mean time, whether the secret of what passed in the conferences was not well kept, or the Non-conformists, incouraged by the Court, assumed too much liberty, the Archbishop of *Canterbury* resolved to use his utmost endeavours to break their measures. For this purpose he wrote a circular letter, requiring them to take a very particular account of them in their Dioceses. When he was provided with the necessary informations, he went to the King, and obtained from him a Proclamation to enforce the laws against conventicles, and particularly the Act for restraining Non-conformists from inhabiting in Corporations: This Proclamation was executed like those against the Papists. For, about two months after, the King caused the Non-conformist Ministers to be told, that he inclined to favour them, and if they would address him for his clemency and the liberty they enjoyed under him, it would be accepted. Whereupon such an address was prepared, and presented to the King at the Earl of *Arlington's* lodgings, who received it graciously, and returned a favorable answer (6).

The Parliament, according to the prorogation, met the 19th of *October*. The King in a short speech demanded money for the discharge of his debts, and briefly proposed the union of the two Kingdoms of *England* and *Scotland*. Then the Lord-Keeper enlarged upon these points. But the Commons, instead of taking the King's speech into consideration, proceeded upon other affairs. The public accounts were examined (7), with the uses to which the King had applied the money given him by the Parliament, and Sir *George Carteret*, who had the keeping of some of the books being found very blameable, was expelled the House: Then they addressed the King to thank him for his Proclamation against conventicles, praying him to continue the same care to suppress them for the future.

But, not contented with this, they appointed a committee to enquire into the behaviour of the Non-conformists. This committee reported, "That there were divers conventicles and other seditious meetings near the Parliament, where great numbers of dissatisfied persons frequently met, which was not only an affront to the Government, but also of imminent danger to both Houses, and the peace of the Kingdom." It seems, the House was ashamed to show so much resentment against the Presbyterians, solely on the account of Religion, and therefore

(1) With Sir *Samuel Morland* as Envoy.

(2) Who died within two years, and with him was extinct the ancient and famous Family of the *Percys*.

(3) He said to Mr. de *Witz*, who told Sir *William Temple* of it. See *Temple's* Letters, p. 179.

(4) Dr. *Almon*, and Mr. *Baxter*.

(5) Dr. *Wicks*, and Dr. *Sturton* the Keeper's Chaplain.

(6) His answer was, "That he would do his utmost to get them comprehended within the publick establishment."

(7) And, after all the most financial items that could be put into an account, there was none offered for them equalized thousand pounds. *Sumner*, p. 268.

1669. took great care to interress the State, in order to create a belief, that the Presbyterians were guilty of fedition. For they were always included under the general denomination of Non-conformists, so that it was believed they ought to be responsible for the conduct of the other sects, with whom however they had no communication. Upon the report of the committee, the House declared, that they would firmly adhere to the King in the maintenance of the established Government of the Church and State, against all enemies whatsoever. When it is considered, that the State had never enjoyed a more perfect tranquillity than at present, it can hardly be questioned, that this Declaration of the Commons was owing to the forementioned project, which, doubtless, was come to their knowledge, and of which they were resolved to prevent the execution, by indirectly declaring how much they were against it.

At last the Commons voted the King a supply of four hundred thousand pounds. But, before they considered of the means to raise this sum, they revived the debate concerning *Stinner* and the *East-India Company*, and came to several resolutions, which the Lords looked upon as so many violations of their privileges in point of judicature. The difference between the two Houses daily increasing, the King saw, it would be very difficult to reconcile them, and that the Commons would not proceed upon the money-bill till this affair was adjusted; and as he had no room to expect an agreement, he prorogued the Parliament the 11th of December, to the 14th of February following.

The Parliament of *Scotland* met the same day with that of *England*. But before I speak of the transactions of this Parliament, it will not be improper, briefly to shew the character of the Duke of *Lauderdale*, the King's High-Commissioner. This Lord made so great a figure in this Reign, both in *England* and *Scotland*, that his character must not be thought foreign to our History.

John Maitland, Earl (afterwards Duke) of *Lauderdale*, was, during the troubles in *Scotland*, a rigid Presbyterian, a zealous Covenantant, and a distinguished enemy of the royal authority. But he turned to the King's interest in 1647, when *Duke Hamilton* invaded *England*, for the service of *Charles I.* From that time, he was looked upon in *Scotland* as an enemy of his Country. But, after the arrival of *Charles II.* in *Scotland*, and the composition of the differences between the *Scots*, he followed the King into *England*, was taken at the battle of *Worcester*, and confined in several prisons, till the King's restoration. During his imprisonment he had great impressions of Religion on his mind. But, after the King had received him into his favour and Council, he so entirely wore them out, that scarce any trace of them was left. Whether he knew the secret sentiments of the King and Duke of *York*, with regard to Religion, and the Government, or only suspected them, he imagined, the best way to preserve his favour, was to enter into all the King's suppled views, and endeavour to render him absolute in both Kingdoms. Upon the King's restoration, it was debated in Council, whether Episcopacy should be restored in *Scotland*. The Earl of *Lauderdale* strenuously opposed it, for an extraordinary reason, namely, "That if the King pleased the *Scots*, he "would be sure of them in order to the executing of any "design he might afterwards be engaged in." This advice, though it was not followed, was acceptable to the King, and riveted the Duke in his favour. The resolution to restore Episcopacy having been executed, no man appeared more ardent against the Presbyterians, nor had they a more violent persecutor. I shall doubtless have occasion to say more of him hereafter, but this suffices to give some idea of his character.

It was through his means and intrigues that the Parliament, held this year in *Scotland*, passed an act which raised the King's supremacy higher than ever. The same Parliament approved the raising of the Militia, and it was enacted, that it should be kept up, and be ready to march into any of the King's dominions, for any cause in which his Majesty's authority, power, or greatness, should be concerned; and that orders should be transmitted to them from the Council, without any mention of orders from the King. It was not at first known, what could be the intent of an Act which seemed to take the Militia out of the King's hands, and put it into the power of the Council. But it was afterwards perceived, that this was *Lauderdale's* contrivance, that if the King should have occasion to call in the *Scottish* army, it should not be necessary to send any orders himself, but that the Council, upon a secret intimation, might do it without order; and then, if the design should miscarry, it should lie on the Council, whom the King might disown, and so none about him be liable for it. This shews, that projects were then forming to render the King absolute in *England*.

This year, the King's mother died in *France*, the 10th of August, in the sixtieth year of her age. The famous Duke of *Albemarle* died likewise the 3d of January, and was succeeded in his estate and honour by *Christopher* his only son. To these deaths may be added that of the famous *Prynne*, the indefatigable author of more than two hundred treatises, most of them of little esteem (1).

The Parliament meeting the 14th of February, the King told the two Houses, "That when they last met, he asked them a supply, and now asked it again with great instance: The uneasiness and straits of his affairs could not continue without very ill effects to the whole Kingdom. He let them know, that having fully informed himself of the expences of the last war, he could assure them, that no part of the moneys they had given him, had been diverted to other uses. But on the contrary, a very great sum had been raised out of his standing revenue and credit, and a very great debt contracted, and all for the war. Lastly, he recommended to them, not to suffer any occasion of difference between themselves to be revived."

The Lord-Keeper then made a speech, which I think necessary to insert at length, to shew the King's confidence in this Parliament, which had already granted him such large sums.

My Lords, and you Knights, Citizens, and Burgeesses of the House of Commons.

"AT your last meeting, his Majesty did acquaint you with the great occasions he had for a supply, and that he had forborn to ask it sooner, more in consideration of giving some time for the ease of the People, after the burden of the war, than that the condition of his affairs could so long have wanted: And his Majesty hath commanded me now to speak more fully and plainly upon this subject. His Majesty hath not only by his Ministers, but in his own royal person, examined the accounts, touching the expences of the last war, and hath thought himself concerned to let you know, that all the supplies which you gave him for the war, have been by him applied to the war, and no part of them to any other use: Nay, so far from it, that if the preparations towards the war shall be taken to be for the use of the war, as they must be, a great part of his own revenue, to many hundred thousands of pounds, hath been employed also, and swallowed up in the charge of the war, and what did necessarily relate to it. To which may be added the great debts contracted by his Majesty in the war, and the great charges in the repairs of the hulls of his ships, and putting his navy into such a condition as it was before. Besides, his Majesty thinks it ought to be considered, that when the charges of the war were at the highest, the inevitable effects of it, and those other calamities, which it pleased God at that time to bring upon us, did make so great a diminution of his revenues, that, besides all other accidents and disadvantages, the loss that he sustained in three branches of his revenue, in his Customs, Excise, and Hearth-money, by reason of the war, the plague, and the fire, did amount to little less than six hundred thousand pounds. Thus you see, that though your supplies have been great, yet the charges occasioned by the war, and the calamities which accompanied it, have been greater: And that the debt which is left upon his Majesty, and which he complains of, hath been contracted by the war, and not by the diversion of the monies designed for it.

"His Majesty hath commanded me to say one thing more to you upon this subject, That he did not enter into the war upon any private inclination or appetite of his own. The first step he made towards it, did arise from your advice, and the promises of your assistance: but if the charges and accidents of the war have outgone all your supplies, and left him under the burden of this debt, he thinks, that as well the justice to your promise, as the duty and loyalty you have always shewed him, will oblige you to relieve him from it: And the rather, when you shall seriously consider, how uneasy this Burden must be to him, and what ill consequences the continuance under it must draw upon all his affairs; in which particular you, and every person you represent in this nation, will be concerned, as well as himself. His Majesty doth therefore command me in his name, to desire you once more, and to conjure you, by that constant duty and loyalty which you have always expressed to him, and by all the concernment you have for the support of the honour and safety of his Government, to provide such a supply for him at this time, as may bear proportion to the pressing occasions

(1) Let the remembrance of him, that he was a considerable instrument in the Restoration, be received into favour, had the Records of the Tower committed to dust, which he put into good order, and died a Member of the present Parliament, being one of the Representatives for the City of *Bath*.

1669-70. "that he hath, and to the state of his affairs at home and abroad; and so speedily and so effectually, as may answer the ends for which he hath desired it. His Majesty hath further commanded me, to put you in mind of what was at your last meeting propoed to you concerning an Union between the two Kingdoms, and to let you know, that the Parliament of Scotland, hath since declared to his Majesty, *That such Commissioners as his Majesty shall name, shall be authorized on their parts, to treat with Commissioners for this Kingdom upon the grounds and conditions of the union.* His Majesty therefore thought fit now again to recommend it to you, to take that matter effectually into your consideration."

It would have been cruel not to be moved with the King's wants, after having so gloriously maintained a war against Holland, for which the Parliament had granted him but five millions five hundred and fifty thousand pounds Sterling, since the peace. Wherefore the Commons, as an effectual mark of their affection for the King, and of their reliance on the truth of the Keeper's Speech, voted the King a supply capable to deliver him from his heavy burden.

For this purpose they prepared two Bills, one to lay a duty upon all Wines and Vinegar imported into the Kingdom, from the 24th of June 1670, to the 24th of June 1678; the other, for the advancing the sale of his Majesty's Fee-Farm Rents, and other Rents. The first is computed at five hundred and sixty thousand pounds Sterling; the other, is believed to have raised more than double that sum, so that he could depend upon seventeen hundred thousand pounds. Thus the King received for this glorious war with Holland, seven millions five hundred and sixty thousand pounds Sterling, which amount to eighty-two millions five hundred and sixty thousand Dutch florins. And yet, there are English Writers who seem to triumph, that this war cost the States forty millions.

The difference between the two Houses being revived this session, the King, fearing the consequences, summoned both Houses to Whitehall, and propoed to them an expedient to end it; namely, by razing all Entries and Records, Votes and Resolutions concerning Skinner's affair, to which they consented, and thereby the quarrel was at an end.

This agreement produced an address, presented jointly to the King by both Houses the 11th of March, to pray him to give order for the suppression of Conventicles in and near London and Westminster, and to put the laws in execution against Popish Recusants. The King answered, that effectual course should be taken in both cases.

The 11th of April, the King came to the House of Peers, and passed twelve Bills, among which were the two money Bills, and a third for the suppression of seditious Conventicles. The substance of this Act was, that, "If any person upwards of sixteen, should be present at any Assembly, Conventicle, or Meeting, under colour or pretence of any exercise of Religion, in any other manner, than according to the Liturgy and Practice of the Church of England, where there were five Persons, or more, besides those of the household; in such cases the offenders were to pay five Shillings for the first offence, and ten for the second. And the Preachers and Teachers in any such Meetings, were to forfeit twenty pounds for the first, and forty for the second offence. And lastly, those who suffered any such Conventicles in their houses, barns, yards, &c. were likewise to forfeit twenty pounds (1)." Most of the English Historians, attached to the Church of England, endeavour to excuse the severity of this Act, by saying, it was made more upon political, than upon religious, accounts. But this is always by means of the general name of Non-conformists, under which the Presbyterians were comprized, though, since the King's reformation, they had never been concerned in any insurrection, or ill-design against the Government.

After passing these Acts, the King adjourned the Parliament to the 24th of October.

It seems, that hitherto the King had reason to be pleased with a Parliament, which, besides a standing revenue of twelve hundred thousand pounds Sterling, had granted him solely for the war with Holland, above seven millions and a half, without reckoning for many other extraordinary sums given him before the war. This Parliament, supposing the King a zealous member of the Protestant Church of England, desired but two things, which, upon that supposition he might readily grant. The one was, to come into their views and measures for the destruction of the Presbyterians; the other to disable the Papists from giving any jealousy to the Protestants. On the other hand, the Parliament might justly suppose, that after having carried the Royal Prerogative so high, the King had reason to

be pleased, and would endeavour to preserve a happy union, with a Parliament so devoted to him. It is certain, if the King had entirely complied with the Parliament in these two articles, and confined his Prerogative within the extensive bounds which the Parliament seemed to prescribe to it, he might have spent his days with more happiness, tranquillity, and plenty, than any of his predecessors. But the Parliament's suppositions being false, it is not surprising, that the King would not enter into their views. Instead of being zealous for the Protestant Religion, his intention was to overturn it. Instead of destroying the Presbyterians, his design was to grant them an Indulgence, in order to have a pretence to procure the fame for the Papists. Instead of being content with the power ascribed him by the Parliament, he thought it unworthy a King to found the extent of his authority upon Acts of Parliament only. Besides, it was a pain to him to be forced to demand money, and to use for that purpose pretences notoriously false, tho' the Parliament seemed to be satisfied with them. It would have been more agreeable to him to say, *It is my will and pleasure*, than to be obliged to use humble intreaties to the Commons. This his favorites were continually representing to him, and to this the example of what he had himself seen practised in neighbouring States strongly prompted him. He was therefore impatient to free himself from this yoke of the Parliament, and the more, as by augmenting his power, he should be better able to countenance the Papists, and introduce their religion, which was his own as well as his brother's. But if Father Orleans the Jesuit is to be credited, these were not the motives which induced the King to take other resolutions. "It was solely the indignation of his Ministers to see a republican spirit creeping into the Parliament, and engaging them in many proceedings against the royal authority. Among other things, the Triple-alliance into which the republican-cabal had forced the King, contrary to his inclination, appeared to the ministers an audacious usurpation upon the royal prerogative, the consequences of which were to be prevented. Full of these resentments, they persuaded the King to render himself absolute, in pursuance of the rights of his Crown, and the laws of the Kingdom; to confine the Parliament within the bounds prescribed by immemorial custom, and not to suffer a mixture of a republic with a monarchy, introduced by violence and encroachments, for fear this mixture should in time produce a monstrous Anarchy, and expose England to a horrible confusion, like that from whence the was so lately delivered."

I shall make no remark on the little foundation this writer had to ascribe a republican spirit to this Parliament, nor on the King's being forced into the Triple-alliance by the pretended Republican cabal, nor lastly on the maxims he establishes with respect to the constitution of the English Government; because every unbiassed reader is, I suppose, able to see clearly the weakness of this reasoning. But, he aims to since Father Orleans says himself that he was informed by James II. of the particulars of his own and his Brother's reign, I believe this Historian's word may be taken, that at the time I am speaking of, Charles had resolved to render himself absolute. This is a truth which must always be remembered, if we desire to understand all the events of this reign.

This resolution being taken, the King easily saw, that the execution of it required an artful and cautious conduct, and such secret and imperceptible methods, as would not too plainly discover his intentions. For he could not suppose, that because he desired to be absolute, the people of England would immediately give up their liberties and privileges. It was therefore necessary, to lead them to it insensibly and by degrees, and to that end he wanted a secret council composed of few persons, in whom he might entirely confide, and whose interest it was to accomplish this design. The ordinary council consisting of twenty-one persons, was not proper to conduct this affair; for, besides that some Counsellors had a right to their places, as for instance the Archbishop of Canterbury, it was very difficult to engage so many persons of the first rank in such a plot. To effect therefore this undertaking with the more caution, the King established a Cabinet-council of five persons only, namely,

Clifford,
Arlington,
Buckingham,
Abley,
Lauderdale.

As the initial letters of these five names compose the word CABAL, this secret Council was from thence called the Cabal. But before I proceed to the resolutions taken by

(1) This Act was severely executed in London, and put things in such disorder, that many of the trading men began to talk of removing with their Banks over to Holland. But the King put a stop to further severities. Burner, p. 270.

1670. this council, it will be necessary to give a brief character of the members.

Character of
the Council-
lers.
Clifford.

Sir Thomas Clifford, according to Father Orleans, only wanted a stage, where found reason and virtue were more frequent, than at this time in England, to appear superior to the others. He was a declared and known Papist, so that he took no pains to disguise his religion. It was he who, after the Triple-alliance was concluded, said, *notwithstanding all this noise, we must yet have another war with Holland*. As the event justified his prediction, very probably, the scheme I have just mentioned, was then formed, and he in the secret.

Temple.
R. Coke.

Earl of
Arlington.

Henry Bennet, Earl of Arlington, Secretary of State, passed for a man of the least genius of the five, but this was well supplied by his great experience, and knowledge in foreign affairs. It is pretended, that being one of the King's retinue in his journey to *Fantabria* in the year 1659, he was the principal instrument to induce him to change his religion. However that be, he was truly a Catholic, tho', with the King, he outwardly professed the Protestant Religion (1). This is now universally agreed.

Duke of
Buckingham.

(George Villiers) Duke of Buckingham, the King's favourite, had a very lively wit. He might have made a great Minister of State, had not his strong passion for pleasures, and all sorts of debauches, diverted him from business. But nothing could tempt him to quit a dissolute life, to which he had been used from his youth. He gloried in having no Religion, and was reckoned an Atheist. Such a favorite was no great honour to the King (2).

Earl of
Shaftsbury.

Sir Anthony Ashley Cooper, created two years after Earl of Shaftsbury, was one of the greatest Geniuses England had produced for many years. This is the testimony equally given him by friends and enemies. Father Orleans gives the following character of him, "He was the most capable of the five to manage any important undertaking, and was the focal of this I am now speaking of. He had a vast genius, was penetrating, bold, and equally steady, both on the right and the wrong side; a constant friend, but an implacable enemy, and the more dangerous, as being void of all Religion and Conscience, it was the easier for him to plot, because he was not deterred by the number or enormity of any crimes, when he judged them necessary to preserve himself, or destroy those who had incurred his hatred." I shall observe here, that this character of the Earl of Shaftsbury is not founded upon what he had done before his admission into the Cabinet-Council, but upon what he did afterwards. For, leaving the King's party for that of the People and Parliament, the Royalists ascribe to his intrigues alone, all the troubles which afterwards happened. Mr. Lock speaks otherwise of him. It is true, he says nothing advantageous of him in respect of Religion. But however this be, in allowing the character given by Father Orleans, it is easy to see, what sort of men the King thought he wanted for the execution of his designs (3).

Mem. of
Shaftsbury.

Duke of
Lauderdale.

The Duke of Lauderdale was the most proper of the five to serve the King in this affair. To describe a Lord, who had so great a share in the affairs of England and Scotland in this reign, I shall insert here, the characters given of him by Father Orleans, Mr. Echard, and Dr. Burnet Bishop of Salisbury.

The first contents himself with saying, that the Duke of Lauderdale, Secretary of State in Scotland, was a very subtle man, and a refined Politician.

T. III. p. 344.

Mr. Echard says of the Duke, "The enlarging of the King's power and grandeur in Scotland, was much owing to the management of the present commissioner Lauderdale, who had formerly been as much for depressing, as he was now for exalting the Prerogative. From the time of his commission, the Scots are said to calculate the date of all the ensuing inconveniences in this, and the following reign. For having there undertaken to make the King's power absolute, and arbitrary, he drained the Royal Prerogative to all kinds of excesses; and assumed to himself a sort of a lawless administration of affairs, the exercise of which was supposed to be granted to him, upon the large promises he had made: And more apprehending other men's officious interfering than disturbing his own abilities, he, in time, took care to make himself his Majesty's sole informer, as well as his sole Secretary, and by that means, not only upon pretence of the King's Prerogative, the affairs of Scot-

land were disposed of in the Court of England, without any notice taken of the King's Council in Scotland; but strict observation was also made of all Scotchmen that came to the English Court; and to attempt an address, and access to his Majesty, otherwise than by Lauderdale's mediation, was to hazard his perpetual resentment. By these ways he gradually made himself the almost only significant person of the whole Scottish nation; and in Scotland itself, procured to himself that sovereign authority, as to name the Privy-councillors, to place and remove the Lords of the Session, and Exchequer, to grant gifts and pensions, to levy and disband forces, to appoint general officers, and to transact all matters of importance."

This shews to a demonstration, how much the King was delighted with the absolute power exercised in his name in Scotland, and, consequently, that he would have been glad to enjoy the like power in England.

If I should transcribe all that is said of Duke Lauderdale, by Dr. Burnet, I should, I fear, be too tedious, and therefore I shall content myself with selecting a passage, where he is best described. — "The Earl of Lauderdale made

a very ill appearance: He was very big: His tongue

was too big for his mouth, which made him bedew all

that he talked to: And his whole manner was rough

and boisterous, and very unfit for a Court. He was

very learned, not only in Latin, in which he was a

master, but in Greek and Hebrew. He had read a great

deal of Divinity, and almost all the Historians ancient

and modern; so that he had great materials. He had

with these an extraordinary memory, and a copious, but

unpolished expression. He was a man, as the Duke of

Buckingham called him to me, of a blundering under-

standing. He was haughty beyond expression, abject to

those he saw he must stoop to, but imperious to all

others. He had a violence of passion, that carried him

often to fits like madness, in which he had no temper.

If he took a thing wrong, it was a vain thing to study

to convince him: That would rather provoke him to

swear he would never be of another mind: He was to

be let alone: And perhaps he would have forgot what

he had said, and come about of his own accord. He

was the coldest friend, and the violentest enemy I ever

knew: I felt it too much, not to know it. He at first

seemed to despise wealth; but he delivered himself up

afterwards to Luxury and sensuality: And, by that

means, he ran into a vast expence, and stuck at nothing

that was necessary to support it. In his long imprisonment

he had great impressions of Religion on his mind:

But he wore these out entirely, that scarce any trace

of them was left. His great experience in affairs, his

ready compliance with every thing that he thought

would please the King, and his bold offering at the most

deperate Councils, gained him such an interest in the

King, that no attempt against him, nor complaint of

him, could ever shake it, till a decay of strength and

understanding forced him to let go his hold. He was

in his principles much against Popery, and arbitrary

Government: And yet by a fatal train of passions and

interests, he made way for the former, and had almost

established the latter. And whereas some, by a smooth

deportment, made the first beginnings of tyranny less

discernable and unacceptable, he, by the fury of his be-

haviour, heightened the severity of his Ministry, which

was like the cruelty of an Inquisition, than the legality

of justice. With all this he was a Presbyterian, and

retained his aversion to King Charles I, and his party,

to his death."

If to these five members of the Cabal are joined, as in

reason they ought, the King and the Duke of York, it will

be found that all the seven were for an absolute and arbitrary

Government; and that, with regard to Religion, four

were Papists, namely, the King, the Duke, Arlington and

Clifford, and three without any Religion, or at least they

considered it only as an engine of state, these were Buck-

ingham, Ashley, and Lauderdale.

It would be difficult to know the transactions of the Cab-

al, if Father Orleans instructed by King James II, had not told us that a war with Holland was there resolved, in

order to furnish the King with a pretence to keep on foot

both land and sea forces. For it is manifest, that such a

design could be accomplished, but by force or fear. The

(1) In the whole course of his Ministry, he seemed to have made it a maxim, that the King ought to shew no favour to Popery, but that all his affairs would be spoiled, if ever he turned that way; which made the Papists become his mortal enemies, p. 33.

(2) Burnet says further of him, that he had the art of turning persons and things into ridicule beyond any man of his age: He possessed the King when abroad with very ill principles, both as to Religion and Morality, and with a very mean opinion of his Father King Charles I, whose ill-usage was with him a frequent subject of railing, p. 34.

(3) Burnet says of him, that as to Religion he was a Drift at best: He had a wonderful facility in speaking to a popular Assembly, and a particular talent to make others trust to his judgment. He had the art of governing parties, and make himself head of them. He was good at opposing and running things down, but had not the like force in building up. He had a general knowledge of the higher parts of Learning, but understood little of the bottom. He presented Oliver Cromwell offered to make him King. He was indeed of great use to him, in withdrawing the Enthusiasts of that time. His strength lay in the knowledge of England, and of all the considerable men in it. He knew the bias of their understandings and their tempers, and how to apply himself differently to them. He often changed sides, and gloried in doing it at the properest seasons. But his reputation was at last so low, that he was in good time for his Family and party, p. 37.

1670. pretence for this war was to be taken from the dispute about the Flag, which might easily be renewed, and from the general complaints of the English merchants concerning the commerce, of which too great use had been made for undertaking the former war. "But, adds Father Orleans, 'The true reason of making this war upon Holland, was the secret correspondence between the Republicans of England and the Dutch, who were incessantly exciting them to rebellion, and to shake off the yoke of Monarchy, being ever ready to support those that should attack it.'" This seems to contradict what the same author advances a few lines before, namely, that the true ground of this war was to furnish the King with a pretence for raising an army. There is however no contradiction: for it must be considered, that the design of the King and the Cabal concerned two points, which went hand in hand, and formed properly but one design; namely, to introduce an arbitrary Government, and to extirpate the Protestant Religion. As it could not be expected, that the English would willingly give up their Religion and Liberty without any resistance, it was natural to begin with depriving them of the only assistance they could hope for, by attacking the Dutch, and disabling them to succour England. Those therefore who are called by Father Orleans the Republicans of England, were the persons, who, it was supposed, would oppose the King's designs, as well Episcopians as Presbyterians, and the Republicans properly so called. It is therefore clear, that the true reason of making war upon the States, was as much to put it out of their power to assist the English, as to have a pretence for raising forces, and that this was but one and the same reason.

The King makes a private alliance with France. Prim.

Prim.

Edward.
Hist. p. 255.
R. Coke.

The Duchess of Orleans comes into England.
Ibid.
Burnet.
p. 301.

Manager of an alliance between the Kings of England and France.
Prim.
Orléans.

Death of the Duchess of Orléans.
Hist. p. 256.
Edward.
Burnet.
Kenett.

Some time before, Mr. Colbert de Craissy, the French Ambassador at London, having founded the King and his Ministers, concerning a strict alliance with his master, found them very favorably disposed (1), especially when he had told them, that the design of this alliance was to humble the pride of the States-General. Indeed, nothing could more promote their intention, than the concurrence of France to destroy the hated and formidable power of the Dutch, who were alone capable of assisting the English. Some pretend, that the King then signed a secret Treaty with France; but if so, this treaty, in all appearance, was only in general terms, which required more particular articles. However this be, the King of France, to finish this affair so happily begun, came to Dunkirk on pretence of viewing the *Risbank* which was then raising; and bringing with him the Duchess of Orleans his Sister-in-law, the took occasion from the neighbourhood of England to desire leave to visit her Brother, which was readily granted, since every thing was already concerted. She was met by the King at *Douvres*, where she arrived the 15th of May, and stayed above a fortnight amidst continual pleasures and diversions. But these diversions hindered her not from executing the commission she was charged with, which was, as it is pretended, to make a proposal to her Brother in the name of his most Christian Majesty, of insuring him an absolute authority over his Parliament, and restoring the Catholic Religion in his three Kingdoms, as soon as the States should be sufficiently humbled. Though the conferences between the King and his Sister were managed with great secrecy, the events with which they were followed, clearly discovered that this was the subject of them; and Abbot *Primi* and Father *Orleans* positively say it, except what concerns Religion, which Popish authors and some others scruple to own, for fear of justifying the suspicions afterwards entertained by the Parliament, and the measures they would have taken to preserve Religion from utter destruction (2).

An accident which happened shortly after, seemed likely to break the good understanding between the Courts of France and England. The 19th of June, the Duchess of Orleans in perfect health, called, according to custom, for a glass of *Succary* water at four in the afternoon. She had no sooner drank it, but she found herself ill, and her pain increasing, she died about two in the morning. She was universally believed to be poisoned, but the author of her death is not so unanimously agreed on, though the Duke of Orleans her husband was by many secretly accused (3). The first account of her death was brought to the King by Sir *Thomas Armstrong*, who told him plainly, what the French thought of this sudden death, adding, that though he was in the chamber of the deceased at six the same morning, the stench of the corpse was so strong, that he could hardly bear the room. The King could not help falling into tears, and expressing himself very passionately against the Duke of Orleans, saying, *He was a----- I but*

prisoner, Tom, do not speak of it. Presently after, arrived the Marquis of *Bilfonds* with the news, and to pay the compliment of condolence from the French King. He gave an account of the Duchess's death, in the most proper manner to remove all suspicion.

The King was soon comforted for the loss of his Sister, and not thinking that this death, uncommon as it was, ought to break, or even retard, the measures taken with the Court of France, he sent the Duke of Buckingham to Paris, to conclude and sign the *Dover* agreement. The pretence used by the Duke of Buckingham for his journey, was his desire to see France, and learn the language.

In September, Lewis XIV. made an irruption into *Lorraine* by his General *Marshall de Crequi*. The Duke, who had not expected to be attacked, was obliged to fly, and leave his Duchy a prey to the *Marshall*, who took possession in the name of his master. In vain did the Duke hope for the intercession of Charles to the King of France, in return for the money lent and given him in his exile, and for the offer to serve him with all his forces. His Envoy was answered, *That the King was sorry for what had happened, and that the present violence, like the mischiefs of a sudden inundation, must be endured at this time.*

The Parliament being to meet the 14th of October, the King, a few days before, published a Proclamation, commanding all officers and soldiers serving in any of the armies of the late usurped powers, not having a constant habitation, to depart out of the Cities of London and Westminster, and not to return again or come within twenty miles, till after the 10th day of December next, and in the mean time to carry no sword, pistol, or any other arms. This was to show the Houses his care of their preservation.

The Parliament assembling, the King, after a short speech to both Houses, referred all to the Lord-Keeper. Probably, he durst not with his own mouth declare things so opposite to his designs, and which tended only to inflame the Parliament. He chose rather to have this done by the Keeper, who not being privy to the secrets of the Cabal, might speak with more assurance, as being persuaded of what he said. He represented therefore in his speech—

"That France and the States-General are powerfully arming by sea and land; are building new ships, and filling their magazines with all sorts of warlike provisions. That, since the beginning of the last Dutch war, France has so increased the number of her ships, that her strength by sea is thrice as much as it was before; and since the end of it, Holland has been very diligent also in augmenting her fleets. That in such a juncture common prudence requires, that his Majesty should make some suitable preparations: That he has therefore given order, for the fitting out fifty sail of the greatest ships against the spring, besides those which are to be for the security of the Merchants in the Mediterranean, as foregoing, if he should not have a considerable fleet, temptation might be given to those who seem not now to intend it, to give us an affront, if not to do us mischief. To which may be added, That his Majesty, by the Leagues he hath made for the good of his Kingdoms, is obliged to a certain number of forces in case of invasion thereof; as also for the assistance of some of his neighbours, in case of invasion. And his Majesty would be in a very ill condition to perform his part of the Leagues, if (while the clouds were gathering so thick about us,) he should, in hopes that the wind would disperse them, omit to provide against the storm." He then told them, "That his Majesty has made several leagues, as the Triple-alliance; another with the States-General; another with the Duke of Savoy; another with the King of Denmark; another with the King of Spain; not to mention the leagues formerly made with Sweden and Portugal, nor those treaties now depending between his Majesty and France, or between him and the States-General touching commerce; wherein his Majesty will have a singular regard to the honour of this nation, and also to the trade of it, which never was greater than now it is." He added, "That his Majesty finds by his accounts from the year 1660 to the late war, the ordinary charge of the fleet *communibus annis*, came to about five hundred thousand pounds a year. If that particular alone takes up so much, the revenue will in no degree suffice to take off the debts due upon interest, much less give him a fund for settling out this fleet, which by common estimation cannot cost less than eight hundred thousand pounds."—He then intimated to them, "That his Majesty intended to put an end to this

(1) He found a way to bring them into a favorable disposition, namely, by distributing among them a hundred thousand Pistoles, which were sent to him for that purpose, by his Master the King of France. See *Life of Dr. Huet*, Tom. 2. p. 244.

(2) The Duchess of Orleans brought over with her, and sent in England, *Madame Laetitia de Lamoignon*, as a Mistress for the King; probably, with design to retain and attach him to the interest of France. She was afterwards crowned Duchess of Portsmouth, and is said to be still alive. See *Edward*, Tom. 3. p. 254.

(3) The Duke, Sir *Hasbrouck*, heard such things of her behaviour, that it was said, he ordered a great dose of iohimbine to be given her in a glass of Succary-water, of which she died a few hours after in great torment. And when she was opened, her stomach was all ulcerated. Burnet, p. 301.

1670. "meeting before *Christmas*, and therefore prayed them to take his Majesty's affairs into their speedy and affectionate consideration (1.)."

The House of Commons charmed with all these great alliances made for the honour and advantage of the nation, prepared immediately three bills, one to raise eight hundred thousand pounds by way of subsidies (2); another to lay an additional Excise upon beer, ale, and other liquors for six years; a third for laying impositions upon Proceedings at Law for nine years. These three bills were to produce to the King two millions five hundred thousand pounds *Sterling*.

But, before any bill was finished, the King adjourned the Parliament to the latter end of *January*.

The Prince of *Orange* came to *London* about the close of the year 1669 (3), to pay a visit to the King his uncle. The principal motive of his journey, was to demand of the King the repayment of money lent him by the Prince his Father in the time of his exile (4). He was graciously received, and after a stay of about three months returned into *Holland*.

Before his arrival, Sir *William Temple* was recalled from his embassy in *Holland* (5). He was not a proper instrument to be employed in the designs of the Cabal. Besides, the Court was disposed to a speedy rupture with the *Dutch* (6).

The Parliament meeting towards the latter end of *January* after a short recess, the Commons began with preparing a bill which made it death for any man maliciously to *dislike or diminish another, to put out an eye, to cut off a nose or lip, &c.* (7). This was owing to an attempt upon Sir *John Coventry*, a member of the Commons, in the street, in which his nose was slit. This fact was, by the King's order, committed to the Duke of *Manmouth* his natural son, and the Duke had employed some other persons, who, after the deed, retired to his house (8).

The 14th of *February* the King sent a message to the House of Commons to hasten the money-bills. But the House thought proper, before these bills were presented to the King, to address him concerning the growth of Popery, for which the concurrence of the Lords was obtained. As this address may serve to illustrate the History of this reign, it is not unnecessary to insert it entire.

May it please your most excellent Majesty,

"We your Majesty's most humble and loyal Subjects, the Lords and Commons in this present Parliament, being sensible of your Majesty's constancy to the Protestant Religion, both at home and abroad, hold our selves bound in conscience and duty, to represent to your Majesty the causes of the dangerous growth of Popery in your Majesty's Dominions, the ill consequence whereof we heartily desire may be prevented. And therefore what we humbly conceive to be some present Remedies for the said growing Evils, we have hereto added in our most humble Petitions.

Causes of the Growth of Popery.

"THAT there are great numbers of Priests and Jesuits frequenting the cities of *London* and *Windsor*, and most of the counties of this Kingdom, more than formerly, seducing your Majesty's good Subjects.

"2. That there are several Chapels, and places used for saying of Mass, in the great towns, and many other parts of the Kingdom, besides those in Ambassadors houses, whither great numbers of your Majesty's Subjects constantly resort and repair without compulsi, and especially in the cities of *London* and *Windsor*, contrary to the laws established.

"3. That there are Fraternities or Convents of *English* Popish Priests and Jesuits at *St. James's*, and at the *Convent in Hertfordshire*, and other parts of the Kingdom; besides several Schools are kept in divers parts of the Kingdom for the corrupt educating of Youth in the principles of Popery.

"4. The common and publick selling of Popish Catechisms, and other seditious books, even in the time of Parliament.

"5. The general remissness of the Magistrates and other

officers, Clerks of the *Affize*, and Clerks of the Peace, 1670-1.

"in not convicting of Papists according to law.

"6. That suspected Recusants are free from all offices chargeable and troublesome, and do enjoy the advantage of offices and places beneficial; executed either by themselves, or persons entrusted for them.

"7. That the advancement of Churches, and Presentations to Livings are disposed of by Popish Recusants, or by others entrusted by them as they direct; whereby most of those Livings and Benefices are filled with scandalous and unfit Ministers.

"8. That many persons take the liberty to send their children beyond the seas, to be educated in the Popish Religion; and that several young persons are sent beyond the seas, upon the notion of their better education, under tutors and guardians, who are not put to take the oaths of Allegiance and Supremacy, and usually corrupt the youth under their tuition into Popery.

"9. That there have been few Exchequer processess issued forth since the Act of Parliament against Popish Recusants convict, though many have been certified thither.

"10. The great infolences of Papists in *Ireland* (where do publicly appear Archbishops and Bishops reputed to be made for by the Pope, in opposition to those made under his Majesty's authority, according to the Religion established in *England* and *Ireland*) and the open exercise of Mass in *Dublin*, and other parts of that Kingdom, is further a great Cause of the present growth of Popery. That *Peter Talbot*, the reputed Archbishop of *Dublin*, was publicly consecrated for at *Antwerp* with great solemnity; from whence he came to *London*, where he exercised his function; and was all along, in his journey to *Chyfter*, treated with the character of His Grace by the Popish Recusants whom he visited: And at his landing at *Dublin*, was received with great solemnity by those of the Popish Religion there, where also he exercised his function publicly, great multitudes then flocking to him, and still continues to do the same. His present residence is within three miles of *Dublin*, at his Brother's Colonel *Richard Talbot*, who is now here soliciting your Majesty as publick Agent on the behalf of the Irish Papists of that Kingdom."

Remedies against these growing Mischiefs.

"We the Lords and Commons assembled in this present Parliament, do in all humility represent to your sacred Majesty in these our Petitions following:

"1. THAT your Majesty by your Proclamation would be most graciously pleased to command, that all Popish Priests and Jesuits do depart this realm, and all other your Majesty's Dominions, on or before a short day to be prefixed, at their perils; except only such foreign Priests as attend her Majesty's person by the contract of marriage, and Ambassadors according to the Law of Nations: And that all Judges, &c. do cause the Laws now in force against Popish Recusants convict, to be put in due execution: And in the first place, for the speedy convicting such Popish Recusants, that all Judges and Justices aforesaid do strictly give the said Laws in charge unto the Juries at all *Affizes* and Sessions, under the penalty of incurring your Majesty's highest displeasure.

"2. That your Majesty would be pleased to refrain and hinder the great concourse of your native subjects from hearing of Mass, and other exercises of the *Romish* Religion, in the houses of foreign Ambassadors or agents, and in all other chapels and places of this Kingdom.

"3. That your Majesty would be pleased, to take care, and cause, That no office or employment of publick authority, trust or command in civil or military affairs, be committed to, or continued in the hands of any person being a Popish Recusant, or justly reputed so to be.

"4. That your Majesty would be pleased to take notice of all Fraternities or Convents of *English*, and other Popish Priests, Jesuits or Friars, and Schools for the

(1) This Speech was thought fit to be suppressed, nor is it in the Journals of the House of Commons. *Richard*, Tom. 1. p. 256.

(2) Upon real and personal Estate. *Ibid.* p. 259.

(3) He arrived the 19th of October 1669, and took his leave the 21st of February following. *Kent*, p. 303, 304.

(4) And also to try what offices the King would do, in order to his advancement to the Stadtholdership. *Burnet*, p. 253.

(5) Under pretence that it was only with intention of his informing his Majesty better in the several points that concerned the present Contentions of his Nation there. *Temple's* Lett. p. 241.

(6) This year died *Henry Jermyn*, who deserves to be remembered on account of his extreme age. He was a poor *Filister* of *Windsor*, born in 1507, and living in the reigns of eight Kings and Queens of England, died this year, aged 169 years, exceeding the famous *Thomas Parr*, who died 1655, 103 fourteen years.

(7) This was afterwards called *Convent's Act*, from the name of the person that was the occasion of it.

(8) The person that committed this act, was, Sir *Thomas Jermyn*, *Charles Oliver*, Esq; *Simon Perry*, and *Miles Kewen*, who all fled from *Justice*. *Stratton*, 22 Car. 2. c. 2. The reason of his usage, it seems, was this: He was an opposer of the Money-bills, and when passed, moved the laying of tax on the *Play Houses*, which were become nests of prostitution. This was opposed by the Court: It was said, The Players were the King's Servants, and a part of his pleasure. *Convent's* sake. Whether did the King's pleasure lie among the men or women Players? This was carried with great loud gesticulation to Court. It was said that was the first time the King was personally seduced on. If it was pulled over, more of the same kind would follow. Whereupon, the King's ministers were sent to watch for Sir *John*, and leave a mark upon him. He detected himself so well, that he got more credit by it, than by all the actions of his life. His nose was nicely needed up, that the fear was hardly to be discovered. The Commons put a Clause in the Bill, that it should not be in the King's power to pardon the persons concerned. *Burnet*, p. 269.

1670-1. "educating of youth in the principles of Popery, erected
"within your Majesty's dominions, and to cause the same
"to be abolished, and the said Priests, Jesuits, Friars,
"and Schoolmasters to be duly punished for such their
"infolences.

"7. That your Majesty would be pleased, from time
"to time to require and cause, that all the officers of, or
"relating to the Exchequer, issue forth process effectually
"against Popish Recusants convicted certified thither. And
"that such officers as shall refuse or neglect to do their
"duty as aforesaid, be severely punished for such their
"failures.

"6. That your Majesty would be pleased to give or-
"der, for apprehending and bringing over into England,
"one *Plunket*, who goes under the name of primate of
"Ireland, and one *Peter Talbot*, who takes on him the
"name of Archbishop of Dublin, to answer such matters
"as shall be objected against them."

The King replied to this address, that he would do
what was desired, but supposed, no person would wonder,
if he made a difference between those Papists, that had
newly changed their Religion, and those that were bred
up in it, and had faithfully served him and his father in the
late wars. A few days after, the King published a Pro-
clamation, which ran much in the same file with those
that had been issued on this occasion, and was no better
observed. From the beginning of the reign of *James I.*
to the end of that of *Charles II.*, the same method was con-
stantly practised. Upon the instances of the Parliament
to prevent the growth of Popery, these three Kings had never
scrupled to grant whatever was desired, and in consequence
to publish Proclamations; but there was a wide difference
between the publication and the execution.

I shall observe here, that in the beginning of the civil
wars, *Charles I.* positively denied, he had any Papists in
his service. But *Charles II.*, his son, in this forementioned
answer, not only publicly owns it, but says also, that in
consideration of the great services of the Papists, to his fa-
ther and himself in the civil wars, he is obliged to give them
marks of his favour.

This affair being ended, the Commons proceeded upon
the three money bills, and as if these had not been suffi-
cient to supply the King's extreme wants, they afterwards
added a fourth, for impositions on foreign Commodities.
These Bills being sent up to the Lords, were debated in
their House. On the second reading of the Subsidy-bill, the
Lord *Lucas* rose up, and in presence of the King, who
was then in the House, (where he frequently came without
any formality) made a speech which was very disagreeable
to his Majesty. I don't think it necessary to insert the
whole speech, but however shall relate some passages, which
will show what many thought, though few had the bold-
ness of the Lord *Lucas* to speak it publicly.

He first complained, "That whereas, upon the King's
"restitution, it was the hopes of all good men, that the
"nation would be freed from the burthens they had been
"so long oppressed with, these burthens were heavier than
"ever, whilst their strength was diminished, and they
"were less able to support them,—that if the vast
"sums given were all employed for the King and King-
"dom, it would not so much trouble them: But they
"could not without infinite regret of heart, see so great a
"part of the money pounded up in the purses of a few
"private men, who, in the time of his Majesty's most
"happy reformation, were worth very little or nothing,
"but were now purchasing lands, and kept their Coaches
"and fix Horses, their Pages, and their Lacqueys; while,
"in the mean time, those that had faithfully served the
"King, were exposed to penury and want, and had scarce
"sufficient left to buy them bread.—But, supposing all
"the money given was employed for the use of his Ma-
"jesty, and he was not cozened, as without doubt he is,
"are there no bounds to, no moderation in, giving? Will
"it be said, that his Majesty will not be able to maintain
"the Triple-Alliance, without a plentiful supply, and we
"shall thereby run the hazard of being conquered: This
"may be a reason for giving something, but it is so far
"from being an argument for giving so much, that it may
"be clearly made out, *That it is the direct and ready way*
"*to be conquered by a foreigner.* And it may be the po-
"licy of the French King, by his often alarms of armies
"and fleets, to induce us to consume our treasure in vain
"preparations against him; and after he has by this means
"made us poor and weak enough, he may then come
"upon, and destroy us. It is not the giving a great deal,
"but the well managing the money given, that must
"keep us safe from our enemies.—Besides, what is
"this but *ne moriari mori*, to dye for fear of dying, and

"for fear of being conquered by a foreigner, to put sur-
"selves in a condition almost as bad? Nay, in some re-
"spect, a great deal worse; for when we are under the
"power of the victor, we know we can fall no lower,
"and the certainties of our miseries are some sort of di-
"minution of them: But in this wild way, we have no cer-
"tainty at all; for if you give thus much to day, you
"may give as much more to morrow, and never leave
"giving, till we have given all that ever we have away.
"—It is therefore necessary to be able to make some
"estimate of our selves: Would his Majesty be pleased to
"have a quarter of our estates? For my part he shall
"have it: Would he be pleased to have half? For my
"part, upon good occasions he shall have it: But then let
"us have some assurance of the quiet enjoyment of
"the remainder, and know what we have to trust to.
"—The Commons have here sent up a Bill for the
"giving his Majesty the twentieth part of our estates, and
"I hear there are other Bills also preparing, which toge-
"ther will amount to little less than three millions of mo-
"ney, a prodigious sum! And such, that if your Lord-
"ships afford no relief, we must sink under the weight of
"it. I hope therefore, your Lordships will set some
"bounds to the over- liberal humour of the Commons. If
"you cannot deny or moderate a Bill for money, all your
"great estates are wholly at their disposal, and you have
"nothing that you can properly call your own,——
"Upon the whole matter, I must humbly propose, that
"you would be pleased to reduce the twelve pence in the
"pound, to eight pence."

This Speech, afterwards printed and published, was so
offensive to the King and his Ministers, that it was ordered
to be burnt by the common hangman. But however it
made some impression upon the Lords, who sent the Bill
to the Commons with amendments, that is, with some al-
terations (1). This occasioned a dispute between the two
Houses, the Commons refusing to receive the amendments.
But in a conference the difference was ended, by the ac-
quiescence of the Lords, to the reasons of the Commons.
The two first money Bills, namely, the Subsidy-bill, and
the additional tax upon beer, and other liquors, being re-
admitted, the King came to the House of Lords the 6th of
March, and passed these two Acts, with another, for re-
voking the power of granting Wine-licences in his Majesty's
beirs; and successors, and for settling a revenue on his royal
Highness in lieu thereof, which amounted to twenty-four
thousand pounds a year (2).

There still remained two other Money-Bills, which had
been sent to the Lords, one for Impositions on Proceedings
at Law, and another for an additional imposition upon several
foreign Commodities. The first Bill passed the House
of Lords without any difficulty. But the second occasioned
a violent contest between the two Houses. The
London merchants having presented a Petition to the Lords,
in which they showed the disproportion of the Rates im-
posed upon certain commodities to be such as would utterly
ruin the whole trade of these commodities, and bring
an irreparable prejudice upon all the English Plantations,
and consequently upon the Kingdom; Thereupon the
Lords judg'd it necessary to make alterations in the Bill,
and lower some of the rates, and then returned the Bill
to the Commons. The Commons maintained, the Lords
had no right to make any Amendments in Bills of Imposi-
tions and rates, and could only receive or reject them as
they were sent, and the Lords asserted the contrary.
This dispute produced several conferences, in which the
two Houses mutually communicated their reasons, an-
swers, and replies. It would be too long to enter into the
discussion of this difference, which, besides, would hardly
be intelligible to those who have not a thorough knowledge
of the constitution of English Parliaments. I shall only
relate one circumstance, which may be understood by all,
and wherein consisted the essential part of the dispute.
The Commons maintained, that by a Fundamental Right,
it belonged to their House (in exclusion of the Lords,)
to impose Rates upon merchandise. They meant by this
Fundamental Right, a constant usage or custom, accord-
ing to the principles of the Parliament, in the time of
Charles I. The Lords, after the example of *Charles I.*
demanded of the Commons, Where was the *Charter* or
Contract to be found, by which the Lords divested them-
selves of this Right, and appropriated it to the Commons
with an exclusion to themselves? To this the Commons
replied by another question, Where was the *Record* by
which the Commons submitted, that this Jurisdiction should
be appropriated to the Lords in exclusion of themselves?
Wherever their Lordships should find the last Record, they
would show the first endorsed upon the back of the

(1) They insisted in particular, That the Dissenters allowed and appointed in that Bill, such as the breaking open of doors, were not agreeable to the ancient Privileges of Parliaments. *Edward, Tom. 3. p. 370.*

(2) There was also passed at the same time, among others, an Act to prevent the malicious burning of Houses, Stacks of Corn, and killing or maiming of Cattle. *Statute 8.*

1670-1. same Roll. In short, the King perceiving the contest daily increased, came to the House of Peers, and after the royal assent given to an Act for impositions on Proceedings at Law, and some others, he prorogued the Parliament to the 16th of April, 1672, and afterwards by several Prorogations to the 4th of February 1672-3. So that this Prorogation continued a year and nine months.

Probably, every Reader will be surprized at the extreme liberality of the Commons to the King, and especially in this session. As to the former supposition, it may be said, they had some foundation true or false. But for the present supply, which was greater than any before, it was founded upon a contingency which had not even the least appearance. For it was upon a supposition, that France and the States-General, who were making great preparations, might invade England, if they found her unarmed, though the war was in peace with France, and in strict alliance with Holland. Besides, the States had hitherto made no extraordinary preparations, because they did not yet suspect, they should be attacked. And as to France, the King knew, he had nothing to fear from that quarter. Nevertheless, upon the King's bare proposition, supported by no probability, a sum of two millions and a half was granted him, which some even compute at three millions. Nothing is more proper to render probable what is asserted by many authors, that scarce a member, however inconsiderable, was without a pension from the King according to his credit in the House, and that these pensions were increased in proportion to the sums granted to the King. Thus much is certain, that afterwards upon an inquiry, some were found guilty of this collusion.

Before I proceed, it must not be forgot to speak of the death of Anne Hyde Duchess of York, daughter to the Earl of Clarendon, the late Chancellor. She died the 31st of March in the 34th year of her age, after an abjuration of the Protestant Religion during her long indispotion (1). From her marriage proceeded eight children, two of which only survived her, Mary and Anne, who were both Queens of England. The rest all dyed young (2).

The Duke of York was a Papist before the King's restoration, but I can't find at what time he changed his religion. It was a secret for some time, but had now been so divulged, that it was openly talked of in the Court and Country. At last, soon after the death of his Duchess he made a formal abjuration of the Protestant Religion before Father Simon an English Jesuit, and from that time openly declared himself a Papist. His inducement, as 'tis said, to make publick profession of this Religion, was this. The King had, for some years, even before Clarendon's disgrace, entertained a secret design of divorcing his Queen, whom he had never loved. He had communicated this design to some of his confidants, but it was always opposed by the Earl of Clarendon, whether from the injustice of the thing, or for the sake of his daughter the Duchess of York, and her posterity. After the removal of that Minister, the King finding himself more free, persisted in his design, which, as it is affirmed, was encouraged by the Papists, and approved by the Court of Rome. One pretence for this divorce, was, that the Queen had been pre-engaged to another, who however was not named. It was also pretended, she was incapable of having children, though she had twice miscarried. But as these facts are very difficult to be proved, the King was assiduously to find a more plausible pretence; which was, to say snares to betray the Queen into such freedoms, as might be the ground of an accusation of adultery. But the King could not resolve to use a method so unjust, and dishonourable (3). Nevertheless the divorce was resolved, and as a pretence only was wanting, an effectual one would certainly have been found. The Priests and Jesuits who were continually about the Duke of York, had long pressed him to make open profession of the Roman Catholic Religion, but had not yet been able to succeed, because the Duke saw, it would make him forfeit the affection of most of the English. At last, upon the Duke of York's refusal they strenuously laboured the affair of the Divorce, and caused, as it is said, the Pope to promise his consent. When the business was thus far advanced, they intimated to the Duke of York, that they were able either to effect or hinder the King's divorce, and would undertake the latter, if he would make open profession of the Catholic Religion. This, as it is pretended,

engaged him to declare himself a Papist, being apprehensive, that if the King should be divorced from his Queen, he would marry again, and have legitimate children. I relate these particulars as I found them in the Histories and Memoirs of those times, but I must warn the Reader, that the authors of them allege no other proof than their own testimony (4).

After the prorogation of the Parliament, the Catholics fought, with all possible ardor, means to execute their projects. There were, first, to render the King absolute, in their language, a Great Prince: and under this article was comprized, the establishment of Popery, if not the entire destruction of the Protestant Religion. For there is no visible medium between these two things. I have already given the reason why the article of Religion is omitted by the King's adherents. The second project was to break the Triple-alliance. The third, to make war upon Holland, though it was difficult to invent any the least plausible pretence. To execute the two last, Mr. Henry Coventry, who had been Plenipotentiary at the treaty of Breda, was sent to Sweden, and Sir George Downing to the Hague. Temple, as I have said, was recalled, but to smother the States, the King signed to send for Temple only to be informed of some matters, and that he should immediately return. He was however still in London, and though the King had no design to send him back to Holland, yet to take away all suspicion from the Dutch of his intention to break with them, he had hitherto refused his permission to Sir William to send for his wife and family. At last, he was openly July recalled, and obtained leave for his wife and children to come over who were still at the Hague. The recalling of Temple, and sending of Downing in his place sufficiently discovered the King's intentions (5). The first was extremely beloved in Holland, as he had always behaved with integrity, and a concern for the common interests of both nations. The second had served for instrument to engage the King and the States in the late war, and was looked upon in Holland as a man of no honour, and a real incendiary. So that when the States heard, he was coming in the room of Temple, they no longer doubted of a rupture with England. Mean while Downing being arrived at the Hague, was not wanting in protestations, that the King his master was resolved to maintain the Triple-alliance, and if he was equipping a fleet, it was wholly owing to the great preparations of his neighbours, and particularly the King of France, of whom he had just cause to be jealous. But withal, he failed not to complain of the obstinacy of the Dutch, upon an affair of little importance, concerning the Colony of Surinam; adding some complaints of the English Merchants against the Dutch East-India Company. These were the two articles on which the King intended to found a rupture, but as he did not think them of sufficient weight, he projected to draw the States into a sort of insult upon him, which might give him a more plausible pretence for a war.

To this end, the King having granted Sir William Temple a yacht to bring over his Lady, the Admiralty gave express orders to the Captain to go in quest of the Dutch fleet, then at sea, and if they refused to strike, to fire upon them. The Captain met with them as he was returning with the Ambassadors and her Children. When he saw, the fleet paid no regard to the King's yacht, he fired several shots at them. Mr. de Ghent, who commanded the fleet, surprized at this insult, sent a boat to the yacht to know the meaning of it. The Captain only answered, he had his instructions, and was bound to follow them. Upon this Mr. de Ghent went to the yacht on pretence of paying a compliment to the Ambassadors, which being performed, he talked with the Captain, and was answered as before. The Admiral replied, he had no orders from his Masters in that point, and did not know how the affair was agreed between his Majesty and the States; but though it were settled, the Captain could not pretend the fleet should strike to a yacht, which was but a pleasure-boat, and could not pass for a man of war. The Captain still persisted in saying, he only followed his orders. Nevertheless, the fleet did not fire a single shot at the yacht, and the Captain pursued his course, pleased that he had come off so well.

Besides the two millions and a half granted to the King by the Parliament, the King of France, if Abbot Primi is

(1) Some imagined, That that unhappy Princess had been prevailed upon, against her conscience, to sign a Paper, containing the grounds of her conversion, which she attributed chiefly to the reading of Dr. Heylin's History of the Reformation. Her Father, when he heard of her swerving in her Religion, was much troubled at it, than at all his own misfortunes. He writ her a very grave and long Letter upon it, inclosed in one to the Duke, which fits in the Life of King James, Supplement, p. 1, the common Report, p. 399. Richard, p. 271.

(2) Three names were, Charles, born October 21. 1660. Mary, April 30. 1665. James, July 12. 1667. Anne, February 6. 1666. Charles, James, Charles, and Anne, July 4. 1666. Edgar, September 14. 1667. Henrietta, January 13. 1668. And Katharine, February 9. 1670. Charles, James, Charles, and Anne, T. L. reverts, dies before their Mother, and Edgar and Katharine shortly after. Sandford, p. 677.

(3) Others were not so to deal with her Confessor, that he might persuade her to leave the world, and to turn religious. Earnest, p. 265.

(4) Some say, the Duke of Buckingham offered, that if the King would give him leave, he would take the Queen away, and send her to a Plantation, where she should be well looked after. But the King himself rejected this proposal with horror. He said, it was a wicked thing to make a poor Lady miserable, only because he was her wife, and had no Children by him, which was no fault of hers. p. 265, 266.

(5) Mr. de Warr said she was his Majesty's Secretary. That he should take Sir William's Reply or coming back for certain signs of what the King's intentions were, and was the preferring or changing the measures he had taken with the States. Temple's Lett. p. 248.

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to be credited, sent him also a very considerable sum to enable him to equip a fleet much superior to war, tho' with all possible artifice he endeavoured to remove all suspicion of his having any such design. He spent the whole summer, and part of the autumn in progress through several parts of his Kingdom. The 28th of May he celebrated the feast of St. George in a very solemn manner at Windsor, and in the order of the Garter, the King of Sweden, and the Elector of Saxony, by their Proxies, and after them the young Duke of Albinaric. He also made a visit to the University of Cambridge, where he was magnificently entertained, and to several other places, which it is needless to mention. After his return, both their Majesties were invited to the Lord-Mayor's feast, on the 30th of October, where no cost was spared to display the grandeur and riches of the city of London.

As his Majesty
was at Windsor,
Edward.

Wood
Hill
near
Windsor,
May 9.
Bryce's
Chron.
of
Stow's
Survey,
T. I.
p. 92. Rec.
Edward,
III. p. 232.

Id. p. 262.
Dec. 6.
1670.

Is
examined
by the King,
Bryce,
Edward,
III. p. 275.

Before I proceed to the transactions of the next year, I think myself obliged to take notice of an attempt, the most extraordinary that can possibly be devised by a private man. I mean that of *Blood*, a famous villain, robber, and assassin, who formed the design of seizing the Crown, Scepter, and Globe, which are kept in the Tower. With the assistance only of two or three more, he executed this design so dextrously and happily, that they were got out of the Tower with their booty, before they were seized. To give some account of *Blood*, I shall briefly say here, that the Duke of Ormond, when he was Lord-Lieutenant of Ireland, having caused some of *Blood*'s complices to be hanged, who intended to surprize the castle of Dublin, *Blood* swore, he would revenge their deaths. For this purpose, *Blood* followed the Duke of Ormond into England, when he was recalled, and watched him so well, that with the assistance of seven or eight persons on horseback, he stopped his Coach, in the night, as he was going to *Clarendon* house, where he lived, knocked down his footmen (2), and forced the Duke up behind one of the horsemen, in order to carry him to *Tyburn*, and hang him there, with a paper pinned on his breast, to show the cause of this execution. But the Duke forcibly throwing himself off the horse, with the villain who had tied the Duke fast to him, defeated the design, and the authors could never be discovered till after *Blood*'s attempt upon the Crown. This attempt was very extraordinary, but the King's conduct on that occasion was still more surprizing. For having a curiosity to examine *Blood* himself, he ordered him to be brought to *Whitehall*, and put several questions to him, which the villain answered with astonishing boldness, confessing all, and unconcernedly relating the circumstances of the thing. Then the King asked him, whether he knew the authors of the attempt upon the Duke of Ormond? *Blood* confessed, it was himself. Not content with this, he told the King, he had been engaged in a design to kill him with a carbine, from out the reeds by the *Thames* side above *Battersea*, where he often went to swim. But that when he had taken his stand in the reeds for that purpose, his heart was checked with an awe of Majesty, and did not only rent himself, but diverted his associates from the design. He also told the King, he was prepared to suffer death, as having deserved it; but must tell his Majesty, that he had hundreds of complices, who had bound themselves by a horrible oath, to revenge the death of any of the Fraternity, upon those who should bring them to justice; which would expose his Majesty and all his Ministers, to the daily fear and expectation of a massacre. But, on the contrary, if he spared the lives of a few persons, his own would be secure. The King was surprized, and probably, intimidated by *Blood*'s discourse, and thought,

doubtless, the attempt of this villain on the Duke of Ormond, to revenge the death of his complices, might be imitated, in revenge of his death, by his surviving comrades. However this be, the King sent the Earl of Arlington to the Duke of Ormond, to desire him not to prosecute *Blood*, which the Duke could not refuse (3). Afterwards, he gave him his pardon, and not content with saving his life, conferred on him five hundred pounds a year in land in Ireland. From this time, *Blood* was continually at Court, and the King treated him with that freedom and familiarity, that many persons applied to him for favours from the King. This gave occasion to the King's enemies to say, that he kept this villain about him, to intimidate those who should dare to offend him in things which were not punishable by law, as had been practised in the case of Sir *John Coventry*, for some raileries upon him in the House of Commons. As for *Edward*, the Keeper of the Crown, a man fourscore years old, who had done his utmost, tho' in vain, to hinder the theft, and had received so many wounds, that he was left for dead, the King contented himself with assigning him a reward of two hundred pounds, the payment of which was so long delayed, that the poor man died before he received it (4).

In the course of this year died two famous Generals, distinguished by their bravery and experience in the civil wars. The first was the Lord *Fairfax*, the Generalissimo, and the other *Edward Montague* Earl of *Manchester*. I shall say no more of them, because they have been sufficiently described in the reign of *Charles I.* I shall only add, that both were very fervent in the King's restoration (5).

The league against *Holland*, much like that of *Cambray* against the Commonwealth of *Venice*, was still kept so secret, that the States could only suspect it, without any certainty. The design of the Allies was to begin with the ruin of the Dutch, before declaration of war, and then to attack them all together, at the same time, and in different places. The King of France, the Elector of *Cologne*, and the Bishop of *Munster*, were to invade them by land, and the English and French fleets jointly to attack them by sea. This was the project, but it met with an unforeseen difficulty. Though *Charles* had received two millions five hundred thousand pounds from the Parliament, and seven hundred thousand pounds from the King of France, he was still in want. Indeed, he had applied part of the money received, to the equipment of his fleet, which could not amount to half, and it was difficult to conceive, what was become of the rest. However this be, he signified to his Ministers, that he could not begin the war without fifteen hundred thousand pounds, and as he could not apply to the Parliament, which was prorogued, he promised the Treasurer's staff, to the person who should invent the means of raising that sum. Sir *Thomas Clifford* proved the most happy and ingenious. He went to the King, and told him, that by shutting up the Exchequer he would be sure of that sum. The King readily understood this advice, and resolving to follow it, performed his promise, and made *Clifford* Lord-Treasurer. Some however ascribe this project to the Lord *Shaftsbury*, and say, that *Clifford* having artfully drawn it from him, gloried in it to the King (6).

To understand this method, (which tho' plain to English readers, is not so to foreigners,) it is to be observed, that at the Exchequer are received, by direction from the Lord-Treasurer, all the sums destined to publick use, and the interests of the money borrowed upon Parliamentary Funds, which commonly cannot be raised under several months, or even years. So, when the King has a mind

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and par-
ticulars.

Druck of
the Lord
Fairfax and
Earl of
Manchester,
Edward,
III. p. 232.

Dispos-
ed against
the Dutch
Indulgence.

Edward,
III. p. 232.

The King
Indulgence.

Edward,
III. p. 232.

Is advised to
shut up the
Exchequer.

The meaning
of that is
that

(1) He was promised six millions of Livres, besides three hundred thousand Crowns a month, or three hundred and fifty thousand pounds Sterling a year, during the war. *Life of Dr. Wile, Tom. II. p. 244.* *Warner, p. 304.*

(2) *Rapin*, by mistake says, he killed the Coachman and Footmen.

(3) The Duke answered, "That the King should for, to value his life as little, as his Majesty did his Crown." *Edward, Tom. III. p. 236.*

(4) *Edward* had a grant of two hundred pounds for himself, and one hundred for his Son. But, by the delay of payment, were obliged to sell their orders for half the money, and the old man lived not long after the remainder. The manner of *Blood*'s seizing the Crown was that: He got to the Tower in a Citysmen's habit, with a woman whom he called his wife, and who, he pretended, wanted to see the Crown, and having seen it, he desired to be taken with a quail, and desired Mr. *Edward*, the Keeper of the Crown to send for some spirits, who immediately called his Wife to fetch some, of which she drank, and being excited to repulse herself on a bed, she did so, and soon recovered. At their departure, they were very thankful for that civility. Three days after, *Blood* comes with a present of Gown from his Wife, and having then been an acquaintance, he introduces by frequent visits. At last, he tells Mr. *Edward*, that he had a mind to make a match between a Nephew of his, and Mr. *Edward*'s Daughter, which Nephew, he said, had three hundred pounds a year. Accordingly, a day was appointed for the young couple to see one another. *Blood* comes with three more, armed with rapier blades in their coats, and every one a dagger, and a pair of pocket pistols. One of the fellows stays at the door, and the others go in. *Blood* told Mr. *Edward*, he would not go up stairs till his Wife came down, and desired him, in the mean time, to show his friends the Crown, to pass away the time. As soon as they were in the room, and the door shut as usual, they immediately ragged the old man, and knocked him down for endeavouring to make a noise. One of the Company put the Globe in his breeches. *Blood* kept the Crown under his gown, and a third was filing the Scepter, (being too long to manage) when their companion without gave them notice, that young Mr. *Edward* was just come home, and came up stairs, upon which they all made off with the Crown and Globe. But old *Edward* getting up and making a noise, they were pursued and taken, as they were making to their boats, which waited at the *low-Gate* in St. *Katherine's*. *Blood*, tho' he was himself a prisoner, had the impudence to promise to make a noise. *Edward's* Confession, of *Blood*'s design, *Tom. I. p. 303.* *Edward.*

(5) The year also died *William Seymour Duke of Somerset*, and the famous *Cleric, Meric Lambton*, Archbishop of *Canterbury*. *Edward.*

(6) The substance of the story, as it is told by Mr. *Edward*, from a Manuscript of Sir *John Evelyn*'s, is this: — The King, under pretence necessity, promised the whole Staff twenty one of his Ministers, who could not turn in a way to raise fifteen hundred thousand pounds, without applying to his Parliament. The next day Lord *Arlington* told Sir *Thomas Clifford*, that there was a way to do this, but that it was dangerous, and might in its consequences inflame both Parliament and People. Sir *Thomas*, impatient to know the secret, paid the Lord *Arlington* such words, and having drawn him to a proper height, bid him insensibly to the subject of the King's indigence; Lord *Arlington*, warm and unwieldy, dropped the important secret at shutting up the Exchequer. Sir *Thomas* took the hint, left *Arlington* as soon as he could, went the same night to *Whitehall*, and attending till the King retired, demanded the White Staff. The King renewed his promise, if the money could be found, and then Sir *Thomas* did bid the Clerk, The project was put in execution, and *Clifford* advanced to be Treasurer, and created a Peer. *Arley* was engaged, and said, That *Clifford* had plunged with his ill-fortune, to satisfy him, he was first made Earl of *Shaftsbury*, and soon after Lord Chancellor of England. *Tom. III. p. 234.*

1671. to have all at once, the money that has been granted him, he borrows it of private persons at a large interest, and assigns them payment upon the Exchequer, which applies to this use the money, raised from the granted Funds, as it comes in. Moreover, at the time I am speaking of, all the monied-men in London, not to keep large sums in their houses, put their money into the hands of Bankers and Goldsmiths, without interest. And when they wanted any part, they drew upon their Goldsmiths or Bankers, who immediately paid it. Now, as it was morally impossible, that all the private persons who had money as a Banker's, should want it all at once, those who had the money in their hands kept only a sum sufficient to answer the usual demands, and lent the rest to the King at a large interest, upon the Parliamentary Funds. So, in shutting up the Exchequer, he received all the money which came into it (1), without paying any thing of what he owed. But at the same time, the persons who had put their money into the hands of the Bankers and Goldsmiths, were entirely ruined, since it was not in their power to dispose of their capital; especially, as the Bankers refused even to pay the Notes drawn daily upon them, on pretence, that they received nothing from the Exchequer. This caused an extreme conflagration in London, but the King and his Ministers pursued their measures, and, deaf to the complaints of so many ruined families, kept the Exchequer shut up one year, and, at the expiration of that term, it continued shut up by a new order, some months longer. But the whole misfortune did not consist in twelve or eighteen months expectation. It is easy to imagine, the King having received all the money which came into the Exchequer during that time, the sums which were brought in, when it was opened, were not sufficient to discharge the arrears of these eighteen months. This is the true state of the affair, which caused the *English* to exclaim loudly against the King and the Cabal. But the hopes the Cabal then had to render the King absolute, made them very easy under the complaints and reproaches of the people.

Two Exchequer shut up, January 3. Arlingham's Letter, T. III. p. 345. Edward Kennet, p. 379. Burnett.

1671-2.

The King intends to surprise the Dutch Smyrna Fleet, before he had declared war, March 13. Balfage, Burnett, Edward Kennet, p. 380. Primi.

But without success, Balfage.

Kennet, p. 380. Burnett.

Four India men taken, Balfage.

But Charles had in his thoughts a project which would furnish him with still more considerable sums. This was to surprize the *Dutch* fleet returning from *Smyrna* richly laden (2), before any declaration of war. He had practised the same thing the last year, with regard to the *Bourdeaux* fleet, and received a great advantage from it. This fleet being much richer, inspired him with great expectations. To this end he put to sea thirty six men of war (3) under the command of *Holms*, who had orders to cruise in the Channel, and intercept this fleet. *Holms* being informed that the *Dutch* fleet approached, divided his own into three squadrons. That of *Holland* consisted of seventy two sail of merchant-ships, many of which had no guns, under the Convoy of five men of war, commanded by experienced officers. These drew up the merchant-men in three squadrons, in good order, and put themselves between them and the *English* fleet, after having enjoined them to pursue their course without breaking their line. *Holms* attacked this fleet the 13th of March (4), and fought the whole day without gaining the least advantage. The next day at nine in the morning the fight was renewed, and lasted all the day, though on the side of the *Dutch*, Captain *De Haes*, who acted as Admiral, had been killed about noon. On the side of the *English* the Vice-Admiral's ship was disabled. On the morrow, at eight in the morning, *Holms*, who had been re-inforced by some frigates, renewed the engagement, and at last took one man of war, the Captain and most of the sailors being slain, and three merchant ships (5) which were brought into the *Thames*. This was all the advantage the *English* received from an action, which highly reflected on the King. It was carefully published at London, that this engagement was but an effect of chance, openly the *Dutch* refused to strike. Though every one openly spoke against so dishonourable an action, the King was not affected with the sentiments of the vulgar, and instead of repairing the injury done to the States, in seizing their ships before the war was declared, sent out a squadron to meet four *Dutch* India men, which were immediately taken and condemned. At the same time, he ordered all the *Dutch* ships in his ports to be seized, though, by an express article of the Treaty of *Breda*, no merchant ships were to be taken till six months after

a declaration of war. The States, seduced by so ill an example, seized also the *English* ships. But, upon the strong representation of some of the deputies, how much the honour of Princes and States was wounded by these depredations, and that the King of *England*'s acting against the faith of treaties, was not a sufficient reason to engage the States to imitate so blameable a conduct, the *English* ships were discharged and sent into *England*. The King could not then help releasing some of the *Dutch* ships, but did not restore all.

One of the branches of the project formed by the Cabal was, as I said, to render the King absolute (6), and under this branch was comprized the extirpation of the Protestant, or at least the introduction of the Popish Religion; though Father *Orleans*, and the writers on the King's side, when speaking of this project, say nothing of this article. Father *Orleans*, however, could not forbear owning it in the course of his History. I shall transcribe a passage from him, which, though extremely softened with respect to the end, clearly shews, it was one of the branches of the project. After speaking of what had passed concerning the Papists and other Non-conformists, he adds, "The King, who was no good Christian in his actions, though a Catholic in his heart, did all that could be expected from his indolent temper, to preserve the common liberty, that the Catholics might partake of it. But the Church of *England* prevailed, and Chancellor *Hyde* was so warm upon this occasion, that the King was obliged to yield rather to his importunities than his reasons. It was therefore the re-establishment of this liberty of conscience, that the Lord *Ashley* believed necessary to the execution of the projected design. He communicated his thoughts to his colleagues of the Cabal, who were of the same opinion, not only on account of the reason he alleged, which was, the gaining of the Non-conformists who were justly feared, but also upon another, which he readily approved, namely, the favouring of the Catholics, whom most of them loved, and the rest esteemed. *Arlington* and *Clifford* were secretly Catholics, and both died in the communion of the Church. *Buckingham* had no occasion to be converted, could he only have prevailed with himself as to libertinism. *Ashley* was not averse to the Catholic Religion, till interest and malice threw him into the contrary party. It will easily be conceived, that the King readily consented to it, since he was a Catholic, and continued so to his death, though policy caused him to pretend the contrary. As for the Duke of *York*, he supported the design with all his power. All the difficulty lay in the extent of this liberty, and the two Kings of *France* and *England*, acting in concert, debated this affair in the negotiation of their treaty. Several proposals were made, some more, some less, advantageous to the Catholics. *France* was for the most moderate, safest, and most reasonable methods. At last, it was agreed, that *Charles* should grant liberty of conscience to all his Subjects in general."

It appears from hence, that Religion was concerned in the projects of the Cabal. But probably, some were for having the progress of the Popish Religion subversive to render the King absolute, and others were for rendering the King absolute to favour the progress of Popery. Wherefore, these two articles were never separated, nor indeed could be, since they entirely depended on each other. The King plainly shewed it, when he published his declaration for Liberty of Conscience, since he could not grant this liberty without assuming a power to abrogate Acts of Parliament, or at least suspend the execution thereof so long as he pleased. This declaration, dated the 15th of March 1672, consisted of various articles, of which I shall here give the substance:

1. His Majesty publishes it, in virtue of his supreme power in ecclesiastical matters, which is a right inherent in his person, and declared to be so by several Acts of Parliament.
2. He declares his express resolution to be, that the Church of *England* be preserved and remain entire in her doctrine, discipline, and government, as now it stands established by law.
3. That no person shall be capable of holding any Ecclesiastical benefice or preferment of any kind, who is not exactly conformable.

1671-2.

1672.

An Extract from the History of Father Orleans.

Dr. Arlingham's Confession, Kennet, p. 383. Edwards, T. III. p. 390. Burnett, p. 387. J. Pauling.

(1) The Bankers, who had formerly furnished the King with large sums of money, at the excessive Interest of eight per Cent, had lodged in the Exchange between thirteen and fourteen thousand pounds. R. Case, p. 164. Burnett, p. 326.

(2) It was reckoned worth a million and a half. Burnett, p. 377.

(3) That Force consisted but of nine Frigates, and three Vessels, but the next day there came a re-inforcement of four or five men of War. See Edward, Tom. III. p. 295. Balfage, Tom. II. p. 192.

(4) But hence, that, he endeavoured to decoy, by stratagem, into his own Ship, the *Dutch* Admiral, the Vice-Admiral, &c. See *Primi in State Trials*, Tom. I. p. 17.

(5) Our Will states lay five. See Kennet, p. 380.

(6) The Lord *Clerke* told a person of Quality in private discourse, That the King, if he would be firm to himself, might settle what Religion he pleased, and carry the Government to what he thought best: For if men were allowed in the Liberty of their Conscience, and undisturbed in their Principles, and against Justice maintain *Witchcraft*, *Hell*, and all, on the other hand, the Court of *Exchequer* was bound to satisfy the King, the Father *Prynne* to secure the *Witch*, and at most twenty thousand men in each of these, and in *Hall* for the northern parts, with some addition, (which might be easily and discreetly made to the forces on foot, there were none who would have stout will, opposition, or power to resist. Kennet, p. 382. Rait.

1672.

4. That the execution of all penal laws in matters ecclesiastical against whatsoever sort of Non-conformists or Recusants, be immediately suspended.

5. He declares, that he will from time to time allow a sufficient number of places, as shall be desired, in all parts of his Kingdom, for the use of such as do not conform to the Church of England, to meet and assemble in, in order to their publick worship and devotion.

6. That none of his subjects do presume to meet in any place, until such place be allowed, and the teacher of that congregation be approved by him.

7. He declares, that this indulgence, as to the allowance of publick places of worship, and approbation of teachers, shall extend to all sorts of Non-conformists and Recusants, except the Recusants of the Roman Catholic Religion, to whom he will no ways allow publick places of worship, but only indulge them their share in the common exemption from the executing the penal laws, and the exercise of their worship in their private houses only (1).

Two days after, the King published his declaration of war against the States, dated the 17th of March (2). This declaration, as that of the former war, was founded upon generals, and affected pretences. *This is always the case when war is first resolved, and reasons or pretences are afterwards sought.* "The King historically introduced his just reasons to begin the first war upon the States, though it was ended by the treaty of Breda. He added, that peace was no sooner concluded than violated by the States, in not sending commissioners to London to settle the trade of the two nations in the East-Indies: and when he sent over his ambassador to put them in mind of it, he could not in three years get any satisfaction from them in the material points, nor a forbearance of the wrongs which his subjects received in those parts."

Was declared
against the
Dutch.
Edward,
III. p. 594.
Kennet.
p. 185.
Burnet.
Phillips.
R. Coke.

It is easy to see to what great dissensions these generals are liable.

"2. He said, that having restored Surinam to them, they were obliged by the treaty of Breda to permit the English in that Colony to remove with their effects, but that this permission was refused."

18 Reflect.

The Dutch maintained on the contrary, that the English inhabitants of Surinam remained there upon their own choice.

14 Reflect.

"3. He complained of abusive Pictures and Medals depicted over Holland, reflecting on his honour."

34 Reflect.

The States said, they knew but of one abusive Medal, the stamp of which they had ordered to be broke.

"4. He complained, that in Holland his right of the Flag had been represented as ridiculous."

4th Reflect.

It is easy to perceive, whether his pretension concerning the yacht which brought over the Lady Temple was just or not.

This was the substance of what was most plausibly alleged for undertaking the war. He ended with this declaration. — And whereas you are engaged by a treaty to support the peace made at Aix-la-Chapelle, we do finally declare, that notwithstanding the prosecution of this war, we will maintain the true intent and scope of the said treaty; and that in all the alliances which we have or shall make in the progress of this war, we have and will take care, to preserve the ends thereof inviolable, unless provoked to the contrary. He took but little care of his honour, in pretending to shew, that his design in breaking with the States and uniting with France, was, to maintain the treaty of Aix-la-Chapelle. But there was nothing so absurd which the Cabal did not think they could impose on the publick, wherein they were much mistaken, as will appear in the sequel.

This war was so contrary to the interests of England and all Europe, the defence of which Charles had so often boasted to undertake by means of the Triple-league; it was so directly opposite to justice, equity, faith, and the religion of the English, publickly professed by the King, that no man could believe it till the blow was struck. The Hollanders imagined, he only intended to exact some money from them, or at most, to intimidate them in order to oblige them to restore the Prince of Orange his nephew to the pelf enjoyed by his ancestors. France her self could hardly believe, but that he intended to deceive her, till he had fallen upon the *Syngra* fleet. But all were mistaken in ascribing to the King any affection for his people. His sole aim was to render himself absolute, in order to enjoy all the riches of England without controul, and without any obligations to his Parliament. The Duke of York, his presumptive heir, found his account in so fine a scheme, and, besides, thought of establishing his Religion

Edward,
III. p. 257.

for which he was excessively zealous. As for the Cabal, they were men entirely destitute of all principles of honour, justice, or religion, each of whom was solely intent upon making his fortune by sacrificing the interest of the publick. For it cannot be thought, that persons of their abilities could be ignorant, that what they were acting was directly contrary to the interests of England. They did not believe, they could execute their grand project without a strict alliance with the King of France, who artfully persuaded them, that after the republick of Holland should be destroyed, the two Crowns would jointly labour to render the King absolute in England, and establish the Catholic Religion. But they had too much cause afterwards to see that they were deceived by France. Indeed it was not Lewis's interest to render the King of England absolute in his dominions, but rather in few and churlish division between the King and his Subjects, in which, by seeming to enter into the views of the Cabal, he was but too successful. But there occurred in the execution of the project an obstacle, which the secret counsellors should have foreseen, and perhaps did foresee without being able to help it. This was the King's immense profusions, which was the reason that all the sums received from France and the Parliament were insufficient to support the war two years, so that he was obliged to have recourse to the Parliament, who at last broke measures so well-concerted. On the other hand, this project alarming all Europe, the States found protectors, who rendered the execution very difficult.

The same day that the declaration of war against the States was published at London, the like was published at Paris, founded upon no juster grounds. For the King of France gave no other reason of the war, than his displeasure at the conduct of the States. This union between France and England (which then appeared openly, whatever cause had been hitherto taken to conceal it) showed the ridiculousness of what the King ordered the Lord-Keeper to tell the Parliament, That common prudence required, that his Majesty should make suitable preparations, when France had such forces both at land and sea. It appeared by this, that the King scrupled not to tell his Parliament the contrary of what he thought, which could not but make him lose the confidence of his people, as it happened accordingly.

About a month after, the Bishop of Munster also proclaimed war against the Dutch, on pretence, that they had endeavoured to corrupt the Governors of his frontier-princes. As for the Elector of Cologne, he had already introduced French troops into his dominions, to provide, as he pretended, for his security. But though he protested an intention to observe an exact neutrality, the States were perfectly informed of his treaty with France. Thus these four Princes were united for the utter destruction of the Republick of the United-Provinces, without mentioning several Princes of Germany engaged by the King of France to stand neutral, that they might not assist Holland.

The States having some time foreseen this impending storm, had endeavoured to divert it, by giving the King of England all the satisfaction he could reasonably expect. They had offered to agree to whatever he desired concerning the Flag, and besides, they had on the 24th of February made the Prince of Orange Captain-General, and Admiral, though he was then but twenty-two years of age. They believed, this would suffice to content the King his uncle, for they were yet ignorant that his design was to overturn their Republick, without any regard to the interests of the Prince of Orange. This change in favour of the young Prince, would, perhaps, have never been made, had it not been deemed necessary to appease the King of England. There were three parties in Holland: That of the Pensionary, (which was the more powerful, and called the *Lowestem* party, from the name of the castle where the Prince's father had confined the leading men of this faction,) that of the Prince of Orange; and a third which affected a neutrality, and had hitherto joined with neither of the two first, but on this occasion believed it necessary to join with the second, in hopes of satisfying the King of England. The States therefore sent a deputation to the Prince, to offer him the dignities of Captain General, and Admiral, and the Pensionary *de Wit*, to his mortification, was appointed head of this deputation. Thus the Prince of Orange saw himself Captain-general, but without an army, or at least, with an army so inconsiderable, and filled for the most part with inexperienced officers, chosen more for their attachment to the Pensionary, than their personal merit.

I shall not relate the progress of the King of France, and his two allies, the Bishop of Munster, and the Elector of

1674.

The French
King declared
war against
Holland.
March 28.
Bulenger.
Kennet.
p. 181.
Edward.
R. Coke.

The Bishop
of Munster
declares war
against the
Dutch.
The Elector
of Cologne
on city of
France.

Offer made
by the States
to satisfy the
King.
Edward,
Burnet.
The Prince
of Orange
made Cap-
tain-General
and Admiral.
Bulenger.

Progress and
Conquests of
the King of
France.
Burnet.
Bulenger.
Edward.
Burnet.

(1) The Presbyterians went in a body, and Dr. Manton, in their name, thanked the King for this Declaration. Most of them had yearly pensions of many pounds, and the chief of them of a hundred pounds. Burnet, p. 308.
(2) To furnish the Government with some rare precautions at least for this war, the Committee for the East-India Company was summoned to shew, whether the Dutch had not broke in upon their Trade, for which publick justification ought to be demanded; and gave in under cited hands, That since the Treaty at Breda, the Dutch had fully observed the articles of Trade. Kennedy, p. 310.

Cologne.

1672. *Colleges*, in the first campaign. This is so well known, that it would be lost time to recite it. Let it suffice to observe, that the King of France took the field the beginning of May, made himself master of several places on the Rhine, without almost any opposition; and swimming that river, subdued all *Gulderland* with the towns upon the *Wijl*, and at last arrived at *Utrecht*, which had sent deputies to *Desfburgh* to offer their submission to his orders. At the same time, the Bishop of *Munster*, after ravaging the Province of *Overyffel*, invaded *Frisland* and *Groningen*, so that only *Holland* and *Zealand* remained free, of which the former was threatened with a like invasion.

But this was not all the States had to fear. Whilst three of their Provinces were lost, and two others attacked, the danger from sea was no less. The two fleets of France and England joined the beginning of May; the first consisting of forty, and the rest of a hundred, men of war. That of the States had seventy two large ships, and forty frigates and fireships, and consequently was very inferior in number to the combined fleet of England and France (1). It was commanded by the famous *Ruyter*, assisted by *Cornelius de Wit*, the Pensionary's brother, as deputy from the States. *Ruyter* having put to sea before the enemies fleets

were joined, had endeavoured to prevent the junction. But not succeeding, and being informed, that the two fleets lay at anchor in *Solbey* in *Duffels*, he resolved to attack them. He had like to have surprised them, but being disappointed, prepared for battle. The two fleets of France and England (now compoling but one) were ranged in three squadrons. The Duke of *York*, High-Admiral of England, commanded the Red Squadron; the Count d'*Etrees*, the White; and the Earl of *Sandwich*, the Blue. The fleet of the States was likewise divided in the same manner; *Ruyter* was opposed to the Duke of *York*, *Bankert* to Count d'*Etrees*, and *Van Ghent*, to the Earl of *Sandwich*. All I can gather from the various descriptions of this battle, fought the 28th of May, is, that both sides displayed all the art and skill which experience had taught the commanders and officers, that they fought with equal bravery, with almost equal loss, and both sides challenged the victory. The Admiral-ship of the English being disabled, the Duke of *York* was obliged to hoist his flag in the *London*. The *Royal James*, commanded by the Earl of *Sandwich*, not being able to disengage from a fireship, after the had sunk two, was blown up with the Earl and her whole crew (2). The English lost two ships more, the *Hollanders* three, and *Van Ghent* was killed. The Historians of the two parties equally pretend, that their fleet chased that of the enemies, but both speak of it very faintly. For, it is not entirely the same with engagements at sea, as with those at land, where commonly he that remains master of the field of battle, justly assumes the honour of the victory; whereas in naval engagements, a fog, a calm, a wind, either contrary or tempestuous, may oblige the victorious fleet to retire the first. However this be, bonfires were equally made at *London*, and the *Hague*, for the success of this battle, though with very little reason. The English complain, the French did not discharge their duty, and only fought at a distance, after having separated from the fleet. This conduct is ascribed to secret orders given to Count d'*Etrees*, not to expose too much his Majesty's ships, but to leave the English and Dutch fleets to destroy one another (3).

Sometime before, the King had created the Earl of *Lauderdale*, Duke of the same name; the Lord *Ashley Cooper*, Earl of *Shaftsbury*; Lord *Arlington*, Earl of *Arlington*; and Sir *Thomas Clifford*, Lord *Clifford*. About the same time Sir *Thomas Osborne* was sworn into the Privy-Council, and the new Duke of *Lauderdale*, and the Earl of *Arlington*, received the order of the Garter. This was doubtless, to recompence these members of the Cabal, for their great services, in advising him to suspend, by his sole authority, the execution of two Acts of Parliament (4), till he should think fit to take off the suspension. Though this suspension was not in itself disadvantageous to the publick, yet, as it proceeded from the same principle by which the King assumed a power of suspending the penal laws against the

Non-conformists, it was sufficiently clear, that he would not stop there.

I have already taken notice of the sad condition of the States of the United-Provinces. There were two Provinces, *Gulderland*, and *Utrecht*, in the power of the French. *Overyffel* was in the hands of the Elector of *Cologne*, and the Bishop of *Munster*. The two Provinces of *Frisland* and *Groningen* were not only threatened, but also attacked. In short, the Province of *Holland* found no redress way to stop the progress of the French King (5), who was at *Utrecht*, than by opening the sluices, and laying the country under water (6). This melancholly situation of affairs, raised a great discontent in the people of *Holland*, and as the Pensionary *de Wit* had been many years at the head of the government, all the calamities of his country were charged to his ill conduct. Moreover, the people openly accused him of betraying his country. At last, this general discontent rose into sedition, and caused the States of *Holland* to annul the perpetual edict made in the year 1667, by which they had obliged themselves never to own the Prince of *Orange* for *Stadtholder*, and to dispense with that oath; after which, the Prince was made *Stadtholder*. Some time after, the two brothers, *Cornelius*, and *John de Wit*, the first grand Bailiff of *Putten*, and the other Pensionary of *Holland*, but who had lately thrown up his employ, were torn in pieces by the mob of the *Hague*. The story is too well known to need a recital. It suffices to say, the Prince of *Orange* remained in peaceable possession of the government of *Holland* and *Zealand*; for *Frisland*, and *Groningen* had a separate *Stadtholder*, namely, the young Prince *John Casimir of Nassau*, under the tuition of the Princess his Mother, and three Provinces were in the hands of the enemy.

The King of France, who had ever feared the Prince of *Orange's* advancement, no sooner saw him invested with his eminent dignity, than he endeavoured to corrupt him with the offered sovereignty of *Holland*. But he found this young Prince deaf to all his offers, and resolute to serve the States which had intrusted him with its Government, to the last moment of his life (7). The King of England seconded his ally in this design. The States had sent Ambassadors to him with proposals of peace, as they had also to the King of France at *Utrecht*. But the Kings, after a refusal to treat but in conjunction with France, and fearing the States design was to disunite them, or render them jealous of each other, dispatched the Duke of *Buckingham*, and the Earl of *Arlington*, (two members of the Cabal,) [with *George Savile*, Lord *Hallifax*] into *Holland*, on pretence of treating of a peace jointly with France. These Ambassadors passing through the *Hague*, in their way to *Utrecht*, affected to give out, that they were come to bring peace. But when they came to treat, their proposals were so exorbitant, that it was evident peace was not the King's view in this embassy. It was rather to draw closer the alliance between France and England, and concert new measures for the prosecution of the war, as the sequel clearly discovered. In passing through the *Hague*, the Duke of *Buckingham* asked the Prince, what it was he proposed to himself in the desperate situation of his country. To which the Prince replied, That it was true their condition was dangerous, but he had one way still left to see his ruin completed, and that was to lie in the last Dyke. It is reported, the same Duke, in a visit to the Princess of *Orange*, having told her that they were good *Hollanders*, was immediately answered by her, That was more than she asked, which was only that they should be good Englishmen. For this war was so evidently contrary to the interest of England, that the English themselves openly murmured at it. But, as I have said, not only on this occasion, but throughout this whole reign, the interest of the King, and that of the People were always directly opposite. The King, after the example of his father and grandfather, thought he could silence the complaints of the People by a Proclamation to forbid, under severe penalties, to speak against the Government, but this served only to increase the murmurs.

In the mean time, the King of France seeing, that the

(1) *Refugee* says, it consisted in all of a hundred and fifty eight ships. Tom. II. p. 266. In the English Fleet there were twenty thousand men, and four thousand guns in the French, thirteen thousand men, and two thousand guns; and in the Dutch, twenty-two thousand men, and thirty thousand guns.

(2) Of the thousand men on board, six hundred were killed on the deck. When the ship was on fire, the Earl retired to his cabin, and was killed by Sir *John Mordaunt*, who finding him with a hammer that he had taken from the danger, and had not time to take it away, and it was reflected on himself in the 16th. It seems, the day before the Earl offered, that the English Fleet rode in *Sandwich*, in danger of being fired by the Dutch, advised, that they should weigh anchor, and get out of sea. But the Duke of *York*, lighting the advice, told the Earl, That he should not so fear: Which the Earl is thought to have highly reflected, that it rendered him careless of his own safety. *Kramer*, p. 314. *Edward*, Tom. III. p. 302.

(3) There were two English ships burnt, three sunk, and one taken, and of the French, one was burnt, and another sunk. *Tom. III. p. 245.* The English also lost the Captain of the following ships; on the *Henry*, *Cambridge*, *Peter*, *St. George*, *John*, *Tillem*, and *John*. They lost all the Lord *Malborough*, Sir *Philip Cornwallis*, Sir *Charles Harbord*, Mr. *Cotterell*, Mr. *Wapler*, &c. The body of the Earl of *Sandwich* was discovered by one of the King's vessels, (being known by the Earl's hat he had on) and being taken up, and brought to *Harwich*, was thence removed to *London*, and solemnly buried in St. *Paul's*. *Kramer*, p. 314.

(4) One was, for the encouraging and increasing of shipping and navigation; and the other, for the encouragement of Trade. *Kramer*, p. 314. *Edward*, and the *Marshall de Thiermes*. *Mem.* p. 318.

(5) By which the Country received damage, to the value of fifteen millions of Guilders. *Id.*

(6) He always answered, That he would never betray a Trust that was given him, nor ever sell the Liberties of his Country, that his Ancestors had so long defended. *Temple's Mem.* p. 321.

1672. drowning of *Holland* put a stop to his conquests, marched his army into *Flanders*, leaving the Duke of *Luxembourg* at *Utrecht*, and came to *Paris* in *August*, attended by the Duke of *Monmouth*, who, in pursuance of *Charles's* engagement in their treaty, had brought him at the opening of the campaign, fix thousand effective men.

Knott. I shall not relate the particulars of the war carried on by land during the rest of the campaign, because *England* had no part in it, and, besides, it is fully described by the *Histories* of those times. It is sufficient for the Reader to know in general, that though the States had some success against the Bishop of *Münster*, their affairs were reduced to a wretched condition, and the neighbourhood of the Duke of *Luxembourg* scarce gave them time to breathe. Their whole refuge lay in the alliances they expected to make with the Emperor, *Spain*, and some Princes of *Germany*, and in the hopes that the *English* Parliament which was to meet, according to the prorogation the 30th of *October*, would fee the interest of *England*, and of all *Europe*. But the King deprived them of this last resource, by proroguing the Parliament to *February*.

His Dutch enemies first hope from the Parliament.
The 4th of *December* the King declared in Council, that he would raise more forces, and dispose of them in convenient quarters, to be employed on occasion. And for payment of them, he ordered that the Exchequer should continue that till the 1st of *May* 1673, though he had positively promised it should be opened the beginning of the year. He published on this account, a Proclamation, in which it was said, "That notwithstanding his Majesty had not been wanting on his part, to comply with all honorable ways and means that might effect a peace, yet the continuance of those inevitable necessities which first obliged him to shut up the Exchequer, compelled him to continue to stop the payment of moneys till the 1st of *May* next: doubting not but that his loving Subjects would have such trust and confidence in his justice, that it would take away all apprehensions of their being in the least defrauded of their just dues."

The King's demands for a peace.
The ways and means used by the King to effect a peace, consisted, in that his two Ambassadors at *Utrecht* were contented to demand in his name, a million of pounds *Sterling*, for the expences of the war; the compliment of the Flag without any exception; a hundred thousand pounds yearly for the liberty of *Fishing*; the sovereignty of all that should remain of the *United Provinces*, for his nephew the Prince of *Orange*; a participation of the whole *India* trade; the town of *Sluis*, the Isles of *Cadix*, *Walcheren*, *Goede*, *Voorne*; and lastly, an entire satisfaction to the King of *France*. It must have been great obliquity in the States to find fault with such reasonable demands. Consequently the King could not in honour dispense with the continuation of the war, and the keeping the Exchequer shut to maintain it.

Coweney made Secretary. Sir *John Trevor* dying this year, Sir *Henry Coweney*, lately returned from *Sweden*, where he had successfully negotiated for the King, succeeded him in the office of Secretary of State.

and Shaftsbury Lord Chancellor.
Sir *Orlando Bridgman* resigning the Great Seal, the new Earl of *Shaftsbury* was made Lord High-Chancellor (1). A few days after, the King performed his promise to *Clifford*, by making him Lord-Treasurer, so that all the great offices of the State were held by the Cabal, or by persons devoted to their interests. But that it may be seen, how the five Lords of the Cabal flattered the King, and one another, at the very time, the nation was most loudly exclaiming against the Government, I shall insert here part of a speech made by the Lord *Shaftsbury*, as Chancellor, to the Lord *Clifford*, when he tendered him the oath in *Westminster-Hall*, upon his admission to the office of Treasurer. After telling him the nature of his office, he added,—"My Lord, I may justly say you are in a place of the very first rank as to dignity, power, trust, and influence of affairs; a place that requires such a man as our great Master's wisdom hath found for it; from whose natural temper we may expect courage, quickness and resolution; from whose education, wisdom, and experience; and from whose extraction that noble and illustrious House of the *Cliffords* (2), an heroic mind, a large soul, and an unshaken fidelity to the Crown. My Lord, it is a great honour, much even beyond the place it self, that you are chosen to it by the King, who, without flattery, I may say, is as great a master in the knowledge of men and things, as this, or any other age hath produced: And let me say farther, it is not only your honour that you are chosen by him, but it is your safety too, that you have him to serve; with whom no subtle insinuations of any near him, nor the aspiring interest of a favourite, shall ever

"prevail against those that serve him well. Nor can his servants fear to be sacrificed to the malice, fury, or mistake of a more swelling popular greatness: A Prince under whom the unfortunate fall gently: A Prince, in a word, that best of all mankind deserves the title of *delicia humani generis*. Let me end with this wish, or rather prophecy, That you may exceed all your predecessors in this place; the abilities and fidelity of the renowned Lord *Burleigh*; the sagacity, quickness, and great dispatch of his son the Lord *Salisbury*; and the uprightness, integrity, and wisdom of that great man that went last before you, the Earl of *Southampton*." It will hereafter appear, that the Earl of *Shaftsbury* preferred not long the sentiments of esteem and admiration for the King, expressed in this Speech.

Hitherto the Cabal had sailed with a prosperous gale on a very dangerous sea, famous for wrecks, without any opposition. But at last they were stopped in their course by a rock which it was not possible to avoid, I mean the Parliament. It was now almost two years since the Parliament was assembled, and as, in that interval, the King had taken some steps which inflamed great fears into his Subjects, the new session was expected with the utmost impatience, in hopes, that the Parliament would apply proper remedies to the present evils, and find means to prevent those with which the Kingdom was still threatened. The Parliament therefore met the 4th of *February*, and chose a Speaker by the direction of the Court, Sir *Edward Turner* the last Speaker having been made Chief Baron of the Exchequer. The choice falling upon Sir *Jak Charles*, he desired to be excused; but the Lord Chancellor *Shaftsbury* told him, before the King and both Houses, that no excuses would be admitted. *The conjuncture of times*, (says he,) and the King's and Kingdom's affairs, require such a House of Commons, and such a Speaker. For, with reverence to the Holy Scriptures, the King may on this occasion say, he that is not with me is against me: For he that doth not now put his hand and heart to support the King in the common cause of this Kingdom, can hardly ever hope for such another opportunity, or find a time to make satisfaction for the omission of this. Presently after, the King made the following Speech to both Houses.

My Lords and Gentlemen,

"I Am glad to see you here this day; I would have called you together sooner, but that I was willing to ease you and the country, till there was an absolute necessity. Since you were last here, I have been forced to a most important, necessary and expensive war; and I make no doubt, but you will give me suitable and effectual assistance to go through with it. I refer you to my Declaration for the causes, and indeed the necessity of this war; and shall now only tell you, that I might have digested the indignities to my own person, rather than have brought it to this extremity, if the interest as well as the honour of the whole Kingdom had not been at stake: And if I had omitted this conjuncture, perhaps I had not again ever met with the like advantage. You will find, that the last supply you gave me, did not answer the expectation for the end you gave it, the payment of my debts. Therefore I must in the next place recommend them again to your especial care."

"Some few days before I declared the war, I put forth my Declaration for Indulgence to Dissenters, and have hitherto found a good effect of it, by securing peace at home, when I had war abroad. There is one part in it that hath been subject to misconstruction, which is that concerning the Papists; as if more liberty were granted to them, than to the other Recusants; when it is plain, there is less: For the others have publick places allowed them, and I never intended that they should have any, but only have the freedom of their Religion in their own houses, without any concurrence of others. And I could not grant them less than this, when I had extended so much more grace to others, most of them having been loyal, and in the service of me, and of the King my father: And in the whole course of this indulgence, I do not intend, that it shall any ways prejudice the Church, but I will support its rights, and it in its full power. Having said this, I shall take it very ill to receive contradiction in what I have done. And I will deal plainly with you, I am resolved to stick to my declaration. There is one jealousy more that is mischievously spread abroad, and yet so weak and frivolous, that I once thought it not of moment enough to mention; but it may have gotten some ground with some well-minded people, and that is, That the forces I have raised in this war, were designed to controul *Law* and *Pro-*

(1) He refused to put the Great Seal to the Declaration for Indulgence, as judging it contrary to Law: so he was dissatisfied. *Burns*, p. 307.

(2) The Treasurer was descended from the *Cliffords* Earl of Cumberland. See *Dugdale's Baron*, Tom. 1. p. 334.

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"*party*: I wish I had more forces the last summer, the want of them convinces me, I must raise more against this next spring; and I do not doubt but you will consider the charge of them in your supplies. I will conclude with this assurance to you, *That I will preserve the true Reformed Protestant Religion, and the Church, as it is now established in this Kingdom; and that no man's Property or Liberty shall ever be invaded.* I leave the rest to the Chancellor."

The Speech afterwards spoke by the Chancellor is so remarkable, that it well deserves a place in this History.

"*My Lords, and you Knights, Citizens, and Burgeſſes of the Houſe of Commons.*"

"The King hath spoke so fully, so excellently well, and so like himself, that you are not to expect much from me. There is not a word in his speech that hath not its full weight: And I dare with assurance say, will have its effect with you. His Majesty had called you sooner, and his affairs required it, but that he was resolved to give you all the ease and vacancy to your own private concerns; and the people as much reprieve from payments and taxes, as the necessity of his business, or their preservation, would permit. And yet (which I cannot but here mention to you) by the crafty insinuations of some ill-affected persons, there have been spread strange and desperate rumours, which your meeting together this day, hath sufficiently proved both malicious, and false. His Majesty hath told you, that he is now engaged in an important, very expensive, and indeed, a war absolutely necessary and unavoidable. He hath referred you to his Declaration, where you will find the personal indignities by Pictures and Medals, and other public affronts, his Majesty hath received from the States, their breach of Treaties, both in the *Surinam*, and *East-India* business: And at last they came to that height of insolence, as to deny the honour and right of the Flag, though an undoubted jewel of this Crown, never to be parted with, and by them particularly owned in the late treaty of *Breda*, and never contested in any age. And whilst the King first long expected, and then solemnly demanded satisfaction, they disputed his title to it, in all the Courts of *Christendom*, and made great offers to the *French* King, if he would stand by them against us. But the most Christian King too well remembered, what they did at *Munster*, contrary to so many treaties and solemn engagements; and how dangerous a neighbour they were to all crowned heads. The King and his Ministers had here a hard time, and lay every day under new obloquies. Sometimes they were represented as selling all to *France* for money to make this war: *Perfidious, Pymouth, and Hull*, were to be given into the *French* hands for caution. The next day news came, that *France* and *Holland* were agreed. Then the obloquy was turned from Treachery to Folly: The Ministers are now fools, that some days before were villains. And indeed the Coffee-houses were not to be blamed for their last apprehensions; since if that conjunction had not taken effect, then *England* had been in a far worse case than it now is, and the war had been turned upon us. But both Kings knowing their interests, resolved to join against them, who were the common enemies to all Monarchies, and I may say especially to ours, their only competitor for Trade and Power at Sea; and who only stand in their way, to an Universal Empire, as great as *Rome*. This the States understood so well, and had swallowed so deep, that under all their present distress and danger, they are so intoxicated with that vast Ambition, that they slight a Treaty, and refuse a Cession. All this, you, and the whole nation saw, before the last war; but it could not then be so well timed, or our alliances so well made. But you judged aright, *That at any rate, DELENDA EST CARTHAGO, That Government was to be brought down.* And therefore the King may well say to you, it is your war! He took his measures from you; and they were just and right ones: And he expects a suitable assistance to so necessary and expensive an action; which he has hitherto maintained at his own charge, and was unwilling either to trouble you, or burden the country, until it came to an inevitable necessity. And his Majesty commands me to tell you, that unless it be a certain sum, and speedily raised, it can never answer the occasion.

"*My Lords and Gentlemen*, Reputation is the great support of war or peace. This war had never begun, nor had the States ever slighted the King, or ever refused him satisfaction; neither had this war continued to this day, or subsisted now, but that the States were deceived in their measures, and apprehended his Majesty in that great want of money, that he must sit down under any affronts, and was not able to begin or carry

on a war. Nay, at this day the States support themselves amongst their people by this only falsehood, *That*

"*they are assured of the temper of England, and of the Parliament, and that you will not justify the King in this war; and that if they can hold out till your meeting, they will have new life, and take new measures.*" There are lately taken two of their principal agents, with their credentials and instructions to this purpose, who are now in the Tower, and shall be proceeded against according to the Law of Nations. But the King is sufficiently assured of his people; knows you better; and can never doubt his Parliament. This had not been mentioned, but to show you of what importance the Frankness and Seasonableness of this supply is, as well as the Fulsness of it. Let me say, the King has brought the States to that condition, that your hearty conjunction at this time in supplying his Majesty, will make them never more formidable to Kings, or dangerous to *England*. And if after this you suffer them to get up, let this be remembered, *The States of Holland are England's eternal enemies both by INTEREST and INCLINATION.*

"In the next place, to the supply for the carrying on of the war, his Majesty recommends to you the taking care of his debts. What you gave the last session did not answer your own expectation. Besides, another considerable aid you designed his Majesty, was unfortunately lost in the birth; so that the King was forced for the carrying on his affairs, much against his will, to put a stop to the payments out of the Exchequer. He saw the pressures upon himself, and growing inconveniences to his people by great interest; and the difference through all his business between ready money and orders. This gave the King the necessity of that proceeding; to make use of his own revenue, which hath been of so great effect in this war. But though he hath put a stop to the trade and gain of the Bankers, yet he would be unwilling to ruin them, and oppress so many families as are concerned in those debts: Besides, it were too disproportionate a burthen upon many of his good subjects. But neither the Bankers, nor they, have reason to complain, if you now take them into your care, and they have paid them what was due to them, when the stop was made, with six per Cent. interest from that time. The King is very much concerned both in honour and interest, to see this done, and yet he desires you not to mix time it; but that it may have only the second place, and that you will first settle what you intend about the supply.

"His Majesty has so fully vindicated his Declaration from that calumny concerning the Papists, that no reasonable scruple can be made by any good man. He has sufficiently justified it by the time it was published in, and the effects he hath had from it; and might have done it more from the agreeableness of it, to his own natural disposition, which no good *Englishman* can wish other than it is. He loves not blood, or rigorous severities; but where mild or gentle ways may be used by a wise Prince, he is certain to chuse them. The Church of *England*, and all good Protestants, have reason to rejoice in such a Head, and such a Defender. His Majesty doth declare his care and concerns for the Church, and will maintain them in all their Rights and Privileges, equal, if not beyond any of his predecessors. He was born and bred up in it: It was that his father died for: We all know how great temptations and offers he resisted abroad, when he was in his lowest condition; and he thinks it the honour of his reign, *That he hath been the restorer of the Church.* It is that he will ever maintain, and hopes to leave to posterity in greater lustre, and upon surer grounds, than our ancestors ever saw it. But his Majesty is not convinced, that violent ways are the interest of Religion, or the Church. There is one thing more, that I am commanded to speak to you of, which is the jealousy that hath been foolishly spread abroad, of the forces the King has raised in this war. Wherein the King hath opened himself freely to you, and confessed the fault on the other hand. For if this last summer had not proved a miracle of storms and tempests, such as secured their *East-India* fleet, and protected their Sea-coasts from a descent, nothing but the true reason, Want of Money, could have justified the defect in the number of our forces. It is that his Majesty is provided for against the next spring, having given out orders for the raising of seven or eight regiments more of Foot, under the command of persons of the greatest fortunes and quality. And I am earnestly to recommend to you, that in your supplies, you will take into your consideration, this necessary addition of charge.

"And after his Majesty's conclusion of his Speech, let me conclude, nay, let us all conclude with blessing God, and the King! Let us bless God, that he hath given us such a King, to be the repairer of our breaches, both in Church

1673. " Church and State ; and the *reflorer of our path* to dwell in : That in the midst of war and misery, which rages in our neighbour countries, our *garners are full*, and *there is no complaining in our streets* ; and a man can hardly know that there is a war. Let us bless God, that he hath given this King signally the hearts of his people, and most particularly of his Parliament, who in their affection and loyalty to their Prince, have exceeded all their predecessors : A Parliament, with whom the King hath many years lived with all the cares of a happy marriage. Has the King had a concern ? You have wedded it. Has his Majesty wanted supplies ? You have readily, cheerfully, and fully provided for them. You have relied upon the wisdom and conduct of his Majesty in all his affairs ; so that you have never attempted to exceed your bounds, or to impose upon him : Whilst the King, on the other hand, hath made your Councils the foundation of all his proceedings ; and hath been so tender of you, that he hath upon his own Revenue and Credit, endeavoured to support even foreign wars, that he might be least uneasy to you, or burthenome to his people. And let me say, That though this marriage be according to *Moses's* law, where the husband can give a bill of divorce, put her away, and take another ; yet I can assure you, it is as impossible for the King to part with this Parliament, as it is for you to depart from that loyalty, affection, and dutiful behaviour, you have hitherto shewn towards him. Let us bless the King for taking away all our fears, and leaving no room for jealousies ; and for those assurances and promises he hath made us. Let us bless God and the King, that our Religion is safe ; that the Church of England is the care of our Prince ; that Parliaments are safe ; and that our Properties and Liberties are safe. What more hath a good Englishman to ask ? But that this King may long reign, and this Triple-Alliance of King, Parliament, and People, may ever be dissolved."

Remark upon this Speech.

I shall make no reflections on this Speech, because it would lead me too far ; and besides, I imagine every disinterested reader can see the fallacy of most of the things related, and the gross artifice wherewith they are vented. I shall only observe, that this speech was spoke by a member, or rather by the head of the Cabal, who perfectly knew the King's secret intentions. The Earl of Shaftsbury therefore must have had a forebode of bras to pronounce such a speech before he sought an assembly. But very likely, this was only for form sake, and the Cabal believed themselves so secure, that the Parliament itself would not dare to seem to know their artifices. But they were mistaken, and even the House of Commons had already given some indications of vigour, before the King and Chancellor had delivered their Speeches. Presently after their meeting, they loudly complained of Writs issued out by the Lord Chancellor, for electing and returning of persons to sit in their House, in the room of such as were dead, or removed. And by the way, all the members elected by virtue of these Writs, were the Chancellor's creatures. This complaint caused the King immediately after the two Speeches, to declare to the Commons, " That he had given order to the Lord Chancellor to send out Writs, for the better supply of their House, having seen precedents for it ; but if any scruple or question did arise about it, he left it to the House to debate as soon as they could." Accordingly, the very next day the Commons voted those Writs and Returns irregular, and expelled all the members thus elected.

Members suddenly elected turned out of the House.

Two parties in the Parliament.

There were in this Parliament, as in most others, two parties, called the Court and Country party. This was their distinction, and it manifestly implied, that the interests of the Court were directly opposite to those of the People, as the interests of one party are usually to those of the contrary. The Court-party had always prevailed, while the People were persecuted of the good intentions of the King and his Ministers. But as the King discovered himself, both by his way of living, and frequent signs of irreligion ; or by his inclination for the Papists ; or by his profusion, and avidity of money ; or lastly, by his union with France, and the war with the States, his party sensibly decreased every day, for two very natural reasons. First, because many of those members, who, at the beginning, were of the King's party through inclination and zeal for Religion, whilst they considered him as protector of the Church of England, lost this inclination, as soon as they were convinced, that the King was far from designing the good of the Church or State. The King's protestations lost all their effect, when it was once seen, that his actions corresponded so little with his words. Secondly, for the same reason, the people, perceiving that Religion and the State were in danger, chose such representatives to fill the vacancies of the House, whose principles were directly opposite to the designs of the Court. As the vacancies by the death of the members could not but be very numerous in a

Parliament, which had now fast twelve years, the Country party came by degrees to prevail, and the King and his Ministers no longer found it so easy to carry whomever they desired, as at the beginning of the Parliament. It is certain, so long as the people do not suspect the King of ill designs against Liberty and Religion, the Court-party prevail in the Parliament, or rather there are not then two different parties. For, supposing the King an exact observer of the Laws himself, and careful to see them punctually obeyed, there can be no difference between the two parties, but with respect to the quantity of money granted to the King. But as the people are under obligations to the King, for his maintenance of order, equity, moderation, and justice in the Government, they are never uneasy with the power and wealth heaped on such a King, and commonly the Country-party, if there is one in the Parliament, is much inferior to the King's. But the case is quite different, when the people are once prejudiced against their Sovereign, and no longer confide in his promises. For then, the Court party is composed of men, who have only their own private fortune in view, and is not so numerous as that of the people, which, besides the publick interest, finds likewise a private advantage in opposing the designs of the Court. In this case, the people usually choose able representatives, and such as are believed well affected to their country, and it is very rarely that the intrigues of the Court are capable of hindering these elections. A proof of what I advance was seen in the elections of the Parliament of the 3d of November 1640, under Charles I, wherein the Country-party was so superior to that of the Court. This proof is confirmed by the transactions of the Parliament I am now speaking of, which for twelve years had appeared so devoted to the King, and which changed from one extreme to another, when they had once lost their former confidence in the King and his Ministers. It is in vain to ascribe this change to the intrigues and cabals of some particular enemies of the Court. Never would private persons be powerful enough to corrupt a whole Parliament, or the greater part, if their credit was not built upon the mismanagement of the King and his Ministers. As we are entering upon a new period, I believed it necessary to prepare the Reader for this change, by showing him the true cause of it.

We have seen in the two Speeches of the King and the Chancellor, what vast supplies the King demanded of his Parliament, namely, a considerable aid for the sea-service ; another for the land ; a third to discharge some old debts ; a fourth to refund the money taken out of the Exchequer, and which could not amount to less than two millions two hundred and fifty thousand pounds *sterling* for the space of seventeen months. All this computed, must have amounted at least to five millions. Though the Chancellor's Speech made but little impression on the Commons, they would however show, that in demanding a redress of grievances, as was their intention, they did not act through a spirit of passion and revenge. Wherefore, though they were by no means convinced of the necessity or justice of the war undertaken by the King, they voted a supply of an eighteen months' assentment of seventy thousand pounds *per Annum*, which in all amounted to twelve hundred and sixty thousand pounds, for the King's extraordinary occasions, without specifying that it was for the support of the war. But far from the King should arrogate them when the money-bill was passed, they resolved that the redress of Grievances should keep an even pace with it.

For this purpose, the 19th of February the Commons presented an address to the King, in which they told him—" That having taken into consideration his declaration for indulgence to Dissenters, they found themselves bound in duty to inform his Majesty, That Penal Laws in matters ecclesiastical cannot be justified but by Act of Parliament ; they therefore most humbly besought his Majesty, to give such directions, That no apprehensions or jealousies, might remain in the hearts of his faithful Subjects." To this address the King sent the following answer. " That he is very much troubled, that the declaration which he put out for ends so necessary to the quiet of this Kingdom, especially in that conjunction, should prove the cause of disquiet, and give occasion to the questioning of his power in ecclesiasticks, which he finds not done in the reigns of any of his ancestors. That he never had thoughts of using it otherwise than as it hath been intrusted in him to the peace and establishment of the Church of England, and the ease of all his Subjects in general : Neither do he pretend to suspend any Laws wherein the Property, Rights, or Liberties of any of his Subjects are concerned, nor to alter any thing in the established Doctrine or Discipline of the Church of England : But his only design in this was, to take off the penalties in the Statutes upon the Dissenters, and which he believed, when well considered of, they themselves

Feb. 7.
Kings.
p. 118.
Edward.
III. p. 124.
J. Phillips.

Address of the Commons to the King, in regard to the Declaration for Liberty of Conscience.
Edward.
III. p. 124.

The King's answer.
Edward.
23.

That of the People upon the King's answer.

1672-3. "would not with executed according to the rigour of the Law: Neither hath he done this with any thought of avoiding, or precluding the advice of his Parliament; and if any Bill shall be offered to him, which shall appear more proper to attain the aforesaid ends, and secure the peace of the Church and Kingdom, when tendered in due manner to him, He will shew how ready he will concur in all ways that shall appear for the good of the Kingdom."

A second Address from the Commons, Feb. 20.

"The Commons easily perceived, the King was not inclined to desist from his declaration. Wherefore, three days after, they presented another address, in which, "They thanked him for his gracious assurances and promises of maintaining the Religion established, and the Liberties and Properties of the People: And they did not in the least doubt, but that his Majesty had the same gracious intentions in giving satisfaction to his Subjects, by his answer to their last petition and address: But that they found, that the said answer was not sufficient to clear the apprehensions that might justly remain in the minds of his People, by his Majesty's having claimed a power to suspend penal Laws in matters ecclesiastical, and which his Majesty did still seem to assert, in the said answer, to be entitled in the Crown, and never questioned in any of the reigns of his ancestors: Wherein they humbly conceived his Majesty had been much misinformed, since no such power had ever been claimed or exercised by any of his Majesty's predecessors. And if it should be admitted, might tend to the interrupting the free course of the Laws, and altering the legislative power, which had always been acknowledged to reside in his Majesty, and in his two Houses of Parliament. They therefore with an unanimous consent became humble suitors to his Majesty, that he would be pleased to give them a full and satisfactory answer to their said petition and address, and that his Majesty would take such effectual order, That the proceedings in this matter, might not for the future be drawn into consequence or example." The King's answer to this address was, It is of consequence, and I will take it into consideration.

The King's Answer.

Mr. Seymour chosen Speaker of the Commons, Kennet, p. 315.

The Presbyterians upon their guard.

Kennet, p. 318.

Edward, lib. p. 316.

A Bill presented by the Commons in favour of the Presbyterians.

A resolution upon the Conduct of the Commons.

At the time, these addresses were preparing, Sir *Job Charlton*, Speaker of the House of Commons being taken ill, humbly prayed his Majesty, that he might be eased of the burden he was not able longer to sustain. *Edward Seymour*, so famous in the reign of *William III.* was, by the Court's recommendation, chosen in his room.

The King and the Cabal were extremely mistaken in imagining, that the declaration for liberty of Conscience, would gain the Presbyterians, in return for so great a favour. The leaders of the Presbyterians were too wise to be taken in so palpable and dangerous a snare. It was easy for them to see, they were only designed for instruments to advance the interests of the *Ramish* Religion. When they reflected, that this favour was received from the King, the Duke of *Tork*, and the members of the Cabal, they could not believe, it flowed from a principle of Religion or humanity. They saw besides so many extraordinary proceedings, so many invasions upon the Rights of the People; the Papists indulged in their Religion; the King making exorbitant demands upon his Parliament; an army incamped at the very gates of *London* (1) in the midst of winter; a war begun to destroy the only Protestant State capable of supporting Religion; and Papists in the principal posts; all this sufficiently demonstrated, that the suspension of the Penal Laws was not for their sake. So, instead of thanking the King for this pretended favour, *Alderman Lever*, a City-Member, and an eminent Dissenter, spoke with the greatest warmth against the declaration (2). This declaration for Liberty of Conscience, wrought a great change in the House of Commons. For that House, which had been so fiercely animated against the Presbyterians, seeing them sacrifice their own, to the interest of Religion and the Kingdom, ordered a Bill to be brought in for their ease; a Bill by which all the penalties against them in the Act of Uniformity were removed, and nothing required but the taking the oaths of Allegiance and Supremacy. This Bill was read the first time on the 27th of February, and in a few days was completed. But the Lords having made some amendments, the King prorogued the Parliament before these amendments could be agreed to by the Commons.

This Bill, which was readily passed by the Commons, sufficiently showed their distrust of the Court with regard to the declaration for Liberty of Conscience, since by its all pretence was taken away of confounding the Presbyterians with the other Non-conformists. So long as the Commons had not suspected the King's intention to favour

the Papists, they had affected to rank all the Dissenters in one class, in order to include the Presbyterians in the Statutes made against the Non-conformists in general. But when the King was perceived to use this confusion to favour the Papists, the Commons were willing to own, the several sects ought to be distinguished, and rather than abandon Religion to the intrigues and artifices of the Court, and the Papists, resolved to ease the Presbyterians. In this, they discovered a true zeal for the Protestant Religion in general, knowing, it was not so dangerously attacked by the Presbyterians, as by the Papists. But it was not on this occasion only that they showed their attachment to the Protestant Religion. At the very time they were preparing the bill for the ease of the Presbyterians, another was brought in to enjoin frequent catechising in the Parochial Churches (3) for the instruction of youth, intimating thereby, how necessary this precaution was thought in the present juncture. But this Bill, as well as the other, was rendered abortive by the prorogation of the Parliament (4).

Edward, lib. p. 317.

Barnet.

Address from the Parliament against the Papists, Edward, lib. p. 312.

There is no plainer indication, of what the Parliament thought of the designs of the Court in favour of the Papists, than the address presented by both Houses to the King about the same time. This address contained, first complaints on the growth of Popery; on the great resort of *Ramish* Priests and Jesuits in the Kingdom; on the admission of so many Recusants into places of trust, and particularly in the army. After this, the two Houses desired,

1. That his Majesty would be pleased to issue out his royal Proclamation, to command all Priests and Jesuits (with exception of those in attendance upon the Queen, not being natural-born Subjects) to depart within thirty days out of the Kingdom: And that his Majesty would be pleased, in the same Proclamation, to command all Judges and other officers, to put the Laws in execution against all such Priests and Jesuits, as should be found in the Kingdom after that time. 2. That his Majesty would be pleased likewise to issue out commissions, to tender the oaths of Allegiance and Supremacy to all officers and soldiers now in his service and pay, and that such as refused the said oaths, might be immediately disbanded. 3. That the commissaries of the musters be commanded and enjoined by his Majesty's warrant, upon the penalty of losing their places, not to permit any officer to be mustered in the service and pay of his Majesty, until he hath taken the oaths of Allegiance and Supremacy, and received the Sacrament of the Lord's Supper, according to the usage of the Church of England; and that every soldier should take the said oaths before his first muster, and receive the Sacrament in like manner, before his second muster." Upon this address, the King published a Proclamation in the usual stile, the seventh of that kind, by which (after a declaration, that as he had always adhered to the Church of England, against all temptations whatsoever, so he was resolved to maintain and defend it) he strictly commanded all Jesuits and *Ramish* Priests to depart the Kingdom, and the Laws to be put in due execution, against all popish Recusants, or justly suspected to be so, &c. This Proclamation was not satisfactory to the Commons, because it extended but to one single article of their petition, without any mention of the removal of Papists from places of trust. Wherefore, they proceeded to a new Bill, in order to obtain their end, being resolved not to finish the money-bill, till they had procured a redress of their grievances, and particularly a revocation of the declaration for Liberty of Conscience.

A Proclamation upon this, id. p. 318.

The Commons enter upon new measures.

The King was never so perplexed since his restoration. The Cabal had promised to make him absolute, but, after all, suggested no other means, than the using of force, at all hazards. He had hoped to attain his aim by degrees, in gaining now one point, then another, and to see himself at last able to trample on all his opposers. He had moreover relied on the assistance of *France*, after the Commonwealth of *Holland* should be destroyed. But he had preposterously imagined, he should have time to form all his measures, and be able to support his design, whenever it should be opposed. Perhaps too, he had depended upon the condescension of this Parliament, which had always been so favorable to him. But as the Commons were proceeding, the time was come, that the King must either give way, or break with the Parliament. In this last case, he had too much sense to believe, that a handful of Papists, with a few flattering Courtiers and Ministers, were able to support him, at a time when he could expect no assistance from *France*, and when the *Misc*-contents might be counterbalanced by a Dutch fleet. Besides, his Exchequer was empty: And therefore he must have resolved to raise money on his Subjects by means of his army: For he knew,

The King in great distress, Edward.

(1) On Black-Heath; raised without advice of Parliament, and under many popish officers. Kennet, p. 318.

(2) He declared, he had much rather fill up without their desired liberty, than have it in a way that would prove so detrimental to the Nation. *Ibid.*

(3) Every Sunday in the afternoon. Edward, Tom. 2. p. 317.

(4) It was stopped in the House of Lords, 1673, R. Cole, Tom. 2. p. 150.

1672-3. If he had not wherewith to content his adherents, he would hardly engage them to betray the interests of their Country. But this army was Protestant, excepting a few Popish officers and soldiers. The officers of the fleet, and the sailors, were also Protestants. It was therefore unnatural to expect to engage such a fleet and army in his designs, so contrary to their Religion and Liberties. Lastly, he considered, that these very Ministers and Courtiers, who appeared so devoted to his service, would desert him, as it happened to the King his father, when he should be no longer able to protect them. In a word, it was too soon to begin the execution of a project of this nature, for which he was unprepared, and yet, by the Parliament's last address, he was obliged either to execute, or relinquish it. His honour seemed engaged to support the declaration for Liberty of Conscience, for he had told the Parliament, that he would adhere to it, and his inclination led him to favour the Papists, whose Religion he had secretly embraced. He found himself moreover obliged, not to abandon to the resentment of the Parliament, Ministers, who, in giving him their advice, had depended upon his protection. But honour was not capable to balance the difficulties which he foresaw, if he persisted in his enterprise. On the other hand, his Council was divided. The Duke of Ormond, and the Earl of Arlington advised him to wait a more favorable opportunity; but the Duke of York, and the rest of the Cabal, were for his throwing off the mask, and supporting his declaration. They represented, that his father's ruin was owing to his condescending to the first demands of the Parliament of 1640; and said, they saw no less cause to fear now; for should the declaration be recalled, other demands would be set up, which would never end, till they were carried so high, that the King would not be able to grant them, without undoing himself: And that after a thousand concessions, he would be at last forced to break with the Parliament, and all the fruit he should reap from his compliance, would be to make them the bolder. They farther added, that his holding his resolution a few days would bring the Parliament to reason, his Majesty having a party among them which began to make the leaders waver; and that there were forces sufficient on foot to support the one side, and intimidate the other. It is pretended, the Earl of Shaftsbury undertook to answer for the success. All this was very capable to hold the King in suspense. It is believed, the Ladies engaged in this affair, and fearing that a rupture would deprive them of the King's bounties, strongly solicited him to recall his declaration. However that be, the King, after some hesitation, called for the declaration, and with his own hands broke the Seal.

He recalls his Declaration.
Burton.
p. 151.
Edward.
The King's Speech is the Parliament's Wish.

It should for it by both Houses.

The Cabal very much dissatisfied with the King.

The 8th of March the King came to the Parliament, and after pressing the Commons to dispatch the Money-bill, said to both Houses, — "If there be any scruple yet remaining with you touching the suspension of the penal Laws, I here faithfully promise you, that what hath been done in that particular, shall not for the future be drawn into example and consequence; and as I daily expect from you a bill for my supply, so I assure you, I shall as willingly receive and pass any other you shall offer me, that may tend to the giving you satisfaction in all your just grievances."

This Speech was so agreeable to the Parliament, that both Houses went in a body and thanked the King for so full and satisfactory an answer.

But if the two Houses were pleased, the Cabal was not so. They had formed a project, and prepared a scheme to render the King absolute. Nay, they had taken some steps towards the execution. This scheme had never been formed, had it not been supposed, the King would have the courage and resolution to withstand the complaints of the Parliament: For the projectors could never think, the Parliament would suffer the Liberties of the people to be invaded without opposition. All their hope therefore was founded upon the King's headstiffness. They were to engage in a contest, in which they flattered themselves to render the King victorious. But they saw, to their great astonishment, the King was retreating, when he should have prepared for battle, and consequently the hopes of victory were entirely vanishing. But this was not all they had to fear; they were in danger of being abandoned by the King, after this first step, to the resentment of the two Houses; for how could they hope for the protection of the King, who had just given such manifest marks of his own fear?

The Earl of Arlington, as I have observed, had in some measure, deserted the Cabal, by his advice to the King, to revoke his declaration for Liberty of Conscience. The Earl of Shaftsbury soon followed him, but in a manner more surprising, more publick, and with more remarkable circumstances. As soon as he saw, the King had not sufficient resolution to execute the great work which was projected, he thought it but just to forsake a Prince, who had forsaken himself, and left his counsellors exposed to danger.

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This was the second time the Earl had experienced the King's inconstancy, and want of resolution. This affair of the Declaration was common to him with the rest of the Cabal. But the Writs issued out of Chancery for the election of Members to fill the vacancies in Parliament, were peculiar to him. He had undertaken to issue these writs as Chancellor, on pretence of some precedents which were never known, upon the King's positive promise to stand by him, and yet, he was deserted by the King, at the first instance of the Commons, or rather before their complaints. This was, however, a thing of very great consequence. For if the Crown could have issued Writs for filling the vacancies in Parliament, it would have been very easy for the Ministers to have had such members returned as they pleased, as it happened on this first occasion, wherein all those that were chosen were creatures of the Court. Father Orleans, who received his information of the English affairs from King James II, positively affirms, as one that could not be mistaken when he follows such a guide, "That the ancient custom was, on the death of a member, for the Chancellor to issue a writ under the Great Seal, for the election of another: And though the writ contained nothing to obstruct the freedom of the elections, yet the King might find means to prevent any Member from being chosen, who was against him. That this custom had been changed during the troubles of the last reign, when the Commons assumed the power of issuing the writs by their Speaker, and that this abuse had been suffered to continue, since the King's restoration, thro' the weakness, or ignorance of the Chancellors before Shaftsbury." But this is a groundless assertion, as appears from what the King said himself to both Houses, at the beginning of this session, "That he had given order to the Lord Chancellor to find out writs, for the better supply of their House, having seen precedents for it." Had this been a Right inherent in the Crown, and first invaded by the Commons, during the troubles of the last reign, would the King have said only, that he had seen some precedents for it. This remark is only to shew, with what caution the History of Father Orleans, tho' dictated by King James himself, is to be read.

The Earl of Shaftsbury was therefore more exposed to the resentment of the Commons, than any other of the Cabal, not only for pernicious counsels given the King, in conjunction with his four colleagues, the secret whereof was not yet known, but chiefly for the writs issued by him as Chancellor, so destructive of their rights and privileges. He had therefore reason to fear a vigorous prosecution for this fact, and it is certain, the party opposite to the Court had already projected an accusation against him. On the other hand, the weakness he had discovered in the King, gave him no hopes of a protection from thence. He believed, therefore, he had no other way to divert the impending storm, than by quitting the King's party, and throwing himself into the contrary. "He executed this resolution, says Father Orleans, the day after the King resolved to revoke his declaration for Liberty of Conscience. It was eleven at night before the King had taken his last resolution, and the next morning the Earl of Shaftsbury appeared in the House of Lords, at the head of the most violent party, against the Catholic Religion, the Dutch war, and the union with France." He did more, if Father Orleans is to be credited, for in a full House he discovered the reasons which had induced the King to grant Liberty of Conscience, join with France, and declare war against the States. I doubt not his discovering this secret to his new party, but confess, I must have better evidence than that of Father Orleans, to convince me, that this discovery was made publicly in a full House, and on this very occasion, especially, before the King and Duke of York, who were that day present in the House.

This would have been a formal accusation against the King, the Duke of York, and the other four members of the Cabal, of which he could have given no proof, if they had been demanded. He had too much sense to expose himself to such a danger. The occasion of his declaring publicly against the King, on the day I am speaking of, was this.

The Lord Treasurer Clifford, ignorant of Shaftsbury's intentions, paid him a visit the night before, and communicating to him a project for establishing a perpetual Fund to free the King from his dependence on the Parliament, read to him a Speech, he had prepared to speak on the morrow concerning this project in the House of Lords. The Earl of Shaftsbury seemed highly pleased with the Speech, and desired to hear it again. The next day, the King and Duke of York coming to the House to countenance this project with their presence, the Lord Clifford spoke his Speech. He had no sooner done, than the Earl of Shaftsbury stood up, and answered his Speech from the beginning to the end. He demonstrated this project to be extravagant and impracticable; that it would overturn the Government, and perhaps send the King and Royal Family abroad again, to spend their days in exile without

Father Orleans relates this fact.

The Earl of Shaftsbury throws himself into the party of the protestants.

The Earl of Shaftsbury declares publicly against the King, Tyranny, Burtons, Edward, III. p. 121.

1672-3. hopes of a return. If the Treasurer's Speech surprised the Lords who perceived the design of it, their astonishment was increased when they saw the Chancellor, a leading member of the Cabal, declare so openly against the King. It is said, the Duke of York, whilst Shaftsbury was speaking, whispered the King, *What a Rogue have you of a Lord Chancellor!* And that the King replied, *What a Fool have you of a Lord Treasurer!* I know not whether the truth of these particulars is to be relied on, some of which are improbable. For what likelihood is there, that the King, after breaking the seal of his declaration with his own hands, for fear of the Parliament, should appear, within a few hours after, in the House of Lords, to support, by his presence, the Treasurer's project, which tended to the subversion of Parliaments? Or that he should call the Treasurer fool, for a proposal which the King could not be ignorant of, and had doubtless approved?⁽¹⁾

Advice to the
Reader con-
cerning the
Earl of
Shaftsbury.

However, the Earl of Shaftsbury from this time was always in the head of the Country party, and caused the King to undergo great mortifications, as will hereafter appear. But I must give here a very material caution to those who read Father Orlean's History, or such English or foreign authors as espouse the King's cause. All these writers paint the Earl of Shaftsbury in very black colours. He was, according to them, the greatest villain that ever lived; his wickedness was answerable to the extent of his genius, and the depth of his penetration. He was perpetually contriving how to torment the King and Duke of York, or rather to ruin them irrecoverably. He was not only the head but the soul, of his party, by which they were actuated. In short, every thing transacted afterwards by the Parliament against the King, is solely imputed to him, and it is artfully insinuated, that, had it not been for such an agent, the nation would have remained in tranquillity, and the Parliament, content with the King's favorable answers, and gracious promises, would have been quiet, and attempted nothing against the Court. Thus, according to these writers, all the measures and precautions taken afterwards by the Parliament against the designs of the Court, were entirely owing to Shaftsbury's malice and revenge. It is easy to perceive, that their design is to cause to vanish, the grounds of the Parliament's fear and complaint of the conduct of the Court, by insinuating, that these complaints were frivolous, and the effects of Shaftsbury's vengeance, who, they say, directed both Houses of Parliament, or rather had them entirely at command. For my part, I am no way concerned to vindicate the Earl of Shaftsbury's honour, but believe my self obliged to remark, for the more easy discovery of the truth, that the project of the Cabal to render the King absolute, and introduce Popery, is of unquestionable certainty. The authors just mentioned, scruple not to own it, and should they deny it, the thing would not be less true. Consequently the Parliament coming to a full and exact knowledge of this design, which was only suspected before, had all the reason in the world for their fear and caution against the King and his Ministers. This being granted, let the Earl of Shaftsbury have been a villain, or an honest man; let him have betrayed the King's secrets, and acted only through a spirit of revenge; let his fear of the Parliament be the sole motive of his engaging in the Country party against the King, or let him have acted from a principle of honour and duty, in order to save the Church and State, the thing itself remains the same. The good or bad qualities of the Earl of Shaftsbury did not cause the Parliament to have more or less reason to fear the designs of the King and his Ministers. If they were prejudicial to Religion and the State, as cannot be denied, the Parliament had reason to take the best measures to prevent them. Why therefore are these measures, these precautions, ascribed to Shaftsbury's malice and artifices, since there was

another and more natural cause. Before the Earl of Shaftsbury appeared in the party, contrary to the Court, the Parliament had begun to take these precautions, though the Court's designs were yet but suspected: They were better informed by the Earl of Shaftsbury; why therefore is it supposed, that after this information, they suddenly relinquish their former motives, and act only with a view to serve as instruments of Shaftsbury's revenge? This is not even probable, and yet the authors abovementioned leave no opportunity of reproaching the Earl of Shaftsbury, and ascribing solely to him all the mortifications, the King afterwards received. Besides the reader's instruction, my design, in what I have said, is to hinder such as have read, or shall read the other Historians, from thinking it strange that I do not every moment exclaim against the Earl of Shaftsbury's conduct, as if he were the sole author of what was done against the King; and that I content my self with saying in a word, this Lord used all his interest and credit to break the measures of the King and his Ministers.

Immediately after this change in the Earl of Shaftsbury, the Commons passed a Bill, afterwards called the *Tenth Act*, intitled, *An Act for preventing the danger which may happen from Popish Recusants.* This Act required, that all persons enjoying any office or place of trust and profit, should take the oaths of Allegiance and Supremacy in publick and open Court, and should also receive the Sacrament in some Parish Church, immediately after Divine Service; and deliver a Certificate signed by the Ministers and Church-Wardens, attested by the oaths of two credible witnesses, and put upon record; and that all persons taking the said oaths of Allegiance and Supremacy should likewise make and subscribe the following declaration:—*I do declare, That I do believe, that there is not any Transubstantiation in the Sacrament of the Lord's Supper, or in the Elements of Bread and Wine, at, or after the consecration thereof, by any person whatsoever.*—This Bill readily passed the House of Commons, and after some difficulties, was also approved by the Lords⁽²⁾. The Earl of Bristol, though a Papist, made a speech on this occasion, and concluded with saying, "upon the whole matter, however the sentiments of a Catholic of the Church of Rome, (not of the Court of Rome) may oblige me, upon scruple of conscience, to give my negative to this Bill, yet as a member of a Protestant Parliament, my advice prudentially cannot but go along with the main scope of it, the present circumstances of time, and affairs considered, and the necessity of composing the disturbed minds of the People."

Besides this Bill there was another prepting to prevent intermarriages between Protestants and Papists. This tended directly to break the present negotiation of the Duke of York's marriage with an Archduchess of Austria⁽³⁾, and to hinder him from marrying any Catholic Princess. The King, in the mean while, was very uneasy, as he saw, the Parliament was informed of his secret resolutions, and effectual measures were taken to prevent their execution. Wherefore he quickened the Commons by several messages, to finish the Money-bill. But, instead of satisfying him, the Commons, having provided for the security of Religion, presented him two addresses of grievances, one concerning England, the other Ireland. In the first, they told the King, that they were firmly persuaded of his intention to govern according to the laws and customs of the Kingdom. Yet finding that some abuses and grievances were crept into the Government, they craved leave humbly to represent them to his Majesty's knowledge, and to desire,

"1. That the imposition of twelve pence per chal-dron upon coals, for providing of convoys, by virtue of an order of Council dated the 15th of May 1672,

(1) This business of Shaftsbury's turning against the Court, is thus related by Burnet. The Lord Clifford referring to the Declaration for Liberty of Conscience, desired the heads be intended to speak on to the King, who approved of them. He began the debate with rough words, calling the Vice of the Commons, *Magister burlesque* ignorant, and run on in a high strain. When he had done, the Earl of Shaftsbury, to the amazement of the whole House, said, he must differ from the Lord that spoke last, *see before*. He said, while these matters were debated out of doors, he might think with others, that the King's Supremacy did warrant the Declaration: But now, that such a House of Commons were of another mind, he submitted his reasons to others. They were the King's great Council, and a multi-bus advice and support him. The King was all in fury to be thus forsaken by his Chancellor, and told the Lord Clifford, how well he was pleased with his speech, and how highly offended with the other. The debate went on, and upon a division the Court had the majority. His advice thereby was the most considerable of House prevailed against the vote. By the Court few they guard nothing in carrying a vote, that drew after it such a perturbation. It seems, Clifford, Buckingham, and Lauderdale, were by violent measures, whilst Arlington and Shaftsbury pressed the King to continue the Parliament. Accordingly, in the afternoon of the day that the matter had been argued in the House of Lords, Shaftsbury and Arlington got all their members of the Commons, who were in the Court party, to go privately to the King one after another, and tell him, that upon Clifford's speech the House was in such fury, that probably they would have gone to the Commons, had it not been for Shaftsbury's speaking on the other side, who, they believed, broke the King's stride, as the other did the Duke's. They made the King apprehend, the Chancellor's speech, with which he was so offended, was really a great service done him, and persuaded him further, that he might now save himself, and obtain an indemnity for his Ministers, if he would part with the Declaration, and pass the Bill. Whereupon, before eight the King was in changed, and said to his Brother, that Clifford had undone himself, and foisted all by his speech, and thought Shaftsbury had spoke like a rogue, yet that had been a pity, which the other's indifference had kindled. The Duke, in the evening, told Clifford what the King said. Upon which Clifford went to the King, and said, he thought, that in what he had done he had both served and pleased the King, but was surprised to find by the Duke, that the King was of another mind. The King, in some confusion, owned, that all he had said was true in itself, but he should have considered better what the Commons could bear. Clifford finding he could not make the White Staff, consulted with Buckingham whom he recommended to the Treasurer, and they pitched upon Sir Thomas Osborne, afterwards Duke of Leeds, p. 148. etc.

(2) This Bill was particularly promoted, if not invented by the Earl of Shaftsbury, who refused to rise directly at the Duke of York and his Friends. Burnet, Tom. III. p. 321.

(3) The articles of that marriage were concluded in October 1673, and, as the Earl of Arlington fear word to Sir William Godolphin, "upon some former what interposition as to our Government here, but in substance much to the Majesty's and Royal Highness's satisfaction." Arlington's Letters, Tom. II. p. 351. But though the Principles of Popery's Religion pleased the French King, yet the interest this Marriage would bring with it, did not, so that he proposed the Princess of Modena. R. Cole, p. 166. The Duke had, before this, made his Address to the Lady, who was a Protestant. Burnet, p. 352.

1673-3. " may be recalled, and all Bonds, taken by virtue thereof, cancelled.

" 2. That his Majesty's Proclamation of the 4th of December 1672, *For preventing disorders which may be committed by Soldiers*, and whereby the soldiers now in his Majesty's service are in a manner exempted from the ordinary course of justice, may likewise be recalled.

" 3. And whereas great complaints have been made out of several parts of the Kingdom, of divers abuses committed in quartering of Soldiers, that his Majesty would be pleased to give orders to redress those abuses, and in particular, that no soldiers be hereafter quartered in any private Houses, and that due satisfaction may be given to the inn-keepers and victuallers where they lye, before they remove.

" 4. And, since the continuance of soldiers in this realm, will necessarily produce many inconveniences to his Majesty's Subjects, they humbly repented it as their petition and advice, that when this present war is ended, all the soldiers that have been raised since the last session of Parliament may be disbanded.

" 5. That his Majesty would likewise be pleased to consider of the irregularities and abuses in pressing soldiers, and give orders for the prevention thereof for the future."

These demands shew, how by degrees the Court was labouring to introduce an absolute authority: First, by a light imposition, by virtue of an order of Council, of twelve-pence upon every chaldron, or thirty-six Bushels of coals. The tax was inconsiderable, but the consequence very great. Secondly, the Magistrates, in assuming the power of quartering soldiers in private houses, easily found an opportunity to gall and oppress their enemies, and such as were not well-inclined to the Court. Thirdly, in pressing soldiers, the officers had room to commit many acts of injustice, by lifting not the most proper persons for the service, but the rich who were able to redeem themselves with money. Though this practice was much used with regard to sailors, and continues to this day, it had never extended to soldiers, or at least but on very extraordinary occasions.

The petition concerning the *Irish* grievances contained several articles, chiefly relating to Religion. In one of these the Commons desired, his Majesty would be pleased to dismiss out of all command, civil or military, Colonel Richard Talbot, who notoriously assumed the title of Agent for the Roman Catholics in Ireland, and forbid him all access to his Court. This Talbot was afterwards created Duke of Tyrconnell, and Lord Lieutenant of Ireland by James II. (1).

The King replied to these addresses, that as they consisted of so many different parts, it could not be expected he should give a present answer. But promised, that for the several particular things contained in them, he would before the next meeting take such effectual care, that no man should have reason to complain. After this the money-bill passed without opposition. But, not to approve expressly the war for which this money was intended, the Bill was intitled, *A Supply of his Majesty's extraordinary necessities* (2), and a particular proviso was tacked to it, *That no Papist should be capable of holding any publick employment*.

Before the Bill in favour of the Protestant-Dissenters and some others were ready, the King came to the Parliament the 29th of March, and passed several Acts, amongst which were the money-bill, the Test-Act, and an Act for a general and free pardon, but with many exceptions (3). Then he adjourned the Parliament to the 20th of October. By the King in his declaration for liberty of Conscience had intended the ease of the Protestant-non-conformists, as he would have had it believed, he might have deferred the adjournment of the Parliament a few days, till the Bill passed in their favour was ready, or at least might have pressed the two Houses to finish it. But as the Papists were excluded from the benefit of this Act, he showed no farther concern for the interest of the Presbyterians, but adjourned the Parliament before the Lords had given their consent to the Bill.

The Test-Act having received the Royal-assent, most

of the Catholick officers quitted their places. The Duke of York himself who was Lord-High-Admiral, resigned that profitable office (4), and the Lord Clifford that of High-Treasurer. He retired to his paternal estate [at *Childleigh*] in *Dorsetshire*, where he died shortly after.

While these things passed in the Parliament, preparations for the Sea-war were making in *England* and *Holland* with equal ardour and vast expense. The Duke of York having resigned his office of Lord-High-Admiral, Prince Rupert was appointed to command the fleet. Ruyter having secret intelligence, that the *English* fleet would not be ready to sail, put to sea with forty-two men of war, and sixteen vessels to be sunk in the *Thames* (5). He came into the mouth of the river the 2d of May, where he found he had been misinformed, and that forty-five large ships were coming to attack him. Upon this disappointment, he retired to expect the rest of his fleet at *Schevenvelt* in *Zeland*. In this interval, Prince Rupert failed to meet the French fleet coming from *Brest*, and joined them in the Channel the 16th of May. After this junction, the combined fleet consisted of one hundred and forty all of sorts, of which there were thirty large French ships (6). The Dutch fleet had but a hundred and nine fail, namely, fifty-four large ships, fourteen frigates, twenty-four fireships, eleven advice-boats, and six galliots (7). As I am not sufficiently versed in marine-affairs to give clear ideas of sea-engagements, I shall only say, that this year was signalized by three naval engagements, fought with such equal loss, that neither could justly boast of victory, tho' both challenged it in every battle.

The first was fought near *Schevenvelt* the 28th of May. The second off *Flying* the 4th of June, but this was rather a cannonading of about four hours, after which, both sides retired to their respective coasts. The third, fought the 11th of August, was the most obstinate. The *English* lost Vice-Admiral Spragg, who was drowned in changing his ship (8), and the Dutch, Vice-Admiral Sweerts. The loss of the great ships in these three engagements was inconsiderable, but on both sides many lesser ones were either burnt or sunk. In a word, nothing decisive happened at sea this campaign, and therefore I need not be more circumstantial (9).

As to what passed at land between France and the States, I shall only say, that the King of France took *Mayricht* in *June*, and the Prince of Orange, Naerden, a town near *Amsterdam*, in *September*, and afterwards *Bonn*, the residence of the Elector of *Cologne*, in *October*. These two conquests, and the necessity the King of France was under to maintain the war against Spain, (which had at last declared against him, besides that the Emperor, and several German Princes, were also upon the point of declaring for the States) obliged him to abandon all his conquests in the United-Provinces, except *Musricht* and *Graue*, where he left garrisons, after having drawn out all the rest in *November*.

In the mean time, a Congress was held at *Cologne* for peace, but with no success.

The 19th of June the King, at Buckingham's recommendation, made Sir Thomas Osborn, afterwards Earl of Danby, Lord-Treasurer.

The Duke of York, as I have said, had cast his eyes upon an Archduchess of *Imprach*, a branch of the House of *Austria*. But the Emperors dying at that time, the Emperor married this Princess himself. The Duke was therefore obliged to make his addresses elsewhere, and as his zeal for the Popish Religion allowed him not to marry a Protestant Princess, he made choice of Maria [*d'Este*] Sister to Francis Duke of *Modena*, and the marriage was immediately concluded and solemnized by his proxy [Henry Marston] Earl of *Peterborough*. The King of France greatly contributed to the marriage, by declaring the young Princess, then but fifteen years of age, an adoptive Daughter of France, and by engaging to pay her portion.

As the Duke's marriage with a Catholick Princess could not but be very disagreeable to the *English*, the Court easily forebore, that the Parliament, which was to meet the 20th of October, would endeavour to oppose it. There were several Bills ready, which could be finished in few days; and as the Parliament was only adjourned, the Court feared they would begin with completing these Bills, two of which the Court was desirous to put a stop to, namely,

(1) February 25. 1672, the King had issued out a Proclamation in Ireland, whereby he granted a general Licence to all Papists to live in Corporations, exercise Trades there, and enjoy the same privileges as other subjects ought to do; which was a greater privilege than his Protestant Subjects had, but by their Charter, all who were not free of the Corporations could not have the benefit of this Privilege. R. G. 166.

(2) The sum granted was twelve hundred thirty eight thousand seven hundred and fifty pounds. *Statutes* 25 Car. II. c. 1.

(3) There was also an Act passed, to enable the County Palatine of *Durham*, to send Knights and Burgesses to serve in Parliament. *Statutes* 25 Car. II. c. 1.

(4) *Barnet* says, when the Duke carried all his committals to the King, he wept as he delivered them up, but the King showed no concern at it. P. 324.

(5) In order to stop the *Canary*, *Bordeaux*, and *Newcastle* Fleets from coming in, *Ruyter*, p. 323.

(6) The White Squadron was commanded by Count d'Estres, and the Blue by Sir Edward Spragg. *Berchett*, p. 403.

(7) *Bellage* says, it consisted of fifty men of war, twelve frigates, fourteen yachts, and twenty-five fire-ships. *Tum. II.* p. 412.

(8) He was forced to remove out of his Ship into the *St. George*, but this soon after being her main-mast, he was obliged to leave her; and as he was going on board the *Royal Charles*, his Barge was sunk with a Cannon-ship. In this last engagement, Sir William Reeves and Captain *Hymen* were also lost, and likewise Captain *in Xere*, and Captain *Merryweather*, both foot officers. *Berchett*, p. 404. *Edward*.

(9) This year Sir *Thomas Bridges* took the Island of *Tahiti* in the *West Indies* from the *Dutch*; who, by way of reprisals, took the Island of *St. Helena*, but it was soon after recovered by Captain *Richard Munden*. *Berchett*, p. 404.

1673. the Bill against Inter-marriages between Protestants and Papists, and that for the ease of the Protestant Dissenters. Wherefore the King easily resolved to prorogue the Parliament. The first thing the Commons did, after their meeting, was, to present an Address to the King, to desire that the Duke's marriage with the Princess of Medana might not be consummated, and that he might not be married to any but a Protestant. Upon this, the King prorogued the Parliament to the 27th of the same month, to defeat the two Bills above-mentioned, and some others not more agreeable to him.

The Commons address against the Duke's marriage. Kenneth, Edward, Burce. The Parliament prorogued. Speech to the Parliament. Kenneth, Edward. III. p. 331.

The 27th of October the King coming to the Parliament with the usual formalities, made a Speech to both Houses, in which he told them,—"That having consented to a negotiation at Cologne, he hoped to have welcomed them with an honourable peace; but the Dutch had disappointed him in that expectation, and treated his Ambassadors at Cologne with the contempt of conquerors, and not as might have been expected from men in their condition. That this obliged him to move them again for a supply, the safety and honour of the nation necessarily requiring it; that it must be proportionable to the occasion, and if he had it not speedily, the mischief would be irreparable in his preparations for the next spring." He told them, "That he was steady in maintaining all the professions and promises made to them concerning Religion and Property; and should be very ready to give them fresh instances of his zeal for preserving the established Religion and Laws, as often as any occasion shall require. In the last place, he commended to their consideration and care, the debt he owed the *Geldsmits*, in which very many other of his good Subjects were involved."

This debt to the *Geldsmits* was contracted by the King when he shut up the Exchequer, and amounted to more than two millions Sterling. Thus the King, after a seizure of other men's property, by a pure act of authority, pretended, it belonged to the Parliament to make reparation, on account of the application of this money to a war, of which he had not vouchsafed to communicate the design to them. This was the hardest case that had for a long time happened in England. For, on one hand, it was a melancholy thing to see so many families ruined, in support of an expence which ought to have been common to the whole nation. But on the other hand, to pay this debt, was to establish a precedent of a terrible consequence, and authorize the King and his successors to employ the same, or the like methods, for raising of money, without consent of Parliament. As for the twelve hundred and sixty thousand pounds granted the King for his extraordinary occasions in the last session, he believed, that sum ought not to be employed in discharging this debt, nor even in maintaining the Dutch war, since a new supply was demanded for that purpose.

After the King had ended his Speech, the Chancellor enlarged with great eloquence upon all the points touched by the King. But his speech made little impression upon the Commons. They were no sooner returned to their House, but instead of voting the King thanks for his Speech, they adjourned themselves to the 30th of the month. The same day the King sent them his answer to their address concerning the Duke of York's marriage, the substance of which was,—"That he perceived the House of Commons had wanted a full information of this matter, the marriage not being barely intended, but completed, according to the forms used amongst Princes, and by his royal consent and authority: Nor could he in the least suppose it disagreeable to the House of Commons, his Royal Highness having been, in the view of the world, for several months, engaged in a treaty of marriage with another Catholic Prince, and yet a Parliament held during the time, and not the least exception taken at it." The House was by no means pleased with this answer; and therefore resolved to present a second address, with their reasons against this marriage. The same day it was voted, that a Bill should be prepared for a general Test between Protestants and Papists, that is to say, an oath which should serve to distinguish Protestants from Papists, with this clause, *That they who refused to take it should be incapable of bearing any office civil or military, or to sit in Parliament, or to come within five miles of the Court.*

The King's answer relating to the Duke's marriage. Kenneth, Edward. III. p. 335.

A Bill for a general Test. III. p. 336.

Vote of the Commons to grant no more supplies to the Duke. Ibid.

The 31st of October the Commons took the King's Speech into consideration, and after a serious debate in a grand committee, came to the following resolution, "That the House considering the present condition of the nation, will not take into any further debate, the consideration of any Aid, or Supply, or Charge upon the Subject, before the time of payment of the eighteen months allotment granted by a late Act of Parliament, intitled, *An*

Act for raising the sum of twelve hundred, thirty-eight thousand, seven hundred, and fifty pounds; be expired; except it shall appear, that the obstinacy of the Dutch shall render it necessary; nor before this Kingdom be effectually secured from Popery, and popish counsellors, and the other present Grievances be redressed."

The King, as may well be imagined, was extremely offended with this resolution, and the more as it was followed by an Address for a general Fast, to be observed throughout the whole Kingdom, which intimated to the people, that the Kingdom was in great danger. Two days after, the House in a body waited on the King with a second address against the Duke of York's marriage, in which, after many compliments, they represented to him,—"1. That if this match do proceed, it will be a means to disgust the minds of his Protestant Subjects at home; and to fill them with endless jealousies and dissensions; and will bring his Majesty into such alliances abroad, as will prove highly prejudicial, if not destructive to the interests of the very Protestant Religion itself. 2. They find by sad experience, that such marriages had increased and encouraged Popery in the Kingdom, and had given opportunity to Priests and Jesuits, to propagate their opinions, and seduce great numbers of his Majesty's Subjects. 3. They do already observe, how much the party is animated with the hopes of this match, which was lately discouraged by his Majesty's gracious concessions in the last meeting of the Parliament. 4. They greatly fear this may be an occasion to lessen the affections of the people to his Royal Highness, who is so nearly related to the Crown, and whose honour and esteem they desire may always be entirely preserved. 5. That for another age more at least, this Kingdom will be under the continual apprehensions of the growth of Popery, and the danger of the Protestant Religion. Lastly, they considered, that this Prince's having to near a relation and kindred to many eminent persons of the Court of Rome, may give them great opportunities to promote their designs, and carry on their practices here, and by the same means penetrate into his Majesty's most secret Councils, and more easily discover the state of the whole Kingdom. And finding by the opinions of very learned men, that it is generally admitted, *That such Treaties and Contracts by persons are disserviceable*, of which there are several instances to be produced, they do in all humility beseech his Majesty, to put a stop to the consummation of this intended marriage. And this they do the more importunately desire, because they have not, as yet, the happiness to see any issue of his Majesty, that might succeed in the government of his Kingdom."—"To this address the King briefly replied, *That it was a matter he would take into his present consideration, and would speedily return an answer.* After which the Commons proceeded farther, and voted the Standing army a grievance, and accordingly, prepared an address to be presented to his Majesty, shewing, *That since the Standing-army was a grievance, and a burthen to the nation.*

But the 4th of November, the day on which the Commons were to present their Address, the King came unexpectedly to the House of Peers, and sent for the Commons. It happened that the Speaker and the Usher of the Black-Rod met both at the door of the House of Commons, but as the Speaker was within the House, the door was immediately shut against the Usher, who came with the King's Message. The Speaker was forced into the Chair, and while the Usher continued knocking at the door, the House voted, 1. *That the Alliance with France was a Grievance.* 2. *That the evil Counsellors about the King were a Grievance.* And 3. *That the Duke of Lauderdale was a Grievance, and not fit to be trusted or employed in any officer place of trust.* Upon which there was a general cry, to the question, *Is the question?* But, the Black-Rod knocking earnestly at the door, the Speaker leaped out of the Chair, and the House rose in great confusion. When the Commons came to the House of Lords, the King made a short Speech to both Houses, in which he represented the great advantages which the enemy would reap from the least appearance of a difference between him and his Parliament.—He told them, he would not be wanting to let all his Subjects see, *That no care should be greater than his own in the effectual suppressing of Popery.* He then prorogued the Parliament to the 7th day of January following, and thus put an end to the twelfth session of this long Parliament, which had continued but nine days.

Immediately after the prorogation of the Parliament, the King took the Great-Seal from the Earl of Shaftesbury, and gave it to Sir Henrice Finch (t.), with the title of Lord-Keeper. Soon after, the King ordered that no person who was a Roman-Catholic, or reputed to be so,

1673.

1673. Petition for a General Fast.

Address to the Duke of York's marriage.

Vote against the Duke's marriage. Kenneth, Edward. III. p. 335.

Vote against the Duke's marriage. Kenneth, Edward. III. p. 335.

Vote of the Commons to grant no more supplies to the Duke. Ibid.

1673. should presume to come near his person or Court. He likewise published a Proclamation for the rigorous execution of the laws against Papists. This was the eighth of the kind since his restoration, and executed as the other seven.

Conformation of the Duke's marriage. But this Proclamation was not capable to remove the fears occasioned by the Duke of York's marriage with the Princess of Modena, which was consummated the 21st of November, on the day of her arrival in England with the Duchess her mother (1).

1673-4. The Parliament meeting the 7th of January, the King represented to both Houses. "That no proposal of peace from the Dutch had been yet offered with an intent to conclude, but only to amuse: That therefore, the way to a good peace, was to set out a good fleet, which there was time enough to do effectually, if the supply was not delayed. — That a speedy, a proportionable, and above all, a cheerful aid, was now more necessary than ever: He once more put them in mind of his debt to the Goldsmiths: And then told them, that his alliance with France had been very strangely misrepresented to them, as if there were certain secret articles of dangerous consequence; but he would make no difficulty of letting the treaties, and all the articles of them, without any the least reserve, be seen by a small committee of both Houses, who might report the true scope of them."

Speech of the Lord Keeper enlarged upon all these points with excessive flattery to the King, for his extraordinary care to maintain the Laws and Religion, and that this might not be doubted, he alleged for proof, the assurances given by the King. Above all, he magnified the King's offer, of letting them see the treaties with France, as a condescension which could not be sufficiently acknowledged, but by an extraordinary supply. In a word, the King's and the Keeper's Speeches were founded upon this principle, that the war with the States was just and necessary, and consequently to be vigorously maintained, in order to an honorable peace.

It does not appear, that the two Houses much regarded the King's offer of laying before them his treaties with France, since it was in his power to shew them what he pleased, and suppress the rest. The King perceived therefore, into what difficulties the Cabal had thrown him by their violent counsels. He had lost the confidence of his people, and neither his words nor his promises were any longer relied on. It was in vain for him to protest his zeal for the Protestant Religion, and the Liberties of his Subjects: these protestations could not obliterate his past proceedings, which gave but too just cause to suspect his sincerity. Wherefore, the Parliament, without regarding his words, considered his actions, and laboured to take effectual measures, to prevent the execution of the Court's designs, which were but too manifest. There were many things concerning which they openly expressed their fear and discontent. 1. The growth of Popery publicly encouraged by the Court. 2. The exorbitant power of France, which in the end could not but prove prejudicial to England. 3. The Dutch war, undertaken directly contrary to the interest of England, and for which however the King was incessantly demanding supplies, on a supposition of its being just and necessary, though he had alleged no lawful cause for it. 4. The management of affairs in Ireland, where the Act of Establishment was openly trampled upon, and Papists continually advanced or encouraged. 5. The King's proceedings in England, which were clear evidences of his principles and designs; namely, his raising a land-army without any necessity; his granting Liberty of Conscience by his sole authority; his shutting up the Exchequer; his dispensing with Acts of Parliament; his making a strict alliance with France, when he should rather have used his endeavours to oppose the increase of her greatness. 6. The open profession of the popish Religion by the Duke of York, and his marriage with a popish Princess, authorized by the King notwithstanding the remonstrances of the Parliament. 7. The three Ministers, still employed by the King, namely, Arlington, Buckingham, and Lauderdale, all three of the most arbitrary principles, plainly shewed, it was not for the good of the Kingdom, that the King used their counsels. These were too real causes of complaint, to be silenced by the King's general protestations, on every occasion, to maintain the Laws and Religion. Something more substantial than words was necessary to dispel the suspicions and fears of the People and Parliament. Wherefore the Parliament resolved to restore the Government to its natural state. This very Parliament which had considered as execrable

rebels, the opposers of Charles I's usurpations, was obliged to pursue the same measures against the encroachments of Charles II., as were begun with by the Parliament of 1640. If this produced not a civil war, it is to be ascribed to the weakness, fears, or, perhaps, to the abilities of the King, who, less obstinate, and more discerning than his father, did not think proper to abandon himself entirely to the counsels of his Ministers, and particularly of the Duke his brother. For, certainly, as the Parliament stood affected, an extreme confusion, if not a second, and more bloody civil war, must have been the consequence of the King's attachment to his principles and designs. Nothing is more proper to confirm this conjecture, than the revolution in the reign of James II. That Prince, naturally more furious and obstinate than his brother, resolving to run all hazards, found the English, in their turns, as resolute to venture all in the defence of their Laws, Religion, and Liberty.

In order to proceed according to this Plan, the House of Lords presented an Address to the King, praying him to issue out his royal Proclamation, requiring all Papists [and reputed Papists] to remove out of London and Westminster, during the Session of the Parliament. Accordingly his Majesty without delay published a Proclamation, dated the 14th of January, declaring, "That as he had always manifested his zeal for the preferation of the true Religion established in this Kingdom, and to hinder the growth and increase of Popery, so he was now ready, upon this occasion, to prevent all fears and dangers that might arise by the concurrence of persons of that profession, in or near the Cities of London and Westminster, &c." This pretended zeal had shewed itself but in eight Proclamations, already published by him at several times against the Papists, the negligent execution of which is very visible from the number. When the King's affection of boasting continually his zeal for the Protestant Religion, and against Popery is considered, and when on the other hand it is remembered, that he had abjured the Protestant Religion, and had a Chapel secretly in his Palace, where he daily heard Mass, and sometimes even communicated the same day at his Protestant and Popish Chapels, one knows not what to think of such monstrous dissimulation.

The next day, both Houses joined in an address to the King for a General Fast, to implore God's Blessing against the efforts of Popery, &c. Nothing was more offensive to the King than such addresses, which plainly implied, that Religion was in danger, and through his fault; but he durst not refuse them, and therefore the 4th of February was appointed for a day of humiliation.

At last, the Commons taking the King's last Speech into consideration, voted, "That the House will in the first place proceed to have their Grievances effectually redressed, the Protestant Religion, their liberties and properties effectually secured, and to suppress Popery, and remove all persons and counsellors popishly affected, or otherwise obnoxious or dangerous to the Government." Then they presented an address to the King. "That the Militia of the City of London, and County of Middlesex, might be in readiness at an hour's warning, and the Militia of all other Counties of England at a Day's warning, for suppressing of all tumultuous Insurrections which might be occasioned by Papists or any other male-contented persons." The King answered to this Address, That he would take a special care, as well for the preservation of their persons, as of their liberties and properties.

This Address was only to insinuate to the people, that the Kingdom was in danger, and to justify beforehand the measures intended to be taken by the House, against those who were considered as the principal authors of this danger, I mean, the Members of the Cabal. By the death of Lord Clifford, and the change in the Earl of Shaftsbury, this Council was reduced to three, namely, the Dukes of Buckingham and Lauderdale, and the Earl of Arlington. The House began with the Duke of Lauderdale, and unanimously voted, "That an Address should be presented to his Majesty, to remove the Duke of Lauderdale from all his employments, and from his presence and Councils for ever, being a person obnoxious and dangerous to the Government."

The Duke of Buckingham, while the Commons were debating upon the heads of his accusation, requested to be heard before their House, which was granted. But as his Speech, in vindication of himself, was full of ambiguities, the House terminated his examination to the next day, and drew up some queries, to which he was required to give distinct answers. As these questions follow from what had passed, and tend to illustrate the History, I think myself

(1) They were married at Dover by Nathaniel Owen, Bishop of Oxford. — This year died Oliver St. John, is often mentioned in the Reign of King Charles I. Edward.

1673-4. obliged to infer them, without adding his answers, the greatest part of which left things as obscure as they were before (1).

Shew
proposals
to the Duke
of Buck-
ingham.
F. part,
III. p. 347.

1. Whether any persons declared to his Grace any ill advice or purposes against the liberties and privileges of the House of Commons, or to alter the Government; who they were, and what they advised?

2. Some words fell from your Grace yesterday, wherein you were pleased to say, you had got nothing, but others had gotten three, four, or five hundred thousand pounds; who were they that had gotten these sums, and by what means?

His answer to this was,——That he was not at all acquainted by what means they got so much: That the Duke of Ormond had got five hundred thousand pounds, which was upon record; that Lord Arlington had not got so much, but had got a great deal.

3. By whose advice was the army raised, and Monsieur Schomberg made General (2).

4. By whose advice was this army brought up to awe the debates and resolutions of the House of Commons?

5. Who made the Triple-alliance?

6. Who made the first treaty with France, by which the Triple-alliance was broken?

He answered, *I made it.*

7. By whose advice was the Exchequer shut up, and the order of payment there broken?

8. Who advised the Declaration in matters of Religion?

9. Who advised the attacking the *Esmeralda* fleet before the war was proclaimed (3)?

10. By whose advice was the second treaty at *Utrecht*?

11. By what counsel was the war begun without the Parliament, and thereupon the Parliament prorogued.

12. By whose advice was the Parliament prorogued the 4th of November last?

I did not think fit to add all the Duke's answers, because it is not just to prejudice the Reader against those whom the Duke of Buckingham accused to clear himself. But the questions are very proper to show, what it was that the Commons blamed in the conduct of the King and Cabal. They were so little fatished with the Duke's answers, that they passed the same vote against him as against *Landerdale*.

The Commons, it seems, principally intended to ruin the Earl of Arlington, since, notwithstanding his defence before the House, they drew up an impeachment against him, consisting of several Articles. But as this impeachment was not pursued, I don't think it just to infer the articles, since I cannot also infer what the Earl could urge in his defence. I shall therefore only say, that this impeachment chiefly concerned the open protection, granted by the Earl of Arlington as Secretary, to the Catholics; and some actions tending to promote arbitrary power, or his own private interest (4).

After this, the Commons proceeded to prepare a bill for a general Test, by which every person refusing to take it, should be made incapable to enjoy any office civil or military, to sit in either House of Parliament, or to come within five miles of the Court. The Test was in these words:

The Test.

I do solemnly, from my heart, and in the presence of Almighty God profess, testify and declare, That I do not believe in my conscience that the Church of Rome is the only Catholic and universal Church of Christ, out of which there is no salvation; or that the Pope hath any jurisdiction or supremacy over the Catholic Church in general, or over my self in particular; or that it belongs to the said Church of Rome alone to judge of the true sense and interpretation of the Holy Scriptures; or that in the Holy Sacrament of the Eucharist, there is made a perfect change of the whole substance of the bread into Christ's body, or of the whole substance of the wine into Christ's blood, which change the said Church of Rome calleth Transubstantiation; or that the Virgin Mary, or any other Saint ought to be worshipped or prayed unto: And all those aforesaid doctrines and positions, I do renounce and disclaim, as false and erroneous, and

contrary to God's word, and the Christian Religion. It was 1673-4. not without reason that this Oath was called the Test or Trial, since it was as a touch-stone to distinguish the Papists from the Protestants, there being no Catholic who could in conscience take this Oath. The King had already given his consent to an Act which imposed much the same oath. But that was only for those who were in office or employment, whereas this was universal, and might be required of all suspected persons. But, before the Bill was ready, the King prorogued the Parliament, and so defeated both this, and several other Bills tending to the same end.

Since the States-General had perceived that the Parliament approved not of the war the King was making upon them, they had never ceased to solicit the King to a separate peace (5), and had offered him whatever he could reasonably expect, in supposing he designed the advantage of his Kingdom. But as that was not the case, it is plain, their offers could not satisfy him. To content him, the Commonwealth of the Seven Provinces should have been entirely destroyed, and the King of France put in possession. But as he durst not openly avow this demand, he pretended to find in the offers of the States, only ambiguous or insolent propositions, and from thence took occasion to reject them. But affairs afterwards took a turn which obliged him to come into other measures. The victories he hoped for at sea with the assistance of France, came to nothing. If his fleet was not beaten in the four late engagements, at least, it had gained no advantage over that of the States. He had expected to give a mortal wound to the States by a descent into *Holland*, and for that purpose had sent for Schomberg to head his Forces. But that General had been unsuccessful in his expedition, and obliged to return without any thing done. The King of France, as I said, had been forced to abandon his conquests in *Holland*, to defend himself against the new enemies raised him by the States. In short, the Parliament discovering the secret intent of this war, not only refused any further supplies, but were preparing to bring the advisers to justice. On the other hand, the King had managed the money granted by Parliament, and that of the Exchequer, with so little economy, that he had not a shilling left. His profusion had been so excessive, that it appeared, from orders counterigned by the Earl of Arlington Secretary of State, that he had given away above three millions *sterling*, to several private persons. In a word, he did not know which way to turn himself for the continuance of the war, as he saw his Parliament little inclined to furnish the means. All these reasons were very capable to induce him to listen to the offers made him by the States. He therefore began by degrees, to discover, that he should not be averse to a reasonable peace, provided the States would have such regard to his honour as he had room to expect. When there was no other difficulty, the States writ him a very submissive Letter, and at the same time sent full powers to the Marquis *del Frius*, the Spanish Ambassador at London, to conclude a peace in their name, on the conditions already offered, but rejected by the King, on pretence they were only designed to amuse him. These proposals were so reasonable, and offered in so solemn a manner, that they could not be rejected without alarming the whole Kingdom, and confirming the suspicions, which were but too general, that this war was not designed for the advantage of the People. Besides, the King's affairs required a speedy peace (6).

Presently after the receipt of the States letter, the King came to the Parliament the 24th of January, and communicated to both Houses the offers from the Dutch, desiring their advice on this affair. They answered, that it was their opinion, his Majesty should proceed in a treaty with the States, in order to a speedy peace. From that time, all difficulties relating to the peace were removed, in the conferences between the Marquis *del Frius*, and the King's commissioners (7), and the treaty was concluded in a fortnight (8).

In this short interval, the Commons proceeded to take the

the King's advice of the Parliament. The King's letter to the States, dated the 24th of January, 1674.

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1673 4. into consideration the grievances of the nation. They insisted chiefly upon keeping an army composed of regular troops, and after a vote that it was a grievance to the Kingdom, they resolved to address the King for disbanding all forces raised since the year 1663. The examination of this affair gradually led them to that of the Horse and Foot guards, established by the King without the concurrence or approbation of the Parliament. It was found, that they were of vast charge to the King and Kingdom: That they were a standing army in disguise, which might be easily augmented: That guards were only in use in arbitrary Governments: that they were altogether useless, as appeared from the King's daily trusting his person to his people without a guard.

The King
against the
Parliament
the Peace,
Richard,
Edwards.

He desires a
Supply.

Grievances
relating to
Scotland and
Ireland,
Edwards.

The Habeas
Corpus.

The King
monified.

Propones
the Parli-
ment.
Richard,
III. p. 353.

The peace is
proclaimed,
Collett, of
Treaties,
III. p. 277.

This debate was interrupted by the King's coming to the House of Peers, the 11th of February. The Commons being sent for, the King communicated to both Houses, that he had signed the peace with the Dutch. He told them moreover, in answer to their address concerning the Forces, that he had given orders for disbanding even more than were desired, and for sending back the Irish regiments. He added, that he must needs acquaint them, that there was a great want of capital ships, and he should be glad to be equal in number with his neighbours: He hoped therefore to have their assistance on such an occasion, to preserve the honour and safety of the nation. The Houses thanked him for the peace he had made, and for his gracious answer to their address.

His however was not capable to induce the Commons to suspend their debates upon the grievances. They voted, that a committee should be appointed to inspect the laws lately made in Scotland, whereby, an army is authorized to march into England or Ireland, by the sole direction of the Council of Scotland; and pursue such other laws as tend to the breach of the union of the two nations. They likewise in a grand committee resolved, that a committee should be appointed to inspect the state and condition of Ireland, more especially with regard to Religion, the Militia, and the forces of that Kingdom. They moreover appointed another committee.—"To inspect the law, and to consider how the King might commit any Subject by his immediate warrant as the laws, then stood; and to report their opinions;" and further, "That they were to consider how the law then stood touching the committing of persons by the Council-table, and to report the same." Upon this occasion they ordered a particular Bill to be brought in, concerning writs of Habeas Corpus, which was read three times, and passed the House. A Bill was likewise ordered to be brought in for a Test to be taken by the members of both Houses.

It was a great mortification to the King to see the Commons so rigorously examining his conduct; for all their resolutions, in this session, pointed to the former proceedings of the Court. It may well be thought, that, as the project of the Cabal was to render the King absolute, and advance the interests of Popery, the King and his Ministers had not been very scrupulous to gain first one point, and then another, in order to establish precedents, and put the King in possession of arbitrary power, in things which were not equally obvious to all. As the Commons proceeded, it appeared plainly, they were resolved not to omit any point. The King, therefore, to defeat their designs, made use of his constant method, and coming to the Parliament the 24th of February, prorogued it to the 10th of November following, before any Bill was ready for the royal assent. This ended the 13th session of this Parliament, after sitting six weeks and three days. The prorogation was afterwards continued, and lasted about fourteen months.

The peace was proclaimed the 28th of February in London, with much greater demonstrations of joy and satisfaction from the People, than the war had been two years before. The sole difference between this peace and that of Breda was, that the ships and vessels belonging to the States, whether single or in fleets, should strike the Flag, and lower their Top-sail to those of England (1), whether single or in fleets, provided they carried the King's Flag. Moreover the States were to pay the King eight hundred thousand patacon at four payments, namely, two hundred thousand upon the exchange of the ratifications, and

the rest at three payments, within the space of three years. 1673-4. Thus the People of England discharged the expence of this war, and the King alone reaped the benefit (2).

The King finding himself freed from the cares of war, 1674. and the uneasiness caused by the Parliament, abandoned himself entirely to a soft, indolent, and effeminate life. The Duchess of Orleans his sister had brought him, at their interview at Dover, the daughter of a Gentleman of Bretagne, called de Queroualle, who commanded the King's affection beyond any of his Mistresses, and was created Duchess of Portsmouth. But his particular fondness for her did not prevent his having many others, by whom he had several children, educated with no small expence. In a word, not to dwell on what passed at a Court so corrupted as that of Charles II, I shall only say, that the King's mistresses had ingrossed the whole credit of the Court, and that he could relieve them nothing.

It does not appear, that France complained much of Charles for deserting her, in making a separate peace with the Dutch. This caused several Politicians to think, that Lewis, and the King of France had given a full consent to this peace, in order to make Charles Mediator between him and his enemies, whose number was greatly increased, since the last year. This suspicion is farther confirmed by Charles's offer of his mediation to the King of France, soon after his peace with the States, which he readily accepted, without the least resentment of what had been lately transacted.

When the King was assured that his mediation was accepted by France, he sent Sir William Temple into Holland to offer the same to the States. As their towns and provinces were now recovered, except Alsfriedt, and Grave, they passionately wished for peace. The only obstacle was, the interest of their allies, the Emperor, the Empire, and Spain, who having engaged in the war for their sake, could not be abandoned without extreme ingratitude. The only way to please them, was to bring things to a treaty, where they might find their satisfaction. So, without being much sollicitated, they accepted the King of England's mediation. It is true, France, and the allies had already accepted that of the King of Sweden, who had used his endeavours to procure a peace by his Ambassadors at the Congress of Cologne. But since that congress was broken off by the forcible carrying away of Prince William of Furbergen (3), the Swede had rendered himself suspected to the allies, by discovering too much partiality to France. So the States were not displeased to find another mediator to renew the conferences, though they had no great reason to confide in the King of England. But they were desirous of peace, and such was the situation of the affairs of Europe, that another mediator was not easy to be found. Wherefore, it was more advantageous to accept him, than to have none at all, and lose the hope of ending the war. However this be, they so strongly sollicitated all the Princes their allies, that at last they were induced to accept the King of England's mediation. But there was a wide difference between agreeing upon a mediator, and concluding a peace. So many various interests to adjust, made it easy to foresee, that peace would be a very difficult work, besides the accidents which the continuation of the war might produce, and which would be too apt to alter the pretensions of the two parties.

For instance, whilst a mediation of peace was talked of at the Hague, a battle was fought at Senff, which indeed decided nothing, but might have had great consequences, if victory had entirely declared for one of the armies (4). Moreover, the Prince of Orange took Grave in October.

I cannot forbear taking notice of a thing which became more publick afterwards, and of which I shall have occasion to speak more amply, namely, that, at the very time Charles performed the office of a mediator, he received from France an annual pension of one hundred thousand pounds Sterling. By this we may judge of his impartiality. Moreover it appears in Coleman's letters, the Duke of York's Secretary (5), some of which were writ this year, that there was a close union between the King of France, and the Duke of York, and that the latter entirely relied on the assistance of France for the execution of the project formed in favour of the English Papists. This manifestly shews, that Charles had not desisted from his first designs, and only waited a favorable opportunity to execute them,

The King
abandon
himself to
his pleasures,
Burton.

Governed by
his mistresses.

Charles of-
fers his me-
diation to
the States,
Temple's
Mem.
III. p. 457.
Burton.

Temple's
Letters.
The State
except his
Balogne.

Balogne.

and bring
their allies to
do the same.

Augell.
Temple.
Burton.

King Charles
a Pensioner
of France,
Lecl's Lett.
Edwards,
III. p. 353.
354.

Kenet.
Edwards.

(1) From Cape Eschire, to Point Fan Baten in Norway. Collett, of Treat. Tom. III. p. 277.

(2) The Peace was signed at Wijnhauser, Feb. 9. See Collett, of Treat. Tom. III. p. 284. — "Baron Ley, Lord A-Gent, proffered the Spanish Minister, to prevent with the States, and the Prince of Orange, to get a Proposition for a Peace to be sent on horse. And that it might have some show of a Peace both begged and bought, he proposed, that a sum of money should be offered the King by the States, which should be made over by him to the Prince, for the payment of the debt he owed him. Nevertheless, the French Ambassador, proffered the King much to give his Parliament all satisfaction in point of Religion. The King answered him, it was not for his daughter's folly (la folie de mon Frere), he would get out of all difficulties. In conclusion, the Prince of Orange brought the States to make applications to the King, in the hope of those who begged peace, though it was void: they could have forced it, with the offer of two or three hundred thousand pounds for the expence of the war, p. 365 367.

(3) He was a Prince of the Empire, and was employed by Louis XIV. to flow discord between the Princes of Germany. He and his Brother were the chief Instruments in promoting the Dutch war, and were the persons that persuaded the Archbishop of Cologne to let the French forces march through his diocese. Balfour, Tom. II. p. 484.

(4) The Peace of France, though but twenty three years old, highly signified himself in this battle. Temple's Mem. p. 367.

(5) He was a Clergyman's son, but was a great favourite of the Duke of York. He was a bold man, had a great respect in several Languages, and was among long letters, being the chief correspondent the party had in England. He understood the art of managing controversies, particularly that of the authority of the Church. Burton, p. 363.

1674. when *France*, discharged from the burden of this present war, should be in a condition to grant him the necessary assistance.

The King's refusal to dissolve the Parliament.
Beland.
 During these transactions, the Papists of England were labouring to prevail with the King to dissolve a Parliament which was so opposite to them; this appears also in *Coleman's* letters. But the King did not think proper to take such a step so soon, which might have done him great prejudice, by exasperating the people, and from which he could reap no other advantage, than to procure some ease for the Papists. But this was not his principal view. For though he was a disguised Papist, he had so little zeal for Religion, that he was by no means inclined to hazard his temporal interests, in compliance to the Papists. He published therefore, on the contrary, a Proclamation, to flite the false report that the Parliament would quickly be dissolved, and to satisfy the People that the thing had never come under deliberation.

Mrs. Echard.
 tit. p. 364.
 To finish the events of this year 1674, I shall only take notice of some particulars which may be of use for the sequel. In September, the Earl of Arlington was made Lord-Chamberlain of the King's Household, and Sir Joseph Williamson, who had been Plenipotentiary at the Congress of Cologne, was made Secretary in his room. On the other hand, the Duke of Buckingham, who had been the King's principal favourite, lost his favor and credit to such a degree, that the King, without any ceremony, gave him a public affront, in declaring his office of Chancellor of Cambridge vacant, and in influencing the election in favor of his natural foe the Duke of Monmouth.

Perfection and removal at Court.
Kitchin.
 p. 139.
 The Earl of Clarendon died this year at Rouen in the 67th year of his age, after a seven years exile; during which he digested the Memoirs he had collected to compose his *History of the Rebellion and Civil Wars of England*. The famous *John Milton*, Author of the Poem called *Paradise lost*, died also this year (1).

Deaths of the Earl of Clarendon.
and the Port.
Milton.
 1674-5. Of the five members of the Cabal, only the Earl of Arlington, and the Duke of Lauderdale remained about the King. The first finding himself in a very disagreeable situation, since the Parliament had so openly declared against him, believed, he had no other way to support himself, than by taking, or pretending to take measures opposite to those of which the Cabal was accused. Accordingly, he was the first who advised the King to call in his declaration for Liberty of Conscience, and when he saw the Parliament acting with such vigor to break the measures of the Court, he affected an extraordinary zeal for the Protestant Religion. He was constant at Sermons and Sacraments, and carried his dissimulation so far, as to persecute the Papists, whom he had till now protected. Some even say, he advised the King to remove the Duke of York from his Court. But if, by these proceedings, he gained any favour with the People, he lost more with the King and Duke, who no longer confided in him as before. The King had particularly shewn, he was displeased with him, by giving the Treasurer's Staff to Sir Thomas Osborne, afterwards Earl of Danby, which had ever been Arlington's ambition. This rendered the two Earls mortal Enemies to each other, and caused them to labour one another's destruction. The Earl of Arlington, seeing that his enemy daily gained ground upon him, imagined he might recover his former credit and favour by performing a signal service for the King; which was, to engage the Prince of Orange to enter into the measures of the English Court, for procuring such a peace as was desired by the Courts of France and England. As his Countess was Mr. Odyck's sister, who was much in the Prince's confidence, he imagined, that with the assistance of Odyck, and his other relations and friends, it would be easy to succeed in the scheme he had projected. Wherefore, he obtained the King's leave to go to the Hague to execute his design. But as he was ignorant of the temper, humour and character of the Prince of Orange, he took the very course to gain him which he should have avoided. He endeavoured to vindicate all the Proceedings of the Cabal and English Court, by reasons so weak and opposite to the truth, that he seemed in his discourse to the Prince, to think he had to deal with a child, ignorant of the most common affairs, which could not but offend him. But what offended him, was, that he attempted to draw him into a discovery of the English Lords, with whom he had held a secret correspondence during the last war. In a word, this journey proved so unsuccessful, that he lost not only the Prince of Orange's esteem, but all his credit with the King. Besides, he farther incurred the Duke of York's hatred, by proposing to the Prince, without any order, as it is said, a marriage with the Princess Mary, the Duke's eldest daughter, which was afterwards accomplished. It seems, the Duke foresaw how fatal that marriage would be to him. After the Earl's return to Court, his credit

dedined so visibly, and the King shewed it so openly, that the Courtiers made no scruple to mimic him in his presence, for the King's diversion. Thus had the Earl of Clarendon been used. It is said, that Colonel Talbot, afterwards Earl of Tyrconnel, having been some time absent from Court, and upon his return happening to see the Earl of Arlington one day acted by a person with a black patch on his nose, and a White-Staff in his hand, could not forbear reproaching the King with his ingratitude, in suffering a man to be thus unworthily treated, who had served him so faithfully, as well in his exile, as since his restoration; to which the King in his excuse replied, that he had no reason to be satisfied with the Earl's conduct; For, not content to come to Prayers as others did, he must be constant at Sacraments too. Why, answered Talbot, does not your Majesty do the very same Thing? God's Fish! replied the King with some heat, I hope there is a difference between Harry Bennet and Me.

The King's removal of his first projects.
Temple's Mem.
 p. 383.
 This shows, the King had changed neither inclination nor principles since his designs had appeared to be ruin'd. The truth is, he was not satisfied with the members of the Cabal, tho' it was not for their counsels, but their not having pursued the general design with sufficient ability. Sir William Temple in his Memoirs, relates, that before he departed to offer the King's mediation to the States, he endeavoured, in a private audience, to make the King sensible how ill advised, and how ill-served he had been by the Cabal; to which the King answered-----It is true, I have succeeded ill, but if I had been well served, I might have made a good business enough of it; and so proceeded to justify what was past. The King is therefore to be considered at the time I am speaking of, that is, during the fourteen months interval between the two sessions, as waiting a favourable opportunity for the better executing his designs. And this opportunity was not to be found till France should be at peace with her enemies, and in a condition to assist her secretly all. In the mean time, the King seems to have had no other business, than to get as much money as he could from his Parliament. He began therefore, according to custom, with publishing a Proclamation against Popish Priests and Jesuits to prepare the Parliament to be favourable to him.

1675.
The King's Speech to his Parliament.
 tit. p. 372.
Kenae.
 The fourteenth session of this Parliament began the 13th of April. The King opened it with a speech to both Houses, in which he told them-----"That the principal end of his calling them now, was to know what they thought might yet be wanting to the security of Religion and property, and to give himself the satisfaction of having used his utmost endeavours to procure and settle a right understanding between him and his Parliament-----For he must tell them, that he found the contrary was so much laboured, and the pernicious designs of ill men had taken so much place under specious pretences, that it was high time to be watchful in preventing their contrivances; of which this was not the least, that they endeavoured, by all means they could devise, to make it impracticable any longer to continue this present Parliament-----That he had done as much on his part as was possible to extinguish the fears and jealousies of Popery; and would leave nothing undone that might shew the World his zeal to the Protestant Religion as established in the Church of England, from which he would never depart. He then recommended the condition of the fleet, which he was not able, he said, to put into that state it ought to be, and which required a considerable sum of money as well to repair as to build. Lastly, he told them, that the session of the year would not permit a long session-----That he intended to meet them again the next winter, and in the mean time recommended to them all such temper and moderation in their proceedings, as might tend to unite him and them in counsel and affections, and disappoint the expectations of those, who could only hope by violent and irregular motions to prevent the bringing the session to a happy conclusion."

A Bill against the growth of Popery.
Pringle.
Kenae.
Echard.
 The Commons thanked the King for his Speech and promises to preserve their Religion and Liberties: but as he had given them only Proclamations, the little efficacy of which was well known, they believed them insufficient, and accordingly proceeded to a new Bill against the growth of Popery, and particularly Popish Priests, that is, such as had received orders from the See of Rome.

Address against the Duke of Lauderdale.
Burnet.
 tit. p. 376.
Kenae.
 This done, the Commons presented a long address against the Duke of Lauderdale, in which they said,-----"That upon a serious examination of the state of the Kingdom, they found, that some persons in great employment under his Majesty, had fomented delugns contrary to the interest of both his Majesty and his People, intending to deprive them of their ancient Rights and Liberties, amongst which was the Duke of Lau-

(1) He was Latin Secretary to the Long Parliament, and afterwards to Oliver Cromwell himself.

1675. "dole (1), (this was clearly pointing at the Cabal.) That he had openly affirmed in the presence of his Majesty sitting in Council, and before divers of his Subjects attending there, *That his Majesty's edicts ought to be obeyed; for his edicts are equal with Laws, and ought to be obeyed in the first place.* They then represented to his Majesty some Acts which had been made by the Parliament of Scotland, by which it appeared, that there was a Militia settled in that Kingdom of twenty thousand Foot, and two thousand Horse, *who are obliged to be in a readiness to march into any part of this Kingdom, for any service wherein his Majesty's honour, authority, and greatness may be concerned; and are to obey such orders and directions, as they shall from time to time receive from the Privy-Council there, and that the Duke of Lauderdale was the promoter of this Act.* That by this means England was exposed to an invasion from Scotland under any pretence whatsoever, while the Duke of Lauderdale was intrusted with the administration of that Kingdom. For these reasons, they humbly besought his Majesty to remove the said Duke for ever from his "perion and council." The King did not think proper to grant this request, and gave some reasons for his refusal, which were not satisfactory to the Commons. And therefore they resolved to prepare a second address against the Duke.

The Commons, after attacking the old members of the Cabal, proceeded against a new one, namely, the Lord-Treasurer Danby, who was believed to be deeply engaged in the design of making the King absolute. They examined his whole conduct since his admission to his high post, and drew up several articles, in which they accused him of great misdemeanours. In one of these articles, he was accused of saying at the hearing of a cause in the Treasury-Chamber, *That a new Proclamation is better than an old act.* But as sufficient proofs were not found to support the charge, it was dropped.

It may be easily inferred from these proceedings of the Commons, that they were extremely jealous of the King and his Ministers, and did not doubt of the Court's intention to introduce Popery, and invade the Liberties of the Subject. Those who would wholly ascribe the ill humour of the Commons to Shaftsbury's influences, can hardly answer the above-mentioned facts, which would not be less true, though the Earl of Shaftsbury had never been born.

The Commons showed also their distrust in another point which was no less grievous to the King. By an address they prayed him to recall his troops out of France, and prevent his Subjects from engaging in that service for the future. The King rejected the first part of the address, on pretence that, in the treaty concluded with the States, he had not engaged to recall those troops, and that it could not be done without prejudice to the peace, which he now enjoyed with all his neighbours: but by a Proclamation he prohibited his Subjects from entering into the service of France.

Whilst the Commons were thus proceeding with vigour, and giving on all occasions signal marks of their distrust, the Lords remained idle, and seemed regardless of the fears and jealousies expressed by the Commons. Nay, some, and particularly the Bishops, observing that the Commons were gradually departing from the principle which had been established by this same Parliament, as well concerning the Church of England, as the royal authority, feared, they would lean too much to the opposite side. At the beginning of this Parliament, whilst it was believed that the King was and ever would be a protector of the Church of England, and would give continual proofs of his affection for a People who had so generously restored him, it was thought the royal authority could not be carried too high, nor too many precautions taken against the Non-conformists. But the face of things being changed, and the King having shewn by his conduct since he was on the throne, that he really designed to introduce Popery, and render himself absolute, these same principles, which had been considered as a bulwark to defend both Church and State, appeared too apt to countenance the designs ascribed to the King and his Ministers, of invading the Government and the established Religion. The Commons therefore seeing, the King was not the person he

was thought to be, and that he took advantage of the Acts made in his favour to advance his own interests, which were not those of the nation, used all possible precautions to hinder the execution of his designs. These precautions were too far, that the House of Lords were at last apprehensive, that the Commons intended to overturn every thing established concerning the royal prerogative and the Church's security, and that by degrees the nation would again become Republican and Presbyterian. It is pretended, the Bishops were all or most of them of this opinion. To prevent an evil which to them appeared very dangerous, (Robert Bartes) Earl of Lindsey brought into the House of Lords a Bill, intitled, *An Act to prevent the dangers which may arise from persons disaffected to the Government.* By this Bill all persons who enjoyed any office ecclesiastical, civil, or military, all Privy-Counsellors and members of Parliament, were obliged, under a penalty, to take the oath which had been introduced first in the Corporation-Acts, then in the Militia-Acts, and afterwards more fully in the five-mile-Acts. The oath, to save the Reader the trouble of looking for it elsewhere, was thus expressed, *I do declare that it is not lawful upon any pretence whatsoever to take up arms against the King; and that I do abhor the traitorous position of taking arms by his authority against his person, or against those that are commissioned by him, in pursuance of such commission: And I do swear, that I will not at any time endeavour the alteration of the Government either in Church or State. So help me God.*

When this oath was inserted in the three forementioned Acts, it produced no considerable debate, for the reasons I have been speaking of; but the case was very different when it was proposed in this session. First, because it was rendered in a manner universal, since it was extended to all persons in any office whatever, and even to Privy-counsellors and members of Parliament. Secondly, because the times were altered, and most men had not the same opinion of the King, as when the three former Acts were made. This Bill occasioned debates in the Upper-House, which lasted seventeen days, without a possibility of coming to any conclusion (2). There were two powerful parties in the House, one for, and the other against the Bill, and the votes of the Bishops turned the scale on the side of the first. This appeared, in that notwithstanding all the efforts of the opposers of the Bill, to hinder its being referred to a Committee, they could not succeed. Whereupon some Lords of that party entered their protestation against it (3). The same thing happened, when the Bill came to be examined in a Committee of the whole House. In fine, with regard to the substance of the Bill, the two parties displayed all their art and eloquence, the one for the passing, and the other for the rejecting it. In general, those who argued for the Bill maintained, that the position of taking up arms by the King's authority against his person, or against those that are commissioned by him, was false and pernicious; and they supported their opinion by instances of what had been done in the last reign, where it caused such great disorders, and occasioned the subversion both of Church and State. They said therefore, that the Kingdom being still full of Fanatics, Republicans, and enemies of the Church, it was absolutely necessary to impose this oath upon them, to distinguish them, that it might be known who were to be guarded against. That, otherwise, Kennet, there was danger of seeing one day renewed, the disorders of 1642, which had reduced the Kingdom to so deplorable a constitution, and that the oath enjoined by this Bill, was, a moderate security to the Church and Crown (4).

The other party maintained (5), "That the oath imposed by this, contained three clauses, the two first Assertory, and the last Promissory; that it was worthy the consideration of the Bishops, whether Assertory Oaths, which are properly appointed to give testimony of a matter of fact, of which a man is capable to be assured by the evidence of his senses, be lawful to be made use of to confirm or invalidate doctrinal Propositions; and whether that legislative power, which imposes such an oath, does not necessarily assume to itself an infallibility. And as to Promissory Oaths, it was desired, that the learned Prelates would consider the opinion of Gratius *de jure Belli & Pacis*, lib. 2. cap. 3. who seems to make it plain, that those kind of oaths are forbidden by

The Earl of Danby's conduct caused by the Commons. Edward. III. p. 378. Burdet.

The King is advised that the Commons intend to call home his forces from France, which he refuses. Edward.

The Lords advised that the Commons are going to pass resolutions for the non-recognition of the King's authority. Edward. p. 113. Richard.

Being a Bill, not their House to check those designs.

Great debates in the House. Edward. III. p. 119. Kennet. R. Coker.

Burnet. p. 153.

Edward. III. p. 181. Burnet. p. 184.

(1) Lately created Earl of Galloway.

(2) The great Speakers for this Bill, were, the Lord-Treasurer, and the Lord-Keeper, with Bishop Morley, and Bishop Ward. The Speakers against it, were, the Duke of Buckingham, the Earl of Shaftsbury, the Lords Hildes, and Halifax, and the Earl of Salisbury. Kennet, p. 113.

(3) The protesting Lords, who were looked upon as of the Country party, were, Buckingham, Bridgeman, Winchelsea, Salisbury, Bedford, Dorset, Aylmer, Boyle, Denbigh, Paget, Belton, Essex, Shaftsbury, Mordaunt, Stamford, Halifax, Delamere, Bore, Shaftsbury, Clarendon, Grey of Rotherham, Say and Seal, Wharton. It must be observed, that this Bill was carried by the Church party, and was chiefly by the Duke, and the Papists in general, because they thought the bringing any Test in practice, would certainly bring on one that would turn them out of the House.

(4) They said, These ought to be no Tests, beyond the oath of allegiance, upon the elections to Parliament: it being the great privilege of Englishmen, that they were not to be taxed but by their Representatives: it was therefore thought a dishonouring turn of the main part of their birth-right, to do any thing that should bind them out of their votes in electing. All Tests in public Assemblies were thought dangerous, and contrary to public liberty. A second deal was said, to show, that the more the world was ruled by good Laws, and good Government, and that the more the Test was a security to the Church, the less the corruption might be increased by them: Yet the bulk of the world would surely take any Test, and so boldly break through it. Burnet, p. 184.

1675. "our Saviour Christ, *Matt. v. 14, 37.* And whether it would not become the Fathers of the Church, when they have well-weighed that and other places of the *New Testament*, to be more tender in multiplying oaths, than hitherto the great men of the Church have been?" But the question being put, the oath was voted by the majority of the House, the Bishops being all for it.

The Bill
replies
Edward,
III. p. 381.

Then they proceeded to the particulars of the oath contained in the Bill, and it was alleged by the opposers, that the position of *taking arms by the King's authority against his person*, was true and necessary in a limited Government, like that of *England*, otherwise this would be to surrender the Rights and Liberties of the Subject, to a Prince, who being supposed a tyrant, (which was a very possible case) would not be restrained by the fear, either of God or Man. That should such a future King undertake to abolish all the Laws, and invade the Estates and Liberties of his Subjects, they would be obliged by this oath, not to resist him, but to submit to his yoke. That even without supposing such a tyranny, a King might happen to be made prisoner by his own Subjects, as was the case of *Henry III.* and *Henry VI.* and then those who should have the Sovereign in their hands, might act in his name, and authority, by virtue of his commissions, while the Subjects would be restrained by the obligation of this oath from endeavouring to free him from captivity. In short, several other probable cases were alleged, by which it was clearly proved, that the oath ought necessarily to have some restrictions, if it was not intended to surrender to the King all the Liberties of the nation. But as such restrictions were not easy to be expressed, they concluded, it was much better, to leave the oath in generals which should not comprehend all possible cases, as seemed to be the intention of this oath, from the terms in which it was conceived.

A quarrel
between the
two Houses.
Kennet.
Edward.
Burnet.

This affair was interrupted by an accident which raised a violent contest between the two Houses. I shall not relate the particulars, which suppose the knowledge of many things concerning the privileges of both Houses, which few foreigners are acquainted with. I shall content my self with briefly showing the occasion of it. One *Dr. Shirley* having brought an Appeal in the House of Lords, from a decree in Chancery, against *Sir John Fagg*, a member of the House of Commons, they ordered *Shirley* to be taken into the custody of the Serjeant at Arms for a breach of Privilege. The Warrant for taking *Shirley* into custody was forcibly taken from the Serjeant's deputy, by the Lord *Albion*. The Commons demanded justice of the Peers against the Lord *Albion*, and were answered by the Lords, that he had only done his duty. The quarrel thus begun, daily increased, so that the Houses, in their answers and replies, came to language so reproachful, that there was no hope of an accommodation (1). Wherefore the King came to the House of Peers the 9th of *June*, and prorogued the Parliament to the 13th of *October*. Thus ended the 14th session of this Parliament, before the Money-bill, and other publick Bills were ready for the royal assent. The Commons had designed to grant the King three hundred thousand pounds Sterling (2), but at the same time resolved to apply the antient Tunnage and Poundage, to the maintenance of the navy, according to its original design, which amounted to four hundred thousand pounds a year. As the King would have been a real sufferer by such an appropriation, he was not sorry to have occasion to prorogue the Parliament, chusing rather to be deprived of a sum of three hundred thousand pounds, than lose a revenue of four hundred thousand.

Death of
Marshall
Turenne.
Temple.
Briague.
Edward.

During the Campaign of 1675, the King of *France* lost the famous Marshal *Turenne*, who had done him very great services. He was killed by a Cannon ball in an action not important in itself, but rendered so by the death of this General, his army being obliged to repass the *Rhine*. Their retreat facilitated the recovery of *Troves* to the allies, which was yet in the hands of the *French*. In the beginning of the year, the contending powers had agreed, after long negotiations, to treat of a peace in the City of *Nimwegen*. But nothing considerable was done this year.

In *England*, since the last session, there were some in-

For going for
the dissolution
of the
Parliament.
Ed. p. 395.

(1) The Lords affirmed, That it is the undoubted Right of the Lords in Judicature, to receive and determine lastine of Parliament, appeals from inferior Courts, though Members of either House be concerned. The Commons, on the other hand, maintained it to be the undoubted Right of their House, That none of the Members thereof be summoned to attend the House of Lords, during the Session and Privilege of Parliament. *Edward, Tom. 3. p. 384.*

(2) For the building of Ships. The charges of the war were, Two millions and forty thousand pounds, and the Receipt, Three millions and forty thousand pounds; consequently, a million was misapplied, or wasted by ill management.

(3) One sixth Rate, of fourteen hundred Tuns; eight second Rates, of eleven hundred Tuns; and eleven third Rates, of seven hundred Tuns. *Edward, Tom. 3. p. 395.*

(4) The words of this Oath or Test ran thus:—"I, A. B. do swear before God and this House of Parliament, that directly nor indirectly, neither by, nor by my wife, to my knowledge, have since the first Day of *January* 1675, had or received any sum or sums of money by ways of Impiety, Gift, Loan, or otherwise, from the King's Majesty, or any other person by his Majesty's order, direction, or knowledge, or by authority derived from his Majesty, or any person, discharge, or receipt of any money due to his Majesty upon account, or any grant, pension, gratuity, or reward, or any promise of any such office, place, or command, or from his Majesty, or out of any money, treasure, or estate, or of belonging to his Majesty, or of, from, or by any foreign Ambassador or Ambassadors, or of, or from any other person in the name, or by the appointment, or with the knowledge, or his Majesty or any of them; otherwise than what I have now in writing faithfully discovered and delivered to this House, which have fabricated with my name: Neither do I take of any such gift, present, or promise as given, or made, since the said time, to any other Member of this House, but what I have also intended to do; and will not, nor have I given any vote in Parliament for any reward or promise whatsoever." So help me God, &c. *Ed. III.*

1675.

trigues at Court to engage the King to dissolve the Parliament. The Presbyterians earnestly wished it, hoping that the people dissatisfied with the Court, would, as usually happens, chuse Representatives who had other principles than those of the present Parliament. The Papists had passionately desired this dissolution before the last session, but, as it appears in one of *Colman's* letters of *August* last year, as they had altered their mind, and expected much from this very Parliament which had hitherto been so averse to them. But it is not seen on what this hope was founded. I shall hereafter speak of this and some other letters of *Colman*, in which it evidently appears, that the Papists were at this time very active to procure great advantages to their Religion, and relied much on the Duke of *Tork*, and the assistance of *France*.

The Parlia-
ment opened
with a short
speech from
the King.
Kennet.
Edward.
Burnet.

The 13th of *October* the King opened the 15th session of this Parliament with a very short Speech, in which, after recommending union to both Houses, and the interests of the Church of *England*, he demanded money, as well for building ships, as for taking off the anticipations upon his revenues, desiring them to remember, it was now above three years since he had asked any thing of them for his own private use.

The Keeper's
Speech.

Then the Lord-Keeper made a speech full of flattery to the King, in which he endeavoured to show, that no King had ever a more sincere affection for his Subjects, or laboured with more zeal for the preservation of Religion and liberty, and therefore it was not to be doubted, but they would behave themselves like those that deserved to be called the King's friends, and that they would put him at ease too.

The Commons
refuse the
interposed
debate.
Ed. p. 393.

But the Commons, instead of being moved by so unreasonable a Rhetoric, and by such ill-grounded reasons, refused the consideration of the Bills left unfinished the last session, for the liberty of the Subject, and added others for its better security.

Examined the
publick ac-
counts.
Ed. p. 394.
Burnet.

Afterwards they took into consideration the sums granted to the King for the last war, and the expences of the same, and found, that the charges amounted to a million less than the Receipt, and without being able to discover to what uses this million had been applied (3).

In the report made of this affair, it was said, that the Parliament was not obliged to pay the King's private debts by a tax, for if this pretension was admitted, they would have to pay the like debts about a year and half hence, and so incur the Court to exact yearly a million and a half, as they had hitherto done: That since the end of the war, the whole charge of the Government, both by sea and land, amounted not to above seven hundred thousand pounds Sterling, and the clear income of the revenue came at least to fifteen hundred thousand, and consequently there ought to have been a yearly remainder of near a million: And yet the King had anticipated his revenues near a million more, to pay which, would be to entail perpetual anticipations upon the Kingdom, to its utter ruin and desolation. The Parliament therefore resolved to grant the King nothing for taking off these anticipations. Nevertheless, a few days after they voted a supply of three hundred thousand pounds Sterling for the building of twenty large ships of war (4), but withal resolved to appropriate Tunnage and Poundage to the use of the Navy, which could not but be very disagreeable to the King.

The House
examined the
accounts.
Edward.
III. p. 395.

Then the Commons proceeded to examine the trade with *France*, and found, that the *French* imported yearly into *England* commodities to the value of a million more than they exported, upon which a Bill was ordered to be prepared.

And the
Parliament
declined
to do.

Lastly, the Commons being informed of a publick report, That many of their Members were Pensioners to the Court, resolved to oblige all their Members to take an oath, by which they were to protest, that they had not received any money from the Court, since the 1st of *January* 1672. But I know not whether this resolution was executed (5).

An answer
of a French
Jesuit.
Edward.
III. p. 396.

The debates of the Commons were a little interrupted, by a report made to the House of the infelence of a *French* Jesuit named *St. Germain*. This Jesuit being informed, that one *Luzancy* a *French* Priest had embraced the Pro-

1675. *teflant Religion, and afterwards had publicly preached to juftify his Converfion, went to him, and, threatening to affauilinate him, or carry him away by force into France, extorted from him a Recantation in writing of his Converfion and Sermon. This was done during the feflion of the Parliament. A Complaint was laid before the Secretaries of State, and alfo before the Commons, attested by Luzancy, with an addition of the following particulars, which he offered to fwear. That Father St. Germain in feveral Conferences with him declared: 1. That the King was a Roman Catholic in his heart. 2. That the Court were endeavouring to get a liberty of confcience in England for the Roman Catholics, and that granted, in two years, moft of the English would acknowledge the Pope. 3. That he knew the King's intentions concerning Religion, and that he was fure his Majefty would approve of all he fhould do in that matter. 4. That he laughed at the Parliament, as being only a wave that had but a little time; and laid, that no body was better welcome at Court, and had greater intrigues with any of the Nobility than he. 5. That it was good fometimes to force people to Heaven; and that there were an infinite number of Priests and Jefuits in London, that did God very great Service. Luzancy added farther, that many perfons of good credit and repute, were ready to juftify upon oath, that feveral of the Roman Catholics had fpoken things quite as bad or worfe. In a word, that they were grown fo bold and insolent, that a Proteftant could not walk the ftreets without being threatened and called opprobrious names.*

This affair threw the Houfe into a ferment, and obliged the King to publifh a Proclamation, promifing two hundred pounds for the apprehending of St. Germain. But that Jefuit was now retired into France, from whence he kept a conflant correspondence with Calman the Duke of York's Secretary, in whole Letters it appeared, that the Duke laboured the advancement of Popery to the utmoft of his power.

I have obferved, how much this Parliament had been againft the Presbyterians, and that the difcovery of the Court's defigns had induced them to bring in a Bill for their eafe, but that the Bill became abortive by a fudden prorogation of the Parliament. The affair of Luzancy and St. Germain caufed the Commons to think of a like Bill, but they were prevented by the Lords. The Duke of Buckingham having in a Speech to the Peers fhown the mifchiefs arifing from the perfecution of the Proteftant Diffenters, desired leave to bring in a Bill for their eafe, which was granted immediately.

But this Bill, and all the reft prepared by the Commons, were unhappily ftifled in their birth by the revival of the former content between the two Houfes. This difpute about Privileges was managed with fuch heat on both fides, that it was moved in the Houfe of Lords, to present an addrefs to the King to difolve the Parliament, and the queftion being put, it was paft in the negative by only two voices. At laft, the King feeling, no expedient could be poffibly found to reconcile the two Houfes, prorogued the Parliament from the 22d of November to the 15th of February 1677, that is, for fifteen months.

I fhall clofe this year with fome lefs important tranfactions, which ought not to be omitted.

In May, the Prince of Newburg came into England, and was received with great diftinction by the King, as well on account of his perfonal merit, as in confideration of the civilities received by the King in his exile from the Duke his Father.

The Duchefs of Mezzarin having a difference with her husband, retired into England this year, where it is pretended, the would have fupplanted the Duchefs of Perfmouth (1), had not an intrigue with a certain Courtier been too foon difcovered to the King. He affigned her however an annual penfion of four thoufand pounds Sterling. Her houfe, to the day of her death, was the Rendezvous of all the men of wit and quality, and St. Evremund, a Refugee as well as her felf, was one of her moft conflant attendants.

The 19th of December, Henrice Lord Finch, Baron of Daventry, who had been only Lord-Keeper, was made Lord High-Chancellor.

The moft remarkable deaths were thofe of Dr. Lightfoot, Dr. Willis, and Balftrode Whitelocke (2). The laft has been frequently mentioned in the recital of the differences between Charles I. and the Parliament.

As there was to be no meeting of Parliament the next year, the Catholics, and the Court, which openly protected them, were lefs revered and appeared more active. This gave great uneafinefs to the People, who, befides,

law with concern the growing greatness of Lewis XIV, 1675-6, and the indolence of the Kings, who, inftead of being un-eafy or jealous, manifeftly feemed to behold it with pleasure. It may be affirmed, that the principal article of Charles II's reign confifts, in the perpetual oppofition between the particular interests of the King, and thofe of the English nation. All the world law and were fenfible of it. It was the common talk, and the fubject of daily Libels. The King therefore by Proclamation fuppreffed all Coffee-Houfes, on pretence of being places where difaffected perfons met, and devised malicious and fcandalous reports againft the King and his Minifters. Immediately after was publifhed another Proclamation, for difcovering and punifhing the writers, who daily publifhed libels in London againft the Government. But it is feldom known, that fuch Proclamations produce any great effects, efpecially in England, where the liberty of fpeaking againft the Government is more unreftained, than in any other country.

Though all the contending powers had, the laft year, confented to fend their Plenipotentiaries to Nimwegen, to treat of a peace, by the mediation of England, there was no great likelihood of a general peace. Sir William Temple and Sir Leslie Jenkins, the English mediators and ambaffadors, repaired to Nimwegen in July, and only found there the Plenipotentiaries of France, and thofe of the States-General. The Emperor, the King of Spain, the Elector of Brandenburg, retarded the negotiations, as much as poffible, in hopes, that the King of England, being concerned in the prefervation of the Netherlands, would not fuffer them to fall under the dominion of France, and that this would oblige him in the end to declare for the allies. But they were extremely miftaken in imagining that the intereft of England was that of the King. It was this that made the proceeding of the English Court always unintelligible to them, as well as to the reft of the Princes of Europe, who were ignorant of Charles's fecret defigns, and his engagements with France.

At the beginning of the campaign of 1676, the King of France took Conde and Bouchain, after which, in June he returned to Paris, leaving his army to the conduct of the Count de Schomberg. On the other fide, the Prince of Orange befieged Maftrecht towards the end of July, which gave Schomberg time to take Arre, and march to the relief of Maftrecht. His approach, and fome other accidents, obliged the Prince to raife the fiege.

The campaign being ended, all eyes were turned to the negotiations at Nimwegen. It foon appeared, that the defign of France was only to divide the allies, and make a feparate peace with the States. The King of England had alfo the fame view, and therefore affifted France with all his power, having fent orders to Sir William Temple, to endeavour to perfwade the States, and the Prince of Orange, to give their confent. The States were inclinable enough; but the Prince of Orange could not be prevailed with, who thought, it would be a betraying of the common-cause, and the interefts of the Princes, who had engaged in the prefervation of Holland, which without their affiftance had been irrecoverably loft. He faid, it was in his uncle's power to make peace when he pleafed, by declaring againft France. But nothing was farther from the King's intention, who, inftead of being jealous of the King of France, was privately doing him all the fervice he could, in folliciting the States and his nephew the Prince, to make a feparate peace. This difcovers with what partiality he acted as mediator.

The hope entertained by the allies, that England would at laft declare againft France, was the greateft obftacle to peace. The King not being ignorant of it, believed he ought to undeceive the allies, in order to induce them to make fuch a peace as was defired by France. For this purpose, he publifhed two proclamations, in which, on pretence of regulating fome things concerning the neutrality, his defign was to fhew, he had no intention to depart from it.

Since the King had made peace with Holland, the French Privateers infefted the Channel in fuch a manner, that without any regard to the neutrality of England, they feized her fhips, and, as if in open war, made prizes of them (3). It was proved, that they had taken fifty (4) three fince the peace. At laft, the thing went fo far, that the Commiffioners of trade were obliged to prefent a report concerning thefe indignities, to the King, and to pray him that he would take fome courfe about it. The King very graciously received the report, and fent orders to his Ambaffador at Paris to make complaints on this occafion; but that was all the fatisfaction the merchants

A Bill brought into the Houfe of Lords, in favour of Non-conformifts. Edward. The queftion between the Houfes renewed.

The Parliament prorogued. Kennel. Edward.

The Prince of Newburg arrives in England. Kennel. Edward. And the Duchefs of Mezzarin.

Finch made Lord Chancellor. Deaths. Ibid.

1675-6. The Catholics difcontented. Id. p. 423.

Dec. 29. Kennel. Coffer. Hedges f.p. p. 424. Proclamation againft Libels.

Congress of Nimwegen. Jenkins's Life. Temple's Life. Edward.

1676. Beloford. Edwards.

Charles's first to France a feparate peace with the States. France and Holland. Company. Jenkins. Kennel.

He became a privateer. He is not rate. Prizes. Kennel. Id. p. 404.

The French Privateers. Edwards. Id. p. 423.

(1) It is faid, that fhe was brought into England for that very purpose, by the Country party. Life of St. Evremund.

(2) Author of the Memoirs of the English Affairs. He was upon the fhips about twenty years, but the laft fifteen years of his Life he lived retired.

(3) Pretending, they were only Dutch Ships with English Prizes. Barrow, p. 395.

1676. could obtain (1). For the Court of France, knowing that Charles would not break with them for fifty-three ships belonging to private men, took no notice of these complaints. The King's indolence produced at least this effect, that the people of England, enraged to see themselves thus exposed to the piracies of the French, were extremely desirous of a war with France, in order to be revenged, and impatiently waited the meeting of the Parliament, in the belief that both Houses would be more careful, than the King, of the interests of the nation.

Wth English
desires of a
war with
France.

Proclamation
against
Papists, &c.
III. p. 406.

The remaining part of this year afforded nothing memorable, besides a Proclamation published by the King, forbidding his Subjects to hear Mass in the Queen's Chapel in Somerset House, or in the Houses of Ambassadors. These Proclamations were always expressed in very rigorous terms; but executed with such negligence, that the frequency of them only served to show, how little desirous the King was to have his orders strictly observed. They were usually a preparative to the next session, but during the intervals of Parliament, the Romish Priests and Jesuits, who swarmed in the Kingdom, and all other Papists, were sure of impunity.

Earl of
Bristol's
death.

This year died George Digby Earl of Bristol in the sixty-fifth year of his age, who has often been remembered in the course of this History (2).

1676-7. A question
arised, whether
the
Parliament
was not dis-
solved.
Knauss.
Burmet.
R. 401.
R. C. 401.

The King, as I said, had prorogued the Parliament for fifteen months, except a few days. This prorogation, the longest that ever was known, raised a doubt, whether by it the Parliament was not actually dissolved. This doubt was owing to a Statute of Edward III. never repealed, whereby it was enacted, that a Parliament should be held once every year, and often if occasion required. This dispute made a great noise in the Kingdom, and Books were published on both sides the question. In general the Court-Party maintained, that the Parliament was not dissolved, and the contrary party pretended it could not meet, after a fifteen months interruption. I believe the interest of neither party was herein much concerned, though perhaps some private persons might have found some advantage in a new Parliament.

The King's
Speech to the
Parliament.
Edward.

The Parliament however met the 15th of February according to the prorogation. The King in his Speech to both Houses declared, "That he was prepared to give them all the satisfaction and security in the great concerns of the Protestant Religion as established in the Church of England, that should be reasonably asked, or could consist with Christian prudence. And he declared himself as freely, that he was ready to gratify them in a further security of their Liberty and Property, (if they could think it was wanted) by as many good Laws as they should propose, and as could consist with the safety of the Government, without which there could be neither liberty nor property left to any man." After this, reckoning he had given both Houses entire satisfaction, he told them, "That he expected and required from them, that all occasions of differences between the two Houses should be carefully avoided.---In the next place, he desired them to consider the necessity of building more ships, and how much all their safeties were concerned in it.---And as they knew him to be under a great burden of debts, he hoped, they would not deny him the continuance of the additional revenue of Excise, which was near expiring.---And, that they might be satisfied how impossible it was (wherever some men thought) to support the Government with less than the present revenue, they might at any time for the yearly established charge, by which it would appear, that the constant and unavoidable charge being paid, there would remain no overplus towards the discharging those contingencies which might happen in all Kingdoms, and which had been a considerable charge to him the last year."

9th-Char-
ter's
Speech.
Edward.
III. p. 412.

Then the Chancellor enlarged upon all these points; but as his Speech was wholly founded upon this unquestionable truth, according to him, that the King had only the welfare of his people in view; I shall transcribe only this single passage.---"For the King hath no desires but what are publick, no ends or aims which terminate in himself; all his endeavours are so entirely bent upon the welfare of his whole Dominions, that he doth not think any man a good Subject, who doth not heartily love his Country: And therefore let no man pass for a good Patriot, who doth not heartily love and serve his Prince. Private men indeed are subject to be misled by private

1676-7. interests, and may entertain some vain and slender hopes of surviving the publick; but a Prince is sure to fall with it, and therefore can never have any interests divided from it. To live and die with the King, is the highest profession a Subject can make, and some times it is professed only and no more; but in a King it is an absolute necessity, it is a fate inevitable, that he must live and die with his people. Away then with the vain imaginations of those who infuse a misbelief of the Government; away with all those ill-meant distinctions between the Court and the Country, between the natural and the political Capacity; and let us all who go about to persuade others, that there are several interests, have a care of that precipice, to which such principles may lead them."

As soon as the Commons were withdrawn, the Duke of Buckingham stood up in the House of Lords, and made a very long speech, to prove, that the Parliament was dissolved by the last prorogation. He grounded his opinion upon ancient Statutes, (which, he said, are not like women, the worse for being old,) and chiefly upon the Statute of Edward III. namely, That a Parliament should be holden every year once, and more often, if need be. He added, "though these words are as plain as a pike staff, and no man living, that is not a Scholar, can possibly mistake their meaning, yet the Grammarians in those days made a shift to explain, that the words, if need be, related as well to the words, every year once, as to the words, more often, and so by this grammatical whimsy of theirs, have made this Statute to signify nothing. For this reason in the 36th year of the same reign, a new Act of Parliament was made, in which those unfortunate words, if need be, are left out, and that Act, relating to Magna Charta, and other Statutes, made good. Here now, my Lords, there is not left the least colour for any mistake, for it is plainly declared, That the Kings of England must call a Parliament once within a year." Then he reduced the whole matter to this dilemma. "Either the Kings are bound by these Acts, or else the Government of England by Parliaments is at an end. For if the Kings have power, by an order of theirs, to invalidate an Act made for the maintenance of Magna Charta, they have also power, by an order of theirs, to invalidate Magna Charta itself". It appears by the sequel of this speech, that the Duke of Buckingham's aim was to put an end to this Parliament, which had continued so long, and thereby rendered the Commons, in some measure, sovereigns over their Countrymen. The Duke was seconded by the Earls of Salisbury and Shaftsbury, and the Lord Wharton. At last, after great debates, the House sent all four to the Tower (3), from whence they were shortly after released, except the Earl of Shaftsbury, who was continued there above a year, because he would not own the justice of his imprisonment (4).

A few days after, the Commons voted the King a Tax of five hundred and eighty-four thousand pounds, to build thirty ships, without appropriating Tonnage and Poundage. Besides, they continued for three years the additional tax upon beer, which was to expire the 24th of June.

It appeared soon after, that their grand affair was to stop the great progress of France in the Netherlands, and engage the King in a war with that Kingdom, for which purpose they presented the following Address:

"We your Majesty's most loyal Subjects, do most humbly offer to your Majesty's consideration, that the minds of your people are much disquieted with the manifest dangers arising to your Majesty, by the growth and power of the French King, especially by the acquisitions already made, and the farther progress like to be made by him in the Spanish Netherlands, in the preservation and security whereof we humbly conceive the interest of your Majesty, and the safety of your people, are highly concerned; and therefore we humbly beseech your Majesty to take the same into your royal care, and to strengthen your self with such stricter alliances, as may secure your Majesty's Kingdoms, and secure and preserve the said Spanish Netherlands, and thereby quiet the minds of your Majesty's people." To which the King answered,---"That he was of the opinion of his two Houses of Parliament, that the preservation of Flanders was of great consequence; and that he would use all means in his power for the safety of his Kingdom."

This answer not being satisfactory, the House presented a second Address on the same subject the 30th of March.

(1) No wonder; since Sir Edm. Leighton, Secretary to the English Ambassadors at Paris, received bribes in the protection of the Merchants' affairs, and sometimes made corrupt agreements with the French Privy Council. Kennet, p. 338.
(2) This year also died Sir Matthew Hale, Chief Justice of the King's Bench; Sir William Mordaunt, formerly Secretary of State; and John Ogilby, the Publisher of several Books.

(3) The two Earls, upon having leave to have their own servants wait on them, named their Cooks first, which the King highly resented, as carrying in it an insinuation of the worst sort. Burnet, p. 409.
(4) The Earl of Shaftsbury, it seems, had reflected on the Duke of Buckingham, as a man insatiable and giddy in his conduct. As the Duke was taking Coach, on his discharge out of the Tower, the Earl looking out of his window, cried, What, my Lord, are you going to leave us? My Lord, replied, my Lord, just giddy-headed Fellows as I can never stay long in a place. Burnet, Tom. 3. p. 416.

1677. It was much the same with the first, excepting the addition, that in case his Majesty should happen to be engaged in a war with France, they should always be ready to assist him with such supplies, as might enable him to prosecute the same with success.

The King gave no answer to this address till twelve days after, when he sent a message, "that the only way to prevent the dangers which might arise in these Kingdoms, would be to put him timely in a condition to make such fitting preparations, as might enable him to do what should be most for their security."

This drew from the Commons a third address to the King, in which they informed him, that they were preparing a Bill for the additional duty of Excise, on which he might borrow two hundred thousand pounds, and promised to give him ample testimony of their affection at their next meeting, after a short recess during Easter. The King not satisfied with so small a sum, told them plainly, that without six hundred thousand pounds, it would not be possible for him to answer the ends of their several addresses.

Many members being absent on account of the expected adjournment at Easter, the Commons were cautious of proceeding upon other Money-bills; but desired his Majesty's leave to adjourn, promising, that, after the recess, they would comply with his demands. The same day, the 16th of April, the King came to the House of Peers, and gave his assent to several Acts. The chief were, an Act for the raising of five hundred, and eighty-four thousand pounds Sterling, for building of thirty ships. 2. An Act for an additional Excise upon Beer, and other Liquors, for three years. 3. An Act for prevention of frauds and perjuries. 4. An Act for taking away the writ of *Hæretica Comburendo*. 5. An Act for erecting a Judicature to determine differences touching Houses burnt by the late dreadful fire in *Southwark* (1). Then the Chancellor acquainted the two Houses, that the King gave them leave to adjourn to the 21st of May next.

The King, undoubtedly, had no desire to begin a war with France, his private engagements with Lewis being too strong to allow him such a thought. However, he improved the present occasion to draw money from his Parliament, on pretence of providing for the safety of the nation. For that was all he had yet obliged himself to, tho' the Commons imagined, he was ready to come into their measures, as soon as he should be assured of a supply.

The vague wish which the Commons acted, was owing to the progress of Lewis in the Netherlands, and on the Rhine, while Charles, plunged in pleasures, remained unconcerned, and by his conduct effectually destroyed the principles established by his Chancellor, that it was impossible for the King and Kingdom to have opposite interests.

The 17th of March, the King of France took Valenciennes, and besieged Cambray, while St. Omar was invested by the Duke of Orleans. Cambray cost him but seven days, and while he besieged the citadel, the Prince of Orange marched to the relief of St. Omar, and was overcome by the Duke of Orleans at Montcaiffé. After this defeat, the citadel of Cambray, and St. Omar, surrendered by capitulation, about the 20th of April. By this means the Spanish Netherlands were open on all sides, and could be preserved, but by the assistance of England. This was clearly seen by the Commons, and excited their endeavours to awaken the King out of his affected lethargy. The King knew the danger as well as, or better than, his Parliament. But, contrary to the maxim of his Chancellor, the Kingdom's danger was not his. The more powerful the King of France rendered himself, the greater was his private advantage, because it was by the assistance of France, that he pretended to enslave his own Kingdom. Let a man study never so much to find plausible reasons for the King's conduct and negligence, with regard to the Netherlands, and the growing power of France, he will find none, without supposing what I have said concerning the King's designs. The Spaniards, and Dutch, the Emperor and the Princes of Germany, all reasoned wrong. They supposed, that Charles would not suffer the Netherlands to be lost, because it was the interest of England to preserve them, and were mistaken in imagining, the King would be influenced by the good of his Kingdom. But he had a particular interest directly contrary to that of England, namely, his own, which he blindly pursued. He would have seen the last town of the Spanish Netherlands lost without being moved. Nevertheless, as it was also his interest not to discover his designs before the time, for fear of alarming the English, and engaging the Parliament in other measures, he pretended to approve of their views. But this was only to obtain a supply, without promising however any thing but to make preparations, which properly was obliging himself to nothing at all. Such was the King's

conduct in this whole affair, as will appear still more plainly in the sequel.

The Parliament meeting the 21st of May, by the King's proclamation of summons, after an adjournment of near five weeks, the Commons believed the King had spent this interval in making the alliances they had desired, and that he would communicate to them what had been done. But the King only told them, by Secretary Coventry, that he expected the House would forthwith proceed to the money-bill, and the rather, because he intended there should be a recess very quickly. This message occasioned warm debates in the House. They were inclined to give the King the six hundred thousand pounds he had asked, but were willing to have something for their money, whereas the King was for being sure of the supply before he proceeded in what was desired by the Commons. Their distrust was not very honourable to him, but it was his fault, because he had given so many occasions for it, and therefore he could not think it strange. He made it however subservient to his design, and pretended in his turn to fear, that the Commons intended to engage him in a war with France, and then leave him to extricate himself as well as he could, without granting the necessary assistance to support it. On this pretence he sent for the Commons to Whitehall, and made then the following Speech.

"Gentlemen, I have sent for you hither, that I might prevent those mistakes and distrusts, which I find some are ready to make, as if I had called you together only to get money from you, for other uses than you would have it employed. I do assure you on the word of a King, that you shall not repent any trust you repose in me, for the safety of my Kingdoms, and I desire you to believe, I would not break my credit with you; but as I have already told you, *That it will not be possible for me to speak or act things which should answer the ends of your several addresses, without exposing my Kingdoms to much greater dangers*, so I declare to you again, I will neither hazard my own safety nor yours, until I be in a better condition than I am able to put my self, both to defend my Subjects, and offend my enemies. I do farther assure you, I have not lost one day since your last meeting, in doing all I could for your defence, and I tell you plainly, it shall be your fault, and not mine, if your security be not sufficiently provided for."

As this Speech, under general and obscure terms, perfectly answered the King's secret intentions, it is absolutely necessary to make some remarks, in order to show distinctly and plainly, both the King's intention and character.

First, the Commons had desired the King to provide for the safety of his Kingdoms, upon the foundation, that their safety depended on the preservation of the Spanish Netherlands. But the King lays not a word which may oblige him to the defence of the Netherlands, and contents himself with promising, upon his royal word, that he will provide for the safety of his Kingdom; which general promise left him room to say afterwards, that whatever he had done was for the safety of his Kingdom.

Secondly, he supposed, that in providing for this safety, his Kingdoms would be exposed to great dangers, unless he had the money beforehand, which was a groundless supposition.

Thirdly, he told them, he ought to be put in a better condition to defend his Subjects, and offend his enemies. By this last expression he insinuated, that he would enter into a league offensive against France, which was not his intention, as will hereafter plainly appear.

Fourthly, he told them, he had not lost one day in doing all he could for their defence, which expression signified nothing, since he had just told them, he could neither speak nor act, before he had the demanded supply. In what therefore did his five weeks care consist?

Fifthly, there is but one thing clear in this speech, and that is, he would be sure of the money before he began to act. By which he intimated to the Commons, that he pretended to have as much reason to distrust them, as they could have to distrust him, though assuredly the case was very different.

This Speech occasioned very great debates in the House of Commons. The Court-party proposed a speedy grant of the desired supply, to enable the King to make alliances, otherwise, they could not be expected to be made; and alleged, that the King had the same power of making war and leagues, as the House had in giving money; he could not have money without them, nor their alliances without him. The contrary party remarked, that nothing positive was promised by the King, except that he would provide for the safety of the Kingdom, which might

(1) An Act for the better observation of the Lord's day. And another for confirming and perpetuating Augmentations, made by Ecclesiastical persons, to their Vicarages and Churches.

1677. be explained several ways, without any assurance it should be understood in the sense of the Commons. As for saying that the King would make alliances when he should have the supply, the expression was too general to hazard upon it a sum of fix hundred thousand pounds. But if alliances were made forthwith, and declared to day, the fix hundred thousand pounds would be granted to morrow.

This last opinion prevailed, such was the distrust conceived of the King. So, the House resolved to present an address to the King, which should oblige him to speak more plainly, that they might know how to proceed. The substance of this address was:

They address
the King.
to the
House.
III. p. 426.
Kestrel.
Burton.
R. Coke.

"It is a great affliction to us, to find our selves obliged to declare against the granting the supply you are pleased to demand, conceiving it not agreeable to the usage of Parliaments, to grant supplies for the maintenance of wars and alliances, before they are signified in Parliament; from which usage if we depart, the precedent might be of dangerous consequence in future times."

"We humbly beseech your Majesty to enter into a league offensive and defensive with the States General of the United Provinces, against the growth and power of the French King, and for the preservation of the Spanish Netherlands, and to make such other alliances with other such of the confederates as you shall think fit and useful to that end."

"Lastly, they laid before him several reasons to convince him, that, in this juncture, a war with France was absolutely necessary, in order to oblige her to leave the rest of Christendom in repose, and promised to put him in a condition for a vigorous maintenance of the same."

The King
returns the
address to
the Commons.

Had the King really intended to stop the great progress of the King of France, this address would have been more than sufficient to engage him in a war with that Prince, or at least to have done something to make him fear it. But as nothing was farther from his thoughts, he affected a distrust of the Commons, which he really had not. He had undertaken the first war against the States, upon a like assurance without the least hesitation. He had engaged in the second war without even imparting his design to the Parliament. But when a war with France was desired, he pretended to fear from the Commons, what he had not feared when a war with Holland was in question; tho' it was manifest, this fear was entirely groundless. But any delay was to be used rather than oppose the progress of his good friend, and yet, he was unwilling to lose this opportunity of procuring a supply from his Parliament.

Complains
of the Address.
Kestrel.
Burton.
R. Coke.

The Commons pretended by their last address to oblige the King to give a clear answer. But they found themselves mistaken. The King receiving this address the 26th of May, sent [two days after] for the Commons to Whitehall, and for answer sharply reproved them for invading his Prerogative, in requiring him to enter into a league offensive and defensive with the States General, "Should I," said he, suffer this fundamental power of making war and peace to be so far invaded, as to have the manner and circumstances of leagues prescribed to me by Parliament, no Prince or State would any longer believe, that the sovereignty of England rests in the Crown. "-----Wherefore you may rest assured, that no condition shall make me depart from so essential a part of the Monarchy." At the conclusion of this Speech he declared his pleasure to them, that the House be adjourned till the 16th of July (1), telling them, he would give them notice by his Proclamation when he intended they should sit again, which, he said, would not be till winter, unless some extraordinary occasion should happen.

Address to the
Parliament.

Nothing is a plainer demonstration, how different the King's interests were from those of his Kingdom, than his conduct on this important occasion. The Commons believed it absolutely necessary for the safety of the Kingdom, to check the progress of the French King, and preserve the Netherlands, and to that end, make alliances with the States General and their confederates. This was a very evident truth. The King himself did not deny it, while there was hope of getting the fix hundred thousand pounds, demanded on pretence of putting himself in a condition to defend the Kingdom, which shewed at least that he believed it in danger. But when he saw the Commons would not be satisfied with general promises, but required something real, the necessity of putting the Kingdom in a state of defence, vanished at once. He adjourned the Parliament for several months, without any notice of the danger with which the Kingdom was threatened, though that danger subsisted no less, than at the beginning of the session. Thus the danger was pressing to the Kingdom, when it

was no longer so to the King: A clear evidence that the King and Parliament had different views and interests. So, on pretence of an attempt of the Commons upon his Prerogative, he took occasion to order a long adjournment, which broke all the measures of the Commons, and almost destroyed the hopes entertained by the Allies, of assistance from England, which could not but be very advantageous to France. I do not think it possible to account for the King's conduct in a manner satisfactory to the impartial, without supposing that he expected assistance from France to make himself absolute, and change the established Religion. On this supposition, instead of being concerned to stop the progress of France, it could not but be for his interest that she should become still more powerful. Accordingly this was what he wished, as all his proceedings manifestly shewed.

The King
desires for
a French
Peace.
Temple's
Mem.
p. 448. 177.
Lett. p. 437.

We learn from Sir William Temple himself, that whilst he was at Nimguen as Plenipotentiary-mediator for a peace, he was sent for to London by the King, on pretence of making him Secretary of State, but in reality to dispatch him to the Hague, to endeavour to persuade the Prince of Orange to consent to a separate peace with France. But Temple declined a commission which he had before tried to execute, without being able to succeed. This shews with what zeal the King endeavoured to serve France, which only wanted to divide the allies by such an expedient. It is certain, the King of France, tho' till now superior to his enemies, was little able longer to sustain a war with almost all Europe united against him. It was therefore in the King of England's power to procure a just and reasonable peace, by declaring against France, as he was desired by the Parliament. But this could never be obtained of him. On the contrary, fearing to be forced to it at last by the clamours of his People, he secretly laboured to procure France an advantageous peace, by the division of her enemies.

Sir William Temple having refused to be employed upon this errand, Mr. Laurence Hyde was sent to the Hague, to try to gain the States and Prince of Orange.

The King had the more hopes of prevailing with the Prince, as there had been some time since a proposal from him for his marriage with the Princess Mary, eldest daughter to the Duke of York; and as he did not doubt, that to succeed in that affair, the Prince would grant every thing desired of him concerning the separate peace with France. It was for this end probably, that the King permitted the Prince his nephew to come to his Court, and solicit his affairs in person: but without any positive assurance that his addresses would be well received. The Prince could not leave the army before the campaign was ended, and therefore arrived not in England till the 9th of October, when he landed at Harwich, and from thence went to the Court. The King, the Duke of York, the Lord-Treasurer, and Sir William Temple, were the only persons informed of the motive of the Prince's journey. The Court, which was then at Newmarket, being returned to London, the Prince had a sight of the Princess, and then demanded her in form of the King and Duke of York, by whom his proposal was differently received. The Duke of York seemed very cold, and the King appeared to embrace it with joy: but it was on condition that he and the Prince should previously agree upon the terms of a general peace. This condition was like to render the Prince's journey entirely fruitless. The Prince was absolutely against speaking of a peace till after the marriage, and the King as resolute to agree upon the plan of a peace before the marriage should be concluded. They continued five or six days fixed to their resolutions. The Prince acquainted the King, by Sir William Temple, "That his allies, who were like to have hard terms of the peace, as things then stood, would be apt to believe, that he had made his match at their cost, and for his part he would never sell his honour for a wife." All this was not capable to divert the King from his resolution, and the affair seemed upon the point of breaking off. But all was reconciled. Temple paying a visit to the Prince one night after supper, was told by him, "That he repented his coming into England, and resolved to be gone in two days, if the King continued in his mind of treating upon the peace before he was married; but that before he went, the King must chuse how they should live hereafter; for he was sure it must be either like the greatest friends, or the greatest enemies; and desired Sir William to let his Majesty know so next morning, and give him account of what he should say upon it." Sir William, in discharge of his commission, represented to the King the ill-consequences of a breach with the Prince, considering the ill-humours of so many of his Subjects on account of his engagements with France, and the invitation made the

Prince of a
marriage of
the Prince of
Orange with
the Princess
Mary.
Temple's
Lett. 140.
p. 395. 396.
166.

The Prince
arrives in
England.
Temple's
Mem.
p. 444.
Kestrel.
Burton.

A difference
between the
King and
Prince.
Temple.

Memoirs,
p. 457.

p. 457.
Osb. 139.

(1) They were adjourned by the Speaker, without the consent of the House, as so much as his putting the question, though Sir John Eliot was, for the June thing, embraced of High Treason in 1649. Kestrel, p. 314.

1677.
The King
picks, and

Prince by several of them during the late war. The King having heard him with great attention, answered, "I never yet was deceived in judging a man's honesty by his looks, — and if I am not deceived in the Prince's face, he is the honestest man in the world; and I will trust him, and he shall have his wife, and you shall go immediately and tell my brother so, and that it is a thing I am resolved on." The Duke of York appeared at first a little surprized, but however answered, the King should be obeyed, and he should be glad his Subjects would learn from him the obedience which they owed to their Sovereign, — adding that, *I tell him my opinion very freely upon any thing, but when that is done, and I know his pleasure upon it, I obey him.* Immediately after Sir William waited on the Prince with the agreeable news. The same day, the marriage-articles were drawn and agreed, the Prince's portion being forty thousand pound Sterling, and the day after the King declared the marriage in full Council⁽¹⁾. The city of London testified an extraordinary joy at the news, and Sir Francis Chablin the Lord-Mayor invited the King to a magnificent entertainment the 29th of October. The marriage was consummated on the Prince's birth-day, the 4th of November⁽²⁾.

A few days after, the King, the Duke of York, the Prince of Orange, the Lord-Treasurer, and Sir William Temple, entered into conference for settling the scheme of a general peace, and after some debates, agreed upon these terms: "All should be restored by France to the Emperor, that had been taken from him in the war, the Duchy of Lorraine to that Duke, and all on both sides between France and Holland: And to Spain, the towns of Ath, Charleroy, Oudenard, Courtray, Tournay, Comde, l'Alouettem, St. Gaudin, and Binch. That the Prince of Orange should endeavour to procure the consent of Spain; and the King that of France, for which purpose he should send some person immediately over with the proposition, who was to demand a positive answer in two days." The Lord Daru, afterwards Earl of Faversham, a creature of the Duke of York, was the person fixed upon to execute this commission.

The Prince and Princess of Orange embarked for Holland shortly after. The King positively allured the Prince, he would never depart from the scheme agreed upon for a general peace, and that if France refused her consent, he would declare war against her. And yet, the Prince had the mortification before his departure, to see the adjournment of the Parliament prolonged from the 3d of December to the 4th of April⁽³⁾.

The Court of France were extremely surprized, as well with the scheme of the peace, as the manner in which it was pretended to impose it on them. But whether the Lord Daru had secret orders to give hopes, that the scheme might be altered, or it was not despised to gain the King of England, the Envoy, after staying some days beyond his commission, returned without an answer, or at least with an answer of no signification. It contained only, *That the most Christian King hoped, his brother would not break with him upon one or two towns, to which England had no pretension, but however, he would send orders to his Ambassador at London, to treat with his Majesty himself.* It is known, the King of France offered Mr. Montague, the English Ambassador, large sums for the King, and the Treasurer, which were not accepted, at least openly; but on the other hand, the King suffered himself to be so mollified by the offers or articles of France, that the scheme of peace agreed on with the Prince of Orange, was at last reduced to nothing, and no more heard of.

From the Lord Daru's return, to the meeting of the Parliament, the King was actually negotiating with the King of France, the terms on which he was to resist the solicitations of his Parliament, and prevent his declaring for the allies. This appeared openly in the Parliament itself, by the letters of the Lord-Treasurer Danby, produced before the Commons in 1678, by Mr. Montague, Ambassador at the French Court; and since that, a fuller conviction has been given of this by Mr. Montague's letters,

published by the Earl of Danby, in the reign of William III. 1672. I shall transcribe the extracts of these letters, that the reader may be satisfied of what I say, without relying on my word. But I am to premise, that the King, after prolonging the adjournment to April 1678, thought proper to assemble the Parliament, the 15th of January, and as soon as they met, to adjourn the Commons, by a message, to the 28th of the same month. The letters I mentioned were as follows:

Extract of a Letter from Mr. Montague to the King from Paris, in the year 1677.

I Am sure, the greatness of the King of France is supported only by his Majesty's connivance at what he does, and the good will Christendom sees you have for him. The advantage he has by it even in point of Revenue, by his conquests, does amount to five times the sum you have new from him: And though after-games are hard to play, I think I understand this Court so well, and if you care to have it done, I am confident I could get you by agreement a million of Livres a year to be paid while the war shall last, and four millions after the peace shall be made, I mean, Sir, ever and above what you have from France now. —

Extract of a Letter from Mr. Montague to the Lord Treasurer Danby, writ a little after the former.

I Expect his Christian Majesty's answer to the demands I made by the King's direction of two hundred thousand pounds Sterling, to be paid till the general peace is concluded, taking for granted that it will be conform to my orders from the King, to insist upon two millions of Livres a year during the war, and four millions after the peace, &c. I have told this morning, that Mr. Courtin has agreed this matter with the King my master, and that his Majesty will be contented with two millions of Livres a year only during the war; which I confess surprized me extremely, considering the necessity of his Majesty's condition, and the positiveness of his commands to me, to insist upon two hundred thousand pounds Sterling, which I had done very effectually, and must have succeeded in, considering the reasonableness of the demand, except the generosity of the King our master's nature, who values money so little, but already condescended to the lesser sum of two millions of Livres, &c.

Extract of a Letter from the Lord-Treasurer Danby to Mr. Montague, Ambassador in France, the 17th of January 1677-8.

Yesterday young Ruviigny came to me with Mr. Barillon (having given me his Father's letters to the Duke before) and discoursed much upon the confidence the French King hath of the firmness of ours to him: of the good opinion his master hath of me; of his King's resolution to condescend to anything, that is not infamous to him, for the satisfaction of our King's war certainly our King may depend upon all assistance and supplies from his master, in case the friendship be preferred. — The main of their drift was to engage me to prevail with the Prince of Orange as to the town of Tournay. — The King must come to some declaration of his mind to the Parliament when it meets. That which makes the hope of peace less probable, is, that the Duke grows every day less inclined to it, and has created a greater indignity in the King than I could have imagined; which being added to the French King's resolutions, not to part with Tournay, does, I confess, make me despair of any accommodation. Nevertheless, I am assured that one principal cause of this adjournment for thirteen days, has been to find an expedient for the peace; and the effect hath hitherto been, that no body will now believe other than that the peace is already concluded between us and France.

Extract of another letter from the same hand to the same person, dated the 25th of March 1678.

In case the conditions of peace shall be accepted, the King expects to have six millions of Livres a year for three years, from the time that this agreement shall be signed

(1) The French Ambassador, and Lord Arlington, appeared the only two persons uninvited upon it at Court; the first, not knowing how he should answer it to his master, that after an offer of that importance should pass without his communication, was left at a loss; the second, who had been doing so for many years, was so much surprised, that he should pass without his knowledge, was much endeavored to keep at the Court-opinion at this conference with the Prince. Temple's Mem. p. 455.

(2) Barillon, in his account of this matter, says, that the Lord-Treasurer Danby seeing his ruin was inevitable, if he could not bring the King off from a private interdict, gave the Prince of Orange, by Sir William Temple, great hopes of an marriage with the Duke's Daughter, and for the Prince to ask the King's leave to come over to England. When the Prince, since a truce of twelve weeks, was going away, the Lord-Danby pressed him staying a few days longer, till that the management of the matter might be left to him. So, next morning, he came to the King, and told him, he had received letters from all his Majesty's best friends in England, and showed him a bundle of them, which he was far the King would not trouble himself to read. They all agreed, he said, that the King should make a marriage between the Prince of Orange and the Duke's Daughter. It is not, the Parliament would certainly assent to it, and so the King would inform them of it. Whereas, if the King did it of his own motion, he would have the honour of it. Having entered the thing with all the arguments he could, the King was convinced, and sent for the Duke, who obeyed the King's pleasure. Danby finished the matter, that the Dauphin of Flanders could not break with the King, before he had declared the matter in Council, p. 409, 410.

(3) The Prince and Princess were hurried out of town so fast, (there being a letter from the City by the Country-post, which the Court did not like,) that they had scarce time to make provision for their journey. Being come to Canterbury, they repaired to an Inn, where, through bills they came very meanly provided. Upon application to borrow money of the Corporation, the Mayor and his Brethren, upon grave representations, were really afraid to lend them any. Dr. Tillotson, then Dean of Canterbury, hearing of this, immediately got together what Plate and Money he could, and went to the Inn to Mr. Brewin, the officer of what he had. This was highly acceptable to the Prince and Princess, and the Dean was carried to wait upon them. By this lucky accident, he began that acquaintance and correspondence with the Prince and Mr. Bennet, so advanced him afterwards to the Archbishopric.

1677. *betwixt his Majesty and the King of France; because it will probably be two or three years before the Parliament will be in humour to give him any supplies after the making of any peace with France; and the Ambassador here has always agreed to that sum, but not for so long a time. If you find the peace will not be accepted, you are not to mention the money at all, and all possible care must be taken to have this whole negotiation as private as is possible, for fear of giving offence at home, where for the most part we hear in ten days after of any thing that is communicated to the French Minister. At the bottom of the letter were these words under the King's own hand----*

This Letter is writ by my order, C. R.

Remark on the King's conduct.

I shall make no remarks upon these letters, which plainly shew, with what sincerity the King discharged the office of Mediator, and how much he favoured France. The best excuse for him is, that these secret proceedings and negotiations were only to get money. But when it is considered, that he would have received much more from his Parliament, if he had pursued the paths of uprightness, and might have had more left of what the Parliament would have granted him in one single year, than he hoped to draw from France in three, a man can hardly forbear thinking, that his blind attachment to the interest of France was far hidden deluges which it was not yet time to discover. And if it is said, he took money from France, only to be freed from the trouble of applying to his Parliament, this does but confirm that he intended to render himself absolute (!).

1677-8. *The King employed all his time with the States. Temple.*

The King had not prolonged the adjournment of the Parliament to the 28th of January, in order to find expedients for a general peace, as the Treasurer told Montague in his letter of the 26th of January, but to have time to receive the news of a league with Holland, which was indeed signed the 16th of January. This league was very far from answering the desires of the Parliament. It was properly but defensive, to prevent the King of France from pursuing his conquests in the Netherlands. Nay, it may be easily judged, considering the King's strict union with France, and the secret correspondences between the two Courts, whether he had any great desire to go to war with the King of France, in order to oblige him to restore what he had taken. He believed nevertheless, that this league would be capable to impose upon the Parliament, and therefore had deferred their meeting to receive the news of its conclusion. Supported by this league, which, according to him, was to produce wonderful effects, he made the following Speech to both Houses, the 28th of January.

The King's Speech, January 28, 1678.

My Lords and Gentlemen,
WHEN we parted last, I told you, *That before we met again I would do that which should be to your satisfaction.* I have accordingly made such alliances with Holland, as are for the preservation of Flanders, and which cannot fail of that end, unless prevented either by the want of due assistance to support those alliances, or by the final regard the Spaniards themselves must have to their own preservation. The first of these I cannot suspect, by reason of your repeated engagements to maintain them; and I know you are so wise as to consider, that a war which must be the necessary consequence of them, ought neither to be prosecuted by halves, nor to want such assurances of perseverance as may give me encouragement to pursue it: besides, it will not be less necessary to let our enemies have such a prospect of our resolutions, as may let them see certainly that we shall not be weary of our arms, till *Christendom* be restored to such a peace, as shall not be in the power of any Prince alone to disturb.

"I do acknowledge to you, that I have used all the means possible by a mediation, to have procured an honorable and safe peace for *Christendom*; knowing how preferable such a peace would have been to any war, and especially to this Kingdom, which must necessarily own the vast benefits it has received by peace, while its neighbours only have yet smarted by the war; but finding it no longer to be hoped for by fair means, it shall not be my fault if that be not obtained by force which cannot be had any other ways. For this reason, I have recalled my troops from France, and have considered, that although the Dutch shall do their parts, we cannot have less on ours than ninety sail of capital ships constantly maintained, nor less than thirty or forty thousand landmen (with their dependencies) to be employed upon our fleets and elsewhere. And because there shall be no fear of mis-employing what you shall give to these uses, I am contented that such money be appropriated to those

ends as strictly as you can define. I have given testimony enough of my care in that kind, by the progress I have made in building the new ships; wherein, for the making them more useful, I have directed such larger dimensions as will cost me above one hundred thousand pounds more than the act allows. I have gone as far as I could in repairing the old fleet, and in buying necessary stores for the navy and ordnance: And in this and other provisions for better securing both my foreign Plantations and the Islands nearer home, I have expended a great deal more than the two hundred thousand pounds you enabled me to borrow upon the excise, although I have not found such credit as I expected upon that security. I have born the charge both of a rebellion in Virginia, and a new war with Algiers: I stand engaged to the Prince of Orange for my Niece's portion, and I shall not be able to maintain my constant necessary establishments, unless the new imposts upon wine, &c. be continued to me, which would other ways turn only to their profit to whom we least intend it.

"I hope these things will need little recommendation to you, when you consider your promises in some, and the necessity of the rest; and to let you see, that I have not only employed my time and treasure for your safety, but done all I could to remove all sorts of jealousies, I have married my niece to the Prince of Orange, by which I hope I have given full assurances, that I shall never suffer his interests to be ruined, if I can be assisted, as I ought to be, to preserve them. Having done all this, I expect from you a plentiful supply, suitable to such great occasions, whereon depends not only the honour, but, for ought I know, the being of the English nation, which will not be saved by finding fault afterwards, but may be prevented by avoiding the chief fault of doing weakly and by halves, what can only be hoped from a vigorous and thorough prosecution of what we undertake. These considerations are of the greatest importance that ever concerned this Kingdom, and therefore I would have you enter immediately upon them, without suffering any other business whatsoever to divert you from bringing them to good resolutions."

It is very strange, that *Charles II.* with more extraordinary supplies than were ever granted to any King of England, with a revenue much larger than that of any of his predecessors, (which, by the calculation of the Commons, amounted to sixteen hundred thousand pounds,) was nevertheless always in want, and oppressed with debts, and in every Speech told his Parliament, that he had expended for the publick, more than was granted him. He had however been engaged but in two wars, which he might have avoided if he had pleased, and saved his Subjects several millions, fruitlessly consumed in these wars. But this is not the only reflection which may be made upon this Speech; there is another of much greater importance.

The whole Speech was founded upon a supposition which naturally ought to have been true, but was not, namely, that his alliance with Holland could not fail to engage him in a war with France, though nothing was farther from his intention. His aim therefore was to represent his alliance with Holland, and the war against France, as one and the same thing, or at least the war as the necessary consequence of this alliance, though he gave no positive hopes of the war. There was indeed a wide distance between the one and the other. For, if the Parliament had granted the immense sums he demanded, it is certain, he might have made peace when he pleased, without expending any of the money in preparations. He would only have had to declare against France, and peace would instantly have followed. For France was not in condition to resist, if England had been sincerely united with the rest of her enemies. Herein the King threw the Parliament into a great dilemma. For, either they were to grant him the large sums he demanded, without having other hope of a future war, than a consequence not absolutely necessary, or in refusing the supply, they gave the King a plausible pretence to say, it was not his fault, that England did not join with the enemies of France. But in the House of Commons were men of sufficient abilities to discover the King's artifices, and instruct their fellow members, wherein they succeeded the more easily, as above two thirds of the House were little inclined to trust to the King's word.

It was therefore resolved, after great debates, to present an address to the King, the substance of which was,-----
 "That they besought him not to admit of any treaty of peace, whereby the French King should be left in possession of any greater dominion or power, than was left him by the Pyrenean treaty: That no trade be admitted with France, or any goods suffered to be imported from thence, on pain of forfeiture. And when he should be

A Remark on this Speech.

The Commons engaged in difficulties.

The Commons address the King, January 31, 1678.

(1) This year died, Gilbert Sheldon, Archbishop of Canterbury, Theophilus Gale, Author of *The Keys of the Scriptures*, Robert Siergent, who wrote *The English, the Englishman's Guide*, and James Harrington, Esq. Author of *The Oceano*.

1677-8. "pleased to communicate his alliances to them in Parliament, they would give such ready assistance, on all occasions, as might bring the war to a happy conclusion."

This address threw the King, in his turn, into a great perplexity. He would have it believed, that he intended to make war upon France, though he had already resolved against it. He could not therefore answer this address without a direct assent or dissent, and this is what he was willing to avoid. To extricate himself, he had recourse to the same expedient he had formerly used. This was, to complain of the great invasion of his prerogative, in thus prescribing the methods he was to use, which at the same time he showed to be ridiculous and impracticable. He said, his speech was to both Houses, and the return ought to be from both. That however, if, by their assistance, he was put into arms sufficient for such a war, he would never be weary, till Christianity was restored to such a peace, that it should not be in the power of one Prince to disturb it: That the rights of making and managing war and peace, belonged solely to him, and they were mistaken, if they thought he would ever depart from that right: That if the Commons would encourage him to go further in alliances, they must consider of raising speedy Supplies; for from the consideration of those he must take his measures.

The meaning of this answer was easily understood, namely, that the King studiously avoided to say positively, he intended to declare war against France, though he wished that consequence to be drawn from his alliance with Holland: Alliance, of which the contents were not known, and which was not yet imparted to the Parliament. He pretended, however, that on his bare declaration or information of an alliance with Holland, the Parliament should enable him to maintain ninety large ships, besides thirty others, and forty thousand land-forces (1). And yet, when the articles of this treaty, shortly after, came to be known, the Commons voted, that it was not pursuant to their desires. It is easy to see, wherein the difference between the King and the Commons consisted. The King feared, or feigned to fear, that the Parliament, after engaging him in a war with France, would leave him destitute of means to support it. The Commons really distrusted his sincerity, and feared, that, after receiving the money, he would think no more of war, but suffer an unsafe peace to be concluded. Let the reader determine for one or other. I shall only say, that, if the reigns of Henry III, and Richard II, are excepted, England had never seen, till within the last fifty years, such mutual distrust between her Kings and Parliaments. It must be imputed to this, that James I. Charles I, and Charles II, were no slaves to their word, and while they pretended to save their sincerity by general, restriction, obscure, or ambiguous expressions, they lost entirely the confidence of their Subjects. Every King of England is in danger of being very unhappy, when, by such artifices, he renders suspected the sincerity of what he says in full Parliament.

However this be, the Commons resolved to grant the King a supply, but with strict limitations. At the beginning of this session, they had granted him seventy thousand pounds, for a solemn funeral of his father, whose body could not be found, though it was certainly known to be interred in Windsor chapel. I don't know whether it was ever discovered, or the intended obsequies performed (2).

The Earl of Shaftesbury, after thirteen months confinement in the Tower, was at last discharged. But still he had begged pardon on his knees at the Bar of the Lords House, as well for his fault as his obstinacy in not acknowledging it (3).

While so much time was spent in England in deliberations about war, the King of France taking the field in February, made himself master of Ghent and Ipres in March, and then put his forces into quarters of refreshment. These conquests so alarmed the Dutch, that from this time they resolved upon a separate peace, though they durst not publicly own it. Lewis XIV, who knew their intentions, and had nothing to fear from England, began to talk like a conqueror, and to form himself the plan of

the peace he was willing to grant the allies, and which was different from that agreed on between Charles and the Prince of Orange.

On the other hand, the Commons of England alarmed at the progress of the French arms, made haste to finish a bill for raising money by a Poll-tax. The 14th of March they resolved upon an address to the King, to pray him to declare war against France, to dismiss the Ambassador of that Crown, and recall his own from Paris, with a promise of the necessary and plentiful supplies. This address was sent the next day to the Lords for their concurrence: But, before an answer was given, the King came to the House of Lords the 20th of March, and after passing the Poll-bill (4), and some others, adjourned the Parliament to the 11th of April.

It is remarkable that five days after, the Lord-Treasurer writ the second of the forementioned Letters to Ambassador Mazarin, concerning the secret negotiation of which I have spoken.

The Parliament meeting the 11th of April was farther adjourned to the 29th, when the Chancellor acquainted the two Houses, that the King had discovered that the Dutch were thinking of a separate peace without his consent or privacy, and desired their advice how to proceed. The Commons gave their advice for an actual war with France, and at the same time voted, "That the late leagues made with the States-General of the United-Provinces, were not pursuant to the addresses of the House, nor consistent with the good and safety of the Kingdom." The King returned an answer, which testified his resentment of this vote. But the Commons, not at all discouraged, presented a second address, in which—"They besought him to communicate to them his resolutions upon their advice." They added, "That the inconvenience and dangers which the Kingdom lay under, might have been totally, or in a great measure prevented, in case his Majesty had accepted of the advice by them given in their address of the 26th of May last, and the 31st of January: They besought him therefore, that he would be pleased to remove those counsellors that advised him to give those answers which he did to the said addresses.—In fine, that he would be pleased to remove the Duke of Lauderdale from his presence and council." The King immediately answered, That he was much surprized at the extravagancy of their address, and very unwilling at present to give it such a due answer as it deserved. Two days after, namely, the 13th of May, he prorogued the Parliament to the 23d of the same month.

Thus the proposal for a war with France never failed to produce either an adjournment or a prorogation. It must be remarked, that this was at the very time, the separate peace between France and Holland was negotiating, which the Dutch would never have resolved, could they have believed that England would declare for a war. Nevertheless, the King would still have it believed, he was disposed to war, though hitherto he had not positively said it. To this end, immediately after the Poll-bill had passed, he raised thirty thousand men, who were completed in six weeks.

While these forces were raising, and before the prorogation of the Parliament, the States-General sent Fan Leuwyn to the King, to acquaint him, that they were disposed to give a peace, because they saw, there was no reliance on the uncertain measures of England. That however, if the King would immediately declare war against France, they would break off all negotiations, and vigorously prosecute the war pursuant to their alliance, and that his declaration was the only thing that could prevent a peace. This was declared to the King by Sir William Temple, from the States Ambassador. The King now finding that a positive answer was to be returned, which he had hitherto avoided, told Sir William Temple, That since the Dutch would have a peace upon the French terms, and France offered money for his consent to what he could not help, he did not know why he should not get the money.

The weakness of this evasion is manifest: for though the Ambassador of the States had declared, there should be

(1) In the debates about raising the Land-forces, Sir William Coventry was for hiring bodies of Troops from the German Princes, and for supplying the Dutch with money. He thought, that which did more properly belong to England, was to set out a great Fleet, and to cut off the French Trade every where; for they were then very high in their Manufactures and Trade. Burnet, p. 431.

(2) The truth of the matter seems to be this: That the King, either had great occasion for that sum of money, or thought he could put it to a better use, than laying it out on a solemn Funeral for his Father; and so never felt to enquire for the body. For, that King Charles I. was actually buried at Windsor, (though the Lord Clarendon seems, at the end of his History, to doubt of it) and that his body might have been found without much difficulty, is plain from the following Certificate, given by Mr. John Swail, Register at Windsor Castle.—"In anno 1656, Septembris 21, the same Vault in which King Charles I. was buried, was opened, to lay in a still-born child of the then Princess of Denmark, the late Queen Anne. On the King's Coffin the velvet Pall was

flung and found, and there was about the Coffin a Jewish Boy, with this Inscription cut through it, KING CHARLES S. 1641.—When the body of King Charles I. lay in State in the Duke's Hall, the Duke of Beaufort had the Coffin opened, and was satisfied that it was the King's body. This is a trivial proof; it has declared they knew to be true, who were alive, and then present, as Mr. Randolph of New Windsor, and others." Burnet, Tom. 3. p. 649.

(3) He had, it seems, had recourse to the King's Bench, whether he was brought by a Habeas Corpus; but the Judges denied his redress. This application to an inferior Court was soon taken notice of by the Lords, who voted it a breach of Privilege, for which the Earl was to answer his contempt at the Bar of the House. He was accordingly brought to the Bar, where he offered to acknowledge his offering the petition to the Parliament to be an error for itself, and to beg their Lordships pardon for his offence, in bringing his Habeas Corpus. Which being done in a Form prescribed by this House, he was released. Idem, p. 442.

(4) In the Poll Bill there was one of these appropriating Clauses for the money to be levied, to be applied to no use but the intended French war; and also another Clause, prohibiting the Importation of any Foreign Commodities for three years. Idem, p. 444.

1678.

A Treaty negotiated at London between Charles and Lewis.

Temple's Letter, Feb. 7. 464.

The apparent design of Charles from this Treaty.

He is abused by the King of France.

The Parliament first known. Richard.

The King's Speech.

no peace, if the King would really engage in a war, the King, suppressing this positive declaration, supposed that the States were for a peace upon any terms. Upon this false supposition, he ordered Sir William Temple to treat with *Barillon* the French Ambassador; but Sir William wisely declined such a negotiation. What Temple refused was undertaken by others, and the same author says, that amongst the articles proposed by the Ambassadors of France, for concluding a private treaty with the King, there was one article which was offensive, that the King assured him he would never forget it while he lived. He says no more, whether because he was not informed of it, or did not think proper to divulge what he knew. But Dr. Swift, who published Sir William Temple's letters, acquaints us with that remarkable passage, namely, "That France, in order to break the force of the confederacy, and elude all just conditions of a general Peace, resolved by any means to enter into separate measures with Holland, to which end it was absolutely necessary to gain the good offices of the King of England, who was looked upon as the master of the Peace when ever he pleased. The bargain was struck for either three or four hundred thousand pounds: But when all was agreed, Mr. *Barillon*, the French Ambassador, told the King, that he had orders from his master before payment to add a private article, by which his Majesty should be engaged, *Never to keep above eight thousand men of standing troops in his three Kingdoms.* This unexpected proposal put the King in a rage, and made him say, *God's Fido! Does my brother of France think to serve me thus? Are all his promises to make me absolute Master of my Realm come to this? Or does he think that a thing to be done with eight thousand men?*"

Hence it evidently appears, for what the thirty thousand men the King was raising were intended. They could not be levied for a war against France, though the King used that pretence, since he had already made his bargain with that Crown for four millions of *Livres*. Nothing else therefore can be thought, but that the King seeing the peace upon the point of conclusion, which he only could, but would not prevent, imagined, that after the peace, the King of France would assist him to become absolute master in his Kingdoms, and furnish him with money to maintain the thirty thousand men without his applying to the Parliament. If this be not so, what account can be given of his conduct in raising an army, at a time when all his proceedings showed, he had not the least desire to make war upon France?

The King was deceived by the promises of Lewis XIV, who artfully took advantage of the eager desire of Charles and the Duke his brother to establish an absolute Government in England, to engage them in all the measures they had taken during the whole war, and which were so directly contrary to the interests of the Kingdom. But when he saw himself secure of a peace with the Dutch, and, by a necessary consequence, of a general peace with all Europe, he made a jest of his promise to his friend. He thought, doubtless, it was not for the interest of France, that the King of England should be absolute, or rather, he feared to engage, for the sole interests of the King of England, in an undertaking capable of kindling a new war, in which all Europe might be concerned.

I know not whether the King consented to Lewis's demands, and am only sure, that he continued his levies, whether with intention to execute his designs without the assistance of France, or in the hope of obtaining better conditions from Lewis, by terrifying him with the apprehension of his joining with the allies, which might still be practicable. By degrees, he spoke more gently of war, and sufficiently declared his inclination for peace. In all appearance, he had adjusted matters with France.

Affairs were in this situation when the Parliament met the 23d of May, after a prorogation of ten days. The King opened the seventeenth session of this long Parliament with a Speech, [the substance of which was as follows,]

"I am resolved, as far as I am able, to save Flanders, either by a war or a peace, which way soever I shall find most conducing towards it. — If I were able I would keep up my army and my navy at sea for some time; but I leave it to you to consider of supplies for their continuance or disbanding; and in either case not to discourage so many worthy and brave Gentlemen, who have offered their lives and service to their Country, and in pursuit of your own advices and resolutions. I must tell you, that a branch of my revenue is now expiring, and another part of it cut off by a clause in the Poll-bill; that I have borrowed two hundred thousand pounds upon the Excheat at your request, of all which you are to consider. I never had any intentions but of good to you and my People, nor ever shall; therefore I desire you will not drive me into extremities, which must end ill both for you and me,

and (which is worst) for the nation. I desire to prevent all disorders or mischief that may befall by our disagreement; but in case there do, I leave it to God Almighty to judge who in the occasion of it. One thing more I have to add, and that is, that I will never more suffer the course and method of passing laws to be changed, by tacking together several matters in one Bill. The rest I leave to the Lord-Chancellor."

The Chancellor's Speech, according to custom, tended to excuse the King's measures. As he only enlarged upon what the King had said more succinctly, I think it needless to insert the Speech, which offered nothing new or material.

The House of Commons having adjourned themselves for three days, met again the 27th of May, and came to the following resolution: "That the House taking into consideration the state of the nation, and the expense occasioned by the army, were humbly of opinion, that if his Majesty pleased to think fit to enter into the war against the French King, the House was, and would be always ready to assist him in that war; but if otherwise, they would proceed to the consideration of providing for the speedy disbanding of the army."

The House further ordered, That the members of his Majesty's Privy-Council should acquaint the King with this vote, and pray his speedy answer. The King replied,

"That the French King had made full offers of a cessation till the 27th of July, that he believed they would not only be accepted, but end in a general peace; yet, as that was uncertain, it would not be prudent to diminish either fleet or army before that time." Upon this answer the House voted, "That all forces raised since the 29th of September last (except those transported to foreign plantations) be forthwith paid off and disbanded; and that they would consider of a supply for that purpose." Accordingly the 4th of June the House voted two hundred thousand pounds for the disbanding of the army by the end of the month, and the next day they voted the same sum towards defraying the expenses of the fleet.

Upon these votes the King, by a message, told the House, that his mind was still the same, that the army and fleet ought to be kept up till the expected peace should be concluded; and he further recommended to their consideration, "Whether it were not dishonourable for him to recall his forces in Flanders from those towns which he had taken into his protection, before they could provide themselves of other succours." Upon this consideration the Commons extended the time, as to the forces in Flanders, to the 27th day of July.

The 15th of June, the House resolved, that, "after the Twelfth following, no motions should be made for any new supplies of money, till after the next recess." As hitherto the House had experienced, that the King only amused them, and intended to have the money before he positively declared himself, they resolved to put him under a necessity of declaring, within three days, for fear he should still continue to amuse them, till it was too late. Accordingly, on that very Twelfth the King came to the House of Peers, and, sending for the Commons, told both Houses, "That the peace between France, Spain, and Holland, was almost concluded, in which his part would be not only that of Mediator, but also to give his warrants in it. That Spain writes word, That unless England bears the charge of maintaining Flanders, even after the peace, they will not be in a condition to support it long."

"Therefore to that end it was necessary to keep up the Navy at sea; and not only so, but to give the world some assurance of being well united at home: That though the House of Commons might think such a peace as ill a bargain as a war, because it would cost them money, yet if they seriously consider, that Flanders had been lost, and perhaps by this time, he believed they would give much greater sums than that would cost, rather than the single town of *Ofend* should be in French hands, and forty of their men of war in so good a haven, over-against the river's mouth." Then he insinuated to them, "That they could not but be pleased to understand the reputation England had gained abroad, by having in forty days, raised an army of thirty thousand men, and prepared a Navy of ninety men of war; therefore, if they desired to keep up the honour of the Crown at home, and look to the safety of the balance of affairs abroad; if they desired he should pass any part of his life in quiet, and all the rest in confidence and kindness with them, and other future Parliaments, they must find a way not only to settle for his life his revenue as at *Christophers* last, but also to add a new fund of three hundred thousand pounds per Annum, upon which he would pass an Act to settle fifty thousand pounds upon the Navy and Ordnance; and should be likewise ready to consent to all such laws as they should propose for the good of the nation." He lastly reminded them, "to enable

1678.

A resolution of the Commons. Kennet. III. p. 430.

Communicated to the King. Mrs. Ashton.

A Part for disbanding the army.

A Message from the King.

A Vote to be made no more money during the Session.

The King answers the Houses with peace of Mind. June 18. Richard. III. p. 451.

Demands money.

Act in augmentation of his revenue. Burnet. p. 431.

1678. "enable him to keep his word with the Prince of Orange in the payment of his Niece's portion, which was forty thousand pounds; the first payment being now due, and demanded by him."

Would not one think at reading this Speech, that the King had hitherto kept the balance of Europe perfectly even, and was thereby intitled to demand, that he should be enabled to preserve it? Would not one think, that he had done the nation some important service, which deserved an augmentation to his revenue of three hundred thousand pounds a year? But the Commons were so used to such Speeches, that they made no impression upon them. If their distrust of the King had been hitherto great, it may be affirmed, it considerably increased, when they saw a peace concluded, which diminished not the great power of France, but left Europe exposed to her mercy. It was evident, the King might, if he had pleased, have procured a more advantageous peace. After this, it is not strange, that his strict union with France, was suspected to conceal designs which were not for the good of the nation. Accordingly, when the Commons came to debate on the additional revenue demanded by the King, it was unanimously rejected (1). Moreover, the House refused to give a compensation for the loss sustained by the King in the prohibition of French commodities. In short, the Lords having passed the Bill for disbanded the army, with an enlargement of the time prefixed for one month longer, the Commons absolutely refused their consent to the amendment.

The King perceiving by this, what he was to expect from the Commons, came to the Parliament the 15th of July, and passed several Bills, of which these were the principal.

1. An Act for granting a supply of six hundred and nineteen thousand, three hundred and eighty pounds, for disbanded the army, and other uses therein mentioned. 2. An Act for granting an additional duty to his Majesty upon Wines for three years. 3. An Act for burying in Woolen. This Act, which is still in force, is very serviceable to the Linnen manufacture, and consequently makes a great consumption of wool.

These Acts being passed, the Chancellor acquainted both Houses, that the King thought proper to prorogue them to the first of August, and so to keep them in call, by short prorogations, but that his intention was, they should not meet till winter, unless there was occasion for their assembling sooner. Thus ended the seventeenth session of this Parliament. And thus England saw herself engaged in an expence of six hundred thousand pounds, to pay an army and fleet, which certainly had not been prepared to make war with France, or for the security of England.

While the Parliament was sitting, the States-General seeing that nothing was to be hoped for from England, treated with France, both for themselves and Spain, with regard to the Netherlands. At last, every thing being settled, and the King of France promising to restore to the Spaniards, Ghent, Ath, Charleroy, Oudenard, Courtray, and Limburg, the States ordered their Plenipotentiaries at Nimwegen to sign the peace the last of June. It was universally expected, that the peace would be signed that day. But as the time for this restitution had been neglected to be fixed (the Spaniards and Dutch, not doubting but it was to be immediately after the exchange of the ratifications) the Spanish Ambassador happened the day before, to ask the French Plenipotentiaries, when they would restore the towns? To this they positively answered, that it would not be till after the restitution of the towns taken from the King of Sweden, by the allies in the north (2). This unexpected pretension put a stop to the signing of the peace, and the Dutch Plenipotentiaries received express orders from their masters not to sign, unless France would engage to restore the six places, upon the ratification of the treaty. But the French were immovable, and appeared resolute to continue the war, unless Sweden was satisfied.

Charles being informed of this new difficulty, and told moreover by the French Ambassador, that it was his master's intention, immediately sent Sir William Temple to Holland, with full power to sign a league with the States, by which they should be mutually bound to continue the war, in case France should not agree to evacuate the six towns within such a time. This league was really concluded and signed the 26th of July, to the great satisfaction of the Prince of Orange, and those who thought the peace very disadvantageous.

The readiness with which this resolution was taken by the King, much surprized those who from his former proceedings had no great opinion of his sincerity. But when

it was seen that the league was concluded, and France continued obstinate, it was hoped, the war would be renewed with more vigour than ever, and that England would incline the balance to the side of the allies. It is difficult to discover the motive of the King's vigorous resolution. Some have believed, he was really offended at the contempt France seemed to show, of his mediation, in flustering such an incident. Others have thought, that foreseeing France would at last comply, notwithstanding her seeming resolution, he had a mind to redeem his credit by his vigour with the English, who till then strongly suspected him of too close a correspondence with that Crown. Others have judged, that he took this resolution, in order to obtain a large supply from the Parliament, not doubting but he should be afterwards able to procure a peace.

However this be, it appeared shortly after, that the King repented of what he had done, and feared that his league would rekindle the war. At the time that the Dutch were preparing to improve this happy juncture, to break off the negotiation with France, and to rise in their demands, one Du Croi, an Agent of Sweden at London brought an express order from the King for Sir William Temple to repair immediately to Nimwegen, and use his utmost endeavours to persuade the Plenipotentiaries of Sweden to consent to the evacuation of the six towns within a limited time. The King ordered him likewise to assure them, that after the peace he would use the most effectual endeavours he could, for the restitution of all the Territories the Swedes had lost in the war. It was not difficult for Sir William Temple to infer from hence, that the King had no inclination to quarrel with France. But he was still more fully convinced, when he was informed from Penfionary Egge, that Du Croi had been with the States Deputies, and acquainted them with the order he had brought; that he had also said, the terms of the peace were absolutely agreed between the Kings of France and England, and from some expressions he had heard the King use, intimated, it would be in vain to pretend to prevent it. As Sir William and the Penfionary could not doubt that Du Croi was sent by the King, they concluded, either the King had changed his mind, or had never designed to enter into a war with France. Wherefore the States, instead of forming new schemes, were contented with the plan already agreed on, with a resolution however not to sign the treaty till the restitution of the six towns was assured within such a time (3).

Since the league had been concluded at the Hague, the King of France, to whom it was communicated, had used all possible artifices to elude, and bring it to a negotiation, with an offer to treat upon it, either at St. Quintin or Ghent. But the States, on the contrary, had expressly ordered their Ambassadors to break off the negotiation, if the peace was not signed by such a day, with the article of the evacuation of the towns in a limited time. Sir William Temple came to Nimwegen but three days before the expiration of the time fixed by the States. On his arrival he found very little disposition on either side towards signing the peace; the French and Dutch appeared equally inflexible, and the latter would not hear either of any negotiation or delay. At last came the critical day, the 11th of August, fixed by the treaty at the Hague, in the morning of which the French Ambassadors desisted from their pretensions, and the peace was signed before twelve that night. This gave France the desired satisfaction of making a separate peace with Holland, which was immediately followed by a peace between France and Spain, and some months after with all the confederate powers, except the Duke of Lorraine, who could never obtain his re-establishment. It may be affirmed with great truth, that the King of England might have procured Europe a more advantageous peace, since the Parliament would have granted him the necessary supplies, if he had pleased to act agreeably to the interest of Europe in general, and of England in particular. His conduct can only be ascribed to his desire of executing the project of rendering himself absolute, and introducing the Popish Religion in England, which he thought could not be accomplished without the assistance of France.

The league concluded between England and Holland, the 26th of July, had, as I said, fixed the 11th of August for signing the peace. In this interval the King of France had by his General the Duke of Luxembourg blockaded up Mons. All his artifices to draw the affair of the evacuation into a negotiation, were only to gain time for Luxembourg to become master of Mons before the peace was signed. But the Dutch being bent not to enter into treaty upon that affair, the French General had not time to make any great progress before that place. Mean while the

(1) It was said, there was a demand for a Revenue, which would furnish the Court so well, that there would be no more need of Parliament. The Courtiers thought such a gift as this would make them useless. So, the thing was upon one degree rejected without a division. *Barnet's* p. 422.

(2) The King of Denmark, and the Elector of Brandenburg, who had beat the Swedes out of Germany. *Barnet's* p. 422.

(3) The 11th of Du Croi was translated, one morning, in an hour's time, in the Dutchess of Portland's lodging, where the orders were dispatched, by the intervention and pursuit of Monsieur Barillon, the French Ambassador. *Temple's* Mem. p. 466.

1678. Prince of Orange being informed that peace was upon the point of being signed, and desiring to distinguish himself by some great action, marched directly to the Duke of Luxemburg, surprised him, and gave him a considerable check (1). This battle, called afterwards the battle of St. Denys, being fought the 14th of August, three days after the peace was signed, gave occasion to various opinions concerning this action of the Prince of Orange. Some said he knew not the peace was signed. Others pretended, the news was brought him by an express, but not from the States, and therefore he might improve the present advantages. However, with this action ended a war which had lasted six years, and was at first so fatal to Holland, that the Republick saw it self on the brink of destruction.

We are now come to the discovery of the famous conspiracy known in England by the name of the Popish Plot, which makes one of the principal periods of this Reign, and has given occasion to many Politicians to exercise their talents, some in supporting the reality, others in exposing the falsity of it. What I have been saying is sufficient to demonstrate the impossibility for any Historian whatever, to please two sorts of men, whose sentiments are diametrically opposite, and who, through prejudice, religion, passion, and party-interest are previously disposed to believe or disbelieve the Popish Plot. A Historian is in vain impartial if his Readers are not so. The course of this History engages me to speak of this famous conspiracy, on which depend all the events of the rest of this Reign. It may well be judged, that I do not expect to satisfy all the World: this I take to be an impossible thing. What therefore I propose is, to inform the Reader of the conspiracy itself, whether true or false, of the reasons and proofs alleged in maintenance of the reality or falshood, and to leave the inward satisfaction of saying nothing but what I believe to be true.

But before I proceed to the particulars, it is absolutely necessary to clear some ambiguities which I have observed in the Writers of both sides, that the Reader may be the better prepared to be upon his guard.

1. The word Plot in English, and Conspiracy in French, are always taken in a bad sense. Their general signification is, a Design, but an unlawful Design to attempt something against the person of the King or his ministers, against the constitution of the Government, against the established Religion, in short, a Design bad in itself, where in the publick is concerned, and for the execution whereof means and instruments are already prepared. But if any one maintains, there is nothing unlawful in a design to change a bad Religion established, in order to introduce a better; or if on supposition that a Government was established by force and violence, it is affirmed, there is nothing ill or unlawful in a design to restore it to its ancient state, it is plain, this will only be a dispute about words. Thus the fact or design in itself may be allowed, which by some will be termed a Plot, whilst others will not give it that name. This has been the case with some Authors who have spoken of the Popish Plot. They own there was a design to alter the form of the Government, and subvert the Protestant Religion, and yet deny there was a Plot.

2. This Plot, true or false, contained three particular designs. 1. To kill the King. 2. To subvert the Government. 3. To extirpate the Protestant Religion, and establish Popery (2). Most of the writers instead of considering these three articles, as branches of one and the same Plot, have affected to separate them. Some have chiefly insisted upon the design of killing the King, and slightly touched upon the other two. They believed themselves able to prove the falshood of this design, and therefore concluded that there was no real Plot. Others meeting with some improbabilities in the depositions of the witnesses concerning the design of killing the King, have chiefly endeavoured to prove the two last articles, from whence they have inferred, there was a true and real Plot. The Reader must be upon his guard against these artifices which entirely alter the State of the question, and always remember, that the Plot did not consist in the single design to kill the King, or in the single design to subvert the Government, or in that to change Religion, but in all these three designs united together, and making but one and the same conspiracy.

3. Those who assert the reality of the Plot, pretend, that the King, the Duke of York, and some of the mini-

sters were the heads and contrivers, and give many proofs, some of which have already appeared in the transactions of this reign. The opposite party object, that it is a manifest contradiction to make the King author of a plot to take away his own life; That, besides, conspiracies of Subjects against their sovereigns have been common, but to accuse a Prince of a Plot against his Subjects is a thing never heard of. To these objections it is answered, that though the Plot contained three articles, the two last only were essential, and of these the King was the head and contriver: That the article of killing the King, though placed first, was only consequent to, and depending upon, the two others. That this was only the attempt of some of the conspirators, who believed, there was no needier way to execute the Plot, than by setting the Duke of York upon the throne, who was less turbulent and more active and daring than his brother. That therefore there is no contradiction in the supposition, that the King was the head and author of the two designs, of subverting the Government, and changing Religion; and that the other was carried on by some persons without his privacy, in order to advance the progress of the Plot. That therefore the difficulty of this objection proceeds from the preposterous joining the three articles when they ought to be separated, as on other occasions they are separated where they ought to be joined. As to the second objection, that it is impossible a King should plot against his Subjects, it is drawn from the word Plot, which is very rarely applicable to a Sovereign. But it is by no means impossible for a King of England, whose power is limited by law, to form a design of establishing an arbitrary and despotic Government, as appears in the examples of Edward II, Richard II, James I, and Charles I. Now a man may refuse, if he pleases, to give to such a design the name of a Plot, provided he does not own the reality of the thing.

4. Lastly, it will be proper to premise, that there are three opinions concerning the reality or falshood of this Plot. The first is of those who believe it true in all its branches and circumstances. The second, of those who believe it absolutely false, and invented on purpose to exasperate the People against the King and the Duke of York. The third, of those who believe it true with regard to the design of rendering the King absolute, and altering Religion, but doubtful with respect to the design of killing the King, and who after duly weighing the *Pro* and *Con*, think they ought to suspend their judgment on this article. I thought it necessary to arm my Readers with these few observations against the prejudices, they may have received in reading other Historians, who scruple not, to disguise and curtail the facts, to pass over in silence such as are disadvantageous to them, to insist and lay great stress upon others; to insert in their relations many stories admitted by their party, but supported with no authority; to add numberless insinuations founded only on their prejudices; in a word, to suppose continually what they have undertaken to prove. This would evidently appear in a dissertation in form, but is very easy to be done in a continued narrative, where the writer inserts whatever he thinks proper.

The 12th of August, (the day after the signing of the Treaty of Nimegueu) Dr. Ezrael Tenge, a London Divine, ^{came to the Plot to the King.} applied himself to one Christopher Kirby (3), who had some interest at Court, to tell the King, there was a Plot against his person. Kirby discharging his commission the next day, whilst the King was walking in St. James's Park, the King ordered him to bring Tenge to him at eight that evening. Tenge came to Whitehall at the appointed hour, and delivered to the King a writing or narrative, which in forty-three articles, contained the particulars of a plot. The King, after looking over it superficially, told Tenge, he was going to Windsor the next day, but would put the ^{Burnet.} paper into the hands of the Lord-Treasurer Danby, on ^{Edward.} ^{p. 425} whom he ordered him to wait the next morning.

Accordingly on the 14th of August, Tenge waited on the Treasurer, who asked him if the paper left with the King, was an original or copy. Tenge answered, it was a copy of a writing which had been thrown into his house without his knowledge: but fancied it was by a certain person who had often entertained him upon subjects of the like nature. Some days after Tenge returned to the Treasurer, and told him, he knew the man, who had even put into his hands another narrative larger than the former, which he delivered to the Treasurer. After the Earl had looked over the paper, he asked Tenge, whether he knew

(1) The Prince of Orange, in this battle, was in great danger of being lost, had not Monsieur Ommersart come to his relief, and killed a French Captain that was just going to shoot him in the head. The Duke of Monmouth, with some English and Scotch Regiments, was in that battle. Upon news of the peace next day, the Duke of Luxemburg, with a great compliment, desired an interview with the Prince, and they met in the field. *Baynes*, Tom. 2. p. 241.

(2) The chief Promoters and Authors of this Plot, were, Pope Innocent XI; Cardinal Howard; Johannes Paulus de Oliva, General of the Jesuits at Rome; Pedro Torreyra de Caceres, Provincial of the Jesuits in the Castle; Le Chevre, Confessor to Lewis XI; the Provincial of the Jesuits in England, the Benedictine Monks at the Survey of the Jesuits and Seminary Priests in England, who were then in numbers about eighteen hundred; the Lords Petre, Fevers, Bellsby, Abbot of Warburton, Stafford, and several persons of Quality. See *Queen's Narrative*. H. Carr, &c.

(3) A Chymist, that was sometimes in the King's Laboratory.

1678. the two men spoken of in the narrative, as the persons designed to kill the King, and went by the name of *Honst William*, and *Pickering*. *Tonge* answered, he knew them, that they walked frequently in the Park, and if a trusty person was appointed to go with him, he doubted not but he should have an opportunity of giving him a fight of them in a very short time. The Treasurer asked, if he knew where they lodged, that they might be secured. *Tonge* answered he did not, but would endeavour to inform himself.

who forbids
the publica-
tion of it.

The Treasurer having given the King an account of what he had learned from *Tonge*, and of the contents of the two narratives, desired him at the same time, that a warrant might be sent for apprehending *Honst William* (1), and *Pickering*, and some other members of the Council be informed of an affair which concerned his Majesty's life. But the King would neither suffer the two men to be apprehended, nor permit the Earl to speak of it to any person living, and particularly to the Duke of York.

Some days after, *Tonge* sent word to the Lord Treasurer, that he knew where *Honst William* and *Pickering* lodged: He said moreover, some of the intended assassins were to go within two days to *Windsor*; but that he would give notice of the time fixed for their journey, that they might be arrested at their arrival. But some days after, he pretended, the journey had been prevented by an accident to one of their horses. The King from thence concluded the whole to be a fiction, and though the truth might easily have been discovered, by apprehending the two men whose lodgings were known, he would never permit, either that they should be apprehended, or the affair communicated to any member of the Council, saying, *He should alarm all England, and put thoughts of killing him into People's heads who had no such thoughts before.*

This reason being, as appears, very weak, it can only be inferred from the King's conduct, that he believed not the Plot, or had some interest to them he did not believe it.

Forged Let-
ters directed
to Beding-
field, ap-
proach-
ing,
Barnet,
P. 437.
Richard.

Three days after, *Tonge* wrote to the Earl of Danby, that a packet of letters was to go to the Post-Office in *Windsor*, directed to one *Bedingfield* a Priest (2). The packet came indeed, and *Bedingfield*, after reading the letters, carried them to the Duke of York, telling him, *He feared some ill was intended him by the said packet, because the letters therein seemed to be of a dangerous nature, and that he was sure they were not the hand-writing of the persons whose names were subscribed to the letters* (3). The King being more confirmed in the belief that there was nothing real in the pretended plot, seemed resolved not to permit the papers or informations received from *Tonge* to be produced. But the Duke of York was so very exact to have the letters, directed to *Bedingfield*, examined by the Council, that the King at last consented, and gave the Treasurer leave to declare at the same time the intelligence received from *Tonge*, and so the affair became publick.

I have not hitherto mentioned the famous *Titus Oates*, principal actor in this Play, because having resolved to advance nothing but what I believe exactly true, I did not think proper to adopt whatever has been said concerning him and his secret conferences with Dr. *Tonge*, of which not a single voucher is produced. However, I think myself obliged briefly to relate, what has been advanced by others, though with no other certainty than their own testimony.

Account of
Titus Oates.
Richard.
III. p. 461.

"*Titus Oates* was the son of a Ribbon-weaver, who afterwards turning Anabaptist-Preacher, and being chaplain to a regiment of *Cromwell's* forces in Scotland, was there clapt up in prison upon *Overton's* plot against that usurper; but having the fortune to escape upon the King's restoration, he conformed to the Church, and got the living of *Hastings* in *Stafford*; where he continued till he thought fit to return again to his former Anabaptistical station. This son of his had his first education in *Mercant-Taylor's* school in *London*, and next in the University of *Cambridge*, where he was Student in two Colleges, *Caius's* and *St. John's*, and where he left no reputation behind him for his parts or learning; though he seemed distinguished for a tenacious memory, a plodding industry, and an unparalleled assiduity, besides a particular canting way that appeared in his Academical Exercises. Removing from thence he slipped into orders,

1678. "and for a while officiated as Curate to his father; after which he enjoyed a small Vicarage in *Kent* (4), from whence he removed to another in *Stafford*, and after that for some time got into the Duke of *Norfolk's* family, when he particularly sided with the Socinians at *London*; so that he became very uncertain as to his principles and Religion, and infamous as to his morals (5). In the last year, 1677, being abandoned and destitute of common necessities, he fell into the acquaintance of Dr. *Ezrael Tange*, a City Divine, a man of letters, and a prolific head, filled with all the *Romish* plots and conspiracies since the reformation (6). This man was remarkable for his parts and great reading, but of a restless and humorous temper, full of variety of projects, and scarce ever without a pen in his hand, and a plot in his head. At first he seemed to entertain *Oates* out of charity, who then went by the name of *Ambrose*; and complaining that he knew not where to get bread, the Doctor took him to his house, gave him cloaths, lodging and diet, and told him he would put him in a way. After which, finding him a bold undertaker, he persuaded him to insinuate himself among the Papists, and get particular acquaintance with them: Which being effected, he let him understand, that there had been several plots in *England* to bring in *Popery*, and if he would go beyond sea among the Jesuits, and strictly observe their ways, it was possible there might be one at present; and if he could make that out, it would be his preferment for ever. But however, if he could get their names, and some informations from the Papists, it would be easy to rouse People with the fears of "Popery."

Persuaded to this advice, *Oates* reconciled himself to the Church of *Rome*, and moreover, according to some, entered into the Society of the Jesuits. In April 1677, he was sent to *Valadolid* in *Spain*, where he remained six months, and then returned to *England*. After a month's stay he was sent to *St. Omers*, the English seminary, for farther discoveries. In short, the latter end of June the same year, he returned to *England*, and repaired to his friend *Tonge*, furnished with materials picked up at *St. Omers*. Out of these materials *Tonge* and *Oates*, at several conferences together either at *London*, or in a hired house at *Lambeth* (7), framed the papers or narratives delivered by *Tonge* to the King and the Lord-Treasurer Danby, as copies of what *Oates* had written with his own hand.

I omit many circumstances of what is said to pass between *Tonge* and *Oates*, which seem to suppose, either there was some third person who related all these particulars, or else, that one of the two discovered them before his death. The intent of this recital is, as may easily be seen, to shew, that *Tonge* and *Oates* were the inventors of this plot, which made so much noise afterwards, and never existed but in their heads. It must be owned, that if this was well proved, it would be a sufficient evidence, that the plot discovered by *Oates* was a fiction. In the recital appears, *Tonge* a Divine, who (having a prolific head filled with all the *Romish* plots and conspiracies since the reformation) fancies it possible there may be one now on foot. He persuades *Oates* to insinuate himself among the Papists, turn Catholicick, and be entered into the Society of the Jesuits, in order to have opportunity to make discoveries. *Oates* complies, returns from *St. Omers*, freighted with materials, out of which these two men draw up a narrative of a horrid plot against the person of the King, the Government, and the Protestant Religion, and *Tonge* undertakes to deliver it to the King. If all this be true, there is need of no other proof: this alone is sufficient to demonstrate that the plot was a fiction, and a chimera. Wherefore, if ever there is reason to give the readers some assurance of what is advanced, with so many circumstances, it is in such a case as this, which alone decides the question. But I must warn the reader, that those who have advanced these facts, have not vouchsafed to give the least proof. They have not said, that they were received from such or such persons then living. They have cited no authors before them, nor, in short, produced one voucher of what they have advanced concerning facts, which naturally could come to their knowledge, but by some extraordinary means. It is a design managed between *Tonge* and *Oates* alone, without the intervention of any third person. It is certain, neither *Oates* nor *Tonge* revealed these pretended

(1) His true name was John Greville. *Oates's* Narrative, p. 6.

(2) The Duke of York's Confessor. *Ibid.*

(3) The Duke carried them to the King. And he fancied they were writ either by *Tonge* or *Oates*, and sent on design to have them intercepted, to give the more credit to the discovery. The Duke's enemies, on the other hand, gave out, that he had got some hints of the discovery, and brought these as a blind to impose on the King. *Barnet*, p. 435.

(4) *Bedingfield*, which was given him in 1672, but the air being very bad he left it. *H. Carr. Hist. of the Plot*, p. 64.

(5) Bishop *Barnet* says, "He was proud and ill-natured, haughty, but ignorant." He had been complained of for some very indecent expressions concerning the mysteries of the Christian Religion. He was once preferred for *Perjury*." — *p. 435.*

(6) Bishop *Barnet* gives him this Character: "He understood Gardening and Chymistry, and was full of projects and notions. He was a very cruel

"Divine, and formed credulous and simple, but always puff'd for a sincere man." *p. 434.*

(7) One *Lambert's* House, a Bell-bouquet, at *Fox* hall, called afterwards the Plot-House. *Richard.*

1678. particulars before their death, or ever retracted their informations. It is therefore justly withheld, that those who have reported their secret conferences with such particular circumstances, had produced some authority for what they have advanced.

Here follows the substance of the writing delivered by *Tonge* to the King, in form of a deposition. *Titus Oates* was the Speaker, though he had not signed it, and though his name did not appear in it.

"That in April 1677, the said Deponent was employed by *Strange*, the then Provincial, *Keins*, *Fenwick*, *Harcourt*, and other Jesuits in London, to carry their letters to one Father *Suiman*, an Irish Jesuit, at Madrid in Spain: That in his journey he broke open the said letters, and found therein, an account given of what Jesuits they had sent into Scotland, to encourage the Presbyterians to rebel; and that they feared not success in their designs, by reason of the King's being so addicted to his pleasures, and their interest in the Duke of York, &c. That he saw several Students sent out of England to Valladolid, who were obliged by the Jesuits of the College to renounce their allegiance to his Majesty of Great-Britain; and that one *Armstrong*, in a Sermon to the Students there, did affirm, that *Charles Stuart*, the King of England, is no lawful King, but comes of a spurious race, and that his Father was a black Scotchman, and not King *Charles the First*; with several other traitorous words and correspondencies which he there discovered. Being returned to England, where he made farther discoveries; about the beginning of December, the said deponent was sent with another treasonable letter, written by *Strange*, and several other Jesuits, to *St. Omer's*, wherein was expressly mentioned their design to stab or poison the King; and that they had received ten thousand pounds from *la Chaise*, which was in the hands of one *Worley* a Goldsmith in London.

"There was likewise inclosed a letter of thanks to Father *la Chaise*, which the deponent carried to him from *St. Omer's* to Paris. During this journey, and being abroad, he saw and read many other letters, all tending to the same end of cutting off the King, subverting the present Government of England, and restoring the *Romish* Religion; and they were so confident as in some of them to say, That his Majesty of England was brought to that pass, [that is, so polluted of his fidelity], that if any Male-content among them should not prove true, but offer to discover, he would never believe them."

But one of the principal things he tells us in this Narrative, was, "That April 1678, he came over from *St. Omer's* with more Jesuits, to the grand consult which was held in *Mary*, by about fifty Jesuits, at the *White-Horse* tavern in the Strand, where they met and plotted their designs for their Society: From whence they dispersed into several clubs, five or six in a company, where they signed a *Refusor* for the death of the King, with the manner how it was to be done, which the deponent, as a messenger, carried from one company to another to be signed. Very shortly after he returned to *St. Omer's*, and towards the end of June came back to England; where he soon became privy to the treaty with *Wakeman* to poison, and *Hemph* *William* and *Pickering* to shoot, the King; and that he heard *Kins* a Jesuit preach a Sermon to twelve persons of quality in disguise; wherein he asserted, That Protestant and other heretical Princes were ipso facto deposed, because such, and that it was as lawful to destroy them, as an Oliver Cromwell, or any other Usurper, &c."

Besides these new discoveries, he tells us, that he learnt several other remarkable particulars from them, as, "That the late wars, and many other mischiefs were brought about them; but more particularly the dreadful fire in 1666, which was principally managed by *Strange* the Provincial; in which their Society employed eighty, or eighty six men, he could not tell which, and spent seven hundred fire-balls, and, over and above all their vast expence, they were fourteen thousand pounds gainers by the plunder, amongst which was a box of jewels, consisting of a thousand carats of diamonds. He farther learnt, that the fire in *Southwark* in the year 1676, was brought about by the like means; and though in that they were at the expence of a thousand pounds, they made a shift to get two thousand clear into their own pockets."

This deposition, as I said, was at last communicated to

the Council by the King's permission. Probably, the King so managed, that the Council took no great notice of this affair, and looked upon the discovery as a forgery. After that, the Lord-Treasurer seeing he was clear of the business, since it was imparted to the Council, would no longer hearken to *Tonge*, but when he came, dismissed him, either unheard, or with injurious language. This made *Tonge* and *Oates* resolve to bring the affair before the Parliament. But as they had cause to fear, that the Court would find means to suppress this deposition, or represent it as a writing without name and authority, they applied to Sir *Edmundbury Godfrey*, a Justice of Peace in *St. Martin's* Parish, and *Oates* requested him to receive his oath, that the paper which he put into his hands, contained matters of treason, and other high crimes. *Godfrey* was unwilling to grant their request, and the rather, because he was not suffered to read the particulars. But at last, *Tonge* deposing upon oath, that the same had been communicated to the King, *Oates* was sworn, and a certificate given him. This was the 6th of September.

Sometime after, the King being returned to *Whitehall*, whether the Council had been informed of the resolution of *Tonge* and *Oates*, or feared to be accused of negligence, in an affair which concerned the King and the publick, or from some other motive, they resolved to examine into the bottom of this matter. For this purpose, the 27th of September, six weeks after the King had received the first information, *Tonge* was sent for by the Council, but not coming till the Council was risen, he was ordered to attend the next day. In this interval, *Tonge* took another copy of *Oates's* deposition, and, it is pretended, inserted several articles which were not in the first, but these new informations are not specified. However, this was the copy which was afterwards published under the title of *Oates's Narrative*. This copy being finished, *Tonge* and *Kirkby* carried it to Sir *Edmundbury Godfrey* the Justice, and left it in his hands (1).

On the morrow, the Council examined *Tonge* and *Kirkby*, and then ordered *Oates* to be called in. After their examination, *Tonge* and *Oates* had lodgings assigned them in *Whitehall*, by order of the Council, with a guard for their security, and a weekly salary for their subsistence. And now the Privy-council for above a week, sat twice a day on this affair, and employed *Oates*, as he was the first discoverer of the plot, three days and nights to search after and seize the persons of the conspirators, and secure their papers. By his means, and upon his depositions, were arrested, Sir *George Wakeman*, the Queen's Physician, Mr. *Edward Coleman*, the Duke of York's Secretary, Mr. *Richard Langburn*, *Thomas Whitbread*, *John Gwyn*, *Anthony Turner*, *William Ireland*, *William Marball*, *William Rumley*, *James Corker*, *Thomas Pickering*, and many others. The eight last were *Romish* Priests or Jesuits. In *Coleman's* house were found letters, which greatly confirmed *Oates's* testimony, and will be hereafter remembered (2).

Though no particulars of the Plot had yet been published, the people were informed in general, that the design of it was to kill the King, subvert the Government, and change the established Religion. The imprisonment of so great a number of *Roman* Catholics, suggested that they were at least suspected of being concerned. This was sufficient to make them believe the sole authors of the Plot. But an accident, a few days after, so confirmed this belief, that nothing was able to shake it. This was, that Sir *Edmundbury Godfrey*, who had sworn *Oates* to his narrative, after having been missing four days, was found dead in a ditch about a mile out of London (3), with his sword thro' his body, his cane and gloves by him, rings upon his fingers, and money in his pocket (4). The Coroners inquest sat upon the body, but meeting with some difficulties adjourned to the day following, when, upon the declaration of the Surgeons, they gave up their Verdict "That he was murdered by certain persons unknown to the Jurors, and that his death proceeded from suffocation and strangling (5); and that his sword had been thrust through his body some time after his death, and when he was quite cold, because not the least sign of blood was seen upon his shirt, or his clothes, or the place where he was found." Though it was possible, this murder might not have been committed by the Papists, they were so readily and publicly accused, that it was not safe to deny it, and that the people drew from it an invincible proof of the plot, and the assurance of the Papists being the authors. It was not conceived, what interest the Protestants could have to murder this Justice, but it was obvious that

(1) He took two Copies more which were sworn to, and whereto one was left with the Justice, *Edward*.

(2) *Cromer*, *Guy Throter*, had a whole day free to make his escape, if he thought he was in danger. And he had conveyed all his papers out of the way. Only he left a Drawer under the Table, in which the papers relating to 1674, 75, and part of 76, were laid. Had he withdrawn all his papers nothing had appeared; but he left all, it might have been concluded, that the whole secret lay in them. p. 426.

(3) Near *St. James's Church*, by *Princes-street*. He was missing from October 12, to October 17, on which last day he was discovered. *Relat.* of his Murder, p. 1.

(4) Namely, seven Guineas, four Broad-pieces, two small pieces of Gold, and four Pounds and half a Crown in Silver. *Ibid.* p. 5.

(5) It is remarkable, that a large lac'd Band, which he had on when he went from home, was off when his body was found. *Ibid.* p. 6.

1678. the Papists might do it in revenge for his swearing *Oaths* to his Narrative. The Catholics were then in a situation not to dare to vindicate themselves. The people were universally incensed against them, and the Court would not openly protect them. It sufficed therefore for certain, that the Papists were *Godfrey's* murderers. Of this will hereafter appear positive evidence. But as, a few years after, the face of affairs was changed, the Papists and friends of the Court found means to give another turn to this murder. First, They raised strong objections to invalidate the depositions of the witnesses. Secondly, They observed, that the death of *Sir Edmundbury Godfrey* could be of no great advantage to them, since he only swore *Oaths* to his Narrative, and from that time to his death meddled no more. Thirdly, They insinuated, that *Godfrey* had murdered himself, out of fear of being hanged for not discovering sooner what he knew. Fourthly, and upon this they chiefly insisted, they pretended that *Godfrey* had been murdered by the Protestants, in order to throw the odium of his death upon the Papists. Now as the Papists had no interest to publish this murder, it is pretended, that his death was concealed till the body was found, and then published by those who committed the deed, in order to charge the Catholics with it. But tho' it were true, that the whole City was filled with the rumour of *Godfrey's* murder the day after he disappeared, it seems to me, that the consequence drawn from thence would not be necessary. Thus much is certain, *Godfrey* was murdered, and the Papists were charged with the deed, as long as the Protestant-party prevailed; but when the face of affairs was altered, the Court-party did, and still do, accuse the Protestants of it (1).

However this be, the King, who was then at *Newmarket*, returning to *London* to hold the Parliament, published a Proclamation, with the promise of five hundred pounds reward to the discoverer of the murderers of *Sir Edmundbury Godfrey*. But as this Proclamation had but little effect, because it was suggested that the discoverers would be in danger of an assassination; the King published a second, with an assurance of his protection to those who should make the discovery (2).

Mean time, the King was extremely perplexed. He had at first endeavoured to stifle the noise of this conspiracy, by concealing it from his very Council; but was forced at last to consent it should be communicated to them: And the precautions taken by *Tange* and *Oates*, in putting the deposition into the hands of a Justice, had obliged the Council to take precautions also for their own sakes, in causing many persons to be arrested. The murder of *Sir Edmundbury Godfrey* happening upon this, and the whole Kingdom being alarmed at it, there was no possibility of stifling the noise of the Plot, which had now reached the most distant parts. The King therefore resolved to take the only course left, which was to prevent, if possible, this affair from coming before the Parliament. He was not ignorant of the disaffection of the Commons. The transactions of the last summer shewed, that he was suspected of designs prejudicial to Church and State, and all his proceedings had given but too just cause for this suspicion. He therefore feared very justly, that the Parliament would examine into the bottom of this plot; and, under a pretence of taking care of his person, discover many things which were yet to be concealed. For, as I have remarked, this plot contained three articles, namely, the three designs of killing the King; subverting the Government; and changing the established Religion. In all appearance, the King believed not the first, but could not be ignorant of the two last. Nay, his whole conduct had made this too clear, that all the Kingdom was in a manner convinced of it. To avoid therefore so dangerous a discussion, he refused to take from the Parliament the examination of the plot. For this purpose, he expressly commanded the Earl of *Danby*, his prime Minister, not to acquaint the two Houses with what had passed through his hands, and resolved so to order it, that every thing concerning the plot should be left to the law, in the belief that it would be much easier for him to manage the Judges than the Parliament.

The 21st of *October*, the King opened the 18th session of this Parliament with the following Speech:

My Lords and Gentlemen,

I have thought the time very long since we parted last, and would not have deferred your meeting by so many prorogations, if I could well have met you

1678. sooner. The part which I had this summer in the preservation of our Neighbours, and the well securing what was left of *Flanders*, is sufficiently known, and acknowledged by all that are abroad. And though for this cause I have been obliged to keep up my troops, without which our Neighbours had absolutely depaired; yet both the honour and the interest of the nation have been so far improved by it, that I am confident no man here would repine at it, or think the money raised for their disbanded, to have been ill-employed in their continuance; and I do assure you, I am so much more out of purse for that service, that I expect you should supply it. How far it may be necessary, considering the present state of *Christendom*, to reduce the land and sea forces, or to what degree, is worthy of all our serious considerations.

I now intend to acquaint you (as I shall always do with any thing that concerns me) that I have been informed of a design against my person by the Jesuits, of which I shall forbear any opinion, least I may seem to say too much or too little: But I will leave the matter to the law, and in the mean time will take as much care as I can, to prevent all manner of practices by that sort of men, and of others too, who have been tampering in a high degree by Foreigners, and contriving how to introduce Popery amongst us. I shall conclude with recommending to you my other concerns. I have been under great disappointments by the defect of the Poll-bill. My revenue is under great anticipations, and at best was never equal to the constant and necessary expence of the Government, whereof I intend to have the whole state laid before you, and require you to look into it, and consider of it, with that duty and affection which I am sure I shall ever find from you. The rest I leave to the Lord Chancellor."

The King had hoped by his precautions to prevent the Parliament from taking cognizance of the Plot. But the Earl of *Danby* broke all his measures, by communicating the Plot to the very first day, *Oates's* Narrative to the Commons. It was believed, he was either afraid of being called to an account, if he concealed from the Parliament an affair of such importance, which had passed thro' his hands, or was willing to ingratiate himself with that House, in which he had many powerful enemies. The King was highly provoked with a procedure so contrary to his orders and designs, and gave him a severe reprimand; but the thing was without remedy.

The Commons having communicated these informations to the Lords, laboured incessantly upon the affair of the Plot. For some days they sat from morning till late at night, and took extreme care to keep the Minutes and Votes of the House from being divulged. The Lords were no less diligent; so that in two or three days, both Houses presented three addresses to the King. The first was to pray him to appoint a Fast. The second to require the removal of all Popish Recusants out of *London*. The third to pray the King's order to the Lord Chamberlain, that no unknown person might have access to his Majesty.

It must be observed, these three addresses were all founded upon the discovery of the plot, and that both Houses did not confine it to the single design of killing the King, but expressly added the two others, of subverting the Government, and changing the established Religion. This is a remark which is to serve for the whole process of this affair. For never did the two Houses separate these three articles, a clear evidence that they believed the plot was not confined to the design of killing the King, as some would insinuate.

The same day that the third address was presented, namely the 24th of *October*, three days after the opening of the session, *Oates* was examined in the House of Commons six or seven hours. After his examination, he was several times interrogated, according to custom, *Whether he knew any thing more of the plot, or any other persons concerned in it, than what he had already mentioned*; to which he solemnly answered, *He did not*. And yet, he afterwards added several things to this deposition. As this is one of the objections against *Oates's* evidence, it will not be improper to inform the Reader of what has been said *Pro* and *Con*.

First, it is said, that *Oates* having been examined upon oath by the House of Commons, and having affirmed, he knew no more of the plot, could not afterwards add new depositions against other persons, without perjury. To im-

The Earl of Danby communicates the Plot to the Commons. Richard. III. p. 478.

And they to the Lords.

Three Addresses from the House to the King. Kennet. Richard.

Oates examined by the Commons. III. p. 474.

An objection against Oates's evidence.

Oldsb. An. H. Care. Richard.

The Treason-ers communicate the Plot to the Council. Richard.

The King addresses to the Council. From the Parliament.

Richard. III. p. 472.

The King's speech to both Houses. Kennet.

(1) Dr. Lloyd and Dr. Barret went to view the body; and, besides the circumstances above-mentioned, observed, that his Shoes were clean. A mark round his neck an inch broad. His breast all over bruised, and his neck broken. There were many drops of white wax-light on his breeches, which he never used himself. And since only persons of Quality or Priests use those lights, this made all people conclude in whose hands he must have been, p. 429.

(2) *Sir Edmundbury's* Corps being embalmed, was kept till *October* 31. when it was carried, in a very solemn manner, from *Whitehall* Hospital, of which he was one of the Governors, to the Church of *St. Martin's in the Fields*, where he was buried. The Pall was supported by eight Knights, all Justices of Peace. All the Aldermen of the City attended the Funeral. Seventy two *London* Ministers marched two and two before the body. And great multitudes followed after, in the same order. An excellent Sermon, suitable to the occasion, was preached, on a *Sunday* in *Nov.* 31. by Dr. *William Lloyd*, Vicar of *St. Martin's*. *Register*, p. 371. *Relat.* Sec.

1678. prove this objection, it is said, he was solemnly interrogated, whether he knew any thing more; and that he answered as solemnly, he did not. But this word Solemnly is only used to aggravate the imputation of perjury. For it is easy to perceive, that a witness, at his first hearing, is not asked, whether he knows any thing more, with greater solemnity than the other questions, upon which he has deposed. It is besides replied to this objection, that the oath taken by *Oates* before he was interrogated, properly reached only to the facts which he was to depose, and not to the question after his deposition, whether he knew any thing more of the plot? So the charge of perjury vanishes, unless it be proved, that he was again sworn upon the last question.

It is answered in the second place, that this objection being made to *Oates* on another occasion, he said, that having been three days and three nights without sleep when he was examined by the Commons, and the examination lasting above six hours, it was not strange, that at the first hearing he should not recollect all he knew. I leave to the Reader to consider the objection and answer.

I cannot forbear observing here a fallacy put upon his Readers by a celebrated Historian, in saying, *That he began so much to abound with new discoveries, that some began to suspect his veracity. Therefore, adds the Historian, to put an end to all such doubts, on the 31st of October, the Commons refused, Nemine contradicente, "That upon the evidence that has already appeared to this House, this House is of opinion, That there is, and hath been a damnable and blisful plot contrived and carried on by Popish Recusants, for assassinating and murdering the King, for subverting the Government, and rooting out and destroying the Protestant Religion."*

Besides that this author, in ascribing for sole motive to the Commons the desire of putting an end to all doubts of *Oates's* veracity, boldly accuses them of not acting uprightly, it may be demonstratively proved, that this could not be their motive, since the witness added nothing to his first deposition in the six days between his examination and the vote of the Commons. I was willing to make this remark, to shew, with what caution the Historians who have writ of the affairs of that time, must be read.

This vote having passed in the House of Commons, *Nemine Contradicente*, they ordered, "That this vote be communicated to the Lords at a conference, and that the Lords be desired to join with this House, in providing remedies for the preservation of his Majesty's Person and Government, and the Protestant Religion." Two days after, in a conference between the two Houses, upon the subject of the late vote of the Commons, this report was made, "The Lords have considered the vote of the House of Commons communicated to them at the conference, and have most readily and unanimously concurred with them in it, *Nemine contradicente*; and their Lordships are very glad to see that zeal which the Commons have shewed upon this occasion, and do fully concur with them, *That the most speedy and serious consideration of both Houses are necessary for prevention of the imminent dangers*. In order whereunto their Lordships have resolved to sit *de die in diem*, forenoon and afternoon, and desire that the House of Commons will do the same."

If this proves not the plot to be real, it proves at least, that both Houses believed it so, since there was not the least division upon this article. To deny therefore that the plot was real, it must be said, either that all the members of both Houses were grossly mistaken, or that they acted in a spirit of prejudice and party, to trouble the Court. But why should it be thought to trouble the Court, if the King was not suspected to have been the principal author of the plot, tho', doubtless, he was not concerned in the first article relating to the attempt upon his life, which, as I have said, was only an appendix of the plot, or at least was considered as such.

The same day that the Commons examined *Oates*, they sent for the Lord Chief-Justice *Sergeant*, who took his examination upon oath, and in the House issued twenty-six warrants for apprehending so many persons whom he had sworn against, among whom were the Lords *Pearce*, *Stofford*, *Arundel of Worcester*, *Petre*, *Bellasis*, and Sir *Henry Tichbourn* Baronet, all Papists, who were sent to the Tower, and the rest to several prisons.

The King was so persuaded of his being suspected, that he thought himself obliged to seem equally convinced with the Parliament of the danger. To remove therefore this suspicion, he published a Proclamation in these words: "The Lords and Commons having taken into their fer-

ous consideration, the bloody and traitorous designs of popish Recusants, against his Majesty's sacred Person and Government, and the Protestant Religion; therefore he commanded them all, except settled House-keepers that would take the oaths of Allegiance and Supremacy, to depart the cities of *London* and *Windsor*, and all places within ten miles distant from the same."

The Papists accordingly departed out of *London*; though for so short a space, that in less than a fortnight they returned again, whether they had leave from their leaders to take the oaths, or knew such Proclamations were never strictly executed.

Besides this, the King knowing, that among his Foot and Horse guards, there were many Papists, and new converts to the *Romish* Religion, declared in Council, and published an order, with a promise of twenty pounds Sterling to whoever should make discovery of any officer or soldier in his Horse or Foot guards, who having taken the oaths of Allegiance and Supremacy, and the late Test, had since been perverted to the *Romish* Religion.

The Commons not satisfied with these slight precautions, prepared a Bill to prevent the danger from so many Papists sitting in Parliament, and particularly in the House of Lords.

But this was only a preparative for the more easy prevention of the danger with which Religion was threatened from the hopes conceived by the Papists, of seeing the Duke of *York* on the throne after his brother, who neither had, nor expected to have, any legitimate issue. This danger caused several members of the Commons, to form the project of a Bill for excluding the Duke of *York* from the succession to the Crown: But this was done by degrees. On the 4th of *November*, a debate was suffered to arise in the House, for an address to his Majesty, that he would be pleased to remove the Duke of *York* from his person and councils. But this debate was adjourned to the 8th, and afterwards to the 12th of the month.

The King perceiving the intent of the Commons, came to the Parliament the 9th of *November*, and sending for the Commons, made this Speech to both Houses.

My Lords and Gentlemen,

I Am so very sensible of the great and extraordinary care you have already taken, and still continue to show, for the safety and preservation of my person in these times of danger, that I could not satisfy my self without coming hither on purpose to give you all my most hearty thanks for it. Nor do I think it enough to give you my thanks only, but I hold my self obliged to let you see withal, that I do as much study your preservation too, as I can possibly; and that I am as ready to join with you, in all the ways and means that may establish a firm security of the Protestant Religion, as your own hearts can wish: And this not only during my time, (of which I am sure you have no fear), but in future ages, even to the end of the world. And therefore I am come to assure you, that whatever reasonable Bills you shall present to be passed into Laws, to make you safe in the reign of any successor, (so as they tend not to impeach the Right of Succession, nor the descent of the Crown in the true line, and so as they refrain not my power, nor the just Rights of any Protestant Successor) shall find from me a ready concurrence. And I desire you withal, to think of some more effectual means for the conviction of popish Recusants, and to expedite your councils as fast as you can, that the world may see our unanimity, and that I may have the opportunity of shewing you, how ready I am to do any thing that may give comfort and satisfaction to such dutiful and loyal Subjects."

During these transactions, one *William Bedloe*, who took upon him the title of *Captain Bedloe*, because he had served in the *Low-Countries* (1), going from *London* to *Bristol*, writ to *Secretary Cromwell* from *Newbury*, that he had many secrets to discover, and therefore desired that he might be arrested on his arrival at *Bristol*, and sent to *London*. If I do not infer every thing said against *Bedloe* by certain Historians, it is their fault, because they have given no authority for what they advanced, nor do I think my self obliged to copy implicitly from authors who writ forty years after the events, and have not thought proper to alledge the least proof of what they assert. I shall however briefly say, that they speak of *Bedloe* as of the greatest villain that ever lived.

Bedloe was apprehended at *Bristol*, according to his desire, and brought to *London* the 6th of *November*, when the Parliament was very busy upon the affair of the plot.

(1) He had formerly been a servant to the Lord *Bellasis*, afterwards an Ensign in *Flanders*. About *Albion* 1674, he was lent for over by *Henry*, recommended by the English Ambassadors at *Dunkirk*, and by degrees became acquainted with the Jesuits, and was at last generally employed as an Agent for them, and sent frequently with Letters into foreign parts. He had gone by many false names, by which he had cheated many persons. He had gone over many parts of *France*, and *Spain*, as a man of Quality. And he had made a habit to live on his wits, or rather on his cheats, p. 412.

1678. A guard was immediately assigned him for his security, and a pension for his subsistence, with a lodging at *Whiteball*. The King was present at his examination before the two Secretaries of State. He declared he had been bred a Protestant of the Church of England, but within two years persuaded to turn Catholic by the Jesuits. He said, *He knew that Sir Edmundbury Godfrey was murdered in Somerset-House*, but it is pretended, he solemnly declared upon oath, his ignorance of the plot then in question. But as I said, facts supported by no authority deserve little credit. (1) It is added, that the very next day, being examined by the House of Lords, *he thought fit upon new encouragement, to be more open, and launch out into the depths of the plot, with a new and supplemental evidence.* It is easy to perceive the tendency of such insinuations destitute of authority.

Richard.

Mr. Deposition.

However this be, *Bedloe* declared to the Lords, that *Walsh* and *le Phaire*, two Jesuits concerned in the murder of *Godfrey*, informed him, "That the Lord *Bellafsi* had a commission to command forces in the North, the Earl of *Pewis* in *South-Wales*, and the Lord *Arundel* of *Wardour* had a commission from the Pope to grant commissions to whom he pleased: That *Culman* had been a great agitator in the design against the King." He was asked, if he knew *Oates*, and he positively denied it, but pretended afterwards, he knew him by the name of *Ambrise*.

The next day, the two Houses obtained from the King a Proclamation against *Walsh*, *le Phaire*, *Comers*, *Simmonds*, *Pritchard*, and *Caslaway*, but none of them could be found.

Mr. second Deposition.

The 12th of November, *Bedloe* was examined a second time in the House of Lords. The substance of what he said was, "That the monks of *Dowry* first told him the design; and, after four sacraments of secrecy, they sent him to *Harcourt*, a Jesuit in *Duke-street*, London, who provided for him, and sent him to *Paris*, &c. That *le Phaire*, *Walsh*, *Pritchard*, and *Lewis*, told him what Lords were to govern, what men were to be raised; particularly forty thousand to be ready in London: What succours were to be expected, namely, ten thousand from *Flanders*, twenty or thirty thousand religious men and pilgrims from *St. Jago* in *Spain*; that *Hull* was to be surprized; and that, just in the critical time that the plot was discovered; that *le Phaire* gave him a sacrament of secrecy; and they told him, who and who were to be killed, and the men that were to do the work. *Le Phaire* said further, that *Comers* was my Lord *Bellafsi*'s Confessor, and communicated his orders; and that they were resolved, if any plotters were taken, to dispatch them before they could be brought to trial, or to burn the prison. That *le Phaire*, *Pritchard*, *Lewis*, *Keins*, and *Walsh*, and others, had often told him, that there was not a Roman Catholic in England of any quality or credit, but was acquainted with this design of the Papists, and had received the sacrament from their Father-Confessors, to be secret and assistant in the carrying of it on: That the part assigned him, was to bring and carry orders and counsels, and all other intelligences from one army to another upon all occasions, he knowing every part and road of England and Wales."

After this deposition, the Lords having conjured *Bedloe* to speak nothing but the truth, he did in the presence of God, as he should answer it at the day of judgment, assure all to be true he had deposed.

A Proclamation against the Papists. Richard, III. p. 478.

Bedloe's deposition, which was communicated to the Commons, was very apt to fill the Parliament and People with fear. Accordingly the effect of it was such, that the King, to avoid being suspected of having any hand in the plot, published a Proclamation the 12th of November, "Whereby all Roman Recusants, and such reputed, were enjoined under the penalty of the Laws, to repair to their own houses, and not to remove more than five miles from thence without licence." But the Commons did not think this Proclamation sufficient to free them from their fears. The same day they presented an address to the King, praying, "That a special commission may be issued forth, for tendering the oaths of Allegiance and Supremacy to all the servants of his Majesty, and his Royal Highness, and to all other persons, (except her Majesty's Portugal servants) residing within the Palaces

of *Whiteball*, *St. James*'s, and *Somerset-house*, and all other his Majesty's houses; and that there may be likewise special commissions issued forth, for tendering the said oaths to all persons residing within the two Serjeants' Inns, all the Inns of Court, and Inns of Chancery." The King returned an answer in writing, that he granted their request, with exception of the menial servants of the Queen and Dukes, who were to very inconsiderable in their number, and within the articles of marriage. He added, *That he could not but take notice, that in a late address from the House of Peers, the menial servants of the Queen and Dukes were excepted, and that he hoped the Commons would proceed with the same moderation as to that particular.* This answer was not satisfactory, and therefore they insisted in a second address, "That the persons excepted in his Majesty's message, might be comprehended in the same commission, for which they gave some reasons." But before the King had answered this address, there happened an accident which put the Commons much out of temper.

The 18th of November, they were informed, that several commissions had been granted to popish Recusants, and warrants also, that they should be mustered, notwithstanding they had not taken the oaths, and subscribed the declaration according to the Act of Parliament; and that they were counter-signed by Sir *Joseph Williamson*, Secretary of State. Upon this information, *Williamson*, [as a member of their House,] was immediately sent to the Tower. This much offended the King, who the next day sent for the Commons to attend him in the Banqueting-house in *Whiteball*, where in a Speech he told them plainly, "That though they had committed his servant, without acquainting him; yet he intended to deal more freely with them, and acquaint them with his intention to release his Secretary;" which accordingly he did that very day. Upon this the Commons presented an address to the King, with the reasons of their proceedings in the commitment of his Secretary. They said, "That divers commissions were granted to popish officers, and counter-signed by the said Sir *Joseph Williamson*, and delivered out in October last, since the meeting of this House, and the discovery of the present popish Conspiracy."

The Commons find Secretary Williamson to be the Tower. Ibid.

"2. Divers Warrants have also been produced before us of Dispensations, contrary to Law, for popish officers to continue their commands, and to be passed in muster, notwithstanding they have not taken the oaths of Allegiance and Supremacy, and received the blessed Sacrament of the Lord's-Supper, according to the late Act of Parliament in that behalf; all which said Warrants were likewise counter-signed by the said *Williamson*; which being complained of to us, and consigned by the said Sir *Joseph Williamson*, We your Majesty's most dutiful Subjects, having the immediate consideration before us, of the imminent danger of your Majesty's person, the safety whereof is above all things most dear to us, and likewise the dangers from popish Plots so nearly threatening the peace and safety of your Majesty's Government, and the Protestant Religion, we humbly are of opinion, we could not discharge our duty to your Majesty, and the whole Kingdom, without committing the said Sir *Joseph Williamson*; and therefore most humbly desire, *That he may be discharged by your Majesty.* And we do further most humbly desire your Majesty, to recall all commissions granted to all Papists within the Kingdom of England and Ireland, or any other of your Majesty's dominions and territories."

To this the King answered, "That he had released Mr. Secretary *Williamson* before their address came, and promised to recall all his commissions whatsoever given to Papists, or reputed Papists."

Had not the King had some secret design, it must be owned, he ill-timed these commissions while the popish Plot made so much noise, and the Parliament was employed in examining into it. But this is a mystery which is not yet cleared. However, the affair was carried no farther.

About this time, the Bill to disable Papists from sitting in Parliament, passed the Commons, and afterwards the Lords, though with more difficulty (3). The King likewise published a Proclamation, offering a reward to any one who should discover or apprehend a Roman Priest or Jesuit.

A Proclamation against Roman Priests or Jesuits. Knaut, Richard.

(1) *Barrow* says, he declared, he had only heard that forty thousand men were to come over from *Spain*, who were to meet at *St. Jago*'s as Pilgrims. But knew nothing of any Fleet to bring them over. p. 474.

(2) *Kramer* says, The Commons were so zealous for this Bill, that they voted to be a Bill, "upon which the safety of the King and Kingdom, and the Protestant Religion, did chiefly depend." And when it was like to pass in the House of Lords, the Commons desired them, by a Message, to proceed freely on it, else they would think themselves unable to prepare any official remonstrance, to prevent the evils that hung over them. p. 377. *Richard*, on the other hand, says, The Bill pulled the House of Lords with some little amendments, and a particular clause in favour of the Duke of *Torb.* But the greatest struggle about it was chiefly in the House of Commons when it was first brought, though it was passed afterwards with the said alterations. In the debate, Sir *Jonathan Trelawney* and Mr. *Ash* being violently heated, and opposing before with much passion, the *Jacobites* gave *Ash* a box on the Ear, which being returned by the Speaker with a slap on the Face, they both began to draw. Whereupon, Sir *Jonathan* was sent to the Tower, and *Ash* publicly reprimanded by the Speaker. Tom. III. c. 480. This Bill consisted of a Test against Popery, in which Transubstantiation was not only reprobated, but the worship of the Virgin *Mary* and the Saints, as practised in the Church of *Rome*, was declared to be idolatrous. *Gunning*, Bishop of *Ely*, maintained the Church of *Rome* was not idolatrous. He was answered by *John*, Bishop of *London*. However, *Gunning* took the Toll. The Duke broke on the Clasp for excusing himself, with tears in his eyes, protesting, that wherever his Religion might be, it should only be a private thing between God and his own Soul, and no effect of it should ever appear in his Government. *Barrow*, p. 475.

1678. Mean while, the King finding the Commons delayed to grant him money, came to the Parliament, and after a repetition of some things delivered in his first Speech, he desired them, either to grant him money to continue his forces in Flanders, or to disband them. Whereupon, the Commons, who saw with uneasiness, so formidable an army on foot in such a juncture, resolved, *Nemine contradicente*, "That all the forces raised since the 29th of September 1677, should be disbanded." To which purpose they presented an address to his Majesty.

At the same time, the Commons had before them a Bill, *For raising a third part of the Militia to be in constant arms for a time*, which with amendments was sent up to the Lords, and passed their House.

The 30th of November the King gave the royal assent to the Bill, *For disabling Papists from sitting in either House of Parliament*, and showed himself very willing to recall his forces from Flanders. But the Militia-bill he absolutely rejected, alledging, "That it was to put the Militia out of his power, which thing he would not do, not for one hour; but if the Commons would assist him with money for that purpose, he would take care to raise such a part of the Militia as should secure the peace of the Government and his own person." But the Parliament thought not fit to accept his offer.

Since the King had seen the unanimity of the two Houses concerning the fealty of the plot, he had thought proper to feign a no less fear of the danger the Church and State were in. And this is what Father Orleans can hardly forgive him, saying, his dissimulation was made use of to the committing of much injustice. But the King found himself in no condition to oppose the torrent, which run so violently against the Papists. His whole policy was confined to his endeavours to remove the suspicion of his being concerned in the plot, which he saw both Houses were too apt to believe. So, without unseasonably affecting an indiscreet zeal for a Religion which he publicly disowned, he calmly left the Papists exposed to the resentment of the Parliament, for fear of his own ruin by an opposite conduct. For this reason it was, that he suffered the Conspirators to be brought to their trials (1).

Edward Coleman, Secretary to the Duke of York was first tried, the 27th of November, at the King's Bench bar, before the Lord-Chief-Justice Scroggs. The witnesses produced against him were Oates and Bedloe. The first deposed,

"1. That in November 1677, being brought acquainted with the prisoner by Father John Keim, then the deponent's confessor, who lodged at Mr. Coleman's house, he carried some Letters from him to St. Omers, which he saw opened when he came there. In them were treasonable expressions against the King, calling him tyrant, &c. And a letter in Latin enclosed to Father la Chaise, to whom Oates carried it from St. Omers to Paris; in which there were thanks returned for the ten thousand pounds by him remitted to England, for the propagation of the Catholic Religion, and promising it should be employed for no other purpose, but that for which it was sent, namely, *To cut off the King of England*, as appeared by the letter of la Chaise, to which all this was an answer, and which Oates saw and read.

"2. That Coleman was concerned in the design of killing the King; for when, at the Jesuits great consult, on the 24th of April, which afterwards divided into several clubs, it was resolved that Pickering and Greaves should take off his Majesty by shooting, or other means; this resolve was communicated to Coleman, in Oates's hearing, at Wild-boufe, who did approve thereof, and said, *It is well contrived*.

"3. That in August 1678, Coleman was present at a consult with the Jesuits and Benedictine Monks at the Survey, for raising a Rebellion in Ireland, for which forty thousand Black Bills as arms were provided; and was very forward to have Dr. Fogarty sent over to poison the Duke of Ormond: And at another time, being in Fenwick's chamber, in Drury-Lane, Coleman said to him in Oates's hearing, *That he had found a way to transmit two hundred thousand pounds to carry on the Rebellion in Ireland*.

"4. That in the month of August, Coleman knew of the four Irish ruffians sent to kill the King at Windsor; and in Oates's hearing, asked Father Horcourt at Wild-boufe, *What care was taken for these Gentlemen that went last night to Windsor?* Who replied, *That eighty pounds was ordered them*, which he saw there on the Table, most of it in Guineas; and that Coleman was so zealous that he gave a Guinea to the messenger who was to carry the money, to expedite the business.

"5. That in July 1678, Coleman was privy to the instructions brought by Aphley, Rector of St. Omers, from Father Whitebread, to empower the confutors to propose ten thousand pounds to Sir George Wakenam to poison the King, provided Pickering and Greaves failed to do the work: That Coleman had read and copied those instructions, and transmitted them to several others of the conspirators, who were gathering contributions about the Kingdom, who would be more encouraged to give largely, both because they were assured the business would soon be dispatched, and that they might fee they had assistance from beyond seas; and that Coleman was so far from disappointing this treason, that he said, *It was too little, and thought it necessary to give five thousand pounds more, to make the business sure*.

"6. That in April 1678, Oates saw Coleman's patent or commission to be Secretary of State, from Paulus de Oliva, General of the Society of Jesuits, by virtue of a brief from the Pope, and he knew the hand perfectly well; and in Fenwick's chamber he saw Coleman open it, and heard him say, *It was a good Exchange*. Last of all Oates being asked how many came over in April to the grand consult, and how many Priests and Jesuits had been in England at one time? He said, *He could not exactly remember their numbers; but, to his knowledge, there had been in England at the same time, a hundred and sixty secular Priests, eighty Jesuits, and by name in the catalogue above three hundred*.

Bedloe deposed,

"1. That he knew not of any commission to Mr. Coleman; but that Sir Henry Tichbourn had told him. That he brought a commission for him to be principal Secretary of State, when he brought over the rest of the commissions for the Lords and others, from the principal Jesuits at Rome, by order of the Pope.

"2. That in April 1675, he carried over a large packet of letters from Coleman to Father la Chaise, about carrying on the plot, and brought back an answer: And on May the 24th or 25th, 1677, he received another packet of Coleman's, to carry to Paris to the English Monks; and that he had received money to carry on the design to subvert the Government of England, to free England from damnation and ignorance, and to free all Catholics from the hard tyranny and oppression of Heretics.

"3. That upon Bedloe's return with answers to the last letters, which were delivered to Coleman by Horcourt, he heard the prisoner, at his House behind Westminster Abbey, at the foot of the Hair-cale, say, *If he had a hundred lives, and a Sea of blood to carry on the cause, he would spend it all to establish the Church of Rome in England; and if there was an hundred Heretical Kings to be deposed, he would see them all deposed*. Upon this saying, Mr. Coleman asked him this question, *Did I ever see you in my life?* Yea, said the other, in the House gallery in Somerset-house, when you came from a consult, where were great persons, which I am not to name here; that would make the bottom of your plot tremble: *You saw me then*.

The third evidence against Coleman was his own letters, found in his lodgings when he was arrested. But it must be observed that only those of the years 1674 and 1675, were found in a drawer under the table (2). The general opinion was, that he had received notice of his being accused by Oates in the Council, and so had time to burn or convey away those of the two last years, with the book in which they were entered. However this be, the following extracts are taken from some of his letters writ with his own hand, and allowed to be authentic.

Extract from a Letter of Mr. Coleman to Father la Chaise the 29th of June, 1674.

"I Am commanded to tell you, that his Royal Highness, my master, is very sensible of the friendship of his most Christian Majesty, which he will endeavour to cultivate very carefully, and to give him all possible assurances of it, to take away all jealousies that his enemies would raise to the contrary. That his Royal Highness has done nothing in any manner whatsoever, nor in any place, against the interest of his most Christian Majesty, but hath rendered him all the good offices he hath been capable of. That as for recalling the Parliament, and touching my Lord Arlington, his Highness is altogether of opinion of his Majesty, that neither one or other is useful, but quite contrary, very dangerous as well for England as France; and that his most Christian Majesty is in great danger of losing the neutrality of England, at the next session, (if the Parliament meet)

(1) On November 21, 1678, Coleman was tried for treasonable words against the King, and executed November 26. State Trials, Tom. II. p. 63.

(2) See Note above, p. 629. Note (3).

1678. "as he lost its alliance by the peace of *Holland* at last; because the *Lower-House* and their friends (as the furious *Protestants*, and the *Male-content* in the *House of Lords*) have a design to lessen his *Royal Highness*, and root out the *Catholic Religion*; and they think they cannot make use of any other fitter means to attain their ends, than to raise the *Dutch*, and to perplex his most Christian Majesty, as much as lies in their power. That his Highness doubts not, but it is absolutely necessary for the interest of his most Christian Majesty, and his *Royal Highness*, to use all endeavours to hinder the meeting of the *Parliament*, by persuading his *Britannick Majesty*, that his greatness, his honour, and his quiet, are no less concerned therein than theirs: So that if his most Christian Majesty would write freely his thoughts thereupon to his *Britannick Majesty*, to forewarn him of the danger he apprehends from thence, and would withal think fit to make him the same generous offers of his purse, to persuade him to dissolve the present *Parliament*, as he hath done to his Highness for the election of another, perhaps he would succeed therein by the assistance we would give him here. As for another *Parliament*, it would be easy enough to get such a one as we wish for; the constitutions of our *Parliaments* being of such a nature, that as there is nothing to be hoped for by the King from an old one, so there is nothing to be feared from a new one; because such a one, at their first meeting, must needs assist his Majesty, so far as to enable him to acknowledge his obligations both to his most Christian Majesty and to all the world."

There was in the year 1674, a prorogation of the *Parliament*, which lasted fourteen months: It appears in this letter, that the interests of the King of *France* and the *Popish Religion* were the true cause of this long prorogation.

Extract from a Letter of Mr. Coleman to Father la Chaise, September 25, 1674.

FOR the first point of your letter, his *Royal Highness* has commanded me to tell you, that he will govern himself according to your advice, and treat of nothing concerning the *Catholic Religion* with *Monsieur Rouvigny*, nor with any other person than your self; but that he will communicate to you all things he shall find necessary for the good of the *Catholics*, and shall be very well pleased to receive advices from you thereupon. For the rest, his *Royal Highness* does a little wonder, that he hears nothing from *Monsieur Rouvigny* touching the second point of your letter, since you have written so positively that he had order to confirm, and procure execution of what his most Christian Majesty proposed to him the 2d of *June* last, by your mediation. His most Christian Majesty made a very generous offer to his *Royal Highness* of the assistance of his purse, to enable him to defend them both from the evils that threatened them, and by good luck his *Royal Highness* has laboured with so much diligence and success, that the dangers which they apprehended are a little put off: But one thing more is necessary for the perfect securing their affairs; and without making one they more, all that he has already done will signify nothing. For that the assistance of his most Christian Majesty is no less necessary at present than heretofore, to subdue entirely those, who being exasperated against his most Christian Majesty, as much as against his *royal Highness*, and are angry with his *royal Highness*, only because he is so unalterably addicted to the interest of his most Christian Majesty, will exercise their malice and their rage with more brutality than ever, if they find occasion for it hereafter. If you can therefore, by your credit, obtain from his most Christian Majesty the accomplishment of the offer of his Purse, for raising the reputation of his *Royal Highness* in the opinion of his *Britannick Majesty*, and for putting him in condition to resist the sharpest batteries of the adversaries of his most Christian Majesty, and *Royal Highness*, to wit, the possibility they pretend to get money from the *Parliament*, and the impossibility of having any elsewhere, by which they often keep the mind of his *Britannick Majesty* in suspense, and wherein they place the hope they have to conquer him at last: There will nothing more remain, to be feared by his most Christian Majesty, or his *Royal Highness*, but his *Royal Highness* will be able to dissolve the *Parliament* with ease, and afterwards, in recompence of the said assistance, will perform on his part, all that his most Christian Majesty shall ask of him, and will proceed with sincerity, upon the word of a Prince, (that no man can reproach him for violation of) for the interest of his most Christian Majesty."

Extract from a Letter of Mr. Coleman to the Pope's Nuncio at Brussels, September 4, 1674.

THAT the Duke's principal design is, to use the Pope's interposition, and by that means to establish himself in the possession of his Estate, through the assistance of *France* and *Spain*, and to turn all their cares for the sake of the Pope's friends, and particularly for the *Catholics* of the Church, against their enemies; and assures him he will find, that the Pope never had an occasion so favorable as at this hour, to enrich those of his family, and to augment the number of his friends; and if he lets it slip, he never will find the like: So that if ever they propose to make use of the treasure of the Church, it is now they ought to do it; for they can demand nothing that the Duke will not be capable to do for the Pope's friends: On the other side, without their aid, he will run great hazard of being lost, both himself and his associates."

Extract of a Letter from Mr. Coleman to the same Nuncio, written October 23, 1674.

YOU agree with me, that money is the only means of bringing the King into the Duke's interest, and of disengaging him from the *Parliament*; and you must also agree with me, that nothing can more promote the interests of the *Catholic* party, which is the principal object of the Duke's care and affection, and of the hatred of the *Parliament*, and which must hope, or fear, according as the one or the other of them increase in power. Nothing in the world is more certain, than that the King has a good inclination towards the Duke, and the *Catholics*, and would join himself willingly and inseparably to their interests, if he did not apprehend some danger from such a union; which, however, he would not have cause to fear, if he found their interest, and consequently their power, so far advanced above that of their adversaries, that they should neither have the power nor the boldness to contest any thing with them; which the King could see in a very little time, if we could persuade him to do two or three things:—And I am certain money could not fail of persuading him to it; for there is nothing it cannot make him do, though it were as much to his prejudice, as this we endeavour to persuade him to will be to his advantage."

In another letter, Coleman, positively said, "That it was by the credit of the *Catholics*, that the *Parliament* was prorogued till the 13th day of *April* 1675."

Extract from a Letter of Mr. Coleman, to Father la Chaise.

OUR prevailing in these things will give the greatest blow to the *Protestant Religion* here, that ever it received since its birth."

In Another.

WE have here a mighty work upon our hands, no less than the conversion of three Kingdoms, and by that perhaps the subduing of a *Perfidious* *Heretic*, which has domineered over great part of this *Northern* world a long time; there were never such hopes of success since the death of *Queen Mary*, as now in our days."

In the same Letter.

THE opposition we are sure to meet with is also like to be great; so that it imports us to get all the aid and assistance we can, for the harvest is great, and the labourers but few."

After the reading of these letters, Coleman alleged in his defence.

1. That *Oates*, who now pretended such acquaintance with him, declared before the King and Council, That he never saw him before, or did not know him. To which the other answered, "That it being candle-light, and his sight weak, and Coleman altered in habit and wig, he did at first say, he could not swear that was the man, or that he had ever seen him before; but as soon as he heard him speak, he knew him well, and could have then sworn it, had it been demanded."

2. That had the things now alleged by *Oates* been true, he would have charged the same before the Council: But then he only charged him with the sending of one letter, and such slender matters, that the Council was ready to let him go at large; and therefore all the rest must be invented since."

To this *Oates* replied, "That he was then so weak and weary, he could not well tell what he said; besides, his design was then to lay no more to his charge, than might serve for information, &c."

"3. Whereas

1678.

"3. Whereas *Oates* charged him with consenting to *Wakeman's* poisoning of the King, and that it was conspired by him in *August*, and, as he remembered, about the 21st day, *Coleman* alleged, that he was then in *Warwickshire*, and one of his men and he were there all *August*, as he thought, but was not sure of it; and after conviction, he offered a book that would show he was out of town from the 18th, to the 31st of *August*." But this was no evidence in itself, and offered too late, so it did not contradict *Oates*, who was not positive to a day, but only to the month. As to what was sworn by *Bedloe*, he made no other answer than a solemn asseveration, *That he never saw the man in his life*. But as to his papers, which he did not deny, he alleged, "There was no Treason in them, tho' very extravagant expressions; and that it would plainly appear from them, that his design was so far from killing the King, that it was only to make the King and Duke as great as could be."

1. It is proper to remark upon this last answer, that according to *Oates's* deposition, the resolution to kill the King was taken but the 24th of *April* 1678, and these letters were of the years 1674, and 1675; consequently they could not mention the design of killing the King, neither were they produced in proof of that article.

2. *Oates* had accused *Coleman* of being concerned in the plot, before his letters were found. How then, if he did not know *Coleman*, could he guess so right, as to lay things to his charge, which were found in letters under his own hand?

3. *Coleman* owned, that his intention was to make the King and Duke of *York* as great as was possible. This was a necessary consequence of the projected change of Religion. For it was not possible to subvert Religion, without a subversion of the Government, nor to render the King absolute, without a design of altering Religion, since the King and Duke were both Catholics. One of these articles proved, necessarily proves the other.

In the conclusion of his defence, he used these words; *Positively I say, and upon my salvation, I never saw these Writings, Oates but once, and Bedloe never before.*

The jury, who were all Gentlemen of the county of *Middlesex*, against whom *Coleman* had made no exceptions, withdrawing, in a little time brought him in guilty of High-Treason. A little time after he received sentence of death, and the 3d of *December* was hanged and quartered according to custom. He persisted to the last moment in the denial of the crimes for which he was condemned. But as his letters seemed at least to prove a design of extirpating the Protestant Religion, he declared his sole intention was to procure Liberty of Conscience for the Papists. Probably it will not be universally agreed, that this is the natural sense of the expressions in his letters. It is true, a report was spread in *London*, that he was promised a pardon, in case he made no confession; but such Rumours are not much to be credited (1).

The same day that *Coleman* was tried, the King at the request of the Lords, published a proclamation, promising, "That if any person or persons shall, before the 25th day of *December* next, make any further discovery of the late horrid design against his Majesty's Person and Government, he or they—shall not only receive from his Majesty for every such discovery, the reward of two hundred pounds; but if he or they were a principal or principals in the said design, they shall have his Majesty's gracious pardon."

Whether through a desire of having this reward, or that they believed to have a good foundation, *Oates* and *Bedloe* had the boldness before the King and Council to accuse the Queen herself, of consenting to the death of the King, and of being in the design to poison him by means of *Wakeman*. But, besides that their depositions contained only certain signs which were far from proofs, the King stopped this affair by his authority. But he could not prevent an address from the Commons, to desire the immediate removal of the Queen and her Family from the Court at *Whitehall*. The King was so offended at *Oates's* insolence, that he ordered a stricter guard upon him than ever. But the day after, the Commons addressed him, "That *Oates* be freed from his restraint, attended by his own servants, and that a competent allowance be appointed for his maintenance." At the same time, they resolved, that an address be presented to his Majesty, that all Papists and suspected Papists within the several counties of *England* may be secured.

The 6th of *December*, they impeached the five Lords in the Tower, at the Bar of the House of Peers. But they

had not time to exhibit the articles against them, and the affair was referred by another House of Commons.

The 17th of *December* were arraigned at the Old Bailey five of those arrested for the plot, namely, *William Ince*, *Thomas Pickering*, both Priests; *John Grove* a Lay-brother, *Thomas Whitebread* Provincial of the Jesuits, and *John Fenwick* a Jesuit also. But in the course of the evidence, there not appearing sufficient proof against the two last, they were referred for another time. So, the three first only were tried that day. The sum of *Oates's* evidence against them was:

"1. That at the grand consults of *April* the 24th, at the *White-Harje* in the Strand, whereof *Ireland* was one; it was resolved, that *Pickering* and *Grove*, as having been formerly engaged, should go on in their design, and attempt to assassinate the King; and that *Grove* being a layman, should have fifteen hundred pounds for his reward; and *Pickering* being a Priest, thirty thousand Maces, which at twelve-pence a Mace, amounted to that sum.

"2. That this resolve was the same day drawn up in writing by one *Mico*, that was Secretary to the Society, and companion to *Provincial Whitebread*, at the said *Whitebread's* chamber, who having signed it, it was carried by the deponent *Oates*, as being a messenger to the consult, to be signed by the rest of the colloquies; and that *Ireland* in his own chamber did sign it in his presence.

"3. That *Pickering* and *Grove* consented to such resolve, accepted the terms, and also signed it the same day in *Whitebread's* chamber, at *Mrs. Sander's* at *Wild-House*, where, in a little chapel, they, and about forty or fifty of the confederates heard Mass, and received the Sacrament, administered by one *Barten*, a Jesuit, and thereupon took an oath of secrecy upon a *Missal-book*, which *Mico* held, while *Whitebread* pronounced the words.

"4. That in pursuance of this resolve, the deponent did several times see *Pickering* and *Grove* walk in the Park together, with akewed pistols, longer than ordinary pistols, and shorter than some carbines: That they had silver bullets champed, to render the wound incurable, and that he saw *Grove's* bullets in *May*, and *Pickering's* in *August*: Moreover,

"5. That before the consult, in the month of *March*, *Pickering* had a fair opportunity to shoot the King; but the flint of his pistol happened to be loose, and he durst not venture to give fire; and because by their negligence this opportunity was missed, *Pickering* underwent Penance, and had twenty or thirty strokes of Discipline, and *Grove* was chidden for his carelessness, as the deponent had seen in *Whitebread's* letters.

"6. That *Grove* did go about with one *Smith*, to gather *Peter-Pence*, either to carry on the design, or to send to *Rome*: That he saw the book wherein it was entered, and heard the said *Grove* say, *He had been gathering it.*"

Bedloe the second witness swore,

"1. That he was employed for the space of five years as a messenger, by the conspirators, for carrying their letters to the confederates beyond Seas, and bringing others back, all, or most of them relating to the plot; for he had a way to open and read them, by which he fully informed himself of those matters: And for the nature of the Plot; he heard some of the conspirators say, *That they would not leave any member of any Heretic in England, that should survive to tell hereafter*, *That there ever was any such Religion in England, as the Protestant*. And to confirm his intimacy with them, he swore the manner of his first coming to be employed by them; by means of a *Lady Abbess of the English Nunneery of Dunkirk*, who having kept him six weeks in her Convent, recommended him to *Sir John Warner*, as a proper instrument, who afterwards sent him to *Father Harcourt* to be instructed." And as a further confirmation, he brought his brother *James Bedloe*, who swore he knew nothing of the Plot, but did testify, "That he had heard the prisoners often named as being of his brother's acquaintance; and that he had, on his brother's behalf, received several fums of money from Priests and Jesuits, as fifty or sixty pounds at a time.

"2. That about the latter end of *August*, this year, at *Mr. Harcourt's* chamber, he met the prisoners, *Ireland*, *Pickering* and *Grove*, with some others, where he heard them discourse, That since the four Irish Ruffians had missed killing the King at *Winiford*, *Pickering* and *Grove*

(1) He declared before the Committee, that he had acted by order in all he had done. And he believed the King knew of his employment, particularly that as *Bedloe*, but that he feared willing to be questioned about the King, the Committee did not think fit to do so, nor to report what he first acquainted it. Only in general, they reported that, he looked of another matter, about which they did not think fit to interrogate him, nor to mention it. Likewise, one of the Committee, gave *Dr. Barrow* an account of all that passed that very night. And his friend his behavior made great impressions on them all: It was great, not to make the Duke more odious, that *Coleman* was kept up from making Confession, by the hopes the Duke gave of a pardon at *Tyburn*. But he could not be so ignorant, as not to know, that at that time it was not in the King's power to pardon him, while the design was high. *Barrow*, p. 437.

"Should

1678. "Should go on with their design, and that one *Coyers*, a *Benedictine* Monk, was to be joined with them; and that they should endeavour to assassinate his Majesty in his morning walks at *Newmarket*; That they were very eager upon it; and Mr. *Greve*, more forward than the rest, said, *since it could not be done clandestinely, it should be attempted openly; and that those who should fall in the attempt, had the glory to die in a good cause; but if they were discovered, the discovery could never come to that height, but their party would be strong enough to bring it to pass.*

"3. He swore that *Harcourt* told him, *Greve* was to have fifteen hundred pounds, and *Pickering* as many Maces, at twelve pence a Mace, as came to the like sum.

"4. That at the same time, when the discourse about killing the King was at *Harcourt's* chamber, there was likewise a design concerted amongst them of killing several noble persons, and the particular parts assigned to every one; as *Knights*, to kill the Earl of *Shaftsbury*; *Prichard*, the Duke of *Buckingham*; *Onell*, the Earl of *Offory*; *Obrian*, the Duke of *Ormond*, &c.

The defence made by the prisoners consisted in:

"1. A peremptory denial of the whole. *Greve* particularly said, *As I have a soul to save, I know nothing of this matter charged upon me.* *Pickering* affirmed, *that he never put off a pistol in his life.* And *Whitebread*, who was there during the trial, declared before *Almighty God*, that *Oates* had not spoken three words of truth.

"2. A particular denial of their knowledge of, or acquaintance with, the witnesses. *Ireland* denied that he ever saw *Bedloe*, before that time in the Court; and challenged him to produce one witness that he had ever spoken to him. *Pickering* affirmed, that he never saw *Oates* before; and offered to swear that he never was in *Bedloe's* company. And *Greve* affirmed, that he had scarce any acquaintance with *Oates*. Whereupon *Oates* gave him a remarkable token, viz. that in *December* last, when he was with him, he owned, that he and three Irishmen had fired *Southwark*; and that they had a thousand pounds given them for it; whereas he had four hundred pounds, and the others two hundred pounds a piece.

"3. *Ireland*, against *Bedloe's* evidence, affirmed, he was not in *London* the whole month of *August*, and part of *September*; and offered to prove it by twenty witnesses, that he was in *Staffordshire* and *Cheshire* all that time; and urged *Bedloe* to name the place, and the company wherever they met together. But not only *Bedloe* swore the contrary, but likewise *Oates* himself; but what seemed more important, one *Sarah Pain*, formerly a servant to *Greve*, swore that she saw Mr. *Ireland* at a Scrivener's door in *Fitter-Lane*, about the 12th or 13th of *August*.

"4. *Ireland*, as well as *Whitebread*, objected against the grand confult of *April* the 24th, that hundreds could prove that *Oates* was at St. *Omers* all the months of *April* and *May*; and offered to produce a certificate from thence, under the seal of the College. But such certificate was not allowed as evidence by the law of *England*. Lastly, they endeavoured to blast the reputation of *Doctor Oates*, and prove him perjured, since he had said before the Council, that he knew no more than what he had already deposed, and yet had since added other testimonies. As I have spoken of this objection, I shall not repeat here what has been said.

In conclusion, all three were found guilty, and sentenced to be drawn, hanged and quartered. But the execution of *Ireland* and *Greve*, was deferred till the 24th of *January* following, and that of *Pickering* to the 9th of *July*. They perished all three to their last breath, to protest they were innocent of the crimes for which they were condemned, as the child unborn. As all the Papists that suffered for this conspiracy made use of the same manner of expression, to declare their innocence, it was believed, there was some equivocation in these words, though it could not be said wherein it consisted.

If it is considered, that the evidence of *Oates* and *Bedloe* upon oath was positive, and that the prisoners alleged in their defence only bare negations, the Jury will be easily justified in their verdict. For why should they credit the assertions and oaths of the accused, more than the depositions of the two witnesses? And yet, it was afterwards, and still is, pretended by many, that the condemned persons were innocent. 1. Because they asserted their innocence with their dying breath. 2. Because it is taken for granted that *Oates* and *Bedloe* were great villains. 3. But the strongest proof, according to those who are of this

opinion, is, that it was upon the trial of these three men that *Oates* in the Reign of King *James the Second*, was convicted of perjury upon the depositions of twenty two witnesses from St. *Omers*, who swore that *Oates* was at St. *Omers*, in the *Jesuits* College, the whole months of *April* and *May*, without ever stirring from thence. Moreover, about forty witnesses from the counties of *Stafford* and *Cheshire*, deposed upon oath, that *Father Ireland* was in those counties all *August*, and part of *September*.

To assist the Reader to judge of this affair, I think it necessary to make some remarks, and the rather, as the dispute upon this subject is not yet ended.

1. The defence by the *Alibi* (1) is liable to great inconveniences, since, there being two contradictory evidences, it leaves the Judges doubtful what to resolve. Generally if they come to a determination, it is not because there is reason to believe one of the evidences more than the other, but because equity requires that they incline rather to clemency than rigour. In the present trial, there were no depositions in favour of the *Alibi*, but only a bare allegation of the prisoners, and an offer of proof by absent witnesses. So, even supposing the innocence of the three accused persons, the Jury could not but find them guilty, unless they preferred the bare allegation of the prisoners, to the oaths of the witnesses, which is never practised. But in the trial of *Oates*, the proof of the *Alibi* was made use of to convict him of perjury, and sentence him for it to a very rigorous punishment. It belongs to the Lawyers to decide, whether this be exactly regular.

2. If the circumstances of the times of these two trials are considered, it will be found, there is as much reason to believe, in respect of one as of the other, that prejudice and passion bore a great sway. When the three *Jesuits* were condemned, the whole Kingdom was alarmed with the noise of a Plot, formed by that Society against the King, the Government, and the Protestant Religion. The two Houses of Parliament had supported the reality of this plot, by the unanimity of their votes, and the King himself supposed it in all his proclamations. It should not therefore be strange, that the Judges and Jury were prejudiced, and thereby inclined blindly to believe what *Oates* and *Bedloe* deposed. But on the other hand, when *Oates* was convicted of perjury, the face of things was entirely changed. A very zealous Catholic King was on the Throne, and it was now dangerous to affirm, there was a Popish Plot in 1678. The Papists had now the same superiority over the Protestants, as the Protestants had in 1678 over the Catholics, and the Judges were entirely devoted to the King. It suffices to say in a word, that *Jesseries* was his Judge, who forgot nothing which he thought capable to prejudice the Jury against the prisoner. In short, *Oates* was condemned upon the evidence of twenty two witnesses from St. *Omers*, all scholars or dependents of the *Jesuits*, and upon that of forty other witnesses from the counties of *Cheshire* and *Stafford*, amongst whom it is only said there were several Protestants. Moreover, the question was not only, whether *Ireland* was in those counties during the months of *August* and *September*, but whether he had never stirred from thence in that time (2). Now it is hard to conceive that such a negative proposition can be proved by forty witnesses.

Having thus represented what is urged on both sides, I leave the Reader to his own judgment. The affair of the conspiracy must now be interrupted for some time, in order to proceed to another which made a great noise at this time. But it is necessary to look back a little on the situation of the *English* Court.

The Earl of *Danby* Lord-Treasurer, was considered as the King's Prime Minister. He had a great genius, and a solid judgment, and as he disapproved of the principles of the Cabal, endeavoured to disengage the King from the methods, he had been led into by their councils. This drew upon him the enmity of the Duke of *York*, and all the *French* Faction, with whom joined the Lord *Ruffell*, and other Male-contents in the House of Commons; and among the Peers, the Earls of *Effra* and *Shaftsbury*, whilst the Duke of *Monmouth*, and the Dukes of *Perthmouth* did their utmost to lessen his credit with the King. In a word, a strong party was formed against him, who were bent to ruin him at any rate. Their enemies were also joined by another, who had been his most intimate friend. This was Mr. *Montague* Ambassador in *France*, who aspiring to the office of Secretary of State, took it very ill, that the Treasurer had engaged to bring in Sir *William Temple*. Mr. *Montague* was the Treasurer's most dangerous enemy, because he had private letters in his hands from that Minister, and though he could not divulge them without great injury to the King, this gave him no uneasiness, because, resolving to throw himself into the party against the Court,

(1) The proof of the *Alibi* is, that whereas the Prisoner endeavoured to prove his being in a different place from that where the Crime for which he stands indicted, was, or is supposed to be committed.

(2) A Witness swore the *Alibi* for *Ireland* in *London*, about the middle of *August*. *Burns*, p. 443.

1678. which was most prevalent in the Parliament, he knew he should be protected, even against the King himself. To this end, he got himself elected member for *Northampton*, and suddenly leaving *Paris*, without the King's consent or knowledge, came to *London*, and took his seat in the House. The King offended at so strange a proceeding, and being also informed by the *Swedish* Ambassador of the design of the Treasurer's enemies, and their intention to make use of his letters, sent the 19th of *December* the following message to the House of Commons,—"That upon information that Mr. *Montague*, a member of that House, and late Ambassador in *France*, had held several conferences with the Pope's Nuncio there, without any directions or instructions from his Majesty; his Majesty to the end that he might know the truth of this matter, had given orders for the seizing of Mr. *Montague's* papers (1)." The leaders of the opposite party to the King, made great objections to this message, pretending, it ought to be first known, whether the information had been given upon oath, and what was the nature of Mr. *Montague's* crime, before they could consent to the seizure of his papers. Upon this Mr. *Montague* acquainted the House, "That he had in his custody some papers, which, as he conceived, might tend very much to the safety of the King's person, and the preservation of the Government." A Committee was immediately appointed to bring the writings to the House, which being accordingly done, and Mr. *Montague* ordered to select such of them as he thought for the service of the House, and dispose of the rest as he pleased, he produced two letters out of many others, both subscribed, *Danby*, and sent to him at *Paris*, on the negotiation of the money which his Majesty expected from the King of *France*, at the bottom of one of which were these words, *This Letter is writ by my orders*, C. R. (2). These letters discovering to the House, from whence had proceeded the King's delays with regard to the war against *France*, they immediately relolved, "That there was sufficient matter of impeachment against *Thomas Earl of Danby*, Lord-Treasurer of *England*," and within two days, by the help of Mr. *Montague*, the articles of impeachment were drawn up, and sent to the House of Lords. But this impeachment was rather against the King himself, than the Earl of *Danby*, who had only acted by his express orders. For, though in the impeachment were inserted several articles which only concerned the Earl, it was not in those that the strength of the impeachment consisted, but in those relating to the negotiation with *France*, concerning the King's pension, on pretence that the Lord-Treasurer had acted without order, though the contrary was not doubted (3). But the intention was to oblige the Earl for his own safety to plead the King's orders for what he had done. This perplexed him extremely, for he could not justify himself, without accusing the King, and he could not accuse the King, without entirely forfeiting his favour. Especially as the King had earnestly desired him not to divulge his secrets, offering him Letters of Pardon to screen him from the Parliament. He therefore relolved to conceal the King's private orders upon this affair, but however could not help sending two of *Montague's* letters to the Commons, which discovered him to be the principal author of this negotiation. These letters also showed, that the Court of *France* considered the Lord-Treasurer as their great enemy, whose ruin was to be effected, in order to have the King of *England* at their disposal. But the Commons were so enraged against the Earl, that they would not suffer these letters to be read. On the other hand, when the articles of his impeachment were read in the House of Lords, he in a speech frequently insinuated, that he could make such a defence, as would admit of no reply (4). Every one knew what he meant, but it is certain, he was not so much aimed at as the King himself, and that it was intended by this means, more than by the plot itself, to show the publick, that the King, and the Duke of *York*, were the real authors of all the evils of the Kingdom, and in a word, the heads of the conspiracy to subvert the Government, and Protestant Religion. The King easily perceived the design of the Earl

of *Danby's* impeachment, and therefore, before the Lords could relolve, whether the Earl of *Danby* should be sent to the Tower, came to the Parliament the 30th of *December*, and prorogued it to the 4th of *February*, after passing a single Act against the Papists.

Immediately after the prorogation of the Parliament, Sir *Joseph Williamson* Secretary of State, resigned the Seals into the hands of the King, who appointed [*Robert Spencer*] Earl of *Sunderland*, in his room, though he had given hopes of the place to Sir *William Temple*, then Ambassador in *Holland*, and had called him over for that purpose. But *Temple* at his arrival found the post filled, the Earl of *Sunderland* having paid *William* six thousand pounds, and five hundred guineas, which *Temple* was not able or willing to give. Shortly after, the King dismissed the Earl of *Danby*, and put the Treasury into commission (5).

After the prorogation, the King was extremely embarrassed, not only by reason of the Earl of *Danby's* impeachment, which properly fell upon him, but also by fresh discoveries, both of the plot, and *Geddy's* murder. The 21st of *December*, Miles *France*, a Goldsmith of *London*, a Papist, who had sometimes worked for the Queen in her Chapel of *Somerfet-house*, was taken up by a warrant from the Council, upon the information of one *Wren*, a lodger in his House, that he was concerned in the murder of *Geddy*. Though it was very possible for *Geddy* to have been murdered by persons not in the plot, yet it was generally believed, the murder was committed by Papists, and that if the authors could be discovered, it would be a great means to unravel the plot. Wherefore the two Houses had appointed a committee, of which the Earl of *Stafford* was chairman, to inquire after the authors of this murder.

In this affair as in that of the plot there are, among the Historians, two parties directly opposite, one asserting, this murder was committed by Papists, and the other maintaining the contrary. The latter, in support of their opinion, relate numerous facts, with so many circumstances, that they would be more than capable of proving what they advance, could their faithfulness and also the certainty of the facts be entirely relied on. But it is very surprising, to see continually the truth of their opinion supposed, without any other proof than a great many unwarranted facts. This may pass when we write only for one of the Parties, ever ready to believe what is advanced by a Historian of their own side; but as I write for foreigners, to whom the actors and the authors are equally unknown, I am not to suppose true, facts of which I see no proof. I don't hereby pretend to insinuate to my Readers, that all these facts are false; but only that I have not sufficient reasons to believe them true, and consequently ought not to form any supposition upon them.

As for *France* the Goldsmith, it is readily supposed, he was maliciously accused by *Wren*, because *France* had forced him to pay fourteen months rent, due to him for lodging, and that having at first with execration denied the murder, he was at last compelled by threats and ill treatment to confess that he knew the whole matter, and to give a particular account of all the circumstances. If this supposition was well proved, or at least supported by the testimony of any contemporary person of reputation known in *London*, there would be no occasion to seek for other proofs. But, as I have said, these facts are declared as undeniable, without any warrant. For my part, who seek not to impose upon my readers, I shall only inform them of the facts universally acknowledged, adding also such as are doubtful and advanced without proof, that the reader may know what he is to adhere to.

France being arrested, as I said, was carried to *Windsor* to be examined before a Committee of the Lords.

Here a decisive fact is begun to be advanced without any author, namely, that *France* was first carried into a little room, where several persons went to see him, and among others *Bedloe*, who knowing him not, privately inquired which was the prisoner? When he was informed, he withdrew to an Eating-House in the neighbourhood, where *France*

(1) *Barret* says, the Earl of *Danby* having broke with *Montague*, was apprehensive *Montague* might reveal him, he relolved to prevent him. *Trotter*, then as *Montague* writ over, secreting to a direction sent him, so was believed, that he understood *Montague* had been in a secret correspondence with the Pope's Nuncio at *Paris*, (*Montague*, it seems, had made use of him, and given him money, for such secret as he could draw from him.) Upon *Trotter's* Letters, the King sent the above message to the Commons. This was a device of the Earl of *Danby's*, to find his own Letters out of *Montague's*, and then to let the prosecution drop. But *Montague* had put a box, in which the Letters were, in fair hands out of the way. Whilst the debate about the message was in hand, the box was brought to him, which he opened, and took out two of the Lord *Danby's* Letters, that contained instructions to him to treat with the King of *France* for three hundred thousand pounds a year, for three years, if a peace succeeded; if a peace succeeded; hence it would not be convenient for the King to meet a Parliament in all that time, and that he was obliged to mention no part of this to the Secretary of State. These last words made very much for Secretary *Cromwell*, since it now appeared that he was not troubled with his ill practices. p. 440, 441.

(2) The bill was dated January 17. 1677-8, and the second March 11. 1678. (3) The substance of the Articles against him, was, 1. That he had treated with foreign Princes and Ambassadors, without the pivity of the Secretaries of State, &c. 2. Endeavored to subvert the ancient form of Government, and designed to rule and keep up a standing army. 3. Attempted to hinder the meeting of Parliaments. 4. Concealed and suppressed the evidence for the Popish Plot. 5. Had used the King's Treasury, and issued out great sums of money for unnecessary profusion, and great services, to the value of two hundred and thirty one thousand, six hundred and two pounds, in two years. 6. Persecuted for himself his confederate Gilds &c. Grants. *Farrar*, p. 131.

(4) He offered, That he had wrote some thing of great moment, for which he had an oath, and his Majesty's commands. (5) The Commissioners were, *Arthur Capel Earl of Essex*, *Lawrence Hyde* the Earl of *Clarendon's* Brother, *Sir John Eyles*, *Sir Edward Dering*, and *Sidney Godolphin*. *Kennet*, p. 357.—This year died *Henry Oldenburg*, Secretary to the Royal Society, first Publisher of the Philosophical Transactions; and *Andrew Marvell*.

1678.

The Earl of *Sunderland* made *Secretary of State*.
Feb. 9
Temple's Mem.
Kennet, p. 358.

The Earl of *Danby* resigned.
Mar. p. 379.
1678-9.

France taken up for the murder of *Sir Edmund Godfrey*.
Barnet, p. 445.

Lathraige.
H. p. 504.

Dr. 11.

Ibid.

1678-9. was brought some time after, till he should be called to his examination. As soon as *Bedloe*, who was purposely planted in the same room, had cast his eyes upon him, he cried out, "This is one of the rogues that I saw with a dark lantern about the body of Sir *Edmundbury Godfrey*; but he was then in a Perriwig."

If any care had been taken to prove that *Bedloe* had asked, which was *Prance*, and that he purposely waited for him in the Eating-houle, where he knew he was to be brought, there would be no need of other proof, and the case would be decided. But this fact entirely rests upon the authority of the Historian who relates it (1).

Prance being carried to the Committee of Lords, *Bedloe* directly charged him with the murder of *Godfrey*, and *Wren* with being out of the house while the body was missing. *Prance* denied all with imprecations upon himself. But as the bare denial of a prisoner ought not to carry it against the testimony of two witnesses, the Lords thought fit to send him to *Newgate*, where he was put in the Condemned Hole, loaded with heavy irons, and, says my Author, left all night to consider what further answers to make, and whether he would venture his Soul or his Body.

Herein manifestly appears the prejudice of the Historian, who cannot have known, that the intention of the Lords was to leave *Prance* to consider, whether he would venture his Soul or his Body. He could say this but by virtue of his System, which supposes, that the Committee was resolved at any rate, to make *Prance* an evidence to the murder of *Godfrey*.

But here is another fact still more important, advanced with the same assurance without any authority.

The next morning early, a man entered the Condemned Hole, where *Prance* was; and laying down a paper upon a form just by him, retired; soon after came in another with a candle, who let it down and left him. By that light he read the paper, wherein he found brief hints to what he was to swear when he should be called to his second examination, with a menace of being hanged if he did not confess what was expected of him. *Prance*, says the Author, presently imagined this to be a contrivance of the Lord *Shaftsbury*.

A fact of this nature, (which passed in a dungeon where there is but one man, and where two others, at several times, only go in and out, without saying a word, one to bring a paper, the other a candle) can only be known by *Prance's* own confession. Now it is certain, *Prance* never owned any such thing; if he had, it would assuredly have been said, how and upon what occasion. But if this be so, how can it be said that *Prance* imagined this to be a contrivance of the Earl of *Shaftsbury*? Is it a thing so common, to know what passes in a Man's private thoughts, that it is not worth the while to say how this knowledge was attained?

I proceed to other facts which are not contested. *Prance* after he had continued in prison all night, and part of the next day, told Captain *Richardson*, Master of *Newgate*, that he had matters of great moment to communicate to the Earl of *Shaftsbury* Chairman of the Committee. He was, according to his request, carried the same night to the Earl, who, in presence of three other persons, examined him five or six hours. It is pretended that the Earl abused and menaced him, telling him, *That there were great ones concerned, and he must discover them too; for the little ones should not serve his turn, bidding him, not spare the King himself.* It does not however appear that these menaces made much impression upon *Prance*, since his depositions reached only persons of low condition. However, he discovered part of what he said he knew, with a promise of a more ample confession if he might have his pardon. He signed his deposition, and was returned to prison. Upon this the Lords obtained for him from his Majesty a full and general pardon. Then a Committee of the Lords was sent to *Newgate* to acquaint him with it, and to examine him. The Commons likewise ordered him to be examined by a Committee of secrecy. These two examinations being made with great strictness, *Prance* was carried the next day to *Whitehall*, to be examined before the King and Council.

In this examination he accused five persons, as actually present at the murder; namely *Gerald and Kelley, two Irish Priests; Robert Green, Cushman-Man to the Queen's Chancel*

pel; *Laurence Hill* Servant to Dr. *Golden* Treasurer of the Chapel; and *Henry Berry* Porter of *Smeeth's* House. Being asked, *Why he gave so different a relation to the Committee of Lords from what he now so freely confessed?* He answered, *That he was not then sure of his garden.* Being further asked, *Why he came not in upon the proclamation and reward thereof?* He said, *He was afraid to trust it.* As he had been very particular concerning the circumstances of the time, place, and manner of the murder, the King to be assured of the truth, appointed the Duke of *Monmouth*, the Earl of *Offory*, and the Vice-chamberlain, to go with *Prance* to *Smeeth's* House, and make him show them the places where the things were acted. The Author too often mentioned, adds what deserves to be remembered. *Prance*, says he, was very punctual in naming and showing some of the rooms, but so uncertain and dubious in some particulars, especially about the chief room, that when the Duke of *Monmouth* privately asked the Earl of *Offory*, *what he thought on it?* The Earl answered, *It was all a cheat* (2). I purposely take notice of this particular, because it is directly contrary to the report made to the Council, as will presently appear.

In the afternoon, *Prance*, in the presence of the Council, was confronted with *Green, Berry, and Hill*, who denied every syllable of the charge, and *Prance* stood as stoutly to every point of the accusation. After which he was sent back to *Newgate* for four or five days.

The same Authors say here, that his irons were sometimes off and sometimes on, according as he was in a discovering temper. That is to say, the Jailor by the secret orders of the Committee, treated him well or ill, as he was disposed to retract or adhere to his deposition. Another particular is likewise added, that he was often visited by Members of both Houses, who sometimes severely threatened him when his evidence did not agree with *Bedloe's*, and particularly because he would not own the Perriwig which *Bedloe* had first mentioned. But these particulars tending to show that *Prance* was forced to depose what he knew not, are supported by no Author, no Evidence, no Authority. There are no other vouchers but the Historians who report these particulars, without vouchsafing to inform their Readers from whence they received them.

After *Prance* had remained four or five days in *Newgate*, he was once more carried to be examined before the King in Council. But he made it his request that he might first wait upon the King himself. Upon this *Richardson* had orders to carry him to Mr. *Chiffinch's* lodgings, where the King came. The King taking *Prance* into a room by himself, after some time, opened the door, and had *Chiffinch* and *Richardson* take notice of what *Prance* said; who being called to speak out plainly, he declared, *That the promises he had sworn against were all innocent, and that all he had sworn against them was false*, which he affirmed, *says one*, with great passion and alleviation. Upon which the King asked him, *Upon your salvation is it so?* He replied, *Upon my salvation the whole accusation is false.* He was then carried before the Council, where he declared to the same effect, and was asked, *What Inducement he had to his former Story*—*who put him upon it?* He said, *No body prompted him; he only knew the men he swore against; he never saw Bedloe before he was taken up; he knew nothing of the Plot nor of the murder;—and could not say for the story he had told.* But *Wren* owed him money, and threatened him because he dunned him for it, and so haired him into it. He was then remanded to prison.

After so serious an alleviation, no man of sense can imagine, that Catholics, or Courtiers had gained *Prance* to retract his first deposition. For this would be only to alledge a bare suspicion without proof. But to have it believed, that the Committee, and several members of both Houses, had threatened *Prance* in case his deposition agreed not with *Bedloe's*, there is no need of proof, and the bare relation of a Historian who writ above thirty years after, is more than sufficient for that.

Unhappily *Prance* retracted once more. But this signifies nothing, because he denied what he had lately said before the King and Council, by reason of the excessive torments he was made to suffer, till he had promised to depose whatever was desired. Let us hear what a famous Historian (3) says on this occasion (4).

"*Prance*,"

(1) Our Author means *Richard. Burnet* says, *Prance* being taken up on *Wren's* Information, was carried to *Whitehall*. *Bedloe* accidentally pulled by, not knowing any thing concerning him: And at last fight, he charged somebody to loose on him: For he was one of those, whom he saw about *Godfrey's* body, p. 445.

(2) In an account of the Plot printed in 1680, it is said, That *Prance* gave such an exact account of the very spot upon which the murder was committed; where he laid out, where *Berry* stood; as also the door, stairs, dark entry, &c. mentioned in his Narrative, that his Majesty's Commissioners returned very well satisfied with the truth of his relation and confession, p. 66.

(3) *Bedloe's* who has borrowed the following Paragraph, as well as several others, from *Roger LeStrange*, without naming his Author.

(4) *Burnet* says, after *Prance* had declared before the King and Council, that his first confession was all a fiction, he was carried back to Prison, but immediately sent the Keeper of *Newgate* to the King, to tell him, that all he had sworn was true, but that the horror and confusion he was in, put him on denying it. Yet he went off with this story, and denied every thing. Dr. *Lloyd* was upon this point to talk with him. As he it denied every thing to him. p. 445.

1678-9.
Edmund-
Hill, p. 307.

"Prance, excepting just after his return, stood firm and immovable in his denial, against all terrors and temptations for about twelve days, from the 29th of December to the 11th of this present January. During which space of time, his usage was barbarous, and more like the *Remish* Inquisition, than the methods of a free nation. For nine days at least his cage was deplorable; and what with the deadly cold and nastiness of the place, the distress of his condition, the agony of his thoughts, under the horror of bringing new guilt upon his conscience, and the galling weight of his irons, he lay in such torments both of body and mind, that he spent his hours in roaring and groaning, frequently and pitifully crying out, *Not guilty! Not guilty! No murder, no murder!* He used the same outcries, or clamours, at least, to that effect, so often, that the keepers had no way to cover the scandal, and the inhumanity of their treatment, but either by imputing the anguish of a wounded conscience to the ravings of a disordered brain; or by converting the marks of a true repentance into the story of a counterfeit madness. But when things were at the worst, Prance was now and then, as the good humour prevailed, eased of his irons, comforted with good words and promises, and no artifice omitted to bring him to a proper understanding. The Keepers were then under the sole direction of a certain ambulatory Committee, when and what degree to squeeze, to pinch, to ease, to shackle, to comfort, or to torment their prisoners; and most things were done according to the particular orders of that cabal. It would be too tedious to recite all the sufferings of this unfortunate man, who being unable to hold out as *Cervat* had done, and finding his life in the same danger with those he had accused, he at length submitted to the temptation, and upon a new assurance of pardon, he promised to stand by his former evidence. Immediately upon this, on the 11th of January, his irons were knocked off, and he was removed from hard boards, and a dismal cold room, to a fine lodging and a curious bed, with variety of the best meats and drinks. Here having pen, ink and paper, and the assistance of his friend one Mr. *Byce*, he finished his story, and prepared for being a complete evidence against *Green*, *Berry* and *Hill*, who were shortly after to come upon their trials."

As the author of this passage is not content with insinuating, that *Prance* was compelled by torments to support his second deposition, but openly undertakes to prove it by facts which are entirely decisive, it is absolutely necessary for the Reader's instruction to make some remarks on this subject.

1. When in a controverted matter, a Historian reports facts to which he was not an eye-witness, and which however are capable of deciding for or against, the Reader has a right to expect from him some testimony, or some author; in a word, to be informed, how he came to the knowledge of such facts. But here, we see neither testimony nor author, in the text, or margin.

2. It appears from this very relation, that all the ill usage of *Prance*, consisted in keeping him nine days in irons. If this is like a *Remish* inquisition, it may be affirmed, *England* has a constant inquisition, since prisoners committed for murder, or other great crimes are never treated otherwise. Besides, it will be seen hereafter, that *Prance* denied his ever receiving any ill usage in prison, or his wanting any thing. As to the torments of his mind, and his roarings and groanings, supposing them true, only *Prance* himself could know the motives, and it must be surprising to see an author talk of what passed in *Prance's* mind, as if he had been his confidant.

3. He ought to have explained what was this Ambulatory Committee, from whom the Keepers received directions; for it is well known, that during the prorogation of the Parliament (and all this passed at the time of the prorogation) the Keeper of *Navarre* could obey no orders but those of the King, or at least of the Courts of Justice.

4. Lastly, in proof of a fact so remarkable and decisive, we have only the bare allegation of the author, whose exaggeration is kept up with expressions the strongest and most capable to give the Readers terrible ideas of the torments endured by *Prance*, which, however, amount to a nine days imprisonment in irons. Besides, the author positively says, that *Prance* was gained without telling us by whom, or how, or giving the least warrant for what he advances. I do not say that all this is false, for I know

nothing of it. But as it is not forbid to rely on the faithfulness of the author, or of those from whom he has received his informations; so neither is it forbid to doubt of it, and to believe that he might be prejudiced by Party-factions, which are implicitly swallowed or rejected, according as they are advantageous or prejudicial to the side espoused by those who hear them.

Bellor had given but a very imperfect information of the murder of *Godfrey*. He said indeed, it was committed in *Somerfet-House*, and that he had seen the dead body. But as to the other circumstances, he only spoke of them as received from persons who had absented themselves; whereas *Prance* delivered in writing a more regular and full account, which contained precisely his deposition before the King in Council, and was to this effect:

"*Girald*, *Kelly*, *Green*, *Berry*, *Hill* and *Prance*, with the approbation of some others, after several consultations (1), had resolved to murder Sir *Edmundbury Godfrey*, as being a bitter persecutor of the Catholics, an active discoverer of their designs, and a particular enemy to the Queen's servants. Thus determined, on Saturday the 12th of October, *Hill* went to Sir *Edmundbury Godfrey's* house in the morning, and talked with him in private (2). Then taking his leave, he went to *Girald*, and *Green*, and with them staid hard by, waiting for the Gentleman's coming out, which he did about ten or eleven, all alone as usually. They dragged him to several places, till about six or seven in the evening, when *Green* went to *Prance's* house, and told him, *They had set him near St. Clements*, and that *Prance* must make all haste to the *Water-Gate*, at *Prance's House*, where he should find *Kelly* and *Berry*, which he did; and they three waited there till about nine a clock: When of a sudden *Hill* came running and said, *He was coming, and they must pretend a quarrel, and he would fetch him in*. While *Kelly* and *Berry* were in a seeming scuffle, *Hill*, at the gate, stopped Sir *Edmundbury Godfrey*, and entreated him for God's sake to come in, for two men were a quarrelling, and he was afraid there would be bloodshed. The Gentleman being a Magistrate, did at last consent, and *Hill* entered the gate first, to shew him the persons; and after them followed *Girald* and *Green*; while *Prance* watched the water-gate, and *Berry* was to secure the passage by the chapel. But first, he and *Kelly*, the pretended combatants, stood about the end of the rail by the Queen's Stables; and as Sir *Edmundbury* went down towards them, *Green* suddenly threw a twisted handkerchief about his neck, and immediately all four pulled him down and strangled him, so as he could make no noise; after which they threw him behind the rail, and gave him some violent punches on the breast with their knees, and *Green* with all his force rung his neck almost round. *Prance* and *Berry* being come to them, when he was quite dead, they all helped to carry the body into Dr. *Godden's* lodgings, where *Hill* lived, and where they brought him up five or six steps, into a little room on the right-hand, and there left him that night, and Sunday all day and night. On Monday night, *Hill* and some others removed him into a room in the upper Court, where *Prance* was shewn the body by the light of a dark-lantern, and where *Bellor* swore he saw *Prance*. On Tuesday night, they carried him to another room in the long entry, over against Dr. *Godden's* lodgings; and on Wednesday night they removed it to the little room where it was first laid. Having kept the body above four days and nights, *Girald* and *Kelly* advised to have it carried into the fields, and leave him run through with his own sword, that he might be supposed to have murdered himself; and therefore his money, rings, &c. were all to be left with him. This being agreed, they resolved to carry him out that night; and accordingly *Hill* procured a Sedan, or Chair, into which they put the body about twelve a clock. *Berry* the Porter, having invited the centinels into his house, opened the gate, and *Prance* and *Girald* carried out the Sedan (3). Thus, sometimes they two, and sometimes *Kelly* and *Green*, carried it up towards *St. John's*, hard by the *Greecian* Church; and there *Hill* attending with a horse, they set the body up before him, and left the Sedan in some unfinished buildings in that place; whereupon *Girald* said, *I wish we had a hundred such rogues as were at this*. Then *Prance* being a house keeper, returned home; and the other four went on, one leading

Dr. *Lloyd* says, that he was almost dead through the ill Godden of his mind, and with cold in his body. But if that Dr. *Lloyd* had made a fair, and candid account of what he saw, and began to deliver the matter with him, he returned to his confessions; which he did in such a manner, that Dr. *Lloyd* said to me, it was not possible for him to doubt of his sincerity in it, p. 446.

(1) *Prance* names an *Abbot* when they used to meet, and the people thereof did confirm this of their meeting there. *Burnet*, p. 246.

(2) He went to see whether *Godfrey* was gone out, and spoke to his man, who, upon *Hill's* being taken, went in to *Godfrey*, and in the words of *Prance* said to him, saying, He was the person that asked for her mother that morning. *ibid.* — They did wait for Sir *Edmundbury* but for two weeks, before they could find an opportunity of putting their villainous design in execution. *ibid.*

(3) One of the Centinels twice he saw a Sedan carried in; but most law it carried out. *Burnet*, p. 446.

1678-9. "the horse, *Hill* riding and holding the body (1), and the other two walking by. They carried him to a place called *Primrose-hill*, about two miles out of town, where they left him in a ditch, with his own sword run thro' his body by *Girald* himself, in the exact posture of one that had murdered himself."

This deposition, which was immediately published, met with an entire belief from the people. But afterwards, when the popish party prevailed, several authors endeavoured to find many mistakes and inconsistencies in it, and even maintained, that it was not penned by *France*, but by some abler hand. As at first it was dangerous to say, that *France* was a false witness, it was afterwards no less dangerous to maintain, he had spoke the truth. Hence some adhere to this deposition, and others to the writings afterwards published against it, to demonstrate its falseness.

While these things were transacted, the King was by no means at ease. The Plot (of which he was suspected to be the Author, at least in what concerned the Government and Religion) and the impeachment against the Earl of *Dorset*, which entirely reflected upon him, could not but greatly perplex him. To divert a little these suspicions, he published, the beginning of *January*, several proclamations against the Papists, who, immediately after the prorogation of the Parliament, were returned to *London* and *Westminster*. By another proclamation, he recalled all his subjects from the foreign Seminaries; but these were remedies little capable of curing the people's suspicions and fears.

About this time was discovered a College of Jesuits at *Lawer-Come* in *Hersfordshire*. Moreover, a fresh witness appeared, one *Stephen Dugdale*, who pretended to make new discoveries in the Plot, and accused five Jesuits, and one Priest (2). This obliged the King to publish a new proclamation against *Ever*, *Gawen*, *Vassor* alias *Gifford*, *Levison*, Jesuits, and *Broadstreet* a Priest, with a promise of a hundred pounds to any that should apprehend *Ever*, and fifty pounds for each of the rest (3).

Mean while, as the time for the meeting of the Parliament approached, the King perceiving, that in the present disposition of the Commons, he should receive no advantage from them, but rather new mortifications, on the 24th of *January* dissolved this Parliament by proclamation (4), promising whithal, to issue out writs for the calling of a new Parliament the 6th of *March* following. Thus ended the Long Parliament, which had continued almost eighteen years, and had been for twelve years so favorable to the King. Never Parliament had been so liberal to any King, or carried the Prerogative higher. If *Charles II.* had not pursued methods so contrary to the interests of the Kingdom, he would never have lost the affection of this Parliament, which studied only to please him, and give him the most effectual proofs of their zeal. But when, in process of time, they discovered, that the King had ill-designs against the Government, and the established Religion, which he had sufficiently shewn by his two wars against *Holland*, and his intimate union with *France*, they began to consider him as an enemy to the State, whose designs and measures were to be broken. The Letters, produced by *Mr. Montague* in the Parliament, fully convinced the most incredulous, that the King was a Pensioner of *France*, and sacrificed the interest of *England* to that Crown. It is therefore no wonder, that the Parliament credited the discovery of a Plot, which was so natural a consequence of the King's designs, now entirely believed. Indeed, the first article of this Plot, concerning the killing of the King, might be doubtful and uncertain; wherefore the Parliament willingly left it to the decision of the Courts of Justice. But the two last, relating to render the King absolute, and subverting the established Religion, needed no other proofs than those the King had given. Besides, the Duke of *York* being a professed Papist, and having a great influence in the King's councils, it was not difficult to conceive, that he being such a zealot for his Religion, he would lose no occasion of promoting it: and this his Secretary's letters plainly demonstrated. Indeed, this Parliament was

composed chiefly of rigid Episcopals, who perhaps cannot be vindicated in their persecution of the Presbyterians. But however, they were not willing to sacrifice the Protestant Religion, and the liberties of the Nation, to their passion against Presbyterianism. From hence flowed the quarrels between the King and the Parliament, the mortifications so frequently given him, and his dissolution of it at last, tho' he had in it so many creatures, purchased either with ready money or pensions. At first, this trade was secretly carried on, but after *Clifford's* advancement to the Treasury, it was practised so openly, that every man's name and price were publicly known. Notwithstanding all this, when once the conduct of the King and Court was considered, it was not possible for the King to obtain a majority in the House of Commons, because those who were ready to sacrifice the nation's money to the King, would not sacrifice to him their Liberties and Religion. Another cause also stopped the King in his career, namely, that as soon as the people were dissatisfied with the Court, vacancies in the Parliament were filled with men of quite contrary principles to the King and Duke of *York*, so that in time, the Parliament became very different from what it was at the beginning. It is not therefore strange, that the King should desire to be rid of a Parliament, from which he could expect no farther benefit. But he flattered himself in vain, with having another more favorable, as will hereafter appear.

Upon the 25th of *January*, the King issued out writs for the new election, which put the whole nation into a ferment. It happened to the King, on this occasion, as it had happened to his Father. The people being discontented with the Court, and full of suspicions and fears, affected to choose Representatives the most averse to Popery and arbitrary Government. And as the High-Church-men had been for several years a little too strongly attached to the King; and had, in the last Parliament, passed Acts to raise the Royal power higher than ever, the people in general were not for trusting their interests in such hands. On the other side, the Presbyterians, tho' long oppressed, were still numerous in the Corporations, so that by the superiority of their votes, they commonly carried the elections in favour of their own party, or at least of men, who had only outwardly conformed to the Church of *England*. In a word, when the returns were made, it was found, that most of the Representatives were men very opposite to the principles and designs of the Court. The King, to prevent these impressions, affected an extraordinary severity against the Papists, and by proclamation, on complaint of the neglects of the prosecution of Reculants, ordered the Chancellor to put out of commission, all Justices of Peace, who were remiss in their duty. But this was too frequent an artifice, to be capable to persuade the people, that the King was truly zealous for the Protestant Religion.

While all were engaged in the new elections, three of the five, accused of *Godfrey's* murder, namely, *Green*, *Berry*, and *Hill*, were tried at the King's Bench bar, before *Justice Trelan*, the Lord Chief-Justice *Scrgeant*, the 10th of *February*.

Oates deposed, That he had heard *Godfrey* say, a little before his death, That he went in fear of his life by the popish party, and had been dogged several days.

One *Robinson* testified, That he heard him say, That he believed he should be the first martyr.

France's evidence was the same with what he had before deposed. The prisoners objected to him, that he had recanted, and denied all before the King and Council. The Court made for him the answer which he had before given to the Council, That all that was nothing but an unusual fear, and a want of a full assurance of his pardon (5). Some represent this as a great partiality in the Judge. But it must be observed, that Judges sit upon the trial of criminals, not to condemn or acquit: the Jury decide the case, and find the prisoners guilty or not guilty. When therefore any material difficulty offers, it is the office of the Judge to direct the Jury, and shew them what they are, and what they are not to mind, with the reasons of their

(1) They had agreed to say, in case they should meet any body, that it was a drunken man they were carrying in that manner. MSS.
(2) *Thornet* gives the following account of this *Dugdale* and his evidence. He had been the Lord *Almon's* butler, and was a man of Sense and Temper. He behaved himself decently, and had formerly in his air and deportment that disposed people to believe him: so that the King himself began to think there was something in the Plot, though he had little regard to *Oates* or *Bedloe*. He made a discovery of a correspondence that *Ever* held with the Jesuits in *London*, who had writ to him of the design of killing the King, and desired him to find out proper men for executing it. The other Jesuits pressed *Dugdale* to undertake it, promising he should be canonized for it, and the Lord *Stafford* offered him five hundred pounds, if he would set about it. *Dugdale's* evidence was confirmed by one circumstance. He had talked in the Country of a Justice of Peace in *Westminster* that was killed, on the *Tuesday* after *Godfrey* was murdered, so that the news of the murder had been writ from *London* on the *Saturday* night's Post. He did not think it a secret, so talked of it as news in an Alehouse. The two persons, he said he spoke to, remembered nothing of it, but several others swore they had heard it. He said moreover, that the Duke had sent to *Coleman* when in *Newgate*, to persuade him to discover nothing, and desired to know whether he had ever discovered their designs to any other person; and that *Coleman* sent answer, that he had spoke of them to *Godfrey*, but to no other man, upon which the Duke gave order to kill him. p. 444.

(3) *Gawen* was soon after taken into custody, but the rest absconded. *Edward*.
(4) Some think, this Parliament was dissolved, on purpose to protect the Papist Lords in the Tower, and divert, if possible, the noise of the Popish Plot: Or else to cover the Duke of *York* from the resentment of the Commons, and the general indignation of the People. *Knap*, p. 376.
(5) *Thomas Robinson*, Keeper of *Newgate*, answered, "That *France* had told him, it was fear that made him recant; and he [*France*] gave a full confession, that it was only out of an apprehension that his life was not secure, that his trade would be lost among the *Roman* Catholics; and as in case he had his pardon, and was saved, he should have been in danger of being murdered by them." He said himself afterwards, That it was his fear of losing his employment from the Queen, and the Catholics, which was the most of his misdoings, and because he had not his pardon. *State Trials*, Tom. II. p. 265, 266.

1678-9. opinion. So I doubt, that on this occasion the Court did not exceed the bounds of their duty, though I will affirm nothing.

His wife asked Prance, Whether he had not been tortured in Newgate, since several had heard him cry out in that place? He answered, That he had not — That Captain Richardson had used him as civilly as any man in England; and that all the time he was there, he wanted for nothing. This answer, as we see, is very contradictory to the aggravated recital of his torments, though even in that recital, nothing is said which tends to shew, that he was put to the torture. However, the author of the recital, better informed than *Prance* himself, scruples not to say, *That the poor man, to support the credit of his evidence, was forced to disown all his barbarous usage.*

Bedloe had already deposed before the Lords, *That le Phaire, Walsh, Pritchard, Keim, &c.* had wheedled *Sir Edmundbury Godfrey* into *Smarter-House* Court, under pretence of taking some plotters, and after a turn or two, and the pretence of sending for a Constable, they shoved him into a room, presented a pistol to him, threatening to kill him, if he made any noise, but would do him no hurt, if he would fend for his examinations; which he refusing to do, they stifled him between two pillows, and after that, upon finding some life in him, they strangled him with a long cravat.

Some have remarked, that this first evidence of *Bedloe*, was directly contrary to *Prance's*. Others have observed, that *Bedloe* never said that he was present at the murder, but only deposed what he heard from others; consequently, that there was no real contradiction between the two witnesses.

In the present trial *Bedloe* deposed, "That about a fortnight before the murder, *le Phaire, Pritchard, Keim,* and some other *Romish* Priests, all unknown to *Prance*, discomfited *Bedloe* about killing a certain Gentleman, not named; and then set him to insinuate himself into *Sir Edmundbury Godfrey's* acquaintance, which he did under several pretences. That on the very day of the murder, *le Phaire* told him, 'There was a Gentleman to be put out of the way that night, and would have him to assist, and that there would be four thousand pounds reward from the Lord *Belleuse, &c.* and therefore desired him to meet in the Cloyster at *Smarter-house* that evening, for thereabouts it was to be done; which he promised to do, but wilfully failed them, because he would not have his hands in blood. On the Monday after, *le Phaire* meeting him, charged him with breach of promise, and appointed him to come to *Smarter-house* at nine that night, where he told the witness, *That he had done ill, that he did not help in the business; but if he would help to carry him off, he should still have half the reward;* and told him he was actually murdered. The witness asked, if he might see him; upon which *le Phaire* led him through a dark entry, into a room where were several people, and *Prance* amongst them, and only by the light of a dark lantern he saw the face of the murdered person, and knew him to be *Sir Edmundbury Godfrey*. The witness advised to tie weights about him, and throw him into the *Thames*; but they did not approve of that, but said, they would put it upon himself, and carry him out in a chair, by the help of the Porter *Berry*, at twelve that night. The witness promised, upon the Sacrament, which he had taken the Thursday before, to come again and help them; but being got from them, his conscience would not permit him to go any farther, though he had been promised two thousand pounds for his labour, but he rather chose to discover the villainy to the King and Council, and accept of a quarter of the sum in an honest way."

What appears most strange in this deposition, is not its contrariety to the first, in which he only spoke by hearsay; but that *Bedloe* did not relate these circumstances to the Lords, having only said, that he had seen *Godfrey's* body in *Smarter-house*, and *Prance* in the same room.

The Constable that viewed the body in the ditch, gave an account, "That the sword was sticking through him, but no blood appeared upon the ground, and he found gold and silver in his pockets." Two Surgeons swore, "That they verily believed the sword was run through him after he was dead and cold; but that he died by reason of the suffocation, and breaking of his neck, and bruises on his breast."

Sir Robert Southwell deposed, "That *Prance* having related the matter to the Council, and being sent with the Duke of *Monmouth* and the Earl of *Offory* to shew the place he mentioned, did readily go to them all, and they appeared all to be such as he had described them; only as to the room in the upper Court, where the body was laid one night, having never been there but once,

"he said he could not positively assign it, but pointing to 1678-9.

"some rooms, and said, he was sure it was thereabouts." As to the prisoners defence, *Hill* brought several witnesses to prove, "That he was never out of his lodgings after eight a'clock at night, during the whole time of this transfection."

Some have pretended, that these depositions were not regarded, because the witnesses were Papists. But no such thing is said in the printed trial, and it is difficult to know the thoughts of the Jury, who were the sole Judges of these evidences.

Besides, *Hill* shewed, "That when he heard of *Prance's* being taken up for the murder, he had full leisure to make his escape, which he never endeavouring, was a great presumption of his innocence." It is to be presumed, the Jury took but little notice of this proof.

Green proved by two witnesses, *Jama Warrior* and his wife, "That he was at their House in the Strand from between seven and eight, till after ten, on that very night and time that *Sir Edmundbury Godfrey* was said to be murdered in *Smarter-house*." But unlappily, *Warrior* willing to corroborate his evidence, added, "That *Green's* being apprehended a month after the murder of *Godfrey*, recalled to his mind, that the said *Green* had been with him on Saturday the 12th of *October*, from eight to ten in the evening." But, besides that *Green* was not arrested till the 24th of *December*, that is to say, two months and twelve days after *Godfrey's* murder, he was not taken up for this murder, but for refusing the oaths, which could not cause *Warrior* to remember, that *Green* had been with him the day *Godfrey* was murdered. *Green* added, "That when *Prance* was taken up, he shewed such a detestation of the fact, that he said, *Rather than he should escape, if he were guilty, he would be the executioner himself.*" In all likelihood, this proof appeared not very material to the Jury.

In behalf of *Berry* the Porter, the soldiers that were placed sentinel at the gate, testified, "That no Sedan went out of the gate that night that the body was said to be carried off, though one did come in, and that they could not be mistaken in so plain a matter." And *Berry's* maid declared, That her master was in bed by twelve a'clock that night, and never stirred out, which made it impossible for him to be upon the whole expedition."

They all endeavoured likewise to invalidate *Prance's* evidence; but the Court observed, "That it was impossible that *Mr. Prance*, a man of that mean capacity, should invent a story with so many confusing circumstances, if there was no truth in the bottom of it." But adds the Historian whom I have often quoted, "others observed, "That the story was invented by some body else of a greater capacity." This insinuation is supported only upon his system. But besides, had the penner of this Narrative been so able as is supposed, it would not have been difficult to give it a perfect agreement with *Bedloe's* first deposition, whereas it was different in many respects. For when a man is only to invent, and has tale witnesses ready to support the invention, he need not be much puzzled about the facts.

In conclusion, the Jury brought them in all guilty of the murder. Whereupon, the Lord Chief Justice *Scruggs* said, "They had found the same verd é dit that he would have found, if he had been one with them."

They all three insisted upon their innocence to the last moment of their lives. *Berry* owned, "That he was a Protestant in his heart, but had for some time dissembled his Religion for his private advantage."

Hill, to persuade the Ordinary of *Negative* of his innocence, gave him this notable proof of it; "That he had wronged one in a twelve-penny matter, which had troubled his conscience, that he had made retribution since his condemnation, though he was in extreme want of present necessities." And therefore he thus argued with him, "If I have taken shame upon myself, in confessing my crime in the case of a trifle; can you think I would deny the murder to maintain my reputation?" *Green* and *Hill* were executed the 21st of *February*; but *Berry* was reprieved till the 28th of *May*.

The time for the meeting of the Parliament drawing near, the King, after examining the elections, foresaw a storm gathering against the Duke of *York*. Wherefore, to prevent it, and persuade the new Parliament that his counsels were not influenced by his Brother, he resolved to send him away (1), and for that purpose, the 28th of *February*, with him the following letter:

"I have already given you my resolves at large, why I think it fit that you should absent yourself for some time beyond the seas: As I am truly sorry for the occasion, so may you be sure, I shall never desire it longer than it will be absolutely necessary for your good, and my ser-

(1) It was done by the Earl of *Dorset's* advice. *Barnet*, p. 472.

1678-9. "vice. In the mean time, I think it proper to give it
"you under my hand, That I expect this compliance
"from you, and desire it may be as soon as conveniently
"you can. You may easily believe with what trouble I
"write; there being nothing I am more sensible of, than
"the constant kindness you have ever had for me. I hope
"you are as just to me, to be assured, That no absence,
"nor any thing else, can ever change me from being
"truly and kindly yours, C. R.

His wife
draws to
Bedford.

The Duke immediately obeyed, and the 3d of March
departed for Holland, with his Duchess, and the Princess
Anne his Daughter, from whence he went and resided at
Brussels.

Proceedings
against
Dunby in
Great Britain.
II. p. 230.
Hutcher.

Mean time, the King fearing that the new Parliament
would impeach the Earl of Dunby, and that the Earl, in
prevention of his own danger, would be obliged to reveal
secrets, which he wished to be concealed, granted him,
under the Great Seal, as full and compleat a pardon as
could be drawn.

The King's
speech in
Parliament.
Kennet,
p. 366.

The new Parliament meeting the 6th of March, the
King made a Speech, tending to shew how well affected he
was to the laws of the land, and the Protestant Religion.
He spoke of his care in punishing, as well those concerned
in the plot, as the murderers of Sir Edmundbury Godfrey,
and forgot not to mention the removal of the Duke of
York. Lastly, he demanded money for disbanding the
army, and for paying the fleet. The Chancellor enlarged
upon all these points with great exaggerations, according
to his custom.

A difference
between
the King
and
Commons
about the
choice of a
Speaker.
Hutcher,
p. 372.
Rec.

The Parliament began with a warm dispute between the
King and the Commons, about the choice of a Speaker.
The Commons having chosen Mr. Edward Seymour (1),
the King, who knew Seymour was a particular enemy of
the Earl of Dunby, refused his approbation, and ordered
the Commons to proceed to a new choice. The House
was extremely displeased with this refusal, alledging, That
it was never known that a person should be excepted against,
and no reason at all given, and that the thing itself, of pre-
sented a Speaker to the King, was but a bare compliment.

A short
proposition.

The King, on his side, insisted on the approbation or re-
fusal of a Speaker when presented to him, as a branch of
his Prerogative (2). During a six days dispute, the Com-
mons made several representations to the King, to which
he gave very short answers. At last, as the Commons
would not desist from what they thought their right, the
King went to the Parliament, and prorogued it from the
13th to the 15th; that is, for one day's interval between
the two sessions. The Parliament meeting the 15th, the
King ordered the Commons to proceed to the choice of a
Speaker. Then, to avoid a revival of the dispute, they
chose Mr. William Gregory Sergeant at Law, who was ap-
proved by the King (3).

Another
dispute
between
the King
and
Commons.

The Commons began with appointing a Committee to
examine controverted elections, threeseore petitions having
been already presented.

A secret
committee
appointed.
Kennet,
p. 360.
Edward.

This affair being put into a way of determination, the
Commons appeared resolved to pursue the matters which
the late Parliament had left undecided. For this purpose,
the 20th of March they appointed a secret Committee, to
take informations, prepare evidence, and draw up articles
against the Lords that were impeached, and to take such
further informations as should be given, relating to the plot
against his Majesty and the Government, and the murder
of Sir Edmundbury Godfrey. At the same time, they de-
sired the Lords, by an express message, to remember the
impeachment of High-treason exhibited against Thomas Earl
of Dunby, in the name of the Commons of England, and
to commit him to safe custody. They resolved also, that it
should be referred to the Committee of Secrecy, to draw
up further articles against him. The Earl of Dunby was
greatly embarrassed; for he could not make his defence,
without producing the letters writ by his Majesty's particu-
lar order, and other papers which the King was willing
to conceal. Wherefore he resolved to adhere to the bene-
fit of his pardon.

The affair
of the Earl
of Dunby
mentioned.

Tongue and
Oates
examin'd.
Edward,
III. p. 326.

The next day, the 21st of March, Dr. Tongue, Oates,
Bedloe, and a Scotsman, one Edmund Everard, a new dis-
coverer, were called before the Commons, to give in their

informations concerning the plot. Bedloe having delivered 1678-9.
in his information, the House resolved, "That an hum-
ble address be made to his Majesty, that the five hundred
pounds promised by his Proclamation for the discovery
of the murder of Sir Edmundbury Godfrey, may be paid
to Mr. Bedloe, and the twenty pounds further be pleased to
order, that the twenty pounds reward for the discov-
ery of every Priest, may be effectually paid to the dis-
coverers."

1678-9.

By another address, they desired, "That the care of
Mr. Bedloe's safety might be recommended to the Duke
of Monmouth." The King answered, "That he would
take immediate care for the payment of the five hun-
dred pounds, and the twenty pounds they desired: That
he had hitherto taken all the care he could of Mr. Bed-
loe: That he knew how considerable his evidence was:
That he would see hereafter, that he should want for
nothing; but that he could not be answerable for him
when he went abroad."

A vote of
the Commons
relating to
the subject
of the King's
address.

Upon the whole, the Commons came to a vote something
like that in the last Parliament, namely, "That the House
doth declare, 'That they are fully satisfied that there now
is, and for divers years last past hath been, a horrid and
treasonable Plot and Conspiracy, contrived and carried
on by those of the popish Religion, for the murdering
his Majesty's sacred person, and for subverting the Pro-
testant Religion, and the ancient and well-established
Government of this Kingdom.' The Lords concurred
to this vote without hesitation, as also to an address to be
presented jointly by both Houses to the King, to pray him
to appoint a solemn day of humiliation and fasting throug-
hout the whole Kingdom. The King granted their request,
and the 11th of April was appointed to be kept as a publick
fast day."

Act of the
Lords.

The 22d of March, the Commons ordered a Bill to be
brought in, to secure the King and Kingdom against the
danger and growth of Popery.

A Bill
introduced.
Kennet,
p. 361.
Edward.

The same day the King going to the Parliament, spoke
to both Houses in favour of the Earl of Dunby. But the
Commons, unmoved with this Speech, were no sooner
returned to their House, than they sent a message to the
Lords, to demand that the Earl might be forthwith com-
mitted to safe custody. The Lords seeing the passion of
the Commons, offered them in a conference, the draught
of a Bill, by which the Earl of Dunby should be for ever
incapable of coming to his Majesty's presence, and of all
offices and employments, and of receiving any gifts or
grants from the Crown, and of sitting in the House of
Peers. But the Commons were not satisfied with such a
Bill, probably, for two reasons. The first was, that the
Earl of Dunby had implacable enemies among the leading
Commons. The second, that purposing to discover the
King's secrets, by a strict examination of the Earl of Dun-
by's affairs, they saw that this Bill was only an artifice, to
conceal what they wished to know and divulge.

The King
expressly
himself in
the Earl of
Dunby's
affairs.

An offer of
the Lords.

rejected by
the Commons.

Mean time, the Commons hearing that the King had
signed a pardon for the Earl of Dunby, appointed a Com-
mittee to repair to the Chancellor, and inquire how this
pardon was sealed, and at whose suit. The Chancellor
answered, "That it was done very privately, the King
having ordered him to bring the Seal into his closet, and
lay it upon the table; that his Majesty commanded the
Seal to be taken out of the bag, and ordered the person
who usually carried the purse, to affix it to the pardon."
The Chancellor added in his justification, "That at the
very time of affixing the Seal to the parchment, he did
not look upon himself to have the custody of the Seal;
That the pardon was passed with the utmost privacy,
at the desire of the Earl, who gave this reason for it,
'That he did not intend to make use of it, but to stand
upon his innocence, except false witnesses should be produced
against him; and then he would make use of it at the last
extremity.' That notwithstanding this reason, he advised
the Earl to let the pardon pass in the regular course; but
after consulting with the King, his Majesty declared,
'He was resolved to let it pass with all privacy (4).'"

The Commons
re-entred into
the Earl's
pardon.

The Chan-
cellor's an-
swer of the
Kennet,
p. 361.

Edward,
III. p. 327.

Edward,
III. p. 327.

The House, upon hearing this report, were inflamed
against the Earl, and one of the members (5), naming the
Earl of Dunby, proceeded thus:

(1) Who was one of the Representatives for the County of Devon, and Treasurer of the Navy. Kennet, p. 360.

(2) Without giving any reason in the person chosen, or the person chosen. Edward, Tom. III. p. 322.

(3) He was recommended by William Lord Russell. Kennet, p. 360. Zarnet adds, the point was settled, that the right of electing was in the House,

and that the ceremony was a duty of course. P. 361.
(4) The King, in a Speech for the Earl, said, he had done nothing but by his order, and therefore he had pardoned him; and if there was any defect in his pardon, he would pass it over and over again, until it should be legal. Upon this a great debate was raised, some questioned whether the King's pardon, especially when passed in but to an impeachment, was good in Law. This would encourage all Ministers, who would be always free of a pardon. The King's pardon did indeed secure one against all prosecution at his last: But, as in case of murder an appeal lay, from which the King's pardon did not cover the person, since the King could no more pardon the injuries done an people, than he could repay the debts that were owing to them: From a party of treason it was inferred, that since the officers of Ministers of State were injured done the publick, the King's pardon could not honour a President of Parliament, which formed to be one of the chief securities, and most essential parts of our Constitution. When the Bill of Resolutions, which passed in the House of Lords, was sent down to the Commons, Washington fell on it in a most furious manner, and inflamed the House: For though it was offered that the Earl should be degraded of his Peerage as well as banished, and that no pardon for the future should be pleaded in bar to an impeachment; the Bill was thrown out by the Commons, and a Bill of Attainder brought in, as will be seen hereafter. Edward, p. 327.

(5) Mr. P. was afterwards one in the new Council.

1678-9.
Sheshbald 44
 the Earl of
 Danby.
State-Trials,
 T. II. p. 736.
 Edward,
 III. p. 527.

"—The person to whom we owe the dangers and fears of the French King against us: The person to whom we owe the threats and severe answers to those humble addresses we made the last session of Parliament: The person to whom we owe the ruin of this Nation, and exhausting the King's revenue: The person to whom we owe the expence of two hundred thousand pounds a year, unaccounted for: The person to whom we owe the raising of a standing army, to be kept up by the receipt of six millions of *Livres* yearly, for three years, to enslave us, and our Religion: The person to whom we owe the late bone that was thrown in on the fitting of the last Parliament, to hinder the good issue that might have come by their proceedings; who is now laying down his Staff, and making up his accounts in the Treasury, as he pleases, to enrich himself out of the spoils of the People, and so depart."

A Remark
 upon the Plot.

I have often said, That the People in general were persuaded, not only of the reality of the plot, at least with regard to the Government and Religion, but that even the King and the Duke of York were the true authors of it. This Speech plainly shews, it was at least the opinion of the Speaker, and when a member of the Commons advances such propositions, without a reprimand, one may be sure he speaks the general sense of the House. Besides, the removal of the Duke of York was a demonstration, that the King was not ignorant of his being suspected to submit too much to the counsels of his brother. It is therefore hard to conceive, why so many sensible men obstinately labour to shew, there was no real Plot, because the article concerning the design of killing the King, may be doubtful. For, the truth of the two other branches, concerning the Government and Religion, flows from so many circumstances, that one must be wilfully blind not to see it. Perhaps the word *Plot* offends some persons, who cannot comprehend how a King can plot against his Subjects. But if this is all, there is a way to be soon agreed. Instead of saying there was a plot to subvert the Government, and the Protestant Religion, let it be said, there was a project or design on foot, headed by the King and the Duke of York, to render the King absolute, and introduce Popery. But this is precisely what is meant by the plot. For the design of killing the King was only an appendix to the plot, supposing it real, and an effect of the furious zeal of some private persons, who thought to accomplish the Plot better by placing the Duke of York on the throne.

1679.
 March 25.
 Edward,
 III. p. 538.

The Earl of
 Shaftsbury's
 speech.

I shall not infer here the Earl of Shaftsbury's Speech in the House of Lords, because so much pains has been taken to represent him as the great enemy of the King, and the first mover of the whole party, that whatever came from him must be suspected. I shall produce, however, one passage of this Speech: "Popery, says he, and Slavery, like two sisters, go hand in hand; sometimes one goes first, sometimes the other; but wherefore the one enters, the other is always following close at hand. In England, Popery was to have brought in Slavery; in Scotland, Slavery went before, and Popery was to follow." Thus much is certain, that his observation on the Slavery of Scotland was exactly true, and that the Duke of Lauderdale, supported by the Court, exercised among the Scots a tyranny unknown to their fore-fathers. What therefore could the English imagine, when they saw a neighbouring Kingdom, invested with no less Privileges than England, governed in so absolute a manner, under the same King and the same Ministry? Could they expect that the same principles would not be followed in England, if it could be done with the same ease?

The Earl of
 Danby
 withdraws.
 A Bill pro-
 posed against
 him by the
 Commons.
State-Trials,
 T. II. p. 731.
 Kennet,
 Edward,
 III.

The same day, the Lords sent a message to acquaint the House of Commons, that the Earl of Danby had withdrawn, and could not be found. Whereupon the Commons ordered, "That a Bill be brought in to summon Thomas Earl of Danby, to render himself to justice by a day to be therein limited, or in default thereof, to attain him." The 3d of April, articles of impeachment against the five Lords in the Tower were drawn up by the Commons, and carried to the House of Lords, as well as the Bill to fix a day for the Earl of Danby to render himself to justice. The Lords having sent back this last Bill with some amendments, the Commons were dissatisfied, because the Lords were not of opinion, in case the Earl refused to surrender himself, to proceed against him by Bill of Attainder, but to content themselves with inflicting other penalties. The two Houses had several conferences upon this subject, in which the Commons continued immovable, without any diminution of their rigour against the Earl. At last the Lords passed the Bill, and appointed the 23d of April for the Earl's surrendering himself to trial. The Earl seeing that his absence could not hinder the Bill of Attainder from passing against him, resolved at last to surrender

himself to the Ulster of the *Black-Rod*, and the same day, 1679. he was sent to the Tower. The King then found himself involved in greater difficulties than he had ever struggled with before, as he saw, the Earl of Danby could not make his defence without divulging his secrets.

If the King would have altered his maxims and principles, he might have been easily freed from these troubles. He had only to break his union with France, dismiss those of his Ministers who were unacceptable to the Parliament, and act with sincerity for the interest of the Kingdom, and of the Protestant Religion, abandoning all the projects he had hitherto formed. But he could not resolve to make this sacrifice, both because he believed his honour concerned, and his design was only to gain time, and amuse the Parliament. It was with this view, that by the advice of Sir William Temple, he resolved to establish a new Council, into which were admitted some Lords most opposite to him, as the Earls of Shaftsbury and Essex. This Council consisted of thirty members⁽¹⁾, fifteen of whom were ever to be the present chief Officers of his Crown and Household. Ten were to be taken out of the nobility, and five out of the Commons. But he took care in this model of his Council, to have a majority of such as were devoted to him. The Earl of Shaftsbury was made President of this Council, though no man was more hated by the King. His aim was to persuade the publick and the Parliament, that he was resolved entirely to change his manner of governing, and be guided in all affairs whatsoever, by the advice of the new Council. But this was only to amuse the publick. For as it was not possible for the King to depart from his principles, concerning Religion or Government, so most of his new Counsellors were not for sacrificing the royal authority to the will of the Parliament. The Earl of Shaftsbury would have been extremely pleased with being President of the Council, if his authority had been proportionable to his office. But he quickly perceived, he was there only for show, and to be subservient to the King's designs, whilst others had his confidence. There were chiefly four who had the direction of affairs committed to them, namely, the Earls of Sunderland and Essex, the Lord Halifax, and Sir William Temple. These digested and prepared what was to be propounded to the Council or the Parliament.

The King had no sooner made this alteration, than he came to the Parliament to acquaint them with it. But though the City of London, and the rest of the Kingdom resounded with joyful Acclamations, and were persuaded that things were going to change for the better, the House of Commons received the news with great coldness. They had not sufficient confidence in the King, to believe he really intended to govern otherwise than he had hitherto done, but thought this was some new artifice, which would soon produce its effects. So, by this change the King gained not much ground in the House of Commons. I am sensible, the distrust of the Commons is ascribed to Shaftsbury's intrigues, and Sir William Temple even insinuates it in several places. But it is not easy to comprehend how a single man should have had credit enough in the Country-party, to direct them as he pleased, if that party had not otherwise known what Shaftsbury laboured to make them believe. For instance, this Earl insinuated that the nation could not be secured against the Duke of York, and that when he should once possess the Crown, all provisions against him would vanish. Was he in the wrong? And was there need of so great a credit to convince the Country-party of a thing they were but too well convinced of before? It is therefore a mere artifice solely to impute the animosity of the Commons to the Earl of Shaftsbury, as if it had no other foundation than his credit and intrigues, in order to remove thereby the just and real occasions of complaint against the King's Government. The measures pursued by the Court in the foregoing years, both against the established Government and Religion had been seen. What had the King done to cause them to be forgot? He had issued out proclamations against the Papists, but they were so ill executed, that they were not apt to inspire the Parliament with confidence. The King, under colour that he might be engaged in a war against France, had levied thirty thousand men, and at the same time was negotiating a yearly pension with that Crown of six millions of livres for their maintenance, as plainly appeared from the letters produced in Parliament. What had the King done to remove the fears occasioned by this army? He had applied to their maintenance the money granted by the Parliament for their disbursing, and if he had consented to their being dismissed, it was because he applied to another use the money received from France. In short, was it possible to forget the transactions of the Cabal, the King's indolence with regard to the interests of England and of

1679.
 The King
 forms a new
 Council.
 Temple's
 Memoirs.
 Kennet,
 Edward,
 III.

Appendix
 to the Parli-
 ament with
 Kennet,
 Edward,
 III. p. 538.

An Observa-
 tion upon the
 Earl of
 Shaftsbury.
 Temple's
 Memoirs.
 Part III.
 p. 315, &c.

(1) See a List of this Council in Kennet, p. 362. Edward, T. III. p. 536. and Appendix to Temple's Memoirs, p. 554.

1579. all *Exempts*, the frequent prorogations of Parliament at critical times, when vigorous resolutions were taking against *France* grown too powerful; his design, in conjunction with that Crown, of utterly destroying the Commonwealth of *Holland*; design so directly opposite to the interests of *England*? Could it not be seen, that the King was without legitimate children, and the Duke of *York* his brother and presumptive heir, not only a Papist, but also a bigot to his Religion? Could the transactions in *Scotland* be concealed, where arbitrary Power was completely established? I do but just mention some of the principal points, for it would be too tedious to relate all the causes of the nation's suspicions and fears. After this, how is it possible to believe that *Shaftsbury's* intrigues and artifices were the sole cause of the Commons' distrust? I do not doubt that he contributed to them, and that being so well informed, as he was, of the King's secret designs, he opened the eyes of many people who perhaps would have been deceived by the artifices of the Court. But this is not what is meant by ascribing the People's fears and jealousies to the intrigues of this Earl. That he was actuated by a spirit of revenge, is no concern of mine, but the event too plainly shewed, how agreeable were his advices to the interest of the Kingdom.

A Design to burn London.
1696. London.
Kilmer.
lit. p. 542.
While the alterations the new Council was to bring in the affairs of the Government, were impatiently expected, the Commons were suddenly alarmed by an information of a fresh design of the Papists to burn *London* a second time. The House of one *Bird* in *Fetter-Lane* being set on fire, his servant, *Elizabeth Osley*, was suspected of firing it on purpose, and sent to prison. She confessed the fact, and declared, she had been employed to do it by one *Stubbs* a Papist, who had promised her five pounds. *Stubbs* being taken up, confessed, he persuaded her to it, and that Father *Gifford* his Confessor put him upon it, telling him, it was no sin to burn all the houses of *Heretics*. He added, that he had frequent conferences on this affair with *Gifford*, and two *Irish-men*. Moreover *Stubbs* and the maid-servant declared, the Papists were to make an insurrection, and expected an army of sixty thousand men from *France*. The Commons obtained a pardon for *Stubbs* and the servant, in consideration of their ready confession. But it was generally inferred from this incident, that 'twas not *Gifford's* fault that the City of *London* was not burnt as in the year 1666.

This accident produced an Address from the Commons to the King, for the execution of *Pickering* the Jesuit, and the other condemned Priests.

But the Commons stopped not there. The same day they resolved to sit on the morrow, though *Sunday*, to consider of means for the preservation of the King's person, and the Protestant Religion against the attempts of the Papists, both in the reign of the present King, and his successor. Accordingly the next morning they first ordered a Bill to be brought in to banish all Papists, or reputed Papists, within *London* and *Westminster*, twenty miles from the same, for six months; and then they voted, *Nemine Contradicente*, "That the Duke of *York* being a Papist, the hopes of his coming such to the Crown, has given the greatest countenance and encouragement to the present conspiracies and designs of the Papists against the King and the Protestant Religion." This vote was sent to the Lords for their concurrence (1).

The 25th of April the Earl of *Danby* appeared at the Bar of the House of Lords, and there produced the King's pardon for all crimes and offences whatsoever committed before the 28th day of February last. After which he was sent back to the Tower. The Lords having given notice of this to the Commons, they appointed a Committee of Secrecy to examine the nature of the Earl's plea, who made their report, "That there was no precedent, of a pardon granted to any person impeached by the Commons of High-Treason, or other high-crimes depending in the impeachment." After this report, the Commons desired the Lords to demand of the Earl of *Danby*, Whether he would rely upon, and abide by the plea of his pardon. This was the next day, and the Earl praying time to answer, the Lords allowed him four days.

The same day, the King returned this answer to the Commons address for the execution of *Pickering* and other Priests: Gentlemen, I have always been tender in matters of blood, which my Subjects have no reason to take exception at: But this is a matter of great weight, I shall therefore consider of it, and return you an answer.

The vote of the Commons concerning the Duke of *York* touched the King very sensibly, for he saw, they did not intend to stop there. He therefore went to the Parliament the 30th of April, and in a short Speech recommended to both Houses the dispatch of three affairs: 1. The prosecution of the plot. 2. The disbanding of the army,

3. The providing a fleet for the common security. Then to give them a proof of his care to preserve their Religion for the future, he told them, That he had commanded his Chancellor to mention several particulars, which he hoped would be an evidence, that in all things that concerned the publick security, he should not follow their zeal but lead it.

Accordingly, the Chancellor made the following Speech.

My Lords, and you the Knights, Citizens, and Burgeſſes of the House of Commons.

THAT royal care which his Majesty hath taken for the general quiet and satisfaction of all his Subjects, is now more evident by these new and fresh instances of it, which I have in command to open to you. His Majesty hath considered with himself, that it is not enough that your Religion and Liberty is secure during his own Reign, but he thinks he owes it to his People to do all that in him lies, that these blessings may be transmitted to your Posterity, and so well secured to them, that no succession in after-ages may be able to work the least alteration. And therefore his Majesty, who hath often said in this place, That he is ready to consent to any laws of this kind, so as the same extend not to alter the descent of the Crown in the right line, nor to defeat the succession, hath now commanded this to be further explained.

And to the end it may never be in the power of any Papist, if the Crown descend upon him, to make any change either in Church or State; I am commanded to tell you, That his Majesty is willing, that provision may be made, first to distinguish a Papist from a Protestant Successor; then so to limit and circumscribe the authority of a Papist Successor, in these cases following, that he may be disabled to do any harm: First, in reference to the Church; his Majesty is content that care be taken, that all Ecclesiastical and Spiritual benefices and promotions in gift of the Crown, may be conferred in such a manner, that we may be sure the incumbents shall always be of the most pious and learned Protestants: And that no Papist Successor, while he continues so, may have any power to control such preferments. In reference to the State, and civil part of the Government, as it is already provided, That no Papist can sit in either House of Parliament; so the King is pleased that it be provided too, that there may never want a Parliament, when the King shall happen to die, but that the Parliament then in being may continue indissoluble for a competent time; or if there be no Parliament in being, then the last Parliament which was in being before that time, may reassemble and sit a competent time, without any new summons, or elections. And as no Papist can by law hold any place of trust, so the King is content that it may be further provided, That no Lords or others of the Privy-Council, no Judges of the Common Law, or in Chancery, shall at any time, during the reign of any Papist Successor, be put in or displaced, but by the authority of Parliament: And that care also be taken, that none but sincere Protestants may be Justices of the Peace. In reference to the military part, the King is willing, that no Lord-Lieutenant, or Deputy-Lieutenant, nor no officer in the Navy, during the reign of any Papist Successor, be put in, or removed, but either by authority of Parliament, or of such persons as the Parliament shall intrust with such authority.

It is hard to invent another restraint to be put upon a Papist Successor, considering how much the Revenue of the Successor will depend upon consent of Parliament, and how impossible it is to raise money without such consent. But yet, if any thing else can occur to the wisdom of the Parliament, which may further secure Religion and Liberty against a Papist Successor, without defeating the Right of Succession itself, his Majesty will most readily consent to it. Thus watchful is the King for all your safeties; and if he could think of any thing else, that you do either want or wish to make you happy, he would make it his business to effect it for you. God Almighty long continue this blessed union between the King, and his Parliament, and People."

These proposals were not received by the House of Commons with that applause, the King had expected. The Commons distrust was too great for their fears and suspicions to be removed by such offers. Though some authors call this an insatiation in the House of Commons, I think my self obliged to remark, that the King offered indeed his consent to Acts of Parliament, but suggested no means to secure the execution. It was an artifice of the Court of *England*, begun in the reign of *James I.* and continued under *Charles I.* and II. to represent the laws as the impregnable bulwark of the nation's liberties. And

Went of the Commons a day of the Duke of York's Resolves. p. 363. Richard. The Earl of Danby pleads the King's pardon. p. 363. Trist. p. 713.

Kilmer. p. 303.

The King's Speech to the Parliament. Kilmer. p. 363. Richard.

1679. Chancellor's Speech.

A Reflection upon the King's offer relating to the Duke of York's Succession.

(1) By William Lord Russell; for which he paid dearly afterwards.
No. 79. VOL. II.

1675 yet these three Kings had, on several occasions, transgressed them. I shall give here some instances, to which many more might be added. Were the Laws enacted for the preservation of Religion under James I. punctually executed? Of what benefit could Laws made for the security of their Liberties be to the Subjects, since James I. laid down for principle, that though, in confidence and honour, the King ought to govern his Subjects with equity, he might nevertheless by the extent of his power, govern in an absolute manner, without any controul? Did the Petition of Right restrain Charles I. from levying Ship-money? Did the Laws hinder the same King from governing twelve years without a Parliament, and from raising money in that interval by an absolute authority? Had Charles II. been more scrupulous? Was it in virtue of the Laws that he shut up the Exchequer, and seized the Money there without the consent of the proprietors? Was it for the better execution of the Laws, which seem to secure the liberties of the Subject, that he received annually from France a pension of six millions of livres? Of what use therefore are Laws, the execution whereof no human power can warrant, when the interests of the Prince and People are diametrically opposite, which could not fail to happen in the reign of a Popish Successor? This suffices to demonstrate, that the King's offer of his assent to the Acts he proposed, was incapable of dispelling the fears of the People, because not only no expedient was proposed to secure the execution, but it was not even in his power to give any security. But it will be asked, what other expedient was there for securing the Religion and Liberties of the nation, consistent with the right of succession? I confess there was none, and affirm withal, that these offered by the King were insufficient. But to whom was this impossibility owing? To the Duke of York alone, who had openly declared himself a Papist, and from that time incessantly excited both England and France to promote the interests of his Religion, as the letters of his Secretary Coleman manifestly show. To enable the Reader to judge of this matter, being the most material of this reign, I shall here propose some questions which are necessary to be decided before he can determine in favour of the King or Parliament.

Question the first. Whether there was any danger to England in admitting a Popish Successor?

This the King himself did not deny, since he proposed expedients to prevent this danger?

2d Question. Whether the expedients proposed by the King, were capable of preventing this danger?

This is what no Person can either positively affirm or deny. For if, on one hand, it may be supposed, that a popish successor would have sincerely complied with the Acts proposed by the King, it may, on the other hand, with equal justice be supposed, that the Duke of York, the immediate successor, considering his principles, his humour, his temper, his zeal for his Religion, would never have patiently suffered himself to be restrained by these Acts of Parliament. But this was a contingency which God alone could foreknow.

3d Question. The Commons not believing the expedients offered by the King sufficient to prevent the danger, and the King believing the contrary, who was to yield, the King, or the People represented by the Commons?

This is what I shall not pretend to decide.

4th Question. Which evil was greatest, That of breaking the lineal Succession in the exclusion of the Duke of York, or that of exposing the established Religion to ruin?

This Question supposes, that the Kings of England succeeded by a Right purely Hereditary. But this supposition is greatly contested. It may at least be affirmed, that several Parliaments have decided the contrary (1). As to the question in itself, it may at least be averred, that in France, in a parallel case, upon the death of Henry III, the interests of the Catholic Religion were, without hesitation, preferred to those of Henry IV, who was a Protestant, and the next Heir: But many pretended, that as the French did ill, so the English Parliament was to blame to imitate them.

5th Question. The two evils, namely, the breach in the Succession, and the exposing of the Protestant Religion, being supposed perfectly equal, which was to suffer, the Rights of the Duke, or the Religion of the Nation?

Some pretend, that the right of Succession is not to be violated upon any consideration, and that the interests of Religion extend not so far as to authorize such a violation. Others on the contrary maintain, That when things were reduced to such a state, that the Duke or the People must suffer, the Duke ought to be the sufferer, since it was he who had brought matters to that state.

The Reader ought to determine these questions, before he gives a definitive sentence upon this affair.

The day after the King's and the Chancellor's Speeches to both Houses, the Commons, without taking any great notice of his Majesty's proposals about the Succession, proceeded on the Bill for preventing the dangers arising from Popery, as well in his reign, as his successor's.

They also read the first time a Bill for better prevention of illegal exaction of money from the Subject; and ordered another to be brought in, "That when any member of the House was preferred to any office or place of profit, a new Writ should immediately issue out for electing a member to serve in his stead."

The 5th of May they resolved, "That the petition pleaded by the Earl of Danby was illegal and void," and the Speaker, with the whole House, went up to the Lords Bar, and demanded judgment against him.

Shortly after they drew up an address against the Duke of Lauderdale, in the strongest terms that could be used, which was carried in a full body to the King. But it seems the King could not then part with this Minister, the last of the Cabal, and therefore he coldly answered, *That he would consider of it, and return an answer.*

In the mean time, the King sent a message to the Commons by the Lord Russell, who acquainted the House, "That his Majesty commanded him to let the House know, that he was willing to comply with their request concerning *Pickering*, and that the law should pass upon him accordingly: That as to the condemned *Piercy*, the House of Peers had sent for them, in order, as his Majesty conceived, to some examinations. That he repeated his instances to them for putting the fleet in a good posture, for dispatching the discovery of the plot, the trial of the Lords, and the Bill for the security of Religion."

After this message, the Commons finished the Money-bill for disbanning the army, which the King passed the 9th of May. By this Act a supply was granted to the King of two hundred and six thousand, four hundred sixty-two pounds, seventeen shillings and three-pence, for paying off and disbanning the forces raised since the 30th of September 1677. The Act also made in it, that for the future, *Soldiers should not be quartered in any person's house against their consent.*

At the same time the Lords informed the Commons, that the Earl of Danby refused to adhere to the plea of his Trial. Pardon; and that the Commons having demanded judgment against him, as conceiving his pardon illegal and null, the tenth instant was appointed for hearing the Earl of Danby to make good his plea. The Lords likewise acquainted the Commons, that they had resolved, the five Lords in the Tower should be brought to their trials the 14th instant.

The part of the message concerning the Earl of Danby so offended the Commons, that they resolved, "That no Commoner whatsoever should presume to maintain the validity of the pardon pleaded by the Earl of Danby," "without the consent of the House first had, and that the persons so doing, should be accounted betrayers of the Liberties of the Commons of England." This vote was passed in several places, that no person might be ignorant of it. The true reason of these proceedings was, that by the examination of the several articles of the Earl's impeachment, the Commons hoped to discover the King's secret practices with the Court of France; whereas the King by his pardon had put the affair in such a state, that there would have been no occasion to examine the Earl of Danby's answers to the articles exhibited against him.

The vote of the Commons much inflamed the differences that were already begun between the two Houses, about the manner of proceeding against the five Lords in the Tower. For the Lords had addressed the King to appoint a Lord High-Steward to preside in the trials; but the Commons, thinking it unnecessary, proposed, "That a Committee of both Houses might be nominated to consider of the most proper ways and methods of proceeding upon impeachments." And this was what the Lords refused, which occasioned a warm dispute; but at last the Lords agreed to the nomination of the Committee.

The same day the Lords communicated to the House of Commons, a petition from the Earl of Danby, in which he set forth, "That he met with informations severely from his Council, that he durst not appear to argue the validity of his pardon, by reason of the vote of the House of Commons." Their Lordships therefore desired to know, *Whether there was any such vote as was alledged in the Petition?*

It appears plainly in the proceedings of the Commons, that they only sought occasion to drive things to extremity. With this view, they presented an address to the King, for taking notice, "That multitudes of Jesuits, Popish Priests, and Popish Recusants, resorted to the cities of London &c."

(1) Parliament was first called in Charles II's reign, asserting the Power of the Parliament to limit the Succession of the Crown.

1679. thered strength, sent the Duke of Monmouth at the head of some English forces, who were joined by some Scotch regiments. The Duke discharged his commission with such bravery and success, that the 23d of June he entirely defeated the rebels, [at *Beilswell* bridge,] killed eight hundred, and took about twelve hundred prisoners. Several were hanged, and the rest were transported.

The Trial of
five Jesuits.
Burnet.

Shortly after the prorogation of the Parliament, the five Jesuits, *Whitbread, Harcourt, Fenwick, Gaten,* and *Turner*, were tried. The 13th of June they were brought to the *Old Bailey*, where their indictment was read, and the witnesses heard.

Oates's de-
position.
State-Try.
T. II. p. 831.

Oates's evidence was. "1. That the great Consult of the 24th of April 1678, was by order of *Whitbread* the Provincial, and that he, *Fenwick, Harcourt,* and *Turner*, did all in his presence given the resolve for the King's death. 2. That *Whitbread*, after his return to St. Omer's, did say, *He hoped to see the black Earl's head* at *Whitehall*, laid fast enough; and if his Brother should appear to follow his footsteps, his person should be made too

"3. That in July, *Abby* a Priest, brought over instructions from *Whitbread*, to offer Sir *George Wakeman* ten thousand pounds to poison the King; and also a commission to Sir *John Gage* to be an officer in the army they designed to raise, which the witness delivered to Sir *John*.

p. 831, 832.

"4. As for *Gaten*, though he could not positively say, he saw him at the consult, yet he saw his hand subscribed to the resolve: And that in July 1678, he gave them in *London*, an account how prosperous their affairs were in *Staffordshire* and *Shropshire*; that the Lord *Stafford* was very diligent, and that there was two or three thousand pounds ready there to carry on the design; all which he afterwards heard him declare in *Father Ireland's* chamber."

Dugdale's
deposition.
No. p. 836.

Stephen Dugdale, a new witness, deposed, "1. Against *Whitbread*, that he saw a letter under his hand to *Father Evers* a Jesuit, and Confessor to the witness; in which he ordered him to be sure to chuse men that were hardy and trusty, no matter whether they were Gentlemen: And he swore that they were to do; that the words under his hand were in express terms, — *For killing the King*."

"2. Against *Gaten* he swore, that he entertained the witness to be of the conspiracy to murder the King, as one of those resolute fellows described by *Whitbread*; and for that end they had several consultations in the Country; and at *Byssell*, and at *Tixall* in September 1678. And he heard them talk in one of those consults, that it was the opinion of the Monks at *Paris*, who were to assist in the conspiracy, *That as soon as the deed was done, they should lay it on the Presbyterians*, and so provoke the other Protestants to cut their throats. That he had intercepted and read above a hundred letters to the same purpose, to be delivered by private marks, known to *Father Evers*."

"3. That the witness himself was so zealous in the cause, that he had given them four hundred pounds for carrying on the design, which *Gaten* had made him believe was not only lawful, but meritorious; and that he was to be sent up to *London* by *Harcourt*, there to be instructed about killing the King."

"4. That the same *Harcourt* did write word to *Father Evers*, of Sir *Edmundbury Godfrey's* being dispatched, that very night it was done; so that they knew of it in *Staffordshire* several days before it was commonly known in *London* (1). And to confirm this testimony, he produced Mr. *Chetwin*, a Gentleman, who swore, he did hear it reported as from Mr. *Dugdale*; and that he was not in town when the murderers of Sir *Edmundbury Godfrey* were tried, or else he then would have witnessed the same."

p. 840.

5. Against *Turner* he swore, "That he saw him with others, at *Evers's* chamber; where they consulted together to carry on this design, of bringing in Popery by killing the King."

Princes's de-
position.
Ibid.

Prince deposed, "1. That *Harcourt* one day paying him for an image of the *Virgin Mary*, told him, there was a design of killing the King: 2. And that *Fenwick* told him in *Ireland's* chamber, that there should be fifty thousand men in arms, in a readiness to settle their Religion, and that they should be commanded by the Lords *Bellasis, Pevins,* and *Arundel of Warden*."

Bellasis's de-
position.
p. 841.

Bellasis deposed, "1. That he had seen *Whitbread* and

Fenwick at several consults about the plot; and that he had heard *Whitbread* at *Harcourt's* chamber, tell *Coleman*, the manner of sending the four Ruffians to *Windsor* to kill the King."

"2. That he saw *Harcourt* take out of a cabinet about fourscore or a hundred pounds, to give to a messenger, to be carried to the said Ruffians, with a guinea to the messenger, to drink Mr. *Coleman's* health."

"3. That *Whitbread* told him, that *Pickering* was to have a great number of Maffes, and Great fifteen hundred pounds for killing the King."

"4. That *Harcourt* employed him three several times to carry their consults beyond the seas; and that in *Harcourt's* presence, he received *Coleman's* thanks for his fidelity, and that *Harcourt* recommended him to the *Lord Arundel*, who promised him great favour when the times were turned: Also that he saw *Harcourt* give *Wakeman* a Bill to receive two thousand pounds, in part of a greater sum; and heard Sir *George* say, fifteen thousand pounds was a small reward for the settling of Religion, and preserving the Three Kingdoms from ruin."

Besides these evidences, there was a letter found amongst *Harcourt's* papers, from one *Petre* a Jesuit, which named a meeting designed on the 24th of April 1678. This letter served to fortify Oates's evidence of the Grand Consult. But this was explained by the prisoners to signify a triennial meeting about the choice of a Procurator to be sent to *Rome*, though not to the full satisfaction of the Court, which looked upon it as an evasion.

The defence made by the prisoners was various and long. Besides their frequent asseverations and protestations of their innocence (2), and their ignorance of any designs against the King, they much argued against the witnesses, insinuating: "That to the making of a credible witness, there must be integrity of Life, truth of Testimony, and probability of Matter; but the witnesses against them, *Oates, Bellasis, France,* and *Dugdale*, were men of desperate fortunes, and flagitious persons, and that false swearing was their livelihood."

I cannot forbear remarking here by the way, that if this maxim, *That to make a credible witness, there must be integrity of life*, was received without restriction, it would be almost impossible to prove such plots as this, because commonly, only villains engage in them, and they are discovered by complices."

"They alleged particularly the great improbability of trusting Oates with secrets of the highest importance, when he was turned away from St. Omer's for his misdemeanours and immoralities, which were so great, that he was denied the Sacrament. They charged him with contradictions, with relation to his former evidences."

These contradictions consisted, in that Oates had said before the Council, that he knew no more, and yet added many things afterwards. I shall not repeat here what I have said elsewhere.

They produced about sixteen witnesses to prove, "that Oates had been all April, May, and till the latter end of June 1678, at St. Omer's; and that they saw him every day, and conversed and dined with him, and that he was never out of the College, except two days and one night he was at *Watton*, and except two or three he was in the Infirmary, &c. and consequently he could not be at the Consult of the 24th of April."

And further they proved, "That Sir *John Warner*, and Sir *Thomas Pighton*, whom Oates had sworn to, come over with him to the Consult, were all that time beyond the seas, one at *Watton*, the other at *Lige*."

And moreover, to show that Oates was not a man to be credited, they produced eleven witnesses to prove, "That *Father Ireland*, who was executed, was not at *London*, and made it appear directly contrary to what he had sworn upon his trial. They added, "that if the evidence of their side should be rejected because they were *Roman Catholics*, all commerce with several countries would be destroyed."

The Chief Justice replied, that they had no room to complain of the witnesses being rejected by the Court, since, on the contrary, their depositions were received without any scruple, and that it belonged to the Jury to determine upon their evidence as they saw cause."

In answer to these accusations, Oates alleged, "That his coming to *London* to the Consult was very private; yet he produced six witnesses to testify they saw him there about that time, but in a sort of a disguise (3). But none spoke very home but Mr. *Smith* a Schoolmaster

(1) *Harcourt's* Letter was received the Monday next after the Saturday, on which the murder was committed; that is, three days before the body was found. *State trials*, Tom. II. p. 838.

(2) *Gaten* made this solemn Protestation: "I do as truly believe there is a God, an Heaven, and a Hell, as any one here does: and I hope for Salvation, as I hope to see God in Heaven, I never saw Mr. *Oates* before the day in January, when he says, I had the Persuasion on, and he did not know me: And as for July, I tell God to witness, I never saw him then. *State Trials* Tom. II. p. 835.

(3) An old Dominican Friar, Rector of that Church and Order, swore he saw Oates in England, and spoke with him at that time. By this the Credit of the St. Omer-scholars was quite blasted. *Burnet*, p. 464.

1679. of *Iffington*, who afterwards in the reign of King *James II.* retracted all that he had said.

As to *Ireland* being in *London*, *Oates* produced one witness, who did affirm to have seen him there at that time.

Gowen offered to undergo the *Ordeal*, or fiery Trial over red hot *plow-shares*, as a test of his innocence. But, besides that this way of proving an accused person's innocence had been abolished six hundred years, and consequently was not to be allowed by the Court, it is certain that when the Trial by *Ordeal* was practised, it was never admitted but where evidences failed, which could not be said of *Gowen*.

Harcourt urged in his defence, with regard to the letter said to be writ by him to *Ever* concerning *Godfrey's* death, That he must have been mad to send such a letter by the post.

The Jury, after a short consideration, returned, and brought in all the five prisoners guilty of High-Treason; but sentence was respited till the next day, on which came on the trial of *Richard Langborn* a Popish Counsellor at Law of the *Temple*, and much employed by the *Papists*. Being brought to the same place with the five *Jesuits*, and before the same persons, with a new Jury, *Oates* appeared and swore:

"1. That the prisoner held correspondence with *la Chaise* and others, and that the witnesses carried several letters to persons beyond the seas; in one of which he saw under his own hand, words to this purpose, *That the Parliament began to flag in promoting the Protestant Religion, and now they had a fair opportunity to begin and give the blow*, with other expressions plain enough concerning the plot.

"2. That he had orders from the Provincial *Whitebread*, to give *Mr. Langborn* an account of the Resolve of the great Council, April the 24th 1678, and upon acquainting him with it, *Langborn* lifted up his hands and eyes, and prayed to God to give it good success.

"3. That he saw in his chamber certain Commissions which they called *Patents*; and that he permitted the witness to peruse several of them: One was to the Lord *Arundel* of *Warder*, to be Lord Chancellor, another to the Lord *Powis*, to be Treasurer, and one to the prisoner, to be advocate of the army; all signed *Johannes Paulus de Olive*, by virtue of a brief from the Pope.

"4. That being employed as a solicitor for several of the *Benedictine* Monks, to raise six thousand pounds for carrying on the cause; and said in his hearing, *That he would do his utmost for procuring the money*.

"5. That he was disgusted, that Sir *George Wakeman* was not contented with ten thousand pounds to poison the King, and called him, a narrow-spirited, and narrow-souled Physician; who, for so publick a cause, ought to have done it for nothing.

6. An Instrument being produced, signed *Paulus de Olive*, was found in *Langborn's* chamber; *Oates* swore, "That the forementioned Commissions were signed by the same hand; but they were all conveyed away, and this being only an Ecclesiastical business, and not dangerous as they thought, was left behind."

In the next place *Bedloe* swore, "1. That going with *Coleman* to the prisoner's chamber, the former gave him his letters to *Father la Chaise*, the Pope's Nuncio, and others, open, to read, and register in a book kept by him for that purpose; and that some of the expressions in these letters were, *To let la Chaise know, they waited only now for his answer, How far he had proceeded with the French King, for the sending of money; for they only wanted money, all other things being in readiness. That the Catholics of England were in jealousy; that places and offices had been disposed to them, and that all garrious either were, or suddenly would be, in their hands; and now they had a fair opportunity, having a King that was so easy to believe what was dictated to him by the Catholic Party*.

"2. That he brought other letters from *Harcourt* to *Langborn* to be registered; of which letters, one was for the Rector of the Irish College at *Salamanca*, which specified, *That the Lord Bellasis, and the rest of the Lords concerned should be in readiness, for that they had sent some Irish capbared soldiers, with many Lay-brothers, under the notion of Pilgrims from St. Jago, who were to take shipping at the Groyn, and to land at Milford haven, and there to join with the Lord Powis*.

Mr. Langborn in his defence, besides the solemn protestations of his innocence, alleged, "That *Oates* and *Bedloe*, the witnesses against him, were parties in the crime,

and desired to know, whether they had their pardons." Upon understanding that *Bedloe* had three, and *Oates* had two under the Broad-seal; he insisted, "That they were still approvers in the eyes of the law, and therefore not to be heard; and desired to know, if they expected any rewards for their discoveries." *Oates* replied upon oath, "That he had been rewarded by expending six or seven hundred pounds out of his own pocket, without knowing if he should ever see it again." *Langborn* then alleged, "He had heard *Bedloe* had received five hundred pounds;" but he was answered, "That that was for the discovery of Sir *Edmundbury Godfrey's* murder, and not for the plot." And *Bedloe* swore, "That he was so far from having any benefit for that discovery, that he was from hundred pounds out of pocket." When the prisoner insisted upon the improbability of their assertions, by reason of their great necessities and poverty, when they first made their discoveries, he was told, "That such enquiries were foreign to the matter in hand." And so he proceeded to prove *Oates* to be perjured, with respect to the Consult in April 24, and to the business of *Father Ireland*, by the same witnesses that had been used by the five *Jesuits* the day before. Whereupon the Chief Justice told him, that a witness could not be rejected as perjured, unless he was declared so upon a trial, and therefore his allegation could not be of any service to him.

As *Oates* had formerly sworn, that he lay at *Grove's* house about the time of the Consult, he brought Mrs. *Grove* to testify, that he never was there about that time; which was confirmed by her maid; and both affirmed, that the house was taken up, and that there was no room to lodge him. The Court thereupon said, that being disguised he might lodge there without being known.

While this trial was depending, [Roger Palmer] Earl of *Castlemain* came into the Hall, and told the Judges, That the mob used violence to the witnesses who had deposed in favour of the prisoners, and that they were in danger of their lives; upon this the Court ordered immediate inquiry to be made after the authors of these violences, in order to punish them according to their desert.

In conclusion, the Jury brought in *Langborn* guilty, and he received sentence, together with the five *Jesuits*, who had been tried the day before.

On the 20th of June, the five *Jesuits* were executed, protesting their innocence. *Whitebread* in particular, declared, "That he renounced from his heart all manner of Abolutions, Dispensations for Swearing, &c. which some had been pleased to lay to the *Jesuits* charge, thinking them unjustifiable, and unlawful." *Langborn* was reprieved for a month (1). He was executed the 14th of July, and died, protesting his innocence of the crimes for which he was condemned. It was the wonder of many, that so able a Lawyer, if he was innocent, had made so weak a defence.

As the death of these five *Jesuits*, and of the three before executed, made a great noise; and as to this day they are believed innocent by some, and guilty by others, I cannot forbear to make a few reflections upon this subject, to assist the reader to judge impartially.

1. The truth will never be discovered, if men suffer themselves to be swayed by religious prejudices. If we believe an accused person guilty, because he is a *Papist* or *Jesuit*, or if for the same reason we believe him innocent, all examination is vain. The prejudiced person always finds reason and justice in one or other of these two opinions, and therefore he must, if possible, divest himself of his prejudices.

2. The condemned *Jesuits* were accused of three things: of a design to kill the King; to subvert the Government; to root out the Protestant Religion. And yet, most of the evidences against them ran only upon the first of these three articles, the two others being supposed. It is nevertheless upon this supposition, that the accusation of designing to kill the King is built, because it is pretended, that the aim of the conspirators was to place the Duke of *York* on the throne, as more proper to advance their designs than the King his brother. But this pretension is not proved, nor does it appear in the evidences produced against them, that this was their aim.

3. But on the other hand, it can hardly be denied, that throughout this whole reign, there was a settled design to render the King absolute, and introduce the Popish Religion. This must be the meaning of these expressions, *To subvert the Government, and destroy the Protestant Religion*. This being supposed, it is not improbable, that the *Papists* and *Jesuits* might believe, that their project would be sooner executed if the King was removed, and the Duke of *York* placed on the throne.

(1) In hopes of his making some discovery. He offered to declare what *Eshates* and *Stuck* the *Jesuits* had in England; but protested he could make no other discovery. *Burnet*, p. 455.

1679.

4. It is therefore upon this probability, that the Jesuits have been accused of plotting to kill the King. It is supposed, that being concerned in the general design, or the plot, they believed the King's death a proper means to hasten the execution, and here the witnesses were very positive.

5. The defences of the prisoners consisted chiefly, 1. In asseverations and protestations of their innocence. 2. In the depositions of the witnesses from St. Omer's, and *Stef-fordshire*, who proved, that *Oates* was not at *London* the 24th of April 1678. 3. In the improbabilities in the evidence given by *Oates* and *Bedloe*. Upon these three heads I propose to make some reflections.

1. The protestations and asseverations of the accused during their trial are not to be regarded. But when they are carried to the point of death, they ought to be considered. If they are not a positive proof, they form at least a presumption, because Papists are not less convinced than Protestants, that lying is not the way to escape the just judgment of God, before whom they are shortly to appear; and that, besides, these Protestations never prevail for a reversal of the sentence. I am aware that the Jesuits are accused of approving equivocations and mental reservations. But, without examining how far this charge may be proved, it is certain, that Father *Whitbread*, upon the ladder, testified an abhorrence of this doctrine, and renounced all Pardons and Dispensations from the Pope, or any other power, for swearing or speaking against the truth (1). It is not therefore impossible, that without there was passion or prejudice in the Judges and Juries, the Jesuits, though innocent, would have been condemned upon false evidence. Accordingly, this is what many pretend: But there are others who carry the thing further, and maintain, that the accused might have been acquitted, if the passion and prejudice of the Judges and Juries had not prevented it. This we shall examine in the next article.

2. I have elsewhere spoken of the defence, founded upon the proof of the *Alibi*, which obliges the Judge to render justice by chance, since, there being a direct contrariety between the evidences, the Judges cannot be satisfied on which side the truth lies. *Oates* deposed, That he had assisted at the grand Consult in *London*, April 1678. He produced seven witnesses, who affirmed, that they saw him in *London* at that time. The Jesuits on their side produced sixteen witnesses, who affirmed, that *Oates* was at St. Omer's at the same time. It must be therefore, either that *Oates* and his witnesses, or those of the Jesuits, were false. Now, that which probably determined the Jury to bring in the Jesuits guilty was: First, The prisoners objected only a bare denial to the testimonies of *Francis Dugdale*, and *Bedloe*, which could not but breed a disadvantageous prejudice against them. Secondly, The witnesses from St. Omer's were all scholars, or persons depending upon the Jesuits College, another consideration capable to pre-judice the Jury. Lastly, The question was to examine a plot contrived by Papists, as such, and in favour of their Religion, and not as private persons, incited by other passions. In this case, it is not very strange, that the evidences given by Papists appeared suspicious. For it is certain, at that time, the opinion, supported by the votes of two several Parliaments, that there was a real plot to subvert the Protestant Religion, was generally embraced throughout the whole Kingdom.

As to the superiority of sixteen witnesses against seven, this could occasion no difficulty. For seven witnesses dispersed in *London*, who had only accidentally seen *Oates*, were as credible as the sixteen that up in one house at St. Omer's (2). And though there had been but two from St. Omer's, yet, all other circumstances being equal, they would have been as credible as the seven witnesses of *London*.

3. I proceed now to the improbabilities in the depositions of *Oates* and *Bedloe*. First, It is difficult to conceive the necessity of revelling the King's death in an assembly of fifty Jesuits. Secondly, it may with reason be supposed, that an affair of such importance as the assassination of a King, passes thro' the hands of those only who are most distinguished in the Society, either by their posts or capacity. But it is hardly credible, that fifty such could be found in *England* or at St. Omer's. Thirdly, I know not that any person, to this day, has positively affirmed that *Oates* was a Jesuit. And yet he not only appears in the grand consult of the 24th of April, but has an office in it of great trust and importance, namely, to carry the resolution of

1679. killing the King, to the several Companies into which the assembly was divided. Fourthly, It is not said, at what time *Oates* turned Papist; but 'tis only seen, he was first employed in 1677, to carry letters to *Spain*. He returned about the end of the same year, and shortly after was sent to St. Omer's, where he continued but three or four months. Now it is not probable, that this short stay at St. Omer's could have acquired him the confidence of the heads of the Society, to such a degree, as to be sent to *London* to assist in a grand Consult, where the King's murder was to be resolved. Fifthly, Why was *Bedloe* to be admitted into so great a secret, he who was to have no share in the execution? And yet he speaks of it as a thing with which he was perfectly acquainted, not only from letters which he might have opened, but it appears even by his depositions, that the heads of the conspiracy, *Ireland*, *Whitebread*, *Harcourt*, *Coleman*, *Langborn*, used no caution with him; from whence it may be inferred, that they themselves imparted to him the secret. He is at *Harcourt's* chamber, when the money is ordering for the four Irish men who were to kill the King. He is at the same chamber when the Queen's Physician receives a note of two thousand pounds Sterling, without any apparent necessity of his presence in an affair of that nature. Sixthly, *Oates* and *Bedloe* were men of mean birth, who had been only employed as letter-carriers. They were besides little distinguished for their capacity, or talents, and yet they are admitted into all the most important secrets of the Plot. Lastly, It appears in the depositions of *Oates* and *Bedloe*, that the conspirators talked together, and wrote to one another, concerning the King's murder, as if it had been but a trifle, and without even taking the usual precautions on such occasions, of disguising their thoughts in ambiguous expressions.

These are improbabilities which give but too much occasion to suspect the credit of these two witnesses. It will perhaps be said, that a thing is not false because it is improbable; and that God sometimes permits the most wary villains to ruin themselves by a too great confidence in others. This may be, and it may also be, that this was not the present case. At least it may be affirmed, that the Jesuits are not wont to proceed with so little caution.

These are the improbabilities that have induced many people, tho' persuaded of the reality of the plot, as far as it concerned the Government and Religion, to suspend their judgment with regard to the King's murder. The same improbabilities likewise have furnished others with a pretence for denying the whole plot, because they are pleased to confine it to that single article, in which they impose upon themselves, or else are desirous to impose upon their Readers.

The 10th of July the King, contrary to the advice of his new Council, which he seemed to have resolved to follow with an entire deference, dissolved the Parliament, and summoned another to meet the 17th of October. He hoped to find the next more tractable, but was very much deceived. The People, who no longer regarded what came from the Court, affected to send such members as were of the Country-party, as being the most proper to oppose the designs of the King. The Earl of *Shaftsbury* was at the head of this party, and without doubt greatly contributed to inflame the passions of the People. But it is perhaps saying too much, to charge this Lord with all the King's late mortifications. If it could be proved, that the King had never given any occasion of discontent to his People, we should be obliged to recur to some extraordinary cause of the Parliament's ill-humour, as the intrigues, cabals, and artifices of some powerful and popular person. But what need is there to seek for an extraordinary cause, when one so naturally offers in the whole conduct of the King, who had hitherto shewn, that his interests, and those of his People were entirely different?

The 18th of June, Sir *George Wakeman* the Queen's Physician was brought to his trial, together with *James Coker*, *William Marshall*, two Benedictine Monks, and *William Rumsley*, a Lay-brother of that Order. *Oates* and *Bedloe* were the witnesses against them: but, besides that their depositions were imperfect, and the greatest part upon hearsay, and could pass for proofs only on the supposition of the design to poison the King, which was not well proved, the Jury doubtless considered, that a person of Sir *George Wakeman's* sense, would never trust such a secret to *Bedloe*, whom he scarce knew. Nay, he swore that he never saw *Bedloe* before in his life. However this be, the prisoners were acquitted, to the great mortification of

(1) *Rash* seems not to have taken notice of a passage in *Barnes* on this occasion. One *Sergeant*, a secular Priest, a zealous Papist in his way, some months after these Executions, appeared before the Council upon security given him, and avowed, that *Gauche* the Jesuit, who died protesting he had never thought it lawful to murder Kings, but had always desired it; had, at his last being in *Flanders*, said to a very devout person, from whom *Sergeant* had it, that he thought the Queen might lawfully take away the King's life for the injuries he had done her, but much more because he was a Heretic. Upon that *Sergeant* ran out into many particulars, to show how single Credit was due to the Protestations made by the Jesuits, even at their death, p. 466.

(2) See *Novo* always respecting the Dominian Friar.

1679. the two witnesses, since it was easy to see, that *Oates* and *Bodley* were evidences capable of swearing to things of which they had no perfect knowledge (1).

The King's
Affairs.
Kenne-
dell.
Trotter.
Barnes.
The Duke
of York
narrates.

About the end of *August*, the King being at *Windsor*, was seized with three violent fits of an intermitting fever, which gave great apprehension. The Earl of *Essex* and the Lord *Hallifax*, two of the four Counsellors which then managed the King's affairs, fearing, if the King died, to fall into the hands of the Duke of *Monmouth*, and the Earl of *Shaftsbury*, advised the King to fend for the Duke of *York*, which was done with all possible speed and secrecy; for the Duke was at *Windsor* the 2d of *September*. But the King, being then out of danger, pretended a surprize at his arrival. But this diffimulation was not capable to deceive the Duke of *Monmouth* and the Earl of *Shaftsbury*.

The Duke
of Monmouth
and Shaft-
sbury is
describ'd
by Kenne-
dell.
Richard.

On the other hand, the Earl of *Essex* and the Lord *Hallifax*, finding that they had made *Monmouth* and *Shaftsbury* their irreconcilable enemies, joined with the Duke of *York* for their destruction. They succeeded so well, that the King removed the Duke of *Monmouth* from his post of Captain-general, and sent him into *Holland*, to the great surprize of the whole Court, for the Duke of *Monmouth* was in the height of the King's favour before the Duke of *York's* arrival (2). Shortly after, *Shaftsbury* also was turned out from being President of the Council (3). Thus the Court had a new face, and the Duke of *York* was more powerful than ever. He improved this happy juncture to obtain the King's leave to retire to *Scotland*, representing to him the danger of his being in the *Low Countries*, in case of his Majesty's death. Accordingly, he returned to *Brussels*, to bring home his Duchesse and the Princess *Anne*, and arriving shortly after at *London*, departed for *Scotland*.

October 7.

If Dr. *Burnet* is believed, in the *History* of his own Times, he governed *Scotland* in an arbitrary manner, and gave manifest tokens of his cruelty, and inveterate hatred to the Presbyterians.

The Duke
of York
narrates.
October 27.
Kennet-
teller.
Barnes.
The King,
country to
the advice
of his Council,
proposes the
Temple's
Memo.
Richard.

Every one impatiently expected, where would end the late alterations at Court, and it was not long before it appeared. The 15th of *October*, the King summoning his Council, after a little pause, told them, That upon many considerations, which he could not at present acquaint them with, he found it necessary to make a longer prorogation of the Parliament than he intended: That he had considered all the consequences so far as to be absolutely resolved, and, not to hear any thing that should be said against it; That he would have the meeting put off, till that time twelvemonth. The Counsellors surprized at this resolution, and still more at the manner of proposing it, were most of them silent. Some however offering to represent to the King the dangerous consequences of this resolution, were enjoined silence. But Sir *William Temple*, more bold than the rest, stood up, and with great freedom told his Majesty, "That as to the"

"resolution he had taken, he would say nothing, because
"he was resolved to hear no reasoning upon it; therefore
"he would only presume to offer him his humble advice
"as to the course of his future proceedings; which was,
"That his Majesty in his affairs would please to make use
"of some Council or other, and allow freedom to their
"debates and advices; after hearing which, his Majesty
"might yet resolve as he pleased. That if he did not
"think the persons or number of this present Council
"suited with his affairs, it was in his power to dissolve
"them, and constitute another of any number he pleased,
"and to alter them again when he would: But, to make
"Counsellors that should not counsel, he doubted whether
"it was in his Majesty's power or not, because it implied
"a contradiction: And so far as he had observed, either
"of former ages, or the present, he questioned, whether
"it was a thing ever practised in *England* by his Majesty's
"predecessors, or were by now by any of the present Prin-
"ces in *Christendom*: Therefore he humbly advised him
"to constitute some such Council, as he would think fit
"to make use of, in the direction of his great and publick
"affairs."

This proceeding caused several Counsellors to furrender

their commissions to the King, and others to absent themselves from the Council (4), not thinking proper to encourage by their presence, the King's secret resolutions, and give occasion to believe, they approved them. The Earl of *Essex* resigned his place of first Commissioner of the Treasury. The Lord *Hallifax*, Sir *William Temple*, and some others, retired into the country. Thus the Council which the King had appointed to amuse the people, was almost dissolved, and the direction of the publick affairs remained in the hands of the Earl of *Sunderland*, Mr. *Laurence Hyde*, and Mr. *Sidney Godolphin* (5), or rather the Duke of *York*, whose interests they had embraced; and who, though absent, directed their resolutions.

In the latter end of *October*, about a fortnight after the prorogation of the Parliament, a sham plot was discovered, contrived by the Papists to bring an odium upon the Presbyterians, and the heads of the Country-party. This project had been formed the beginning of *August*, by the Countesses of *Pevis*, *Elizabeth Cellier* a midwife, the Earl of *Castlemain*, and the five Lords in the Tower. The design was to make use of false witnesses to accuse *Oates* of perjury and sodomy; to assassinate the Earl of *Shaftsbury*; and to charge the Duke of *Buckingham*, the Earl of *Essex*, the Duke of *Monmouth*, the Lord *Hallifax*, and several considerable citizens of *London*, with being concerned in a plot against the King. One *Dangerfield* was to be the principal actor in this scene (6). He received his instructions from the Lady *Pevis*, and the Lords in the Tower, with a list of the persons whom he was to accuse (7). Moreover, the Lady *Pevis* gave him a model of this plot, which he was to convey into the house of some pretended conspirator, and there cause it to be found.

Dangerfield furnished with these instructions and papers, informed the Duke of *York* of it, after his arrival from *Brussels*. The Duke of *York* made him a present of twenty guineas, and introduced him to the King, who, after hearing him, gave him forty more. Then he made some attempts to assassinate the Earl of *Shaftsbury*, but was prevented by several accidents. At last, on pretence of seeing some rooms, which he said he intended to hire, he went to Colonel *Manly's* lodgings (8), and found means to pin some dangerous papers behind his bed's head. This done, he informed two officers of the Custom-house, that there were in those lodgings, prohibited goods to the value of two thousand pounds. The officers repairing thither the 22d of *October*, searched every where in hopes of finding their prey; but as they did not think to search behind the bed, *Dangerfield* himself found the papers. The officers carrying these papers to their superiors, had orders to return them to *Manly*. Four or five days after, the Colonel meeting *Dangerfield* in the street, carried him directly to *Whitehall*, and brought him before the King and Council. He was strictly examined, and, after a full hearing, his contrivance being detected, he was sent to *Newgate* the 27th of *October*.

Two days after, Sir *William Waller*, a magistrate of *London*, searching *Cellier's* house, found the model of the pretended plot, writ very fair, in a paper-book tied with ribbands, and hid in a *Meal-tub*, which gave it the name of the *Meal-tub-Plot*. *Dangerfield* perceiving himself ruined, if he persisted in a thing which he could not support, applied himself to the Lord-Mayor of *London*, and gave him in writing a large confession upon oath, with a discovery of the persons by whom he was employed. This frank confession being transmitted to the Council, several persons were apprehended (9), and amongst the rest [Roger Palmer] Earl of *Castlemain*. The Lady *Pevis*, accused by others, besides *Dangerfield*, of conspiring the death of the King, was sent to the Tower, and ordered to be prosecuted for High-Treason. This affair greatly contributed to the resolution taken by the Earl of *Essex* and the Lord *Hallifax*, to retire from Court, because they observed, that tho' they were mentioned in the plot, they were left out of the secret examinations about it.

The famous Philosopher *Thomas Hobbes* died this year, in

(1) The Lord Chief Justice *Engle*, who had been very violent against the Prisoners hitherto, was observed, far contrary to his former Practice, to turn himself in this Year. The *Paragon Ambassador* went next day with great State to thank *Engle* for his Behaviour in *Walsingham's* Trial. By which the Chief Justice was exposed to much censure. This was looked on, as seems, as the Queen's Trial as well as *Walsingham's*. For *Oates* and *Bodley* had both deplored, that the was to assist him in poisoning the Council. *Burnet*, p. 468.

(2) In his room *Christopher Knott*, Duke of *Albemarle*, was made Captain of the Life guards of Horse, and *John Saffield* Earl of *Malgrave*, Governor of *Hull*. *Kennet*, p. 374.

(3) He had called a Council just before, while the King was at *New-Market*, and represented to them the Danger the King was in, by the Duke's being so near him, and pressed the Council to represent this to the King; but they did not agree to it. And upon the King's coming to *London*, he was removed, and Lord *Ruffell*, then made Earl of *Radnor*, was made President. *Burnet*, p. 477.

(4) Namely, the Lord *Ruffell*, the Lord *Cavendish*, Sir *Henry Capel*, and Mr. *Faulx*. *Kennet*, p. 378.

(5) This last and *Daniel Flock*, Esq. first Commissioner of the Admiralty, were twenty Party-Counsellors, February 4. 1680.

(6) *Burnet* gives him this Character: "That he was a subtle and detestant man, who had gone through all the shapes and practices of enigma, and in particular, was a false counter. He was in jail for debt, and was in an ill intrigue with one *Cellier* a Popish midwife, who had a great share of wit, and was shamed to be bredred. p. 479.

(7) They were, the Lords *Grey*, and *Howard* of *Effingham*, the Dukes of *Monmouth* and *Buckingham*, Sir *William Waller*, Colonel *Wood*, &c. *Dangerfield's* Narrative, p. 31.

(8) In his word, King's Free, *Whitechapel*. *Dangerfield's* Narrative, p. 42.

(9) Fitzgibbon, Sir *Cellier*, and *Gardner* the Abolisher.

1679. the 91st year of his age. His writings are, unhappily, but too well known, to need any farther notice (1).

1679-80. Affairs in the beginning of the year 1680, were in such a situation, that the King had need of all his patience and address. There were vitally two Parties in the Kingdom, that of the Court, and that of the Country. To the endeavours of the Court to gain Profelytes, the Country-party opposed swarms of libels to inflame the people, by representing the mischief which England was threatened, if the designs of the Court and the Papists were not prevented (2). For no scruple was made of affirming in these libels, that the Papists were countenanced by the Court. The year *forty one* seemed to be returning, and it was even probable, that the contrary party to the King had no better intentions against him, than the enemies of Charles I. had in 1640. It was a melancholly thing to see the Kingdom thus divided by the opposite interests of the King and the Subject. But when it was known, that the King had resolved to prorogue the Parliament till November, not only anonymous libels were published, but petitions flowed from all parts, for the sitting of the Parliament the 26th of January, according to the last prorogation. The King received these petitions with great trouble, and failed not to return a disobliging answer to those who had the boldness to present them. Nay, he published several proclamations against these petitions, using the same reasons that James I. and Charles I. had alleged on the like occasions. He said, "He was the head of the Government, and the only judge of what was fit to be done in such cases, and that he would do what he thought most for the good of himself and his people, desiring they would not meddle with a matter, that was so essential a part of his prerogative (3)." All this is very true in the ordinary course of the Government. But when the people believe the Sovereign is using, to the destruction of the Kingdom, a Prerogative intended for their welfare, the bare allegation of the royal Prerogative is not capable to satisfy them. Whatever colour is given to it, the *English* would never be convinced, that it ought to turn to their ruin. Accordingly, the proclamations were not able to put a stop to the Petitions, as on the other hand, the Petitions obliged not the King to alter his measures.

However, the King resolved to meet the Parliament the 26th of January, but it was only to tell both Houses, that the unsettled condition of the nation, rendered a long interval of the Parliament absolutely necessary, for compounding and quieting of men's minds. That nevertheless he would only prorogue them to April, in order to meet them again in that month, if the condition of his allies abroad demanded their assistance. After this short speech, the Chancellor, by the King's command, prorogued the Parliament to the 15th of April.

Two days after, the King declared in Council, "That he had sent for his royal Highness, not having found such an effect from his absence, as should incline him to keep him longer from him, when questions were started of such a nature, as was it reasonable that he should be present at the next session." Upon this invitation the Duke of York appeared at Court the 24th of February, where he was received with great pomp and satisfaction by the King his brother.

The Duke's arrival, and the King's late firmness in proroguing the Parliament, notwithstanding the clamours of the Male-content, greatly incouraged the Court-party, so that multitudes of addresses were presented to him, testifying an abhorrence of the liberty taken by some men to require him to hold the Parliament (4), and in that from *Norfolk* he was thanked for recalling the Duke of York. Though it is certain, the general sense of the people for or against the Court, is seldom to be known by these petitions, it is no less certain, they are, for the most part, the work of a few popular men, who by intrigue and cabal, procure subscriptions to these addresses, from those with whom they have interest, and who often sign them without examining the contents. Accordingly, these addresses are usually not to be regarded, most of the subscribers being ready to sign the contrary, if they think it for their private

advantage. They are however urged as a proof of the people's being of this or that sentiment, though in the main, it is a very dubious proof. On the present occasion, petitions had been presented to the King for the sitting of the Parliament. As soon as the Parliament was prorogued, and the Duke of York at Court, many addresses were presented in abhorrence of the former, so that two parties were formed, called the *Petitioners* and *Abhorrents*; and as the animosity between the two parties gradually increased, they bestowed upon each other names of reproach, and from hence arose the so much famed distinction of WHIG and TORY. The *Petitioners* looking upon their adversaries as entirely devoted to the Court and the popish faction, gave them the name of *Tories*, a title given to the Irish robbers, villains, and cut-throats, since called *Rapparees*. Thus the name of *Tories*, serves only now to distinguish one of the two factions which still divide England. The *Abhorrents* on their side, considering the *Petitioners*, as men entirely in the principles of the Parliament of 1640, and as Presbyterians, gave them the name of *Whigs*, or *Saur-Milk*, formerly appropriated to the Scotch Presbyterians, and rigid Covenanters. These two denominations are too well remembered at this time (5).

The *Whigs* were directed by the Earl of Shaftsbury, who looking upon the Duke of York not only as his own, but also as the mortal enemy of his party, believed there was no medium between perishing, or ruining that Prince. To this end, he had made it his business to extol the Duke of Monmouth, and render him the darling of the people, imagining, that when he had the people on his side, the supplanting of the Duke of York would not be impracticable. With this view it was, at least as it pretended, that the Earl of Shaftsbury found means to spread a rumour, that the King was lawfully married to Mrs. *Walter*, the Duke of Monmouth's mother, and that the Marriage-contract was in a black-box, in the custody of Sir Gilbert Gerard. The King and the Duke of York easily perceived the tendency of this rumour, and therefore omitted nothing to undeceive the people. To this end the King called an extraordinary Council the 26th of April, in which he declared, "That the said report was altogether false, and that he thought himself obliged in honour and conscience to have the matter thoroughly examined and searched into." Gerard appeared before the Council, declared upon oath, "That he never had any such writing, as was reported, committed to his charge, nor did he ever see or know of such writing." In short, after many fruitless enquiries after the author of this report, the King was forced to content himself with publishing, the 3d of June, a declaration, to confirm one made January the 6th, and another made March the 3d, which was entered in the Council-books, and signed by sixteen Privy-Counsellors, wherein he said, "That to avoid any dispute which might happen in time to come, concerning the succession to the Crown, he did declare in the presence of Almighty God, that he never gave, nor made any contract of marriage, nor was married to Mrs. *Barlow*, alias *Walter*, the Duke of Monmouth's mother, nor to any other woman whatsoever, but to his present wife Queen *Katherine*, then living (6).

This summer were several prosecutions and trials, and the 23d of June, [Roger Palmer] Earl of *Coffinham*, a Papist, husband to [Barbara Villiers] Duchess of *Cleveland*, the King's mistress, was brought to his trial and acquitted. *Cillier* the midwife, who had assisted the Lady *Pewis* in the tham plot, was likewise acquitted. Shortly after, he published a narrative of her trial, with severe reflections upon some persons, then in credit, for which he was tried a second time, and sentenced to stand three times in the pillory, and pay a thousand pounds fine. The Grand-Jury found not the Bill against the Countess of *Pewis*. Thus all the perfons concerned in the *Meal-Tub-Plot* were acquitted. The torrent did not then run in favour of the party against the Court.

Bedloe, the famous witness of the popish plot, died at Bristol the 20th of August. Three or four days before his death, the Lord Chief-justice *North*, then in his circuit,

The Duke of York returned to Court, Kennet, p. 367, Richard.

Two parties formed, and the Addresses and the Abhorrents, Kennet, Richard, Wotton.

(1) To be a little more large upon the Character of this Philosopher. He was the Son of a Clergyman, born at *Malmesbury* in *Wiltshire*, and called from the place of his Birth *Malmesbury*. He went on Bachelor of Arts at *Oxford* in 1664, and from thence was taken very young into the Earl of *Down*'s Family. With the Son of that Statesman he travelled into *France* and *Italy*, and made an acquaintance with *Gassendi*, and some of the greatest men of the age. In his 63d year he settled in England for the remainder of his days, and in the beautiful air of *Chalfont*, in *Buckinghamshire*, held it out to the 91st year of his age. The King, having learned Mathematics of him abroad, allowed him a pension of one hundred pounds a year. His genius was tall and exalted. But notwithstanding his pretences to Philosophy and the Mathematics, young *Watts* of *Oxford* convinced the world, that his self-diffidence was much greater than his real abilities. He likewise aimed at a reputation in Poetry, translated *Homer*, and wrote some other little songs, which have only raised him in general into *Osley's* in a part of Learning. He certainly was Latin with great purity, and his Version of *Thucydides* shows him a Master in his own Language. It is said that his Years improved his Years of Study, and that he did not leave the World with the Decency and Reputation of a Philosopher. — This year also died *Matthew Prior*, the compiler of the *Journal Criticum* on the Bible.

(2) Of the Libels then published, that which made most noise, was *An Appeal from the Country to the City*.

(3) These words were not in the King's Proclamations, but in his answers to the London and *Windsor* Petitions.

(4) The full Address of this sort came from the City of *Windsor*, and was presented by Francis *Widdow*, Esq. who was knighted for it. Kennet,

p. 375.

(5) See the Author's Dissertation on the *Whigs* and *Tories*, at the end of this Volume.

(6) *Flower* says, That the late Mr. *Mallet* of the Charter House, who was long in the Service of King *Charles II.* abroad, and had the care of Mrs. *Barlow*, and married her at *Paris*, did positively, the King had never any intention to marry her, and that indeed she did not deserve it, being a very old Woman.

p. 376. Note B.

1680. visiting him, *Bedloe* in his presence signed the following deposition.

His Deposition
We *Bedloe* that
Lord of *Bedloe*
Gentry
North, on 14th
deposition.

"That the Duke of York hath been so far engaged in the plot, as he hath seen by letters in Cardinal *Barbarrini's* Secretary's Study, that no part that hath been proved against any man already, that hath suffered, but that to the full those letters have made him guilty of it; 'all bus what tended to the King's death.' And at *Rome* I asked Father *Anderson* and Father *Leath*, two Jesuits, *What would the Duke do with his brother when he was King?* And they answered me, *they would find a means for that; they would give him no trouble about it.* Then I told them, *I believed the Duke loved his brother so well, he would suffer no violence to be done to him.* They said, *No: If the Duke could be brought to that, as he had been religiously to every thing else, they might do their work; their other business was ready, and they might do it presently. But they knew they could not bring him to that point; but they would take care for that themselves: they had not begun with him to leave him in such scruples as that. But they would let him into his throne; and there he should reign blindfold three or four days; for they had settled some they should pitch the action upon, should clear their party. And then he should fly upon them with the sword of revenge.*

And this examiner doth further add, "That the Queen is not, to this examiner's knowledge, nor by any thing he could ever find out, any way concerned in the murder of the King; but barely, by her letters, consenting and promising to contribute what money she could to the introducing the Catholic Religion. Nay, it was a great while, and it made her weep, before the could be brought to that."

He also declared to the Lord Chief-Justice, [*That he looked upon himself as a dying man, and found within himself, that he could not last long, but must shortly appear before the Lord of Hosts, to give an account of all his actions. And because many persons had made it their business to beguile and deride the plot, he did, for the satisfaction of the world, there declare, upon the faith of a dying man, as he hoped for salvation.*] *That whatever he had testified concerning the plot was true: And that he had wronged no man by his testimony, but had testified rather under than over what was true; — and, that he had said other things to discover, which were of great importance to the King and the Country, with other matters of the like nature. In conclusion, his Lordship was desired to represent to his Majesty his condition, and that his services were very chargeable, and move his Majesty in his behalf for some supply of money for his subsistence.*

Remarks upon this Deposition.

This deposition deserves some remarks. The first, that it comes from a dying man, and who indeed died three days after. If the protestations of those who had been condemned, either for the plot, or *Godfrey's* murder, may form a presumption in their favour, I don't see why this of dying *Bedloe* should not form the like, unless the point in question is taken for granted, namely, that the condemned persons were innocent, and *Bedloe* a villain for swearing against them. 2. *Bedloe* distinguishes perfectly the several articles of the plot, in that he accuses the Duke of York of being engaged in the plot, but acquits him from designing the King's murder. Now the plot, with regard to the Government and Religion, is so evident, and the part the Duke of York had in it so clear from *Coleman's* letters, that nothing can better agree with *Bedloe's* deposition. Thirdly, it is really improbable, that two Jesuits at *Rome*, directors of so important an affair, should speak so openly to *Bedloe*. But on the other hand, the manner of the King's death three or four years after *Bedloe's*, gives but too just cause to suspect, there was foul play, and causes this improbability to vanish in part. Lastly, *Bedloe* declared in his deposition, *That whatever he had testified concerning the plot was true, and this last deposition, far from giving room to suspect it of falsehood, may rather create a belief, that it was not an invention, since, being so near death, he could have no inducement to acquit the Duke of York upon one article, and accuse him upon others, or even to trouble the Chief-Justice with any deposition at all.*

This deposition a little perplexes a famous Historian, who in this part of his history undertakes to prove the plot to be a fiction. To free himself from this difficulty, he scruples not to oppose his own authority to *Bedloe's* deposition. "We know not, says he, how to speak softly of the dying words of one hardened by many years villainies; but must expressly declare, that as to his publick oaths he did not only swear to the most shocking improbabilities, but sometimes changed, and other times

"contradicted his own evidence." After this authority no man, doubtless, will regard this last deposition of *Bedloe*, otherwise than as a continuation of the crimes he had been guilty of, in falsely swearing there was a plot, when in reality there was none.

The city of London was then in the Country-party, which gave it great reputation. The choice, on *Midsummer day*, for Sheriffs, fell upon two famous Presbyterians, by a majority of voices, both accounted *Phanatics* by the contrary party (1). These were *Singley Bethel*, and *Hon. Cernish*, who took care to qualify themselves by receiving the Sacrament in the Church of England, abjuring the Covenant, and doing every thing as appointed by Act of Parliament. While this election was depending, it was pretended, that *Bethel's* party had committed some violence against the other, which obliged the King to order a Commission of Oyer and Terminer to be issued out for the trial of the riot. Mean while, the two Sheriffs, contrary to the King, being chosen, *Thomas Papillon*, Esq; presented an address to the Lord-Mayor, in the name of the city, wherein, after disowning all tumultuous and disorderly proceedings, and testifying an inviolable fidelity to the King, they desired his Lordship, *That he would, in their names, humbly beseech his Majesty, that the Parliament might speedily assemble.* Whether the address produced any effect, or the King had already taken his resolution, a few days after, it was made known by a publick proclamation, that the Parliament should sit on the 21st of October.

While the time of the meeting of the Parliament was yet remote and uncertain, the Court-party had some advantage; but, as it approached, the Country-party gained the superiority. The Duke of Monmouth was returned from *Holland* without leave (2), and instead of going to Court, made several progresses in the Kingdom to encourage his friends, and increase their number. This party were resolved to run all hazards, and ruin themselves or the Duke of York, the next session of Parliament. To this end, the Earl of Shaftsbury, attended by twelve Lords and Gentle-men of note, went publicly to *Westminster-Hall*, and at the King's Bench-Bar, by a Bill in form, presented the Duke of York as a popish Recusant (3). The thing was but too true, and the whole Kingdom was sensible of it. But till this time no man had dared to take such a step, which was considered as a formal design to break all measures with the Duke. This action so surprized the three principal Ministers, that they concluded the contrary party must necessarily be assured beforehand of the resolutions of the Parliament. Wherefore, to ingratiate the King with the Parliament, they advised him to fend the Duke of York into *Scotland*, believing it would not be in his power to support him, if he left him in *England*, during the session of the Parliament. The King approving their reasons, *The King* obliged the Duke to return to *Scotland*, after repeated assurances, that he would never forsake him. So the Duke departed the day before the meeting of the Parliament, to the great satisfaction of his enemies, who hoped to ruin him more easily in his absence.

At last, the Parliament met the 21st of October, as the King had promised in his proclamation. In his Speech at the opening, he acquainted both Houses, "That he had made and perfected an alliance with the Crown of Spain, suitable to that which he had before with the States of the United-Provinces, consisting of mutual obligations of succour and defence. He assured them, that nothing should be wanting on his part to give them the fullest satisfaction their hearts could wish, for the security of the Protestant Religion, consistent with preserving the succession of the Crown in its due and legal course of descent. In order to this, he recommended to them to pursue the further examination of the plot, with a strict and impartial enquiry; neither thinking himself nor them false till that matter was gone through with, and therefore it would be necessary that the Lords in the Tower should be brought to their speedy trial, that justice might be done. — He told them, that it would be impossible without their support to preserve *Tangier*, and therefore desired their advice and assistance. — In conclusion, he recommended to them a perfect union with himself, and one another, as the only thing which could restore the Kingdom to its ancient strength and vigour, and raise it up again to that consideration which *England* had usually had."

During this whole reign, the King's Religion was so great a secret, that very few were acquainted with it. And therefore the King more boldly protested his zeal for the

(1) The Court was very jealous of this Election, and understood it to be done on design to pack *Juries*. *Burnet*, p. 421.

(2) He begged the King's leave to return; but when he saw no hope of obtaining it, he came over without leave. The King upon that would not see him, and required him to go back. But the Earl of Shaftsbury advised him to make the progresses here mentioned. *Burnet*, p. 427.

(3) They that attended the Bill were the Duke of Hamilton and Shaftsbury; the Lords Grey de Wilton, *Stanley Grand, Ruffell and Leward*. Sir *William Grand, Sir Edward Howard, Sir Scrope Howard, Sir William Cooper, Sir Thomas Wharton, John Trevorland, Thomas Dwyer, and William Farquhar*, Esquires. By the sudden dissolution of the Grand Jury, the matter had no consequence in the courts or the Court. *Edw'd*, T. III. p. 579.

1680. Protestant Religion, and on all occasions declared, he would maintain it against the attempts of the Papists. These protestations might then have some effect, since it is very natural for a King to favour his own Religion. But since it has been certainly known, that *Charles II.* was a Papist, had abjured the Protestant Religion before his Restoration, and professed, though secretly, the popish Religion, these so solemn and so frequent protestations must be thought very strange, being intended only to deceive his Subjects.

After the Speaker (1) was chosen, and approved by the King, the House of Commons immediately discovered what was to be expected from them, by expelling some of their members, for having been Abhorers. But not content with punishing their own members, they ordered an address to be presented to the King, to remove from all public offices *Sir George Jeffries*, Sergeant at Law, Recorder of London, and Chief Justice of Chester, as guilty of the same crime, and a betrayer of the rights of the Subject.

As this was a new Parliament, and as the affair of the plot was to be resumed at the King's own desire, the witnesses who had already deposed, laid before the House their informations, and were joined by *Dangerfield*, *Jennison*, *Dugdale*, and one *Turboville*, a new evidence. Some likewise came from Ireland. Upon a report made to the House, that *Dr. Tenge*, who had first discovered the plot to the King, had received no gratuity, he was now recommended to his Majesty for the first good ecclesiastical preferment that fell in his gift. But the Doctor was disappointed of the benefit of this recommendation, by leaving the world not long after. The King on this occasion discovered no less zeal than the Commons, and issued out a proclamation, with a promise of his pardon to any person who should, within two months, give farther information and evidence concerning the horrid and execrable Popish Plot.

But this dissimulation was not capable of deceiving the Commons. Five days after the opening of the Parliament, the 26th of October, the Lord Russell moved, That they might in the first place take into consideration how to suppress Popery, and prevent a Popish Successor. He was seconded by *Sir Henry Capel*, brother to the Earl of Essex, who, in a long speech, related what had been done to the prejudice of the Kingdom during the present reign. He ascribed the whole to Popish counsels. He spoke of the first Dutch war; of the division of the fleet; of the affair of *Chatham*; of the fire of London; of the discharge of the prisoners concerned in that wicked act, without trial; of the violation of the Triple League; of the seizing the Dutch *Smyna* fleet before war was proclaimed; of the second Dutch war; of the permission to the Irish Papists to wear arms; of the alteration of the Government of Scotland, by lodging it in a commissioner and a council, besides an army of twenty thousand men. He said, the Papists were emboldened to act any thing, by the hopes of having the Duke of York for King: That they were more encouraged by the French Ambassador, who by his frequency at Court, seemed to be rather one of the family, and of the King's household, than a foreign Ambassador; and by his free recourse to his Majesty, rather a prime Minister of State of this Kingdom, than a counsellor to another Prince: That since all these irregularities and enmities proceeded from the popish party, supported by the Duke of York, it was high time to think of some effectual expedient to prevent Popery and a Popish Successor.

Several other members spoke to the same effect, some more, some less; and no man offered to vindicate the Duke, or speak in his behalf, till the House came to the two following resolves, upon the 2d of November.

1. That the Duke of York's being a Papist, and the hopes of his coming such to the Crown, hath given the greatest countenance and encouragement to the present designs and conspiracies against the King and the Protestant Religion.

2. That in defence of the King's Person and Government, and Protestant Religion, this House doth declare, that they will stand by his Majesty with their lives and fortunes, and that if his Majesty should come to any violent death, which God forbid, they will revenge it to the utmost of their power on the Papists."

Upon these two votes, the Lord Russell moved for a Committee to bring in a Bill to disable the Duke of York from inheriting the Crown. This affair was now debated with great spirit in several eloquent Speeches on both sides the question. The substance of what was urged for the Bill was, that the evils which the Kingdom had felt, and still laboured under, proceeded from Popish Counsels, begun and headed by the Duke of York. That the danger must be extreme, should he ever enjoy the Crown. That it might be read in Scripture, That one man ought to die for

a nation, but not that three nations should die for one man. 1680. The opposers of the Bill offered not to shew there was no danger in a Popish King. This they were willing to suppose, but pretended that there were other expedients to prevent this danger than that of exclusion. That besides, it could not be expected that the Duke of York, and many others, would submit to this Law, the consequence whereof would be a civil war, in which the Duke of York would be supported by all the Princes of Europe.

To this objection it was answered, that no expedient could be thought of to secure the Protestant Religion under a Popish Prince, who would have a Popish Council, Popish Judges, Popish Magistrates, and Deputy-Lieutenants, Popish Commanders at sea and land, nay, and Popish Bishops too. That the excluding the Duke from the succession, was no depriving him of his right to the Crown, of which he had rendered himself incapable, by embracing a Religion contrary to that of the Kingdom. For a Popish King and Protestant Subjects were irreconcilable.

The others replied, there was no Law which, for a difference of opinion in Religion, deprived any man of his right.

In conclusion, it was resolved, That a Bill be brought in to disable the Duke of York to inherit the Imperial Crown of this Realm.

Hitherto the Court-party had only skirmished, as I may say, in hopes that an engagement might be avoided. But when this vote had passed, and the Bill was read the first time, *Sir Leslie Jenkins*, Secretary of State, stood up and argued directly against it, by alleging:

1. That it was contrary to natural justice, to condemn any man before the conviction, or the hearing of him.

2. It was contrary to the principles of our Religion, to dispossess a man of his right, because he differs in point of faith.

3. He was of opinion, that the Kings of England had their right from God alone, and that no power on earth could deprive them of it.

4. It was against the oath of Allegiance, taken in its own sense, without Jesuitical evasions; which binding all persons to the King, his heirs, and successors, the Duke, as presumptive heir, must be understood."

The advocates for the Bill answered to the first objection; that not only the Duke of York's interests were concerned, but those of the whole Kingdom; and that if the Duke of York had withdrawn at the time the Parliament was going to meet, his absence ought not to prevent their providing for the good of the Kingdom. To the second objection it was answered, that in establishing for principle, that difference of opinion in Religion ought to be no cause for dispossessing any man of his right, all the Acts of Parliament made since the Reformation against Papists and Sectaries were condemned, who, as subjects, had rights in common with the rest, of which nevertheless it was thought expedient to deprive them, on account of the dangers to which the Kingdom would be exposed, if they were left in the enjoyment of them. That this was a maxim generally received in all States, Protestant or Popish. That it was very true, the Subjects of a different Religion might be injured by being deprived of their rights; but that this injury proceeded not from the Government's having no right to take this precaution, but from taking it unseasonably and groundlessly, through prejudice, pride, passion, revenge and hatred. To the third objection it was answered, That allowing the principle, that the Kings of England had their right from God alone, it should at least have been specified wherein consisted this Right, and it would never be proved, that the Kings of England were invested with power from God, to alter the Constitution, or introduce a new Religion at pleasure. But, if by this Right was understood only that of the Succession, the principle was false, as might be proved by many instances in the English succession; for all the Kings and Queens since Henry VII. mounted the throne by virtue of an Act of Parliament, which had settled the succession upon the posterity of that Prince, and had since been confirmed by others. It was replied to the fourth objection, that the oath of Allegiance, which bound the Subject to the King's heirs and successors, was to be understood, when those heirs and successors were on the throne, and not while they were yet Subjects. But supposing even the oath to be meant of an engagement to acknowledge for King the next heir, it certainly became void, if that heir rendered himself incapable of succeeding by his ill conduct. That the laws which imposed oaths had always in view a certain constitution of Government, which they supposed constant and unalterable, because all cases that might happen could not be foreseen. But that it could not be denied, there were possible cases in which these

(1) William Williams, Esq. of Gray's Inn.

1682.

oaths would become entirely null; as for example, if the presumptive heir should declare openly against the Constitution of the State, and clearly discover, that he intended to alter it when on the throne. And if in that case it was pretended, the Subject was still bound by his oath of Allegiance to this successor, the plain meaning of the oath would be, that the Subjects bound themselves to slavery, whenever the Prince should think fit to impose it, which was absurd. In fine, that the Parliament was the sole judge of such cases.

Several
other reasons
alleged for
the Bill.

But the advocates for the Bill, not contented with replying to *Jenkins's* objections, added likewise other reasons to demonstrate the legality, the expedience, the necessity, of the exclusion of the Duke of *York*. They proved the first point by precedents taken from the History of *England*, by which they demonstrated, that, on several occasions, the Parliament had really disposed of the Crown in a different manner from the usual custom. *Edward III.* was acknowledged King in his father's life-time, and *Henry IV.* while *Richard II.* was still living. The Parliament moreover granted the Crown to *Henry IV.*, and settled the succession in his posterity, contrary to the known and natural right of the Earl of *March*, who was next heir to *Richard II.* Then they settled the Crown upon the Duke of *York*, and his posterity, after the death of *Henry VI.* tho' *Henry* had a legitimate son living. After the House of *York* had enjoyed the Crown for three successive reigns, tho' that House had a numerous issue, the Parliament transferred the Crown to *Henry VII.* and his posterity. They gave a power to *Henry VIII.* to name his successors, and settle the succession as he should think proper. Lastly, on the succession of *James I.* to the Crown, though no Act was demanded by him to confirm his Right, the Parliament however made one, in order not to lose their own. As to the objection, that these Princes were possessed of the Crown when these Acts were made, it ought to be observed, that tho' they had the power in their hands, and were in possession, they thought fit to demand the Parliament's confirmation, as a thing absolutely necessary to justify their right. In fine, it was impossible for the Parliament, considered as consisting of King, Lords, and Commons, to act any thing contrary to the laws, since their power of repealing old, and enacting new, Laws, could not be disputed. That the supreme and absolute authority resides in the Parliament composed of King, and both Houses. For what is the Parliament but a body consisting of all the members of the State, to which no power on earth hath a right to prescribe? To say therefore, that the Parliament can act unjustly against the laws, is to say, that all the members of the same body may act unjustly to themselves, and be responsible for this injustice, which is an absurdity not to be defended.

As to the fitness and benefit of this Bill, it was not necessary to use many arguments to shew, that it was expedient and fit, that the Government and Religion should be secured, and the people delivered from their fears and suspicions. It could not even be denied, that the exclusion of the Duke of *York* would be attended with these advantages. But as it could not be supposed, that the Duke of *York* and his adherents, would submit to this Bill, which might occasion a civil war, wherein the Duke might be supported by foreign aid; to this objection it was answered, that it was better to hazard such a war, than be exposed to a more certain danger, namely, of seeing the Laws and Religion invaded by a popish Prince.

But it was principally to demonstrate the necessity of the Exclusion-Bill, that the advocates for it displayed all their wit and eloquence. They maintained, that all precautions to limit the power of a popish Prince, would be fruitless, because his promises and oaths could not be relied on, from which the Pope, through a motive of Religion, could absolve him. That before the Reformation, the reign of *Henry VII.* furnished very remarkable instances, and it did not appear, that Popes, since the Reformation, had relinquished their principles. That besides the Duke of *York's* zeal for his Religion, and his principles concerning the Government, were well known, since the letters of his Secretary, and his intimate union with *France*, had clearly shewn, he was not only disposed to undertake any thing to support the interests of his Religion, but had even, for that end, engaged in measures very prejudicial to the State. That it was to popish councils, and to the Duke in particular, that the two *Dutch* wars, so contrary to the interests of *England*, were to be ascribed. That to him were owing the non-execution of the laws made against popish Recusants, the pernicious designs of the Cabal, and that *Clement's* letters made it as clear as the sun, that he was the chief author of the frequent adjournments and prorogations of the Parliament, at the very time they were employed in seeking out expedients to save *Europe*, and the Protestant Religion from certain ruin. Other arguments were also alleged to prove, that all the precautions which could be taken, would be to no purpose, when the Duke should be

on the throne. First, it was said, that his union with *France* would supply him with money, without his being obliged to apply to the Parliament. That he might thereby maintain what forces he pleased, and having an army at his command, would be master of the Kingdom, and free to perform or not perform the conditions on which he should be raised to the throne. That with this army he might influence the Elections, and procure such a Parliament as would subvert all possible precautions. That there was too much reason to believe, that the late army had been raised with this design, since, being certain, that it was not intended against *France*, it could only be designed against the Subjects. Nay, it was likely, this was the intent of the expedient proposed, that when the King should happen to die, the Parliament then in being, or the last that was in being, should assemble and sit a competent time, without any new summons or elections, so that after the expiration of this competent time, the Kingdom would fall into the inconvenience just mentioned. That if the transactions since the King's Restoration were considered, it would be found, that nothing had been done with relation to the Government, but what tended to subvert it, and introduce Popery. That the Duke of *York's* influence in the King's councils was well known: That tho' he was absent, his adherents and creatures enjoyed the principal places in the Court and Kingdom, and that from him proceeded all the evils where-with *England* was afflicted, and all the dangers the nation had to fear. That if after so manifest a discovery of his designs, after the last testimony of *Bedloe* on his death-bed, after all the evidence of an execrable plot against the State and Religion, the Duke's sincerity and flattering promises were to be trusted, the consequence would be a too late and fruitless repentance. From these reasons, and many others, it was inferred, that the Exclusion-Bill was absolutely necessary, and that the people justly expected from their Representatives this extraordinary precaution, to free them from their fears.

The Court-party were extremely embarrassed. There were facts alleged against the Duke which could not be answered, and there were others which they durst not directly deny, for fear of farther disputes, at a time when the torrent ran so high against the Duke. Nay, very few ventured to appear openly for him. Amongst these were Sir *Leoline Jenkins* Secretary of State, Mr. *Hyde* a Privy-Counsellor, and one of the three who then managed the Duke's affairs, Mr. *Seymour*, and one more. Sir *Leoline Jenkins* desired the House to consider, "That the Duke of *York* was the King's brother, and Son of *Charles I.* for whose memory the nation had a great veneration: "That the Duke was enriched with excellent endowments, which he had employed in the service of the nation, by fighting their battles, and defending them from the oppression of their enemies, and was only guilty of this one crime, which he hoped, upon a mature deliberation, would not deserve so great a condemnation.——He remembered them, that there were Laws already for the punishment of the crimes he was accused of, and therefore humbly conceived, they ought not to chastise him, by making a new Law before any hearing." Mr. *Hyde* added, "I do not know that any of the King's murderers were condemned without being heard; and must we deal thus with the brother of our King?——It would consist much better with the justice of the House, to impeach him, and try him, in a formal way, and then cut off his head, if he deserve it. I will not, continued he, dispute the power of Parliaments; but I question whether this Law, if made, would be good in itself.——For ought I know, when you have made this Law, it may have a flaw in it; if not, I am confident there are a loyal party, which will never obey, but will think themselves bound by their oath of allegiance and duty, to pay obedience to the Duke, if ever he should come to be King, which must occasion a civil war." 1682. p. 90.

In the course of the debates on this Bill, Sir *Francis North* p. 91. *Winington* alleged, "That an Act of the thirteenth of *Elizabeth* made it treason for any man to say, that the Parliament could not alter the succession." To which Mr. *Finch* replied, "I will not say that Acts of Parliaments cannot dispose of the succession, because it was made treason by a Statute in the 13th of *Elizabeth*. But I will deny that the Kings of *England* rule by virtue of any Statute Law, as was suggested; for their right is by *God's* ancient prescription, as that it may justly be said to be from *God alone*, and that no power on earth ought to dispute it."

Though this question was only accidentally raised and carried no farther, I think it ought not to pass unregarded, because it serves to discover the two opinions among the English, concerning the succession. Some believe, that in extraordinary cases the Parliament has power to dispose of the succession, because the Parliament is supposed to include the Crown.

1680. the whole nation, from the King to the meanest Subject, and it is absurd to dispute the power of the whole nation united in one body, to order what is for their well-being. Others maintain, that the succession is unalterable, and admits not of any change, either by the nation in a body, or by the Parliament. That if this is done, it is unjustly, and the parties concerned are not obliged to submit to the Parliament's decisions. That such changes were never made without causing troubles and civil wars in the Kingdom; because, as it is not in the power of the King to deprive the nation or the Parliament of their rights, so neither is it in the power of the Parliament to deprive the next heir of the succession to which he is intitled by nature and birth. This question has never been unanimously decided, but each party maintain their opinion, and determine according to the strength of their reasons. In all appearance, this dispute will be still long continued.

The Commons pass the Exclusion-Bill, Debates, C. P. 83.
At last, after several days debates, the Exclusion-Bill passed the House by a great majority. This Bill was much the same with the other brought in during the last Parliament, only it had this additional clause, "That, during the life of *James Duke of York*, the A^d should be given in charge at every A^{ffizes} and general Sessions, and read openly in every Cathedral, Parish-church and Chapel, twice every year immediately after Divine Service, that is to say, on the 25th of December, and upon Easter-day."

A Message from the King, Nov. 10, Debates, C. P. 89.
While the Commons were proceeding on this Bill, the King endeavoured to interrupt their debates by two messages. By the first he desired them to expedite such matters as were depending before them, relating to Popery and the Plot; assuring them, that all remedies they could tender to him, conducing to these ends, should be very acceptable to him, provided they were such as might consist with preserving the succession of the Crown in the legal course of descent.

An Address from the Commons, Nov. 18, Debates, C. P. 79.
Upon this message an Address was presented to the King by the House, in which they said, "That though the time of their sitting had not much exceeded a fortnight, yet they had in that time not only made a considerable progress in some things absolutely necessary for the safety of his Majesty's person, the effectual suppression of Popery, and the security of the Religion, Lives, and Estates, of his Majesty's Protestant Subjects; but even in relation to the trials of the five Lords impeached in Parliament, they had so far proceeded, as they should in a short time be ready for the same. But they could not (without being unfaithful to his Majesty and their Country) omit humbly to inform his Majesty, that their difficulties, even as to those trials, were much increased, by the evil and destructive counsels of those persons who advised his Majesty, first to the prorogation, and then to the dissolution of the last Parliament, at a time when the Commons were prepared for those trials; as likewise by the many and long prorogations of the present Parliament, before the same was permitted to sit. That a principal evidence was unfortunately dead, between the calling and the sitting of the Parliament. That others had been taken off, or discouraged from giving their evidence. To prevent the like inconveniences for the future, they made it their humble request to his Majesty, that he would not suffer himself to be prevailed upon by the like counsels, to do any thing which might occasion either the deferring a full discovery of the plot, or the preventing the conspirators from being brought to speedy and exemplary justice and punishment."

The King's message to the House in relation to Tangier, Nov. 17, Debates, C. P. 106, 115, 117.
The King's other message was concerning *Tangier*, to recommend to the Commons the preservation of that place. But the House not being disposed to content the King, instead of offering him money for the relief of *Tangier*, besieged by the King of *Morocco*, took occasion from this message to consider some of the Court's Proceedings in this reign. It was argued, "That they were indeed afraid of *Tangier*, but more afraid of a popish successor:—they were unwilling to give any money, because they remembered, when eleven hundred thousand pounds was given for the building of ships, not one ship was built; and above two millions given to support the Triple-league, when it was soon employed for the breaking of it; and twelve hundred thousand pounds given for a war with *France*, when at the same time we were under private obligations for peace." These were facts to which the friends of the Court had nothing to reply, because they were publicly known. They contented themselves with demonstrating the importance of *Tangier* to the *Levant* trade, and representing, that the two millions expended on the *Mole* would be entirely lost. In short, as the Commons had always in mind the Exclusion-Bill, they took occasion from this message to present to the King a long address, or rather remonstrance, setting forth, in eighteen articles, the dangerous state of the Kingdom, with regard to Popery. But it was not so much to acquaint the King

with these dangers, as to represent them to the people, that they might think the Exclusion-Bill less strange. The substance of these eighteen articles was as follows:

1. That *Tangier* had been several times under the command of popish Governors; that the supplies sent thither, had been in great part made up of popish officers and soldiers, and that the Irish Papists had been most countenanced and encouraged.

2. That here at home the endeavours and attempts of the popish party had been so bold and successful, that it was a matter of admiration to them, and which they could only ascribe to an over-ruling Providence, that his Majesty's reign was still continued over them, and that they were yet able to consult the means of their preservation.

3. That this bloody and restless party had found countenance and protection from the laws made against them: That they had found means to disgrace their opposers; and if they were Judges, Justices of the peace, or other Magistrates, to have them turned out of commission: So that after some time, they became able to influence matters of State and Government; and thereby to destroy those that they could not corrupt.

4. The continuance and prorogation of Parliaments, had been accommodated to serve the purposes of that party.

5. Money raised upon the people to supply his Majesty's extraordinary occasions, had, by the prevalence of popish counsels, been employed to make war upon a Protestant State, and to advance and augment the dreadful power of the French King.

6. That great numbers of his Majesty's Subjects were sent into, and continued in the service of that King: And even the Ministers of England were made instruments, to press the States of Holland to accept of a demand from the French King, of admitting the publick exercise of the Roman Catholic Religion.

7. That if ever any command were given for those laws to be put in execution against Papists, even from thence they gained advantage to their party, while the edge of those laws was turned against Protestant Dissenters, and the Papists escaped in a manner untouched.

8. That the Test-A^d had little effect; for the Papists, either by dispensations obtained from Rome, submitted to those Tests, and held their offices themselves; or those put in their places were so favourable to their interests, that Popery it self had rather gained than lost ground since that A^d.

9. That a popish Secretary, since executed for his treasons, had maintained a correspondence at Rome, and in the Courts of other foreign Princes, *For the subduing* (to use their own words) that *pillicit brevity* which had so long dominated over this northern world.

10. That out of these counsels and correspondencies, was hatched that damnable and hellish Plot, by the good Providence of God brought to light about two years since.

11. That when this accursed conspiracy was first discovered, the Papists began to smother it, with the barbarous murder of a Justice of the Peace, within one of his Majesty's own palaces.

12. That amidst these distractions and fears, Popish officers for the command of forces were allowed upon the musters, upon special orders counterigned by a Secretary of State: And in like manner, above fifty new commissions were granted about the same time to known Papists.

13. That when, in the next Parliament, the House of Commons were prepared to bring to a legal trial the principal conspirators in this plot, that Parliament was first prorogued, and then dissolved: And the interval between the calling and sitting of this Parliament had been so long, that the Papists had gained time and advantage of covering their past crimes, and practising them more effectually.

14. That witnesses had been corrupted, not only by promises of reward, but of the favour of his Majesty's brother.

15. That divers of the most considerable of his Majesty's Protestant Subjects had crimes of the highest nature forged against them, the charge to be supported by subornation and perjury, that they might be destroyed by forms of law and justice.

16. That a presentment being prepared for the Grand Jury of *Middlesex*, against the Duke of *York*, the Grand Jury were, in an unprecedented and illegal manner, discharged; and that with so much haste and fear, lest they should finish that presentment, that they were prevented from delivering many other indictments, by them at that time found against other Popish Recusants.

17. That because a pamphlet came out weekly, called, *The Weekly Packet of Advice from Rome*, exposing

3 "Popery

1680. "Popery, as ridiculous, to the People, as it deserved, a new and arbitrary rule of Court, was made in the King's Bench, (rather like a *Star-Chamber* than a Court of Law) that the same should not for the future be printed by any person whatsoever.

"18. That notwithstanding all the proclamations for the banishing Papists from about this great City, and residence from his Majesty's Court, and the Parliament; yet great numbers of them, and that of the most dangerous sort, did daily resort thither, and abide here."

"For all which reasons, the Commons entreated his Majesty, that none but persons of sincere affection to the Protestant Religion, might be put into any employment civil or military, that whilst they gave a supply to *Tangier*, they might be assured they did not augment the strength of their Popish adversaries, nor increase their own dangers. But that if his Majesty should vouchsafe to grant their desires, they should not only be ready to assist him in defence of *Tangier*, but do whatsoever else should be in their power to enable him to protect the Protestant Religion and interest at home and abroad."

Two days after this mortifying address, on the 15th of November (1), the Exclusion-Bill was sent up to the House of Lords (2). It passed only by two voices upon the first reading. But on the second reading it was thrown out by a superiority of sixty-three, against thirty. Of fourteen Bishops that day in the House, three only gave their votes for, and eleven against the Bill (3). The King was present at the whole debate, which lasted till near midnight.

It was a great mortification to the Commons, to see their favorite Bill thus thrown out by the Lords. They grew so fullen, and out of humour, that they fell upon several members of their own House, expelling some, and impeaching and imprisoning others, as well as upon persons not of their House (4), for being Abhorers, or for having advised and assisted in drawing up the proclamation against petitioning for the sitting of the Parliament. But this served only to discover their rage at their disappointment concerning the Exclusion-Bill (5).

On the 30th of November, a new scene was opened, namely, the trial of *William Howard*, Lord Viscount *Stafford*, one of the five popish Lords in the Tower, who were accused of being concerned in the plot. He was tried before the Lords in *Westminster-Hall*, the Chancellor being appointed by the King, to perform the office of High-Steward. The managers for the Commons began with the plot in general, and laid open the malice, wickedness, and horror, of so dreadful, bloody, and hellish a design: They strenuously insisted on the express positive oaths of the witnesses, upon whom the credit of the plot depended: They expatiated on *Coleman's* letters and others, clearly proving the designs and activity of the writers: They pressed home the execrable murder of *Sir Edmundbury Godfrey*, charged upon the Papists, as well by the oaths of self-acknowledged partners in the fact, as by a letter sent from *London* to *Tixall*, intimating this very murder, the third day after it was committed: They fully displayed the sham plots, and counter-conspiracies, whereby the Papists would have suborned the King's evidence, and turned all the guilt upon his Majesty's loyal Subjects: They urged the firing the City, the burning the Navy, the calling in *French* armies, *wild Irish*, *Spanish* pilgrims, &c. They recapitulated the several trials of *Ireland*, *Whitebread*, *Langhorn*, &c. and alleged the votes of both Houses of Parliament, declaring the plot. To corroborate all which, they repeated the cruelties of *Queen Mary*, the *French* and *Irish* massacres, the powder-plot, &c. And they anatomized the wicked principles and practices of murdering, lying, equivocating, forswearing, faith-breaking, &c. imputed to the Papists, as held by them lawful and meritorious. In fine, they produced witnesses to prove the plot in general, but chiefly three appeared against the accused Lord, namely, *Dugdale*, *Oates*, and *Turberville*.

"1. *Dugdale* swore, "That at a certain meeting held at *Tixall* in *Staffordshire*, about the end of *August*, or beginning of *September* 1678, the Lord *Stafford*, with Lord *Aston*, and others, did in the presence of the witnesses, give his full consent, to take away the King's life, and introduce the popish Religion. And that on the 20th,

or 21st of *September*, in the forenoon, the Lord *Stafford* lent for the witness to his chamber, while he was dressing; and, turning his servant out, offered him five hundred pounds for his charges and encouragement, to take away the King's life; and further told him, *He should have free pardon of all his sins, and be justified; for the King had been excommunicated, and was likewise a traitor, and a rebel, and an enemy to Jesus Christ.*

Oates swore, "That in the year 1678, both in *Spain* 1680. and at *St. Omer's*, he saw several letters, signed *Stafford*, wherein his Lordship assured the Jesuits of his fidelity and zeal, in promoting the Catholic cause; that in 1673, being in *London*, his Lordship came to the chamber of *Father Frensch*, since executed; and there, in his presence received a commission from him, to be Paymaster general to the army: Whereupon his Lordship said, *He must of necessity go down into the Country to take account how affairs stood there; and did not doubt, but at his return, Grove should do the business.* And, speaking of the King, he further added, *He hath deceived us a great while, and we can bear no longer.*

Turberville gave an account of "disobliging his friends, by leaving his Frier's habit at *Down*; and thereupon went into *France*, in the year 1675, where at *Paris*, getting acquaintance with his Lordship, he proposed to the witness, a way, both to retrieve his reputation with his friends, and make himself happy; and this was by taking away the life of the King of England, who was a heretic, and a rebel against God Almighty. That which he took leave of him, his Lordship appointed to meet him at *London*; but he soon after returned into *France*, not being willing to undertake the proposal, and was discouraged by his friends, and reduced to poverty." The accused Lord, in his defence, alleged many things to invalidate the credit of the plot, and particularly, the reputation of these three witnesses.

Against *Dugdale* he produced evidence, "That he was a person of an infamous life; that he had cheated the Lord *Aston*, his master, and defrauded the workmen and servants of their wages; that by his extravagancies and misdemeanours, he had run himself into several hundred pounds debt, for which he was thrown into goal, and defrauded of ever getting out from thence, otherwise than by making the pretended discoveries. In the next place, that he had directly perjured himself, in divers parts and circumstances, as to the time and place, in this and other depositions." And further, he proved, "That he had endeavoured to suborn divers persons to make false oaths, and so to strengthen his own by other men's perjury."

Against *Oates* he enlarged upon the great improbabilities, "That he should have so many great and rich conspirators, who had trusted him with their greatest secrets, and whose lives were at his mercy, should suffer him to be reduced to such a wretched degree of beggary, as he was acknowledged to be in when he made his first discoveries. He likewise insisted upon his omissions, additions, and contradictions, that plainly appeared in his several depositions about the plot; and also upon his villainous feigning himself to be of another Religion, by solemn renunciations of his faith, and by such sacraments on one side, and such abjurations and execrations on the other, as rendered him unfit to be admitted for an evidence against any man living."

As to *Turberville*, he urged, "That he was perjured in this, and many other of his depositions; and that his Narrative had many mistakes and blunders in it. He denied that he or any of his servants, ever saw him at *Paris*; and made some remarks upon his poverty and want, his loose manner of living, his shameful cursing and swearing, and particularly his using these words, 'God damn me! There is no trade good now, but that of a discoverer.'"

This defence, as is easily seen, could not well be more weak, and yet it lasted a whole week, and the account of this trial makes a small volume in Folio, containing in substance, only what I have said. The accusations and depositions were express, and the prisoner's defence confided, 1. In an absolute denial of the crime for which he was impeached. But this denial could be of no service to him,

(1) The Address is dated November 13, but it was not presented to the King till November 29.

(2) It was carried up by *William Lord Russell*, attended by the Lord *Cowperidge*, *Sir Henry Capel*, and indeed by almost the whole House of Commons. *Richard*, Tom. III. p. 594.

(3) *Burnet* says all the Bishops voted against the Bill, p. 438.

(4) They agreed to impeach *Sir Edward Seymour* the late Speaker; and *Sir Robert Poytes* was brought upon his knees, and expelled the House. They also voted to proceed for high Crimes and Misdemeanours against *Sir Francis North* Chief Justice of the Common-Pleas, *Sir Thomas Jones* one of the Judges of the King's Bench, and *Sir Richard Wigham* one of the Barons of the Exchequer: And to impeach the Lord Chief-Justice *Songes* of high treason. *Knot*, p. 377.

(5) The Gentlemen who spoke for the Exclusion were, Lord *Ruffell*, *Sir Henry Capel*, Mr. *Harb'd*, *Colonel Trow*, Mr. *Thomas Borer*, *Sir Francis P. Anson*, *Sir Thomas Poytes*, *Sir William Jones*, Mr. *Bejournes*, Mr. *Greenhard*, Mr. *Newgate*, *Colonel Sidney*.—Against the Bill, *Sir Lucius Postles*, Mr. *Laurence Hyde*, Mr. *Edward Seymour*, Mr. *David Finch*, Mr. *Garroway*, *Sir Richard Graham*, *Debate*, &c. In the House of Lords the Earl of *Essex* and *Sidmouth* argued most for it: And the Earl of *Marlborough* (who was for Limitation) was the Champion on the other Side. For which, when the bill was the next day, the Commons voted an Address to the King to remove Lord *Stafford* from his Council and Presence for ever, pretending it was for his avoiding the Dissolution of the last Parliament. *Burnet*, p. 432.

1680, as it is not what the Judges go by. 2. In several allegations against the witnesses. But bare allegations without proofs, are not wont to justify the accused. 3. In an improbability alleged against *Oates*, that if he had been so well acquainted with the secrets of so many rich men, they would never have doubted him to be reduced to such want. To this the Lords doubtless paid the regard, they thought it deserved. But, methinks, such an improbability cannot be said to make a convincing proof in favour of the prisoner. 4. In a witness who deposed, that *Dugdale* was a person of an infamous life, and guilty of several cheats. On which, I cannot forbear repeating what I said on a like occasion, that if in a plot against the King or the State, only witnesses of honesty and reputation were to be allowed, there would be danger of always wanting evidence, because such plots are commonly discovered by the complacencies, and seldom any but villains are concerned.

However this be, after the Lord *Stafford* had made a long and pathetic speech, and in the presence of God protested his innocence, he was found guilty by fifty-five votes against thirty-one. The Lord High-Steward asking him, *What he could say for himself, why judgment of death should not pass upon him, according to law?* He replied, *My Lord, I have very little to say; I confess, I am surprized at it, for I did not expect it. But God's will be done; I will not murmur at it. God forgive those that have falsely sworn against me.*

Sentence being passed upon him, several of his relations and acquaintance were urgent with him to make discoveries of all he knew, as the only means to save his life; to which he answered, that he was willing, out of a meer sense of duty, without any temporal view, to discover the utmost of what he knew. Whereupon, he was brought to the bar of the Lords, where he declared things known to all the world, but said nothing of what was wished to be known.

He said, "That he thought it no crime for any man to wish his neighbour might be of the same Religion, wherein he himself hoped to be saved; nay, to seek and promote it by such ways as the Laws of God and the nation allow. That there had been, on several occasions, endeavours used to obtain an abrogation, or at least a mitigation of severities against the Catholics; but no otherwise than by legal and parliamentary means. That he himself at *Breda* propounded a hundred thousand pounds to the King, for the taking off the Penal Laws against them. That a Bill had been brought into the House of Lords in their favour, but was quashed by Chancellor *Hyde*. That the Earl of *Bristol* had made some proposals with no better success. That he had offered some proposals to the Duke of *York*, the Chancellor, and the Earl of *Shafsbury*, which last said, *He doubted not but that there would come great advantages to the King by it.*" But this pretended confession not giving satisfaction to the Lords, he was sent back to the Tower.

The 19th of December he was beheaded, being sixty-eight years of age: He professed his innocence to his last moment.

The 15th of December, the King came to the House of Lords, and sending for the Commons, made a Speech to both Houses, which properly was but a repetition of that made at the opening of this session, relating to his alliances with *Spain* and *Holland*, for the repose of *Christendom*, and concerning *Tangier*. After which he renewed his promise of concurring with them in any remedies for the security of the Protestant Religion, which might consist with preserving the succession of the Crown in its due and legal course of descent.

The Commons returning to their House, instead of taking the King's Speech into consideration, resolved themselves into a grand Committee how to secure the Kingdom against Popery and arbitrary Government. After a warm debate, they resolved:

"That a Bill be brought in immediately, to banish all the considerable Papists out of the Kingdom." And upon a farther debate on the mischiefs and dangers of Popery, they resolved, "That it is the opinion of the Committee, that as long as the Papists have any hopes of the Duke of *York's* succeeding the King in the Kingdoms of *England* and *Ireland*, and dominions thereunto belonging; the King's Person, the Protestant Religion, and the Lives, Liberties, and Properties of all his Majesty's Protestant Subjects, are in apparent danger of being destroyed." Then upon reference made to an Act of Queen *Elizabeth*, for an association, they came to a like resolution: "That a Bill be brought in for an association of all his Majesty's Protestant Subjects, for the safety of his Majesty's person, the defence of the Protestant Religion, and the preservation of his Majesty's Protestant Subjects, against all invasions and oppositions; and for preventing the Duke of *York*, or any other Papist, from succeeding to the Crown."

The House stopped not there. After considering of 1683, ways and means to secure the Kingdom against Popery and arbitrary Government, they came to these three resolves. 1. That it is the opinion of this House, that a Bill be brought in, *For the more effectual securing of the meetings and sittings of frequent Parliaments.* 2. That it is the opinion of the House, that a Bill be brought in, that the Judges may hold their places and salaries, *Quam diu sine esserint.* 3. That it is the opinion of the House, that a Bill be brought in, *against illegal exaction of money from the People, to make it High-Treason.*

After these resolves, each of which discovered their extreme distrust of the Court, they thought fit to consider the King's Speech. Many severe reflections were made upon the French Ambassador, the French women, the Duke, and his creatures, and indirectly, even upon the King himself. At last, they resolved upon an address to the King, by way of answer to his Speech, in which they represented:

"That this Protestant Kingdom can never be safe, while there is any hopes or expectation of a Popish successor; and they beseech his Majesty, in his great wisdom, to consider, whether, in case the Imperial Crown of this Protestant Kingdom should descend to the Duke of *York*, the opposition which may possibly be made to his possessing it, may not only endanger the further descent in the royal line, but even monarchy itself? They therefore became humble petitioners to his sacred Majesty, that in tender commiseration of his poor Protestant People, his Majesty would be graciously pleased to depart from the reservation in the said Speech; and when a Bill shall be tendered to his Majesty in a parliamentary way, *To disable the Duke of York from inheriting the Crown*, his Majesty will give his assent thereunto; as also to another Act, whereby his Protestant Subjects may be enabled to assert themselves for the defence of his Majesty's person, the Protestant Religion, and the security of his Kingdom.—And as some farther means for the preservation both of their Religion and Property, they are humble suitors to his Majesty, that from henceforth such persons only may be Judges, as are men of ability, integrity, and known affection to the Protestant Religion, and that they may hold both their offices and salaries, *Quam diu sine esserint.* That no one may bear the office of a Lord-Lieutenant, but who is a person of integrity and known affection to the Protestant Religion. That Deputy-Lieutenants, and Justices of the Peace, may be also so qualified, and men of ability, of estates, and interest in their country. That none may be employed as military officers, but men of known experience, courage, and affection to the Protestant Religion. And these their humble requests being obtained, they shall, on their part, be ready to assist his Majesty for the preservation of *Tangier*, and for putting his Majesty's fleet into such a condition, as it may preserve his Majesty's sovereignty of the seas, and be for the defence of the nation." The King gave no answer to this address till about a fortnight after.

While the King and the Parliament were united, it was the interest of the Papists to promote a Toleration of the Non-conformists, that they themselves might enjoy the benefit under that general denomination. But since the King and the Parliament were at variance, the persecution fell upon the Papists alone, who were accused of intending to introduce their Religion by force. Wherefore, it was their interest to incense the Church of *England* against the Presbyterians, and thereby cause a diversion. It cannot be denied, that many of the Bishops and Clergy fell into this snare, and were pleased to see the Court, which always favoured the Papists, inclined to persecute the Presbyterians. Incouraged by the Court, the most zealous of the Episcopal way failed not to discover their hatred of the Presbyterians, so that at the very time, the Papists were accused by the Parliament as the authors of all the mischiefs of the Kingdom, the Presbyterians were attacked, as if it was intended to throw the blame upon them. By this the Clergy of the Church of *England* were censured for appearing to favour the designs of the Papists. Besides, it is certain, that during the contests between the King and the Parliament, the Clergy in general were attached to the Court, and the interests of the Duke of *York*. This was sufficient to revive the complaints of the Presbyterians against the Church of *England*, and to charge her with being Popishly inclined. Moreover, in the disposition of the Court in favour of the Papists, ever since the beginning of this reign, or at least since the Earl of *Clarendon's* disgrace, it may easily be imagined, that care had been taken to introduce among the Clergy, men of a doubtful Religion, and from whom the court had nothing to fear.

Upon all these accounts, the Commons thought it highly unreasonable at this juncture, to censure the Presbyterians from persecution. They found themselves moreover concerned,

The Lord Stafford came down, p. 187, 181, 182.

Burnet, p. 493.

He makes an apology concerning the bill, p. 597.

is intended.

Debate, Mr. p. 150. Kite etc. p. 170. Eschard.

Several resolutions of the Commons, Deane, Mr. p. 154.

p. 169.

p. 177.

p. 154.

Dec. 10. 14. p. 196.

Scenes of the English to few of the French, the French, p. 461, 494.

1680. in that, for the reason before intimated, there were many Presbyterians in the House, who to qualify themselves for their election, had taken the oaths, and received the Sacrament in the Church of England, but who were not for that the less Presbyterians. So, the 21st of December, a Bill was read the first time, for *uniting the King's Protestant Subjects*. Whilst the rigid Episcopalians prevailed in the second Parliament of this reign, they had carefully avoided to distinguish the Protestant-Nonconformists from the others, because it was advantageous to them, to make them but one body under the same name. But this Parliament which had other views, neglected not to make so natural a distinction. This Bill, which perhaps was too indulgent to the Presbyterians, meeting with strong opposition in the House, was relinquished for one less advantageous, which exempted the Protestant Dissenters from the penalty imposed on the Papists by the Act of the 31st of Elizabeth. This Bill passed both Houses, but was secretly conveyed away, when it was to be offered to the King for his assent (1).

A Bill passed both Houses in their favour. A vote of the Commons. Deputies. &c. p. 280.

1680-1.

Dissenters opinions in the Council. Temple's Mem. Pt. III. p. 333.

The Commons concluded the year with this vote, "That no member of the House should accept of any office or place of profit from the Crown, without leave of the House; nor any promise of any such office or place of profit during such time as he should continue a member of the House (2)."

The King found himself very much at a loss what answer to return to the Commons address. His council was divided. Some advised him to return no answer, and to use this pretence, that as he had addressed his Speech to both Houses, he could not consider the particular address of one House as an answer to his Speech. Others were of opinion, that the King should return a positive answer, because they little cared to keep any measures with the Parliament, but on the contrary, (knowing their management of the King's affairs, would never be forgiven by the Commons;) they were indirectly doing all they could to engage him to dissolve the Parliament, and call no more for the future. Of this opinion were the four principal directors of the King's affairs, namely, *Sunderland, Halifax, Mr. Hyde, and Mr. Godolphin*. When it is considered, that from the beginning of this reign, or at least from the Earl of Clarendon's disgrace, there were not only men of these principles always in the Council, but that also they were generally the chief Ministers, it can hardly be doubted, that the King himself was likewise of the same principles, though there should be no other proof. It is therefore certain, that the fears of the Commons were not groundless. It must be farther remarked, that though the Council was divided concerning the manner of answering the Commons address, they were agreed as to the thing itself, not any Privy-Counsellor being of opinion, that the King should not consent to the exclusion of the Duke of York.

The King's answer to the Commons address. Jan. 4. Deputies. &c. p. 339.

Though the King at first seemed to approve of the former of these two opinions, he suffered himself to be influenced by the latter, namely, to return a positive answer to the Commons, which he did in the following manner:

"His Majesty received the address of this House, with all the disposition they could wish to comply with their reasonable desires, but upon perusing it, he is sorry to see their thoughts too wholly fixed upon the Bill of Exclusion, as to determine, that all other remedies for the suppressing of Popery, will be ineffectual: His Majesty is confirmed in his opinion against that Bill, by the judgment of the House of Lords, who rejected it. He therefore thinks, there remains nothing more for him to say, in answer to the address of this House, but to recommend to them the consideration of all other means for the preservation of the Protestant Religion, in which they have no reason to doubt of his concurrence, whenever they shall be presented to him in a parliamentary way: And that they would consider the present state of the Kingdom, as well as the condition of *Christendom*, in such a manner as may enable him to preserve *Tangier*, and secure his alliances abroad, and the peace and settlement at home (3)."

Jan. 7. Deputies. &c. p. 343.

This answer was not read in the House till three days after, because the Commons were employed in drawing up an impeachment against Chief-Justice *Scroggs*, who was accused of endeavouring to flatter the belief of the plot, discouraging the King's evidences, dismissing the Grand-Jury,

that should have presented the Duke of York, and of unjustly prosecuting several writers and publishers of Pamphlets. In this interval the Lords sent to the Commons the following vote, "That they declared, and were fully satisfied, that there now was, and for divers years last had been, a horrid and treasonable plot, continued and carried on by the Irish Papists, for massacring the English, and subverting the Protestant Religion, and the ancient established Government of that Kingdom." The Commons readily concurred to this vote, and added, "That the Duke of York's being a Papist, and the expectation of his coming to the Crown, had given the greatest countenance and encouragement thereto, as well as to the horrid Popish Plot in the Kingdom of England."

When the King's answer was read in the House of Commons, it raised great heats and complaints against the Lords, for throwing out the Bill of Exclusion, in compliance to the King, or because they were awed by his presence. At last, after great debates, they came to these three resolutions:

"1. That it is the opinion of this House, that there is no security nor safety for the Protestant Religion, the King's life, or government of this Nation, without passing a Bill for disabling *James Duke of York*, to inherit the Imperial Crown of this realm, and the dominions and territories thereto belonging: And to rely upon any other means and remedies, without such a Bill, is not only insufficient but dangerous.

"2. That his Majesty, in his last message, having assured this House, of his readiness to concur in all other means for the preservation of the Protestant Religion, this House doth declare, that until a Bill be likewise passed for excluding the Duke of York, this House cannot give any supply to his Majesty, without danger to his Majesty's person, extreme hazard of the Protestant Religion, and unfaithfulness to those by whom the House is intrusted.

"3. That all persons who advised his Majesty, in his last message to this House, to insist upon an opinion against the Bill for excluding the Duke of York, have given pernicious counsel to his Majesty, and are promoters of Popery, and enemies to the King and Kingdom."

In pursuance of this last vote, the House came to a resolution of presenting to the King, an address, to remove from his person and counsels, *George Earl of Halifax, Laurence Hyde Esq; [Henry Somerset] Marquis of Worcester, [Henry Hyde] Earl of Clarendon, and [Lewis Duras] Earl of Feversham*. Moreover they voted, That whosoever should hereafter lend, or cause to be lent, by way of advance, any money upon the branches of the King's revenue arising by Custom, Excise, or Hearth-money, should be judged a hinderer of the sitting of Parliaments, and be responsible for the same in Parliament. And that whosoever should accept or buy any Tally, or anticipation, upon any part of the King's revenue, should be adjudged as before.

The House of Commons could hardly carry things any further, and seemed to intend to engage the King in some violent action, which might give an advantage against him. Thus had the Parliament of 1640 behaved to *Charles I.* But *Charles II.* had one advantage wanted by his father, which was, that he had not, like him, deprived himself of the power to prorogue or dissolve the Parliament, and so could, whenever he pleased, put an end to the mortifications which were given him. It is true, in such a case he must have contented himself with his ordinary revenue, which, to a Prince so prodigal as he, was not easy. It was this which made his enemies hope, he would come at last to their terms, and consent to the Exclusion-Bill. Indeed, if *Father Orleans* may be credited, the *Duchess of Portsmouth* threw herself at his feet, and prayed him not to ruin himself for the sake of his brother (4). *Fagel*, Penitentiary of *Holland*, sent *Mr. Sidney*, the King's Envoy at the *Hague*, a Memorial, representing, that the King could not support the Duke of York, without relinquishing the interests of all Europe.

But this argument made no great impression on the King's mind. On the contrary, these difficulties served only to provoke him the more, so that he resolved to prorogue the Parliament. The Commons having private notice of this, assembled more early than usual, and, before

(1) On the Day of the Prorogation, when the Bill for repealing the Act of the 31st of Elizabeth ought to have been offered to the King, the Clerk of the Crown, by the King's private order, withdrew the said Bill. The King had no mind openly to deny it: but he had left men to push it. So this indirect method was taken, which was a high offence in the Clerk of the Crown. *Burnet*, p. 481.

(2) This year died *John Wilmer*, the witty Earl of Rochester; *Samuel Butler* Author of *Hudibras*; *Mary Marlow*, one of the Regicides; and the famous Painter *St. Peter Leij*. *Richard*.

(3) This Answer was brought by *Mr. William Temple*. See his *Mem.* Part III. p. 332.

(4) The true Reason, according to *Burnet*, why the *Duchess of Portsmouth* openly testified for the House of Commons, and was so hearty for the Exclusion, was this: It was proposed to her, that if she could bring the King to the Exclusion, the Parliament would next year the King to declare the Successor to the Crown; and as she was absolute Mistress of the King's Spirit, she might reason the King would be prevailed on to declare her Son his successor. The Duke of *Monmouth*, who had the same view, joined with her to carry on the Exclusion; and they thought they were making Tools of one another to serve their own Ends, p. 481.

1680-1. the King came to the House of Lords, the 10th of January, had time to pass the following votes :

Notes of the Commons.

" 1. That whosoever advised his Majesty to prorogue the Parliament, to any other purpose, than in order to passing a Bill for the Exclusion of *James Duke of York*, is a betrayer of the King, the Protestant Religion, and of the Kingdom of England, a promoter of the French interest, and a pensioner of France.

" 2. That it is the opinion of this House, That the Acts of Parliament made in the reign of *Queen Elizabeth* and King *James*, against popish Recusants, ought not to be extended against Protestant-Dissenters.

" 3. That it is the opinion of this House, That the prosecution of Protestant-Dissenters upon the penal Laws, is at this time grievous to the Subject, a weakening the Protestant Interest, an encouragement to Popery, and dangerous to the peace of the Kingdom."

The King prorogues the Parliament.

These votes were scarce passed, when the King came to the House of Peers, and sending for the Commons, gave the royal assent to two or three Acts of little importance (1), and then, the Chancellor, by his order, prorogued the Parliament to the 20th of January.

Adds fully the City of London.

Edward, III. p. 627.

He dissolves the Parliament, and calls one at Oxford.

Three days after, the Lord-Mayor and Common-council of London, presented to the King an address, for the fitting of the Parliament on the day appointed, that they might effect the great affairs before them. This address served only to exasperate the King further. Wherefore, by a Proclamation, the 18th of January, he dissolved the Parliament. At the same time he summoned another to meet at Oxford the 21st of March, being offended with the city of London.

The Ministers and Privy Counsellors in great Distraction.

Temple's Mem. Post III. p. 354.

355.

During these contentions, the Ministers and Privy-counsellors were not a little embarrassed. They saw the House of Commons so attached to the Exclusion-Bill, that nothing else could satisfy them. On the other hand, they knew by experience, that on other important occasions, the King had not shown that firmness which his Ministers could have wished, but had abandoned them, and come into the measures of the Parliament. This made them fear, the same thing might happen on the present occasion, and therefore, [Robert Spencer] Earl of Sunderland, Secretary of State, went off the first, and contrary to the King's express order, voted for the Exclusion-Bill in the House of Lords. The Earls of Essex and Salisbury, Privy-counsellors, did the same, and Sir William Temple sufficiently testifies his fear of being exposed to the House of Commons. This conduct of some of the Privy-counsellors, gave the Country-party hopes, that the King would at last comply if he was warmly pressed.

The King reflects in jealousy on his Brother, IIId.

But that party was disappointed in their expectations. For, though the King had discovered no great firmness in all his difficulties, yet in the affair of his brother he was ever immovable (2). Immediately after the dissolution of the Parliament, he removed the Earl of Sunderland from being Secretary, and gave the place to the Earl of Conway. He likewise struck out of the Council-book, the names of the Earls of Essex, Salisbury, Sunderland, and Sir William Temple, and in their room put men whose principles were more agreeable to his own (3). He likewise made some alteration among the Judges. In a word, by the men whom he advanced, he sufficiently discovered his intention to support the Duke of York his brother, let what would be the consequence.

London always the old Standard.

Edward, III. p. 610.

On the other hand, the contrary party to the Court were not idle. The Magistracy and Common-council of London, being of that party, hastened the elections of members to serve in the ensuing Parliament, and on the 4th of February rechose their old members (4). The election was no sooner over, than the new Representatives were presented with a paper, in the name of the Citizens of London then assembled in Common-Hall, containing a "return of their most hearty thanks for their faithful and unwearied endeavours in the two last Parliaments, to search into and discover the depth of the Popish Plot; to preserve his Majesty's royal person, the Protestant Religion, and the well-established Government of this realm; to secure the meeting and fitting of frequent Parliaments; to assert their undoubted rights of petitioning, and to punish such as have betrayed those rights; to promote the long-wished for union of his Majesty's

" Protestant Subjects; to repeal the thirty-fifth of Elizabeth, and the Corporation Act; and more especially for their assiduous endeavours in promoting the Bill of Exclusion of *James Duke of York*." In fine, they concluded, "That being confidently assured, that they, [the said members for the city,] will never consent to the granting any money-supply, till they have effectually secured them against Popery, and Arbitrary Power, they resolved, by God's assistance, to stand by their members with their lives and fortunes." The example of London was followed by most places in the Kingdom, and not only the old members were re-elected (5), but papers of addresses, like that of London, were presented to them. So, when the elections were over, the King with grief saw, he was going to meet the same Parliament he had dissolved.

Mean while, the King's precaution to call his new Parliament at Oxford, gave great uneasiness to the Country-party. They were desirous that the Parliament should sit at Westminster, where they were sure of the assistance of the Londoners in case of need. And who knows, whether some did not propose to use, for passing the Exclusion-Bill in the House of Lords, the same means formerly used to extort from the Peers their consent to the Bill of Attainder against the Earl of Strafford? Be this as it will, they resolved to use their utmost endeavours to have the place altered, and the Parliament removed to Westminster. For this purpose, the Earl of Essex, attended by fifteen Lords (6), delivered a petition to the King, introducing it with the following speech :

May it please your Majesty,

" THE Lords here present, together with divers of their Peers of the realm, taking notice, that by your late proclamation, your Majesty had declared an intention of calling a Parliament at Oxford; and observing from History and Records, how unfortunate many assemblies have been, when called at a place remote from the capital city; as particularly the Congress in Henry the Second's time at Clarendon; three several Parliaments at Oxford in Henry the Third's time, and at Coventry in Henry the Sixth's time; with divers others which have proved very fatal to those Kings, and have been followed with great mischief on the whole Kingdom: And considering the present posture of affairs, the many jealousies and discontents which are amongst the people, we have great cause to apprehend, that the consequences of a Parliament now at Oxford, may be as fatal to your Majesty and the nation, as those others mentioned have been to the then reigning Kings. And therefore we do conceive, that we cannot answer it to God, to your Majesty, or to the People, if we, being Peers of the realm, should not, on so important an occasion, humbly offer our advice to your Majesty; that, if possible, your Majesty may be prevailed with to alter this, (as we apprehend) unseasonable resolution. The grounds and reasons of our opinion are contained in this our petition, which we humbly present to your Majesty."

The petition contained in substance, an enumeration of the mischiefs attending the many late adjournments, prorogations, and dissolutions of Parliaments, at a time when his Majesty's person, and the whole nation were in such imminent danger from the Papists. "And now his Majesty had been prevailed to call another Parliament at Oxford, where neither Lords nor Commons could be in safety, but daily would be exposed to the sword of the Papists, and their adherents, of whom too many have crept into his Majesty's Guards: The liberty of speaking according to their consciences, would be thereby destroyed, and the validity of their Acts and proceedings left disputable: The straitsness of the place no ways admitted of such a concourse of persons, as now followed every Parliament; and the witnesses which were necessary to give evidence upon the Commons impeachment, were unable to bear the charges of such a journey, and unwilling to trust themselves under the protection of a Parliament, that was so itself evidently under the power of Guards and Soldiers. In conclusion, they prayed, that the Parliament might, as usually, sit at Westminster,

(1) One was, an addition to the Act for buying in Woolen.

(2) He at last came in to the bill of Exclusion, or seemed to do so. The Dukes of Portsmouth and others persuaded him to waive the Duke of York's right, and accept of an Act of Parliament in his own favour, like that made in the reign of Henry VIII. by which he should have a Power vested in him to execute the Crown at his Death, under such restrictions and limitations as should be agreed on. Whether such Act was really intended is hard to determine; but it is certain such an offer was made to the King, with a promise of a considerable sum of Money, towards the supplying his pressing wants. It is likewise certain, that King Charles seemed willing to accept of it, till the French Court, whose Interest it was to support the Duke of York, struck up a bargain with the King, to give him more Money for reviving, than he had been offered him for consenting to the bill of Exclusion. *Walsingham*, p. 114. 115.

(3) *Anthony de Vere* Earl of Oxford, *Philip Stanhope* Earl of Chesterfield, and *Robert Bruce Earl of Ailesbury*, were sworn Privy-Counsellors, on January the 20th. The Lord *Creven* was likewise made Privy-Counsellor, March 9. *Kennet*, p. 381.

(4) *Sir Robert Clayton*, *Sir Thomas Player*, *Thomas Pilkington*, and *William Lewis*. This was the third time of their being chosen.

(5) There were some hundred Members chosen. See *Debates* about the Exclusion, p. 381.

(6) Namely the Duke of Monmouth; the Earls of Kent, Huntingdon, Bedford, Salisbury, Clare, Stamford, Shaftsbury; the Lords Mordaunt, Evers, Paget, Grey, Harcourt, Howard, De la Moir. *Kennet*, p. 384.

" where

1680-1. "where they might consult and act with safety and freedom."

To this address the King returned no answer, but contented himself with frowning upon the Lords who presented it.

Richard. All this while the two parties were skirmishing in so hot, or rather so violent a manner, with their pens, that no measures were kept. Libels swarmed with impunity. Some pretend, this was a Court-artifice, to prevent the union of the Protestants, and that ill-language thrown out against the King and the Duke of York, was patiently suffered, in order to cast the blame on the Presbyterians, and give the Episcopal Party occasion to return the imputation of being too much attached to the Court. 'Tis much is certain, this division, which was carefully fomented, turned to the King's advantage, as will hereafter appear. I shall relate upon this subject an affair which then made a great noise.

One *Fitz-Harris* an Irish Papist, who had free access to the Dukes of *Perthmouth*, and kept a correspondence with her favorite-woman *Mrs. Wall*, and with the Confessor of the French Ambassadors, having received several presents, and particularly one of two hundred and fifty guineas, undertook to prevail with one *Edmund Everard*, to write a libel against the King. *Everard* designed to content, and appointed a meeting to receive informations, by which his pamphlet was to be framed. But at the same time he communicated the affair to *Sir William Waller*, and *Mr. Smith*, and caused them to be concealed in a place where they might hear what passed between *Fitz-Harris* and him.

February 21. The next day, being both together in a room, *Fitz-Harris* told *Everard*, that he should write a libel against the King upon the following heads.

That the King and Royal Family were Papists, and arbitrarily affected from the beginning.

That *Charles I.* had a hand in the Irish Rebellion, and that *Charles II.* did countenance the same, by preferring *Fitz-Gerald*, *Fitz-Patrick*, and *Mount Garret*, who were engaged in the said rebellion.

That the Act, forbidding to call the King a Papist, was to stop men's mouths when he should incline to further Popery; which appeared by his adhering so closely to the Duke of York's interest, and hindering him from being proceeded against by the Parliament, and hindering the officers put in by the Duke, to be turned out; and for that the Privy-counsellors and Justices of the Peace, who were for the Protestant interest, were turned out of all places of trust.

That it was as much in the power of the people to depose a popish professor, as a popish successor; and seeing there was no hopes that the Parliament, when they met at *Oxford*, could do any good, the people were bound to provide for themselves.

Everard afterwards received these instructions in writing, and drew up his libel, which was injurious to the King, and full of sedition (1). This libel was to be dispersed by the Penny-Post, to the Protestant Lords, and particularly to the leading Presbyterians, whose houses were to be searched in order to find this libel, which was to serve as a proof of a conspiracy formed by the Presbyterians against the Government. This is what *Everard* affirmed, and that the whole came from the Court. At last, *Waller* having informed the King of the affair, the King ordered Secretary *Jenkins* to issue out a warrant for apprehending *Fitz-Harris*, and that *Waller* should execute it. Yet he was no sooner gone, but *Sir William* declared, he was informed by two worthy Gentlemen, that the King was highly offended with him, saying, he had broken all his measures. However, *Waller* arrested *Fitz-Harris*, and sent him to *Newgate* (2).

Here, as in the former affair concerning the plot, it is pretended, that *Fitz-Harris* was gained by promises or threats, to depose what has been seen (3). But before this affair could be fully discovered, *Fitz-Harris* was taken out of *Newgate*, and sent to the Tower by the King's express order. I shall enter no farther into the particulars of this affair, but content myself with briefly saying, that shortly after the dissolution of the *Oxford* Parliament, when the Court began to fail with a prosperous gale, without being controlled by the Parliament, *Fitz-Harris* was brought to his trial; that the Dukes of *Perthmouth* owned he had given him money, but merely out of charity; that *Fitz-Harris* continually insinuated, that what he did was by the order of his superiors, and that, after his death, his Wife constantly

affirmed that the libel was a Court-trick. In short, he was condemned and executed, whilst the publick could not conceive for what reason an Irish Papist had published a libel against the King, if it was not an artifice of the Court. This affair began in February, and the last Parliament had taken cognizance of it, so that the Commons had ordered an impeachment against him, and when he was sent to the Tower, declared, that for any inferior Court to proceed against him, or any other Person lying under an impeachment of Parliament, is a high breach of the privilege of Parliament. He was nevertheless tried, condemned and executed, to the great disappointment of the *Whigs*, who hoped, by his means, to discover the artifices of the Court. But the King and his party thought it for their advantage to be rid of a man, who might throw them into difficulties. He was not executed till June, after the dissolution of the *Oxford* Parliament.

The meeting of this Parliament was universally expected with the utmost impatience, and by the King, with great uneasiness, foreseeing the storm that was gathering. He repaired to *Oxford* seven or eight days before the opening, and as the suspicions and fears of the *Whig* party were then at the utmost height, it was thought, the King went so soon to *Oxford*, on purpose to take measures beforehand, for rendering himself master of the Parliament. Accordingly, the members manfully threw their fears of some violence, by going thither attended with armed retinues. Those for the City of *London* in particular came with a numerous body of well-armed Horle, having ribbands in their hats, with these words woven in them, *No POPERY! No SLAVERY!* The Parliament meeting the 21st of March, the King made the following Speech to both Houses (4).

My Lords and Gentlemen,

"THE unwarrantable proceedings of the last House of Commons, were the occasion of my parting with the last Parliament; for I, who will never use arbitrary Government myself, am resolved not to suffer it in others. I am unwilling to mention particulars, because I am desirous to forget faults; but whoever shall calmly consider what others I have formerly made, and what assurances I renewed to the last Parliament; how I recommended nothing so much to them as the alliances I had made, for the preservation of the general peace in *Christendom*, and the further examination of the Popish Plot, and how I desired their advice and assistance concerning the preservation of *Tangier*; and shall then reflect upon the strange unsuitable returns made to such propositions, by men that were called together to consult; perhaps may wonder more, that I had patience so long, than that at last I grew weary of their proceedings. I have thought it necessary to say thus much to you, that I may not have any new occasion given me to remember more of the late miscarriages: It is much my interest, and it shall be as much my care as yours, to preserve the liberty of the Subject; because the Crown can never be safe when that is in danger: And I would have you likewise be convinced, that neither your Liberties nor Properties can subsist long, when the just Rights and Prerogatives of the Crown are invaded, or the honour of the Government brought low, and into disreputation.

"I let you see, by my calling this Parliament so soon, that no irregularities in Parliaments shall make me out of love with them; and by this means, offer you another opportunity of providing for our security here, by giving that countenance and protection to our neighbours and allies, which you cannot but know they expect from us, and extremely stand in need of at this instant; and at the same time give one evidence more, that I have not neglected my part, to give that general satisfaction and security, which, by the blessing of God, may be attained, if you, on your parts, bring suitable dispositions towards it: And that the just care you ought to have of Religion, be not so managed and improved into unnecessary fears, as to be made a pretence for changing the foundation of the Government. I hope the example of the ill success of former heats, will dispose you to a better temper; and not so much to inveigh against what is past, as to consider what is best to be done in the present conjuncture, the further prosecution of the plot; the

(1) It was intitled, *The new Englishman speaking plain English.*

(2) *Remon says*, *Fitz-Harris* turned the Libel inside, and only showed it to *Everard*, who believing he intended to escape him, placed *Winfield* to over-see all that pass; *Fitz-Harris* turning the Libel with him, all went with his own Hand, *Everard* went with the Paper and entered against him, p. 497.

(3) *Croft*, one of the Sheriffs of *London*, going to see him, he desired he might bring him a Justice of the Peace. *Croft* went and acquainted the King with it. Whereupon the Secretaries and some Privy-Counsellors were sent to examine *Fitz-Harris*, to whom he gave a long relation of a design to kill the King, in which the Duke of York was concerned, with many other particulars, and it was all a fibel. The Secretaries came to examine him further a second time: He heldfast to all he had said; and desired that some Justices of the City might be brought to him. So *Croft* and *Doby* came, to whom he made on all points the same pretended discovery over again. So that there was no count for what was afterwards advanced, namely, that *Croft* and *Doby* had procured his name. *Hume*, p. 237.

(4) The words fall in the Gallery of the publick Schools, and the Commons in the Convocation-House.

1680-1. trial of the Lords in the Tower; the providing a more speedy conviction of Recusants; and, if it be practicable, the ridding our selves quite of that Party, that have any considerable authority or interest among them, are things, though of the highest importance, that hardly need to be recommended to you, they are so obvious to every man's consideration, and so necessary to our security. But I must needs desire you, not to lay so much weight upon any one expedient against Popery, as to determine, that all other are ineffectual; and among all your cares for Religion, remember, that without the safety and dignity of the Monarchy, neither Religion nor Property can be preserved.

"What I have formerly and so often declared, touching the Succession, I cannot depart from. But to remove all reasonable fears that may arise from the possibility of a popish Successor's coming to the Crown, if means can be found, that in such a case, the administration of the Government may remain in Protestant hands; I shall be ready to hearken to any such expedient, by which the Religion may be preserved, and the Monarchy not destroyed. I must therefore earnestly recommend to you, to provide for the Religion and the Government together, with regard to one another, because they support each other: And let us be united at home, that we may recover the esteem and consideration we used to have abroad. I conclude with this your advice to you, *That the rules and measures of all your votes may be the annus and established Laws of the Land; which neither can, or ought to be departed from, nor changed, but by Act of Parliament: And I may the more reasonably require, that you make the Laws of the Land your rule, because I am resolved they shall be mine.*"

The Commons returning to their House, chose for Speaker, *William Williams of Gray's Inn*, who had been Speaker the last Parliament, and the King approved of the choice.

A Resolution
to print the
Votes.
Debates
about the
Exclusion.
p. 397.
Kennet,
p. 388.
Richard.

After the Commons had spent three days in chusing their Speaker, and taking the usual oaths, a motion was made for printing the Votes, and approved, notwithstanding the opposition of Secretary *Jenkins*. As the secret design of the Commons was to let the people feel the necessity of the Exclusion-Bill, they were desirous to acquaint them with their proceedings in that affair, that they might not be deceived by general accounts of it. For a contrary reason, the King was unwilling the people should know all the circumstances. But his party was not strong enough to prevent it, and from that time the Votes of the Commons have been printed, to the great profit of the Speaker.

Debates, &c.
p. 399, 397.

In the second place, a motion was made to enquire into the miscarriage of the Bill for the repeal of the Act of the 35th of *Elizabeth*, how it came to be slip over in the late Parliament, and not presented for the royal assent? *Which*, said the mover, *I look upon as a breach of the Constitution of the Government.* But the further debate of this matter was adjourned to the next day.

Id. p. 301.

Thirdly, a motion was made to bring in a Bill to exclude the Duke of *York* from the succession. Secretary *Jenkins* warmly opposed it, because, as he said, the King had given his vote against it. But he was answered, that the King had as strongly declared, that he would never depart from his declaration for Liberty of Conscience; and yet, upon reasons given him by the House, he was persuaded to revoke it. Though the debates upon this subject were very warm, the House came to that temper, as to agree, that in order to pay the King all the respect that might be, they would set a-part a time to consider of Expedients, and accordingly they appointed *Saturday* the 26th for the debate of them.

Id. p. 310.
McC.

Fourthly, they examined the affair of *Fitz-Harris*, and his libel, and thought the matter too full of knavery and subtilty, and of that consequence to the publick, that they resolved to impeach *Fitz-Harris* of High-treason, in order to discover the bottom of this mystery, and lay open the artifices of the Court. Secretary *Jenkins*, the King's man in that House, was ordered to carry up the impeachment to the Lords. He refused at first, but being threatened by the House, he at last complied. At the same time it was ordered, that Sir *William Waller* should have the thanks of the House for his discovery of *Fitz-Harris*.

1681.

Resolutions
to prevent
the Bill of
Exclusion.
Extraordinary
proceedings
of the
Bill of Ex-
clusion.
Edward.
Id. p. 628.

The 26th of *March*, the day fixed for examining the expedients which should be propoed to prevent the Exclusion-Bill, a paper was read in the House, of which this is the substance (1).

"1. That the Duke of *York* be banished, during his

(1) It is to be observed, that the Duke and his Party declared themselves more against the Limitations than against the Exclusion itself. *Burnet*, p. 428.

(2) The *Amora*, a French vessel, belonging to the management of *Fitz-Harris's* estate out of the Courts of the Court, carried to the Lords but an impeachment against him, which was rejected by the Lords, on a pretence that the Lord *Wentworth* furnished them with it. It was that *Edward III*, had got it, so the Commons were contented, and by the Lords: He was then when the *House of Commons* complained, an Order was made, that no such thing should be done for the future. Now that stated only to Proceedings at the King's suit: But it could not be meant, that an Impeachment from the Commons did not stand a Committee. *Jules*, Secretary of State, and the Lord-Keeper were often Committees: So, if this was good Law, here was a certain method of redress to be used against any such impeachments, by employing only Commons. In short, the *Peers* lost the Duties of the Impeachment, and were desired not to receive it. So they made use of this Colour to reject it. *Burnet*, p. 428.

life, five hundred miles from *England*, *Scotland*, and 1681.

Ireland, and the dominions and territories to them belonging. 2. That the whole Government both ecclesiastical and civil, shall, upon the demise of the King, be vefted in a Regent, for such time as the Duke of *York* shall survive. 3. That the Regent be the Prince of *Orange*; and in case of her decease without issue, or with issue in minority, then the Lady *Ann*. 4. That if the Duke have a son educated a Protestant, then the said Prince of *Orange* respectively, shall succeed in the Regency, during the minority of such son, and no longer. 5. That the Regent do nominate the Privy-Council, and they to be, or not to be approved by Parliament, as shall be judged fittest, upon dissenting the drawing up of this intended Act. 6. That notwithstanding these Kingdoms (out of respect to the Royal Family and Monarchy it self) may be governed by the said Regent, in the name and stile of *James the Second*, &c. yet it shall be made capital for any to take up arms on his behalf, or by his commission, not signed by the said Regent, or granted by lawful authority derived from, and under such Regent; or to maintain an opinion, that the retaining the said name and stile, shall in this case purge the disabilities imposed by this Act, or elude the force thereof. 7. That commissioners be forthwith sent to the Prince and Prince of *Orange*, to take their oaths, that they will take upon them the execution of this Act, and that their oaths be here recorded. 8. That all officers, civil or military, forthwith take oaths to observe this Act, from time to time, as in the Act for the Test. 9. That his Majesty would graciously declare to call a Parliament in *Scotland*, in order to passing the like Act there, and recommending the same, and the like to be done in *Ireland*, if thought necessary. 10. That in case the said Duke shall come into any of these Kingdoms, then shall he be ipso facto excluded, and shall suffer as in the former Bill, and the Sovereignty shall be forthwith invellid in the Regent, upon such his coming into any of these Kingdoms. 11. That all considerable Papists be banished by name. 12. That all their fraudulent conveyances be detected. 13. That their children be educated in the Protestant Religion."

The House was so little inclined to the expedients to *Repeal* prevent the Exclusion-Bill, that they found in them, however rigorous they were against the Duke, more difficulties than in the Bill itself. So, after divers fruitless debates, allowed only for form-fake, the House resolved to adhere to the Bill of Exclusion, which had passed the Commons in the last Parliament, and this Bill was ordered to be brought in the next Monday.

The Commons had scarce finished this great affair, when *At Difference* they were told, the Lords had rejected *Fitz-Harris's* im- between the peachment, and ordered that he should be prosecuted at Common-Law. Several members exclaimed against this p. 345. pretended injustice, and its consequences, and at last the House voted,

"1. That it is the undoubted right of the Commons *Votes of the Commons* in Parliament assembled, to impeach before the Lords, in Parliament, any Peer or Commoner, for treason, or any other crime or misdemeanour. And that the refusal of the Lords to proceed in Parliament upon such impeachment, is a denial of justice, and a violation of the Constitution of Parliaments. *Commons*, p. 389. *Debates*, Id. p. 622.

"2. That in the case of *Edward Fitz-Harris*, who by the Commons had been impeached of high-treason before the Lords, with a declaration, *That in convenient time, they would bring up the articles against him*, for the Lords to resolve, that the said *Fitz-Harris* shall be proceeded with according to the course of common-law, and not by way of impeachment at this time, is a denial of justice, and a violation of the Constitution of Parliaments, and an obstruction to the farther discovery of the Popish Plot, and of great danger to his Majesty's person, and the Protestant Religion.

"3. That for any inferior Court to proceed against *Edward Fitz-Harris*, or any other person lying under an impeachment in Parliament, for the same crimes for which he or they stand impeached, is a high breach of the privilege of Parliament (2)."

The 28th of *March*, the Exclusion Bill was brought The Bill of into the House and read. After the reading, Sir *Laurens Exclusion Jenkyns* alone spoke against it. He repeated some of his former reasons, as that this Bill condemned a man unheard, p. 311. was directly contrary to the wisdom and justice of the nation, and tended to introduce a new form of Government.

If, continued he, the Duke will try to cut this law with his

four,

1681. sword, if he overcome, he will have the same power to set aside all laws, both for Religion and Property; the power will be in the hands of the conqueror, &c. Some raileries passed upon him for not being seconded, after which the Bill was ordered a second reading.

The House of Commons was refusing the debate about *Fitz-Harris*, when on a sudden, the Ulster of the Black-Rod commanded their attendance in the House of Lords, where they found the King in his robes, who told them.—*He perceived there were great heats between the Lords and Commons, and their beginnings had been such as he could expect no good success of this Parliament, and therefore thought fit to dissolve them.* Accordingly, the Chancellor declared the Parliament dissolved.

The King, who was prepared beforehand for what he had done, immediately took coach, and drove with all speed to *Windsor*, and the next morning to *Whitehall*, seeming extremely pleased that he had thus made his escape from the designs of the Commons. This Parliament, which far but seven days, was the fifth and last of this reign.

From this time, the King, during the rest of his life, governed not only without a Parliament, but with an absolute power. When he saw himself out of the reach of the Parliament, he entirely threw away the mask of dissimulation, and shewed, that the popish plot, the prosecution whereof he had lately recommended so earnestly to the Parliament, appeared to him but a mere chimera, or at least, he did not think it near so dangerous as he would have had it believed. The four Lords, prisoners in the Tower, whom he would have sacrificed to the Parliament, appeared innocent to him. But what was still more remarkable, even to the end of this reign, was, that the King grew as sanguinary, as he had hitherto appeared merciful, and that as soon as he had the power in his hands, he made his enemies feel the most terrible effects of his vengeance. In a word, he clearly discovered by his conduct, that he was entirely in the principles of despotick power, and had only dissembled his sentiments in his speeches to his Parliament, because he judged such dissimulation proper to conduct him to the end proposed to himself, from the first years of his reign.

The Reader must be astonished to see a King, who had received so many mortifications from his Parliaments, who had been so often obliged to comply, and feign opinion he had not, on a sudden become absolute master of his Kingdom, without fleet, without army, without foreign assistance, without money, but that of his ordinary revenue, after many years fruitless labour, to accomplish his designs. It is therefore absolutely necessary to unfold the causes of so surprising a revolution.

By the artifices of the Court, and the natural inclination of many *Englishmen*, the Kingdom was divided into *Whigs* and *Tories*. This division was to carefully fomented by the Court, and the popish party, that at last it became very great. To render the two parties irreconcilable, it was insinuated to the Episcopalian, of whom the majority were *Tories*, that both Church and Monarchy were in danger, and that the scene of *fifty one* was going to be revived. That the Presbyterians, under colour of providing for the preservation of liberty, really intended the destruction of the Church, and the introduction of Presbyterianism, in order to which, they were pursuing the same course they had taken in 1640, and the following years, by undermining the foundations of the Monarchy, for the more easy subversion of the Church. These insinuations had the greater effect, as what had once happened, and whereof the memory was still fresh, might happen again; and I know not, whether it may not justly be doubted, that some of the Presbyterians had such a thing in view. This was sufficient to awaken the old animosities between the Church of *England* and Presbyterianism. The Episcopalian, terrified with the prospect of falling into the same fate, from which they had been almost miraculously delivered, considered the introduction of Popery, with which they were alarmed, as a distant and uncertain evil, and the establishment of Presbyterianism, as certain and present. It is even very probable, that many, whose passions were violent, looked upon Popery as the less evil. In this belief, they threw themselves as it were desperately into the Court-party, without considering, that the Duke of *York*, whose cause they espoused, was no better affected to them than to the Presbyterians. Passion made them forget the interest of the Pro-

testant Religion, in order not to be once more under the Presbyterian yoke. On the other hand, the three last Parliaments, composed, as I observed, of men well-affected to Presbyterianism, proceeded with too little caution, and discovered too hastily or too openly their designs with regard to Religion. By that they gave the Court-party an opportunity of uniting with the Episcopalian, and of joining together the interests of Religion and the Monarchy. From that time, the *Tories* were so well pleased with this union, that they would never hear of separating these two interests, but once, under *James II*, when there was no possibility of keeping them united, without endangering the constitution in Church and State. The *Whigs*, on their side, having since perceived, what advantages the *Tories* received from this union, seem to have moderated their pretensions with respect to Religion, contenting themselves with procuring the Presbyterians a bare liberty of conscience. But the *Tories* not trusting to this moderation, consider it as a snare and an artifice to separate the interests of Religion from those of the State; for in this union the strength of the *Tory* party wholly consists. I have perhaps wandered a little too far from my subject, in speaking of these two parties, with regard to what has happened since the reign of *Charles II*. But I hope the Reader will not be displeased with this general idea. I return now to the transactions after the dissolution of the *Oxford* Parliament.

The Presbyterians being thus divided, and the Court strengthened with the Church, the *Tory* party was composed of all the rigid Episcopalian, mortal enemies of the Presbyterians, of all the Papists, and those to whom all Religions were indifferent, and whose expectations were centered in the Court. It may be affirmed, that the number of these last was never greater in *England*, the King having incessantly laboured to increase it, whether through inclination, or because he depended on such as his firmest friends. The *Whig* party consisted of all the Presbyterians, and of some Churchmen, who were more attached to the interests of the State, and the Protestant Religion in general, than to the Church of *England* in particular. But the City of *London* was the chief strength of this party, whose Magistrates were entirely devoted to it. Things standing thus, the King believed, he should run no great hazard in dissolving the *Oxford* Parliament, reckoning, he had a party in the Kingdom strong enough to resist, and even subdue his enemies, when they should be no longer supported with the authority of a Parliament. Mean while, not to alarm the nation by a too hasty discovery of his intentions as to his future Government, he contented himself at present with publishing a declaration, containing his reasons for dissolving the two last Parliaments. I shall not insert this declaration here, because every reader, who remembers what has been said, will easily comprehend wherein consisted the King's complaints. I shall only say in a word, that the King supposed as undeniable, that he had no other aim than to procure the good of his people, and that the Commons, actuated by a spirit of cabal and sedition, only sought to shake the foundations of the Monarchy, and invest themselves with arbitrary power, by all their proceedings, which he largely set forth. He positively declared, that no irregularities in Parliaments should ever make him out of love with them: and therefore he was resolved to have frequent Parliaments, and both in and out of Parliament, to use his utmost endeavours to extirpate Popery (1).

Several Pamphlets appeared, as well against the dissolution of the Parliament, as against the declaration. It was said upon the first, that though the King pretended, that he dissolved the Parliament on account of the votes passed the same day about *Fitz-Harris*, yet the *Duchess of Mezanaris* published the news at *St. James's* many hours before it was done. As to the declaration, it was said to be of no validity, of King's extract (2), and to have several manifest Gallicisms in it, particularly that expression, *It was a matter extremely sensible to us*, a form of speech peculiar to the *French*, and unknown to any other nation. But the King little regarded such libels (3).

The declaration having been published and read in the Churches (4) by the King's order, addresses flowed from all parts, approving the dissolution of the Parliament, and in general, the King's whole conduct. Not content with thanking the King, these addresses were even filled with invectives against the late Houses of Commons. One of these addresses (5) being presented at the King's Bench as a

(1) This Declaration, however smooth and fair, was by no means popular. Some thought it nothing but a current of words. Others had a worse opinion of it, as a breach of Prerogative, and a profligate insult upon the late members of the last House of Commons. *Essex*, p. 389.

(2) Though the King did not communicate this Declaration to the Council till April 8. yet Mr. *Burton*, the French Ambassador, did not only read it to a Gentleman the 8th of April, but advised with him about it, and demanded his opinion of it. *Indiscreet*, &c. by Sir *W. Jones*, p. 194.

(3) The Answer to the King's Declaration, entitled, *A just and modest Vindication of the Proceedings of the two last Parliaments*, was with great spirit and true judgment. It was at first printed by *Agnesius Sidney*; but a new Draught was made by *John Somers*, Esq. and corrected by Sir *William Jones*. *Burton*, p. 500.

(4) When this Declaration passed in Council, the Archbishop of *Canterbury* moved, that an Order should be added to it, requiring the Clergy to publish it in all the Churches of *England*. Accordingly, such an Order came out, dated April 8. This was looked upon as a most pernicious precedent, by which the Clergy were made the Herd to publish the King's Declarations, which in some instances might come to be not only useless but mischievous. *Burton*, p. 500.

(5) Taken from *North*, which ran the highest for the Prerogative. *Essex*, Tom. III. p. 609.

1681. publick libel, by the Grand Jury of *Middlesex*, the Court took no notice of it. We may easily judge who presented these addresses, by what has been said. They became so much in vogue, that the smallest Corporations feared the resentment of the Court, if they neglected to address. The King received them all very graciously, and distinguished those that brought them with particular marks of his favour. But as some of the other party ventured to present addresses of a very different stile, the King either refused, or received them, with evident signs of his displeasure. Some of the Aldermen and Common-Council of *London* presenting an agreeable address, were received very kindly. But the Lord Mayor, Recorder, and some others of the Common-Council, waiting on him at *Windſor*, with a very different petition, were denied admittance, and ordered to attend the Council at *Hampden-Court*, where they received a reprimand from the Lord Chancellor. It was however pretended, that these loyal addresses, as they were called, expressed the sentiments of the people in general, tho' they came but from one of the parties. But what may make it presumed, that the King did not much depend upon the people, notwithstanding these numerous addresses which weekly filled the *Gazettes*, is, that he never after dared to call a Parliament to the end of his reign, a sure sign, that he feared the elections would not be favourable to him. For if these addresses had expressed the general sense of the people, what could have hindered the King from calling a Parliament, which, to judge by these addresses, must have been devoted to him.

The King was not satisfied with discouraging those who would have presented disagreeable addresses to him, but also silenced and imprisoned the news-writers which were not of his party (1), while others had liberty to publish daily invectives against the Whigs, and the late Parliaments.

Shortly after the dissolution of the Parliament, the King made *Charles Lenox Duke of Richmond*, his Son by the *Duchess of Portmouth*, Knight of the Garter at nine years of age. *Laurence Hyde Esq;* was created Viscount *Hyde of Kentenbury*, and Lord-Chancellor *Finch Earl of Nottingham*.

Notwithstanding the vote of the Commons on the account of *Fitz-Harris*, he was indicted of High-Treason at the King's Bench bar, tried, condemned, and executed. It is pretended, that he confessed to the Chaplain of the Tower, that there was a design laid by the Protestant party to seize the person of the King, and imprison him, till he had consented to what should be desired of him, and that he mentioned many particulars. Others pretend, this confession was forged (2), or only made to save his life. Indeed it is not easy to imagine, that so many Protestants, engaged, as was pretended, in this plot, would communicate their designs to an *Irish* Papist. Nor is it less difficult to conceive, why his execution was hastened, since he might have served for evidence of this plot, about which, however, there was no farther inquiry.

The same day that *Fitz-Harris* was executed, *Oliver Plunket*, the popish titular Primate of *Ireland*, suffered the same punishment for contriving, with the Court of France, to raise an insurrection in *Ireland*. Some pretend, he was condemned unjustly, and upon false evidence (3). I know not what there is in it, but from this time forward no agreement is to be expected amongst the Historians, in the relation of the same facts. It is always with some addition, which plainly discovers the party they espouse.

Thus much is certain, that the King delayed not to be revenged of some of those who had been against him. The Earl of *Shafsbury* was sent to the Tower the beginning of July. He was now called the Protestant Earl, in derision of his having appeared more zealous than any other Lord in support of the Protestant party, and from hence it may be easily judged, who gave him that name. The same day, the King also sent to the Tower some persons of a much inferior rank, as *Rafle*, *Hayn*, *White*, and one *Colledge* a Joyner of *London*, who had been very strenuous for the Whigs, while that party was supported by the Parliament. He was also called the Protestant Joyner, for the name of Protestant was become the nick-name of those who had most opposed the King and the Papists. The adherents of the Court, on the other hand, pretend, that the Whig-party in *London*, perceiving the Court began to be revenged upon their enemies, had found means, with the assistance of *Cornish* and *Bethel*, Sheriffs of *London*, and zealous

Whigs, to secure Grand-Juries entirely at their devotion, so that, to defeat the efforts of the Court, these Juries were to return *Ignoramus* upon all Bills brought against any of the party, and therefore obtained the name of *Ignoramus*. But we are not to require any proofs of this supposition. The Historians of the Court-party content themselves with affirming, as a thing beyond doubt, that the Grand-Jury of *London* was resolved to return *Ignoramus* upon all Bills against their friends, and we must take their word for it, tho' it seems to be supported only by the rumours of their own party.

However, the Court began their revenge with *Colledge* the Joyner, and for that purpose a Bill of indictment of High-Treason against him was delivered to the Grand-Jury of *London*, who, not finding it well-grounded, threw it out with an *Ignoramus* (4). This caused an universal joy in *London*, and was looked upon as a sort of triumph. But the Court was resolved to proceed against *Colledge* with the utmost severity. For this purpose, on pretence of certain words said to be spoken by *Colledge* at *Oxford*, he was ordered to be removed to that city, and there tried and condemned. But not to be disappointed, as they had been at *London*, the King's Council came to *Oxford*, and were shut up with the Grand-Jury, till they had persuaded them to find the Bill. This is at least a fact which has been often objected, and publicly and openly maintained, without having been denied. Be this as it will, *Colledge* was carried to *Oxford*, and tried at the assizes, upon the evidence of *Dugdale* and *Tinborne*, who had been the witnesses in the trial of the Lord *Shafford*. It is not possible to read the particulars of this trial, the partiality of the Judges (5), and the depositions of the witnesses, without discovering a settled design for the destruction of this man, who was condemned and executed as a traitor (6). He died, protesting his innocence, and ignorance of any plot but the Popish. The Court's resentment against this man shewed itself so manifestly, that he was considered as the first martyr for the Protestant Cause. The writers, even the most devoted to the Court, dare not positively affirm, he was guilty. They content themselves with leaving the thing doubtful, after endeavouring however, by the turn they give to their account, to insinuate a belief that he was not innocent.

The same day that *Colledge* was executed, Dr. *Oates* was by order of Council turned out of *Whitehall*, with a command not to come within the verge of the Council-chamber. Indeed, he was no longer wanted, at a time when not only the popish plot was ridiculed, but a design formed of being revenged on those who had been most zealous to support the belief of it, and of improving a new Protestant plot.

The time for electing the Sheriffs of *London* being come, *Thomas Pilkington* and *Samuel Shute*, both Whigs, were chosen in the room of *Bethel* and *Cornish*, which was very disagreeable to the Court. But on *Michaelmas-day* they had the satisfaction to see Sir *John Moor* an Addresser, chosen Lord-Mayor.

At the sessions for *London*, *Rafle*, one of those sent to the Tower by the King, was indicted of high-treason, and the Grand-Jury found the Bill *Ignoramus*.

It was the same with the Earl of *Shafsbury*. The King passionately wished to be revenged of this Lord, who for some time, had shewn him little regard. To this end, he granted a special commission of Oyer and Terminer to all the Judges of the Kingdom to sit, the 24th of November, with the Lord-Mayor and Aldermen, at the Old Bailey, on the Earl's trial. Eight witnesses were heard against him, who deposed upon oath many things from his own mouth, which discovered pernicious designs against the King's person. But the greatest crime objected against him was, the copy of an Affocation (found in his study) against the enemies of the King, of the Protestant Religion, and of their Country (7). But notwithstanding the hopes conceived by the Court, of being freed from this enemy, the Grand-Jury, consisting of one and twenty of the principal citizens of *London*, considering that the paper, containing the Affocation was only a copy, and not writ in the Earl of *Shafsbury*'s hand, and observing very great improbabilities in the depositions of the witnesses, found no sufficient ground for the Bill, and returned it *Ignoramus*. Immediately the whole city testified their joy for the Earl's deliverance, by bonfires in all the streets, and other marks of satisfaction, and the

(1) Particularly the publishers of the Paper called *Dumfries Intelligence*, &c. The other Papers here mentioned, containing invectives against the Whigs, were, *L'Espresso's* *Observations*, and *Strouds's* *Relation*. *Edward*, Tom. II. p. 617.

(2) *Fitz-Harris* was prevailed upon, through the management of Dr. *Hanbury* Minister of the Tower, to make this confession. *Hanbury* was, for this kind of piece of service done the Court, rewarded with the Draceny of *Chesham*. *Barnet*, p. 194.

(3) The evidence against him were local and profligate men, who had been seduced by him for their livelihood. *Barnet*, p. 202.

(4) Sir *W. Moore*, the Foreman, was April 16. examined before the Council, sent to the Tower, and afterwards forced to fly beyond Sea. *Knight*, p. 323. *Hanbury*, p. 10.

(5) The Judges were Chief-Justice *North*, Justice *Raymond*, and Justice *Leve*. *Keble* Esq; by mistake, that *Jeffries* was one of the Justices, but he was only one of the King's Council.

(6) The vessel hardish upon him, was the taking away from him his memorandums, and Instructions for his Defence, just as he was coming to his Trial. See his *Testis*.

(7) This Affocation was another writ, not marked in any place with the Earl's hand. *Barnet*, p. 196.

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witness against him were in great danger of being torn in pieces by the mob (1).

Affairs of Scotland.
Remont.
p. 392.
Burnet.
p. 530.
Echard.
III. p. 645.
Add. in
favour of
the King
and validity
of the
Act of
James II.

Before we finish this year, it will be necessary to mention the transactions in Scotland, where the Duke of York, as the King's High Commissioner, had opened the Parliament the 28th of July. This Parliament, very different from the two last held in England, took a quite contrary course, and passed several Acts such as the King desired.

By the first, they acknowledged, that the Crown of Scotland is by inherent right, by the nature of Monarchy, by the fundamental and unalterable laws of the Kingdom, transmitted and devolved by Lineal Succession, according to Proximity of Blood, and that no difference in Religion, no Law, no Act of Parliament, can alter or divert the right of succession, and lineal descent of the Crown to the nearest and lawful heirs. This Act made it high-treason, either by word or writing, to endeavour to suspend, or alter, the right of succession.

As Oath
imp. &c.
R. Coke.

By the second Act, all former Laws for the security of the Protestant Religion professed in that realm, were ratified; by which all the laws made by James I., Charles I., and Charles II., against Popery, were confirmed. To this Act was annexed a test and oath to be taken by all officers in Church and State (2). This oath was drawn in such a manner, that it implied a necessity of swearing directly against conscience, or of being, as I may say, debarred the society of men. Accordingly, it was refused by most of the Ministers, and a great number of the Laity. But this was what the contrivers of the oath wanted, in order to have opportunity to persecute and destroy those, who, it was foreseen, would obstruct the designs of the Court. Scotland was almost reduced to slavery, with regard to the Government. Nothing was wanting, but the introduction of the Popish Religion, and for this the oath was intended, because it was thereby hoped to have opportunity of disabling the greatest enemies of Popery from opposing this design. Archibald Campbell Earl of Argyle, son of him beheaded at Edinburgh, was one of the refusers of this oath, unless he might take it with a reserve of his own explanation (3). But this the Duke of York would never allow him. Indeed these ambiguities had been purposely inserted to keep the rigid Presbyterians from taking it. At last, he was arrested, imprisoned, and brought to a solemn trial, not only for refusing the oath, but for having dissuaded others from taking it; and for this new kind of treason, was condemned to lose his head. It is pretended, the King would have pardoned him; but this can only be said by conjecture. However, he found means to escape out of the castle of Edinburgh, and withdrew into Holland (4).

The Earl of
Argyle re-
fuses it.
Burnet.
p. 512, &c.
R. Coke.
p. 274, &c.
Echard.
p. 646.
In capital,
found, tried,
and condemned
there. Tyl.
T. III.
Makes his
Escape.

1681-2.
The Dispen-
sations are pro-
posed.
Burnet.
Remont.
p. 399, 393.
Echard.
III. p. 649.

It appears from what has been said, that the Whig-party mostly consisted of professed Presbyterians, or of men inclined to Presbytery, though they professed the established Religion. That is to say, the times of James I., and Charles I., were returned, when every man who was not of the Court-party, and a furious Tory, was a Presbyterian. The King finding his authority sufficiently established since the dissolution of the Oxford Parliament, resolved entirely to ruin his enemies the Whigs; and consequently the Presbyterians. To this end, he ordered, that the Non-conformists should be rigorously persecuted, which discovered his motive for conveying away in the House of Lords the Bill to repeal the Act of the 15th of Elizabeth, at the very time it was going to pass into a law. For if this Bill had not vanished, no advantage could have been taken against the Presbyterians. This order of the King occasioned a violent persecution against the Dissenters. Since the dissolution of the last Parliament, all the Magistrates, Judges, Justices of the Peace, Governors, and Lord-Lieutenants, had been changed, and the most violent Tories put in their places. It may easily be imagined, with what joy and zeal these men executed the laws against the Presbyterians, which had been suspended for some years. The Clergy particularly distinguished themselves by showing their attachment to the principles and maxims of the Court. The pulpit resounded with the doctrine of Passive-Obedience

Passive-
Obedience
every where
preached up.

and Non-Resistance, which had been espoused by a few in the reign of Charles I., but was now universally preached. The Clergy seemed to make it their business to surrender to the King, all the Liberties and Privileges of the Subjects, and to leave them only an unlimited obedience. According to the principles publicly preached, no English Monarch was more absolute than the King of England. This doctrine was supported in the Courts of Justice, by all the Judges and Lawyers, to the utmost of their power. All this was followed with numberless petitions and addresses, wherein the Affliction, and the principles from which it flowed, were utterly abhorred. This Affliction which had occasioned the persecution against the Dissenters, was but a chimera, and entirely founded on the paper found in the Earl of Shaftsbury's closet, without even a possibility of knowing whether it was an original, or a copy. But any man's thinking of associating the Subjects against the King, was sufficient, according to the current principles, to charge the whole Whig-party, as guilty of the greatest crime imaginable. I shall not transcribe these addresses. It suffices to say in a word, that they fippeted the King of England as absolute as it is possible to devise. Thus the violent Tories who then prevailed in the Corporations, were not satisfied with persecuting the Presbyterians, but also made the King an arbitrary and absolute Monarch, as if there had been no other expedient to save the Church of England from the attempts of the Presbyterians.

The Duke of York returned from Scotland, the beginning of March, and was received by the King with all possible signs of affection. At the same time came a letter to the King from Scotland, subscribed by seven Bishops, full of the Duke of York's praises, and of the happiness enjoyed by the Church of Scotland, under his administration. So that it was not the fault of these Prelates, that the Duke, though most zealous for the popish Religion, was not respected as the principal support and protector of the Protestant Church.

After two months stay in England, the Duke returned to Scotland to bring his family from thence. He went by sea, but by an unexpected accident, the ship, though the weather was fair, struck upon the sand [called the Lemen rock and Oars] and in a little time had above seven foot water in the hold. This obliged him to put off in his pinnace, with as many persons as it would hold, and to save himself on board the *Mary* yacht. It is pretended, he himself named the persons whom he would have in the boat with him, and that some Priests and Jesuits were preferred to several persons of quality, who were unfortunately drowned, with a hundred and thirty seamen, the ship sinking soon after the Duke put off. But I will not warrant this circumstance, which perhaps is only a report spread by his enemies (5). The Duke made but a short stay in Scotland. He departed within a few days for England, where he continued, the rest of this reign, with great influence over the actions and counsels of the King his brother. To him it is generally ascribed the rigour with which the King treated his enemies the remaining part of his reign. It is said, the King being one day importuned by the Duke to undertake things which he thought very dangerous, told him, Brother, I am resolved never to travel again, you may do so, if you please.

Though, supported by the Court and the Magistrates, the Tory-party had the advantage, the Whigs however, were not discouraged, in the expectation of causing some turn, by informing the people in pamphlets of their danger from the Court. These pamphlets were numberless, and new ones daily appeared, to attack or defend. That which made the greatest noise was, *The Life of Julian the Apostate*, in which a parallel was drawn between that Prince and the Duke of York. The necessity of the Exclusion was shown, and Passive-Obedience exploded as a Mahometan doctrine. This book did but exasperate the patrons of Passive-Obedience. They took occasion from thence to carry the doctrine too high, that when, in the reign of James II., restrictions became necessary, they knew not how to make them, and many even persisted in supporting this

The Duke of
York re-
turns.
Remont.
p. 392.
Burnet.
III. p. 651.
1682.
Goes back
into Scot-
land, and
runs a great
danger.
May 4.
Burnet.
p. 392.
Echard.
III. p. 651.
Returns back
to England,
where he
remains very
powerful.
Echard.
III. p. 657.

The Pamphlets
were
against the
Court.
III. p. 658.

(1) A Medal was struck upon this occasion, having on one side the Earl's Effigies; and on the Reverse, the Sun behind a Cloud, darting his beams on the City of London. See *Wood's Numismata*. It was upon this occasion that Dryden wrote his Poem called the Medal.

(2) Aid by all that thought fit of electing, or being elected Members of Parliament. Burnet, p. 515. See this Test in the Life of King James II. Book p. 55, and R. Coke p. 276.

(3) See the Case of the Earl of Argyle in relation to the Test or Oath imposed by the Scotch Parliament, p. 157, &c. of *State Trials*, Vol. II. R. Coke, p. 276, and Life of James II. p. 55.

(4) When the Test was in Debate, Argyle spoke zealously against the Clause, whereby all the Royal Family were excepted out of it. He said, the only Danger we could apprehend as to Popery, was, if the Royal Family should happen to be converted; therefore he thought it was better to have no Act at all than such a Clause in it. For this reason, when he came to explain himself concerning the taking the Test in his own Senate, his Words were construed as a Denying and a Spraying of Lies of the Proceedings of Parliament, which was capital. Accordingly he was tried and condemned. No Sentence, says the Historian, in our Age, was more universally cried out upon than this. All spoke of it, and the Duke who drove it on, with Honour. All that was said to lessen the Honour was, that Duke Lauderdale had rebuked the Family with such an extended Justification, that he was really the Master of all the High Courts. This, as the Duke wrote to the King, was still he intended by it, as Lord Halifax observed Burnet. Though a Person of Quality, whom Lord Argyle never loved, reflected on him, on his Honour, that he had one in great fear at day to the Duke, the thing must be done, and that it would be worse to justify the King about it later it was done, than to obtain his Leave for doing it. For which reason Lord Argyle made his escape out of the Castle in a English Boat. Burnet, p. 480, 481, 482.

(5) Burnet says, the Duke got into a Boat, and took care of his Dogs, and some unknown Persons, who were taken, from that circumstance of his, to be his Friends. The Long Boat went off with very low in her, though the might have carried off more; they may have done the dit. p. 455. What makes this Account probable is the many said, is, that the following Persons perished with the rest, the Earl of Rochester, the Lord Ogleby, the Lord of Hylton, Sir Joseph Douglas, Lieutenant Hyde the Duke's Brother in Law. Echard, Tom. II. p. 657. The Duke, says Burnet, took notice of this crew, and what makes this, which was last chiefly to Leg's Charge, p. 523.

1682. doctrine, rather than own they had been in the wrong to carry it to such a height.

A Remark upon the Doctrine of Passive-Obedience.

To demonstrate, that to this time must be fixed the date of the birth, or at least of the great progress, of the doctrine of Passive-Obedience, it needs only to be considered, that the second Parliament of this reign, though chiefly composed of rigid Church-of-England men, devoted entirely to the King, after having, by Acts, established such principles as led to Passive-Obedience, readily departed from it, when the Court, as they believed, intended thereby to introduce an arbitrary Government. This shows their design was not to establish such a Government. But in 1682, the time I am speaking of, these principles were not only preached, but practised, and the King was thanked in public and solemn addresses, for having established an absolute Government. The pulpits rung with Passive-Obedience, which was enforced from the positive declarations of God; and all the Magistrates emulously strove to reduce this doctrine to practice. The Whigs on their part in their attacks of these strange opinions, threw themselves into the other extreme, and thereby gave their enemies room to accuse them as subverters of Monarchy. In short, a kind of infatuation seized the Kingdom, and one party, instead of coming to a temper, violently embraced whatever was most contrary to the other.

Great Rage against the Whigs.
Richard.
III. p. 651.

The animosity against the Whigs was then so excessive, that even in the administration of justice, the Judges forgot common decency. The Earl of Shaftsbury having brought his action of *Scandalum Magnatum*, against one Mr. *Cradock*, the Defendant's Counsel alleged, "That there was no probability of a fair trial by a London Jury, for reason that the Earl was of the *Stinners* Company, of which Sheriff *Pillington* was master, and that therefore the Jury ought to be taken from some other place." The Court of *King's-Bench* found this exception to just, that it was ordered, "That unless the Earl would consent to try his cause by a Country Jury, it should not be tried in London." I know not whether such an exception had ever been known or admitted before. Party rage appeared in all private affairs, so that judgments were formed not according to the right, but the principles of the parties.

The Mayor and Sheriffs of London elected by the Influence of the Court.
June 24.
Kennet.
p. 391.
Burnet.
Richard.
III. p. 660.

Though the Whigs had a great disadvantage in the Kingdom, they still preserved their superiority in London, where almost all the Magistrates were of their party; but they were not suffered long to enjoy them. *Moor*, the Lord-Mayor, who had been an *Abhorrer*, and was in the interests of the Court, objected against the election of the Sheriffs, and afterwards of the Lord-Mayor, who was to succeed him; and being supported by the Privy-Council, prevailed, partly by force, and partly by consent, to have new Sheriffs (1), and a new Mayor elected of the King's party. This was a triumph for the Court, and the Earl of Shaftsbury was so sensible of it, that seeing himself like to be deprived of the protection of the City of London, he avoided the impending storm, by a retreat into Holland. It was remarked, that he was forced to shelter himself under the protection of a Republick, to which, when he was Chancellor, and one of the Cabal, he had applied that saying of *Cato*, *Delenda est Carthago*. — He died six weeks after his arrival in Holland.

A Design against London and other Corporations.

The Court having got a Lord-Mayor and Sheriffs at their devotion, improved the advantage, and relying on the compliance of the Magistrates, resolved to annul the Charter of London, and afterwards those of all the other Corporations in the Kingdom. But this design was not executed till the next year.

In the mean time, the Lord-Mayor and the Sheriffs of London, were very active against the Presbyterians, and executed the laws with great severity. Moreover, to recommend themselves the more to the Court, they prevented the burning of the Pope, as had been customary on the 17th of November (2).

Pillington fired for words spoken against the Duke of York.
Nov. 24.
Richard.
III. p. 665.
Burnet.
p. 531.

The Duke of York embracing so favorable a juncture, brought his action against the late Sheriff *Pillington*, for these words, spoken by the Defendant, *The Duke of York has fired the City, and is now come to cut our throats*. The Jury found for the Duke, and gave him one hundred thousand pounds damages. To such height was party rage carried.

Before we finish the events of this year 1682, which was memorable only for the progress of the Court and the Tories, the downfall of the Whigs, and the persecution of the Presbyterians; I shall relate some other things which happened this year.

First, the murder of Mr. *Thynne*, almost in the heart of the city, by Count *Canningmark*, for which his footman was hanged. As this is a private affair, I shall say no more of it.

This year the King received two extraordinary embassies, one from the King of *Peru* and *Morocco*, the other from the King of *Bantam* in the Isle of *Java*.

This year died, Prince *Rupert*, Count *Palatine* of the *Rhine*, so often mentioned in the foregoing reign, sixty three years of age; *John Maitland* Duke of *Lauderdale*; *Hensage Finch* Earl of *Nottingham* and Lord High-Chancellor; and *Anthony Ashley Cooper* Earl of *Shaftsbury*.

On the other hand, the King created several Peers (3), amongst the rest, the Duke of *Ormond*, an *Irish* Duke, was promoted to the same dignity in *England*.

Lastly, the Earl of *Sunderland* was restored to the office of Secretary, upon the resignation of the Earl of *1682-3.*

The King having had no extraordinary supplies from the Parliament for some years, it would be astonishing that he should at once become so good an economist, as to live upon his revenues, if it had not afterwards appeared, that he had contracted many debts, and thereby supplied in some measure the aids of money, which, on one pretence or other, he had used to receive from the Parliament. The Court pursued the same course, without any appearance of intending to use their new power for raising money upon the subject. It might seem strange, that the King, in his present situation, did not summon a Parliament, as well to repeal what had been enacted against him, as to get a supply of money. Pretences would not have been wanting.

That was not the thing. But it seemed, that notwithstanding the multitude of addresses, which were still daily presented, he did not confide in the affection of his people, and feared, that the elections would not be favorable to him. Indeed these addresses came but from one party, and the King knew, it was very possible to receive addresses from all the Corporations in *England*, without being assured, that the People in general were well-affected. But as foreigners may not understand this, I shall briefly explain it.

England is almost all divided into Communities, called Corporations, which have each their privileges, obtained from the Sovereigns on certain conditions. There is scarce a town, which has not its Magistrates and Laws as a Corporation. The Mayor, or head of the Corporation, the Aldermen, the Recorder, and other principal officers, are elected either by the whole community, or by a certain number of townsmen. It is easy therefore to apprehend, that the prevailing party may, without great difficulty, form a Common-Council of their own principles, and it is this Common Council which manages the addresses presented to the King, in the name of the whole Corporation. Provided the superiority of voices in the Common-Council be for one of the parties, that suffices, if an address be ordered, to say, it is in the name of the Town or Community, though all the other members should be of a contrary opinion. But in choosing Representatives, another method is taken. For then every Burgeis, every Freeholder, has a right to give his vote, and consequently Representatives of a contrary party to the Magistrates and Common-Council may very possibly be elected. This, probably, hindered the King from venturing to call a new Parliament, for fear he should not find his account in it. For the same voters who had chosen the members of the two last Parliaments, would have had a right to vote for the members of a new one, which could not be advantageous to the Court. The Court therefore came to a resolution of refusing the Charters of the Corporations, and to grant others drawn in such manner, that the King should be almost enabled to cause such Representatives to be chosen, as he pleased. It may be affirmed, there was no readier or more effectual way to invade at once the liberties of the nation, and cause the Parliament itself to approve of the same.

Till things should be ripe for the execution of this design, or some favorable occasion offer itself, the King resolved to take the diversions of *New-market*. He had scarce been there six days, when a fire broke out in the town with such violence, that he was obliged to return to London some days sooner than he designed. It was pretended afterwards, that there was, at this time, a plot against his life, to be executed at *New-Market*, and which was prevented by the King's sudden return, occasioned by the fire. This accident was ascribed to a particular

(1) The two Sheriffs the Court was for, were Mr. *North*, and Mr. *Bee*. And took for up by the majority of the City, were Mr. *Papillon*, and Mr. *Edwards*. Some censures were upon this occasion, for which the late Sheriffs and others were afterwards tried, as guilty of a Riot. See *Stow's Tracts*, Tom. II. p. 441. &c.

(2) Queen Elizabeth's Day.

(3) Henry Somerset Marquis of Worcester was created Duke of Beaufort; Craggs Lord Darcy Earl of Holdenby; Thomas Lord Mordaunt Earl of Plymouth; Henry Lord Torrington Viscount Torrington; Sir Thomas Vernon Viscount Vernon; George Legg Earl of Dartmouth; John Lubbock (late Duke of Northburgh) Lord Gower; and James Berke Earl of Abington, &c. Kennet. p. 396.

1682-3. Providence preferring the King, when he was in such danger.

1683. The King intending to be revenged on the old Magistracy of London, which had opposed him for some years, issued out a Commission for trial of the authors of the disorder at the election of Sheriffs the last year. This disorder, in the commission, was called a *riotous and unlawful Assembly*, and aggravated as much as a thing of such little moment could admit of. Fourteen Aldermen and substantial Citizens, the leaders of the Whigs, were all tried and condemned in great fines (1).

But the King stopped not here, though the new Magistrates and Common-Council took care to give him marks of their respect and zeal, by repealing several Acts of the Court of Common-Council, made during the late troubles (2). They likewise replaced, in its nich in the *Royal Exchange*, the statue of Charles I, which had been taken down after his death. Nevertheless, this did not prevent a *200 Warrants* from being brought by the King against the City, that, in an order to throw by what warrant they pretended to be a Corporation, and enjoy the privileges mentioned in the writ. On such occasions, the Corporation, against whom the *200 Warrants* is sent, produces the Charter of their privileges, and the question is to know, whether they have exactly obeyed the conditions and articles of their Charter. If they have been faulty in any essential article, the Court, before whom the affair is brought, may declare their Privileges and Charter forfeited. This rarely happens, because a Corporation is not wont to break their Charter in essential articles, for fear of losing it; and if it is in a point of little importance, the Court is satisfied with a fine to the King. This is the practice where justice, and a maintenance of the laws and customs of the Kingdom are only intended. But, in the present case, the King's intention was not to maintain justice and the laws, but to take occasion from the breach of some article of the Charter, to seize the liberties of London into his hands, and render himself absolute master of the government of that City. The present juncture was very favorable to his design, because, since the dissolution of the *Oxford* Parliament, he had taken care to fill the Courts of Justice with Judges devoted to him, and to these Judges was committed the decision of this affair.

The King alleged two violations of the Charter by the Corporation of London. The first was the illegal exaction of Tolls in the Market, and particularly the raising money to rebuild *Cheapside* Conduit. The second was the framing and printing a scandalous petition, wherein they charged the King with obstruding the justice of the Nation, by protruiging the last *Westminster* Parliament. This affair was argued solemnly on both sides, and at last the Judges of the King's Bench declared, that the liberties and privileges of the City of London were forfeited, and might be seized into the King's hands. Nevertheless, it was declared by the express command of the King, *That judgement should not be entered until his Majesty's pleasure should be further known*.

Several reflections on this judgement were then, and still are, made, which are not to the honour either of the King or the Court. However, the Inhabitants of London were extremely surprized with the thing, and the Common-Council assembled to consult how to proceed in this exigency. Some were for having the judgement entered till an opportunity offered to procure a reversal. But the Court-party insisted upon an absolute submission to the King before judgement was entered, which was in effect a voluntary surrender of the privileges of the City into the King's hands, and a depriving it of the means to cause the sentence one day to be repealed. This opinion was carried by a majority, and the King was waited on with a petition agreeable to this resolution. The King answered by the Lord-Keeper North, That he would restore the Charter if the City would submit to the following regulations.

1. That no Lord-Mayor, nor any officer of the Corporation, or Steward of the Borough of *Southwark*, should be capable of, or admitted to the exercise of their respective offices, before his Majesty should have approved them under his sign Manual.

2. That if his Majesty should disapprove the choice of any person to be Lord-Mayor, &c. the Citizens should, within one week, proceed to a new choice: And if his Majesty should in like manner disapprove the second choice, his Majesty might if he pleased, nominate a person to be Lord-Mayor for the ensuing year.

3. The same with regard to the Sheriffs.

4. The Lord-Mayor and Court of Aldermen might also, with the leave of his Majesty, displace any Alderman, Recorder, &c.

5. Upon the election of any Alderman, if the Court of Aldermen should judge and declare the person presented to be unfit, the Ward should chuse again; and upon a disapproval of a second choice, the Court might appoint another in his room.

6. The Justices of the peace were to be by the King's commission; and the settling of these matters to be left to his Majesty's Attorney and Solicitor-General, and Council learned in the Law.

By these articles, it is evident, the King was absolute master of the government of the City, and by restoring their Charter, effectually deprived them of their principal privileges.

Two days after, the Common-Council met, and resolved to submit to the King, by a majority of eighteen (3). The Historians of the King's party speak of this affair very slightly, pretending the City was justly punished for their great provocations to the King of late years. But as to the conduct of the King and Court, which occasioned these provocations, they do not think proper to mention it, and so the whole blame lies upon the City.

We are at last come to the pretended Protestant Plot, that is to say, form'd by the Protestants against the King and the Duke. But as it is hard to conceive the agreement of this term, in a Protestant Country, with design framed by Protestants against Papists, and as some guilty remove the idea of the King and Duke of York's being Papists, they rather chuse to give it the name of the *King-House-Plot*, from a House so called, in the road to *New-market* (4), where, it is pretended, the conspirators had projected to kill the King and Duke. I must not conceal, that as the former conspiracy, called the *Papish-plot*, did then, and still does, pass for an invention, with the adherents of the Court, so this had the same fate among those who were, or still are, of the contrary party. The Historians of this Conspiracy must therefore be read with great caution, since the Historians are entirely divided, the one representing as false, what the others assert as true. Were they both contented with relating the bare facts, giving for true those that may be proved, as for false those whole contrary cannot be proved, and for doubtful such as are doubtful, the Reader might be able to form some judgement. But their Accounts are artfully laboured to prepossess the Reader. A thousand things are insinuated which have no foundation but in their System. The witnesses are either knaves or honest men, as is most for their advantage. The conspiracy in their recitals is supposed true or false at pleasure. Numberless circumstances are inferred to serve their purpose, without the least proof or authority. So the Reader, who is in search of truth, finds himself at a loss, it being impossible to enter into a particular examination of so many opposite things. Impartial readers content themselves with leaving the matter undecided, because they see no proofs strong enough to determine their assent either way. Others, through prejudice in favour of one of the parties, or through laziness or indifference, implicitly follow the sentiments of the Historian, or absolutely reject them.

To avoid therefore as much as possible the faults which I condemn, I shall suppress all insinuations of the Historians of both parties, and confine my self to the depositions and defences of the accused, without adding any circumstance which is not owned by both sides.

This year, on the 12th of June, *Jessiah Keeling* discovered the conspiracy, real or pretended, to the Lord Dartmouth, and Secretary Jenkins, before whom he made open confession of the whole matter, and subscribed his depositions. But afterwards, considering that his single intelligence was not sufficient, he prevailed upon *Godwinough*, that his Brother *John Keeling* might be admitted into the next meeting of the Conspirators. This was done, and thereupon both the Brothers gave in their joint testimony upon oath on the 14th of June.

It must be observed, that this circumstance of the admission of *John Keeling* into the secrets of the plot, manifestly supposes a conspiracy. Accordingly it is only produced by those Historians who believe the reality of the plot.

In the second place, the discovery of the plot being made by *Jessiah Keeling*, the 12th of June, and the deposition of the two Brothers being given in the 14th, it

(1) *Pilgrimage* 100 l. *Shut* 1000 Marks. *Cornish* the same. *Lord Grey of Wark* the same. *Player* 500 Marks. *Rebel* 1000. *Jacks* 300. *Drags* 400. *Furmen* 100. *Godwinough* 100. *Eynton* 100. *Widdow* 100. *Servant* 500. And *Yerrel* 100. *Cow*, p. 328.
(2) Particularly, the Lord-Mayor and Court of Aldermen's negative Vote was restored, and the Lord-Mayor had Power of choosing one Sheriff, which is done at the *Bridge-Fair*, by the Ceremony of drinking to the Person designed.
(3) *Trial* 104. *Nov* 26. *Edward*, Tom. III. p. 674.
(4) *See* *the* *place* *lies* *within* *two* *Miles* *of* *Shedden* *in* *Staffordshire*, and was then inhabited by *Richard* *Ramild*.

1683. follows that, according to the fifth supposition, *John Keeling* had but one day to be informed of the secrets of this plot.

According to the two *Keelings* deposition, the plot consisted of three articles. 1. The conspirators designed to secure the King's guards (but how this was to be executed does not appear;) then to block up or besiege *Whitehall*, and seize the persons of the King and Duke of *York*. 2. To assassinate the King and the Duke in a hollow way near the *Rye-House*, in their return from *Newmarket*. 3. To cause insurrections in *London*, and other parts of the Kingdom (1). But *Keeling* deposed only against persons of no note.

Upon this deposition, the King published a proclamation for apprehending, Colonel *John Rumsey*, *Richard Rumbold* Malster (2), *Richard Neithorpe* Esq; *Edward Wade* Gent. *Richard Godenough* Gent. *Capt. Walcot*, *William Thompson*, *James Burton*, and *William Hone*; for any of which a hundred pounds was offered to the discoverer. Upon this Proclamation, Colonel *Rumsey* surrendered himself the next day; and being examined by Secretary *Jenkins*, he confessed all he knew; which confession was next day confirmed by two others, Mr. *Woff* and Mr. *Sheppard*: So that on the 28th of *June*, there came out a second Proclamation, for apprehending *James Duke of Monmouth*, *Ford Lord Grey*, *Sir Thomas Armstrong* Knight, and *Robert Ferguson*. It is pretended, That when the Warrants were delivered to *Legat* the Messenger, to seize *Ferguson* with the rest of the offenders, Secretary *Jenkins* gave *Legat* a strict command, not to take him, but to flun him where ever he met him. Shortly after, the Lord *Howard of Eficrick* also surrendered himself, and upon his information, Warrants for High-Treason were issued out against the Earl of *Essex*, the Lord *Ruffel*, and others, who were taken up accordingly.

This discovery brought addresses from all parts to congratulate the King. The Ambassadors of foreign Princes paid the same compliment; and the King of *France* offered five hundred Pistoles for the apprehension of *Monmouth*, *Grey*, *Armstrong*, or *Ferguson*.

The Prisoners were not suffered long to languish. *Walcot* was first brought to his trial the 12th of *July*, and against him,

Rumsey swore, "That the Prisoner came to a meeting at *Woff's* Chamber, where the Deponent was present, when a list was brought of the Assassins, and agreed to join with them, intending to command a party that should charge the guards: That he undertook to go and view *Rumbold's* house, and bought a horse for that purpose: That he was present at the dividing *London* into twenty parts, in order to an insurrection; and at the consult for buying of arms after the disappointment at the *Rye-House*: That he was at the meeting for carrying on the conspiracy on *Thursday* before the discovery; and that after, it they met at Captain *Tracy's*, *Walcot's* own Lodging, the Deponent being present."

Keeling deposed, "That *Walcot* was at the traitorous assembly at the *Salutation-Tavern*, where the Deponent was called *Culing*, and a health drunk to the *English Culing*; *Woff* declaring, that *Culing* in *Dutch* was *Keeling* in *English*, adding, he hoped to see *Keeling* at the head of an good an army in *Wapping*, as they heard one *Culing* was then at *Cologn*."

Burns swore, "That *Walcot* used to come to *Ferguson* when he lodged at his house; and that he and several others met at the *Dragon* on *Snow-Hill*, and often at other places, in order to raise men, and divide the City into twenty parts, for securing the King and the Duke: That almost every time they met, at least three times, the prisoner at the Bar was there: That he was at the last meeting at *Tracy's*, where they debated of standing with sword in hand, and of killing *Keeling* for making the discovery."

Woff testified, "That the Prisoner, upon the election of the *London Sheriff*, asked him, *Will the People do nothing to secure themselves?* And acquainted him with the insurrection then designed within three weeks or a month: That the Earl of *Shaftsbury* was in the design, and had engaged the prisoner: That he had an expectation of being a Colonel of horse; asking the Deponent, *Whether he would have any command under him?* That upon his refusal, he desired him to lend him a suit of silk-armor: That the said *Walcot* told him of several designs to attack the King and the Duke: That in the business of the *Rye-House*, he undertook to command the party that was to set on the guards."

Besides these witnesses, there was a letter produced, un-

der *Walcot's* own hand, to Secretary *Jenkins*, in which he said, "That if his Majesty desired it, he would discover to him all that he knew in *England*, *Scotland*, or *Ireland*, which might be something more than the original discoverer could acquaint him with, especially as to *Ireland*: That his intimacy with a *Scottish Minister*, through whose hands much of the business went, occasioned his knowing very much, &c."

Walcot's defence consisted, first, of a plain denial of having any hand in the Assassination; saying, "He knew well enough, if he had undertaken to charge the guards, while others killed the King, he was equally guilty with those that killed him; but that he was sick of the gout during the meetings, while the King was at *Newmarket*." To this *Woff* replied, "That he remembered it well, by a good token, that the prisoner himself said, 'He was afraid when the time came, he should not be able to draw on his boots.'" *Walcot* added, "That he came accidentally to their meetings only to hear news. That what he had promised to discover, he had only heard from *Ferguson*." In conclusion, he was brought in guilty of high-treason by the Jury.

Those who think this plot was only an artifice of the Court, to destroy their chief enemies, observe, that the depositions of the witnesses against *Walcot*, and the other pretended conspirators, are all founded on the supposition, that there was really a design to seize the King's guards, assassinate him and the Duke, and raise an insurrection, and upon a previous narrative of this pretended conspiracy, supposed to be undeniable, to which the several depositions were adjusted, before the reality of the design was proved.

In the second place, they say, that these depositions are incoherent. For the conspirators must have had at the same time two contrary designs, one to secure the King's person, to oblige him to consent to their proposals, and the other to assassinate him; two designs which can hardly subsist together.

Their adversaries reply, it being proved by the depositions of the witnesses, that the accused had assisted at such and such meetings, where the King's assassination was mentioned, and having discoursed concerning the design, the supposition was sufficiently proved.

I shall not relate the trials of the other Prisoners of little note, but confine my self to the Lord *Ruffel's*, son to the Earl of *Bedford*. This Lord being one of those against whom the Court was most incensed, because he had proposed the Exclusion-Bill in the House of Commons, and carried it to the Lords, he was tried the 12th of *July* at the *Old-Baily*, before eight Judges. He was very urgent for one day longer for his trial, because, as he said, he had witnesses that might come before night, but he was overruled. He then urged to have his trial deferred to the afternoon, but with no better success. Three witnesses deposed against him, Colonel *Rumsey* the evidence against *Walcot*, Mr. *Sheppard*, and the Lord *Howard of Eficrick*.

1. *Rumsey* deposed, "That in the end of *October*, or in the beginning of *November* 1682, there met at *Monmouth's* house in *Abchurch-lane*, the Duke of *Monmouth*, the Lord *Grey*, the Lord *Ruffel* the prisoner, *Sir Thomas Armstrong*, and *Robert Ferguson*: That the Earl of *Shaftsbury* desired him to go to them thither, to know what resolution they were come to about the rising of *Taunton*; that he did go, and Mr. *Sheppard* carried him up where they were, and he delivered his message. That the answer was, *Mr. Trenchard had failed them, and there would be no more done in the matter, at that time*: That there was at the same time a discourse by all the company, about seeing what posture the guards were in, that they might know how to surprize them: That some of them undertook to go and see: That the Lord *Ruffel* in particular did speak about the rising, and gave his consent to it."

2. Mr. *Sheppard* testified, "That in *October* last, *Ferguson* desired of him, in the Duke of *Monmouth's* name, the convenience of his house, for the meeting of some persons of quality; and that the same day in the evening, the Duke of *Monmouth*, the Lord *Grey*, the Lord *Ruffel*, *Sir Thomas Armstrong*, Colonel *Rumsey*, and *Ferguson* came; that they desired to be private, and none of his servants to come up: That their discourse was how to surprize the guards: That the Duke of *Monmouth*, the Lord *Grey*, and *Sir Thomas Armstrong*, went one night to the *Mews* to view them: That the next time they came (3), *Armstrong* said, the guards were very remiss, and the thing was feasible: That they had two meetings of this kind at his house; that in one of them something was read by *Ferguson* in the nature of a

(1) And to misserve the Magistrates of *London*, and the Officers of State.
(2) *Rumsey* and *Rumbold* had served in *Cromwell's* Army. *Rumsey* going afterwards into *Portugal*, with the Forces that forced there under the brave *Sebastien*, behaved courageously; and, by *Schomberg's* recommendation, got a place here in *England*. *Burns*, p. 343.
(3) The Lord *Grey* was never there but once. See *Burns*, p. 537, 553.

King's Declaration, p. 6.

King's Declaration, p. 6.

168; "Declaration, setting forth the grievances of the nation in order to a rising: That he could not positively say, that the Lord Russell was there when it was read; but the said Lord, the prisoner, was there when it was discoursed of seizing the guards."

The Lord Howard began his testimony, with a long story about the plot in general, which seemed to be designed only to exasperate the Jury; after which he deposed to this effect: "That after the Earl of Shaftsbury's flight, the chief persons concerned in the conspiracy, in his time, began to consider, they had gone so far, that it was unsafe for them to make a retreat; and that in so great an affair, consisting of such infinite particulars, to be managed with so much fineness, it would be necessary to have some general Council; and that therefore they resolved to erect a Cabal among themselves, which usually consisted of six persons, the Duke of Alenmouth, the Earl of Essex, the Lord Russell, Colonel Sidney, Mr. Hampden junior, and the deponent; and this was about the middle of January last. They met at Mr. Hampden's house, where it was presently agreed, their proper province was to take care of the insurrection: That the chief things they debated were, *Whether that insurrection should begin first in London, or the Country; then what counties and towns were the fittest, and most disposed to action; then, what arms were to be got, and how to be disposed; then, that it was necessary to have a common*

Bank of twenty-five, or thirty thousand pounds, to answer the occasions of such an undertaking; but that the greatest point was, to order it so, as to draw in Scotland into a consent with them, because it was requisite, that all kinds of diversion should be given to the King's forces. That about ten days after, every one of the same persons met again at the Lord Russell's house: That they then came to a resolution of sending some persons to the Earl of Argyll, to settle a correspondence with him, and that some messengers should be dispatched into Scotland, to invite some Scotchmen hither, who best understood the state of Scotland, to give an account of it: That the persons determined to be sent for, were Sir John Cockburn, the Lord Melvil, and one of the name of Campbell: That Colonel Sidney was intrusted to take care of a messenger; and he told the deponent, he had sent Aaron Smith; then they agreed not to meet again till the return of the messenger, who was gone about a month before they heard any thing of him: That all this debate at the Lord Russell's went without contradiction, all there present giving their consent: That as for raising of money, every one was put to think of such a way, that money might be collected without giving cause of jealousy. That, after all this, the deponent met no more with them; but, when he returned out of the Country, he was informed, that Aaron Smith was come back, and that Sir John Cockburn was also come to town."

To all this the Lord Russell made answer, "That he could not but think himself mighty unfortunate, to stand charged with so high a crime, and that intermixed with the treasons, horrid practices and speeches of other people, while the King's Council took all advantages, and heightened things against him. That he was no lawyer, a very unready speaker, and altogether a stranger to things of this nature: That he was sensible he was not so provided to make his defence, as otherwise he should do; but he thought the Gentlemen of the Jury were men of conscience, that valued innocent blood, and hoped they would consider the witnesses, that they swore to save their own lives. That the two times they met, was upon no formed design, only to talk of news and things in general: That the Lord Howard having a voluble tongue, they delighted to hear him discourse: That he knew of no such Council as six chosen, for who should chuse them?" As to Colonel Ramsey, "He was notoriously known to have been highly obliged to the King and the Duke; and it was strange he should be capable of such a design as to murder the King. That the time was elapsed by the 13th of the King, which limits prosecution to six months. Neither was the design of levying war, treason, unless it appeared by some overt act." And asking upon what Statute he was indicted, he was told, "The Statute of the 25th of Edward the Third." Upon which he insisted upon a matter of law, and particularly, "That the business at Mr. Sheppard's house was sworn to only by one witness." To which he was answered, "That if there were one witness of one act of treason, another of a second, and another of a third, that manifested the same treason, it was sufficient."

For a further defence of his Lordship, there appeared for him the Duke of Somerset, the Earl of Argyll, Mr. Ed-

ward Howard, the Lord Cowditch, the Lord Clifford, Doctor Tillotson, Doctor Burnet, Doctor Cox, Doctor Fitz-Williams, Mr. Luton Gore, and Mr. Spencer. Some of these were testified, that the Lord Howard, before he was taken, declared, "He believed the Lord Russell innocent, and knew nothing against him." Others spoke to his Lordship's private character, and declared his great worth and probity, his virtuous and sober life, and consequently the improbability of his being thus engaged. But this was turned against him by the King's Council, who said, there could not be any more dangerous enemies to a State, than such as come sober to endeavour its destruction.

As to what concerned the Lord Howard's saying, he believed the prisoner innocent, it was answered by that Lord himself, who confessed, "He had said so, being then himself not accused, so that he intended to out-face the thing both for himself and the party; but now, his duty to God, the King, and his Country required it, he must say the truth; and that though the Council of six were not chosen by any community, yet they did erect themselves by mutual agreement one with another into that society."

In conclusion, the Jury brought him in guilty of High-Treason. This sentence was considered by all, who had any sense of shame left, as the most crying injustice ever known in England. For the Lord Russell was condemned for words spoken in his hearing, which in England can never pass for treason. The Lord Howard to lose his reputation, for being accessory to this injustice, that he was looked on with horror by honest men, who avoided his company, as ashamed or afraid to be seen with him. Some say, he had made his peace with the King a little before, by the mediation of the Duchess of Portsmouth, and by an engagement to serve as a witness against the pretended conspirators.

But that which was believed to have very much influenced the Jury against the Lord Russell, was, that in the very time of his trial, the Earl of Essex, prisoner in the Tower, was found dead in his chamber, with his throat cut from ear to ear with a razor. The news was immediately brought to the Old-Bailie, and communicated to the Judges and the King's Council, who from thence took occasion to insinuate to the Jury the reality of the plot (1), since the Earl of Essex rather chose to lay violent hands on himself, than stand a trial.

Tho' the Coroner's Inquest, after an examination of the dead body, found the Earl *Fits de se*, this was not capable to remove the suspicion entertained by most people, that this fact was committed by the order of the King and Duke, who were in the Tower that very morning, where they had not been for twelve years before. It was besides urged, that it was not possible for a man to cut his own throat from ear to ear. Several other circumstances were added, of which it is not easy to discover the truth. It is pretended, that in the blood sprinkled on the floor of the room, were discover'd the marks of a strange foot; and that after the deed was done, the razor was thrown out of the window, and pck't up by a little girl. That before the Coroner came to inspect the body, care was taken to strip and leave it naked, and to wash the room. That the Coroner demanding to see the cloaths, was answered, it was his business to examine the body, and not the cloaths. What has been most plausibly urged, in vindication of the King and Duke from this horrid action, is, that persons of credit have testified their frequent hearing the Earl of Essex declare, that self-murder was no sin. It is further added, that his Councils, and Sir Henry Capel his brother, owned the justice of the Coroner's verdict. But had they believed the contrary, this was no proper time to discover their suspicions. I am very certain, the last Earl of Essex, his son, was of another opinion, and have heard him say, he believed his father was murdered, and that a French foot-man, who then served his father, was strongly suspected, and disappeared immediately after the fact. Be this as it will, the general opinion then was, and still is, that this unfortunate Nobleman fell a sacrifice to the revenge of the King and the Duke. This seems the less strange, as among those who declared most openly for their Country, against the King and Duke, the Earl of Essex was not the only person who felt the effects of their resentment. The King however publicly declared in print, that he was deeply afflicted for the Earl of Essex's death, because he was thereby deprived of an opportunity to exercise his clemency, and testify, how highly he valued the memory of the Lord Capel. But, instead of convincing the publick by this external demonstration, it was by many imagined, that the King mentioned the Lord Capel, only to insinuate, how much the Earl his son had deviated from his steps.

Besides the Lord Russell condemned for this Plot, two

(1) The Evidence against my Lord Russell being very defective, that Accident was no help it out, as Mr. Hamus rightly observes. Remarks, p. 63.

1683. others also met with the same fate, namely, *Hene* a Joyner, and *John Ruffe*. This last had been indicted for treasonable words, and escaped by an *ignoramus* Jury. But he was re-taken, and tried for the same crime, which did not properly belong to this plot, but to his having talked of the King in treasonable terms. *Hene* and *Ruffe* were both condemned as traitors, and executed with *Walcut*, the 20th of July. They confessed, they had heard of a plot in general, but defended not to particulars. At least, it did not appear, that the Lord *Ruffel* had any correspondence with them.

The next day, the Lord *Ruffel* was also executed (1). He was so universally esteemed, that it could not be thought, the King would refuse his pardon, which was begged by so many powerful relations. It is even said, the Earl of *Bidford* his father, offered a hundred thousand pounds for his life, but his offer was rejected. The King would not so much as grant a reprieve of six weeks to his Lady, though daughter of the Earl of *Southampton*, but made her this answer, *Shall I grant that man six weeks, who, if it had been in his power, would not have granted me six hours?* Every one however was persuaded, that if there was a design to kill the King, the Lord *Ruffel* was not concerned in it. Besides, that he denied it with his last breath, he was not condemned for that crime, and the witnesses which deposed against him said nothing like it. And yet, the King, to have an excuse for refusing a short delay, supposed that this crime was fully proved. It cannot be denied, that though the Lord *Ruffel* had been guilty of the crime for which he was condemned, namely, of giving a tacit consent to the design of an insurrection, the King could never have had an opportunity of exercising his clemency with more applause, to a man of so known virtue, near relation of the greatest families in the Kingdom. But all these considerations were weak, against the passion of revenge with which the King and the Duke of *York* were actuated. The Lord *Ruffel* had been one of the warmest opposers of the Duke of *York*, had joined the Earls of *Shafsbury* and *Essex*, and carried up the Exclusion-bill to the House of Lords. These were crimes not to be forgiven by the King and his brother. But perhaps most of my readers, after having perused the transactions of this reign, will not think it so enormous a crime to endeavour to oppose an arbitrary power, which was beginning to be introduced. He died with great resolution, protesting his innocence, and ignorance of any design against the King's person, or of any contrivance to alter the Government. As it was expected that he would be interrupted, he spoke but little on the scaffold, leaving in the hands of the Sheriff a paper, in which he protested his innocence, and said, *That he died a true and sincere Protestant, and in the Communion of the Church of England, though he could never yet comply with, or rise up to all the heights of some people.*

For a conclusion to this tragedy, it remains only to speak of the condemnation and execution of Colonel *Algernon Sidney*, who was accused of the plot, and of the design to kill the King. He was brother to the Earl of *Leicester*, and, in the late troubles, had been deeply engaged in the Republican party. At the Restoration he thought not fit to accept personally of the Indemnity, whether in distrust of the King, or for some other reason. At last, in 1677, he obtained a particular pardon of the King, and returned to England, where he joined the Country party, at which the King was extremely offended.

Four witnesses were produced against him, *Rumsey*, *Woff*, *Keeling*, and the Lord *Howard of Effrick*. The three first contented themselves with giving a particular account of the plot, but said nothing directly against the prisoner. He complained of it as a great hardship, as pre-judging the Jury. The Lord *Howard* deposed, as before at the trial of the Lord *Ruffel*, that Colonel *Sidney* was of the Council of Six, and had sent *Aaron Smith* into Scotland, to engage the *Scots* in a rebellion.

His defence was, first, the great improbability of erecting a Council of Six; and that persons so little knowing one another, should presently fall into so great and intimate a friendship. As to the Duke of *Monmouth*, he said, he never spoke with him above three times in his life; and one time was, when Lord *Howard* brought him to his House and cozened them both; for he told the Duke, that Colonel *Sidney* had invited him, and he told the Colonel, that the Duke invited himself, and neither of them was true. He enlarged upon the ill reputation of the Lord *Howard*,

and his varying his evidence with respect to the Lord *Ruffel*, and the present trial. He alleged the Lord *Howard*'s indigence, and his owing him money, which debt might probably be cancelled by his conviction. He proved, by the testimonies of the Earls of *Gloucester* and *Angelsea*, of Mr. *Philip*, and Mr. *Edward Howard*, Dr. *Burnet*, Mr. *Duras*, and Mr. *Blake*, that the Lord *Howard* had confessed, *That he could not get his pardon until he had done some other jobs, till he was past the drudgery of favouring.*

During this whole trial, the Judges themselves undertook to answer the reasons of the accused, without leaving any thing for the King's Council to do. But they answered not the objection drawn from the confession of Lord *Howard*, nor did he himself make any reply. So that the design of the Court to furnish the Jury with reasons to condemn the prisoner, manifestly appeared.

But what was most urged against him, was a manuscript found among his papers. It was an answer to a book, composed by Sir *Robert Filmer*, to prove, that, by the laws of God and Nature, Kings, and particularly those of England, were invested with absolute and unlimited power. *Sidney*, in his answer to this book, had asserted a quite contrary doctrine, and carried his republican principles to a very great height.

He said first, that the manuscript was not writ by him, and he saw no reason for ascribing it to him. That though he was the author, it might be writ many years ago, in answer to *Filmer*'s book, with no intention of publishing it, but *disputandi gratia*, only for private diversion, and the exercise of his pen. In fine, he insisted very much upon the necessity of two witnesses to the same fact. The Court, as I said, answered all his objections, but it plainly appears, it was with wretched cavils and subtilties. To the manuscript it was answered, that *scribere est agere*, and that there was sufficient in it to prove the malice of his heart, and his treasonable designs. I know not whether the English Lawyers are agreed in this maxim (2). However, he was brought in guilty by the Jury. It is pretended, and this was the first time a man was accused of treason, and condemned to die, for writing any thing without publishing it.

He was beheaded the 7th of December, without discovering the least weakness. Instead of a Speech on the scaffold, he delivered a writing to the Sheriff, in which he complained bitterly of the injustice done him. He represented the infamous life of the Lord *Howard*, and the Judges, as men corrupted, and only promoted to serve the designs of the Court.

While these pretended conspirators were vigorously prosecuted, the University of Oxford distinguished themselves in a particular manner, amongst the advocates for the Court, by a condemnation in form of twenty seven propositions, collected out of several modern authors, concerning the regal power. This decree was presented to the King with great solemnity, and very graciously received. In the decree itself will appear the sentiments of the University at that time.

The Judgment and Decree of the University of Oxford, passed in the Convocation, July 21. 1683, against certain pernicious Books, and damnable Doctrines, destructive to the sacred persons of Princes, their State and Government, and of all human Society (3).

Although the barbarous assassination lately enterprized against the person of his sacred Majesty, and his royal brother, engage all our thoughts to reflect with the utmost detestation and abhorrence on that execrable villainy, hateful to God and man, and pay our due acknowledgments to the Divine Providence, which by extraordinary methods brought it to pass, that the breath of our nostrils, the anointed of the Lord, is not taken in the pit which was prepared for him; and that under his shadow we continue to live, and enjoy the blessings of his Government; yet notwithstanding, we find it to be a necessary duty at this time to search unto, and lay open those ungodly doctrines, which having of late been industriously disseminated, gave rise and growth to these nefarious attempts; and pass upon them our solemn public censure, and decree of condemnation.

Therefore, to the honour of the holy and undivided Trinity, the preservation of Catholick truth in the Church, and that the King's Majesty may be secured both from the attempts of open bloody enemies, and

(1) He was beheaded, July 21. on a Scaffold erected in *London's-bow Fields*. There were some Companies of the King's guards, and a troop of horse, drawn up, to prevent any disturbances that might arise at the sight of so moving and melancholy a spectacle. *Edward*, Tom. III. p. 693.—In the Duke of *Monmouth*'s Journal, it is said, That the King told him, "He enclosed to have saved the Lord *Ruffel*, but was forced to conduct to his Death, otherwise he must have broke with his brother, the Duke of *Tor*." See *Memor.* p. 406.

(2) This argument aggravated the Matter of the Book, as a Proof of his Intentions, pretending it was an *Overt-Act*. But he said, *Scribere est agere*. *Burnet*, p. 724.

(3) This Decree was drawn up by Dr. *John of Christ-Church*, who upon it was made Dean of *Gloucester*. He joined in the Revolution, which gave occasion to this epigram.

*Deceitum fidei fœderis, Duxerunt ut dicit,
Ut peris Prajuli, Janu, regibus saltem.*

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"machinations of treacherous heretics and schismatics: We the Vice-Chancellor, Doctor, Professors, and Masters, regent and not regent, met in Convocation, in the accustomed manner, time, and place, on Saturday the one and twentieth day of July, in the year 1683, concerning certain propositions contained in divers books and writings, published in the English, and also the Latin tongues, repugnant to the holy Scriptures, decrees of Councils, writings of the Fathers, the faith and profession of the Primitive Church, and also destructive of the kingly Government, the safety of his Majesty's person, the publick Peace, the laws of Nature, and bonds of human Society; by our unanimous assent and consent, have decreed and determined in manner and form following.

"I. All civil authority is derived originally from the people.

"II. There is a mutual compact, tacit or express, between a Prince and his Subjects; and that if he perform not his duty, they are discharged from theirs.

"III. That if lawful Governors become tyrants, or govern otherwise than by the laws of God and man they ought to do, they forfeit the right they had unto their Government. *Lex Rex. Buchanan de Jure Regni. Indicta contra Tyrannos. Bellarmin de Conciliis, de Pontifice. Milton. Godwin. Baxter, H. C.*

"IV. The Sovereignty of England is in the three Estates, viz. King, Lords, and Commons. The King has but a co-ordinate power, and may be over-ruled by the other two. *Lex Rex. Hunt. Of a limited and mixed Monarchy. Baxter's H. C. Post. Catechism.*

"V. Birth-right and proximity of blood give no title to rule or government; and it is lawful to preclude the next Heir from his right and succession to the Crown. *Lex Rex. Hunt's Postscript. Deleman's History of Succession. Julian the Apostle. Menzies.*

"VI. It is lawful for Subjects, without the consent, and against the command of the supreme Magistrate, to enter into leagues, covenants and associations, for defence of themselves and their Religion. *Solemn League and Covenant. Late Association.*

"VII. Self-preservation is the fundamental law of nature, and supercedes the obligation of all others, whenever they stand in competition with it. *Hobbes, de Civitate. Leviathan.*

"VIII. The doctrine of the Gospel, concerning patient suffering of injuries, is not inconsistent with violent resisting of the higher powers, in case of persecution for Religion. *Lex Rex. Julian the Apostle. Apologist. Relat.*

"IX. There lies no obligation upon Christians to Passive Obedience, when the Prince commands any thing against the laws of our Country; and the primitive Christians chose rather to die than resist, because Christianity was not settled by the laws of the Empire. *Julian the Apostle.*

"X. Pollicion and strength give a right to govern; and success in a cause or enterprise, proclaims it to be lawful and just: To pursue it, is to comply with the will of God, because it is to follow the conduct of his Providence. *Hobbes. Owen's Sermon before the Regicides, Jan. 31. 1648. Baxter. Jenkins's Petition, Octob. 1651.*

"XI. In the state of nature there is no difference between good and evil, right and wrong: The state of nature is a state of war, in which every man hath a right to all things.

"XII. The foundation of civil authority is this natural right, which is not given but left to the supreme Magistrate, upon men's entering into societies: And not only a foreign invader, but a domestic rebel, put himself again into a state of nature, to be proceeded against, not as a Subject, but an enemy; and consequently acquires by his rebellion the same right over the life of his Prince, as the Prince for the most heinous crimes has over the life of his own Subjects.

"XIII. Every man, after his entering into a Society, retains a right of defending himself against force; and cannot transfer that right to the Commonwealth, when he consents to that union whereby a Commonwealth is made: And in case a great many men together have already resisted the Commonwealth, for which every one of them expected death, they have liberty then to join together to assist and defend one another: Their bearing of arms, subsequent to the first breach of their duty, tho' it be to maintain what they have done, is no new unjust act; and if it be only to defend their persons, it is not unjust at all.

"XIV. An oath superadds no obligation to acts, and a pact obliges no further than it is credited: And consequently, if a Prince gives any indication, that he does not believe the promises of Fidelity and Allegiance made

by any of his Subjects, they are thereby freed from their Subjection; and notwithstanding their pacts and oaths, may lawfully rebel against, and destroy their Sovereign. *Hobbes de Civ. Leviathan.*

"XV. If a People, that by oath and duty are obliged to a Sovereign, shall sinfully dispose him, and, contrary to their Covenants, chafe and covenant with another; they may be obliged by their latter Covenants, notwithstanding their former. *Baxter's H. C.*

"XVI. All oaths are unlawful, and contrary to the word of God. *Quakers.*

"XVII. An oath obligeth not in the sense of the impellers, but the takers. *Sheriff's Case.*

"XVIII. Dominion is founded in Grace.

"XIX. The powers of this world are usurpations upon the prerogative of Jesus Christ; and it is the duty of God's people to destroy them, in order to the setting Christ upon his Throne. *Fifth Monarchy Men.*

"XX. The Presbyterian Government is the keeper of Christ's Kingdoms, to which Kings as well as others are bound to submit, and the King's supremacy in ecclesiastical affairs, asserted by the Church of England, is injurious to Christ, the sole King and head of the Church. *Altare Damascenorum. Apologist. Relat. Hist. of Indulgences. Cartwright. Weaver.*

"XXI. It is not lawful for Superiors to impose any thing in the worship of God that is not antecedently necessary.

"XXII. The duty of not offending a weak brother, is inconsistent with all human authority of making laws concerning indifferent things. *Puritan Reformer.*

"XXIII. Wicked Kings and Tyrants ought to be put to death; and if the Judges and inferior Magistrates will not do their office, the power of the sword devolves to the people: If the major part of the people refuse to exercise this power, then the Ministers may excommunicate such a King: After which it is lawful for any of his Subjects to kill him, as the people did Abimelech; and *Jesus, Jerabiel, Buchanan, Knox. Goodman. Gibby. Jesuits.*

"XXIV. After the sealing of the Scripture-Canon, the people of God, in all ages, are to expect new revelations for a rule of their actions; and it is lawful for a private man, having an inward motion from God, to kill a tyrant. *Quakers, and other Enthusiasts. Goodman.*

"XXV. The example of Phineas, is to us instead of a command: For what God hath commanded or approved in one age, must needs oblige in all. *Goodman. Knox. Naphtali.*

"XXVI. King Charles I. was lawfully put to death; and his murderers were the blessed instruments of God's glory in their generations. *Milton. Godwin. Owen.*

"XXVII. King Charles the First made war upon his Parliament: And in such a case, the King may not only be resisted, but he ceaseth to be King. *Baxter.*

"We decree, judge, and declare, all and every of these propositions to be false, seditious, and impious; and most of them to be also heretical and blasphemous; infamous to the Christian Religion, and destructive of all Government in Church and State.

"We further decree, that the books which contain the aforesaid propositions, and impious doctrines, are fitted to deprave good manners, corrupt the minds of unsteady men, stir up seditions and tumults, overthrow States and Kingdoms, and lead to rebellion, murder of Princes, and Atheism itself. And therefore we interdict all members of the University from the reading of the said books, under the penalties in the Statutes expressed. We also order the before-recited books to be publicly burnt by the hand of our Marshall, in the court of our Schools.

"Likewise we order, that in perpetual memory hereof, these our decrees shall be entered into the Registry of our Convocation; and that copies of them being communicated to the several Colleges and Halls within this University, they be there publicly affixed in the Libraries, Refectories, or other fit places where they may be seen and read of all.

"Lastly, We command, and strictly enjoin all and singular the Readers, Tutors, Catechists, and others, to whom the care and trust of initiating youth is committed, that they diligently instruct and ground their scholars in that most necessary doctrine, which, in a manner, is the badge and character of the Church of England, of submitting to every ordinance of man, for the Lord's sake; whether it be to the King, as supreme, or unto Governors, as unto them that are sent by him, for the punishment of evil-doers, and for the praise of them that do well. Teaching that this submission and obedience is to be clear, absolute, and without any exception of any state or order of men: Also, that they, according to the Apostle's precept, *Exhort, that first of all, supplications, prayers, intercessions, and giving of thanks, be made for*

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1683. "all men; for the King, and all that are in authority, that we may lead a quiet and peaceable life, in all godliness and honesty, for this is good and acceptable in the sight of God our Saviour. And in especial manner, that they press and oblige them, humbly to offer their most ardent and daily prayers at the throne of grace, for the preservation of our Sovereign Lord King Charles, from the attempts of open violence, and secret machinations of perfidious traitors; that the Defender of the Faith, being safe under the defence of the most High, may continue his reign on earth, till he please it for that of a late and happy immortality."

Marriage of the Princess Anne, second daughter of the Duke of York, with Prince George, brother to the King of Denmark, celebrated the 28th of July, gave some, but no long interruption to the persecutions of the conspirators.

*The King received the city of London complied with the King's pleasure in relation to their Charter. But it seems the King repented of his being so favorable. The election of a Lord-Mayor, which is usually on the 29th of September, having been deferred to the 6th of October, the King, on pretence that the city had not tendered him a formal submission, ordered the judgment upon the *Quo Warranto* to be entered. By this the city being without a Charter, the Government was seized by the King, who sent a commission to Sir William Pritchard to continue in the execution of his office during pleasure. He confirmed likewise the two Sheriffs with the same restriction, and displaced the Recorder, naming another in his room (1). Shortly after, on St. Simon and Jude's day, on which it is customary for the new Lord-Mayor to take the oath in the Court of Exchequer, the King appointed a new Lord-Mayor during his pleasure. Thus the city of London lost itself without Charter or Privileges, and entirely dependent on the King's will.*

The King, as I said, published a proclamation for apprehending all the conspirators against his life, among whom was his natural son, the Duke of Monmouth. The Duke had hitherto kept himself concealed. But at last weary of his uneasy situation, he wrote a very submissive letter to the King his father, wherein, after positively denying his ever having any design against his life, he owned however, that many people had made him believe his own was in danger, and thereby caused him to commit things contrary to his duty to the King and the Duke of York, and asked both their pardons with great earnestness and submission. He added, that if his Majesty would give him his pardon, he would deliver himself into the hands of the Duke, that he might bring him to him. This was accompanied with protestations and assurances of respect, submission, and fidelity for the future. He concluded with saying, "That he would never ask to see the King's face more, if ever he did any thing against the Duke; which was the greatest curse he could lay upon himself."

The King could not dissimulate his satisfaction at the receipt of this letter, for he tenderly loved the Duke of Monmouth. Nevertheless, with his own hand he writ the following answer: "If the Duke of Monmouth desires to make himself capable of my mercy, he must render himself to the Secretary, and request to tell me all he knows, resigning himself entirely to my pleasure."

This drew a second letter from the Duke, more submissive than the former, in which he confessed his offence against the King and the Duke, but in general terms, and without mention of particulars (2). But in assuring the King of an unreserved submission to his pleasure, he intreated him, that he would not expose him to the ignominy of a trial, nor send him to the Tower, nor force him to be a witness against any person.

The King, satisfied with this letter, very readily admitted his beloved son to ask forgiveness. He was introduced by Secretary Trelin, who withdrew, and left him alone with the King and the Duke of York. What passed between them, can only be known from the report of the King and the Duke his brother. It is however affirmed, that he threw himself at the King's feet, acknowledging his guilt (3), and asking his pardon; that he confessed himself faulty to the Duke, asking his pardon also. All this is very probable, but what is added admits of some doubt, namely, that he was confirmed whatever had been deposed against the Lord Russell, and Colonel Sidney, and thereby corroborated the Lord Howard's evidence. It is also added, that he assured, all the considerable Non-conformist Ministers knew of the conspiracy. As this could only come from the King, or Duke of York, and as it was the interest of both, that the Earl of Essex, Lord Russell, and Co-

lonel Sidney, should be thought guilty, all do not think themselves obliged to credit their testimony.

However this be, the King ordered his pardon to be dispatched with all expedition. But afterwards, upon a report, that the Duke of Monmouth had made no confession, but had offered the insensibility of some that had suffered, the King required him to write over, and subscribe the following letter:

"I Have heard of some reports of me, as if I should have lessened the late plot, and gone about to discredit the evidence given against those who have died by justice. Your Majesty and the Duke know, how ingenuously I have owned the late conspiracy; and though I was not conscious of any design against your Majesty's life, yet I lament the having had so great a share in the other part of the said conspiracy. Sir, I have taken the liberty to put this in writing for my own vindication; and I beseech you to look forward, and endeavour to forget the faults you have forgiven me; I will take care never to commit any more against you, or come within the danger of being again misled from my duty, but make it the business of my life to deserve the pardon your Majesty hath granted to."

Your dutiful Monmouth.

It is certain, the Duke wrote, or at least subscribed this letter, which, as it appears, was expressed in general terms, without descending to particulars. And yet, shortly after he repented of what he had done, and with great importunity pressed the King to return him the paper he had subscribed. The King answered him, he would not keep it against his will, that he might not have occasion to say, he had been forced to write it. But withal, he warned him to consider, what ill consequences might follow upon this obstinacy, and therefore gave him time till the next morning to deliberate with himself. The next day the Duke demanded his letter with still greater importunity, and the King relented it, but from that moment banished him from his presence at Court.

It is easy to see, that the motive which induced the Duke to demand his letter again, is a subject for conjecture, and difficult to be discovered. Some pretend, the Duke of Monmouth's friends represented to him, that by writing this letter, he had thrown himself upon an unavoidable precipice, since at some other time it might be turned to his ruin. Others maintain, that he was so troubled in conscience, for having asserted in this letter a thing which he knew to be false, that he was not easy till it was returned him. Each follows the opinion which is most agreeable to his system, but no proof is produced on either side. Lastly, there are who pretend, it was a contrivance between the King and the Duke of Monmouth, and that the King, not to disoblige the Duke of York, told, or ordered the Duke of Monmouth to be told, to demand his letter again, in order to have an opportunity to restore it, for fear the Duke of York might one day make an ill use of it. They confirm their conjecture from the King's behaviour to the Duke of Monmouth in his absence. The Duke withdrawing into Holland, and the Prince of Orange receiving him with great respect and civility, the King could not forbear testifying his satisfaction. He writ frequently to the Duke of Monmouth, received letters from him, unknown to the Duke of York, and privately supplied him with money.

The winter this year was very remarkable for a violent frost, which began about the beginning of December, and lasted till the 5th of February. The Thames was so frozen, that there was another Cuy, as it were, on the ice, by the great number of booths erected between the Temple and Southwark, in which place was held an absolute fair, for above a fortnight, of all sorts of trades. An ox was likewise roasted whole, both baited, and the like.

In September or October this year, the King commissioned the Lord Dartmouth to go with about twenty sail of ships, and utterly demolish the town, cattle, and mole of Tangier. The mole had cost the King vast sums, but for want of money or for some other cause was left unfinished. The Lord Dartmouth had all orders to choke up the haven. Six months were spent in executing this commission. The King was thereby freed from a considerable annual expence for the preservation of this place, and moreover, the Garrison, mostly consisting, as I observed, of Popish soldiers and officers, served to augment the King's forces at home, and keep in awe those who were impatient of the yoke.

This year 1683, was memorable for the famous siege of the City of London, which began about the beginning of December, and lasted till the 5th of February. The Thames was so frozen, that there was another Cuy, as it were, on the ice, by the great number of booths erected between the Temple and Southwark, in which place was held an absolute fair, for above a fortnight, of all sorts of trades. An ox was likewise roasted whole, both baited, and the like.

(1) Sir George Treby was displaced, and Sir Thomas Trower, who was knighted at the same time, was made Recorder. Eight Aldermen were likewise named, and as many new ones named as their steads. *Remon*, p. 407.

(2) He only said, "I confess, Sir, I have been in fault, mild, and infinitely engaged in things of which the consequence was not enough understood by me: Yet I can say I never had a criminal thought towards your Majesty." *Sprag's Hist. Appendix*, p. 304.

(3) He did fully and freely acknowledge his having been conscious of the Conspiracy; but persisted to the last in maintaining any the least knowledge or thought of the assassinating part. *Sprag's Hist.* p. 164. See the Duke's Journal in *Remon*, p. 406.

1683. of *Pienna*, formed by the Grand Visier *Kara Mustapha*, the 9th of *July*, with an army of an hundred and thirty thousand men, and raised by the King of *Poland*, the second of *September*, when the City was reduced to the last extremity.

1683-4. The year 1684 was almost wholly spent in establishing the King's acquired absolute power. This was done chiefly by three expedients. The first was the augmentation of the Forces by the Garrison of *Tangier*: The second was the rigorous punishment of those who were not only accused of the Protestant Plot, but had during the quarrels between the King and the late Parliaments, taken the liberty to speak of the King and the Duke of *York*, with too much passion and heat. These Speeches, at a time when the King and the Duke were obliged to difsemble, for fear of farther exasperating the Parliament, were now remembered, when they were in a more favorable situation, and the authors made to suffer. The third expedient was, the persuading indirectly all the Corporations in the Kingdom to surrender their Charters to the King. I have already said what I had to say concerning the garrison of *Tangier*.

As to the second expedient, I mean, the prosecutions against the King's and Duke's enemies, it would be tedious to enumerate all the trials and sentences given against those who were accused either of the last plot, or of having spoken too freely of the King and the Duke. Nothing else almost occurs in the events of the year 1684. Since the City had lost their privileges, the King had nominated Sheriff, (1) entirely devoted to him, who took care in all criminal trials to impannel Juries, disposed to follow the suggestions of the Court. To facilitate the condemnation of those whose prosecutions were resolved, the King, in *December* last, had made Sir *George Jeffries* Lord Chief-Justice of the King's Bench. He was a man fit for the purposes of the Court, without honour or conscience, impudent to the last degree, and ever ready to betray his duty and the interests of Justice and the Kingdom to recommend himself to those who were in power. These great qualities advanced him at last to the Chancellorship of *England*. The King had also made other alterations among the Judges, so that he was in a manner assured of the compliance of all the Courts of justice. The Court-party had made a great noise some time before, concerning the *Ignoramus* returned by the *London Juries* upon all Bills preferred against the Whigs, and these complained no less of the rigour exercised this year by the Tories. Books have been published to shew the passion, the partiality, and the crying injustices of the Judges and Juries, in favour of the Court. But I cannot descend to these particulars, however proper they may be to demolish, with what zeal the Court promoted the execution of their designs, and to show the characters of the persons employed. I shall therefore omit many trials of persons little known, and confine my self to some particular cases, by which the rest will be easily judged of.

The Earl of *Danby* had been sent to the Tower by the House of Lords, upon an impeachment from the Commons. He had often demanded to be discharged upon bail; but the Judges had always refused his request, declaring that it was not in their Power to admit to bail a Peer of the Realm imprisoned by parliament. This was the law of the Kingdom. But the alterations amongst the Judges had likewise produced great alterations in the maxims and principles of the Courts of Justice. The Judges who had been in office some time, believed it lawful to release the Earl upon bail, which was accordingly taken, the Earl being bound in a recognizance of ten thousand pounds.

The release of the Earl of *Danby* was a precedent for the liberty of the Popish Lords, prisoners in the Tower. The Lord *Petre* one of those Lords, dying about a month before upon his death-bed sent a letter to the King, disowning in his last words, and upon his Salvation, the matters of which he stood accused. After a declaration of express, the King not doubting the innocence of the other four, told the Court by his Attorney-General, that he consented to whatever the Court should think fit to be done with regard to the Popish Lords. Whereupon they were admitted to bail the same day with the Earl of *Danby*. It must be that the former Judges were very ignorant, not to know that an inferior Court had power to release men imprisoned by the supreme Court of the Kingdom, or that the present Judges were more bold than their predecessors.

But the persons accused of the last conspiracy, and those who had spoken disrespectfully of the King and Duke, met not with so much humanity. Among the great num-

ber prosecuted for these two offences, I shall only relate 1683-4. the trials of three or four.

Mr. *Hampton* was tried for a conspirator the 6th of *February*. The Lord *Howard* deposed against him, That the Council of six meeting at Mr. *Hampton's* house, Mr. *Hampton* made an introductory speech to open the Assembly, and that he was concerned in sending *Aaron Smith* into *Scotland*. Mr. *Hampton's* Counsel insisted upon Lord *Howard's* ill-reputation, and scandalous life, and represented him as little better than an Atheist. But such objections were of force only against *Oates* and *Bodin*. For how was it possible that the Lord *Howard* should be an ill man, since he only deposed against Protestants? On the other hand, Mr. *Hampton* produced witnesses who testified his virtue, his piety, his morality. But these testimonies were ineffectual. *Jeffries*, in a long Speech, speaking of Religion and Virtue, turned it upon the prisoner in these words, "Was it not (said he) under the shape of Religion that the blessed Martyr King *Charles I.* came to the block? Nay some men were at a loss to know which way they should put a spirit into the common people to oppose the King; and some among them [Mr. *Hampton* the first] bid them be sure to put Religion to be the pretence, and that would make them run headlong to what they would have them." By this excellent argument, to be virtuous and religious, was a sign of a man's being engaged in the plot. But observe an artifice made use of to cast Mr. *Hampton*. It is certain, that, supposing the truth of Lord *Howard's* testimony, Mr. *Hampton* was not less guilty than Lord *Ruffill* or Colonel *Sidney*. Nevertheless he could not be condemned as a Traitor, since there was but one evidence against him, and all laws divine and human require two witnesses to the taking away a man's life. He was therefore indicted of a misdemeanour, and the Jury finding him guilty on the testimony of Lord *Howard*, the Court was satisfied with fining him forty thousand pounds, and obliging him to find securities for his good behaviour during life. This was thought to be a very strange and a severe sentence. But the King dispelled all doubts concerning this affair, by assuring the publick in a large Declaration, "That if he had not granted the Duke of *Monmouth's* request, That he would not make him a witness, neither Mr. *Hampton*, nor scarce any one man of those that were freed upon bail, had escaped death."

John Dutton Esquire, a member of the three last Parliaments, being accused of speaking these words, *The Duke of York is a Popish, and before any such Popish design shall be successful to the Crown of England, I will be hanged at my own door*. These and other injurious words being proved against him, the Jury brought in their verdict for the Duke of *York*, and gave him for damages a hundred thousand pounds.

The Duke of *York* also brought his action of *Scandalum Magnatum* against *Titus Oates*, for directly calling him Traitor. For this offence the Court gave the Duke of *York* a hundred thousand pounds damages. Shortly after, he was indicted for perjury, in relation to *Father Ireland's* being in *London* at the time *Oates* swore to, at his trial. Not long after another indictment of perjury was preferred against him, in relation to his being present at the supposed confult of the Jesuits at the *White Horse Tavern* in 1678. But these indictments not being tried this Reign, *Oates* continued in prison.

These three, and some others (2), omitted for brevity sake, escaped with life, though properly condemned to perpetual imprisonment, as not being able to pay their exorbitant fines. But two others, who were out of the Kingdom, did not come off so easy. *James Holloway* having seen his name in the *Gazette* amongst the conspirators, who were to be apprehended by the King's proclamation, fled to the *West-Indies*. Upon his flight, he had suffered an Outlawry for High-Treason, and this year the Court hearing he was in the *West-Indies*, caused him to be apprehended and brought to *London*, where he was executed upon the attainder of Outlawry for treason.

The same thing happened to Sir *Thomas Armstrong*, who had been considered as one of the principal authors of the last plot, and named in the King's proclamation with a reward of five hundred pounds. He had made his escape into *Holland*, and was outlawed as well as *Holloway*. The Court hearing he was at *Leyden*, obtained an order from the States to apprehend him, and accordingly before he had notice, he was apprehended and brought to *Rotterdam*, and from thence to *London*. When he appeared at the King's Bench Bar, he alleged that he was beyond sea at the time

(1) Peter Daniel, and Samuel Dufosse, Esquires. Kennet. p. 407.

(2) February 7. *Louise Braden* and *High Spire* were tried for a misdemeanour in suborning witnesses to prove the Earl of *Essex* was murdered by his Keepers, for which the first was fined two thousand pounds and the latter one thousand pounds. — February 14. Sir Samuel *Barnardiston* was fined ten thousand pounds for writing some Letters about the Plot. State-Trial, Tom. III. p. 771, 845. — And Samuel *Yelverton* five hundred Marks, for writing *Tulian* the *Apophthegm*. Kennet. p. 405.

1684. of the Oulawry, and begged that he might be tried. But his request was absolutely rejected, and the rather, as the Attorney-General told the Court, from the King, that *Armling* was one of the persons who were to assassinate his Majesty on his return from *Newmarket*, which the prisoner positively denied. He was executed the 20th of *June*, and his head and quarters set up in several parts of the City. Only one was referred to be sent down to *Stafford*, for which town he had been a Burgess in Parliament.

I do not think it necessary to relate the trials, this year, of a great number of Libellers, and persons who had spoken against the King, the Duke of *Tork*, or the Government. In *Edward's* History I find thirty two condemned in great fines, and some put in the Pillory. The History of this year properly consists of such transactions only.

The whole Kingdom being struck with terror, the King believed he ought to improve it, to the establishment of his absolute power, so as to have nothing to fear from any future opposition. This was by depriving at once all the Corporations, and consequently all his Subjects of their Privileges. It was not proper to use absolute power, but to proceed in a manner more politic and more dangerous to the people, by engaging them to make a voluntary surrender of their Charters in order to receive such new ones as the King should please to grant. For this purpose, courtiers and emissaries were sent to the more considerable Corporations, to inspire them with terror, and intimate to them, that scarce one could escape, should the King exercise strict justice. This chiefly concerned the Whigs and Non-conformists, for the Tories were generally very ready blindly to obey the pleasure of the Court. *Jeffries* particularly distinguished himself in his Northern Circuit at the Summer-assizes. He forgot nothing capable of terrifying the people, assuring them, that a surrender of their Charters was the only way to avert the mischiefs which hung over their head. Other Judges and emissaries did the same, and at last, the larger Corporations being thus gained, the lesser necessarily followed. So, a sudden and great change was seen in *England*, namely, the *English* nation without Rights or Privileges, but such as the King would vouchsafe to grant her; and what is more strange, the *English* themselves surrendered to *Charles II.* those very Rights and Privileges which they had defended with so much passion, or rather fury, against the attempts of *Charles I.*

To make the people in some measure fully sensible of their new slavery, the King affected to muster his forces, which from one regiment of Foot, and one troop of Horse-guards, (raised by himself, with the murmurs of many of his Subjects) were increased to four thousand completely trained and effective men. It might then be seen, that the members of Parliament who opposed the raising, or at least the establishment of these guards, were not altogether in the wrong. But the zeal of the *Tory* party was now arrived to such a height, that they looked on every thing which contributed to render the King absolute, as a sure means to ruin the *Whigs*, and consequently as a triumph for them. They prepossessedly imagined, that the Court only aimed at the destruction of that odious party, and was solely labouring for the *Tories*. Accordingly, we find still some authors of this last party who represent the year 1684 as the most peaceable, the most quiet, and, in a word, the happiest year *England* had seen for some ages. Nothing was capable to open the eyes of these passionate men, who, against all probability, believed the Court well-affected both to the State and the Protestant Religion.

Nevertheless, the King did a thing this year which ought to have undeceived them. He dissolved the Commission, granted in the year 1681, for the disposal of all Ecclesiastical preferments. As the establishing this Commission was in order to persuade his Subjects, that he had the interest of the Protestant Religion at heart, he could not avoid appointing such commissioners as were thought to have the same sentiments. But finding himself at length in the situation he had wished for, this Commission was too great a restraint, and therefore he revoked it to fill the vacant Benefices agreeably to his own inclinations.

It must not be concealed, that most Historians ascribe all the rigors exercised this year, and all the measures taken by the King for the advancement of his absolute power to the counsels of the Duke his brother. That Prince had gained so great an ascendancy over the King, that he held

him in a kind of subjection, and led him into measures productive of others, and so carried him farther than the King desired. Besides, that the King was naturally indolent, and loved his ease too much to engage in any affairs capable of disturbing his repose, he knew the genius and temper of the *English*, much better than the Duke of *Tork*, and was sensible of the great difficulty to preserve long a power acquired in so extraordinary a manner. But, on the other hand, after so many proceedings to secure this power, he knew not how to retreat, and could not alter his conduct, without breaking entirely with the Duke, which must have extremely embarrassed him. He could not change his principles and maxims, without an entire alteration in his Court and Council, and without putting himself into the hands of men of very different principles. Besides, his inclination did not lead him to it, and it was only this fear of doubting his quiet, which caused him to consider the danger of his present proceedings. Mean while, as this danger was not yet near, and as all the Kingdom appeared submissive, he kept off the evil day, and delayed coming to any determination.

However this be, the *Hamborough* company, to gain the good-will of a Prince, invested with such power, erected a marble Statue to him in the middle of the *Royal Exchange*, with this pompous inscription on the pedestal.

CAROLO II. *Casari Britannici, Patriæ Patri, Regum Optimo, Clementissimæ Augustissimæ, Generis humani Delicis, Urbisquæ Fortunæ Victori, Pacis Europæ Arbitro, Maris Dominus & Vindictæ, Societas Mercatorum Adventuræ, Angliæ, quæ per CCCC jam præ Anni Regniæ Benignitatem floruit, Fidei interemerat, Gratitudinis Æternæ, hoc Testimonium Venerabundè posuit, Anno sal. Humanæ. MDCLXXXIV (1).*

Almost the whole month of *January* of the new year 1684-5. 1685, was spent either in prosecuting delinquents against the King and the Duke, or in receiving the Charters of the Corporations, not yet surrendered, or in granting new ones on such conditions as the Court thought proper. It may well be imagined, that these conditions were not prejudicial to the power acquired by the King. All complaints were suppressed, and the whole Kingdom entirely subdued, the city of *London* not excepted, which had always opposed absolute power.

The King now finding himself at the height of his wishes, was willing to do a popular act, and published a Declaration, drawn up by *Dr. Sprat*, in which, "he affectionately thanked his Subjects for their great confidence in him, chiefly for their so freely resigning their local Immunities and Charters into his hands, lest the abuse of any of them should hereafter prove dangerous to the just prerogatives of the Crown. This, he declared he esteemed as the peculiar honour of his reign, being such as none of the most popular of all his late royal predecessors could ever have hoped for. Wherefore he thought himself more than ordinarily obliged to continue, as he had hitherto begun, to shew the greatest moderation and benignity, in the exercise of so great a trust: Resolving upon this occasion, to convince the highest pretenders to the Commonwealth, that as the Crown was the first Original, so it was still the surest Guardian of all the people's lawful rights and privileges."

Notwithstanding all this, it is pretended, he had formed a project for an extraordinary change in the Government: That he designed to recall the Duke of *Munmouth*, to send the Duke of *Tork* beyond sea, and call a free Parliament. This seems to have been founded on some passages in the Duke of *Munmouth's* Pocket-book, seized with his person in the following reign. We are further told, that the King had intimated, that if he lived but a month longer, he would find a way to make himself easy for the rest of his life (2). But he lived not to execute this design. He died the 6th of *February*, fifty four years of age, and twenty five since his Restoration. The cause of his death being variously reported, some thinking it natural, others violent, I believe most instructive for the reader, what *Dr. Walton* says of it, who seems to have spoken of it with most impartiality.

"It's confessed, few Princes come to die a sudden death, but the world is apt to attribute it to foul play; especially if attended with unusual circumstances in the time and manner of it."

"King *Charles* had a healthful constitution beyond most

1684.

A Statue erected to the King, Sprat's Survey of London. The Inscription.

In a Dedication he thanks the Corporation for the surrender of their Charters. Richard. III. p. 730.

He forms new projects. Burnet. p. 606. Wetwood. p. 416.

He dies.

Extract out of Dr. Wetwood upon this Subject. p. 131, &c.

The King presides in the Charters of the principal Boroughs surrendered to him. Kennet. p. 445. R. Coke. p. 317. E. Hall. III. p. 720.

The King musters his Army. Obedience to Edward. III. p. 716.

The Tories in Retrospect on the Dissolution of the King's Power. Id. p. 721.

The King cancels the Ecclesiastical Commission. Phillips. Edward. III. p. 715.

The Duke of York's Remonstrance for the King's Affairs. Burnet. p. 181. Kennet. p. 415.

(1) This was, *April 14.* Sir *Lucius Julius* resigned his place of Secretary of State, wherein he was succeeded by *Sidney Godolphin*, who was created a Baron. *Rewart* p. 415.

(2) Of this new Scheme *Burnet* gives this account. There was at this Time a new Scheme formed, then very probably would have ever broken the King and the Duke. — It was laid at the *Lady Portland's*. *William Lord Sunderland*, and *Lord Godolphin* were in it. The Duke of *Munmouth* came over secretly. And though he did not see the King, yet he went back very well pleased with his Journey. — The Design was to begin with the sending the Duke of *Tork* to Scotland. — The King spoke to the Duke concerning his going to Scotland: And he answered, there was no Occasion for it. Upon which the King replied, that either the Duke must go, or that he himself would go thither. — The King was offered to be colder and more reserved to the Duke than ordinary. But what was under all this, was still a deep Secret. *Lord Halifax* was let into no part of it. He complained in *Gravel* a little *Lord Rochester*, that there were many Rascals in the *Backs* at the *Treasury*, and moved the King to go to the *Treasury-Chamber*, so the King named the next Monday. And Mr. *May* was sent for from *Windsor*, to come to Court that Day, which it was expected would prove a critical Day. And it proved so indeed, though in a different way, the King being taken ill on the same night. p. 624 & 606.

1684-5. "men, and took great care to preserve it, by diet and exercise, which naturally promise a long life: And it was more extraordinary to see such a man die before threefold, than another in the bloom of youth. Now, if he died a natural death, it is agreed by all, that it must have been an Apoplexy. This disease seizes all the vital faculties at once; and yet, for the most part, does not only give some short warnings of its approach, by unusual affections of the head, but many times is occasioned by some evident preceding cause. In King Charles's case, there appeared no visible cause, either near or remote, to which, with any certainty of reason, his disease could be ascribed; and the fore-runners of it were rather to be found in his stomach and bowels, than in the head. For, after he was a bed, he was overheard to groan most of the night: And both then, and next morning, before he fell into the fit, he complained first of a heavy oppression in his stomach and about his heart, and afterwards of a sharp pain in those parts; all which symptoms had but little relation to an apoplexy. That morning, there appeared to every body about him, a ghastliness and paleness in his looks: And when he sat down to be shaved, just before the fit took him, he could not sit straight, as he used to do, but continued in a stooping posture, with his hand upon his stomach, till the fit came. After he had been brought out of it, by opening a vein, he complained of a racking pain in his stomach, and of no indisposition any where else: And during the whole time of his sickness, and even when he seemed most infensible, he was observed to lay his hand, for the most part, upon his stomach, in a moaning posture, and continued so to his death: And so violent was the pain, that when all hopes were gone, the Physicians were desired to use all their art to procure him an easy death.

"So much for the distemper itself. There remains some things to be taken notice of, that fell out before and after his death. A few days before he was taken ill, King Charles being in company where the present posture of affairs was discoursed of, there escaped him some warm expressions, about the uneasy circumstances he was plunged into, and the ill-measures had been given him: And how, in a certain particular affair, he was pleased to mention, *He had been abused*; adding in some passion, *That if he lived but a month longer, he would find a way to make himself easy for the rest of his life.* This passage was whispered abroad next day; and the rumour of recalling the Duke of Monmouth, and sending away the Duke of York, came to take air about the same time. Indeed, all things were making ready, to put the latter in execution; and there is reason to believe, the King had intimated as much to the Duke himself; for some of his richest furniture was put up, and his chief servants ordered to be in a readiness to attend their master upon an hour's warning; and yachts were waiting, to transport some person of quality, without mentioning who it was, or whether bound. The *Romish* party that managed about Court, were observed to be more than ordinary diligent and busy up and down *Whitehall* and *St. James's*, as if some very important affair was in agitation; and a new and unusual concern was to be seen on their countenances. Nor was it any wonder, for in this suspected change, they were like to be the only losers, and all their teeming hopes were in a fair way to be disappointed. How far the principles of some of that party might leave them at liberty to push on their revenge for this designed affront, as well as to prevent the blow that threatened them, though without the privacy, much less the consent of the Duke of York, is left to the reader to judge.

"There was a foreign Minister, that some days before the King fell ill, ordered his Steward to buy a considerable parcel of black cloth, which served him and his retinue after for mourning: And the late Ambassador *Don Pedro Remiquelle*, made it no secret, that he had a letter from *Flanders* the week before King Charles died, that took notice of his death, as the news there. But both these might fall out by mere accident.

"There remain two things more that deserve some consideration in this matter. When his body was opened, there was not sufficient time given for taking an exact observation of his stomach and bowels; which, one would think, ought chiefly to have been done, considering the violent pains he had there: And when a certain Physician seemed to be more inquisitive than ordinary about the condition of those parts, he was taken aside, and reproved for his needless curiosity. In the next place, his body stunk so extremely, within a few hours after his death, notwithstanding the coldness of the season, that the people about him were extremely offended with the smell: Which is a thing very extraordinary, in one of

"his strong and healthful constitution; and is not a pre-consequence of a mere apoplethical distemper.

"There was some weight laid upon an accident that fell out at *Windsor* some years before his death: For the King drinking more liberally than usual, after the fatigue of riding, he retired to the next room, and wrapping himself up in his cloak, fell asleep upon a couch. He was but a little time come back to the company, when a servant belonging to one of them, lay down upon the same couch in the King's cloak, and was found flabbed dead with a poyard. Nor was it ever known how it happened, but the matter lusted up, and no enquiry made about it.

"To conclude, Dr. *Short*, who was a man of great probity and learning, and a *Roman* Catholick, made no scruple to declare his opinion to some of his intimate friends, that he believed King Charles had foul play done him: And when he came to die himself, expressed some suspicion that he had met with the same treatment, for opening his mind too freely in that point.

"So much for the circumstances of King Charles's death, that seem to have an ill-auspice. There are others, that seem to destroy all suspicion of treachery in the matter.

"As, first, He had lived so fast, as might enervate, in a great measure, the natural force of his constitution, and exhaust his animal spirits; and therefore he might be more subject to an apoplexy, which is a disease that weakens and locks up their spirits from performing their usual functions. And though, in his later years, he had given himself up more to the pleasures of wine, than of women; that might rather be the effect of age than of choice.

"Next, it is known, he had been once or twice attacked before, with fits that much resembled those of which he afterwards died: And yet, as the manner of them is told, they look rather to have been convulsive motions, than an apoplexy; seeing they were attended with violent contortions of his face, and convulsions of his whole body and limbs. This is the more confirmed, by a passage, that happened during the heat of the popish Plot. King Charles had some secret matters to manage at that time, by the means of a *Romish* Priest then beyond seas, whom he ordered to be privately sent for: And the Gentleman employed betwixt the King and him (from whom I had the story) was directed to bring him in a disguise to *Whitehall*. The King and the Priest were a considerable time together alone in the closet, and the Gentleman attended in the next room: At last, the Priest came out, with all the marks of fright and astonishment in his face; and having recovered himself a little, he told the Gentleman, That he had run the greatest risk ever man did; for while he was with the King, his Majesty was suddenly surprized with a fit, accompanied with violent convulsions of his body, and contortions of his face, which lasted for some moments; and when he was going to call out for help, the King held him by force till it was over, and then bid him not be afraid, for he had been troubled with the like before; the Priest adding, what a condition he should have been in, considering his Religion, and the present juncture of affairs, if the King had died of that fit, and no body in the room with him besides himself.

"But leaving this story to the credit of the Priest, there might be another natural cause assigned for King Charles's falling into such a fit as that of which he died, which is this; he had for some time an issue in his leg, which ran much, and consequently must have made a great revulsion from his head; upon which account, it is probable, it was made. A few weeks before his death, he had let it be dried up, contrary to the advice of his Physicians, who told him it would prejudice his health. Their prognostic was partly true in this, that there came a painful tumour upon the place where the issue had been, which proved very obstinate, and was not thoroughly healed upon he died.

"In fine, it is agreed on all hands, that King Charles expressed no suspicion of his being poisoned, during all the time of his sickness: Tho' it must be also observed, that the fits were so violent, that he could not speak while they were upon him, and shewed an aversion to speaking during the intervals. And there was not any thing to be seen, upon opening his body, that could reasonably be attributed to the force of poison. Yet, to allow these considerations no more weight than they can well bear, this must be acknowledged, that there are poisons which affect originally the animal spirits, and are of so subtle a nature, that they leave no concluding marks upon the bodies of those they kill."

Let us now see what Dr. *Burnet* says upon this subject, in his *History of his own Times*. As this History is not yet translated,

1684-5. translated, or at least published in French, I believe it will not be unacceptable to Foreigners, to infer there that famous Prelate's account of the death of *Charles II.*

Revised of
Dr. Burnet's
History.
T. I. p. 606;
&c.

"All this winter the King looked better than he had done for many years. He had a humour in his leg, which looked like the beginning of the gout: So that for some weeks he could not walk, as he used to do generally, three or four hours a day in the Park; which he did commonly so fast that it was really an exercise to himself, so it was a trouble to all about him to hold up with him. In the late the King was in, he not being able to walk, spent much of his time in his laboratory, and was running a process for the fixing of Mercury. On the first of February, being a Sunday, he ate little all day, and came to Lady *Perthmouth* at night, and called for a porringer of spoon-meat. It was made too strong for his stomach; so he ate little of it: And he had an uneasy night. In the morning one Dr. *King*, a Physician and a Chymist, came, as he had been ordered, to wait on him. All the King's discourse to him was so broken, that he could not understand what he meant. And the Doctor found, he was under some great disorder, either in his mind, or in his body. The Doctor, amazed at this, went out, and meeting with Lord *Peterborough*, he said, the King was in a strange humour, for he did not speak one word of sense. Lord *Peterborough* desired he would go in again to the Bed-chamber, which he did. And he was scarce come in, when the King, who seemed all the while to be in great confusion, fell down all of a sudden in a fit like an apoplexy: He looked black, and his eyes turned in his head. The Physician, who had been formerly an eminent Surgeon, said, it was impossible to save the King's life, if one minute was lost: He would rather venture on the rigour of the law, than leave the King to perish; and so he let him bleed. The King came out of that fit, yet the effects of it hung still upon him, so that he was much oppressed. And the Physicians did very much apprehend the return of another fit, and that it would carry him off: So they looked on him as a dead man. The Bishop of *London* spoke a little to him, to dispose him to prepare for whatever might be before him; to which the King answered not a word. But that was imputed partly to the Bishop's cold way of speaking, and partly to the ill opinion they had of him at Court, as too busy in opposition to Popery. *Sandercock* made a very weighty exhortation to him; in which he used a good degree of freedom, which he said was necessary, since he was going to be judged by one who was no respecter of persons. To him the King made no answer neither; nor yet to *Ken*, though the most in favour with him of all the Bishops. Some imputed this to an insensibility, of which too visible an instance appeared, since Lady *Perthmouth* sat in the bed, taking care of him as a wife of a husband. Others guessed truer; that it would appear he was of another Religion. On Thursday a second fit returned. And then the Physicians told the Duke, that the King was not like to live a day to an end.

"The Duke immediately ordered *Hudleston*, the Priest that had a great hand in faving the King at *Worcester* fight, (for which he was excepted out of all severe acts that were made against Priests) to be brought to the lodgings under the bed-chamber: And, when he was told what was to be done, he was in great confusion, for he had no *Hofie* about him. But he went to another Priest that lived in the Court, who gave him the Pix with an *Hofie* in it. But that poor Priest was so frightened, that he ran out of *Whitehall* in such haste, that he struck against a post, and seemed to be in a fit of madness with fear. As soon as *Hudleston* had prepared every thing that was necessary, the Duke whispered the King in the ear, upon that the King ordered, that all who was in the bed-chamber should withdraw, except the Earls of *Bath* and *Feverham*; and the door was double-locked. The company was kept out half an hour: Only Lord *Feverham* opened the door once, and called for a glass of water. Cardinal *Howard* told me at *Rome*, that *Hudleston*, according to the relation that he sent thither, made the King go through some acts of contrition, and, after such a confession as he could then make, he gave him absolution, and the other sacraments. The *Hofie* stuck in his throat: And that was the occasion of calling for a glass of water. He also gave him extreme Unction. All must have been performed very superstitiously, since it was so soon ended. But the King seemed to be at great ease upon it. It was given out, that the King said to *Hudleston*, that he had faved him twice, first his body and now his soul; and that he asked him, if he would have him declare himself to be of their Church. But it seems, he was prepared for this, and so

"diverted the King from it; and said, he took it upon 1684-5. him to satisfy the world in that particular. But though by the principles of all Religion whatsoever, he ought to have obliged him to make open profession of his Religion; yet, it seems, the consequences of that were apprehended; for, without doubt, that poor Priest acted by the directions that were given him. The company was suffered to come in. And the King went through the agonies of death, with a calm and a constancy, that amazed all who were about him, and knew how he had lived. This made some conclude, that he had made a Will, and that his quiet was the effect of that. *Ken* applied himself much to the awaking the King's conscience. He spoke with a great elevation, both of thought and expression, like a man inspired, as those who were present told me. He resumed the matter often, and pronounced many short ejaculations and prayers, which affected all that were present, except him that was the most concerned, who seemed to take no notice of him, and made no answers to him. He pressed the King six or seven times to receive the Sacrament; but the King always declined it, saying, he was very weak. A table with the elements upon it, ready to be consecrated, was brought into the room, which occasioned a report to be then spread about, that he had received it. *Ken* pressed him to declare, that he desired it, and that he died in the Communion of the Church of England. To that he answered nothing. *Ken* asked him, if he desired absolution of his sins. It seems the King, if he then thought any thing at all, thought that would do him no hurt. So *Ken* pronounced it over him: For which he was blamed, since the King expressed no sense, or sorrow for his past life, nor any purpose of amendment. It was thought to be a prostitution of the peace of the Church, to give it to one, who, after a life led as the King's, had been, seemed to harden himself against every thing that could be said to him. *Ken* was also censured for another piece of indecency: He presented the Duke of *Richmond*, Lady *Perthmouth*'s son, to be blessed by the King. Upon this, some that were in the room cried out, the King was their common father. And upon that all knelt down for his blessing, which he gave them. The King suffered much inwardly, and said, he was burnt up within; of which he complained often, but with great decency. He said once, he hoped he should climb up to Heaven's gates, which was the only word favouring of Religion that he was heard to speak.

"He gathered all his strength to speak his last words to the Duke, to which every one hearkened with great attention. He expressed his kindness to him, and that he now delivered all over to him with great joy. He recommended Lady *Perthmouth* over and over again to him. He said, he had always loved her, and he loved her now to the last; and besought the Duke, in as melting words as he could fetch out, to be very kind to her and to her son. He recommended his other children to him: And concluded, let not poor *Nelly* starve, that was Mrs. *Gwyn*. But he said nothing of the Queen, nor any one word of his people, or of his servants: Nor did he speak one word of Religion, or concerning the payment of his debts, though he left behind him about ninety thousand guineas, which he had gathered either out of the Privy purse, or out of the money which was sent him from France, or by other methods, and which he had kept so secretly, that no person whatsoever knew any thing of it.

"He continued in the agony till Friday at eleven a clock, being the 6th of February 1684-5; and then died in the fifty fourth year of his age, after he had reigned, if we reckon from his father's death, thirty six years and eight days; or if we reckon from his Restoration, twenty four years, eight months, and nine days. There were many very apparent suspicions of his being poisoned: For though the first access looked like an apoplexy, yet it was plain in the progress of it, that it was no apoplexy. When his body was opened, the Physicians who viewed it, were, as it were, led by those, who might suspect the truth, to look upon the parts that were certainly found. But both *Lewer*, and *Needham*, two famous Physicians, told me, they plainly discerned two or three blue spots on the out-side of the stomach. *Needham* called twice to have it opened, but the Surgeons seemed not to hear him. And when he moved it the second time, he, as he told me, heard *Lewer* say to one that stood next him, *Needham* will undo us, calling thus to have the stomach opened; for he may see they will not do it: They were diverted to look to somewhat else: And when they returned to look upon the stomach it was carried away: So that it was never viewed. *Le Fevre* a French Physician, told me, he

1684-5. "he saw a blackness in his shoulder: Upon which he made an incision, and saw it was all mortified. *Sherr*, another Physician, who was a Papist, but after a form of his own, did very much suspect foul dealing. And "he had talked more freely of it, than any of the Protestants durst do at that time. But he was not long after taken suddenly ill, upon a large draught of Worm-wood-wine, which he had drunk in the house of a popish Patient that lived near the Tower, who had sent for him, of which he died; and, as he said to *Lewer, Milington*, and some other Physicians, he believed that he himself was poisoned for his having spoken so freely of the King's death.

"The King's body was indecently neglected; some parts of his inwards, and some pieces of the fat, were left in the water in which they were washed: All which were so carelessly looked after, that the water being poured out at a scullery hole, that went to a drain, in the mouth of which a grate lay, these were seen lying on the grate many days after. His funeral was very mean. He did not lie in state; no mournings were given: And the expence of it was not equal to what an ordinary Nobleman's funeral will rise to. Many upon this said, that he better deserved from his brother, than to be thus ungratefully treated in ceremonies that are publick, and that make an impression on those who see them, and who make well severe observations and inferences upon such omifions.

"But since I have mentioned the suspicions of poyson as the cause of his death, I must add, that I never heard any lay those suspicions on his brother. But his dying so critically, as it were in the minute in which he seemed to begin a turn of affairs, made it to be generally the more believed, and that the Papists had done it, either by the means of some of *Lady Portsmouth's* servants, or, as some fancied, by poysoned snuff: For so many of the small veins of the brain were burst, that the brain was in great disorder, and no judgment could be made concerning it. To this I shall add a very surprizing story, that I had in *November 1709*, from *M^r. Henly of Hampshire*. He told me, that, when the *Duchess of Portsmouth* came over to *England* in 1699, he heard, that she talked as if *King Charles* had been poisoned; which he desired to have from her own mouth, she gave him this account of it. She was always pressing the King to make both himself and his people easy, and to come to a full agreement with his Parliament: And he was come to a final resolution of sending away his brother, and of calling a Parliament; which was to be executed the next day, after he felt into that fit of which he died. She was put upon the secret, and spoke of it to no person alive but to her Confessor: But the Confessor, she believed, told it to some, who feeling what was to follow, took that wicked course to prevent it. Having this from so worthy a person, as I have set it down without adding the least circumstance to it, I thought it too important not to be mentioned in this History. It discovers both the knavery of Confessors, and the practices of Papists so evidently, that there is no need of making any further reflections on it."

Other Particulars relating to the Death of King Charles II. These two relations of the death of *King Charles II.* agree in the principal circumstances, particularly in the suspicion of his being poisoned. Several other accounts have been given of his death, in which are inserted circumstances not to be met with here, and others omitted which are here related. It is said, that at the perswasion of *Bishop Ken*, the King at last resolved to dismiss the *Duchess of Portsmouth*, and sending for the Queen, asked her pardon for the injury he had done her. It is added, that he had the satisfaction of her particular forgiveness. This directly contradicts *Dr. Burnet's* account of the *Duchess of Portsmouth*. Some say, *Hudleston* was not brought to the King till he had lost all sense, and that he received the Sacrament of extreme Unction, without giving the least sign either of his approbation or refusal. It is pretended, he advised the Duke his brother, not to think of introducing Popery into *England*, because it was an impracticable undertaking. Lastly, some say only, that the Physicians and Surgeons inspecting the body, discovered no mark of poison, and entirely omit the circumstances of the stomach, mentioned in the two foregoing relations, though they own the suspicion of the King's being poisoned, but represent this suspicion as coming from the enemies of the Duke, and of the Papists.

Remarks. It is universally agreed, that no man had the boldness to accuse the Duke of poisoning his brother. But it is not to be concluded from thence, that no man believed it. Those who might have entertained this suspicion, took care not to expose themselves to a danger so great as that of accusing the Successor, without being able to prove it. The Papists in general are accused, but this is so undeterminate a word, that one knows not to whom to apply it, when they are separated from the Duke of *York* their head. Besides, the

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1684-5. inspection of the dead body was managed in a proper way to dispel all suspicions of poyson; but who directed the Physicians or Surgeons is a secret, at least the brother of the deceased does not appear to have concerned himself much in this inspection, though the suspicions of poyson were very violent. All this creates such an obscurity as gives every man room to judge as he pleases. Thus much is certain, there is no formal proof that *King Charles II.* was poysoned, or if he was, the authors of his death remain hitherto concealed.

It is not very strange that the Historians or others, should disagree in their character of *Charles II.* when it is considered, that he was the head and protector of one of the two parties, and the persecutor of the other. This must have necessarily produced a diversity of characters, according as they are given by Tories or Whigs. When we read successively the writers of the two parties, who have spoken of this Prince in general, or given his character, we are almost apt to think, they speak of two different Kings of the same name. The one by several omifions endeavour to cover all his faults, or if they are mentioned, 'tis very slightly, and always with some addition or insinuation tending to justify them. The others insist chiefly upon what may blacken his character, and shew, that he acted upon very ill motives, and upon principles directly contrary to the good of the Kingdom. If they speak of his good qualities, it is only to render him more faulty, and demonstrate that he transferr'd not through ignorance, but with premeditation. Which ever way I take to draw the character of this Prince, I cannot avoid the censure of one or the other party, if I speak as from my self, and I should not gain much in going upon the testimony of either party. However, as the reader, doubtless, expects to know something more of the character of this King than could be learnt from the history of his reign, I chuse to insert *Dr. Burnet's* account in the *History of his own Times*. I own this, of all the characters of *Charles II.* seems to me, in the whole, to be most like, and most agreeable to the history of his life. I could with however, this illustrious Prelate had omitted, or at least softened some strokes, which appear to me a little over-charged, and seem to discover some passion in the author. However that be, he concludes the history of this Prince in the following manner:

"Thus lived and died *King Charles* the second. He was the greatest instance in History of the various revolutions of which any one man seemed capable. He was bred up the first twelve years of his life with the splendour that became the heir of so great a Crown. After that he passed through eighteen years in great inequalities, unhappy in the war, in the loss of his father, and of the Crown of *England*. *Scotland* did not only receive him, though upon terms hard of digestion, but made an attempt upon *England* for him, though a feeble one. He lost the battle of *Worcester* with too much indifference: and then he shewed more care of his person than became one, who had so much at stake. He wandered about *England* for ten weeks after that, hiding from place to place. But under all the apprehensions he had then upon him, he shewed a temper so careless, and so much turned to levity, that he was then diverting himself with little household sports, in as unconcerned a manner as if he had made no loss, and had been in no danger at all. He got at last out of *England*. But he had been obliged to so many, who had been faithful to him and careful of him, that he seemed afterwards to resolve to make an equal return to them all. And finding it not easy to reward them all as they deserved, he forgot them all alike. Most Princes seem to have this pretty deep in them; and to think that they ought never to remember past services, but that their acceptance of them is a full reward. He of all in our age, exerted this piece of prerogative in the amplest manner: for he never seemed to charge his memory, or to trouble his thoughts with the sense of any of the services that been done him. While he was abroad at *Paris*, *Colen*, or *Brussels*, he never seemed to lay any thing to heart. He pursued all his diversions and irregular pleasures in a free career; and seemed to be as serene under the loss of a Crown as the greatest Philosopher could have been. Nor did he willingly hearken to any of those projects, with which he often complained that his Chancellor persecuted him. That in which he seemed most concerned was, to find money for supporting his expence. And it was often said, that if *Cromwell* would have compounded the matter, and have given him a good round pension, that he might have been induced to resign his title to him. During his exile he delivered himself so entirely up to his pleasures, that he became incapable of application. He spent little of his time in reading, or study, and yet less in thinking. And in the state his affairs were then in, he accustomed himself to say to every person

A Remark on the Character of Charles II.

T. P. 611.

Other Particulars relating to the Death of King Charles II.

Edward. III. p. 723.

Kennet. p. 418.

H. p. 416. 440.

Remarks.

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" person, and upon all occasions, that which he thought would please most: so that words or promises went very easily from him. And he had so ill an opinion of mankind, that he thought the great art of living and governing was, to manage all things and all persons with a depth of craft and dissimulation. And in that, few men in the world could put on the appearances of sincerity better than he could: Under which so much artifice was usually hid, that in conclusion he could deceive none, for all were become mistrustful of him. He had great vices, but scarce any virtues to correct them. He had in him some vices that were left hurtful, which corrected his more hurtful ones. He was, during the active part of life, given up to sloth and lewdness to such a degree, that he hated business, and could not bear the engaging in any thing that gave him much trouble, or put him under any constraint. And though he desired to become absolute, and to overturn both our Religion and our Laws, yet he would neither run the risk, nor give himself the trouble, which so great a design required. He had an appearance of gentleness in his outward deportment: but he seemed to have no bowels nor tenderness in his nature: and in the end of his life he became cruel. He was apt to forgive all crimes even blood itself: Yet he never forgave any thing that was done against himself, after his first and general Act of Indemnity, which was to be reckoned as done rather upon maxims of State, than inclinations of mercy. He delivered himself up to a most enormous course of vice, without any sort of restraint, even from the consideration of the nearest relations; the most studied extravagancies that way seemed to the very last to be much delighted in, and pursued by him. He had the art of making all people grow fond of him at first, by a softness in his whole way of conversation, as he was certainly the best bred man of the age. But when it appeared how little could be built on his promise, they were cured of the fondness that he was apt to raise in them. When he saw young men of quality, who had something more than ordinary in them, he drew them about him, and set himself to corrupt them both in Religion and morality; in which he proved so unhappily successful, that he left England much changed at his death, from what he had found it at his Restoration. He loved to talk over all the stories of his life to every new man that came about him. His stay in Scotland, and the share he had in the war of *Paris*, in carrying messages from the one side to the other, were his common topics. He went over these in a very graceful manner; but so often, and copiously, that all those who had been long accustomed to them grew weary of them: And when he entered on those stories, they usually withdrew: So that he often began them in a full audience, and before he had done, there were not above four or five left about him; which drew a severe jest from *William Earl of Rochester*. He said, "He wondered to see a man have so good a memory, as to repeat the same story without leaving the least circumstance and yet not remember that he had told it to the same persons the very day before. This made him fond of strangers; for they harkened to all his often-repeated stories, and went away as in a rapture, at such an uncommon confession in a King.

" His prison and temper, his vices as well as his fortune resemble the character that we have given us of *Tiberius*, so much, that it were easy to draw a parallel between them. *Tiberius's* banishment, and his coming afterwards to reign, makes the comparison in that respect come pretty near. His hatred of business, and his love of pleasures, his raising of Favorites, and trusting them entirely, and his pulling them down, and hating them excessively; his art of covering deep designs, particularly of revenge, with an appearance of softness, brings them so near a likeness, that I did not wonder much to observe the resemblance of their face and person. At *Rome* I saw one of the last Statues made for *Tiberius* after he had lost his teeth. But, bating the alteration which that made, it was so like King *Charles* that Prince *Borghese* and *Signior Demio* to whom it belonged, did agree with me in thinking that it looked like a statue made for him.

" Few things ever went near his heart; the Duke of Gloucester's death seemed to touch him much. But those who knew him best thought it was, because he had lost him, by whom only he could have balanced the surviving Brother, whom he hated, and yet embroiled all his affairs to preserve the succession to him.

" His ill conduct in the first Dutch war, and those terrible calamities of the Plague, and Fire of London, with that loss and reproach which he suffered by the insult at Chatham, made all people conclude, there was a curse upon his Government. His throwing the publick hatred at that time upon Lord *Clarendon*, was both unjust and

" ungrateful. And when his people had brought him out of all his difficulties, upon his entering into the Triple-alliance, his selling that to France, and his entering on the second Dutch war with as little colour as he had for the first; his beginning it with the attempt on the Dutch *Seyna* fleet; the shutting up the *Eschquer*; and his declaration for toleration, which was a step for the introduction of Popery; make such a chain of black actions flowing from blacker designs, that it amazed those who had known all this, to see with what impudent strains of flattery addresses were penned during his life, and yet more grossly after his death. His contributing so much to the raising the greatness of France, chiefly at sea, was such an error, that it could not flow from want of thought or of true sense. *Routledge* told me, he desired that all the methods the French took in the increase and conduct of their naval force might be sent him. And, he said, he seemed to study them with concern and zeal. He shewed what errors they committed, and how they ought to be corrected, as if he had been a Viceroy to France, rather than a King that ought to have watched over, and prevented the progress they made, as the greatest of all the mischief that could happen to him or to his people. They that judged the most favorable of this, thought it was done out of revenge to the Dutch, that, with the assistance of so great a fleet as France could join to his own, he might be able to destroy them. But others put a worse construction on it; and thought, that seeing he could not quite master or deceive his subjects by his own strength and management, he was willing to help forward the greatness of the French at sea, that by their assistance he might more certainly subdue his own people; according to what was generally believed to have fallen from Lord *Clifford*, "That if the King must be in a dependence, it was better to pay it to a great and generous King, than to five hundred of his own insolent Subjects. No part of his character looked wicked as well as meaner, than that he, all the while that he was professing to be of the Church of England, expressing both zeal and affection to it, was yet secretly reconciled to the Church of *Rome*: Thus mocking God, and deceiving the world with so gross a prevarication. And his not having the honesty or courage to own it at the last: His not shewing any sign of the least remorse for his ill led life, or any tenderness either for his subjects in general, or for the Queen and his Servants: And his recommending only his Mistresses and their Children to his brother's care, would have been a strange conclusion to any other life, but was well enough suited to all the other parts of his.

" The two papers found in his strong-box concerning Religion, and afterwards published by his brother, looked like study and reasoning. *Tennison* told me, he saw the original in *Pry's* hand, to whom King *James* trusted them for some time. They were interlined in several places. And the interlinings seemed to be writ in a hand different from that in which the papers were writ. But he was not so well acquainted with the King's hand, as to make any judgment in the matter, whether they were writ by him or not. All that knew him when they read them, did, without any sort of doubting, conclude, that he never compiled them: For he never read the Scriptures, nor laid things together, further than to turn them to a jest, or for some lively expression. These papers were probably writ either by Lord *Bristol*, or by Lord *Aubigny*, who knew the secret of his Religion, and gave him those papers, as abstracts of some discourses they had with him on those heads, to keep him fixed to them. And it is very probable, that they, apprehending their danger, if any such papers had been found about him writ in their hand, might prevail with him to copy them out himself, though his laziness that way made it certainly no easy thing to bring him to give himself so much trouble. He had talked over a great part of them to my self: So that as soon as I saw them, I remembered his expressions, and perceived that he had made himself master of the argument, as far as those papers could carry him. But the publishing them shewed a want of judgment, or of regard to his memory in those who did it: For the greatest kindness that could be shewn to his memory, would have been, to let both his papers and himself be forgotten."

After seeing in this character, all that can be said to the disadvantage of *Charles II.*, the Reader doubtless will not be displeased to behold the picture of the same Prince, drawn a little differently by a very able hand, I mean [*John Sheffield*] Earl of *Mulgrave*, who was no enemy to the King, or the Royal Family. He has laboured this description with all possible care. I omit a short introduction concerning the Author, to come at once to the character of the King.

" As to the King's Religion, it was more Deism than *Locke's* Popery; which he owed more to the liveliness of his

" parts *T. H. p. 754*

1684-5. "parts, and carelessness of his temper, than either to reading, or much consideration; for his quickness of apprehension, at first view, could discern through the several cheats of pious pretences; and his natural laziness confirmed him in an equal mistrust of them all, for fear he should be troubled with examining which Religion was best. If in his early travels, and late administration, he seemed a little biased to one sort of Religion; the first is only to be imputed to a certain easiness of temper, and a complaisance for that company he then was forced to keep; and the last was no more than his being tired, (which he soon was in any difficulty,) with those bold oppositions in Parliament, which made him almost throw himself into the arms of a Roman Catholic party, so remarkable in England for their loyalty, who embraced him gladly, and lulled him asleep with those enchanting fogs of absolute Sovereignty, which the best and wisest of Princes are often unable to resist. And though he engaged himself on that side more fully, at a time when it is in vain, and too late to dissemble, we ought less to wonder at it, than to consider that our very judgments are apt to grow in time as partial as our affections: And thus, by accident only, he became of their opinion in his weakness, who had so much endeavoured always to contribute to his power. He loved ease and quiet; to which his unnecessary wars are so far from being a contradiction, that they are rather a proof of it, since they were made chiefly to comply with those persons, whose dissatisfactions would have proved more uneasy to one of his humour, than all that distant noise of cannon, which he would often listen to with a great deal of tranquillity. Besides, the great and almost only pleasure of mind he appeared addicted to, was shipping and sea-affairs; which seemed to be so much his talent both for knowledge as well as inclination, that a war of that kind was rather an entertainment, than any disturbance to his thoughts. If he did not go himself at the head of so magnificent a fleet, it is only to be imputed to that eagerness of military glory in his brother; who, under the shew of a decent care for preserving the royal person from danger, engrossed all that sort of honour to himself, with as much jealousy of any other's interposing in it, as a King of another temper would have had of his, though without reason. It is certain, no Prince was ever more fitted by nature for his Country's interest, than he was in all his maritime inclinations; which might have proved of sufficient advantage to this nation, if he had been as careful in depressing all such improvements in France, as of advancing and encouraging our own: But it seems he wanted jealousy in all his inclinations, which leads us to consider him in his pleasures: Where he was rather abandoned than luxurious; and like our female Libertines, apter to be debauched for the satisfaction of others, than to seek with choice, where most to please himself. I am of opinion also, that in his latter time, there was as much of laziness as of love, in all those hours he passed among his mistresses; who, after all, served only to fill up his Seraglio, while a bewitching kind of pleasure, called *Sattering*, and talking without any constraint, was the true Sultana Queen he delighted in.

"He was surely inclined to justice; for nothing else would have retained him so fast to the succession of a brother, against a son he was so fond of, and the humour of a party which he so much feared. I am willing also to impute to his justice, whatever seems in some measure to contradict the general opinion of his clemency; as his suffering always the rigour of the law to proceed, not only against all Highwaymen, but also several others, in whose cases the Lawyers, (according to their wonted custom) had used sometimes a great deal of hardship and severity. His understanding was quick and lively in little things, and sometimes would soar high enough in great ones, but unable to keep it up with any long attention or application. Witty in all sorts of conversation; and telling a story so well, that not out of flattery, but for the pleasure of hearing it, we used to seem ignorant of what he had repeated to us ten times before, as a good comedy will bear the being seen often. Of a wonderful mixture; losing all his time, and till of late setting his whole heart on the fair sex, yet neither angry with rivals, nor in the least nice as to their being beloved; and while he sacrificed all things to his Mistresses, he would use to grudge and be uneasy at their being a little of it again at play, though never so necessary for their diversion: Nor would he venture five pounds at Tennis to those servants, who might obtain as many thousands, either before he came thither, or as soon as he left off. Not false to his word,

"but full of dissimulation, and very adroit at it, yet no man easier to be imposed on; for his great dexterity was in cozening himself, by gaining a little one way, while it cost him ten times as much another; and by caressing those persons most, who had deluded him the oftenest; and yet the quickest in the world at spying such a ridicule in another. Familiar, easy, and good-natured; but for great offences severe and inflexible: Also in one week's absence, quite forgetting those servants, to whose faces he could hardly deny any thing. In the midst of all his remissness, so industrious and indefatigable on some particular occasions, that no man would either toil longer, or be able to manage it better.

"He was so liberal, as to ruin his affairs by it; for want in a King of England, turns things just upside down, and expels a Prince to his people's mercy. It did yet worse in him, for it forced him also to depend on his great neighbour of France; who played the brother with him sufficiently in all those times of extremity. Yet this profuteness of his did not so much proceed from his over-valuing those he favoured, as from his undervaluing any sums of money which he did not see; though he found his error in this, but I confess a little of the latest. He had so natural an aversion to all formality, that with as much wit as most Kings ever had, and with as majestic a mien, yet he could not on premeditation act the part of a King for a moment, either at Parliament, or at Council, either in words or gesture; which carried him into the other extreme, more inconvenient of the two, of letting all distinction and ceremony fall to the ground, as useless and foolish. His temper, both of body and mind, was admirable, which made him an easy generous lover, a civil obliging husband, a friendly brother, an indulgent father, and a good-natured master. If he had been as solicitous about improving the faculties of his mind, as he was in the management of his bodily health; though, alas! the one proved unable to make his life long, the other had not failed to have made it famous. He was an illustrious exception to all the common rules of Physiognomy: For, with a most *Saturnine* harsh sort of countenance, he was both of a merry and merciful disposition; and in the last thirty years of his life, as fortunate, as those of his Father had been dismal and tumultuous.

"If his death has been by some suspected of being untimely, it may be partly imputed to his extreme healthy constitution, which made the world as much surprized at his dying before threescore, as if nothing but an ill accident could have killed him. I would not say any thing on so sad a subject, if I did not think silence itself would in such a case signify too much; and therefore, as an impartial writer, I am obliged to observe, that the most knowing, and most discerning of his Physicians [Doctor Sher] did not only believe him poisoned, but thought himself too not long after, for having declared his opinion a little too boldly. But here I must needs take notice of an unusual piece of justice, which yet all the world has almost unanimously agreed in; I mean, in not suspecting his successor of the least connivance in so horrid a villainy; and perhaps there was never a more remarkable instance of the wonderful power of truth and innocence: For it is next to a miracle, that so unfortunate a Prince, in the midst of all those disadvantages he lies under, should be yet cleared of this, even by his greatest enemies; notwithstanding all those circumstances that used to give a suspicion, and that extreme malice which has of late attended him in all his other actions" (1).

After giving these different characters of King Charles II, *A Comparison drawn by such able hands, I think my self obliged to make a sort of parallel, in order to assist the reader in the discovery of the truth. Dr. Burnet Bishop of Salisbury was a Scotchman.* He had been educated amongst the Episcopians; but however, was always accused of preserving a tincture of Presbyterianism, the Religion of his Country, when free to pursue its inclination. He is likewise accused of having been entirely in the Whig party. In short, he had no reason to be pleased with either Charles II, or James II, and therefore we must read with caution whatever he says, not reconcilable with the known actions of Charles II, or expressly contradicted by others.

It is not difficult to discover, that Burnet's picture of Charles II. is very much charged. The painter has strongly drawn all the lines, which he thought might beget a likeness between the picture and the original, without any regard to the reputation of this Prince. It is even seen, that possibly he spoke with prejudice, and by this prejudice, was led to credit too lightly what he had received upon hearsay

(1) R. C. says, That King Charles let the Nation more vitiated and debauched in their Manners, than ever it was by any other King; having not only squandered away the richest Revenues of the Crown, who were esteemed sacred, and which should have supported it against foreign Force and intestine Division, but left such a Debt upon it as never before was heard of, nor compassed by such means. T. III. p. 320.

1684-5. to the King's disadvantage. For instance, what he affirms, that *Charles*, after the battle of *Worcester*, showed a temper so careless, that he was then diverting himself with trifles in as unconcerned a manner, as if he had sustained no loss, and been in no danger at all, appears to me a little aggravated. It is not even probable, that the Bishop could be informed of the King's actions at that time, by eye-witnesses. When he says, the King had great vices, but scarce any virtues to correct them, this plainly appears to be the language of passion and prejudice. When he says again, the King never forgave any thing that was done against himself, this must be aggravated. For if he was merciful to the Lord *Ruffell*, Colonel *Sidney*, Sir *Thomas Armstrong*, and some others, it cannot from thence be inferred, that he never forgave. Such expressions excepted, which discover some passion in the author, the rest of *Charles II.*'s character is true in general. This I believe, because I find it agreeable to the history of his reign, and because the Earl of *Malgrave* has in his picture drawn the same lines with Dr. *Burnet*, to express his likeness. All the difference between these two authors, is, that in the Bishop's picture, the principal lines are strongly expressed, and much softened in the Earl's.

The Earl of *Malgrave*, afterwards Marquis of *Normandy*, and then Duke of *Buckinghamshire*, was entirely in the Tory-party, and if common report may be credited, his Religion, like that of *Charles II.*, was *Deism*. In his description of this Prince, he denies not the general suspicion of his being poisoned. *Burnet* says also the same thing. The Earl insists that the Duke of *York* was not suspected of the least connivance at so horrid a villany. The same is likewise to be found in *Burnet*. If the last says, King *Charles* was a Papist, this is not denied by the Earl. He only imputes it to two causes, first, to a complaisance for the company he was forced to keep in his exile; and secondly, to the opposition he met with in Parliament, which threw him into the arms of the Papists. If the first of these causes be true, the second cannot be so, since the King was not twice a Papist. Besides, the oppositions in Parliament were partly owing to a belief, that he designed to introduce Popery.

Burnet says, *Charles* was incapable of any application. 1684-5. The Earl says the same. The Bishop says, the King was for rendering himself absolute. If the Earl says it not in express terms, he sufficiently intimates it, by saying, That the Roman Catholic party lusted him sleep with the enchanting songs of *Sovereignty and Prerogative*. *Burnet* says, the King was apt to forgive all crimes, but never forgave any thing that was done against himself. The Earl praises his clemency, and says, he was easy and good-natured in trifles, but in great affairs severe and inflexible. This may be the Bishop's meaning expressed in other words.

The stories which the King loved to talk over, are in both characters. The only difference is, that *Burnet* says, the company grew weary of them, and the Earl says, the hearers were pleased with the repetition. But the rallery of the Earl of *Rochester* turns the balance for the Bishop.

Burnet says, *Charles* engaged in two wars against *Holland*, without any colour, and the Earl calls these wars unnecessary.

Burnet says, he contributed to the raising of the greatness of *France* at sea, and the Earl says, he was not sufficiently careful to depress the maritime improvements of *France*, and that here he wanted jealousy. Is not this much the same thing?

In short, let these two pictures be compared with all possible exactness, and they will both be found very like; but that the two painters had different views, and pursued different methods. The one proposed to express strongly the lines which might most contribute to a resemblance with the original, without regarding the beauty of the picture in itself. The other, without omitting the same lines, which could not be done and the likeness preserved, has taken all possible care to soften them, in order to hide, as much as lay in his power, the deformities of the original. In a word, the one has given us an ugly, and the other a beautiful likeness. This doubtless, induced the Earl to suppress several strokes of his pencil, which might have improved the resemblance, but would have been prejudicial to the end he proposed in his work (1).

THE

(1) King *Charles II.*, left no issue by his Queen, *Dona Catherine*, daughter of *John IV.*, King of *Portugal*. But by his several Mistresses, he had the following Children.

1. By Mrs. *Lacy Waters*, Daughter of *Richard Waters*, Esq. *Temo* Duke of *Monmouth*, born at *Ritterden*, April 9, 1649. beheaded on *Towerhill*, July 15, 1685. He married in 1665, Anne See, Daughter of *Francis Earl of Buckleigh in Scotland*.

2. By Mrs. *Elizabeth Killigrew*, Viscountess *Shannon*, Daughter of Sir *William Killigrew*, *Charles-James-Henriette-Marie-Fitz-roy*, who died in 1684. Her Husbands were, *James Howard*, and Sir *William Fajus* Earl of *Yarmouth*.

3. By Mrs. *Catherine Pag*, Daughter of *Thomas Pag Esq.* *Charles-Fitz-Charles Earl of Plymouth*, commonly called *Duo Carolus*, born 1658, killed October 17, 1680, at *Yongue*. He married *Bridget* Daughter of Sir *Thomas Osborn* Duke of *Leodi*, who married afterwards Dr. *Rijl* the late Bishop of *Bristol*.

4. By Mrs. *Barbara Fildes*, Heiress of *William Viscount Grandison* in *Ireland*, and Wife of *Roger Palmer Earl of Cottenham*, created Lady *Newcastle*, Countess of *Sunderland*, and Duchess of *Cleveland*, who died in 1709, he had three Sons, and three Daughters. 1. *Charles-Fitz-Roy*, born 1662, created 1671, Duke of *Sunderland*, and after his Mother's Death Duke of *Cleveland*. His Wife was *Mary* Daughter of Sir *Henry Wood*, and sister Daughter of Sir *William Fildes*. 2. *Henry-Fitz-Roy Duke of Grafton*, born September 30, 1665, and killed October 9, 1690, at the Siege of *Cork* in *Ireland*. His Wife was *Isabella* Daughter of *Henry Bonet Earl of Arlington*, married after his Death to Sir *Thomas Honnor Bart.* 3. *George-Fitz-Roy Duke of Northumberland*, born December 28, 1665, who died July 8, 1726, without Children. 4. *Anne-Fitz-Roy* born Feb. 29, 1665, married in 1674, to *Thomas Leonard Earl of Suffolk*. 5. *Charlotte-Fitz-Roy*, born September 1, 1664, married February 30, 1676, to Sir *Edward Henry Lee Earl of Liverpool*.

6. *Barbara* born July 16, 1671, who became a Nun at *Portsmouth* in *France*.

5. By Mrs. *Eleanor Gwin*, a *Charles Beaulieu Duke of St. Albans*, born May 8, 1670, who married *Diana Vere*, eldest Daughter and Coheir of *Anthony de Vere*, the sixth and last Earl of *Oxford*. 2. *James Beaulieu* born December 25, 1671. He died in 1680 in *France*.

6. By *Louise de Bourbon* Duchess of *Parma*, *Charles Louis Duke of Richmond and Lennox*, born July 29, 1672, who died May 27, 1725. His Wife was *Ann*, eldest Daughter of *Francis Lord Bristol*.

7. By Mrs. *Mary Devere*, *Mary Tudor*, born October 16, 1673, married in August 1687, to *Francis Lord Ratcliff* Earl of *Downwater*. See *Sandford*, p. 639, &c.

II. In this Reign the City of *London* put on a new face, by being rebuilt, after the great Fire, in its freedom and well covered a manner, so hath greatly contributed to the Beauty, Healthfulness, and Convenience of that great and noble City.—In this reign likewise it was, that the Royal Hospital at *Chelsea*, was founded.

III. By an Indenture in the 21st of *Charles II.* Gold and Silver Moneys were coined into the same pieces, and at the same rates, as in the 24 *Charles I.* See above p. 571. Note.—By another Indenture in the 22d of King *Charles II.*, Crown Gold, twenty two Crowns fine, and two Crowns alloy, was coined into 48 l. 10 s. by tale; namely, into Pieces to go for Ten Shillings, Twenty Shillings, Forty Shillings, or Five Pounds a piece; and a Pound of Silver of the old Standard into three Pounds two Shillings by tale; namely into Crowns, Half-Crowns, Shillings, Half-shillings, Groats, Half-groats, Half-pence, Half-croats, and Pence.



The Money of King *Charles II.* was of three Sorts: The first Money, which was the only current Coin, till 1663; The second Money, which was the only current Coin, till 1663; The third Money, which was the only current Coin, till 1663. The first Money that bore the name of this King, was coin'd at *Westminster*; round which is inscrib'd CAROLVS SECVNDVS. 1648. on each side of the middle Tower is P. C. Reverse, a Crown, with C. R. DUM. SPIRO. SPERO. A Crown hath CAROLVS II. D. G. MAG. B. F. ET. H. REX. In the Field, HANC. DEBIT. 1648. Reverse, P. C. Above the Castle, PORT. MOR. TEM. PATRI. P. Q. FILIO. Upon the hammer's Money in general, he is represented with the Half-Face, Crown and Band, &c. CAROLVS II. D. G. MAG. BRIT. FR. ET. HIB. REX. Reverse, the Arms in one Shield, not crown'd, with his Father's Motto, CHRISTO. AUC. P. REG. NO. The G. M. Coins have, on one side, the King's Head Laureat, with a youthful Countenance. Reverse, the Arms in a single Shield, crown'd between C. R. FLAVENT CONCORDIA REGNA. Another has XX behind the head. On the Money called Cutters, the Legend goes quite round the tread; & why, it comes not in a very neat Cutter, called by some the on-mill'd Coins, the King's head according to the Rise, without the inscrib'd Figures behind the Head, and the Titles abbrevi'd to CAR. D. G. M. BR. FR. ET. HIB. REX. Reverse as the former 1661. The Five Pound, Three Pound

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T H E
HISTORY of *ENGLAND*.

B O O K XXIV.

The Reign of King JAMES II, from his Accession to the Throne, to the Establishment of King WILLIAM and Queen MARY; Containing the space of four years and seven days.

27. 7 A M E S II.

1684-5.
The Duke of
York is
proclaimed
King.
Feb. 6.
Gazettes
N^o 2006,
Echard.

WITHIN a few hours after Charles II. had resigned his last breath, his brother the Duke of York was proclaimed King in London, by the name of JAMES II. Having seen how the Government was settled for some years past, we must not think it strange, there was no endeavor, either in London or any other part of the Kingdom, to oppose the new King. Of the two parties in England, that against the Bill of Exclusion was triumphant, and the other entirely broken and oppressed. The accession of James II. to the Crown, was a fresh occasion of triumph to the former, and notwithstanding the fears expressed by the other party, about a Catholic Successor, they who had supported his interest, endeavoured to represent the late change, as the greatest of blessings to the English nation. The King, on his part, omitted nothing that lay in his power, to confirm the good opinion his friends had of his virtue and sincerity; as soon as the Lords were returned to Whitehall, from proclaiming the King, he assembled the Privy-Council, and made the following Speech:

My Lords,

*The King's
Declaration
to the
Council.
Gazette.
N°. 2006,
Kennet,
p. 410.*

27 **B**efore I enter upon any other business, I think fit
to say something to you. Since it hath pleased Al-
mighty God to place me in this station, and I am now
successful to good and precious a King, placed as I
king I endeavour, I think it my duty to declare to you, that I
will endeavour to follow his example, and most especially
in that of his great clemency and tenderness to his Peo-
ple. I have been reported to be a man for arbitrary
Power; but that is not the only story has been made of
me; and I shall make it my endeavour to preserve this
Government both in Church and State, as it is now by
law established. I know the principles of the Church of
England are for Monarchy, and the members of it have
showed themselves good and loyal Subjects, therefore I
shall always take care to defend and support it. I know
too, that the laws of England are sufficient to make the
King as great a Monarch as I can wish; and as I shall
never depart from the just Rights and Prerogative of the
Crown, so I shall never invade any man's property. I
have often heretofore ventured my life in defence of this
Nation, and I shall still go as far as any man in preserving
it in all its just Rights and Liberties."

Every Body
is pleased
with the
Speech.
Gazette.
Kennet.
Barnet.

This Speech being addressed to a Council wholly composed of persons devoted to the King, was received with

great applause. His Majesty was desired that it might be printed, and dispersed among the people, which was immediately done. Moreover, great care was taken to extend the King's extreme affection for his subjects, and his strict observance of his word and faith was to be strenuously propagated, that some counting it impossible for the King to promise what he did not intend to perform, began to give him the name of *Janus the 2d.* as if to say and to do, were in him one and the same thing.

The next day, the King published a proclamation, declaring, that all persons who at the late King's decease were possessed of any office, should be continued in the same, till the King's pleasure was further known. He declared, moreover, that all orders and directions given by the late King's Privy Council, should be obeyed and performed, as if he were still alive. This is a clear evidence of the great influence that the King, when Duke of York, had in the counsels of the King his brother. Upon his coming to the Crown, he made no changes, either in the Council, or in the chief places of trust, a plain sign that he looked upon the possiessors as his creatures. And indeed, since his return from *Scotland*, he had properly governed the Kingdom in his brother's name. This being known to all, might have shown with what intention he promised to preserve the Protestant Religion, and the rights of the Subject, since no man could be ignorant, that he was the principal author of the plots in the late reign, against Religion, and the liberties of the nation. But the Tories, who were then highly exalted, were willing to shut their eyes, and not see the danger the Protestant Religion was in, under a King who was so zealous a Papist. The King's bare word was sufficient to calm all their uneasiness on that account. As for arbitrary power, which began to be introduced in the late reign, far from being frighted at it, they rather considered it as an effectual means to keep their adversaries, the Whigs, in subjection. Had they known or foreseen to what height *James* was resolved to carry his power, they would, doubtless, have had other thoughts. But they imagined, things would always remain as they were, that is, in a situation to them very advantageous.

Most of the Historians represent as surprizing, the King's *not being* going publicly to Mass two days after his accession to the *thron* Crown. But I cannot see any reason for this surprize. Since the year 1679, no man had been ignorant, that the Duke of York was a Catholic. On this account he had resigned the office of Lord High-Admiral, and in the following years, the Bill of Exclusion, which caused

[illegible]

1684-5. three Parliaments to be dissolved, had sufficiently taught the English this truth. Where then could the wonder be, to see him go to Maf, being King, since for the last fourteen years he had not concealed his Religion, though he had run the risque of forfeiting his right to the Crown?

But what gave more just cause of surprize, was his requiring by Proclamation the same week, that the customs, and other duties which had been granted to the King his brother, only for life, should be continued to be collected (1). This was a manifest invasion of the nation's rights and liberties (2). He could not be ignorant, that an interposition of the same nature had occasioned a great contest between the King his father and the Parliament, and that this contest produced the Petition of Right. And yet, he not only undertook the same thing, but used also the same reasons with Charles I, which were so little satisfactory to the Parliament. His proceedings were the more surprizing, as he affected to take by authority, what he knew would not be refused by the Parliament, considering the present disposition of the Kingdom. Though his friends endeavoured to excuse this conduct, it made impression upon many of both parties, who had no good opinion of a reign which began in this manner. This gave occasion to fear, that the new King's promises were not so firmly to be relied on, as was pretended.

Another step the King made at the same time, and, as it seems, without any necessity, was to cause it to be published, and attested by Father Huddell a Priest, that Charles II. died a Catholic, and that the same Priest gave him the Eucharist and Extreme Unction. Huddell published withal a little Treatise, called, *a short and plain way to the Faith and Church*; which treatise, the author affirms, made great impressions upon the mind of King Charles, in the year 1651, immediately after the battle of Worcester, so that he declared, he had not seen any thing more plain and clear upon the subject, and the arguments drawn from scripture were so conclusive, he did not conceive how they could be denied. Moreover, at the same time, *Jamies* ordered two papers to be published, from the King his brother's strong box, written with his own hand, both tending to prove the necessity of a visible Church and guide, in matters of faith (3). To confirm that Charles II. was really a Catholic, Mr. William Chaffinch, Keeper of the King's closet, made no scruple to show a little chapel annexed to the closet, where the King went secretly to Mass. It is hard to conceive, what great advantage it could be to *Jamies*, to divulge such a secret, considering the injury he did the late King's reputation, who had so frequently and solemnly affirmed in full Parliament, that he was a good Protestant, and had positively promised to maintain the Protestant Religion to the utmost of his power. As *Jamies* thereby manifestly showed, the infidelity of his brother, he should, it seems, have feared, it would be inferred, there was no more reason to confide in his own promises.

The Funeral of Charles II. was solemnized on the 14th of February at night. It may easily be judged, it was not very expensive, since eight days were sufficient for this preparations. It is observable, that Charles II. had neglected after his restoration to solemnize his Father's Funeral, on pretence that his body could not be found in *Wind* Chapel, the place where it was interred, as the Lord *Clarendon* says in his History. But as it would have been easy to search the whole Chapel, it is more likely, the reason of that neglect was the charges of a funeral, though Charles II. had received for that purpose from the Parliament the sum of seventy thousand pounds. For the same reason, probably, *Jamies* caused his Brother to be buried with little pomp, though Charles left him ninety thousand guineas in a box.

Two days after, the King ordered the Privy-Counsellors and great officers of the Crown and Household to be sworn, and at the same time filled the vacant places. The office of Lord-Treasurer, vacant since the year 1679 by

the resignation of the Earl of Danby, was conferred on the *Laurence Hyde* Earl of *Rochester* the King's Brother-in-law; Henry Earl of *Clarendon* elder Brother to the Earl of *Rochester*, was made Lord Privy-Seal; and *George Savil* Marquis of *Halifax*, President of the Council (4).

In the mean time, the Counties, Cities, Boroughs, and Universities were employed in preparing congratulatory addresses to the King, upon his accession to the Crown. These addresses, for the most part, took notice of the King's positive declaration to the Privy-Council, to maintain the Church of *England* and the liberties of the Nation. But there were two amongst others very remarkable. The first from the Barristers and Students of the *Middle-Temple*, wherein "with the deepest sense of gratitude they acknowledged his Majesty's great goodness, in extending "his royal care of the Government to the preservation of "the Customs, which had been continually received by "his royal predecessors for some hundreds of years, and "never questioned by any Parliament, unless in that "wherein were sown the seeds of rebellion against the "King his Father (5)." They concluded with saying, "May there never want millions as loyal as we are to sacrifice their lives and fortunes in defence of your sacred "person and prerogative in its full extent." And promised that they would endeavour the choice of such representatives for the ensuing Parliament, as would not only concur in settling a revenue to support the Government as formerly, but also show an entire confidence in his Majesty. The address from the County of *Suffolk* had these words: "We are every day making steps towards your Majesty's grandeur, by our care for sending fit representatives to a Parliament, that we hope will no more endure Excluders than a late one did Abhorers." The Quakers also presented an address to the King, wherein they said: "Whereas it hath pleased Almighty God, (by whom "Kings reign) to take hence the late King *Charles the Second*, and to preserve thee peaceably to succeed; we "thy subjects heartily desire, that the giver of all good "and perfect gifts, may please to endue thee with wisdom "and mercy in the use of thy great power, to his glory, "the King's honour, and the Kingdom's good. And it "being our sincere resolution, according to our peaceable "principles and conversation (by the assistance of Almighty God) to live peaceably and honestly, as becomes "true and faithful subjects, under the King's government, "and a conscientious people that truly fear and serve God: "We do humbly hope, that the King's tenderness will "appear and extend with his power to express the "same" (6). —

The King and Queen's Coronation was celebrated the 23d of April, St. George's day, patron of the Order of the Garter. Though such a ceremony cannot be solemnized without pomp, it was observed, the King retrenched several things which caused a needless expence, as for instance the Cavalcade from the Tower to *Windsor*, which was wont to be performed the day before the Coronation, saving thereby a charge of sixty thousand pounds. But if some authors are to be credited, the most considerable retrenching was in the words of the Coronation oath, out of which, they pretend, several material things were struck without specifying the particulars. Others maintain, it is an aspersion on Archbishop *Sancroft*, who is supposed, without foundation, to have consented to the abridging of the oath. As I have seen no proof on either side, I forbear to decide. Thus much is certain, the Crown not being fit for the King's head, was often in a tottering condition and like to fall off. Mr. Henry Sidney supporting it once with his hand, pleasantly told the King, *This had* is not the first time our Family hath supported the Crown (7). The people reckoned this an ill omen to the King, as another thing which happened the same day. In one of the Churches in *London*, the King's arms painted in a glass-window suddenly fell down and broke in pieces, while the rest of the window was standing, without a

Colliers and
Dancers in
traced before
they are
granted.
Feb. 16.
Carter's
N^o. 205.
Walsley's
Burton.
p. 611.
R. Colke.

He publishes
that the late
King was a
Papist.
Kewale.
p. 457.
Burton.
Echard.
p. 731.

Echard.
p. 731.

The King's
Funeral.
Sunderland.
Gentles.
N^o. 300.
Burton.

Jamies fills
the vacant
Places
Feb. 9. 16.
Gentles.
Kewale.
p. 451.

Great number
of addresses.
Gentles.

That of the
Middle-Temple.
Ibid.
N^o. 205.
Kewale.
p. 450.

Another from
Suffolk.
Quakers.
Echard.
p. 731.

That of the
Quakers.

1685.
The King
and Queen
are crowned.
Gentles.
N^o. 300.
Kewale.
Burton.
p. 621.
Echard.
p. 734.

Echard.
p. 621.

(1) Another Proclamation was put out for levying the additional Excise, which had been given to the late King only for life. There was a Clause in this Act, that empowered the Treasury to make a farm of it for three years, without assigning a limiting clause, in case it should be so long due. And it was thought a great breach of the clause, to make a fraudulent farm, by which it should continue to be levied three years after it was determined, according to the Letter and intent of the Act. A farm was now brought out, as made during the King's life, though it was well known, that no such farm had been made, nor it was made after his death, but a false date put to it. *Burnet*, p. 632.

(2) It was an open violation of one fundamental constitution, by which no money can be levied on the Subject, but by their consent in Parliament, as Dr. *Hughes* explains *idem*, p. 118.

(3) The Duke of *Ormond*, before the King's attestation, declared the papers to be King Charles's own hand. The Duke of *Beaufort* was made Lord President of *Wales*. The Lord *Angling* Lord High Chamberlain. The Duke of *Ormond* Lord Steward of the Household. The Lord *Goldolphin* Lord Chamberlain to the Queen; the Lord *Vescovy* Privy Secretary; the Lord *Viscount* *North* Treasurer of the Household; Sir *Stephen Fox*, Sir *William Brouncker*, Sir *Wrighton Churchill*, and Sir *Ricard* *Wells*, Clerks and Comptrollers of the Green Cloth. *Kewale*, p. 455.

(4) The Reason of thinking the King (releasing the Customs, alleged by these Gentlemen, was, "That *Thru* would be relined that had paid "£600 in the late King's Time, if the Customs were not levied, and by an excessive Expence and Impertinent Custom-free, that *Barnet*, of the

"Revenue would be rendered unsupportable for some Years to come." Not considering that *Enties* might be made and *Bonds* taken, to be levied when the Act for granting them should pass.

(5) This is the true Address from *Small's History of the Quakers*. *Rapin* has wrongly followed *Echard*, and given it as follows, "We are come to

"affirm our support for the death of our good Queen *Charles*, and our joy in thy being made our Governor. We are told thou art not of the persuasion "of the Church of *England* no more than we; therefore we hope that thou wilt grant us the same liberty which thou allowed thyself."

(6) Mr. *Adams*, who was afterwards Earl of *Roxbury* in King William's Reign, was one of the principal instruments in the Downfall of King *Jamies*, and one of the first that went and joined the Prince of *Orange*. *Rapin*.

1685. possibility of discovering, why that part should fall sooner than the rest (1).

The same day that the King was crowned at London, the Parliament of Scotland met at Edinburgh, William Douglas Duke of Queensberry being Lord High-Commissioner. This Lord was entirely in the King's party, but not in such a manner as to pretend to sacrifice to him the Protestant Religion and his Country's liberties. Before he left London in order for Scotland, he told the King plainly, he could not engage to serve him in any thing but what should be agreeable to the Laws; whereupon the King protested to him, he had no intention to make any breach either in the established Religion or the Laws.

The King's letter to the Scotch Parliament ran, "That the many experiences he had of the loyalty and exemplary forwardness of that ancient Kingdom, by their representatives assembled in Parliament in the reign of his Brother, made him desirous to call them together in the beginning of his reign, to give them an opportunity not only of shewing their duty, but also to be exemplary to others in their demonstrations of their affection to his person, and compliance with his desires. That which he had to propose to them at this time, was, as it was as necessary for their safety as his Service, and had a greater tendency to secure their own privileges and properties, than the aggrandizing his power, which however he was resolved to maintain in its greatest Lustre, that he might be the more enabled to defend and protect their Religion as established by law, and their rights and properties, against phantastical (2) envenomed, murderous, assiduous (3), which had brought them into such difficulties, as only the steady resolutions of his Brother and those employed by him, could have saved them from the most horrid confusions and inevitable ruin. That nothing had been left unattempted by those inhuman Traitors, to overturn their peace; and therefore he hoped they would be wanting in nothing to secure themselves and him."—

The High-Commissioner seconded the King's letter with a speech, wherein he gave them assurance of his Majesty's resolutions to protect and maintain the Religion and Government of their Church as by Law established (4); and also the Subjects rights and properties, in such manner, that no person should be injured by any arbitrary oppressions of soldiers or others; and he would condescend as much in the business of the Excise and Militia as could be justly expected. And, on the other side, his Majesty expected from them, to assert the rights and prerogatives of the Crown, and to establish the revenue as amply upon him and his Successors, as it was enjoyed by the King his Brother. In the last place, the Lord-Commissioner desired in very pathetic terms, that effectual means might be found to destroy the phantastical party, who were wretches of such monstrous principles and practices, as past ages never heard, nor those to come will hardly believe.

These phantastical murderers and assiduous could be no other than the Presbyterians of Scotland, who were powerfully the Body of the nation, to whom was imputed the murder of the Archbishop of St. Andrews's as if it had been committed by the determination of the whole Presbyterian-Party.

James Drummond Earl of Perth, Lord Chancellor, made a Speech likewise, in which he enlarged upon the King's great virtues. I do not know whether he was yet a Papist, but at least, presently after, he embraced the Catholic Religion, and by that infallible means supplanted the Duke of Queensberry.

The Parliament returned a very humble and submissive answer to the King, promising to do whatever he had desired. To perform which promise they forthwith passed the three following Acts.

By the first Act were ratified all Statutes passed in the late reign for the security of religion as at present professed within the Kingdom.

By the second, they annexed the Excise of foreign and inland commodities to the Crown of Scotland for ever.

By the third, they ordained, that all such persons, as being cited in case of High-Treason, Field or House Conventicles, or Church-irregularities, should refuse to give testimony, should be liable to be punished as guilty of those crimes respectively, in which they refused to be witnesses.

Before the meeting of the Parliament of England, which was called for the 19th of May, three persons, o-

dious to the King, the Papists, and the prevailing party, were brought to their trials. The first was the famous Titus Oates, discoverer of the popish plot, and one of the witnesses against the condemned Jesuits. He was accused of perjury on two points of his evidence, namely, for affirming upon oath, that he was present at the grand Council held at London the 24th of April 1678, where, as he pretended, the resolution of killing the King was taken. Secondly, for saying, that Father Ireland an executed Jesuit, was at London such a day. To convict him of these two real or pretended crimes, he was brought before Chief-Justice Jeffries at the King's Bench Bar, the 8th and 9th of May 1685. As I have amply spoken of this matter in the reign of Charles II, I shall not repeat here what has been already said, but confine my self to show the partiality wherewith Oates was tried and condemned.

In the first place, immediately after the indictment was read, and before any Witnesses were heard, the Attorney-General [Sir Robert Sawyer] made a Speech declaring, Oates was one of the greatest Impostors that ever did appear upon a stage, either in this Kingdom or any other nation. It must be observed, this Attorney-General had been one of the counsel for the King in 1678, to support and improve Oates's evidence.

Twenty Witnesses from St. Omer's were produced, who swore, that Oates was at that place the 24th of April 1678, at the very time that he said he was present at the grand council. It is observable, that these very witnesses had deposed the same thing in 1678, and that the Jury had not regarded their evidence. But in 1685, there was not the least reason to reject their depositions.

Oates denied it might be observed, that the King's Counsel who were now against him, had been for him in the trials of the five Jesuits, and particularly the Attorney and Solicitor-General: That Lord Chief Justice Jeffries, before whom his cause was pleaded, was among the King's Counsel in 1678, and did then expressly declare, that the Verdict against the five Jesuits was a just verdict. As he laid great stress upon the verdicts given upon his depositions, he was told, that these verdicts had been disbelieved several times, as well as believed. Moreover, the records of the trials of Sir George Wakeman and the Earl of Castlemain were produced, who being accused of the pretended plot, had been acquitted, and deposed upon oath, that Oates had not said one word of truth.

Oates demanded, whether a Papist in case of religion might be believed? It was replied, He might. And as if the question had been impertinent and foreign to the purpose, Justice Watkins asked him, Whether he was come there to preach?

Oates urged the Lord Chief Justice's practice, who would not allow of a Popish Recusant for a witness, even between party and party. To which it was answered in general, that this practice was contrary to law.

He said, that the Witnesses against him were brought up in a Seminary, against law. Jeffries replied, so was a Dissenter.

He insisted upon the Statute of the 17th year of Elizabeth against Seminary Priests and Jesuits. Whereupon Jeffries asked him, whether the witnesses owned themselves to be Priests and Jesuits?

He pleaded the Statute of the 3d of Charles I, to which Jeffries answered, It was nothing to the purpose.

Lastly, He represented, that the Lord Shaftsbury, upon his trial, making that he might have liberty to bring an indictment of perjury against the witnesses that accused him, the Court over-ruled the motion, and would not suffer the King's evidence to be indicted of perjury, nor the Popish plot called in question. He inferred from thence, that having been himself evidence for the King, he could not for that reason be indicted of perjury. Jeffries told him, all this was nothing to the purpose. Then summing up the evidence, he concluded with these words: "I here does not remain the least doubt, but that Oates is the blackest and most perjured villain that ever appeared upon the face of the earth."

The Jury withdrawing about a quarter of an hour, brought him in guilty of the perjury he was accused of. The next day, he was tried upon the second indictment of perjury concerning Father Ireland. Above forty witnesses were produced against him, nine of whom were Protestants, who swore, that Ireland was in Staffordshire

1685.

when *Oates* said he was in *London* (1), and he was also found guilty of this indictment. What is most strange, some pretend, there is not the least appearance of injustice or partiality in the verdict against *Oates*; but on the contrary, the partiality is evident in the verdict against the five Jesuits. I leave it to the unbiased reader to compare them and judge. But at least it cannot be denied, there was a great deal of passion in the sentence against *Oates*, and much more in the execution of the same. The sentence was as follows:

May 16.
p. 104.

1. That he should pay for a fine one thousand Marks upon each indictment.

2. That he should be strip of all his Canonical Habits.

3. That he should stand in the Pillory before *Westminster-Hall Gate* upon *Monday* next, for an Hour's time, with a paper over his head (which he must first walk with round about to all the Courts in *Westminster-Hall*) declaring his crime; and that upon the first indictment.

4. That for the second indictment he should upon *Tuesday* stand in the Pillory at the *Royal-Exchange* in *London*, for an hour with the same inscription.

5. On *Wednesday* he should be whipt from *Aldegate* to *Newgate*.

6. On *Friday* he should be whipt from *Newgate* to *Tyburn*.

7. And for annual Commemorations, upon every 24th of *April*, as long as he should live, he was to stand in the Pillory at *Tyburn*, just opposite to the gallows, for an hour.

8. That, upon every 9th of *August*, he was to stand in the pillory at *Westminster-Hall Gate*, because he had sworn that *Ireland* was in town between the 8th and 12th of *August*. The like on every 10th of *August* at *Charing-Cross*, and over-against the *Temple Gate* every 11th of *August*. And upon every 2d of *September* he was to do the same at the *Royal-Exchange*. All this he was to do every year during his life: and be committed a close prisoner as long as he lived.

After pronouncing this sentence, *Tefferies* added, that if it had been in his power, *Oates* should have been condemned to die.

It must be observed, that standing in the Pillory, which in other countries only exposes to shame, is in *England* something more; for it is permitted to pelt those that stand there, with dirt, and all sorts of nastiness, and it often happens that the mob abuse this liberty, and throw rotten eggs and even stones at the prisoner.

But what was thought most barbarous in this sentence, was the ordering a man to be whipt twice in three days. Some charitable persons used their endeavours to beg off part of this wretched man's punishment, and made application to the Queen, intreating her to intercede for him, at least with regard to the second scourging. But all intercession was in vain. The sentence was executed with all imaginable rigor and barbarity. The first day he was tied to a cart, and as the hangman no doubt was commanded not to spare him, he executed the order with such cruelty, as was unknown to the *English* nation. *Oates* swooned away several times the first day with the extremity of the anguish. We may judge what he endured the second day, when his wounds were yet fresh. In a word, his sustaining such great torments, and escaping with life, was looked upon as something miraculous. Every one was sensible, that, both in the sentence and in the execution, revenge had a greater share than justice, and that he was made a sacrifice to the manes of the five Jesuits executed in the late reign.

The next victim to the Catholics, not long after *Oates*, was *Thomas Dangerfield*, who discovered the pretended *Meal-Tub Plot*, which he had laid to the charge of the Protestants. But afterwards, not being able to maintain before the Council what he had deposed, he confessed, he was persuaded to invent it by the Countess of *Prussia*, and the popish Lords in the Tower. Moreover, he had published a Narrative of all the secret practices used as well to corrupt him, as to render the plot probable. As he owned, he had received money from the late King and the Duke of *York*, the last would never suffer such an offence to go unpunished, when he came to be King. *Dangerfield* therefore was committed to prison, and indicted for publishing a scandalous libel. He was tried and brought in guilty by the Jury, after which he received judgment at the *King's-Bench bar*, "That he should stand twice in the pil-

lory; that he should be whipt from *Aldegate* to *Newgate* on one day, and from *Newgate* to *Tyburn* on another, and should pay a fine of five hundred pounds." The scourging was executed with rigor, though with less cruelty than on *Oates*. The second day, *Dangerfield*, after the whipping was over, being in a coach against *Hatten-Garden*, *Robert Francis*, a Barrister of *Gray's-Inn*, came to the coach side, and using some insulting expressions, *Dangerfield* returned a reproachful answer (2). *Francis* having a small cane in his hand, thrust it into his eye with all his force, which in two hours put an end to his life. *Francis* was condemned to be hanged, and was executed accordingly, the King, though strongly solicited for a pardon, not thinking proper to leave such a crime unpunished (3).

Richard Baxter, a Presbyterian Minister, famous for his voluminous writings during the troubles, in favour of his Religion against the Church of *England*, was the third in the list of the mildness of the new Government. As he could not be proceeded against for his books published during the troubles, by reason of the Act of Indemnity, occasion was taken to prosecute him for a late book, intitled, *A Paraphrase on the New Testament*, wherein it was pretended, there were several seditious passages, and highly reflecting on the Bishops. *Baxter* being brought before *Tefferies* at the *King's Bench bar*, and moving, that farther time might be allowed him for his trial, *Tefferies*, with his usual moderation, cried out, *I will not give him a minute's time more to save his life: We have had to do with other sorts of persons; but now we have a Saint to deal with; and I know how to deal with Saints as well as Sinners. Yonder*, says he, *stands Oates in the pillory, and says, he suffers for the Truth, and so says Baxter; but if Baxter did but stand on the other side of the pillory with him, I would say, there stood two of the greatest rogues and rascals in the Kingdom.* In this manner did the Judge prepare the Jury, before any evidence was heard. It would be needless to insert the particulars of the charge and *Baxter's* defence. The point was only to know, whether certain passages of his late book could be applied to the Prelates of the Church of *England*, or solely to those of the Church of *Rome*. *Baxter's* Counsel (4) urged, that without a forced construction, none of the passages could be applied to the Bishops of the Church of *England*. The whole process turned upon this point. But it will not be improper to show the passion and partiality of *Tefferies* in this, as in all other affairs. *Baxter* alledged in his defence, "That he had been moderate with respect to the Church of *England*, and had spoken so honorably of the Bishops, that he had incurred the censure of many of the Dissenters upon that account." *Tefferies*, laying aside on this occasion the office of a Judge to turn evidence, affirmed, "That *Baxter* was an enemy to the name and thing, the Office and persons of Bishops"; and severely reprimanded the Counsel, probably for defending their cause too well. Then, speaking to *Baxter*, he said, *Richard, thou art an old fellow, an old knave, thou hast written books enough to lead a cart, every one at full of sedition, I might say treason, as thy egg is full of meat. Hadst thou been whipt out of thy writing trade forty years ago, it had been better. Thou pretendst to be a preacher of the Gospel of Peace, and thou hast one foot in the grave; it is time for thee to begin to think what account thou intendst to give. But leave thee to thyself, and I see thou'lt go on as thou hast begun; but by the grace of God I will look after thee. I know thou hast a mighty party, and I see a great many of the brotherhood in corners, waiting to see what will become of their mighty Don; and a Doctor of the party [Dr. Bates] at your elbow; but by the grace of Almighty God I will crush you all.*

The Chief Justice in turning up the evidence said; *It is manifestly known, that there has been a design to ruin the King and the Nation; and this has been the main incendiary: He is as ready now as can be; but time waits, when no man was so ready to bind your Kings in chains, and your Nobles in fetters of iron; and to your Tents, O Israel! Gentlemen, for God's sake do not let us be pulled twice in an age.*

It manifestly appears from these last words of *Tefferies*, that *Baxter's* book was only a pretence to punish him for what he had done during the troubles. However this be, such was the impartial manner in which this Judge directed the Jury. There is scarce a man who will deny, that, as well during this reign, as in the latter part of the former, all the Juries were packed, and had engaged beforehand to be guided by the Court. In conclusion, *Baxter* being found

1685.

Every's
Trial
May 16.
Knewel,
as he
Edwards
III. p. 745.

May 15.

Edwards
III. p. 745.

Trial of
Dangerfield
Bumel.
p. 537.
Knewel,
p. 537.
Edwards

He is con-
demned to be
whipped.

(1) It is undeniably appeared from the Books of one *Haines*, a Colliemith in *Leamford Priory*, that *Joe* and was in *London* in that time. See *R. C. Cole*, p. 350.

(2) *Francis* said to him, "How now, friend, have you had your heat this morning?" Upon which the other, with two or three curses called him, *Son of a Whore*. *Edwards* Tom. III. p. 745.

(3) Some say, that *Francis* was a violent Papist and others, that he was a Protestant: But others observe, That he was only intended to die in the prosecution of being of the Church of *England*, as by Law established. *Knewel*, p. 535. *Edwards* Tom. III. p. 745.

(4) *Baxter's* Counsel were *Wells, Williams, Robertson, Arundel*, and *Peppes*, all assisted by Sir *Henry Aylmer*, who had a particular Respect for *Baxter*. It may be noted of *Baxter*, that from after the Reformation he visited the Bishoprick of *Bristol*, and when invited out of his Living took the oath, first took a Pension of a Hundred Pounds a Year offered him by the King. He frequently attacked *Divine Service* in the Church of *England*, went to the Sacrament, and persuaded others to do the same. *Edwards*, Tom. III. p. 745.

1685. guilty, judgment was given against him, to be fined five hundred marks; to lie in prison till he paid it; and to be bound to his good behaviour for seven years.

The Parliament met the 19th of May. But the King was pleased that the Commons should first chuse their Speaker, before he made his Speech to both Houses. The choice fell upon Sir John Trevor, who was recommended by [the Lord Middleton] one of the Secretaries of State; after which, the King came to the Parliament the 22d of May, and made the following Speech to both Houses. As he had that morning received advice of the Earl of Argyll's arrival in Scotland, it gave him occasion to add something to his Speech.

My Lords and Gentlemen,

"AFTER it pleased Almighty God, to take to his mercy the late King my dearest Brother, and to bring me to the peaceable possession of the Throne of my Ancestors, I immediately resolved to call a Parliament, as the best means to settle every thing upon those foundations, as may make my reign both easy and happy to you: Towards which, I am disposed to contribute all that is fit for me to do. What I said to my Privy-Council, at my first coming there, I am desirous to renew to you; wherein I fully declared my opinion concerning the principles of the Church of England, whose members have shewed themselves so eminently loyal in the worst of times, in defence of my father, and support of my brother, of blessed memory, that I will always take care to defend and support it: I will make it my endeavour to preserve this Government both in Church and State, as it is now by Law established; and as I will never depart from the just rights and Pre-rogatives of the Crown, so I will never invade any man's property: And you may be sure, that having heretofore ventured my life in the defence of this Nation, I will still go as far as any man in preferring it in all its just rights and liberties.

"And having given you this assurance concerning the care I will have of your Religion and Property, which I have chosen to do in the same words, I used at my first coming to the Crown, the better to evidence to you, that I spoke them not by chance, and, consequently, that you may the more firmly rely upon a Promise so solemnly made; I cannot doubt, that I shall fail of suitable returns from you, with all imaginable duty and kindness on your part; and particularly, in what relates to the settling of my revenue, and continuing it during my life, as it was in the time of the King my Brother. I might use many arguments to enforce this demand, from the benefit of trade, the support of the Navy, the necessity of the Crown, and the well-being of the Government itself; which I must not suffer to be precarious: But I am confident, your own consideration of what is just and reasonable, will suggest to you whatsoever might be enlarged upon this occasion. There is one popular argument, which I foresee may be used against what I ask of you, from the inclination men may have for frequent Parliaments, which some may think will be the best secured, by feeding me from time to time, by such proportions as they shall think convenient: And this argument, it being the first time I speak to you from the Throne, I will answer once for all, that this would be a very improper method to take with me, and that the best way to engage me to meet you often, is always to use me well (1). I expect therefore that you will comply with me in what I have desired, and that you will do it speedily; that this may be a short session, and that we may meet again to all our satisfactions.

"My Lords and Gentlemen, I must acquaint you, that I have had news this morning from Scotland, that Argyll is landed in the High-land, with the men he brought with him from Holland; and that there are two Declarations published, one in the name of all those in arms there, the other in his own; it would be too long for me to repeat the substance of them it is sufficient to tell you, I am charged with usurpation and tyranny: The shorter of them I have directed to be forthwith communicated to you. I will take the best care I can, that this Declaration of their own treason and rebellion may meet with the reward it deserves: And I will not doubt, but that you will be the more zealous to

"support the Government and give me my revenue as I have desired it, without delay."

I shall make upon this speech, three remarks the importance whereof will hereafter appear. The first is, that when the King renewed to his Parliament the promise he had made to the Council, to preserve the Government both in Church and State, as it is by law established, nothing was farther from his thoughts than the performance of it. This will very clearly appear in the sequel. Wherefore this promise was only a lure used by the King to engage the Parliament to enable him to proceed without them. This happened accordingly, for this Parliament, which had but two short sessions, was the only one the King called in his Reign.

The second remark is, that when the King said, he would not suffer the Government to be precarious, (that is to depend upon the supplies the Parliament should grant him from time to time) he plainly intimated, he meant to govern in a different manner from his predecessors, since among all the Kings of England, there was never any whose Government was not supported by the aids of the Parliaments.

The third is, that the objection which he fore saw would be made to his desire concerning his revenue, was so strong, that he could find no other reason to answer it than a menace, which ought rather to induce the Parliament to guard against it. For if the King, in case of refusal, thought himself powerful enough to make the Parliament repent, how much greater reason was there to fear, if he should be enabled to proceed without the Parliament, and to execute his threat.

This Parliament, according to some Historians, was better complied than any for many years past. All the members were rich, zealous for their Country, good Churchmen, averse to all republican or anti-monarchical principles, faithful to the King, and of so wonderful harmony among themselves, that the like had never been seen. The meaning of all which in short is, that they were Tories without any mixture of Republicans, Presbyterians, or Whigs. This Parliament consisted indeed of persons prepossessed in favour of the King, who imagining that, according to his promises, he would never meddle with the Laws or Religion, believed it a signal service to the Kingdom, to enable the King to oppose effectually the attempts of the Whigs. They were mistaken in their supposition: But it cannot be inferred from their conduct, that they intended to betray the Nation's interests, as they plainly shewed afterwards.

Other Historians do not give the same idea of this Parliament. They pretend, the members for the most part, being elected by the intrigues of the Court, were Tories, and most violent for the doctrine of Passive-Obedience, and for that reason surrendered the liberties of the people, and paved the way for the King to become absolute, by granting him such a revenue as enabled him to govern without a Parliament (2).

Though these two assertions with respect to this Parliament, seem to be opposite, it is however easy to reconcile them, on supposition of a thing which is very true, namely, the Parliament was deceived by the King's promises. So, the only difference between these two opinions, is, that the Whigs accuse the Tories of betraying the interest of their Country, with premeditated design, and the Tories, without denying that they acted indeed against the interests of the Kingdom, maintain that they did so, through a too great confidence in the King's word, given from the Throne in the most solemn manner. It will hereafter be seen, that the Parliament had no such intention, as is imputed to them: But I cannot say their imprudence may be so easily vindicated.

However this be, both Houses pleased with the King's speech, waited on him the same day with an address of thanks; to which the King answered, "That he was very well pleased with their thanks, and could repeat no more than what he had said in the morning, and that he should find that to be as good as his word."

This confirmation was so agreeable to the Commons, that when they returned to their House, they voted immediately, *namine contradicente*, "That all the revenue enjoyed by the late King at his death, should be granted to his present Majesty, and settled upon him during his life." Thus the constant and ordinary revenue of the late King, which, according to the intent of the first Parliament, held in his Reign, was to be twelve hundred

(1) The King's aim, in this latter part of his Speech, was to prevent a Motion, which was talked of abroad, though none ventured to make it in the House. "That it was fitted to grant the Revenue only for a Term of years." *Barnet*, p. 598.

(2) *Barnet* says of this Parliament, that all Arts were used to manage Elections, so that the King should have a Parliament to his Mind. Complaints came up from all Parts of England, of the injustice and Violence used in Elections beyond what had ever been practised in former Times. In the new Charters that had been granted, the Election of the Members was taken out of the Hands of the Franchise, and referred to the Corporation Men, all those being left out, who were not acceptable at Court. In some Boroughs they could not find a Number of Men to be depended upon: So the neighbouring Gentlemen were made Corporation men: And in some Places, Persons of other Counties, not so much as known in the Borough, were named. This was practised in the most avowed Manner in Cornwall by the Earl of Bath, who put the Officers of the Guards Name in almost all the Charters of that County; so that the King was sure of Forty four Votes on all Occasions. There were not above Forty but what were thus chosen. *Barnet*, p. 640.

1685. thousand pounds Sterling, but which amounted to above double that sum; this revenue I say, which two Parliaments had spent about two years in settling, was granted to James II. in the space of two hours. They who speak most moderately of this revenue, compute it at more than two millions. But a Historian (1) pretends, that including the one hundred and fifty thousand pounds, enjoyed by the King while Duke of York, and annexed to the Crown, the whole amounted to above two millions five hundred and fifty thousand pounds. This liberality was not founded upon the services the King when Duke of York had done the nation, but solely upon his promises to support the Government of the Church and State. But through extreme prejudice, the Parliament was not aware that by granting the King for life such an immense revenue, they enabled him to maintain an army and fleet without the assistance of Parliament, and consequently to subvert those that should dare to oppose his will, as he did accordingly.

The Commons having given the King so real a demonstration of their zeal and affection, the Lords were willing likewise to shew him how much they were devoted to him in whatever lay in their power. To that end, the King having sent a warrant to the Attorney-General to enter a *Noli Prosequi* upon the indictments against the popish Lords, who had been prisoners in the Tower for the plot, and against the Earl of *Dartley*, the House of Peers annulled their order the 19th of *March* 1678-9, and entirely discharged those Lords who had been released only upon bail.

The proceedings in favour of the Popish Lords, made way for a Bill to reverse the Attainder of the Lord Viscount Stafford in 1680. The sole reason alleged in the Bill for this reversal was in these words: *That it is now manifest, that the said William late Viscount Stafford was innocent of the treason laid to his charge, and the testimony upon which he was found guilty was false. Be it enacted, &c.* Thus, the preparers of the Bill founded the Lord Stafford's innocence upon *Oates's* being condemned for perjury, though in *Oates's* trial there was not a word of his testimony against *Stafford*. Nevertheless, the Bill was passed by a majority of voices. But such of the Lords (2) as opposed it, entered their dissents for the following reason:—

7. Because the assertion in the Bill of its being *now manifest*, that the late Viscount Stafford died innocent, and that the testimony by which he was convicted was *false*, which are the sole grounds and reasons given to support the Bill, are destitute of all proof, warrant, or testimony, or matter of record before us.

2. That the record of the *King's Bench* read at the Committee, concerning the conviction, last term, of one of the witnesses for perjury, in collateral points of proofs, of no affinity to the *Lord Stafford's* trial, and given several years before, it is conceived, can be no ground to invalidate the testimony upon which the said Viscount was convicted, which could never legally be by any witness, and was in fact by the judgement of his Peers, on the evidence of at least three.

3. It is conceived, the said judgement in the *King's Bench* was unprecedented, illegal, and highly derogatory to the honour, judicature, and authority of this Court, who have power to question and punish perjuries of witnesses before them, and ought not to be imposed upon by the judgements of inferior Courts, or their attainer of a Peer invalidated by implication; and the Popish Plot, so condemned, pursued, and punished by his late Majesty and four Parliaments, after public solemn devotion through the whole Kingdom, by authority of Church and State, to be eluded to the arraignment and scandal of the Government; and only for restoring the family of one Popish Lord. And all this being without any matter judicially appearing before us to introduce the fame; and the records of the tryal not suffered to be read, for the information of the truth, before the passing of the Bill.

4. For many other weighty reasons, offered and given by divers Peers in the two days debate of this Bill, both at the committee, and in the House.

The Parliament of Scotland was still extremely zealous for the King's interest. Besides the AEs before-mentioned, they passed one for granting the King during life the yearly sum of two hundred and sixty thousand pounds; and another declaring, That the giving or taking the national Covenant, or the solemn League and Covenant, or owning them as lawful or obligatory, should incur the crime of high-treason.

Since the Earl of *Argyle's* escape after his condemnation in 1681, he had kept himself concealed at *Asterdam*, where very few persons in *Scotland* knowing where he was. He waited there for a favorable opportunity either to make his peace with the King, or to raise in *Scotland*, where he thought he had many friends, an insurrection, which should put him again in possession of his estate. He believed a fair occasion offered for an insurrection after the death of *Charles II.*, knowing that the Duke of *York*, who was to succeed, was beloved neither in *Scotland* nor *England*. For though, in both Kingdoms, the Government, and all the publick offices were in the hands of the Tories, the Earl of *Argyle* imagined, that if by his credit he could raise an army in *Scotland*, all the Presbyterians would lift under his banner, and then his party would be much superior to the King's.

rance, Whilſt he was full of theſe thoughts, the Prince of O. Borneat, 644.
 range, foreſeeing, the King his Father-in-law would ſoon
 deſire the States to deliver up the Duke of Monmouth, ad-
 vided him to retire elſewhere. The Duke follow'd his ad-
 vice, and withdrew to Bruffells. But fearing he was not ſafe
 there, and that the Court of Spain would think proper
 to ſacrifice him to King James, he repaired privately to
 Amſterdam, where he had frequent conferences with Argyle.
 They had nothing ready to make an attempt, which might
 have the leaſt appearance of ſucceſs. They were both
 without money, and not juſt of their friends in England or
 Scotland to ſecond their purſuits. Mean while, the Earl ſid. p. 639.
 of Argyle meeting at Amſterdam with a rich Widow, who
 lent him ten thouſand pounds, the unexpected ſupply
 encouraged him, that he reſolv'd to make a deſcent in
 Scotland, where he hoped, that his name, his credit, and
 the cauſe he intended to ſupport, would procure him friends
 enough. But the Duke of Monmouth was not in ſo fa-
 vourable a ſituation. He flattered himſelf, that the enmity
 of the Whigs againſt the Duke of York would revive, when
 they ſhould fee one at the head of their party: but he had
 yet no private correſpondence with ſuch of the nobility
 and gentry, whoſe credit would be able to ſupport him,
 and moreover he wanted money. However, the Earl of
 Argyle perceiving how advantageous it would be to him,
 that the Duke of Monmouth ſhould make an invasion in
 England, whilſt he ſhould himſelf do the like in Scotland,
 he ſuſtained that at length he perſuaded him to try the
 ſame fortune, though not till after the Duke had long re-
 fiſted his ſolicitations. Indeed, as the Duke's affairs then
 flood, it was a rash undertaking, eſpecially as it was to
 be executed when the Parliament was fitting. But ſome
 of his friends, very unfit to manage ſuch a deſign, and who
 were tired with living in exile, did all they could to in-
 courage him (4). He therefore promiſed Argyle, that as
 ſoon as he ſhould hear of his landing in Scotland, he would
 not fail to make a deſcent in England.

Upon this poffitive promise, the Earl of *Argyle* laid
with three small ships laden with arms for five thousand men,
having with him some *German officers* and some soldiers
raised in *Holland*. He arrived the 5th of *May* before
Orkney in the north of *Scotland*, and sent his Secretary on
shore for intelligence how the Country stood affected.
But the Secretary being seized and brought to *Edinburgh*,
the Earl found nothing was to be done in those parts.
Wherefore he put to Sea again, and landed in the *West* May 20.
Highlands, at a place called *Durrisnaga*, a ruinous castle
formerly his own. Here he left his arms and ammunition,
and then published two declarations mentioned by the King
in his Speech to both houses. Whereupon the Parliament
of *Scotland* now sitting, passed an *Act*, That all the Sub-
jects of *Scotland* should take the oath of allegiance anew,
and assert the royal prerogatives whenever they should be
required, upon pain of banishment or imprisonment.

The King, we have seen, communicated to the Parliament of England but one of *Argyle's* declarations: however presently after he imparted also the other. Whereupon both Houses came to this resolution, That they would assist his Majesty with their lives and fortunes, against the Earl of *Argyle* and his adherents, and all other traitors whatsoever. The King very graciously thanked

(1) *Roger Cole*; who says that the Customs, and of
 Hundred and fifty thousand pounds. *Tom. II. p. 117.*

(b) The Earls of *Anglesry*, *Radnor*, *Stanford*, *Clare*; and the Lord *Burn*. *Kennet*, p. 441, 442.

(4) Particularly *Wade, Evanson*, but chiefly the Lord Cans and the Lord Mountbatten who followed him to *Ben-Gali* deliberately to lure a

And both he and she came to fancy, that he being married to his Dutchess while he was indeed of the Age of Conson, but not repulse of a free one, the Marriage was null; so they lived together. *Barter*, p. 630.

1685. them, and in his answer to the Lords, renewed his former promise.

Project of the Committee of Religion against the Presbyterians, is recd. 18th. p. 751.

May 22.
Kenne.
p. 441.

The committee appointed by the House of Commons for the affairs of religion, and which, no doubt, consisted of the most zealous Churchmen, considered the Earl of Argyll's invasion in Scotland, as an outrage committed by all the Presbyterians of both Kingdoms. Though the particulars of this invasion could not yet be known, except only that the Earl of Argyll was landed in Scotland, and had published two declarations, the Committee took occasion to draw up two votes, namely, 1st. That it is the opinion of the Committee, that this House will stand by his Majesty with their lives and fortunes, in defence of the Reformed Religion of the Church of England, as it is by law established. 2^dly. That an humble address be presented to his Majesty, to desire him to issue out a proclamation, to cause the penal Laws to be put in execution against all Dissenters whatsoever. This last vote was the pure effect of the Committee's prejudice, founded on the King's promise, that he would support and preserve the Church of England to the utmost of his power. Probably, they imagined, the King, though a Papist, was ready to proceed with vigour against all the enemies of that Church. But the previous question being, Whether the question should then be put for the House to agree with the Committee? it was carried in the negative. It was considered, 'twould not be agreeable to the King to cause the penal Laws to be executed against all Dissenters, and consequently against those of his own Religion. On the other hand, it was not proper to confine the order to the Presbyterians in particular, without mention of the Papists. For these reasons, the House, after mature deliberation, came to the following resolution, *Neminis Contradicentes*, "That this House doth acquiesce, and entirely rely, and rest wholly satisfied on his Majesty's gracious word, and repeated declaration, to support and defend the Religion of the Church of England, as it is now by Law established, which is dearer to us than our Lives." This vote clearly shows, that though the Commons and Tories in general expressed a very great zeal for the King's interest, they had no intention to countenance the *Remiss* Religion, tho' some of their enemies have been pleased to draw such an inference.

Pursuant to this resolution, when the Revenue-bill was ready, and the King came to the House of Peers to give the royal assent, the Speaker of the Commons made the following Speech:

Most gracious Sovereign,

The Speech of the Speaker of the King's May 30. Kennet. p. 437. Edmund. III. p. 753.

"WE the Knights, Citizens, and Burgesses of the House of Commons assembled in Parliament, do present to your Majesty the revenue you was pleased to demand at the opening of this Parliament, wherein we proceeded with as much speed, as the forms of passing bills of that nature would admit. We bring not with it any bill for the preservation or security of our Religion, which is dearer to us than our lives. In that we acquiesce entirely, and rest wholly satisfied in your Majesty's gracious and sacred word, repeated declarations, and assurance to support and defend the Religion of the Church of England, as it is now by law established. We present this revenue to your Majesty, without the condition of any additional, appropriating, or tacking clauses whatsoever. And we humbly beseech your Majesty to accept of it, and along with it our hearty prayers, That God Almighty would bless you with a long life, and happy reign to the end of it."

Quæstio. N^o. 9019.

Upon the passing this bill, his Majesty was pleased to make this Speech to both Houses.

My Lords and Gentlemen,

"I Thank you very heartily for the Bill you have presented me this day; and I assure you, the readiness and cheerfulness that hath attended the dispatch of it, is as acceptable to me as the Bill itself. After so happy a beginning, you may believe I would not call upon you unnecessarily for an extraordinary supply: But when I tell you, that the stores of the navy and ordnance are extremely exhausted; that the anticipations upon several branches of the revenue are great and burthenome; that the debts of the King my brother, to his servants and family, are such as deserve compassion; that the Rebellion in Scotland, without putting more weight upon it than it really deserves, must oblige me to considerable expence extraordinary; I am sure such considerations will move you to give me an aid to provide for those things, wherein the security, the ease and the happiness of my Government are so much concerned. But above

"all, I must recommend to you the care of the navy, the strength and glory of this Nation, that you would put it into such a condition, as may make us considered and respected abroad. I cannot express my concern upon this occasion more suitable to my own thoughts of it, than by assuring you, I have a true English heart, as jealous of the honour of the nation as you can be; and I please myself with the hopes, that by God's blessing, and your assistance, I may carry the reputation of it yet higher in the world than ever it has been in the time of any of my ancestors. And as I will not call upon you for supplies, but when they are of publick use and advantage, so I promise you, that what you give me upon such occasions, shall be managed with good husbandry; and I will take care it shall be employed to the uses for which I ask them."

If ever there was occasion to repeat his promises concerning Religion, and the nation's Liberties, it was doubtless immediately after receiving from the House of Commons so real a proof of their zeal, founded, as the Speaker said, upon their confidence in the King's word. But it was by no means proper for the King to renew a promise he did not intend to perform. When this promise had procured him what he desired, it was entirely forgot; and if it was sometimes mentioned among the King's adherents, it was only to palliate the violation of it, as will hereafter appear.

The very moment the King thanked the Commons for their noble present, they had occasion to perceive their error, in not appointing the uses to which such an immense revenue should be applied. It manifestly appeared by the King's Speech, that he did not pretend to employ this revenue solely in the usual expences of the Government, since at that very time, he demanded a great and extraordinary aid, for all the other things enumerated by him, and even for the maintenance of the navy, as if his revenue had been too inconsiderable to supply his occasions.

In short, it must appear strange, that James, for having gained one naval victory, should affect to exalt himself above all his predecessors. This was a vanity which did not seem to become him. Besides, it will hereafter be seen, that nothing was farther from his thoughts than the design of promoting the honour and reputation of the English nation. Nevertheless, the Commons highly pleased with the King's Speech, granted him an additional duty of excise upon Wines and Vinegar, with a further imposition upon Sugar and Tobacco.

Steuart. II. p. 130.

Whilst these things passed in England, the Earl of Argyll was endeavouring to strengthen himself in Scotland, dispersing declarations, and sending letters upon letters to his relations and friends. But though he was in his own county of Argyll, and the inhabitants had been formerly his vassals, all he could do was to assemble two or three thousand men. With this little army he crossed over, and landed in the Isle of But. But within few days, having notice that a great number of forces, under the command of [the Earl of Dumbarton,] the Duke of Gordon, the Marquis of Athol, the Earl of Arden, and others, were advancing towards him from several parts, in order to surround him, he was forced to shift from Island to Island, to avoid them. This he could easily do, by means of his three ships, and several small boats, till he heard that three men of war, and some frigates, would come and attack him. Then, he marched into Argyllshire towards Inverary, ordering his vessels and boats to come and join him. But they were hindered by contrary winds from doing it soon enough. So, finding himself surrounded on all sides, and considering that few came to join him, and that his troops began to desert, he gave out, that he intended to attack the Marquis of Athol, who was at Inverary. But at the same time, he ordered the old castle of Ellengray to be fortified in the best manner possible, and leaving his cannon there, with a garrison of one hundred and eighty men, marched into Dumbartonshire. The same day, the King's ships came up to the castle, with intent to batter it, but the castle surrendered upon the firing of the first gun. By which the Earl lost five thousand arms, five hundred barrels of powder, and all his cannon, besides his three ships which were also taken at the same time. This loss discouraged Argyll, as well as his officers, that from that moment they thought only of means to escape. But as, after the loss of their ships, there was no way to fly out of Scotland, they retired from place to place with all possible speed, even to the swimming of rivers. But they were hotly pursued, that they were forced at length to disperse into small parties (1), in order to save some, in case the rest should have the misfortune to be overtaken. At last, not to be tedious, I shall say in two words, the Earl of Argyll

having

(1) It was then generally believed, that they were betrayed by Sir John Cuthbert, one of those that came over with Argyll. For he undertaking to provide Guides to conduct them safely into Gallinewy, and either mistaking the way, or delugately mistaking them, he carried them into a B.G. where they left their Marins and Baggage. Kennet, p. 446.

1685. having received a wound in his head, was obliged to quit his horse, and run into the water up to his neck to save himself. In this posture he was taken by a countryman, who threatened to knock him down if he would not yield (1). This happened on the 17th of June, twenty-eight days after his first landing in Scotland. He was not suffered to languish long. For, being brought to Edinburgh with great ignominy, his head was cut off in a few days, and placed on the *Toll-Booth* of the City (2). *Rumold*, one of his friends and confidants, was likewise taken and executed with several others (3). Thus the King, without having contributed scarce any thing to it, saw himself delivered from the danger which threatened him from Scotland.

The Duke of Monmouth, pursuant to his promise to *Argyle*, sailed out of the *Tweed* the 24th of May, with a small man of war of thirty two guns, and two other vessels. He met with such contrary winds, that he was nineteen days at sea, though without being discovered by the King's ships which waited in the Channel to intercept him, the King having had no early notice of his design, that *Stirling*, his Majesty's Envoy at the *Hague*, had obtained an order from the States to arrest him. For which reason, the Duke departed sooner than he intended. At last, he landed the 11th of June, with about eighty followers, in the West of England, near *Lyme*, and the same day repaired to the town, where he was received without opposition. Here he published a declaration against the King. As this declaration is well known, I shall only mention the most material things in it (4).

In the preface he said, "That Government was originally instituted by God, and this or that form of it chosen and submitted to by men, for the happiness and security of the governed, and not for the private interest, and personal greatness of those that rule. That the government of England was, above all others, happy in its primitive form, whereby the prerogatives of the Crown, and the privileges of the Subjects were so far from juggling one another, that the People's rights tended to render the King great, and the Prince's prerogatives were in order to the Subjects protection and safety. But that all the boundaries of the Government had of late been broken, and nothing left unattempted, for turning the limited Monarchy into an absolute tyranny."

Then the Duke proceeded to impute to the King all the mischiefs in the reign of *Charles II.* as, "the burning of *London*, the alliance with *France*, the two wars with *Holland*, the popish Plot, *Godfrey's* murder, the Protestant-plot, the suborning witnesses to swear the most zealous patriots out of their lives, the hiring of villains to assassinate the Earl of *Essex*, and causing others to be clandestinely cut off, the frequent prorogations and dissolutions of the Parliaments."

He next proceeded to what the Duke of *York* had done since he assumed the title of King, as "the avowing himself of the *Romish* Religion; his publishing two Proclamations, one whereof required the collecting of the Customs, and the other continued that part of the Excise which was to expire at the King's death; his advancing those to the Bench that were the scandal of the Bar, and constituting those very men to declare the laws who were branded in Parliament for perverting them; his causing Juries to be packed, false returns to be made, and new illegal Charters to be granted, in order to have a Parliament that should, instead of preserving the People's liberties, establish his arbitrariness, and confirm the Subjects thralldom." He declared moreover, "That he did not take up arms to revenge any personal injuries, but solely for vindicating his Country's Rights and Laws." He did not fail however to affirm, "That his mother was lawful wife of *Charles II.*" In conclusion, he accused the King of poisoning the late King his Brother. The rest of the declaration contained the usual protestations and invitations in papers of this nature.

Though the facts contained in this declaration cannot be looked upon as proofs that the King was guilty of what the Duke of Monmouth laid to his charge, they may serve however for proof, that the King from that time was accused of them, at least by some men, and that these accusations were not invented after his fall.

The King having communicated to both Houses the Duke of Monmouth's landing at *Lyme*, they presented an address to him, assuring him of their zeal and assistance, and immediately after the Commons proceeded to a Bill of Attainder against the Duke of Monmouth (5). At the same time they desired his Majesty to issue a Proclamation, promising a reward of five thousand pounds to any that should bring in the Duke dead or alive. The Bill of Attainder was dispatched by the Commons in two days, and in one by the Lords.

The 16th of June the King came to the House of Commons, and gave the royal assent both to this Bill and the money-bills before-mentioned. Two days after he sent a messenger to the Commons, to acquaint them, that he judged it necessary for the members to be present in their respective Counties, and therefore designed there should be an adjournment in a few days; desiring there might be a good fund for a present sum of money, to answer the immediate charge his Majesty must be at, on account of the Duke of Monmouth's rebellion in the West. Upon this message the Commons voted a supply of four hundred thousand pounds for the King's present extraordinary occasions.

The two Houses were so expeditious to answer the King's desires, that on the 27th of June there were twelve Bills ready, most of them for the King's benefit; and on the 2d of July, four more (6), besides private Bills. That day, the Parliament was adjourned to the 4th of August. But the Lord Keeper gave notice, that the King did not intend there should be a session, but that the members above *London* should meet and adjourn themselves as there should be occasion, till winter, or till the King should appoint the time by Proclamation. Thus ended the first session of this Parliament, having done in six weeks what no other ever did in many months (7).

The Duke of Monmouth's followers, who were not above eighty two when he landed at *Lyme*, increased to two thousand in three or four days. This made him hope they would continually increase as he advanced into the country. Wherefore, he departed from *Lyme* the 15th of June, and came the same day to *Amersfort*. He thence prevented *Christopher Monk Duke of Albemarle*, who with four thousand of the Militia intended to go thither in order to besiege him in *Lyme*. The Duke of Monmouth being come to *Amersfort*, disposed his troops in such manner, that *Albemarle*, instead of attacking him, thought proper to retreat, perceiving his Militia-men had no inclination to do their duty. *Albemarle's* retreat enabled the Duke of Monmouth to march to *Taunton*, where he arrived the 18th, and was received with loud acclamations. His army being considerably increased during a five or six days stay at *Taunton*, he imagined his affairs were in a prosperous way, and that all the Country would join him. In this expectation he called a Council, where it was resolved he should assume the title of King. He had already insinuated in his Declaration, that he was lawful son of *Charles II.* and thereby shown, that he pretended to the Crown. But, in all likelihood, he would not have taken the title so soon, had not those about him (8), represented to him, that appearing in arms against a King actually on the throne, he must be accounted a rebel as long as that King's right was acknowledged. That therefore, neither the Nobility nor People could have any pretence to join him, whereas by taking upon him the royal style, he would have the same advantage as *James* with regard to right. Probably, there was no occasion to use many other arguments to prevail with him. What he had intimated in his Declaration, plainly shows, that this was the end he proposed to himself. The only thing therefore was to consult about the most proper

(1) The Earl presented a Pistol to the Countryman, but it missed fire. Whereupon the other gave him a Blow on the Head, which he flung him that he fell, and in falling cut his Throat. *See Kennet, p. 437.*

(2) Pursuant to the sentence passed three Years before, which made his Death to be looked on as no better than Murder. He justified all he had done to his life till, he was unjustly sentenced to it and that dissolved his Allegiance. He complained of the Duke of Monmouth much, in delaying his coming to long after him, and for admitting the Name of King, both which he said was contrary to their Agreement in parting. *Barrow, p. 614.*

(3) *Argyle* and *Rumold* were taken, who, though Englishmen, had chose rather to follow *Argyle* than Monmouth. *Rumold* was the Person that dwelt in *Row-Hill*, where it was pretended the Plot was laid for murdering the late and present King. He denied the Truth of that Conspiracy. He owned that he had heard many Propositions at *Wells's* Chambers about killing the two Brothers, and upon that he had said, it could have been easily executed near his House; upon which some Discourse had followed how it might have been managed. But he said, it was only Talk, and that nothing was laid out so much as resolved on. He said he was the King's Government, and did not believe that God had made the greater part of Mankind with Swords on their Buckles, and Brutes in their Mouths, and some few houses and spires to ride the rest. When *Argyle* was brought to *London* and examined by the King, he refused to discover any thing. Whereupon the King said, *Mr. Argyle*, you know it is in my Power to pardon you, therefore say that which may deliver it. He answered, *as it is said, though it is in your Power, it is not in your Nature to pardon.* He was Neighbor by Marriage to the old Earl of *Clarendon*. But that could not deliver him. *Barrow, p. 613.*

(4) It was written, *the Declaration of James Duke of Monmouth, and the Noblemen, Gentlemen and others, now in Arms for the Defence and vindication of the Protestant Religion, and the Laws, Rights, and Privileges of England.* It was long, (says *Barrow*) and ill printed: full of black and odd Mistake; it was plainly *Ferguson's* Style, which was both long and foolish. *p. 64.*

(5) The Commons, in their Address, called the Duke of Monmouth — *That insupportable Rebel.*

(6) One was, to erect a new Church, to be the Library of *Windsor*. (7) The ending of this session, says *Barrow*, was no small Happiness to the Nation; such a Body of Men being dissatisfied with doing so little Hurt, *p. 64.*

(8) Particularly *Ferguson*. See *Kennet, p. 431.* Note (c).

1685. time for it. In short, pursuant to the advice of those he consulted, he was proclaimed King at *Taunton* the 30th of June by the name of *James II.*

He began his pretended Reign with three Proclamations. By the first, he promised the sum of five thousand pounds to any that should bring the Duke of *York* dead or alive. By the second, he declared the Parliament now sitting a seditious assembly, and gave power to any that would lay hold of the members as rebels and traitors, if they did not separate before the end of *June*. The third was to declare the Duke of *Albemarle* a traitor, who lay within six miles of *Taunton* with his Militia-men to attack him, if he found opportunity.

The 1st of *June* the Duke marched for *Bridgewater*. He was received there as at *Taunton*, especially as his army was increased to five thousand men, and might have been more numerous, had he been able to arm those that offered to serve him. Besides arms he wanted all good Officers, scarce any but the meanest of the people having joined him. After causing himself to be proclaimed in *Bridgewater*, and his three Proclamations to be read, he marched for *Brighthelm*, where the inhabitants were inclined to receive him, had they not been awed by the Duke of *Beaufort* their Governor. He advanced however within three miles of the City, at the instance of some *Brighthelm* men, who assured him, he would be received in spite of the Governor and the garrison. But in the mean time, he had notice that the King's forces were advancing, which made him alter his resolution of attempting *Brighthelm* to that of retreating to *Bridgewater*. He marched therefore towards *Bath*, and after vainly summoning that City to surrender, he beat up one of the King's quarters at *Philip's Norton*, where lay a troop of horse, which were entirely defeated (1). From thence he advanced to *Frome*, where he met with a cheerful reception. But unhappily for him, the King's party had found means a few days before to disarm all the inhabitants, so that he was disappointed, his chief aim being to seize these arms for such of his men as wanted them. At *Frome* he heard of the Earl of *Argyle's* defeat, which threw him into a great consternation. However, he resolved to pursue his march, and return to *Bridgewater*.

Whilst these things passed in the West, the King was preparing at *London*, with all possible diligence, for his defence against an enemy who could not but make him extremely uneasy. But he had not many regular troops, and those dispersed in several parts of the Kingdom. This obliged him to raise the Militia, principally in the western counties, till the arrival of the six *English* and *Scotch* Regiments which were to come from *Holland*.—On this occasion, the Prince of *Orange* his Son-in-law sent Monsieur *Beninck*, with an offer of his person to head his army: but the King did not think proper to accept it. Mean while, as he had no great confidence in the Militia, he sent down his guards, and all the regular troops he could assemble, and formed a little army of two thousand Foot, and seven hundred horse and dragoons. He gave the command to *Lewis Duras* Earl of *Feversham*, brother of the *Marshall Duras* and *de Loge*, and nephew to the late *Mr. de Turin*. With these few troops, the Earl of *Feversham* encamped at a place called *Sedgemoor* near *Bridgewater*, whilst several parties of the Militia of the neighbouring counties lay about him, under the command of the Dukes of *Beaufort*, *Somerfet*, *Albemarle*, and the Earl of *Pembroke*.

The Duke of *Monmouth*, who was come to *Bridgewater*, looking upon himself as besieged, and considering that the King's forces daily increased, whilst his own began to desert, held a Council of War, wherein it was resolved to march in the night, and surprize the Earl of *Feversham*, who was encamped that day at *Sedgemoor*, and according to the report of the spies, little expected to be attacked. Pursuant to this resolution the Duke began his march about eleven at night with profound silence, and within two hours fell in with *Dawbert's* regiment, which, lying in an advanced post, gave the alarm to the royal army, and by that they had time to draw up and receive their enemies. The particulars of the battle, which was fought about an hour after, are not well known. Thus much is certain, the Duke of *Monmouth's* horse commanded by the Lord *Grey* behaved very ill (2), though superior to the King's in number, and were routed at the first charge. The Duke of *Monmouth*, in the head of the foot, long fought with great bravery. But being defeated by his own, and attacked by the King's horse, his army was at last forced to take to flight. The loss of this battle was ascribed to the little experience or cowardice of the Lord *Grey*, who commanded

the horse, and was even suspected of treachery. What confirmed this suspicion was, that being made prisoner he readily obtained the King's pardon. It is said moreover, that when he so ill performed his duty, instead of endeavouring to rally the horse, he rode up to the Duke of *Monmouth* and told him, *all was lost, and it was more than time to shift for himself* (3).

This battle was fought the 6th of *July* at break of day. There were slain on the Duke of *Monmouth's* side three hundred men on the spot, a thousand in the pursuit, and as many taken prisoners. The Duke retiring out of the fight, could hardly rally fifty horse to secure his retreat. But these being quickly dispersed, he was obliged to fly on foot, accompanied only with a *German* Count, whom he had brought with him from *Holland*. The Lord *Grey* was taken on the morning, and the day after, the Duke of *Monmouth* was found in a ditch covered with fern, with some green pease in his pocket. Probably he had eaten nothing else for two days. He was brought to the Lord *Lansley*, who immediately conveyed him to *London*.

No sooner was the Duke taken, but he believed himself lost, and yet he retained some hopes that the King would be moved by his submission and repentance, and the Queen *Dowager* would intercede for him. In this belief, he wrote to the King for pardon in the most submissive terms he could devise, and which he thought most apt to move his compassion. He writ also to the Queen *Dowager*, who really interceded for him, and prevailed with the King to see the unfortunate Duke. She made no doubt, that since the King had consented to see him, he intended to pardon him; but she was mistaken. The Duke being brought to the King's presence, threw himself at his feet, and begged his life in a very submissive or rather abject manner. The King, after asking him some questions, made him sign a declaration, whereby he owned, that the King his father assured him, he was never married to his mother. This done, the King told him, his crime was of too great a consequence to be forgiven, and therefore he must prepare to die. The Queen, who was present, is said to have insulted his misfortune in an unmerciful manner. The Duke seeing no hopes left, rose from the King's feet with an air of bravery, which would have better become him when he first came into his presence, and was carried to the Tower to prepare for death. The King's and Queen's behaviour on this occasion was thought very strange, Princes not being used to admit criminals to their presence, but when they design to grant them a pardon. I do not find in any Historian, that the Duke was proceeded against in the usual forms. So, probably, he was condemned by the King alone.

Till his execution the King ordered *Turner* Bishop of *Ely* to attend him, and prepare him to die. The Duke writ once more to the King for pardon, or at least for a longer time, and desired him to send him *Dr. Tennison* (4) or any other Divine. The King denied the two first articles of his request; and appointed *Kim* Bishop of *Bath* and *Wells*, to go and acquaint him, that he must die the next morning.

In the morning, *July* the 15th, *Dr. Tennison* and *Dr. Hooper* were brought to him, and attended him till the last hour of his life. By their exhortations they persuaded him to give it in writing, that the King his father told him, he was never married to his mother. He confessed also, that his invasion was a sin, but would never own it a rebellion. There was another point about which the two Divines could not receive from him any satisfaction, namely, his loving with the Lady *Herriet Wentworth*, though he had a Duchess of his own, and his pretending to be lawfully married to her before God, alledging, that his first marriage was null, as being too young when he gave his consent. All the pains taken by the two Doctors to convince him of the falsehood of his opinion were fruitless, nay, he chose rather to deprive himself of the Communion, than own his engagements with that Lady to be unlawful.

When he was on the Scaffold, he declared, he died a Protestant of the Church of *England*. But *Turner* and *Kes* stopped him, and said, that to be a member of the Church of *England* he must believe the doctrine of Non-Resistance. He answered, he could not help it, but he did not believe it, yet he approved the doctrine of the Church in all other things. At last, he laid his head on the block, which was not severed from his body until the fifth stroke. Thus died the Duke of *Monmouth*, who had long been the people's idol, and whom *James* always considered as a very formidable rival. *Charles II.* died very testably to free the Duke his brother from the uneasiness created him by this competitor. But though *James* had mounted the

(1) *Henry-Fitz-Roy*, Duke of *Orford*, mercifully escaped with his Life. Kennet, p. 431.

(2) They were mounted on ordinary *March* mares and Cobs, that would not stand the noise of Drums and Guns. Kennet, p. 431.

(3) But, after all, it seems there was no ground for imputing him of treachery. And as for his being preserved, it was done, that the Earl of *Rockingham* might enjoy his Estate, which could not be without saving that Lord's Life, since his Estate was entailed. See Kennet, p. 431. Note *Dowager*, p. 646.

(4) Afterwards Archbishop of *Canterbury*.

1685. throne, the Duke of Monmouth endangered his Crown. Neither the victory at *Sedgeborough*, nor *Arcole's* defeat in *Scotland*, could be ascribed to the valour or conduct of the King, but to mere chance, or rather to the direction of Providence, which, for the welfare of *England*, was pleased to use proper means to be more plainly distinguished.

The King being thus freed from his greatest fears, gave himself over entirely to the passion of revenge on those who directly or indirectly had assisted the Duke of Monmouth. To that end, the Lord Chief-Justice *Jeffries* was sent with four Judges affiants, into the West, with a special commission of *Oyer and Terminer*, to try the late rebels; and Major-General *Kirk* was ordered to attend him with a body of troops to keep the people in awe. It was not possible for the King to find in the whole Kingdom, two men more destitute of Religion, Honour, and Humanity. They were two cruel and merciless tygers, that delighted in blood. I shall relate here but some few of their barbarous actions: For a particular account of all their proceedings would be too great a digression.

At *Winchester*, the widow of the Lord *Liste* (1), one of *Charles I.*'s Judges, was brought before him to be tried. Her crime was the harbouring and concealing Mr. *Hicks* a Presbyterian Minister (2) of the Duke of Monmouth's party, though his name was in no proclamation, and one *Nelther* who was a stranger to her. The Jury not satisfied with the evidence, brought her in not guilty. But *Jeffries* in great fury, sent them out again. They found her not guilty three times: But *Jeffries* threatening them with an attainder of *treason*, he was brought in guilty, and executed accordingly, being above seventy years old (3).

At *Dorchester*, *Jeffries*, to shorten his work, told thirty prisoners, that if they expected any favour, they should plead guilty. But as they did not care to take that course, he condemned twenty-nine, who were immediately executed.

In another place, two hundred persons being indicted, *Jeffries* positively promised a pardon to such as should plead guilty, and of the two hundred, he ordered four-score to be hanged.

In fine, not to enlarge on such a scene of horror, it suffices to say, that *Jeffries* condemned five hundred persons, whereof two hundred and thirty were executed, according to the lowest computation (4), and their quarters set up in the highways. *Jeffries* himself gloried in this barbarity, and boasted, that he had hanged more men than all the Judges of *England* since *William the Conqueror*. And yet he would have carried his cruelty farther, had not many purchased his favour with their estates. One Mr. *Priddle* (5) alone, gave him fourteen thousand pounds to save his life. As for those that had not money enough to buy pardons at his price, they were either hanged, or cruelly whipped, or sold for slaves into the *American* Plantations.

Kirk was not behind *Jeffries* either in cruelty or insolence. Immediately after the Duke of Monmouth's defeat, being sent to *Taunton*, he caused nineteen persons, by his own authority, without any trial or process, and without suffering their wives or children to speak with them, to be hanged with pipes playing, drums beating, and trumpets sounding. It was this doublet, that made him worthy to be an affiant to *Jeffries*.

In the same town of *Taunton*, *Kirk* having invited his officers to dinner, ordered thirty condemned persons to be hanged whilst they were at table, namely, ten in a health to the King, ten in a health to the Queen, and ten in a health to *Jeffries*. But one action he committed in another town beyond all imagination. A young girl throwing herself at his feet to beg her father's (6) life, he drew her in to prostitute herself to him, with the promise of granting her request. But having satisfied his brutal lust, he was so inhuman, as out of the window, to prevent the credulous girl with the sight of her father hanging on the Sign-post. This sad spectacle so affected the poor girl, that she fell distracted.

Father *Orlando*, who writ from the mouth of *James II.*, not being able to deny these barbarous executions, endeavours to excuse them two ways. He says first, that the King was informed of them too late to prevent them, and that the great services performed by *Jeffries* and *Kirk*, prevailed with him to spare them (7). He says, in the next place, that the King made amends for those injustices, as

far as lay in his power, by the general pardon he afterwards granted. But it is easy to see, how vain these excuses are, if it is considered, that when *Kirk* was charged with these cruelties, he answered, that *Jeffries* and himself acted far short of the King's instructions. Again, the King was so little displeased with *Jeffries's* conduct, that at his desire he made him Lord-Chancellor (8), the Lord-Keeper *North* dying while the Chief Justice was exercising his cruelties in the West. As for the general pardon, it was not published till several months after all these executions, when there were no more guilty to be found. The Court must have believed, that very few could have the benefit of the pardon, since a company of young girls, from ten to twelve years old, were infected by name, who, with chaplets of flowers on their head, had presented a bible to the Duke of Monmouth, at his entry into *Taunton*.

It was not only in the western counties that the King gave sensible proofs of his revengeful temper. The city of *London* was witness also of several executions in *October*, and among others, of *Elizabeth Gaunt*, who was publicly burnt for harbouring one of the Duke of Monmouth's adherents (9). Six men were hanged at *Tyburn* as traitors, for crimes of the like nature, and what a more strange, without any previous trial.

But the execution that made most noise, was that of *Alderman Cornish*. This man, who was Sheriff of *London*, at the time of the discovery of the popish Plot, had been very active on that occasion, which was grown an unpardonable crime in the present reign. *Cornish*, whose name had hardly been mentioned in the Rye-plot, not suspecting any thing, and following his profession, was seized on *Tuesday* the 15th of *October*, and hurried to *Newgate* without being allowed the use of pen, ink, and paper. The next *Saturday* evening, he had notice that he was indicted of High-treason, and that his trial was to be on *Monday* morning. On the morrow, he sent a petition to the King for a longer time, alleging, that he did not even know wherein consisted the treason he was accused of. The King referred his petition to the Judges, who absolutely denied his request. He was charged with conspiring against *King Charles II.*, with the Lord *Ruffell*, and the rest who had been executed for that affair, and condemned upon the evidence of the same witnesses, though he showed, in their depositions, manifest contradictions, and visible improbabilities. But it was resolved to revenge the death of those who suffered for the popish Plot, upon such as had been most active against the Papists. *Cornish* was executed as a traitor, the 23d of *October*. But the Parliament, in the year 1688, reversed the sentence, as well as those of some others, who had unjustly suffered in the beginning of this reign.

The last that died for the Protestant Plot, was *Charles Bateman*, a noted Surgeon, who was accused of holding several seditious discourses at that time against the Government. But many people believed, his chief crime consisted in his compassion to *Titus Oates*, having constantly attended him after his cruel scourgings, and used all his skill to cure his wounds. This man, who did not expect to be accused, grew distracted during his imprisonment, and the Court was so well satisfied of it, that his fun was permitted to make his defence for him. But his condition did not prevent his being condemned and executed.

The King was then in a flourishing state. His two greatest enemies were destroyed, and by his revenge upon those that had offended him, as well in his own, as in his brother's reign, he had struck such a terror into the whole Kingdom, that no man dared so much as to think of resisting him. The Whigs were entirely humbled, the Tories were triumphant, and the doctrine of Passive Obedience and Non-Resistance was openly preached, as an essential article of the faith of the Church of *England*. The King had a Parliament, which sought only to give him marks of their zeal, and ever ready to supply him with money for all extraordinary occasions, without his being obliged to meddle with his revenue. His army greatly contributed to make him feared, and keep the people in awe. *Scotland* was entirely subdued, and the managers of the affairs of that Kingdom seemed only to mind the enlarging of the Prerogative royal. As for *Ireland*, it will presently be seen, that he had not stayed till now to put that Kingdom in the state he desired. In fine, the Princes of *Europe* considering him

(1) He was one of *Charles I.*'s Lords, and Commissioners of the Great Seal.

(2) Brother of the late Dr. *Hicks*, Dean of *Winchester*.

(3) All the Favour the King would grant her, was to change her Sentence from Burning to Beheading. *State-Trials*, Tom. IV. p. 159.

(4) *Burnet* says above six hundred were hanged. p. 448.

(5) I am sure it was her brother's. See *Kennet*, p. 434. and *Richard*, T. III. p. 75.

(6) *Burnet* assures us, that the King had a particular Account of all *Jeffries's* Proceedings writ to him every Day. And he took Pleasure to relate them in the Drawing Room to Foreign Ministers, and at his Table, calling it *Jeffries's* Campaign. *Dynast* the States Ambassador told *Burnet*, that the King talked to often of these Things in his Hearing, that he wondered to see him break out into those Indecencies, p. 448.

(7) And ordered him Baron of *Hem* in *Stratford*.

(8) The Villain, upon hearing that the King would sooner pardon the Rebels than those that harboured them, by an order of *Barrelet*, went and delivered himself and accused his master harboured him, while he was looking for an Opportunity of sending him out of the Kingdom. Upon the Evidence of this infamous Witch, the Judge charged the Jury to find her Guilty. *Burnet*, p. 449.

1685.
Kennet,
p. 434.
Richard,
T. III. p. 775.
R. Coke.

Several Executions in London.
Of Elizabeth Gaunt,
burnt publicly
for harbouring one
of the Duke of
Monmouth's
adherents (9).
p. 437.
State-Trials
IV. p. 159.
See.

Of Alderman Cornish,
Sheriff of
London,
executed as a
traitor, the
23d of
October.
p. 437.
Richard,
T. III. p. 776.

October 19.

State-Try.
IV. p. 160.

Of Sir William
the Surgeon,
executed for
holding seditious
discourses.
p. 462.
Richard,
T. III. p. 780.

The King's
fourth
Condemnation.

1685. as a monarch able to incline the balance to which side he pleased, made, as I may say, their court to him, either to gain him, or at least to hinder him from turning against them.

He forms
new Projects

What therefore did James II. want to render his happiness complete? One thing, which affected him more than all the rest, but which he could not hope to obtain, without hazarding all his other advantages. This was, to make all his subjects Papists, or at least, to force them to pretend to be so. But this was not a thing easy to be accomplished, by reason of the great superiority of the number of the Protestants in *England* and *Scotland*. Nevertheless, he attempted it, imagining, that the opportunity was too favorable to be neglected. But as he used at first very gross artifices, obvious to all the world, he was obliged to support them with force, and to that end, he was to set himself above the laws. These two projects, of establishing an arbitrary Government, and destroying the Protestant Religion, were not of a late date. Every one knew they had long been in hand. But the *English* did not expect, the King would violate his repeated promises to support and defend the Religion established by law: Nay, some were so strangely blind, as to think it impossible for the King to break his word. But they were afterwards too sensible of their error. All the rest of this reign confits only in the means used by the King to execute this design, and in the measures taken by the *English* at last to stop his career. I must begin with the first of these points, before I proceed to the second.

Reasons
which should
have quick-
ened the
King from
following
them.

Many things should have diverted the King from forming such a project. First, the difficulty of the execution, which might have been easily foreseen. For if it is considered, that the Papists of *England* are not the thousandth part of the nation, it must be thought strange, that with this thousandth part it is attempted to compel the rest to change their Religion. I say compel, for what likelihood is there that, without compulsion, a whole nation may be persuaded to quit their Religion and embrace another, for which they have the utmost abhorrence? It will, perhaps, be said, that James had almost accomplished it, and that without a foreign aid, the *English* would have been forced to submit to the yoke. But the inconsiderateness of this aid, demonstrates, he was yet very far from his end.

Secondly, As to the absolute power, which must have been established, in order to introduce a Religion contrary to that of the whole Kingdom, he was much mistaken in supposing, that *France* would lend him a powerful aid for that purpose. For it was not the interest of *Louis* XIV. to render the King of *England* absolute, but only to raise commotions in that Kingdom, which by keeping *England* employed, should facilitate the execution of his ambitious designs.

Witnessed,
p. 213, &c.

Thirdly, If the examples of *Edward* II. and *Richard* II. as too remote from his time, made no impression upon him, he should have considered that of the King his Father, who, for endeavouring to stretch the Prerogative royal, and for being only suspected of intending to introduce Popery, lost his head on the scaffold. It has been seen, that *Charles* I. in the time of his afflictions, writ to the Prince his eldest son to take warning by him, not to assume more power than belonged to him. Moreover, when he was brought on the scaffold, he took off his *George*, and gave it to *Dr. Juxon*, saying, *Remember*. The Council of State being willing to know the meaning of that expression, *Juxon* answered, *That the King immediately before his coming out to the place of execution, had charged him to carry to the Prince his *George*, with these his two last commands, That he should forgive his murderers; and, if ever he came to the Crown, he should be govern, as not to force them upon extremities.* The Queen-Dowager, as she was going into *Somerfet-house*, after the restoration of *Charles* II. said, *Had I known the *English* some years since, as well as I do now, I should never have been forced to leave this palace.* In fine, *Charles* II. when at the point death, told the Duke his brother, *not to think of introducing the Roman Catholic Religion into *England*, it being a dangerous and impracticable thing.* These warnings, which could not be suspected by the King, ought to have made him seriously consider what he was going to do.

Polluted
Life of
Eleuth.
Erasmush.

Fourthly, *Don Pedro Riquelme* the Spanish Ambassador, at his first audience after the King's accession to the Crown, told him, *That he saw several Priests about him, who would importune him to alter the established Religion; but wished his Majesty not to hearken to their advice, for if he did, he would have reason to repent of it when it was too late.* The King taking ill the Ambassador's freedom, asked him in a passion, *Whether, in Spain, the King advised with his Counsellors?* Yes, Sir, replied *Don Pedro*, and that is the reason our affairs go so ill.

hid.

Fifthly, Pope *Innocent* XI, in a letter to the King upon his coming to the Crown, told him, *That he was highly pleased with his zeal for the Catholic Religion; But was afraid he would carry it too far, and instead of contributing to his own greatness, and the advancement of Religion, he would do both himself and the Catholic Church the greatest prejudice, by attempting that which could never succeed.*

Lastly, It was manifest, that the King could hope to succeed in his undertaking but by force, and that this force wholly lay in his army and fleet. But was it not a strange project, to attempt to reduce by force a Protestant Kingdom to the Catholic Religion, with a Protestant army, and a fleet, whose commanders and mariners were Protestants? He had but too much reason to perceive his error, when it was too late to remedy it.

These considerations, examples, and warnings, were ineffectual against the impetuous zeal of the King, and the importunities of those who were admitted to his secret councils, and particularly the Queen. He attempted at once two things equally difficult, namely, to set himself above the laws, and to alter the established Religion. When I say he attempted it, I mean, openly and bare-faced, for it was no new design. He had turned it long since, and, not to carry back the beginning of it too far, it suffices to observe, that the execution of it had been privately labouring about twenty years; and that moreover, James did but pursue the scheme he had perhaps himself framed, when Duke of *York*. It was not therefore the Duke of *Monmouth's* defeat that inspired James II. with the thoughts of becoming absolute, and altering the established Religion. His good fortune to conquer that rival, served only to put him upon hastening the execution of his projects. This evidently appears, when it is considered, what passed in *Ireland* since the beginning of his reign.

About two months after the King's accession to the Crown, he recalled the Duke of *Ormond* from *Ireland*, and appointed two Lords Justices to govern that Kingdom. (1) The Duke of *Ormond* was not a proper instrument for the King's purposes. At the same time, the Privy Council of *Ireland* was dissolved, and a new one appointed, into which were admitted several known Papists. Soon after, their number was so increased, that they made the major part of the Council, so that the Protestants no longer assisted, that they might not authorize by their presence, such resolutions as it was in vain to oppose.

When the Council was thus modelled, nothing was heard in *Ireland*, but insinuations against the Protestants, for being concerned in the *Rye-Plot*, and afterwards, for holding correspondence with the Duke of *Monmouth*, or his adherents. The moment any person was accused, he was sent to prison by the Council, without being admitted to bail, or brought to a trial. The Earl of *Granard*, one of the Lords Justices, and a good Protestant, weary of being an instrument to those acts of injustice, desired to be dismissed. But the King denied him, and sent him a letter under his own hand, assuring him, *that nothing should be acted prejudicial to the Protestant interest.* But it soon appeared, that the King never meant to perform this promise. For, very shortly after, he resolved to have a standing army of Papists in *Ireland*, and to disarm the Protestants. This last article was first put in practice. The King writ to the Lords Justices, "That there was reason to believe that the rebellion of *Monmouth* had been of that spreading contagion, as to reach *Ireland*, and therefore it was not safe to have the arms of the Militia dispersed abroad; but they would be in greater readiness for the use of the Militia, and the defence of the country, to have them deposited in the several stores of each county." Upon this order, the Lords Justices published a proclamation, agreeable to the King's desire, and the City of *Dublin* having brought in their arms, their example was followed by all the country.

The Protestants being thus disarmed, means were devised to turn the Protestant, into a Catholic, army. For that purpose, Colonel *Richard Talbot*, a violent Papist, was empowered to raise such officers and soldiers as he thought fit. He was the man of all others most odious to the *English* Protestants in *Ireland*. It is observable, that *Titus Oates* in his Narrative of the popish plot, named him as designed for this very service. So, when the event was seen to agree so well with what *Oates* had related, many could not help thinking, either that he had been well informed, or was a good prophet.

Talbot having received this commission, broke many officers, on pretence that they had born arms against the King during the troubles, or were sons and relations of those who had served the Parliament of *Cromwell*. It must be observed, that all this passed in *Ireland*, before or immediately after the Duke of *Monmouth's* defeat, at a time when the King had not yet manifested his designs in *England*.

1685.
hid.

The King's
Prerogative
is Violated
K. 8. 1. 5. 10. 11.
The Privy Council
of Ireland.
K. 8. 1. 5. 10. 11.
Barnes.
p. 6. 14.
p. 214.

Kennet.
p. 437.

(1) The Archbishop of *Armagh*, and Arthur Fisher Earl of *Granard*. The Archbishop was so compliant to the Court, that even his Religion came to be suspected. However he was not thought thorough paid: So Sir *Charles Porter* was made Chancellor in his Room, *ibid.*, p. 84.

1685.

That I may not be obliged frequently to return to what was transacting in *Ireland*, I shall briefly add here, that about the end of the year, *Talbot* came into *England*, and was made Earl of *Tyrconnel*, and Lieutenant-General of the *Irish* army, and shortly after, *Henry Earl of Clarendon* was appointed Lord Lieutenant of *Ireland*.

Kennet,
p. 434.

The Parliament of *England*, after several adjournments, meeting at last on the 9th of November, the King made the following Speech to both Houses.

"My Lords and Gentlemen,

The King's
Speech to
the Parlia-
ment.
Gentles,
N. 505.

"AFTER the storm that seemed to be coming upon us when we parted last, I am glad to meet you all again in so great peace and quietness; God Almighty be praised, by whose blessing that rebellion was suppressed; but when I reflect what an inconsiderable number of men began it, and how long they carried it on without any opposition, I hope every body will be convinced, that the Militia, which hath hitherto been so much depended on, is not sufficient for such occasions; and that there is nothing but a good force of well-disciplined troops in constant pay, that can defend us, from such as either at home or abroad, are disposed to disturb us. And in truth, my concern for the peace and quiet of my Subjects, as well as for the safety of the Government, made me think it necessary to encrease the number to the proportion I have done; this I owed as well to the Honour, as to the Security of the nation, whose reputation was so infinitely exposed to all our neighbours, by having lain open to this late wretched attempt, that it is not to be repaired without keeping such a body of men on foot, that none may ever have the thought again of finding us so miserably unprovided. It is for the support of this great change, which is now more than double to what it was (1), that I ask your assistance, in giving me a supply answerable to the expence it brings along with it; and I cannot doubt, but what I have begun, so much for the honour and defence of the Government, will be continued by you with all the cheerfulness and readiness, that is requisite for a work of so great importance. Let no man take exception, that there are some officers in the army not qualified, according to the late Tests, for their employments: The Gentlemen, I must tell you, are most of them well known to me; and having formerly served me on several occasions, and always approved the loyalty of their principles by their practice, I think them fit now to be employed under me; and will deal plainly with you, that after having had the benefit of their services in such time of need and danger, I will neither expose them to disgrace, nor myself to the want of them, if there should be another rebellion to make them necessary to me. I am afraid some men may be so wicked, to hope and expect, that a difference may happen between you and me upon this occasion: But when you consider, what advantages have risen to us in a few months, by the good understanding we have hitherto had; what wonderful effects it hath already produced in the change of the whole scene of affairs abroad, so much more to the honour of the nation, and the figure it ought to make in the world; and that nothing can hinder a further progress in this way to all our satisfactions, but fears and jealousies amongst ourselves; I will not apprehend that such a misfortune can befall us, as a division, or but a coldness between me and you; nor that any thing can shake you in your steadiness and loyalty to me, who, by God's blessing, will ever make you all returns of kindness and protection, with a resolution to venture even my own life in the defence of the true interest of this Kingdom."

People's
begin to be
opposed.
Edward.
lib. p. 731.

This Speech equally surprized both Houses of Parliament, and the whole Kingdom, when it came to be published. The English had often ventured their lives in the defence of their Laws and Liberties, of which they then believed themselves secure, as well by the constitution of the Government, as by the King's solemn promise, but they beheld their Laws openly attacked in the most sensible part. Many of those who had most warmly opposed the Exclusion-Bill, began to open their eyes, and perceive, that the jealousies and fears of the Whig Parliaments were too well-grounded, and that it was difficult to reconcile the interests of a Roman Catholic King, with those of a Protestant Kingdom. This was what the Whigs had in vain declared in the late reign. Instead of duly weighing their reasons, the Tories had run into the other extreme, nay, had expected to be gainers by setting the Duke of York on the throne. But this first publick step of the King, made them proceed for the future with a little more caution, though by

their principles they were not yet obliged to take such measures as would have been necessary.

It was warmly debated in the House of Lords, whether they should give the King thanks for his Speech. Some were utterly against it; whereupon the Marquis of Halifax said, *They had now more reason than ever to give thanks to his Majesty, since he had dealt so plainly with them, and discovered what he would be at.* Nevertheless, it was resolved by the majority, that the King should be thanked. But however, the Bishop of London moved, that his Majesty's Speech might be debated, and though it was unusual in the House, the 13d of the month was appointed to take the Speech into consideration, with which the King was highly displeased.

The Lords
debated the
King's
Speech.
Barnet.
p. 664.

When the Commons were returned to their House, the King's Speech was ordered to be read, which was followed with a long and profound silence. At last, the Earl of Middleton moved for an address of thanks to the King for his Speech. This motion produced a second silence, which was broke by the Lord Castlereagh, who more bold than the rest plainly declared against thanking the King. Wherefore, as there would probably be some difficulty in the matter, the debate was adjourned till the 12th of the month. To give the Reader a clear notion of the difficulties which occurred in the King's demand, I shall make here some observations which perhaps will not be foreign to the purpose.

The Com-
mons defer it.
Nov. 15.
James II.
p. 120.
Kennet
p. 435.
Edward.

The House of Commons, as I said, consisted then of Tory-members, there being very few Whigs, or if any, their number was not considerable. Now the Tories had a very different notion of the regal Power, from that of the Whigs. They had, as we have seen, declared in the late reign for Passive-Obedience and Non-Resistance, and the Church made it an article of faith. Nevertheless it may be said, when they introduced this doctrine without any limitation, they did not foresee all the consequences. It was properly to contradict the principles of the Whigs, who ran into the other extreme. As they imagined, that Charles II. and James II. were for them, they fancied they could not stretch the royal Prerogative too much, in the belief, that these two Princes would exert it only against their adversaries. According to this principle, King James's demand for a standing army of fifteen thousand men in time of peace, did not seem contrary to their interests, tho' the Parliaments had ever been extremely averse to a standing army, which served only to increase the regal Power. But what the King did by his sole authority, in employing popish officers in this army, was a thing as much against the Tory as the Whig interest. It was easy to perceive, of what dangerous consequences it might be to the Protestant Religion in general, as well Episcopalian as Presbyterian, and these considerations were the more to be dreaded, as what passed in *Ireland* plainly discovered the King's intentions. Besides, the power assumed by the King, to exempt the popish officers from taking the Test, was directly contrary to the Liberties of the Kingdom as well as to Religion.

A Supply
voted.
Nov. 16.
James II.
p. 120.
Barnet.
lib. p. 731.

When therefore the King's Speech was debated the 12th of November in the House of Commons, such members as were not of the same principles with the rigid and violent Tories, spoke with great freedom, representing the inconveniences of a standing army in time of peace (2), and moved for the new modelling the Militia, so as to render them of use upon occasion. They were suffered to talk as much as they pleased, but when the question was put for a supply to be given to the King, it was carried in the affirmative. It is true, some one having moved that these words might be added, *towards the support of the additional forces*, they were rejected, that the House might not appear to approve of the augmentation of the regular troops, and instead thereof it pass'd, that the House be moved to bring in a Bill to make the Militia useful. By this they would have had it believed, that the Parliament reserved to themselves the power of breaking the regular troops, and establishing a good Militia in their room. But, doubtless, it was to hinder the people from being alarmed, if they saw the Parliament approve of maintaining an army in time of peace. For, after all, a supply was given the King for the maintenance of this army.

Edward.
moved for twelve hundred thousand pounds. Others ex-
claimed against the exorbitancy of such a sum, and were
for reducing it to four hundred thousand pounds, alleging,
that it would be enough to maintain the additional forces
two years, till the Militia should be made useful. They
represented, that they had already given Customs and Excises
for his Majesty's life, which amounted to six mil-

(1) The Army, which before consisted but of seven thousand Men, was increased to fifteen thousand. Repro-
bation was cast upon the King's demand for a standing army, as being contrary to the Liberties of the People, and to the Protestant Religion. The House of Commons, in answer to the King's Speech, resolved, that they would not give him thanks for his Speech, and that they would petition for the redress of the grievances of the People. The House of Lords, in answer to the King's Speech, resolved, that they would give him thanks for his Speech, and that they would petition for the redress of the grievances of the People. The House of Commons, in answer to the King's Speech, resolved, that they would not give him thanks for his Speech, and that they would petition for the redress of the grievances of the People. The House of Lords, in answer to the King's Speech, resolved, that they would give him thanks for his Speech, and that they would petition for the redress of the grievances of the People.

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ons (1), and that if they gave so much at once, they should have nothing left to give; especially as it was the nation's interest, that the King should have frequent occasion for his Parliament. At last, after great debates it was resolved, that a supply of seven hundred thousand pounds should be granted to the King. It was evident therefore, that the maintenance of an army of fifteen thousand men was not what most displeased the Commons in the King's Speech.

Debates about Popish Officers.

But the affair of the popish officers was of such a nature, that it concerned the Tory no less than the Whig-party. It was easy to see the great danger of the Protestant Religion, if the Parliament, after having agreed to a standing army, should farther consent to the King's employing as many Papists as he pleased. The Commons thought therefore, that on this occasion it was necessary to set some bounds to Passive-Obedience, though till now this doctrine had been maintained without any restriction, because it was not imagined, that the King would attack Religion and the Laws. One of the members speaking on this subject, represented very strongly, "That his Majesty, on his first accession to the Crown, told them, *He had been misinformed, and that he would preferre the Government in the Church and State, now established by Law, and maintain them in all their just Rights and Privileges*: That overjoyed at this, they ran hastily to him, and were so forward to give, that the King's ministers put their stop to it: That they ought not to forget that there was a Bill of Exclusion debated in that House; and that the arguments for it were, *That they should, in case of a popish successor, have a popish army*: That they saw the Act of the Test already broken; and prayed them to remember what the late Lord Chancellor told them when King Charles passed that Act: *By this Act, said he, you are provided against Popery, that no Popish man possibly creep into any employment*: That he was greatly afflicted at the breach of their Liberties, and seeing so great a difference between his last Speech, and those heretofore made, he could not believe but this was made by some other advice: That what the thing struck at was theirs all; and that he wondered there had been any men so desperate, as to take any employment without being qualified for it: And concluded to have a standing army voted destructive to the Country." During these debates the Court-party were not idle. They represented with great strength, the inconveniences of not complying with the King's desires. The result was, the appointing a committee to draw up the following Address, which was presented to the King the 17th of November.

"Most gracious Sovereign,

The Commons in Parliament assembled, do, in the first place, as in duty bound, return your Majesty our most humble and hearty thanks, for your great care and conduct in suppressing the late Rebellion, which threatened the overthrow of this Government both in Church and State, to the extirpation of our Religion as by Law established, which is most dear unto us, and which your Majesty hath been pleased to give us REPEATED ASSURANCES you will always defend and maintain; which, with all grateful hearts we shall ever acknowledge. We further crave leave to acquaint your Majesty, that we have, with all duty and readiness, taken into our consideration your Majesty's gracious Speech to us: And as to that part of it relating to the officers in the army, not qualified for their employments, according to an Act of Parliament made in the 25th year of the reign of your royal brother, entitled, *An Act for preventing dangers which may happen from popish recusants*; we do, out of our bounden duty, humbly represent unto your Majesty, that these officers cannot by Law be capable of their employments; and that the incapacities they bring upon themselves that way, can no way be taken off but by an Act of Parliament: Therefore, out of that great reverence and duty we owe unto your Majesty, who have been graciously pleased to take notice of their services to your Majesty, we are preparing a Bill to pass both Houses, for your royal assent, to indemnify them from the penalties they have now incurred: And because the continuing them in their employments, may be taken to be a dispensing with that Law, without an Act of Parliament, the consequences of which is of the greatest concern to the rights of your Majesty's Subjects, and to all the Laws made for the security of their Religion: We therefore, the Knights, Citizens, and Burgesses, of your Majesty's House of Commons, do most humbly beseech your Majesty, that you would be most graciously pleased to give such directions therein, that no apprehensions or jealousies may

"remain in the hearts of your Majesty's most loyal Subjects."

This address being presented to the King by the Speakers, attended by the whole House, his Majesty gave them this answer.

Gentlemen, I did not expect such an address from the House of Commons: For having so lately recommended to your consideration the great advantage a good understanding between us had produced in a very short time, and given you warning of fears and jealousies amongst our selves; I had reason to hope, That the reputation God had blessed me with in the world, would have sealed and confirmed a good confidence in you of me, and of all that I say to you. But however you proceed in your part, I will be steady in all my Promises I have made you, and be just in my word in this, and all my other Speeches.

This answer, though pretty obscure, so surprized the Commons, that when it was read in the House, they kept a profound silence for a considerable time. At last it was moved by one of the members, that a particular day might be appointed to consider of the King's answer. This motion was seconded by Mr. Coke [Burgess for Derby] who added, *He hoped they were all true Englishmen, and not so frightened out of their duty by a few hard words*. Though this speech was very consistent with the freedom of a House of Commons, the majority however were pleased to look upon Mr. Coke as an incendiary, who intended to sow discord between the King and the Commons, and voted him to be sent to the Tower. Moreover, the House, to make amends in some measure for the offence they had given the King, proceeded to ways and means towards raising the seven hundred thousand pounds before voted. But they stopped not there. To show the King that they sought all possible ways to content him, besides a Bill to indemnify the Popish officers from the penalties they had already incurred, they resolved to offer another to the King, to qualify such a number of those officers to serve in the army as he should think fit. All this demonstrates, it was with regret that the House swerved from the principle of Passive-Obedience and Non-Resistance.

In the mean time, the Lords received Petitions from [Thomas Grey] Earl of Stanford and [Henry Bost] Lord Delamere, representing, that these two Peers were committed to the Tower in July last, upon a general accusation of treason, kept close prisoners, and denied the use of pen, ink, and paper. These petitions obliged the Lords to send to the King, to know the reason why these two Peers were imprisoned. The King answered by the Lord Chancellor, that they were committed for high-treason, and that he had given orders for a commission of Oyer and Terminer to try the Lord Delamere in Cheshire, where the crime was committed. But as he had given no orders about the Earl of Stanford's trial, the Lords appointed him to be tried by his Peers, to which the King consented.

Within a few days, on the 20th of November, the King finding it would be very difficult to obtain his desires of the Commons concerning the Popish officers, prorogued the Parliament till the 10th of February, after a session but of eleven days. The King lost, by the prorogation, the seven hundred thousand pounds voted by the Commons. But he did not want it, considering the vast sums they had liberally granted him. This prorogation, which was followed by several others, and at length by the dissolution of the Parliament, the last in this reign, is a clear demonstration of two things. First, that the King considered the affair of the Popish officers in the army, as of great moment, since he chose rather to lose seven hundred thousand pounds, than see his pretended right to employ them controlled by the Parliament. The second is, the excessive compliance shown the King by the Commons, in enabling him to maintain an army, employ Popish officers, and, in a word, to have no occasion for a Parliament. For from hence sprung all the evils which afflicted England during the rest of this reign.

About a month after the prorogation of the Parliament, the Lord Delamere was brought to his trial by his Peers, though the King had before resolved to have him proceeded against in another manner. The Lord Howard was the first witness produced against him. But though he gave a large account of the Duke of Monmouth's conspiracy, he deplored nothing positive against the Lord Delamere. The second witness was Lord Lord Grey, at which every one was surprized, it not being known that he was pardoned. This gave occasion to think he was in great favour with the King. But his evidence tended more to prove in general the Duke of Monmouth's rebellion, than the guilt of the prisoner in particular. One Saxen was the only witness that swore to the Lord Delamere's correspondence with the Duke of Monmouth. But as he was a person of very bad reputation,

(1) reckoning all the Time for which they had been granted. Repm.

1685. reputation, the Lords took no notice of his evidence, and the prisoner was unanimously acquitted.

As for the Earl of *Stanford* he was admitted to bail, and though nothing could be proved against him, he thought fit to lay hold on the Proclamation of pardon which was published shortly after. This pardon appeared not till the end of the year, after the executions of a great number of persons. It was moreover clogged with so many exceptions, that the King was not much thanked for it.

James, in this fifth year of his reign, bestowed honours and dignities upon several of his favorites and adherents, and advanced others to high offices. [Henry Bennet] Earl of *Arlington* dying July 28, his place of Lord Chamberlain was given to [John Sheffield] Earl of *Mulgrove*, who became one of the chief favorites in this reign. [Laurence Hyde] Earl of *Rocheſter* was made Lord Treasurer, and [Henry] Earl of *Clarendon* his elder Brother, Lord Lieutenant of *Ireland*. [Robert Spencer] Earl of *Sunderland*, principal Secretary of State, was declared Lord President of the Council, and from that time became Prime-Minister of State.

The person most known abroad, that died this year, was Sir *John Mairham*, eminent for his great skill in ancient History and Chronology. He departed this life in the eighty third year of his age (1).

1686. The year 1686, to which we are now to proceed, was wholly spent, as well as the next, in the execution of the King's two grand projects, namely of making himself absolute, and establishing Popery. These two projects could not but keep equal pace. For the King being a Papist, his chief aim in rendering himself absolute was to alter the Religion of the Kingdom, and, on the other side, he could not introduce Popery but by setting himself above the Laws.

Before things were carried any farther in *England*, he believed it proper to be assured first of *Scotland* and *Ireland*. As for *Scotland*, the managers there were entirely disposed to comply with the King's will. The late Parliament, besides the Acts before-mentioned, passed one (2) wherein it was declared, "That they owe all their obligations to the sacred race of their glorious Kings, and to the solid, absolute authority wherewith they were invested by the first and fundamental laws of their Monarchy:— And therefore they again declare to the world, That they abhor and detest not only the authors and actors of all preceding rebellions against their Sovereign, but also all principles and positions which are contrary or derogatory to the King's Sacred, Supreme, Sovereign, Absolute Power and Authority, which none, whether particular persons or collective bodies, can participate of any manner of way, or upon any pretext, but in dependence on him, and by commission from him, &c." They passed another Act, "To confirm and approve whatever had been done by his Majesty's Privy Council, Justice-Court, and those commissioned by them, in banishing, imprisoning, or fining such as refused to take and swear the Oath of Allegiance; and to assert the royal prerogative in the utmost extent of them."

If what passed in *Scotland* in the reign of *Charles I.* and during the *Interregnum*, be remembered, it will be easily perceived, this was not the general sense of the *Scots*, but only the opinion of a Parliament devoted to the Kings, and which visibly abused their authority, to establish a form of Government directly contrary to the old constitution.

Encouraged by these great advances, the King summoned the Parliament of *Scotland*, to assemble the 20th of April this year, and wrote a letter to them, wherein, "He recommends to their special care, his innocent Roman Catholic Subjects, who had always been assiduous to the Crown in the worst of rebellions and usurpations, though they lay under discouragements hardly to be named: These be most heartily recommended to them; to the end, that as they had given good experience of their true loyalty and peaceable behaviour, so, by their assistance, they might have the prosecution of his laws, not suffering them to lie under obligations, which their Religion could not admit of; by doing of which, they would give a demonstration of their duty and affection towards him, and do him most acceptable service. And this love he expected they would show to their brethren, as they saw him an indulgent Father to his people."

The Earl of *Aburay*, Lord High-Commissioner, seconded this letter, with a particular account of the many advantages the King intended to procure his realm of *Scotland*, chiefly with respect to trade. He also endeavoured to

persuade them, that what the King desired, tended as much to the honour and welfare of his subjects of *Scotland*, as to his own satisfaction. He concluded with saying, "By this you will show yourselves the best and most affectionate subjects, to the best, the incomparable, and most heroic Prince in the world."

When the King's letter, and the Lord Commissioner's Speech came to be considered in the Parliament, some members, without looking farther, were for complying with the King's desires. But others, in greater numbers, moved and prevailed to have a committee appointed, to examine the Statutes against the Papists. The committee finding, the Statutes prohibited only the publick exercise of the popish Religion, drew up a Bill to allow them the exercise of their Religion in private. But when this Bill was presented to the Parliament, it met with so much opposition, that the Lord-Commissioner thought fit to adjourn the debate to another time, till he had received instructions from Court. The King sent him orders to dissolve, or at least prorogue the Parliament, and some months after, by his sole authority, he established liberty of conscience in *Scotland*.

Affairs in *Ireland* were upon another foot. The King's will met with no opposition there, and though the Lord Lieutenant was a Protestant, his credit and authority were insufficient to put a stop to the acts of injustice committed against those of his Religion. The new Earl of *Tyrconnel* was no sooner returned to *Dublin* with the title of Lieutenant-General of the army, but he began again to break the Protestant officers and soldiers, and put Roman Catholics in their places, without vouchsafing to ask for the Lord-Lieutenant's order (3). This bred a quarrel between them, wherein *Tyrconnel* behaved very haughtily, even saying, he did nothing but by the King's express order. When he had modelled the army according to the King's mind, he went over into *England*, where, by means of the Queen and Father *Peter* the Jesuit, he supplanted the Earl of *Clarendon*, and was appointed Lord-Lieutenant of *Ireland*. Upon his arrival at *Dublin*, he endeavoured by a proclamation to dispel the fears of the Protestants, who saw themselves, to their great trouble, in subjection to a Catholic. But his actions corresponded not with his promises. Wherefore, a great number of Protestants, chuse rather to quit their estates in *Ireland*, and withdraw into *England*, than remain under the Government of one so justly odious to them. On the other hand, the English merchants who traded in *Ireland*, withdrew their effects, and by that the Kingdom was reduced to great extremities. But all these disadvantages were compensated by the hopes of rooting out the Protestant Religion in that country.

But it was chiefly in *England* that the King desired to establish Popery and arbitrary Power. For, as I said, one of those things could not advance without the other. If he had only aimed at absolute power, without meddling with Religion, in all appearance, he would have easily succeeded, since passive obedience was in a manner established, and now reckoned an essential doctrine of the Church of *England*, the members whereof made the body of the nation, and were possessed of all the offices and places of trust. But as he had already discovered, that if he wished to be freed from the yoke of the laws, it was chiefly to establish his Religion, the Parliament, however devoted to him in all other respects, had not been so compliant as to abandon the interest of Religion. Notwithstanding this refusal, he hoped to attain his ends, first, by causing the Judges to give it as their opinion, that he had a power to dispense with the laws. Secondly, by gaining the members of Parliament by degrees, being resolved to have no fiction till he had accomplished that design. In *England*, as in other places, there are men always ready to sacrifice the publick, to their private interest, and there were but too many, on the present occasion, even among the Clergy themselves. Dr. *Carterwright*, Dean of *Rippon*, speaking in a Sermon, of the King's promises made to the Parliament, which were then the common topic of discourse and complaint, said, "That the King's promises were free donations, and ought not to be too strictly examined or urged; and that he ought not to leave his Majesty to explain his own meaning, in them." The King was so delighted with this gloss, that he rewarded the author with the Bishoprick of *Chichester*, as an encouragement to other Clergymen to follow to good an example.

As for the Judges, the King took care to fend for them one by one, and talk with them privately in his closet (4), in order to persuade them to declare for his dispensing power.

(1) This year also died Sir *William Digdale*, Carter King at Arms, author of the *Bronze*, *Augustus* of *Warrimoor*, &c. and *Tomas Ormby*.

(2) Containing a tender of Oath, and offer of the Exile to his Majesty.

(3) Two or three hundred English Gentlemen, who had laid out their Fortunes in purchasing their military Posts, were now arbitrarily dismissed, and so far as they were concerned, the King's promises were free donations.

(4) Upon which the *Temple* setting was much tried again. He not only talked with his Judge in this manner, but with many Judges, Men about the Affairs of the *Trip*, since whereof gave him very flat and hard Denials: Ours, though most, altered, yet were not so ready. So flouting he could

1686.

Kennet. p. 445.

Affairs of Ireland. King's Speech, &c.

p. 417.

James II. p. 237.

Feb. 12. Kennet. p. 445.

Mans made use of by the King to invade his Kingdom. p. 449. Kennet. p. 449. p. 796.

Carterwright's Sermon, &c. p. 449. Kennet. p. 449. p. 797. p. 667, 669.

Guar. M. 2235.

Life of James II. p. 140.

The Lord Stanford is disgraced upon Earl. Guar.

Promotion at Court. Guar.

The Death of Sir John Mairham.

Proceedings of the Parliament of Scotland. Kennet. p. 444. Burnet. Edward. III. p. 796.

Guar. M. 2235.

Life of James II. p. 140.

1586. power, telling them, he would have twelve Judges of his opinion (1). Four absolutely refused to comply, and were immediately displaced. The King appointed four others of more pliable and submissive understandings, among whom there was one Papist (2).

A Call of
Serjeants,
Kenset.

At the same time, the King made a call of Serjeants at Law, among whom were several Catholics, one of whom was knighted (3), and a little after, another Lawyer of the same Religion was made a Judge (4).

And in the
Privy-
Council.
July 17.
Garratt.

The Privy-Council also underwent the like alteration, the King having received into it five zealous Catholics, namely, [the Earl of *Peruis*], the Lord *Arundel of Wardour*, and the Lord *Bellasis*, (who had long confined in the Tower, being accused of the popish Plot) [Henry *Ternyn*] Lord *Dacre*, and the Earl of *Tyrconnel*. He likewise admitted the new Bishop of *Chyler*, and Dr. *Parker* Bishop of *Oxford*, a reputed Papist. All these changes clearly discovered the King's intentions.

The Judges
gave their
opinion that
the King
may dispense
with the
Laws.

W. Wood-
p. 149.
Kenset.
p. 486.
Edw.
III. p. 798.

Barnet,
p. 669.
Wetwood,
p. 173.

But it was not long before he gave more signal marks of them. It has been remembered, that he assumed a power to dispense with the observation of the Test-Act in his Catholic officers. The Parliament's refusal of their consent to this innovation, only exasperated the King, and made him refuse to exempt from the penal Laws all his subjects in general, and consequently the Papists. But as this was directly against law, he undertook to show, by the means of his corrupt Judges, *That a power in the King to dispense with laws, was law*. For this purpose, he took care first to have papers dispersed through the Kingdom, to prove this pretended right, and to prepare the people for his designs (5). At last, in a particular case (6), all the Judges, except one, gave their opinions for the King, and made it a general rule in law: 1. That the laws of England are the King's laws. 2. That therefore it is an incident, inseparable prerogative of the Kings of England, as of all other sovereign Princes, to dispense with all penal laws, in particular cases, and upon particular necessary reasons. 3. That of these reasons and necessities the King is the sole judge; consequently, 4. That this is not a trust invested in and granted to the King, but the ancient remains of the Sovereign Power of the Kings of England, which never was yet taken from them, nor can be.

The Papists
openly profess
their Reli-
gion.

Wetwood.
p. 173.
Bishop con-
fessed.
Edw.
III. p. 798.

In consequence of this decision, the Papists, with the King's permission, set up every where in the Kingdom, the free and open exercise of their Religion. The Jesuits erected Colleges and Seminaries in all the considerable towns; and at the same time, four popish Bishops were publicly consecrated in the King's Chapel, and sent down to exercise their functions in their respective Dioceses, under the title of Vicars Apostolical. Their pastoral letters addressed to the Lay-Catholics, were printed at the King's printing-house, and dispersed through the Kingdom. Monks appeared in the habits of their order at *Whitball* and *St. James's*, and scrupled not to tell the Protestants, *That they hoped in a little time, to walk in procession through Cheapside*. And as many converts were expected, that so plentiful a harvest might not want labourers, a great number of Priests and Monks were sent from foreign parts. From this time, the only way to preferment was to be a Papist, or a promoter of Popery. All affairs of the Council were managed by Catholics, or some others who had but little regard to Religion. Thus, by the decision of ten or twelve Judges, nominated and corrupted by the King before their admission, the laws of England were given up, and the constitution entirely altered. By a like practice it was, that *Charles I.* caused his Judges to decide, that he had a right to impose taxes in cases of necessity, of which necessity himself was sole Judge. Hence it may be perceived, that the laws of England would be ill supported, had they no firmer foundation than the decisions of Judges appointed by the King. But it is surprising, that the precedent of Ship-money, established by *Charles I.* and in effect, the principal cause of his ruin, was little impeded on *James II.* But the violence of his zeal for his Religion, made every thing easy or possible to him, and, at all events, he was resolved to run the risk of the undertaking.

Plots be-
hind on
Papists.

The Clergy
faded in
favour upon
contradiction.

Wetwood.
p. 173.
Kenset.
p. 451.
Edw.
III. p. 799.

The King used another expedient for the advancement of his Religion. He sent a circular letter to the Bishops, with an order, prohibiting all the inferior Clergy from preaching upon controverted points of Divinity, for fear, as was pretended, of raising animosities among the people. It was thus that the persecution began in Queen *Mary's*

reign, and it ought not to seem strange, that a popish King should imitate so zealous a popish Queen. But on this occasion, the Clergy of the Church of England clearly discovered their aversion to Popery, of which they had hitherto stood accused by their enemies, on pretence of a scrupulous attachment to some moles and ceremonies, which the first Reformers had not thought fit to retrench. For many of the dignified Clergy, and the most distinguished for their piety and learning, far from prevaricating in the discharge of their office, preached openly on controverted points, or rather made them the chief subject of their discourses. They saw the tendency of this extraordinary inhibition, at a time when the Protestant Religion was openly attacked, as well in sermons, as writings printed with licence, and industriously dispersed through the nation. It is justice to do honour to these faithful Ministers of the Gospel, by transmitting to posterity the names of the most distinguished amongst them. These were *Tillessin*, *Stillingfleet*, *Tennison*, *Wake*, *Patrick*, *Sharp*, *Sharpley*, all famous for their writings, and all afterwards promoted to the first dignities of the Church.

The King and his popish Council were extremely offended with this boldness, and therefore, to force the Protestant Clergy to submission, the King erected a new Court for ecclesiastical affairs, composed of various members, a Commission of the Peace. A nomination of 457. Papists to be Judges of a Protestant Clergy in matters of Doctrine and Discipline, showed that the King would no longer keep any measures. Among these commissioners, were three Bishops, namely, *William Sancroft* of *Canterbury*, *Craut* of *Durham*, and *Sprat* of *Rochester*. The rest were all Laymen, of which the principal were *Jeffries* Lord Chancellor, the Earl of *Rochester* Lord-Treasurer, the Earl of *Sunderland* Secretary of State and President of the Council, and the Lord Chief-Justice *Herbert*. The Commission was directed to any three of them, whereof the Lord Chancellor was always to be one, for a reason very obvious.

By this commission they had a power to exercise and execute all manner of jurisdictions and pre-eminences, concerning any spiritual or ecclesiastical jurisdictions; to visit, reform, redress, and amend all abuses, offences, contempt, enormities whatsoever, which by the spiritual or ecclesiastical laws of the realm might be lawfully corrected. They were also to enquire of all offences, contempts, and misdemeanours committed, or hereafter to be committed, that they might be corrected and punished by the censure of the Church; they were to search for, and call before them all ecclesiastical persons of what degree or dignity soever, and to punish the offenders, by excommunications, suspensions, deprivations, or other ecclesiastical censures: They were empowered to lend for all Statutes, Rules, Letters-patents of Universities, Colleges, Grammar Schools, and all other ecclesiastical corporations, and the said Statutes to correct, amend, and alter as they saw convenient, &c.

Many of the best Lawyers thought this commission illegal, and contrary to the Act passed in the 17th year of *Charles I.* for abolishing the High-Commission Court. Others pretended, there was nothing in it contrary to that Act. It seems however, that the Court was conscious of its illegality, since, though it was granted in April, it was not opened till August. Besides, the Archbishop would never act in it.

Shortly after, Dr. *Sharp*, in a Sermon, vindicated the Church of England in opposition to the errors of Popery. The King being informed of it, pretended that the Preacher's intention was to beget an evil opinion of himself, and his Government: in the minds of the hearers, and to lead them into disobedience and rebellion. On this supposition he sent a letter to [Henry Compton] Bishop of London, commanding him forthwith to suspend Dr. *Sharp* from farther preaching in any Parish-church or Chapel in his Diocese, till he had given him satisfaction, and his farther pleasure was known therein. On receipt of this order, the Bishop wrote to the Earl of *Sunderland*, and prayed him to communicate his letter to the King. He represented, that he was to proceed according to law, and as a Judge; and by the law no Judge condemns a man before he has knowledge of the cause, and has cited the party. Dr. *Sharp* himself carried the letter, but could obtain no answer. Two days after, he waited on the King at *Windsor*, with a very humble petition, but without any effect. The King

not bring the Majority to a Compliance, he dissolved the Parliament: Of whom, *Barnet* says, In England it would not have been easy to have found five hundred Men so weak, so poor, and so devoted to the Court. So happy it was the Nation taken out of their Hands by this precipitated violence of a bigotted Court. *Barnet*, p. 668.

(1) Upon which *Jones* told him, "Possibly you may find twelve Judges of your Opinion, but you will scarce find twelve Lawyers to be so. *Kenset*, p. 449.

(2) The Judges turned out, were, *Sir Thomas Jones*, *William Montague*, *Sir Job Charlton*, *Sir Edward Neville*. In whose places were put, *Sir Henry Holmgeld*, *Sir Richard Atkyns*, *Sir Edward Lowmole*, *Richard Smith*. *Kenset*, p. 449.

(3) *Sir Christopher Wilson*, the King's Chamberlain, who was made a Judge.

(4) *Sir Richard Atkyns* of *Croft* was a Papist. The Motto used by the Serjeants was *Deus, Rex, Lex*. 168d.

(5) *E. Hervey* and others were employed to show, that a Power in the King to dispense with Laws, was Law. *Edw.*, Tom. III. p. 795.

(6) In the Case of *Sir Edward Hailes* a Popish Gentleman of Kent, who had an Employment. *Barnet*, p. 669.

1686. and his Council had already resolved to embrace this occasion to punish the Bishop of London, who was odious to the Court, because he had moved in the House of Lords to examine the King's Speech. Besides, by so great an example, they were resolved to establish the authority of their new Ecclesiastical Court. The Bishop was therefore cited to appear before the Commissioners the 4th of August, where he was treated in a manner unbecoming his birth (1) and dignity, by *Jeffries* the Chancellor, who used him with his wonted insolence. The Bishop demanded a copy of the commission, or at least to hear it read. But this was refused, and he was answered by *Jeffries*, that the commission might be had in every Coffee-House for a penny. At last, with great difficulty he obtained a delay of five days. The 9th of August he appeared a second time before the Court, and again on the 23d, when he disowned his jurisdiction, alleging, that as a Bishop he had no other Judge but his Metropolis: but his plea was rejected. At last, after two or three adjournments of the Court, he was suspended from the function and execution of his episcopal office, for his disobedience and contempt: And the Bishops of *Durham*, *Rochester*, and *Peterburgh*, were appointed commissioners within the Diocese of London, during the Bishop's suspension. Dr. Sharp was likewise suspended, but it was only for a few days.

This affair convinced all the world, that the Court was resolved to silence all the Protestant Ministers, to prevent their maintaining the Protestant Religion in their Sermons. It was also perceived, that the King was resolved to keep no more measures, since in a time of profound peace, he had formed a camp of fifteen thousand men upon *Hounslow-Heath*, under the command of the Earl of *Proversham*. In this camp was a publick chapel, where Mass was said every day.

Though the army had but very few popish officers and soldiers, it was feared, that the whole would be subservient to the King in the execution of his designs, in consequence of that blind obedience usually professed by an army. To obviate this danger, *Samuel Johnson* a Clergyman (2), addressed a writing to the Protestant officers and soldiers of the army, wherein he laid before them the reasons which ought to prevent their being the instruments of the Court, for the destruction of their Religion, and the subversion of the Government. This writing was too opposite to the King's designs to escape unpunished. Wherefore the author being tried at the King's Bench, was sentenced to stand three times in the pillory, to be whipped from *Newgate* to *Tyburn*, and to pay a fine of five hundred marks. The sentence, after *Johnson's* solemn degradation, was executed with great rigour. But his writing made a strong impression upon the minds of both officers and soldiers, and very much promoted the great defection which happened two years after in the army.

About the same time, the goldsmith *Miles France*, who had been a witness against the persons tried for the murder of Sir *Edmundbury Godfrey*, and had taken away three lives by his evidence, was tried upon an information exhibited against him for perjury, and sentenced to pay a fine of a hundred pounds, to stand three times in the pillory, and to be whipped from *Newgate* to *Tyburn*. But because he at first pleaded guilty, the whipping part of the sentence was remitted. Some say, he was so intimidated by the example of *Oates*, that he pleaded guilty merely to escape punishment. Others again pretend to confirm his confession from a declaration published by him afterwards, wherein he disowned his depositions in 1678. But as he was a Papist, some have suspected he was induced by religious motives to publish this declaration. In a case of this nature every man is at liberty to form his own conjectures.

It was easy to discover from the King's whole conduct, that he had entirely pulled off the mask, and was desirous to have it thought, he intended to introduce the *Roman Catholic Religion*. Accordingly, this was not doubted. His promise to the Council and Parliament to preserve the Protestant Religion was entirely forgot, and there was no man so bold as to remind him of it. It was even dangerous to speak of it in publick conversations, for fear of some mischievous consequence. Nor was the King contented with acting openly in favour of his Religion, but even privately used all possible endeavours to make popes, chiefly among his courtiers, and persons of the first rank. He succeeded with respect to *Robert Spencer* Earl of *Sunderland*, who was willing to give him this proof of his devotion for

him, though for some private reasons he refused to make a publick abjuration.

But he was not so successful in his attempt upon his brother-in-law the Earl of *Rochester*. For though the Earl consented to be present at a conference held by Divines of both Religions (3), the dispute, it seems, only attached him more firmly to the Protestant Religion, since he bravely refused to forsake it. The King, mortified by his firmness, removed him from the Treasury, which was put in commission, but withal assigned him a yearly pension of five thousand pounds upon the Post-Office. The Earl of *Clarendon* his elder brother felt likewise the effects of the King's displeasure upon the same account. Being recalled from his Government of *Ireland* before the time, he was deprived, about the end of the year, of the Privy Seal, which was given to the Lord *Arundel*, a Papist (4).

At last, the King gave an unquestionable proof of his zeal for the Popish Religion, by sending the Earl of *Castlemain* in Embassy to the Pope, To reconcile the Three Kingdoms of England, Scotland, and Ireland, to the Holy Pope. Ser, from which far more than an age they had fallen off by Henry. The Ambassador was received at Rome with a coldness which gave the King a sensible mortification. Innocent XI, not suffering himself to be imposed upon by this outward show, considered that Embassy was too much precipitated, since the conversion of the three Kingdoms was yet far from being finished, and therefore he resolved to be no actor in a farce which would only render him ridiculous. And indeed to pretend to reconcile Three Kingdoms to the Church of Rome, on pretence of a few late conversions, was it not exposing the Pope, the King, and the Catholic Religion to the mirth and insults of their enemies? This Embassy was owing, it is said, to the influence of the Jesuits, who would have all Europe believe, they had converted the three Kingdoms. But Innocent XI, was not so fond of the Jesuits, as to give them this satisfaction at the expense of his own honour. Besides, being then engaged in a quarrel with France, and not ignorant of the close union between *Louis XIV.* and *Jamés II.*, he was pleased with giving some mortification to *Jamés*, in the person of his friend and brother of England. To this was owing his treatment of the Ambassador with so much coldness, not to say, incivility. Whenever he granted him an audience, his Holiness had a fit of coughing at command, which spoiled the Ambassador's harangue, and obliged him to withdraw. This happened so often, that at last the Earl of *Castlemain* threatened to be gone. The Pope with his usual coldness sent him word, That since he would be gone, he advised him to rise early in the morning, that he might rest himself at noon for in those countries it was dangerous to travel in the heat of the day. All the favour the Ambassador could obtain from the Pope, was a licence to the *Marshall d'Humier's* daughter to marry her uncle, and a dispensation of the Statutes of the Jesuits order, that Father *Perre* might enjoy a Bishoprick. It is said, the Archbishoprick of *Toró* was kept vacant for him. But if the Pope and most of the Cardinals coldly received the English Ambassador, the Jesuits made him some amends by showing him all possible respect. At last, the King recalled him, being unable to bear so many mortifications.

However, the ill success of this Embassy discouraged not the King from pursuing his design, with such ardor and openness, that it could not be mistaken. Not only all vacant preferments were conferred upon Papists, but, without any reason given, Protestants were deprived of their places to make room for Papists. So, it was easily seen, that none besides Papists, or Protestants not attached to their Religion, could pretend to any employments. The Court was so open in their measures, that some of the principal Catholics could not forbear representing to the King, that his proceedings were more dangerous than advantageous to their Religion. But the King was deaf to all but violent counsels, and such as were agreeable to his temper and zeal. One may see in the following letter, dated the 2d of February 1694, from a Jesuit of *Liege* to a Jesuit of *Friburg*, the King's disposition with regard to Religion.

"It is wonderful to see King *Jamés's* great affection to 1686-7.
our Society: He wished prosperity to this whole College, by the Reverend Father, the Provincial, and earnestly recommended himself to our Prayers. Upon Father *John Keyne's* return to England, he gave him a most gracious reception, (while Earls and Dukes were commanded for some hours to wait for admittance,)

(1) He was brother to the late, and Uncle to the then Earl of *Northampton*.

(2) The name who wrote the Book called *John's de Apostata*, which had given such offence to the Duke of *Toró* in the last reign, and drawn upon the Author a severe Prosecution.

(3) The Protestant Divines, were Dr. *Patrick* and Dr. *Town*; and the Popish, *Gifford*, and *Golden*. *Kennet*, p. 411.

(4) *John Arundel*, Earl of *Middlesex*, and Lord Chamberlain, being solicited by the Priests to change his Religion, "he heard them gravely arguing

"in the chapel-lantern." And then told them, "He had taken much pains to bring himself to believe in God, who made the world and all men in it;

"But it must not be an ordinary force of argument, that could make him believe, that man was made with God, and made God again.—Colonel *Kent*

was also spoken to, to change his religion, but he bristled reply, "He was pre-engaged, for he had promised the King of *Monaco*, that, if ever he changed

his religion, he would turn *Mock-mas*. *Burnet*, p. 581, 584.

The Earl of Rochester reflecting on how a Jesuit's father to the Pope, p. 614. Kennet, p. 614. It is renewed from being translated. The Earl of Clarendon disowned.

The Earl of Castlemain reflecting on how a Jesuit's father to the Pope, p. 614. Kennet, p. 614. It is renewed from being translated. The Earl of Clarendon disowned.

It is coldly received. Walmsley, p. 457.

All Plans advanced upon Papists. Kennet.

Letter from a Jesuit of Liege. Kennet, p. 411.

1686-7. "with whom, in the Queen's presence, he discoursed with all familiarity. He asked him, *How many Candidates for Orders he had, and how many Students?* And upon the Provincial's answer to his Majesty, who was urgent with him, *That of the former and the latter he had above fifty*; he replied, *There would be occasion for double or triple that number, to effect what he designed for that Society's performance*; and ordered, that they should be all exercised in the art of preaching: *For now, says he, England has need of such.*

"I do not doubt but you have heard, that the King writing to Father *de la Chaize*, the French King's Confessor, concerning the affairs of the House among the *Wallons*, declared, That whatever was done to the English Fathers of that House, he would look upon as done to himself. Father *Clere*, Rector of the same House, being arrived at London to treat of that matter, got an easy access to the King, and as easily gained his point. The King himself forbade him to kneel and kiss his hand, according to custom, saying, *Reverend Father, you have indeed once kissed my hand; but if I had known then, as I do now, that you were a Priest, I would rather my self, Father, have knelt down and kissed your hand.* After he had finished his business, in a familiar conversation, his Majesty told this Father, *That he would either convert England, or die a martyr; and he had rather die the next day and convert it, than reign twenty years peacefully and happily, and not effect it.* Finally, he called himself, A SON OF THE SOCIETY, of whose good success, he said, he was as glad as of his own. And it can scarcely be expressed how much gratitude he shewed, when he told him, *That he was made partaker, by the most Reverend our Provincial, of all the merits of the Society*; out of which he is to nominate one for his Confessor; but hitherto it is not known who it will be: Some report, that it will be the Reverend Father the Provincial, but still there is no certainty of that. Many are of opinion, that Father *Edouard R. Petre*, who is chiefly in favour with the King, will obtain an Archbishoprick, but more believe it will be a Cardinal's cap. To him has been granted, within this month or two, all that part of the palace, in which the King used to reside, when he was Duke of York, where there is not a day, but you may see I know not how many courtiers waiting to speak to his Eminence, for so they say he is called. For the King advises with him, and with many Catholic Lords, who have the chief places in the Kingdom, to find a method to propagate the Faith without violence. Not long since, some of these Lords objected to the King, *That they thought he made too much haste to establish the Faith.* To whom he answered, *I am growing old, and must take LARGE STEPS; else if I should happen to die, I might perhaps leave you in a worse condition than I found you.* When they asked him, *Why then he was so little concerned about the conversion of his daughters, who were the heirs of the Kingdom?* He answered, *God will take care of that; leave the conversion of my daughters to me; do you, by your example, convert your Tenants and others to the Faith.*

"He has Catholic Lord-Lieutenants in most counties; and we shall have shortly Catholic Justices of the Peace in almost all places. We hope also, that our affairs will have good success at Oxford. In the publick Chapel of the Vice-Chancellor, who is a Catholic, there is always one of our Divines, who has converted some of the students to the Faith. The Bishop of Oxford himself, seems to be a great favourer of the Catholic Faith; he proposed to the Council, Whether it did not seem to be expedient, that at least one College should be granted to the Catholics at Oxford, that they might not be forced to study beyond sea at such great expences; but it is not yet known what answer he had. The same Bishop having invited two of our brethren, together with some of the Nobility, drank the King's health to a certain heretick Lord who was in company, wishing his Majesty good success in all his undertakings: Adding also, *That the Religion of the Protestants in England, did not seem to him to be in a better condition, than Buda was before it was taken; and that they were next to Atheists, that defended that Faith.* Many embrace the true Religion, and four of the most considerable Earls had lately made publick profession of it. Father *Alexander Kynes*, the Provincial's nephew, to whom is committed the care of the Chapel belonging to the Elector Palatine's Envoy, is continually taken up in solving and answering the questions of heretics, who doubt of their Faith, and whom you may see two or three together walking by the Chapel door, continually disputing about some point of Religion. As to Prince *Gorge*, it is yet uncertain what Religion he professes. We gradually begin to get footing in England; we teach human learning at *Lincoln, Norwich, and York*; and at *Worcester* we have a publick Chapel, No. 81. VOL. II.

"protected by a guard of the King's soldiers; and we are to buy some houses at *Wigan in Lancashire*. The Catholic interest grows very strong; and at some Churches, granted to the Catholics, upon Holidays, there are often counted fifteen hundred present at the Sermon. At London also, our business is carried on with the same good success: Sermons are preached upon every Holiday, and there are so many that frequent the Chapels, that they are not big enough to hold them. Two of our Society, *Dormer* and *Bertus*, preach continually before the King and the Queen; Father *Edouard Neville*, before the Queen-Dowager; Father *Alexander Kynes*, in the Chapel aforesaid; others in other Chapels. There are many houses bought in the *Savoy*, near *St. James's-house*, which is the Queen-Dowager's palace, to be erected the first College in London, for about eighteen thousand Florins; and they are hard at work to bring them to the form of a College, that a School may be opened before Easter.

"A Catholic Lord-Lieutenant is shortly to go over to Ireland, because the King cannot be satisfied with any other, to establish the Catholic interest in that Kingdom. The Parliament will certainly sit in this month of February, of whom his Majesty is resolved to ask three things: First, That by a general Act all the Catholic Peers may be admitted to sit in the Upper-house: Secondly, That the Test may be abolished: And thirdly, which is the chief point, That all penal laws against Catholics should be abrogated. And that he may the better obtain these things, he desires to let them all know, *That he is resolved to turn out all those who will not heartily set for the obtaining of them; and likewise dissolve the Parliament.* At which resolution some heretick being terrified, came to a certain Earl to advise with him what might be done; to whom he answered, *The King's mind is sufficiently known; what he has once said he will certainly perform: If you love your selves submit to the King's pleasure.* There is to be a great preparation of war at London, and a fleet of above a hundred men of war, is to be fitted out against the spring, but against whom it is uncertain. The Dutch are under great apprehensions, but for what reason, although they are said to make an armament, time will best discover.

The Jesuits of *Fribourg* made no scruple to show this letter to several persons, who taking copies of it, made it publick in Switzerland, and at Geneva. Dr. *Burnet* says, T. I. p. 712. he copied it from one in the hands of Monsieur *Heidegger*, a famous Professor at Zurich. One of the copies was sent to Monsieur *Dickbult*, Ambassador of the States-General in England, who spoke of it to the King. Whereupon the King desired to see it, saying, he should soon know whether it was genuine, or forged, to render the Jesuits odious. But though it was put into his hands, he spoke no more of it to Monsieur *Dickbult*.

The Parliament, which, according to the last prorogation, was to meet the 15th of February, was further prorogued [to the 28th of April.] Probably, the King found not things ripe enough, as he desired, to be assured of the concurrence of the Parliament in the execution of his designs. He chose rather to take another course, which to him seemed more short and easy, in establishing liberty of Conscience by his own authority. He was, doubtless, persuaded, that it would be more easy to obtain the consent of the Parliament to a thing already done, than the power to do it. But he thought proper to begin with Scotland, that the example of that Kingdom might influence the English. For this purpose, he sent a proclamation into Scotland for an entire liberty of Conscience, with orders to the Privy-Council to publish it. In his opinion, this proclamation was more than capable to convince all his good subjects of his great moderation, and desire that all should live in quiet. He excluded, however, out of his favour, the Field-Conventicles, whom he recommended to his Council to prosecute with all the severity of the laws. This proclamation contained in substance:

"That his Majesty being resolved to unite the hearts and affections of his subjects, to God in Religion, to him in loyalty, and to their neighbours in Christian love and charity; he had therefore thought fit, by his Sovereign Authority, Prerogative Royal, and Absolute Power, which all his subjects were to obey without RESERVE, to give and grant his royal toleration, to the several professors of the Christian Religion after named. I will, therefore, He allows and tolerates the moderate Presbyterians, to meet in their private houses only; but it is his pleasure that Field Conventicles be prosecuted according to the utmost severity of the laws. In like manner, he tolerates Quakers to meet and exercise in their form, in any place or places appointed for their worship." Then the proclamation proceeds thus, "Considering the severe and cruel laws made against Roman Catholics, (therein 7 F. "called

1586-7. "called Papists) in the minority of our royal Grandfather of glorious memory, without his consent, and contrary to the duty of good subjects, by his regents and other enemies to their lawful Sovereign, our great-grand-mother Queen Mary, of blessed and pious memory; wherein, under the pretence of Religion, they clothed the worst of treasons, factions, and usurpations; and made these laws, not against the enemies of God, but their own: Which laws have still been continued of course, without design of executing them, or any of them, *ad terrorem* only, on supposition, that the Papists, relying on an external power, were incapable of duty and true allegiance to their natural Sovereigns, and rightful Monarchs: We of our certain knowledge and long experience, knowing that the Catholics, as it is their principle to be good Christians, so it is to be dutiful subjects; and that they have likewise, on all occasions, shewn themselves good and faithful Subjects to us, and our royal predecessors, &c. Do therefore, with the consent of our Privy-Council, by our Sovereign Authority, Prerogative Royal, and Absolute Power, suspend, stop, and disable all laws or acts of Parliaments made or executed against any of our Roman Catholic Subjects, in any time past, to all intents and purposes, making void all prohibitions therein mentioned, pains or penalties therein ordained to be inflicted: So that they shall in all things be as free in all respects, as any of our Protestant subjects whatsoever, not only to exercise their Religion, but to enjoy all offices, benefices, and others, which we shall think fit to bestow upon them in all time coming.—And whereas the obedience of our subjects is due to us by their allegiance, and our Sovereignty; and that no law, difference in Religion, or other impediment whatsoever, can exempt the subjects from their native obligations to the Crown; and considering, that some others are capable of being wrested by men of sinister intentions, a practice in that Kingdom as fatal to Religion as Loyalty: We therefore call, annul, and discharge all oaths whatsoever, by which any of our subjects are incapacitated from holding places or offices in our said Kingdom, discharging the same to be taken or given in any time coming, without our special warrant and consent; and we do stop, disable, and dispend with all laws, injoining the said oaths, tests, or any of them, &c." Towards the conclusion, the King reiterates former promises in these words:—

"For the encouragement of our Protestant Bishops, and the regular Clergy, and such as have hitherto lived orderly, we think fit to declare, that it never was our principle, nor will we ever suffer violence to be offered to any man's conscience, nor will we use force, or invincible necessity, against any man on the account of his perfwasion, nor the Protestant Religion; but will protect our Bishops and other Ministers, in their functions, rights, and properties, and all our Protestant subjects, in the free exercise of their Protestant Religion in the Churches."

Though this proclamation concerned only Scotland, I thought proper to insert it here, because it discovers clearly the King's intentions and principles, and consequently, how he pretended to deal with his English subjects, though hitherto he still kept within some bounds, with regard to that absolute power, which England had not ascribed to him in so extensive a manner as Scotland.

The Council of Scotland blindly obeyed the King, not only by publishing his proclamation, but even by thanking him for it, as for a signal favour. This ought not to appear strange, because the Council wholly consisted of men entirely devoted to the King, nor was there in Scotland any person in a public office, who was not, or at least pretended not, to be in the same principles. The Parliament was composed in the same manner, and by Acts passed, had obliged all the Scots to an unlimited obedience, to that no man could oppose the King's measures, under pain of High-treason. Accordingly, the Council, in thanking the King for his proclamation, might boldly speak for the whole Kingdom: Not that they were ignorant that it was not the general sentiment of the nation, but because they knew, no person would have the boldness to contradict it. It is not therefore to the whole Scotch nation, that this blind obedience is to be imputed, but to their Governors, who were but a small part of the people.

The King charmed with the ready compliance of the Scots, and considering it as a favorable precedent for England, summoned his Council, and told them, "it was his intention to publish the like Declaration in England." He grounded his resolution on his observing, that the endeavours to establish an uniformity in the four preceding reigns, had proved ineffectual, and been very prejudicial to the nation. That besides, it was his opinion, as most suitable to the principles of Christianity, "That no man should be persecuted for Conscience-sake; for he thought conscience could not be forced." The Coun-

cil composed like that of Scotland, approved of this resolution, and magnified extremely the King's indulgence to his Subjects. The Declaration for Liberty of Conscience was therefore published the 4th of April. It was much the same with that published in Scotland, except that the King softened his expressions concerning his absolute power, and said, he made no doubt of the concurrence of his two Houses of Parliament, when he should think it convenient for them to meet. It was however manifest, from the frequent prorogations of this Parliament, that he was far from being assured of their concurrence.

Very probably, there was not in the whole nation a single person, who thought the King designed to favour or ease the Nonconformists. Every one clearly saw, that his aim in this declaration was to establish the popish Religion, upon the ruins of the Protestant. For how could it be supposed, that the King, from a violent persecutor, should at once become a friend to the Dissenters? Or what assurance could there be, that his promises to the Nonconformists, would be better kept than those he had made to the Church of England? Nevertheless the Nonconformists had hitherto been treated with so much rigour, that it is not strange, they should at first think themselves happy in a deliverance from persecution. For this reason, addresses of thanks, from the several Sects, were presented to the King for his declaration. The Anabaptists led the way: The Quakers followed, and next came the Independents; and lastly, the Presbyterians. Some of these addresses speaking of the Royal Power, carried it to the highest degree, because it was then advantageous to the Nonconformists to maintain the authority by which they were freed from their constraint. The Churchmen failed not to take notice of this change. But they could not justly blame an excess into which themselves had fallen. The truth is, the two parties neither did then, nor yet do, follow on all occasions, their own principles, with relation to the Royal Power, which they extend or contract, as the King is more or less favorable to them.

Be this as it will, the war then waged between the two parties was of no long continuance. They were quickly sensible, that the Court aimed to revive their former animosities, in order to weaken them both. The King, to succeed in this design, made the hardships and persecutions which the Nonconformists had suffered from the Church of England, the topic of his discourse in his common conversations. No greater pleasure could be done him, than to entertain him with the particulars of those oppressions. To give the Church of England a still more sensible mortification, he ordered the processes in the ecclesiastical Court against the Dissenters to be revived. But the Presbyterians, who were most concerned, were so wise as not to improve so favorable an occasion to mortify their enemies. On the other hand, though some passionate men amongst the Dissenters, published violent invectives against the Church, to retaliate their ill usage, the Episcopalians unanimously resolved not to answer them, for fear of widening the breach between the two parties, at a time when their union was more than ever necessary. It cannot be denied, that herein their moderation and prudence were exemplary. In general, it may be affirmed, that if some of the Nonconformists, whether Presbyterians or others, suffered themselves to be transported by their passion into insults upon the Church of England, they were men of no note. The most sensible, and those who had most credit in their party, observed a great moderation. The Episcopalians on their side, did all that lay in their power to establish union; solely capable of supporting them both. Writings were published from time to time, in which the Churchmen acknowledged their error in driving the Presbyterians to extremities; that they were not sufficiently aware of the artifices of the Court, and promised to have for them great condescension, in case affairs were restored upon a good foot. It is true, they are accused of having been no less forgetful of this promise, than of that made when the Restoration of Charles II. was transacting. But this concerns the following reigns.

If there were Nonconformists who thought themselves obliged to express their gratitude for the King's declaration, by flattering addresses, there were likewise Bishops who, with much less foundation, prevailed with their Clergy to send addresses of thanks to the King, as for a signal favour to the Church of England. Of this number were Crevier Bishop of Durham, Barlow of Lincoln, Cartwright of Chester, Wood of Lichfield, Watson of St. David's. As for Parker Bishop of Oxford he was not so successful, since he could find but one Clergyman in his whole Diocese, who would sign such an address. It may easily be imagined, that had the King's project succeeded, these Bishops would not have been the last to embrace the popish Religion.

The steps already made by the King for the interest of the popish Religion, were not thought sufficient by those who aspired to greater advantages. Hitherto the Papists had not been able to procure any priorments in either of the

1687.

Is thanked
for it by the
Nonconformists.
Gazette.
Knewst;
p. 489.
Edmund.
III. p. 872.
Burnet.
p. 714.

The King
desires to
revoke the
Proclamations.
Knewst;
p. 490.
Edmund.
p. 703, 715.

is wished
in this aim,
and only published
upon their
Ground.

Their
remembrance
for an Oath.
Knewst;
p. 490.
Burnet.
p. 715, 716.

Some Bishops
expressed
their
Gratitude.
Knewst;
p. 547.
Edmund.
III. p. 872.
Burnet.
p. 714.

An Order
to the Under-
secretary of
Cambridge
to admit a
Benedictine
Monk to the
College of
St. John.

State Trials.
Vol. p. 550.
Burnet.
University, Knewst.

1587.
The Council
of Scotland
publishes the
King's Pro-
clamation.
Gazette.
III. p. 489.
Knewst.
p. 446.

The King
publishes
his Declaration
in Eng-
land.
Gazette.
Knewst;
p. 487.
Edmund.
Burnet.
p. 714.

1687. Universities, and yet they were passionately desirous to set up there Masters and Professors of their own Religion, in order to become in time masters of some of the Colleges. It had been proposed to the King to found a College in each University. But, whether the expense discouraged him, or whatever was the reason, it was thought more proper to introduce Papists into the Colleges already founded. The design was begun at Cambridge, where [Dr. John Peachell] the Vice-Chancellor received a letter from the King, commanding the University to admit to the degree of Master of Arts, *Alban Francis*, a *Benedictine* Monk, without administering any oath whatsoever, notwithstanding any Statute or Law to the contrary, which the King was pleased to dispense with in favour of the said *Alban Francis*. The Vice-Chancellor having communicated this letter to the congregation of Regents and Non-Regents, it was unanimously agreed by the members, not to admit the said *Francis*, till the King had been petitioned to revoke the mandate. For this purpose, they applied to [Christopher Mordaunt] Duke of Albanarle, their Chancellor, praying his intercession with the King, to which he returned for answer, That he had tried but to no effect. Upon this answer the University sent deputies to London, who were to apply to the Earl of Sunderland, but he refused to hear them. Shortly after the King sent a second letter to the University, the same in substance with the former, with this addition, *To do it at their peril*. As the University continued still to stand their ground, a summons was sent from the new Ecclesiastical Commissioners, commanding the Vice-Chancellor to appear in person before them and the Congregation, by themselves, or their deputies. In short, by sentence of the Court, the Vice-Chancellor was deprived of his office; but *Francis* was not admitted. This was the first avowed attempt to introduce Papists into the University. I say avowed, for some might have been received under the pretence of being Protestants. But soon after *Mogdalen College in Oxford*, the richest in revenue (1), had a more terrible storm to encounter.

The Presidency of that College being vacant the 31st of March, by the death of Dr. Clark, the Vice-President gave notice for a new election the 13th of April. But before that day, the members of the College were informed, that the King had granted a particular mandate in favour of Mr. *Anthony Farmer*, a man of ill reputation, who had promised to declare himself a Papist. Whereupon they presented a petition to the King, praying him, either to leave them to the choice of their President, according to their Founder's Statutes, or to recommend a person who might be more serviceable to his Majesty, and the College. The answer received from the Earl of Sunderland, was, *That the King must be obeyed*. Immediately after, the King's mandate was delivered to Mr. *Robert Charnock* (2), a new convert and Fellow of the College. This mandate being read in the presence of all the Fellows, it was resolved to keep to the day appointed for the election (3), on which day Dr. *Hugh* was chosen by a great majority. The new President was presented to the Visitor, the Bishop of Winchester, who swore and admitted him to his office.

The King was extremely provoked with this election, and notwithstanding the interposition of the Duke of Ormond Chancellor of the University, the Vice-President and Fellows were cited to appear before the Ecclesiastical Commissioners at Whitehall. Accordingly, the 6th of June, six Fellows deputed by the Society, appeared before the Commissioners, and to the question, *Why they refused to obey the King's Mandate?* they produced their Statutes, and the oath they had taken for the observation of them, by which Statutes *Farmer* could have no pretension. They were ordered to attend again the 22d of the month, on which day they gave in so many allegations against *Farmer*, (who besides was unqualified by the Statutes,) that the Commissioners were ashamed of him. But as it was the King's cause, they were maintaining, they deprived Dr. *Hugh* of his Presidency, and suspended the Vice-President, and one of the Fellows (4). The King being informed of the allegations against *Farmer*, thought fit to drop his first mandate, and granted a second in favour of Dr. *Parker* Bishop of Oxford.

The Fellows of the College finding him no better qualified than *Farmer*, refused to obey the new mandate. This so incensed the King, that he went himself to Oxford, bent at all hazards to overcome their obstinacy. He ordered them to attend him at Christ Church, and spoke to them in terms capable of intimidating men of less firmness and resolution. He commanded them to be gone, and to admit the Bishop of Oxford their President, letting them know,

that otherwise they should feel the weight of his hand. But instead of obeying, they offered a petition in vindication of their proceedings; but the King would not receive it. At last, after all his menaces, he was forced to leave Oxford, without gaining his point. Shortly after, the King appointed a Commission to visit the College, namely, *Cartwright* Nov. 22. Bishop of Chester, Sir *Robert Wright* Chief Justice of the King's Bench, and Sir *Thomas Jenner* a Baron of the Exchequer. These Commissioners treated the Fellows very unbecomingly, abstaining not even from ferocious and abusive language. At last, seeing it was not possible to overcome them, they found an expedient to save in some measure the King's honour, by an ambiguous Declaration, to which the Fellows were willing to submit. But this satisfied not the King, who, the Commissioners said, expected some farther submission, which they advised them to make, "by acknowledging their contempt to his sacred Majesty in person, and to his letters; that they should promise to be- come themselves loyalty for the future; that they should own the proceedings and legality of the Court, implore his Majesty's pardon, and lay themselves at his feet; and that they should declare their entire submission to the Bishop of Oxford as their President." Of twenty-seven Fellows, only *Charnock* and another (5) offered to sign this submission. At last, the commissioners, empowered by the King, deprived the twenty-five, who refused to subscribe the declaration, of their Fellowships, and expelled them from the College, for disobedience to the King's commands. They all protested against the sentence, declaring, *They would use all just and legal ways of being relieved*. The sentence however was confirmed by the Ecclesiastical Commissioners, and aggravated, by declaring the President and Fellows incapable of being admitted to any ecclesiastical dignity or benefice. The President refused to put the Bishop of Oxford in possession of his lodgings, which were therefore broke open. All the College was filled with Papists, and *Charnock* was made Vice-President. Though this affair held from the beginning of June, to the end of October, I was willing, in order to avoid repetition, to finish the narrative at once.

The King discovered on all occasions his extraordinary zeal for the advancement of his Religion; but principally in the disposal of all places and offices in his gift. For some time, he had scarce preferred any, but those who were willing to purchase his favour by changing their Religion, and often displaced those who testified a zeal for the Protestant Religion, without regard to past services or offences. Many of those who had been most active for the Bill of Exclusion were caressed and courted, provided they would embrace the King's Religion, as for instance, the Earl of Sunderland. But an adherence to the Protestant Religion, was a sufficient cause to remove those who had done him the most important services on the same occasion, witness his brothers-in-law the Earls of Clarendon and Rochester. [Charles Talbot] Earl of Shrewsbury, who some years before had turned Protestant, lost his regiment of Horse, for refusing to return to Popery. The Lords-Lieutenants of Counties were almost all Papists. As for the Judges, some were Papists, and the rest, though Protestants, were ready to obey all the King's commands. If any of them proved too scrupulous, they were immediately displaced, for others more compliant. These mercenary Judges, when they went their circuits, received orders from the Chancellor, to use all their authority for confirming the Right assumed by the King of dispensing with the Laws, and to discourage, as much as possible, those whom they should not find disposed to submission. These orders were executed with extreme rigour and insolence.

Every one plainly saw the tendency of these proceedings, for the King was open and undisguised. Nevertheless, there were even among the Lawyers themselves, some that affected to approve of all his actions, and by their addresses, to incourage him to proceed. To shew the excessive flattery of these men, I shall here insert an address presented to the King the 11th of June, by the society of the Middle Temple.

May it please your Majesty,

WE your Majesty's dutiful Subjects, to our great joy, have received a happy occasion of making this Declaration of our gratitude: And as we know that your Majesty's goodness is the greatest that ever was shewn by a Prince to his Subjects, so we with the voice of men and angels, to return sufficient thanks for your Majesty's condescension and clemency to all your Subjects, in your gracious Declaration for a Toleration.

(1) Though the seven's Rents of it are but about four or five thousand pounds a year, yet it is thought the improved value of the Estate belonging to it is about forty thousand pounds. *Barre*, p. 497.

(2) The same who was executed in the Reign of King *William*, for being in a Plot for the Abdication of that Prince. *Rapin*.

(3) The Election was put off to the 25th. See *State-Treaty*, Tom. IV. p. 254.

(4) Dr. *Atwood*, the Vice President, and Dr. *Fenjan*.

(5) Dr. *Thomas Smith*. See *State-Treaty*, Tom. IV. p. 257.

1687. "And as for this compassion and goodness, thanks ought to be paid your Majesty by all his Subjects; so we especially of the profession of the Law, have most reason to be thankful for the honour you have done us, by asserting your own Royal Prerogatives, which is the very life of the law, and our profession. Which Prerogatives, as they were given by God himself, so we declare, That no power upon earth can diminish them, but they must always remain entire and inseparable to your royal person. Which Prerogatives, as we have studied to know them, so we are resolved to defend them, by asserting with our lives and fortunes that divine maxim, *A Deo Rex, A Regi Lex*. And now as a testimony of our perfect satisfaction in this our address and acknowledgement, we have subscribed our names, that your Majesty may know us to be yours; and that the rest of our profession may follow our example: And therefore we beg your Majesty will accept this address from us, who in conclusion make bold to offer our best wishes, and hearty desires, that your Majesty's Councils may prosper in wisdom, your Kingdoms flourish in peace, and your royal person enjoy a long, happy, and glorious reign over us."

With all this, the King was disappointed in an affair which he earnestly laboured, and that was the gaining the Parliament to approve of the power pretended to by him of dispensing with the laws. The Parliament should have met the 18th of April, and it was expected accordingly. But the King, not finding things so ripe as he desired, had prorogued it to the 22d of November. Some days before this prorogation a Pamphlet had been dispersed in London, tending to give the Parliament a disadvantageous idea of the King, in the supposition that they were going to sit. Here is a short extract of this pamphlet, which was ascribed to Dr. Burnet, then in Holland.

"Our King has given such testimonies of his zeal for his Religion, that we see among all his other royal Qualities, there is none for which he deserves and deserves to be so much admired, since even the passion of Glory, of making himself the terror of all Europe, and arbiter of Christendom, (which as it is natural to all Princes, so must it be most particularly so to one of his martial and noble temper) yields to his zeal for his Church; and that he, in whom we might have hoped to see our Edward the third, our Henry the fifth revived, chuses rather to merit the heightening his degree of glory in another world, than to acquire all the conquests that this low and vile world can give him: And that, instead of making himself a terror to his neighbours, he is contented with the humble glory of being a terror to his own people; so that instead of the great figure this reign might make in the world, all the news of England, is now only concerning the practices on some fearful Mercenaries."

In the mean time, the King continued to take infinite pains to gain the members of Parliament. He closteted, one by one, all that were in London, and represented to them what he thought capable to convince them of the necessity to abolish the Penal Laws, for the good of the Kingdom, and enforced his arguments with menaces and promises. It is not improbable, but some might be gained, but he could never be assured of a majority of voices. This determined him at last to dissolve the Parliament, by proclamation the 2d of July.

When the firmness of the members of this Parliament, as soon as they believed the interests of Religion were at stake, is compared with their extreme zeal for the King in the beginning of their session, it must be inferred, that their compliance was owing purely to their mistake in their good opinion of the King; and that their firmness proceeded from their being at last undeceived. They are therefore unjustly accused, of intending to sacrifice to the King, the interest of Religion and their Country. They demonstrated the contrary, in resisting the temptations, the King laid before them, even in his presence, and face to face. This, in my opinion, is the highest degree to which firmness can be carried. They were all, or almost all, members of the Church of England; nay, for the most part, High-Churchmen. I have before given the reason of their excessive zeal and condescension for the King, and therefore need not repeat it. But when they discovered that the point was not to curb the Dissenters, but that the King's designs concerned the Protestant Religion, without any distinction of sects, they evidently showed, that they were as good Protestants, as those who accused them of being Papists, or popishly inclined. This truth will still more plainly appear, in the firm and unshaken courage of the Church of England, on the most important occasion that ever was.

After the Parliament was dissolved, the King's grand affair was to have a new one entirely at his devotion. But he would not call one, till he was assured of having such

members returned, as he should think proper. For this purpose, *Quo Warrants* were issued against several Corporations, to the end, that when they were deprived of their Charters, the King might grant such new ones, as should render him master of the Elections. It may be imagined, that as the Courts of Justice were disposed, the Corporations could not but be deprived of their Charters, and for obtaining new ones, were obliged to comply with the King's desires. This was one of the methods used by the King, to dispose the People to elect such members, as would promote the design of taking off the penal Laws and Test. It would be too tedious and difficult to relate all the King's secret methods, the artifices he sent into the Counties and Corporations, the instructions he gave them to gain the People, the arguments, promises, and menaces they used. All that can be said in general, is, that nothing was forgot which he thought would contribute to the procuring a favorable Parliament. To this end, Magistrates and Lord-Lieutenants were displaced, but chiefly, particular men were closteted to engage them in the King's measures. It was also with this view that he made a progress through several Counties, and stopped at the cities and great towns, to careen or intimidate the People. But every where met with such coldness, or rather aversion to his designs, that he durst not venture to call a Parliament. As the people were convinced, that the King's design, with whatever pretence he disguised it, was to deprive them of their liberty, and change the established Religion, they would not be the instruments of their own ruin. The affair of *Magdalen College*, which was in its greatest heat, during the King's progress, greatly contributed to open the eyes of the most blind, and exasperate the nation. The King would have a Parliament, which should consent to the abrogation of the penal Laws and Test, or grant him a power of dispensing with them, at a time when his whole conduct discovered a settled design of planting the Popish, upon the ruin of the Protestant Religion. Besides, it was manifest, he did not ask this power as a favour, but insisted upon it as a right, which he had already assumed, without the concurrence of the Parliament.

At last, the King showed to open a contempt of the Law, that no person could mistake him. After sending, as we have seen, a solemn Embassy to Rome, he would have a Nuntio in ordinary residing at his own Court. The Pope had, the last year, nominated for this employment, *Ferdinando Dadda*, domestic Prelate to his Holiness, who had been about the King ever since his accession to the Crown, and was the Queen's great favorite. He had been received as Nuntio, but privately, and without the people's knowledge. But now the King having entirely pulled off the mask, was for honoring him with a public reception, though to assume the character of the Pope's Nuntio was high-treason. To give more lustre to the Nuntio, he was first consecrated Archbishop of *Asiaia* in the Royal Chapel, after which, on the 3d of July, he made his public entry at *Windsoor*, with great pomp and magnificence. It was a very surprising spectacle to Protestants, to see a Nuntio from the Pope in his *Pontificalibus*, preceded by a Cross-bearer, and a train of Priests and Monks, in the habits of their respective orders. Mean while, on this very occasion the King received an unexpected notification; for having ordered *Charles Seymour* Duke of *Somerset* to attend the Nuntio to his audience, he desired his Majesty to excuse him from an audience which the laws of the land made criminal. This he intended the King, that he removed him from his Place of Gentleman of the Bed-chamber, and Colonel of the Dragoons. (*Henry Fitzroy*) Duke of *Grafton*, left *Krusupols*, accepted the office relished by the Duke of *Somerset*. Some have believed, that *Dadda* was one of the King's principal Counsellors in affairs of Religion. But it is not likely, he would act so contrary to the sentiments of the Pope, who by no means approved the King's conduct. The same thing cannot be said of Father *Petra*, or *Peters*, the King's Confessor, who was the first mover of all the engines to advance the progress of Popery. He was publicly received into the Council the 11th of November, contrary to the opinion of the most eminent Papists, who justly feared the King's affairs would thereby be very much prejudiced.

Though the King had given convincing proofs of his aversion to the Protestant Religion, he favorably received the French Protestants, who took sanctuary in England on account of the rigours exercised against them in France. He not only granted them his protection, but also large sums, besides his licence to encourage a public collection. Some ascribe this to policy, in order to intimate to the English, how little ground they had to fear such treatment in England, from the King, who was so charitably compassionate to the misfortunes of foreigners, persecuted in their own country. But as the King himself did not discover the motives of this conduct, they can only be conjectured. Thus much is certain, the French Ministers thought themselves

The King further Prerogative the Parliament. Kennet. p. 494. Echard. III. p. 829.

A Libel ascribed to the King.

The King clostetted several Members of Parliament to gain them over to him. Echard. III. p. 829. and at last dissolved the Parliament. Gassner. No. 256. The Members of the last Parliament windstetted from an Act. Echard.

Quo Warrants issued out against several Corporations. Kennet. p. 495. Echard. III. p. 830.

1687.

The King's Practices to obtain a favorable Parliament. Burnet. p. 529, 530. Gassner. No. 256.

The Publick Entry of the Pope's Nuntio at Windsoor. Kennet. p. 494. Burnet. p. 510. Echard. III. p. 830. Windsoor.

Father Peters received into the Council. Echard. III. p. 830.

The King received favorably the French Protestants. Kennet. p. 495. Echard. III. p. 830.

1687. selves under such obligations to the King, that they were amongst the most forward to display his virtues in their Sermons, whenever an occasion offered. I myself remember to have heard a Preacher in the Church of the Savoy launch out into the profane flattery (1).

Death of the Duke of Buckingham, April 16.
[George Villiers] Duke of Buckingham, who now made a contemptible figure, died this year in *Yorkshire*, just as he had lived, that is, without any sense of Religion. This same year death likewise seized the famous Sir William Petty, Physician and Fellow of the Royal Society, after having published several useful and valuable writings.

I am now come to the year 1688, a critical year to England, the first half of which pertended to the English the loss of their Religion and Liberties. James II. had promoted his great work in the three years he had been on the throne, with a surprising rapidity and success. He had invested himself with an absolute power, that hardly suffered any contradiction. The laws of the land were openly violated. The Privy-Council was almost wholly popish, and under the direction of a Jesuit. The most considerable places in the Court and Kingdom were possessed by men of the same Religion. The Tithes and Penal Laws were insufficient fences to secure Religion, for which they were intended. In a word, the King was resolved to complete his work at all events, and an army of fifteen thousand men, encamped within a few miles of London, besides the assistance of France, seemed to promise him success. But what was more extraordinary, was, that Protestant Corporations, when their Religion was so violently attacked, sent their addresses of thanks to the King, as for a great favour, publicly promising to chuse such members for the ensuing Parliament, as should concur with his measures. All this gave just occasion to fear, that no remedy could possibly be found for the miseries of the nation, which daily increased. The only refuge which seemed to be left, was the Princess of Orange, presumptive heir of the Crown, who, like another Elizabeth, would restore things to their former State, when she should ascend the throne. But, besides that the King, who was but in his fifty-fifth year, might yet live a great while, an astonishing Proclamation, published the 2d of January, to notify the Queen's being with child, and to order publick Thanksgiving to God, entirely destroyed the hopes which had been entertained.

The Papists were transported with this agreeable news. Some even began to debate the question, whether a daughter born since the King's advancement to the throne, ought not to take place before the Princess of Orange, born while he was Duke of York? But this question was very needless. Every one was persuaded, the Papists through hope, and the Protestants through fear, that the Queen would be delivered of a Prince. It is very certain, the Protestants from this time began to form suspicions about the Queen's pregnancy. This appeared in several pamphlets, dispersed through London, some of which were even dropped in Whitehall. Hitherto, the sole foundation of the suspicion, that the Queen's pregnancy was a cheat, consisted in her having been so many years childless. But this foundation was too weak to prove the certainty of an imposture. It was not impossible for the Queen to be with child; but on the other hand, neither was it impossible that the Queen should be willing to suppose an heir. The extreme zeal of the King and Queen, and of most of their counsellors and confidants, for their Religion, rendered such a suspicion plausible to the Protestants. Histories have recorded instances of the like impostures, as in Spain, and in England itself, where it is pretended, that Queen Mary, to deprive her Sister Elizabeth of the Succession, would have supposed an heir, had not her husband King Philip prevented it. For this reason, the story of Queen Mary's sham-conception, as delivered by Fox, was repeated and dispersed thro' the Kingdom, with this title, *Idem Iterum, or Queen Mary's Big-Belly*. Another cause which contributed greatly to corroborate this suspicion, was the indifference of some Jesuits, who published, that she would certainly be delivered of a Prince. They pretended, that this conception was miraculous, and the effect of a solemn petition, which the late deceased Duchess of Modena had put up in heaven to the blessed Virgin Mary, or of a vow the Queen had made to our Lady of Loretto, with the present of a golden image, enriched with precious stones. As on pretence that the Queen had been several years childless, her pregnancy could not be deemed supernatural, there was no necessity to ascribe it to a miracle, of which there could be no certainty. So, this needless precaution served only to confirm the suspicion.

The Queen's pregnancy produced many congratulatory

addresses. Some of these carried their compliments and flattery to the last excess. This is no wonder. Most of the Lords-Lieutenants, Justices, and Magistrates of the towns, being devoted to the King, it was not difficult for them to persuade the Corporations, that these congratulations to the King were the just tribute of their duty. This being once inculcated, they drew up the addresses themselves; and procured such subscriptions as they thought proper, thereby causing the Corporations to say what they pleased. Were addresses to be considered, as containing the real sentiments of the people, it might be said, that all the English nation was transported with joy, through the hopes of a popish Successor. But the nation soon discovered directly opposite sentiments. Besides, it appears, the King did not rely on this general concurrence of his Subjects, since he dar'd not to call a Parliament, whose approbation and compliance were the great object of his desires.

Besides the forementioned methods, which the King used to advance the popish Religion, there was still another from which he promised himself great success. Sometime since, the *Romish* Priests and Jesuits had printed and dispersed a great number of Controversial Writings, which had been answered by *Tillotson, Tennison, Stillingfleet, Sherlock*, and others, in a manner which, in all appearance, was not agreeable to the Papists. The King fearing, without doubt, that his Doctors would not be a match for the champions of the Church of England, published a Proclamation, grounded upon a Statute made the 13th of Charles II, "prohibiting the printing and selling all unlicensed and treasonable books and pamphlets, under the pains and penalties provided by the said Act." Under this name were comprehended the Controversial Books published by the Protestants, on a pretence, that they encouraged and fomented animosities amongst his Subjects (2).

The King's grand design, as hath been seen, was to repeal the Tithes and Penal Laws, and for that purpose he wished to have a Parliament at his devotion. He had already abrogated these Laws by his own authority, but he daily found, that this did not suffice to lead his subjects to the degree of compliance he desired. He thought therefore, if the consent of the Prince and Princess of Orange could be obtained, it would be a great step towards obtaining the same thing of the Parliament. To that end, he resolved to sound the inclinations of the Prince of Orange, without his appearing in it. He employed Mr. James Stewart (3), Penitentiary Fagel's acquaintance, who writ to that Minister, endeavouring to persuade him, that it was the interest of England, and of the Prince and Princess of Orange, that the Tithes should be abrogated, and the Laws against the Catholics repealed. This letter coming only from a private man, the Prince would not allow Mr. Fagel to return an answer. Mr. Stewart in vain renewed his instances for an answer, till at last, he was obliged to acquaint Mr. Fagel, that his first letter was writ by the King's direction, who desired to have the opinion of the Prince and Princess upon the affair. This, joined to the false report propagated in London, that the Prince and Princess of Orange had given their consent to the abrogation of the Tithes and Penal Laws, forced Mr. Fagel at last to answer Mr. Stewart, and let him know the sentiments of the Prince and Princess of Orange.

The letters of these Gentlemen have made so much noise in the world, and are so universally known, that I do not think it necessary to insert them. I shall content myself with briefly refreshing the Reader's memory with the substance of Mr. Fagel's answer. He told Mr. Stewart, "That it was the opinion of the Prince and Princess, that no Christian ought to be punished for his Conscience, or ill used because he differed from the established Religion; and therefore could consent, that the Roman Catholics should enjoy a full Liberty of Conscience. That as to the Nonconformists, their Highnesses did not only consent, but heartily approved of their having an entire Liberty of Conscience, for the exercise of their Religion; without any trouble, hindrance, or molestation on that score. — But their High-Mightinesses could not by any means agree to the repeal of the Tithes, and those other Penal Laws, that tended to the security of the Protestant Religion, since the Roman Catholics received no other prejudice from these, than their being excluded from Parliament and publick employments; and that by them the Protestant Religion is sheltered from all the designs of the Roman Catholics against it, or against the publick safety."

This answer was supported with reasons so clear and solid, that Mr. Stewart, hiding himself too weak for such

(1) It is thought, that the King's Favours to the French Refugees, were, chiefly to engage them to *espouse* and shew the King's power of dispensing with a penal Law in Religion. See Kennet, p. 499. N. 40.

(2) About that time it was, that in order to retain the poster part of People from leaving their Children be entered into the Popish Schools and Seminaries created in and about London, Charles II. began to be set up in that great and noisy City. The first schools of this kind were opened at St. Dunstons, and St. Margaret's in London on Lady-Day 1688. Kennet, p. 498.

(3) A French Lawyer, whom King James had persecuted, and received into favour, after a long exile. Kennet, p. 491. Burnett, p. 731.

1688. an adversary, thought it more advisable to deny all correspondence with Mr. Fagel on this subject, in order to destroy the authority of Mr. Fagel's answer, which had been printed and dispersed through England and all Europe.

The Pensionary provoked at this proceeding, sent a letter to the Marquis of Albionville, the English Ambassador at the Hague, wherein he called him to witness, that the Prince and Princess of Orange had declared their thoughts to him concerning the penal Laws, in the same manner as he had represented them; and that Albionville had acquainted the King with it long before he wrote his letter. He complained of the Earl of Sunderland, for having assigned an Allowance to print a pamphlet (1), which asserted, that the answer of Mr. Fagel to Mr. Stewart was supposititious, though he himself had seen the original, and knew that the King had also seen it. This last letter was likewise printed in French and English, and dispersed. All this was extremely injurious to the King, and began to give the English hopes, that the Prince and Princess of Orange would not abandon them in their pressing necessities. It must be

Edw. III. p. 827. observed, that Mr. Fagel's letter to Mr. Stewart was writ on November the 4th, the last year, before the Queen's pregnancy was divulged. But this affair became not publick, till the beginning of the year 1688.

The refusal of the Prince and Princess of Orange to consent to the abrogation of the Test and penal Laws, served only to inflame the King's zeal, and oblige him to use fresh endeavours to have a Parliament at his devotion. He sent therefore emissaries into the several counties, to try to secure the elections, before he ventured to call a Parliament. But the more solicitous he was to gain this point, the less inclination he found in the people, who, on so important an occasion, were unwilling to trust their interests with men devoted to the Court, as the King desired. Wherefore the King, foreseeing all his artifices would prove unsuccessful, and that he should at last be obliged to use force,

gave out commissions for raising new troops, for the increasing of his standing army; and likewise caused a larger fleet to be equipped. The new commissions were almost all given to Irish and Popish officers. Moreover, he wrote, the 17th of January, to the States-General, to demand the six English and Scotch regiments that were in their service. The 2d of March he issued out a proclamation, "Forbidding his natural born subjects to enter or lift themselves in the service of any foreign Prince or State, either by sea or land."

The States did not think proper to send these regiments to the King in the present juncture. They returned a civil answer, and declared, That having examined their engagements, they could find no agreement or capitulation that could oblige them to grant his Majesty's demands, except when he was in war with some of his neighbours, or there was an insurrection at home. That they had accordingly sent the six regiments into England in the year 1685, at the time of the Duke of Monmouth's rebellion. But that now the King being in peace with his neighbours, and free from disturbances at home, they saw no reason that could oblige them to send back those troops. The King not satisfied with this answer, renewed his instances. But the States, in shewing how these regiments were formed, and the treaties which had been made about them, insisted, that they were obliged to send them back only in the two cases above-mentioned, and that the King was not at present in either. At last, after a third fruitless attempt, the King, by a proclamation, called home all his subjects which were in the service of the States-General. Whereupon, the Prince of Orange offered passes to all the officers of the six regiments that were willing to return home, which about forty of them accepted.

Though the King had published last year a declaration, for an entire liberty of Conscience to all his subjects, and, by virtue thereof, had filled almost all the offices with Catholics, he thought fit to publish a second upon the same subject, the 27th of April this year. Perhaps he had a mind to shew, that though he was desirous of having what he had done, confirmed by Parliament, he could, however, proceed without their concurrence, and act by absolute power. Perhaps too, he intended to bring things to a crisis, being incessantly pushed by his popish Counsellors, who were for improving the occasion offered them by the King's zeal. The declaration was as follows:

James Rex,
OUR conduct has been such in all time, as ought to have persuaded the world, that we are firm and constant to our resolutions: Yet that easy people may not be abused by the malice of crafty wicked men, we think fit to declare, that our intentions are not changed since the 4th of April 1687, when we issued out our declaration for liberty of Conscience, in the following terms:

"*James Rex,*
OUR conduct has been such in all time, as ought to have persuaded the world, that we are firm and constant to our resolutions: Yet that easy people may not be abused by the malice of crafty wicked men, we think fit to declare, that our intentions are not changed since the 4th of April 1687, when we issued out our declaration for liberty of Conscience, in the following terms:

"(Here the declaration was recited verbatim, and then it follows.) Ever since we granted this indulgence, we have made it our principal care to see it preferred without distinction, as we are encouraged to do daily by multitudes of addresses, and many other assurances we receive from our subjects of all persuasions, as testimonies of their satisfaction and duty; the effects of which we doubt not but the next Parliament will plainly shew; and that it will not be in vain, that we have resolved to use our utmost endeavours to establish liberty of Conscience, on such just and equal foundations, as will render it unalterable, and secure to all people the free exercise of their Religion for ever; by which future ages may reap the benefit, of what is so undoubtedly for the general good of the whole Kingdom. It is such a security we desire, without the burthen and constraint of Oaths and Tests, which have been unhappily made by some Governments, but could never support any: Nor should men be advanced by such means to offices and employments, which ought to be the reward of services, fidelity, and merit. We must conclude, that not only good Christians will join in this, but whoever is concerned for the increase of the wealth and power of the nation. It would, perhaps, prejudice some of our neighbours, who might lose part of those vast advantages they now enjoy, if liberty of Conscience were settled in these Kingdoms, which are, above all others, most capable of improvements, and of commanding the trade of the world. In pursuance of this great work, we have been forced to make many changes both of civil and military officers throughout our dominions, not thinking any ought to be employed in our service, who will not contribute towards establishing the peace and greatness of their country, which we most earnestly desire, as unbiased men may see by the whole conduct of our Government, and by the condition of our fleet, and of our armies, which, with good management, shall be constantly the same, and greater, if the safety, or honour of the nation require it. We recommend these considerations to all our subjects, and that they will reflect on their present ease and happiness, how far above three years that it hath pleased God to permit us to reign over these Kingdoms, we have not appeared to be that Prince, our enemies would have made the world afraid of; our chief aim having been not to be the oppressor, but the saviour of our People; of which we can give no better evidence, than by confining them to lay aside all private animosities, as well as groundless jealousies, and to chuse such members of Parliament, as may do their parts to finish what we have begun for the advantage of the Monarchy, over which Almighty God has placed us; being resolved to call a Parliament, that shall meet in November next at farthest."

The King was not satisfied with publishing this declaration in the usual method, but thinking, without doubt, that so important an affair, extraordinary formalities were to be observed, he issued out an order of Council, enjoining the Bishops to cause it to be sent and distributed throughout their several Dioceses, to be read at the usual time of divine Service, in all Churches and Chapels, on certain days named in the order. Some believed, the King had two views in this order, first, to mortify the Church of England, against which he had for some time shewed great resentment: secondly, to lay the Bishops under a necessity, either of making themselves in some measure the instruments of his designs against the Protestant Religion, or of incurring the penalties of their disobedience in case of a refusal.

Upon the receipt of this order, several Bishops, who were in London, assembled at the Archbishop's palace at Lambeth, to consult how they were to behave upon so nice an occasion. For they were necessarily, either in obeying the King, to approve, by their conduct, this violation of the Laws, and betray the interests of the Protestant Religion, or in refusing to obey, to draw upon themselves the penalties which, in all appearance, would be inflicted for their disobedience. These difficulties were debated in this assembly with all the care, so important an affair required, after they had implored the divine assistance by extraordinary prayers. The result of their conference was, that it was better to obey God than Man, and their care being such, that they could not obey the King without betraying their own Consciences, they ought without farther consideration to expose themselves to the approaching storm, rather than sacrifice the interests of God and the Church. This resolution was grounded upon four considerations. 1. That many would justly judge the Clergy either cowardly or hypocritical time-servers, in publishing what they thought illegal, and illegally sent to them. 2. That many who had votes for Parliament-men would take this for the con-

(1) Intituled, *Parliamentum Pacificum, or The happy union of King and People in a happy Parliament.* Knap p. 422.

1698. sent of the publishers, and be strengthened in the chusing such men as should be friends, not only to the Indulgence, but to the foundation of it, the dispensing Power. 3. That the world would have reason to take their publication for an approbation, because there could be no other intention in ordering it to be published, but to make the Clergy parties to it. 4. That after this they must expect farther things to be published by them, at which they must make a stand; and their making a stand when they had lost their reputation would be of no force.

Pursuant to this resolution, the consulting Bishops, being seven, before they parted drew up a petition, and subscribing it the same day, the 18th of May, six of them (1) crossed the water to Whitehall to present it to the King, without acquainting any person with their design. Their names were Sancroft Archbishop of Canterbury, Lloyd Bishop of St. Asaph, Kenna of Bath and Wells, Turner of Ely, Late of Chichester, White of Peterborough, Trelawney of Bristol. Their petition ran thus:

To the King's most Excellent Majesty.
The humble Petition of William Archbishop of Canterbury, and several of the Suffragan Bishops of that Province, now present with him, in behalf of themselves and other of their object brethren, and of the inferior Clergy of their respective Dioceses.

Humbly sheweth,
“THAT the great avereness they find in themselves, to the distributing and publishing in all their Churches, your Majesty's late declaration for liberty of Conscience, proceeds neither from any want of duty and obedience to your Majesty, (our holy mother the Church of England being, both in her principles and in her constant practice, unquestionably loyal, and having, to her great honour, been more than once publicly acknowledged to be by your gracious Majesty;) nor yet from any want of tenderness to Dissenters, in relation to whom we are willing to come to such a temper, as shall be thought fit, when the matter shall be considered and settled in Parliament and Convocation: But among many other considerations, from this especially, because that declaration is founded upon such a dispensing power, as hath been often declared illegal in Parliament, and particularly in the years 1662, and 1672, and in the beginning of your Majesty's reign; and is a matter of so great moment and consequence to the whole nation, both in Church and State, that your Petitioners cannot in prudence, honour, or conscience, so far make themselves parties to it, as the distribution of it all over the nation, and the solemn publication of it once and again, even in God's house, and in the time of his divine Service, must amount to, in common and reasonable construction. Your Petitioners therefore most humbly and earnestly beseech your Majesty, that you will be pleased not to insist upon their distributing and reading your Majesty's said Declaration; and your Petitioners, as in duty bound, shall ever pray, &c.”

The King, surprized and incensed at this Petition, answered in a very angry tone: *I have heard of this before, but did not believe it: I did not expect this from the Church of England, especially from some of you. If I change my mind, you shall hear from me; if not, I expect my command shall be obeyed.* The Bishops replied, *We resign our selves to the will of God;* and then immediately retired.

The Bishops of Durham and Rochester, both Ecclesiastical Commissioners, and two others (2), caused the declaration to be read in their Dioceses. But it generally happened, wherever it was read, that the congregation immediately left the Church. One Minister, before he began to read it, told his flock, “That he could not refuse the order sent him to read the declaration, but that he knew no order which obliged them to hear it.” In London it was read but in four or five Churches (3).

Mean time, the Court was unresolved what course to take with the Bishops. Not but that they were determined to come to extremities, rather than quit their designs. However, they did not care to begin with the Bishops, because of the people's reverence for them. Though the King's Council persuaded him to do all things with a high

hand, they trembled, however, when they met with any opposition, seeing the great disproportion between the number of Protestants and Papists. They considered, that while every one was submissive, the Lords-Lieutenants of Counties, and the Magistrates, all creatures of the King, had great credit and authority; but should the people happen to grow weary of their obedience, and openly resist, their authority would vanish; and it was not probable, the lesser number should subdue the greater. This had been the case in the reign of Richard II, and very lately in that of Charles I. It seems therefore, that prudence required the King carefully to avoid what might produce a sudden revolution, and not to enter upon violent measures, till he had taken greater precautions. For, upon supposition of a rebellion, which was not impossible, if the Bishops were proceeded against with rigour, was it not a gross error, to rely on a Protestant army to introduce Popery, and force Protestants to submission? But, on the other hand, those who directed the King in his counsels and undertakings, had not his interest chiefly in view, but that of the Catholic Religion. They considered the King only as an instrument to be made use of, at all events, while he was alive, for fear they should suddenly lose him. God seems to have blinded this Prince, to prevent his seeing what every one else clearly saw, in order to throw him upon his ruin. He was therefore resolved to proceed with the utmost rigour against the Bishops, and for that purpose they were summoned to appear before the Council the 8th of June.

On their appearance, they were asked, *Whether they owned the Petition?* The Bishops surprized at this question, since they themselves had presented the Petition, feared some snare was laid for them, and therefore at first forbore to give a direct answer (4). At last, the Archbishop confessed, that it was written with his own hand, and that he had signed it; adding withal, they had done nothing but what they were ready to justify. The Chancellor endeavoured to make them sensible of the ill-consequences of their disobedience, which tended to diminish the King's authority, and to disturb the peace of the Kingdom. At last, he asked them, whether they would give their recognizances to appear before the Court of King's Bench, to answer this high misdemeanour? This they all refused, in reliance on the privilege of their Peerage, which they were resolved to maintain, as well as the Rights of the Church, being equally bound by their callings to oppose all innovations both in Government and Religion. The Chancellor surprized at their constancy, threatened to send them to the Tower, and to prosecute them to the utmost rigor of the law, unless they immediately recanted, and withdrew their petition. They unanimously answered, That they were ready to go wherever his Majesty was pleased to send them; that they hoped the King of Kings would be their protector and their judge; that they feared nothing from men; and that having acted according to Law and their own Consciences, no punishments should ever be able to shake their resolutions.

Upon this answer, eighteen Privy-Councillors, several of them Papists (5), were for sending the Bishops to the Tower. A warrant was immediately drawn and signed for their commitment, the reason given being, *For contriving, making, and publishing a seditious Libel against his Majesty and his Government.* It is difficult to conceive, upon what foundation, they could be accused of publishing a petition which they had only delivered to the King himself. However, the Attorney and Solicitor-General, were ordered to prosecute them for the same the next Term. It was not thought proper to send them to the Tower through London, for fear it might occasion a tumult. They were therefore in the most private manner conveyed by water. But people hearing of it, flocked in multitudes to the River-side, and upon their knees desired their blessing, with loud acclamations extolling their constancy. The same spectacle was seen at the Tower, where the soldiers of the garrison fell on their knees to beg their blessing. This was a great mortification to the King, and might have convinced him, that he was yet very far from his aim. But, as I said, the design of his counsellors was to make haste and finish the work begun, for fear some accident should deprive them of their instrument.

Two days after the Bishops had been sent to the Tower, the 10th of June, the Queen was delivered of a Prince,

(1) The Archbishop, being in an ill state of Health, did not go to Whitehall. Burnet, p. 739.

(2) Bishop of Lincoln, and Bishop of Hereford. Kennet, p. 112.

(3) Namely, by Mr. Hall, Dr. Tronson, and Mr. Elliot. Kennet, p. 111. Note (b). Burnet says, it was read in seven Churches in London, and in not above two hundred all England over, p. 740.

(4) It seems, as the Bishops were going to the Council, they were advised to remember, that no man was obliged by the law to accuse himself. Accordingly, when the King in Council, holding the Petition in his hand, asked them whether they had signed that Paper? they made a low bow and said nothing. When the King, who says the King, do you deny your own Hand? Upon which they blantly bow'd again. Then the King said then, if they would own it to be their hands, upon his royal word not a hair of their head should be touched. Whereupon the Archbishop says, “Relying on your Majesty's word, I consent it to be my hands.” And so did all the rest. Then being ordered to withdraw, when they were called in again, they found the King roused, and Jefferson in the chair, who using them very roughly, sent them to the Tower. The Tradition had that these Particulars from the late Bishop of Durham's own mouth.

(5) They were, Chancellor Jeffries, the Marquis of Pembroke, the Earls of Sunderland, Mordaunt, Housliam, Peterborough, Craven, Murray, Mordaunt, Mordaunt, and Colville; the Lords Arundel, Dorset, Galloway, and Devon; Sir John Evelyn, Sir Edward Herbert, and Sir Nicholas Wren.

Edward, Tom. III. p. 161.

1694:

The Bishops
summoned
before the
Council.

Their Ap-
pearance and
behaviour.

Kennet,
p. 111.
Burnet,
p. 741.

Edward,
III. p. 162.

They are sent
to the Tower.

Gretchen,
Vol. 234.

Kennet,
p. 112.

Edward,
III. p. 161.

The Queen
delivered of
a Prince.

Gretchen,
Vol. 234.

Burnet,
p. 741.

1688. who, during the life of his father was known by the name of the *Prince of Wales*, and afterwards, by some was called the *Pretender*. His birth was an occasion of triumph to the Papists, but of astonishment and terror to the Protestants, who saw their hopes defeated, that their misfortunes would end with the death of the King. It is universally known, that the birth of this Prince has been very much suspected, and that many did then, and still do, believe it supposititious. Multitudes of papers have been published for and against, some containing the grounds of the suspicions, and others, arguments to remove them. The Reader, doubtless, expects not from a foreigner, the decision of a fact which was never perfectly cleared, the impotence whereof rests only upon conjectures and probabilities, and the truth upon suppositions, which indeed are generally true, but of which it cannot be said, that it is impossible they may be sometimes false. In general, it is very certain, the Queen, during the whole time of her pregnancy, was suspected of a design to impose an heir upon the Kingdom, and this suspicion was very publick. It is also certain, that though the King and Queen knew of this suspicion, they took no care to remove it. On the contrary, their whole conduct, as well during the Queen's pregnancy, as her labour, gave still greater strength to the suspicion. For a negligence which signifies nothing when there is no suspicion, must be remarked when an impostor is suspected. On the other hand, it seems a flandering rule, that, when both parents express not any doubt concerning the birth of their child, no person can be sure they are deceived. But this rule is perhaps not so general and certain as many imagine. It is very good where there is no suspicion of a cheat. But in case a presumptive heir, disinherited by the birth of a child, who comes to take his place, has good proof that the child is supposititious, certainly the bare opinion of this child by both parents, will not invalidate proofs, which I suppose to be full. It is not impossible for a man and wife to suppose a child, thro' revenge, or some other interest, in order to deprive a presumptive heir of their inheritance. I say, it is not impossible, though it rarely happens. There are however instances to prove the possibility. Indeed, to decide by law, that a child is supposititious, very convincing proofs must be alleged, because the Judges, who are obliged to follow the rules of law, are not determined by appearances, however probable they may be. But the case is not the same with the publick, on whom very often conjectures grounded upon great probabilities, make as much impression as the strongest proofs. The affair in question having never been legally decided, I can only present the Reader with what has been most probably urged *pro* and *con*, in order to assist him either to be determined for or against the pretended supposition of the Prince of Wales; or to show him, that he ought to suspend his judgment, till the thing is more plainly discovered. This I propose to do with impartiality, in producing the arguments alleged on both sides.

There are three opinions concerning the real or pretended birth of the Prince of Wales.

The first is, that the Queen was not with child when she pretended to be so, and that at the time of her pretended delivery, a son was supposed as being born of her. The second is, that she was really with child, but that having the misfortune of a miscarriage, she continued still to feign herself big, and at last supposed, or caused to be supposed, a child as born of her body, and that this child dying shortly after, another was substituted in his room, and to this, dying seven weeks after, succeeded another child. The third opinion is, that the Queen was really with child, and delivered the 10th of June of a son, the same who is since called the *Pretender*, and is now at Rome. In confirmation of the first of these opinions it is alleged: 1. That the King, for certain reasons, was become incapable of children. 2. That the Queen had been seven years without being with child. 3. That now she had never a constant reckoning. 4. That her delivery was sudden, and immediately after the removing of her lodgings. 5. That it was on a Sunday morning, when all the Protestant Court-Ladies were at Church. 6. That neither the Princess Anne of Denmark, the Archbishop of Canterbury, nor the Dutch Ambassador were present at her labour, though they were the three persons who ought principally to have been there. 7. That during the labour, her bed was not left so open as it should have been. 8. That while she went with child, she never satisfied the Princess Anne, and many Protestant Ladies about her, of her bigness, either by letting them feel her belly, or see her breasts. 9. Neither did she show the Princess any of her milk after her lying-in. 10. That during her labour, a warming-pan was brought into the room, though the weather was extreme hot, and the room heated by a vast crowd of people. Lastly, it was alleged, that tho' the King, Queen and Courtiers, sufficiently knew before the delivery, that the nation suspected an imposture, they did not use those precautions as

they might and ought to have done in such a case; and, instead of putting it beyond all possibility of doubt, they left so many marks of suspicion, as caused infinite doubts and disputes: insum that some Roman Catholics themselves owned, *That so important an affair had been managed with great supineness and imprudence*. This is what Mr. Echard says, one of the most moderate Hiltotians, who is not to be suspected by the King's adherents.

Dr. Welwood is very short in his account of this matter, and contents himself with giving the general opinion, without any thing of his own. These are his words:

"While the Bishops were in the Tower, the Roman Catholics had their hopes crowned with the birth of a pretended Prince of Wales. The tears of a Protestant Successor, had been the only alloy that rendered their prosperity less perfect. Now the happiness of having an heir to the Crown, to be bred up in their own Religion, qualified all those fears, and atoned for the uncertainty of the King's life. It was so much their interest to have one, and there were so many circumstances that seemed to render his birth supposititious, that the nation in general were inclinable to believe, that this was the last effort of the party, to accomplish our ruin."

But the most circumstantial account of this affair, is that of Dr. Burnet Bishop of Salisbury, in the *History of his own Times*, published since his death. As I am to make some remarks on his testimony, it will be necessary to insert the following passage, wherein he expressly speaks of the birth of the Prince of Wales.

"I must now look back to England, where the Queen's delivery was the subject of all men's discourse. And since so much depends on this, I will give as full and distinct an account of all that related to that matter, as I could gather up, either at that time or afterwards. The Queen had been for six or seven years in such an ill state of health, that every winter brought her very near death. Those about her seemed well-assured, that she, who had buried all her children soon after they were born, and had now for several years ceased bearing, would have no more children. Her own Priests apprehended it, and seemed to wish for her death. She had great and frequent distempers, that returned often, which put all people out of their hopes or fears of her having any children. Her spirits were now much on the fret. She was eager in the prosecution of all the King's designs. It was believed, that she had a main hand in driving him to them all. And he, perhaps, to make her gentler to him in his vagrant amours, was more easy to her in every thing else. The Lady Dorchester was come back from Ireland; and the King went often to her. But it was visible, she was not like to gain that credit in affairs, to which she had aspired: And therefore this was less considered."

"She had another mortification, when Fitz-James the King's Son was made Duke of Berwick. He was a soft and harmless young man, and was much beloved by the King: But the Queen's dislike kept him from making any great figure. He made two campaigns in Hungary, that were little to his honour: For, as his Governor diverted the allowance that was given for keeping a table, and sent him always to eat at other tables, so, tho' in the siege of Buda there were many occasions given him to have distinguished himself, yet he had appeared in none of them. There was more care taken of his person, than became his age and condition. Yet his Governor's brother was a Jesuit, and in the secret: So every thing was ventured on by him, and all was forgiven him."

"In September, the former year, the Queen went to the Bath, where the King came and saw her, and staid a few days with her. She after that pursued a full course of bathing: And having resolved to return in the end of September, an accident took her to which the sex is subject; and that made her stay there a week longer. She came to Windsor on the 6th of October. It was said, that at the very time of her coming to the King, her mother, the Duchess of Modena, made a vow to the Lady Loretta, that her daughter might by her means have a son. And it went current, that the Queen believed herself to be with child in that very instant in which her mother made her vow: of which, some travellers have assured us, there was a solemn record made at Loretta. A conception said to be thus begun, looked suspicious. It was now fixed to the 6th of October: So the nine months were to run to the 6th of July. She was in the progress of her big belly, let blood several times: And the most astringent things that could be proposed were used."

"It was soon observed, that all things about her person were managed with a mysterious secrecy, into which none were admitted but a few Papists. She was not dressed nor undressed with the usual ceremony. Prince

Suppositions
leading to it.

Reflections
upon it.

Extract
from Wel-
wood.
p. 107.

and from
Burnet.
vol. i. p. 748.

Sundry Op:
in confirmation
of the Birth
of the Prince
of Wales.
Richard.
Hist. p. 861.

1688.

"George told me, that the Princesses went as far in desiring to be satisfied, by feeling the motion, after she said she was quick, as she could go without breaking with her : And she had sometimes flaid by her even indecently long in mornings to see her rise, and to give her her fluff : But she never did either. She never offered any satisfaction in that matter by letter to the Princesses of Orange, nor to any of the Ladies of quality, in whose word the world would have acquiesced. The thing upon this began to be suspected : And some libels were writ, treating the whole as an imposture. The use the Queen made of this, was to say, that since she saw some were suspecting her capable of so black a contrivance, she scorned to satisfy those who could entertain such thoughts of her. How just forever this might be, with relation to the libellers, yet certainly if she was truly with child, she owed it to the King and herself, to the King's daughters, but most of all to the infant she carried in her belly, to give such reasonable satisfaction, as might put an end to jealousy. This was in her power to do every day : And her not doing it, gave just grounds of suspicion.

"Things went thus on till Monday in Easter week. On that day the King went to Rochester, to see some of the naval preparations ; but was soon sent for by the Queen, who apprehended she was in danger of miscarriage. Dr. Scarborough was come to Knightsbridge to see Bishop Ward, my predecessor, who had been his ancient friend, and was then his patient : But the Queen's coach was sent to call him in all haste, since she was near miscarriage. Dr. Wundbank, who knew nothing of this matter, flaid long that morning upon an appointment for Dr. Walgrave, another of the Queen's Physicians, who, the next time he saw him, excused himself ; for the Queen, he said, was then under the most apparent signs of miscarriage. Of this the Doctor made oath : and it is yet extant.

"On the same day, the Countess of Clarendon, being to go out of town for a few days, came to see the Queen before she went, knowing nothing of what had happened to her. And she, being a Lady of the Bed-chamber to the Queen Dowager, did, according to the rule of the Court, go into the Queen's bed-chamber without asking admittance. She saw the Queen a bed, bemusing herself in a most doleful manner, laying often, *Undone, undone* : And one that belonged to her carried somewhat out of the bed, which she believed was linen taken from the Queen. She was upon this in some confusion : And the Countess of Devon coming in, went to her, and said with some sharpness, *What do you do here ?* And carried her to the door. I saw she had got out of the Court, one of the Bed-chamber-women followed her, and charged her not to speak of any thing she had seen that day. This matter, whatever was in it, was hushed up : and the Queen held on her course.

"The Princess had miscarried in the spring. So, as soon as she had recovered her strength, the King pressed her to go to the Bath, since that had so good an effect on the Queen. Some of her Physicians, and all her other friends, were against her going. *Lower*, one of her Physicians, told me, he was against it : He thought, she was not strong enough for the Bath, though the King pressed it with an unusual vehemence. *Millington*, another Physician, told the Earl of Shrewsbury, from whom I had it, that he was pressed to go to the Princess, and advise her to go to the Bath. The person that spoke to him told him, the King was much set on it ; and that he expected it of him, that he would persuade her to it. *Millington* answered, He would not advise a patient according to direction, but according to his own reason : So he would not go. *Scarborough* and *Witherby* took it upon them to advise it : So she went thither in the end of May.

"As soon as she was gone, those about the Queen did all of the sudden change her reckoning, and began it from the King's being with her at Bath. This came on so quick, that though the Queen had set the fourteenth of June for her going to Windsor, where she intended to lie-in, and all the preparations for the birth and for the children were ordered to be made ready by the end of June, yet now a resolution was taken for the Queen's lying in at St. James's, and directions were given to have all things quickly ready. The Bath was either did not agree with the Princess : or the advice of her friends were so melting, who thought her absence from the Court at that time of such consequence, that in compliance she would retain in a few days, and that therefore she would retain in a few days.

"The day after the Court had this notice, the Queen said she would go to St. James's, and look for the good hour. She was often told, that it was impossible upon so short a warning to have things ready. But

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"she was so positive, that she said, she would lie there that night, though she should lie upon the boards. And at night, though the shorter and quicker way was to go from Whitehall to St. James's through the Park, and the always went that way, yet now by a sort of affection, she would be carried thither by Charing-Cross through the Pall Mall. And it was given out by all her train, that she was going to be delivered. Some said it would be next morning : And the Princess said very confidently, that it would be a boy.

"The next morning about nine a'clock, she sent word to the King, that she was in labour. The Queen Dowager was next sent to. But no Ladies were sent for : So that no women were in the room, but, two dressers, and one under-dresser, and the midwife. The Earl of Arden sent notice to the Countess of Sunderland ; so she came. The Lady Billings came also in time. The Protestant Ladies that belonged to the Court were all gone to Church, before the news was let go abroad : For it happened on Trinity Sunday, it being that year on the tenth of June. The King brought over with him from Whitehall a great many Peers and Privy-Councillors. And of these, eighteen were let into the Bed-chamber ; but they stood at the farthest end of the room. The Ladies stood within the alcove. The curtains of the bed were drawn close, and none came within them but the midwife, and an under-dresser. The Queen lay all the while a bed : And in order to the warming one side of it, a warming-pan was brought, but it was not opened, that it might be seen that there was fire and nothing else in it. So here was matter for suspicion, with which all people were filled.

"A little before ten the Queen cried out as in a strong pain, and immediately after the midwife flaid aloud, she was happily brought to bed. When the Lords all cried out, of what the midwife answered, the Queen must not be surprized ; only she gave a sign to the Countess of Sunderland, who upon that touched her forehead, by which, it being the sign before agreed on, the King said he knew it was a boy. No cries were heard from the Child ; nor was it shewed to those in the room. It was pretended more air was necessary. The under-dresser went out of the room with the child ; or somewhat else in her arms to a dressing-room, to which there was a door near the Queen's bed ; but there was another entry to it from other apartments. The King continued with the Lords in the Bed-chamber for some minutes, which was either a sign of much phlegm upon such an occasion ; for it was not known whether the child was alive or dead : or it looked like giving time for some management. After a little while they went all into the dressing-room, and then the news was published. In the mean while, no body was called to lay their hands on the Queen's belly, in order to a full satisfaction. When the Princess came to town, three days after, she had as little satisfaction given her. Chamberlain the man midwife, who was always ordered to attend her labour before, and who brought the plasters for putting back the milk, wondered that he had not been sent to. He went according to custom with the plasters : But he was told they had no occasion for him. He fancied that some other person was put in his place ; but he could not find that any had it. All that concerned the milk, or the Queen's purgations, was managed still in the dark. This made all people inclined more and more to believe, there was a base imposture now put on the nation. That still increased. That night one *Heming*, a very worthy man, an Apothecary by his trade, who lived in St. Martin's-Lane, the very next door to a family of an eminent Papist, (*Brown* brother to the Viscount *Montacute*, lived there,) the wall between his parlour and theirs being so thin, that he could easily hear any thing that was said with a louder voice ; he (*Heming*) was reading in his parlour late at night, when he heard one coming into the neighbouring parlour, and say with a loud Voice, the Prince of Wales is dead : Upon which a great many that lived in the House came down stairs very quick : Upon this confusion he could not hear any thing more ; but it was plain, they were in a great consternation. He went with the news next morning to the Bishops in the Tower. The Countess of Clarendon came thither soon after, and told them, she had been at the young Prince's door, but was denied access : She was amazed at it ; and asked if they knew her : They said they did, but that the Queen had ordered, that no person whatever should be suffered to come in to him. This gave credit to *Heming's* story, and looked as if it was ordered to be kept shut up close, till another child was found. One, that saw the child two days after, said to me, that he looked strong, and

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1688. "not like a child so newly born. *Windham* met *Walgrave* the day after this birth, and remembered him of what he had told him eight weeks before. He acknowledged what he had said, but added, that God wrought miracles: To which no reply could or durst be made by the other: it needed none. So healthy a child being so little like any of those the Queen had born, it was given out, that he had fits, and could not live. But those who saw him every day observed no such thing. On the contrary, the child was in a very prosperous state. None of those fits ever happen'd, when the Princess was at Court; for she could not be denied admittance, though all others were. So this was believed to be given out to make the matter more credible. It is true, some weeks after that, the Court being gone to *Windſor*, and the child sent to *Richmond*, he fell into such fits, that four Physicians were sent for. They all looked on him as a dying child. The King and Queen were sent for. The Physicians went to a dinner prepared for them; and were often wondering that they were not called for. But, when they went in after dinner to look on him, they saw a sound healthy child, that seem'd to have had no sort of illness on him. It was said, that the child was strangely revived of a sudden. Some of the Physicians told *Lloyd*, Bishop of *St. Asaph*, that it was not possible for them to think it was the same child. They looked on one another, but durst not speak what they thought.

"Thus I have related such particulars as I could gather of this birth: To which some more shall be added, when I give an account of the proof that the King brought afterwards to put this matter out of doubt; but by which it became indeed more doubtful than ever. I took most of these from the informations that were sent over to the Prince and Princess of *Orange*, as I had many from the vouchers themselves. I do not mix with these, the various reports that were, both then and afterwards, spread of this matter, of which Bishop *Lloyd* has a great collection, most of them well attested. What truth never may be in these, this is certain, that the method in which this matter was conducted from first to last was very unaccountable. If an imposture had been intended, it could not have been otherwise managed. The pretended excuse that the Queen made, that she owed no satisfaction to those who could suspect her capable of such base forgery, was the only excuse that she could have made, if it had been really what it was commonly said to be. She seem'd to be soon recovered, and was so little altered by her labour, either in her looks or voice, that this helped not a little to increase jealousies. The rejoicings over *England* upon this birth were very cold and forced. Bonfires were made in some places, and a set of congratulatory addresses went round the nation. None durst oppose them. But all was formal, and only to make a show."

After having related what has been said by Mr. *Eichard*, and the Bishop of *Salisbury*, on the birth of the Prince of *Wales*, I shall make some remarks on this subject.

"t. If the accounts of these two famous writers be carefully examined, it will doubtless be surprizing, to find a sort of contradiction between them. For the suspicions mentioned by the first, are, that the Queen, though she pretended to be, yet was not with child. Nay, the Bishop of *Salisbury* seems at first to support this suspicion, by speaking of her great and frequent distempers; of her having for several years ceased bearing; of her having buried all her children soon after they were born; of her refusing to give satisfaction to the Princess of *Denmark*, and the Protestant Ladies of the Court. Nevertheless, he says positively afterwards, that she was really with child the 16th of *October* (1), and that in *Essex* week she had a miscarriage, that is, six months after conception. If this be true, it very plainly follows, that all the suspicions entertained of the Queen from the beginning of *January*, (the time of her declared pregnancy) to *Essex* week, ought to vanish, though she had been less careful of giving satisfaction to the publick, than she was. Assuredly this negligence is not capable to invalidate the reality of her pregnancy, if she had a miscarriage in the beginning of her seventh month. What the Prince of *Denmark* told Dr. *Burnet* of his Princess's fruitless endeavours to see the Queen ripe, cannot serve to confirm the suspicion of an imposture, unless it appear, that this was from the *Monday* before *Essex*, to the 10th of *June* (2). But the Bishop fixes no time. It might even be inferred from the order observed by the Bishop in his story, that what he says concerning the Princess of *Denmark*, passed between *January* and *Essex* week. But,

supposing the reality of the pregnancy, it is clear, that the Queen might have given satisfaction to the Princess, and the Protestant Court-Ladies. And it cannot be denied, that she committed a great error in refusing to do it. But it is certain, this refusal proves nothing, if it be true that she was with child, at least till *Essex* week. The times are therefore carefully to be distinguished. Her obstinacy to give no satisfaction, from *January*, when she declared herself with child, to *Essex* week, can be ascribed only to an unreasonable and preposterous haughtiness. But it may be suspected, that from *Essex* week, to the 10th of *June*, she still pretended to be with child, when she was no longer so, and that she produced another at the time of her pretended delivery. Thus all the suspicions concerning the reality of her pregnancy, are to be included within the space of two months. For in the year 1688, *Essex*-day was the 15th of *April*; the Queen had a miscarriage the *Monday* before *Essex*, on the 9th of *April*; and she was delivered the 10th of *June*. But no time is fixed for this refusal of satisfaction to the publick, though, the Queen being six months gone when she miscarried, she might, for some time, have caused the motion of the child to be perceived.

"2. In the Bishop of *Salisbury*'s account, are four several children. The first, which really belonged to the Queen, was an untimely birth of six months. The second was supposed at the time of her pretended delivery, and died the same day. The third was brought in the room of the dead child, and died also some weeks after at *Richmond*. The fourth, substituted in the room of the third, must be the present Pretender. It is surprizing, that Mr. *Eichard*, who probably writ the History of this reign, but twenty or twenty-five years after the time I am speaking of, should have heard nothing of these two last impostures, but confines himself to one, in what he relates concerning the publick suspicions.

"3. *Fuller* who pretended to give an exact account of the cheats, agrees not with the Bishop of *Salisbury*. But I shall not insist on his testimony, because his pretended discovery has been little regarded.

"4. It remains therefore to examine what the Bishop of *Salisbury* says, to make us suspect the supposition of the three last children. For, the first, which was but a miscarriage, according to this author, was really the Queen's. To this end, we are to distinguish three different times, namely, before, at, and after her delivery. I shall make some observations upon the most remarkable circumstances of each of these times.

"1. The King's pressing the Princess to go to the *Bath*, agrees very well with the design of supposing an heir. For the presence of the Princess at the Queen's pretended delivery, must have been perplexing, on account of her interest to detect the imposture. Had the King contented himself with barely advising her to go to the *Bath*, nothing could have been inferred from it, but that he thought the *Barb* good for her health. But his pressing it with an unusual vehemence, and causing a Physician to be told, that he expected it of him that he would persuade her to it, seem to discover some secret design, especially, when it is considered, that an imposture was already suspected. This suspicion is farther confirm'd by the change of the Queen's reckoning, and by her delivery two days after it was known, that the Princess was upon the point of returning from the *Bath*. But there must not be given to this cause of suspicion, more strength than it really has. For as it is very possible for the King to have believed, that the *Bath* would be of service to the Princess's daughter, the suspicion of his acting from another motive, is founded only upon the supposition of an imposture. If this was well proved, the King's proceeding would become a sort of a new proof. But as it is not, it seems that the suspicion ought not to be supported by the supposition of the fact in question.

"2. If it is true, that the Queen did not believe herself with child till the 6th of *October*, and that she afterwards suddenly changed her reckoning, there is reason to suspect some mystery in it. And indeed, by this new reckoning she was to be brought to bed during the absence of the Princess of *Denmark*, whereas by the first she could not be delivered till after her return. To this may be added, that if it is true, that about the end of *September* she was stopp'd at the *Bath*, one week longer than she intended, by an accident to which the sex is subject, she could not be with child from the 10th of *September*, nor consequently brought to bed the 10th of *June*. To this it is answer'd, that these miscarriages are common to the whole sex. But this reason cannot take place here, because it did not appear that the Queen thought herself mistaken.

"3. It cannot be denied, that there is something extraordinary in the Queen's sudden resolution, of going to lye-in

(1) He only says, "it went current, that the Queen believed herself to be with child on *October* 6" p. 749.

(2) It is here proper to take notice of this passage in Bishop *Burget*. "That the Princess went aside in desiring to be satisfied by feeling the motion, after the Queen said she was quick, as she could go without breaking with her." *Ibid*.

1688. at St. James's, when things were not ready. Hitherto no probable reason has been given of this sudden change, to show that the crowd lay in more commodiously at St. James's than at Whitehall, nor why she at first chose Windsor for the place, and fixed the time to the beginning of July.

4. I own I see nothing in the Queen's affectation of being carried to St. James's by *Charing-Cross*, through the *Pall-Mall*, to confirm the suspicion of an imposture.

5. I never heard, that the presence of the Archbishop of *Canterbury* is absolutely necessary at the delivery of the *Queens of England*, especially at that of a popish Queen, who could have no great need of his assistance.

As for the time of the Queen's delivery, there are many things to be examined.

1. The Queen after having declared her intention to lie-in at St. *Jamari's*, without any apparent necessity, was bent to go thither on the *Saturday*, though nothing was ready. This is a sign, she thought it would be too late if she deferred going until the next day. It is therefore clear, that she expected the moment of her delivery every hour, and yet when she began to find herself ill, *No women were the room but two driffers, one under-driffer, and the midwife*. Not one foreign Lady was in the Palace. It cannot be denied, that this was very extraordinary for a Queen, since it was so easy to have other Ladies at hand to assist her, and the more, as she hourly expected the moment of her delivery. It is no less extraordinary, that none of the Court-Ladies were called besides the Countess of *Sunderland*, by the particular care of the Earl of *Arden*; and the Queen-Dowager, who lodged in *Somerfitt-House*, a great way from St. *Jamari's*. All this seems to discover, it was not desired that many Ladies should be present at the labour. To this it is answered, that the Queen was surprized, as women frequently are, and that the Protestant Ladies were at Church. But some take occasion from hence to confirm their suspicion. They suppose, the Queen would not have gone with so much precipitation on *Saturday* night, to St. *Jamari's*, if she had not known she should be delivered the next morning, while the Protestant Ladies were employed at their devotions. But after all, this is only a suspicion. For, who can be sure, that the Queen acted by the motive ascribed to her? All that can be said, is, that the point in question being a child who, if a boy, was to take place of a Prince, presumptive heir of the King her father, the King and Queen ought to have put his birth out of all doubt. Instead of this, they confirmed, by a mysterious conduct, suspicions which were already but too far spread, and of which they could not be ignorant. The Empress *Constance*, wife of *Henry VI.* proving with child at the age of fifty-two years, chose a place the most publick for her labour, and thereby removed all suspicion of the birth of her child. On the contrary, the Queen of King *Jamari II.* for having neglected all precautions, has left upon her son, real or pretended, a blot which has not yet been effaced.

z. The King's being at the further end of the room with eighteen Peers and Privy-Councillors, is a circumstance which proves nothing all. It is well known, that on these occasions men approach not the bed, to be eye-witnesses of what passes there. All they can do, is to be attentive to the cries of the mother, or the infant. Besides the King himself was not less suspected than the Queen.

3. As to the warming-pan brought into the Queen's chamber, and which is supposed to have in it a new-born child, this is only a conjecture founded upon the seeming usefulness of a warming-pan the 10th of *Jaar*, which proved an excessive hot day. To this it is answered, that a labour is often attended with a quaking and trembling like an ague, which begins with a cold fit. This is what I know nothing of. It is also pretended, that it was impossible to put a new-born child, in the narrow compass of a warming-pan, without stifling it.

4. It is very extraordinary, that the Queen was not a full hour in labour; for the King was sent for at nine o'clock, and before ten the Queen was delivered. She cried out but once, in the moment of her delivery. When the mind is filled with suspicions, such circumstances help to confirm them. Those who are not in the same disposition, find nothing extraordinary in this; because the Queen had ever had easy and quick labours.

5. It is commonly true, that children, the moment they are born, and exposed to the air, are heard to cry. But I know not whether this can be considered as infallible. However, the Queen having neglected to give undoubted proofs of her pregnancy, every little uncommon circumstance was capable to confirm the suspicion of an imposture.

6. As to the stress that is laid upon the curtains of the bed being close drawn, this cannot seem strange, since there were eighteen Lords in the room.

7. The circumstance of the child's being not thrown, can cause no suspicion, but on supposition of the suspicion itself, which ought to have been removed, by showing the child as it came from the womb. For, otherwise, it is not usually done, till the midwife has taken due care of the child. But if this is urged to prove, that a child was not taken out of the Queen's bed, the suspicion of the warming-pan must necessarily be suppressed, for had a child been put in the pan, it could also be taken out of it.

8. What is said of the King's continuing with the Lords some minutes in the Bed-chamber, and that it looked like giving time for some management, is a gloss which deserves little or no notice.

9. Those who believe the child in question not born of the Queen, would have had her take all the precautions which they themselves imagine, to destroy all sort of doubt, and the omission of one of these precautions is, with them, sufficient to confirm their suspicions.

10. If no satisfaction was given to the Princess of Denmark after her return from the Bath, it may be alledged, that she discovered no jealousy concerning the birth of the Prince of Wales, and as she appeared convinced of the truth, there was no necessity of giving her proofs.

11. The refusal of *Chamberlain's* plasters would be very apt to cause a suspicion, if it was impossible for the *Queen's* breasts not to want them. But how many labours are there, which have no need of remedies for putting back the milk? However, the Bishop of *Salisbury* obviates this answer, by saying, that in her former labours, the *Queen* had always great plenty of milk.

12. What is said of the Queen's recovering so soon after her delivery, proves nothing. Some mothers have so easy labours, that in a few days one can hardly perceive any alteration in them. Besides, it is too general an expression to say, *the Queen seemed to be soon recovered*. The precise time should have been marked, that it might be judged, whether there was any thing extraordinary in it.

Nevertheless, all these reasons of suspicion laid together, make an impression upon many men, which each in particular would not be able to do. We must always recur to this point, that the King and Queen, knowing that they were suspected of an imposture, ought to have taken just measures to remove the suspicion, and not having done it, it is not very strange, it should continue to this day.

As to what passed after the delivery, I mean the supposition of two children, when the first was dead, the Bishop of Salisbury's account rests only upon the credit of some persons whom he has given for vouchers, and of others not named by him. There are besides several particulars, in proof of which he produces no testimony.

He supposes, that the child of which it was pretended the Queen was delivered, died the same day. This supposition is grounded upon what *Hemings* heard through the wall of his parkour, and upon the denial of access at the young Prince's door to the Countess of *Clarendon*. All this may be of some weight, when a bare suspicion only is meant to be established. But if it is produced as a proof, the insufficiency of it, is easily seen.

The death of the second child at *Richmond* stands only upon the report of four Physicians, who were sent for to visit him. The Bishop does not make the Physicians positively say that the child died, but only that, *They all looked on him as a dying child*, and as they were not called for after dinner, *They took it for granted that the child was dead*. But this consequence is not absolutely necessary; for possibly they were not called, because the child grew better. But, says the Bishop, *When they went in after dinner to look on the child, they found a young healthy child, that seemed to have had no illness on him*. They inferred from this, that he was not the same child, and the B:shop concludes that the first was dead, and another put in his room. What is particular in this fact, is, that these four Physicians doubted, this was the same child, only because the first had been sick, and this was found and healthy, as if all children at such an age were to like one another, that no feature could distinguish them. And yet, these Physicians thought, it was not the same child, only by the difference between a state of health and sickness. This is very surprising, since naturally the faces of the two children must have been so different, as not to need other marks (1).

In short, the Bishop of Salisbury's whole account of these three impostures, rests either upon hearsay, or what he read

(2) Colonel Sande, who died in 1738, being in 1658, Gentleman-writer to the Prince's *Alce*, was sent by her from *Tunbridge* (where this thrice was) to Court, to enquire after her brother's health. Going up immediately to the King without ceremony, or introduction, as is usual in such cases, he came in to see her, from where the Prince by his life he saw there a pale long visage Ch. II, and spoke in his face, and other marks of weakness. He struck him so, that he was very particular to take of it but before they left the Ladies in the room came and told him how he felt, the Prince, who was his friend, sent him to his house, he met the King, who asked him with a sufficed countenance, whether he had seen the Prince's *Alce*. Sande, starting he had done formerly; he said, doing it upon which the King's countenance cleared up. Some time after he was called in to look at the Prince; but saw a child of very different looks and complexion from that which he found before. All these particulars he committed to writing, and carried them to the Prince's *Couch* of *Robert's Green*, Edm. 1732, p. 72.

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in the informations sent to the Prince and Princess of Orange; but he was then at the Hague. The fenders of these informations were, probably, no friends of King James. It is therefore very possible, not to say likely, that they have aggravated their reports, and collected every circumstance, true or false, which was apt to persuade the Prince and Princess, that the Prince of Wales was supposititious. As for the Bishop of Salisbury, I am persuaded, he has related nothing but what he either heard, read, or believed to be true. But who can say, he was not deceived by prejudiced persons, who looked upon their suspicions as so many convincing proofs? I am aware, that all the English have not the same opinion of Dr Barne as I have. Volumes of remarks upon his History, in which he is violently abused, demonstrate, that the Jacobites consider him as the sworn enemy of James II, and as deserving no credit. But as, for very good reasons, they have not thought proper to make remarks upon what he says of three supposititious children, it is not my business to guess what they could have said. I presume therefore he has invented nothing, without pretending, however, to warrant what he says upon the testimony of others.

I have enlarged upon the birth of the Prince of Wales, because there seemed to me to be great confusion, as well in the books, as in the discourses on this subject. My intent was to help the reader, to determine for or against, or to suspend his judgment till the thing is more fully cleared. As the principal design of History is to establish facts that are certain, to destroy those that are false, and to inform the readers of the grounds of doubting with regard to such as are dubious, I imagined, that in an affair so important as this, which has made so much noise, and will doubtless, yet long be talked of, the reader would be glad to know what to rely on. Thus much is certain, that most Protestants believed the Prince of Wales supposititious, chiefly because it would have been very disadvantageous to them, that James II. should have had a popish successor. The Papists, on the contrary, questioned not this Prince's birth, because nothing could be more serviceable to their Religion. I am persuaded, there were few, either Papists or Protestants, but what were determined on this point, by their prejudices. But things having taken an unexpected turn, the truth or falsity of this Prince's birth have hitherto produced none of the effects which were hoped or feared (1).

The assurance of a popish successor, made the King hope, he should more easily accomplish his designs. But he wished, above all things, for the concurrence of a Parliament. It was with this view, that closetings were once more put in practice. He cloistered such as he intended to gain. Promises and menaces were employed, and those who refused to serve the King in his most secret, as the word was, might assure themselves of his heaviest displeasure.

However, he neglected not more effectual means to force his subjects to compliance. He ordered fomentaire regiments out of Ireland, and filled many vacancies in his English regiments, with Irish and popish officers. This gave to great a disgust to the whole army, that Impsons and ballads were vented upon the Irish, who were mortally hated by the English, especially since the massacre in 1641.

Mean while, that the King's design in augmenting his forces might not be doubted, an address, supposed to be drawn by a Jesuit, was procured from the city of Carlisle, particularly, "To thank his Majesty for his royal army, which really was both the honour and safety of the nation; let the Jacobites think and say what they would." And upon this occasion the addresses assured his Majesty, "That when, in his great wisdom, he should think fit to call a Parliament, they would chuse such members as would certainly concur with his Majesty, in taking off the penal Laws and Tests, and not hazard the election of any person, who had any ways declared in favour of those Cannibal Laws. Surely, said they, these men that oppose your Majesty in so gracious and glorious a work, do not consider what a Sovereign Prince, by his royal power, may do. A work which heaven smiles upon, and will reward with no less a blessing, we hope, than a Prince of Wales."

During the publick rejoicings for the birth of the Prince of Wales, the Archbishop of Canterbury, and the other six Bishops, prisoners in the Tower, were brought to their trials at the King's Bench bar the 15th of June. But upon their motion for a delay, the trial was put off to the 29th of the same month, and in the mean time they were set

at liberty upon their own recognizance. The 29th of June, Westminster-Hall was crowded with great numbers of Lords, Gentlemen, and others, to be spectators of this famous trial. The King's Council pleaded, That the petition presented by the Bishops was a real and seditious libel, tending to diminish the King's prerogative, and excite sedition amongst the people. The Council for the Bishops, on the other side, restored the arguments of their adversaries with great force and freedom, proving, that the King having no power to dispense with penal Laws, a petition humbly presented to remonstrate to him that he had no such power, ought not to be esteemed a libel: That it was injurious to the Bishops, to accuse them of having published a petition, which they had respectfully presented to the King in private, and alone: That the occasion of presenting it was not fought by them, but pressed upon them: Nor could it be called a libel, because the intent was innocent, and they kept within the bounds set by Act of Parliament. After long pleadings on both sides, the Judges, in giving directions to the Jury, were not unanimous. There were four, of whom Wright the Chief Justice, and Holloway, were the King's creatures. Powell was reckoned a man of perfect integrity, and Albion was a Papist. Wright gave his opinion, That the petition presented by the Bishops was a libel. Holloway said, That if the Jury were satisfied that the petition was presented with no ill intention, but only to shew the reasons of the petitioners' disobedience to the King's command, he could not think it to be a libel. Powell maintained, That the petition could not be a libel, because it was founded upon the King's incapacity to dispense with laws, which was very true. Albion asserted, That the crime of the Bishops, was next door to treason (2).

The Jury withdrawing fate up all night, whether they could not agree, or to render their verdict more solemn. The next morning the Court being assembled, and the Hall filled with infinite crowds of people, the Jury pronounced the Bishops Not Guilty. Immediately shouts of joy were heard through the crowd, and the loudest acclamations resounded through the cities of Westminster and London. For several hours, nothing was heard but repeated shouts of both cities, transported with the news of the Bishops acquittal. Nor was this all. For the King being gone that morning to the army on Horseflee Heath, and dining in the Earl of Feverham's tent, the news flew to the camp, where the whole army shouted so loud, that it startled the King, and his whole company. The Earl of Feverham being sent out to know what was the matter, immediately returned, and told the King, It was nothing but the shouts of the soldiers upon the news of the Bishops being acquitted. Do you call that nothing? said the King; but so much the worse for them. Notwithstanding the resentment expressed by the King, and his severe prohibitions against all riotous assemblies, the whole city was that night illuminated, and numberless bonfires proclaimed the general joy. This was followed by almost all the great towns in the Kingdom, and at Norwich particularly the joy was excessive. This was a sensible mortification to the King. He at first threatened to deliver the Bishops to the Ecclesiastical Commissioners, and to show his indignation, he dismissed Sir Richard Holloway and Sir John Powell, and filled their places with others (3).

The King perceiving the people's disposition was not favorable to him, he resolved at last to come to open force. But as he could only make use of his army, he was willing first to try how far he might depend on their obedience. For this purpose, he thought fit to communicate his design to every regiment singly, not doubting, that if two or three submitted, the rest would follow their example. Accordingly, the Major of the Lord Lichfield's regiment was ordered to tell the officers and soldiers, that those who were unwilling to contribute to the repeal of the Test and Penal Laws, should lay down their arms. But it was with the utmost astonishment that he saw the whole regiment, two captains and a few Popish soldiers excepted, instantly lay down their arms. He remained for sometime speechless, but at last recovering his surprize, he commanded the soldiers to take up their arms again, and suddenly told them, That for the future he would not do them the honour to ask their advice.

It was now easy to foresee, that with a Protestant army he should never be able to introduce Popery. Wherefore he resolved to cashier many Protestant officers and soldiers, and to put Papists in their room. Accordingly he began with some regiments; but it gave a disgust to the whole

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ered and
soldiers.

Clifford
remains.
Richard.
III. p. 866.
Walswood.
p. 158.

The King
sends for
James out of
Ireland.
Hid.
Burton.

The Earl of
Arbuthnot
Gazette.
N. 1545.
Richard.
III. p. 865.

Copy of the
four Bishops
p. 94.
Gazette.
Kennet.
Gazette.
IV. p. 306.

(1) See State Trials, in King William's Reign. Tom. I. p. 12—30.

(2) Albion's opinion is not here truly represented. What he asserted, was, that neither the Bishops, nor any other men, had power to meddle with matters relating to the Government. And he confirmed his assertion, by an instance in James I. time, when it was declared to be high treason, and next to Treason, to petition the King to put the penal Laws in execution. In which it seems he was mistaken; for the Petition returned by, was a Petition against the Penal Laws. See State Trials, Tom. IV. p. 391.

(3) Sir Robert Balcanquhall one of the King's Council in this Trial, was made Judge in the room of the latter; and Sir Thomas Paine of the honour. Sir Christopher Mordaunt, one of the Judges of the Common Pleas, having about this time his seat of Esple, was intended by Sir Thomas Paine; in whose room, and in Sir Thomas Paine's, Sergeant Ingley and Sergeant Robinson were made Barons of the Exchequer. Kennet, p. 310.

1688. army. Shortly after, resolving to put thirty Irish soldiers into the Duke of Berwick's regiment, Lieutenant Colonel Beaumont, and other officers, remonstrated to the Duke, "That neither those Gentlemen nor himself thought it consistent with their honours, to have foreigners imposed upon them, — and therefore humbly petitioned, that they might have leave to fill up their companies with such men of their own nation, as they should judge most suitable to the King's service; or otherwise, that they might be permitted, with all imaginable duty and respect, to lay down their commissions." An account of this being transmitted to the King, he immediately ordered the Lieutenant Colonel, and five Captains to be taken into custody, and tried by a Court-martial as mutineers. It was at first believed, that his intention was to cause them to be condemned to die, but some news from abroad altered the sentence, and they were only cashiered. The fleet was no better disposed than the army to assist the King in his designs. This appeared, in that Vice-Admiral Strickland ordering Mals to be laid on board his ship, there arose such a mutiny and disorder amongst the sailors, that the officers could hardly save the Priest from being thrown over board.

The King's situation was such, that it seemed he could neither advance, nor recede. His zeal for his Religion, his principles of Government, his temper naturally obstinate, his confidence in the Queen, Priests, and Jesuits, who incessantly surrounded him, allowed him not to leave his work unfinished. Besides, he must have changed his whole system, as well as his whole Council, and nothing is more rare than to see a Prince proceed in that manner, before he is forced to it. But, on the other hand, he could easily perceive, how far he fell from his end, by the disposition of his Subjects, his fleet, and his army. He hoped however to surmount all obstacles, because, though one part of his people shewed a reluctance to submit to his will, another part seemed disposed to receive the yoke with submission. There were Bishops who had caused the Declaration for Liberty of Conscience to be read in their Dioceses, as the Bishops of Durham, Chyfter, and Rochester. Nay, the first had suspended thirty of his Clergy, for refusing to read it (1). In Chyshire, some Curates, Rectors, and others, not contented to read the Declaration, presented also an address, wherein they tell his Majesty, — "That if the matter of the Declaration were not according to their wishes, yet the publishing of it was according to their duty, since it issued out from the express Privilege of his Supremacy over them; so that they could not but with trouble of mind hear of the proceedings of the seven Bishops, who, though they tenderly promised the Dissenters something, yet refused to do their part about the Declaration, lest they should be parties to it, which reason the addressers esteem insufficient. They therefore, in all submission, become earnest, though too mean, intercessors to his Majesty, in behalf of the Church of England, that the faults of these and others may not be laid to her charge, in whole communion there were many, and they hoped there would be more, who concurred in promoting the purposes of his mild Government: And so conclude with begging leave to make their congratulations for the happy birth of the young Prince in his Hereditary Successive Kingdom."

The King flattered by such addresses, and imagining, that terror would by degrees oblige his Subjects to submit to his pleasure, resolved to push his point at all events. But, on the other hand, he had the mortification to hear, that a son of *Cartwright* Bishop of Chyfter, who had procured this address, was refused to be admitted to a Fellowship in one of the Colleges at *Oxford*, and that *Gifford*, nominated by him to the See of that city, was likewise denied his Doctor's degree.

But the resolution taken by the King and his Council was not to be shaken by any obstacles. 'Tis the seven Bishops had been acquitted of the pretended crime laid to their charge, the new Ecclesiastical Court did not think itself bound by that precedent. Wherefore, the commissioners, by an order made the 12th of July, "Command all Chancellors, Archdeacons, Commissaries, and Officials, to enquire in what Churches and Chapels his Majesty's Declaration was read, and to transmit an account thereof upon the 16th day of August next." But the greatest part of those to whom the order was directed, never took any notice of it. The commissioners being met on that day, were not a little puzzled how to proceed. At last, after a long consultation, they were contented to renew their first order, "Requiring all persons having Ecclesiastical jurisdiction, to transmit to them upon the 6th day of December next, an account of the enquiry they are hereby commanded to make in their Visitations, together with the names of the Parsons, Rectors, Vicars, and Curates, that had ei-

ther obeyed, or disobeyed his Majesty's command." 1688. The affairs which happened before the expiration of that term, hindered, that it was not known what the Ecclesiastical Court intended to do, or whether this order would have been better obeyed than the former.

Doctor *Sprat*, Bishop of Rochester, one of the Bishops of the new Ecclesiastical Court, now thought it time to withdraw. Wherefore he wrote to his Colleagues a letter, wherein he told them: "That since their Lordships were resolved to proceed against those, who had not complied with the King's command in reading his Declaration, it was absolutely impossible for him to serve his Majesty any longer in that commission." He proceeds farther and says, "That though I myself did submit in that particular, yet I will never be any ways instrumental in punishing those my brethren who did not: For, as I call God to witness, that what I did was merely upon a principle of Conscience, for I am fully satisfied, that their forbearance was upon the same principle." This Bishop was one of those on whom the Court relied, and therefore his defection could not but trouble the King extremely. Several have thought, that the principal motive of this proceeding, was to screen himself in time from the approaching storm, of which he had received some intimation.

From the Prince's birth, those who had any concern for their Religion or Country, saw clearly the danger with which both were threatened. It was evident, that the King no longer pretended to govern by the laws of the land, but according to his will and pleasure. He had sufficiently discovered his intention; so that nothing less than a total subversion of the Government in Church and State could be expected. If this did not sufficiently authorize the most considerable members of the State to take measures for the prevention of such a design, it is hard to conceive, what difference there can be between a Government, like that of England, limited by laws, and an absolute Monarchy. And yet it cannot be doubted, that the Government of England is different from that of most other States. I am very sensible this point is not without difficulty, and that it is not easy in England to fix the limits of the Subjects obedience. Whilst the Church of England preposterously believed, that the King had no design to alter the form of the Government, but intended only a little to enlarge his Privilege, instead of thinking proper to oppose it, the believed it for her advantage, as it might prevent attempts like those which had occasioned so many mischiefs in the reign of Charles I. The Presbyterians, the Independents, the Anabaptists, had carried the principles of the Republicans so far, and drawn such terrible consequences from them, that after the Restoration of Charles II, it was thought in some manner necessary to run into the other extreme, by investing the King with a power, which, rightly considered, might have had consequences not less dangerous than the Republican principles. But herein the sole aim was to curb the Non-conformists, by the King's authority, without foreseeing, that a time might come, when the King would use the power ascribed to him, against all his Subjects in general, and the Church of England in particular. That time being come under James II, the Church of England opened her eyes, though a little too late, and saw that she had been labouring for her own destruction, in maintaining, and even openly preaching Passive-Obedience, without any retriction. It was from this doctrine, inculcated so carefully, and so long, upon the minds of the English, as essential to the Church, that those submissive addresses proceeded, which were daily presented to the King. And indeed, as no bounds had been set to Passive-Obedience, many people did not conceive that they could, with a safe conscience, refuse an unlimited obedience to the Sovereign. But at last, the danger of the Kingdom convinced men of sense, that the royal authority was necessarily to be bounded, otherwise the Church and State were going to be ruined.

Such being the situation of affairs, several Church of England men, both of the Clergy and Laity, thought it time to take measures for stopping the King's progress, and bounding his power. Though they had themselves carried it very high, they chose rather to retract, than, by their obsequy, to throw the Church and State into imminent danger, in continuing to maintain a doctrine which could justly be considered as the principal fountain of the Kingdom's calamities.

The first and most necessary precaution taken by them, was to form a strict union between the Church of England and the Nonconformists, for their common security. This union became more easy than ever. The two parties agreed, that their division had been the sole cause of their ruin. This was a strong motive for their union. The Churchmen acknowledged, they had carried Passive-Obedience too far, and that it had produced ill effects. They

(1) And amongst them one of his own Chaplain. *Edward*, Tom. III. p. 876.

1688. showed a readiness to comply with the scruples of the Presbyterians, in relinquishing the ceremonies which might be considered as indifferent, or at least to leave every man at liberty to practise or not practise them. This was all the Presbyterians could reasonably expect. In short, as the Churchmen appeared touched with the calamities occasioned by their excessive rigor, so they seemed disposed to more condescension, if things were referred to their former state. The Presbyterians, who had hitherto groundlessly accused the Church of England of leaning to Popery, could not forbear acknowledging their error, after the firmness of the seven Bishops had discovered the injustice of that accusation. These dispositions being well managed by prudent and well-meaning men of both parties, produced at last an uniformity of sentiments, with regard to the principal point in question, namely, That it was absolutely necessary to think of means for the preservation of Religion and the State, from the impending danger. The leading men on both sides, took great pains to curb the passionate, whose views were very narrow. In a word, without the King's knowledge, the Whigs and Tories were reconciled, and resolved to labour jointly for the preservation of their country. But unfortunately, this union ended with the danger. However, it may be affirmed, that this reconciliation of the two parties was the most fatal blow that could be given to the King's affairs, since his greatest strength lay in their division. Father Orleans calls this union, a league against the King. It would be needless to dispute about this term. The question is only to know, whether this union, this league, or whatever else it may be called, was contrary to law, to conscience, to the duty which subjects owe to their Sovereign. But to decide this question, the Government of England must be distinguished from that of other States, and on pretence of the name of King, common to so many Princes, the rights of one Sovereign not confounded with those of another, in order to apply to a King of England; whatever is asserted of Sovereignty in general. This was an artifice frequent with James I. The question therefore is to know, whether, in supposing the constitution of England such as it appears in this History, James II. had violated it in the most essential parts; whether he had now changed or considerably altered it; whether there was ground to fear an entire subversion; and whether the English were obliged to suffer it without opposition. Of this the readers may judge, from what they have hitherto seen. But in supposing even that James II. had changed, or designed to change the Constitution, a strong objection lay against those, who believed it proper to oppose the entire execution of his designs; namely, the frequent declarations of the Parliament and the Church of England, since the reformation, that an unlimited obedience was due to the King. This objection was so strongly impressed on the minds of some Churchmen, that they could not resolve to oppose the King's designs, because they looked on such opposition as an act of rebellion. Nay, many perished in this opinion even to this day, and with the Papists form the party of the Jacobites. Happily for England, most of the Clergy and Laity of the established Church were of a contrary opinion, and laboured effectually for the preservation of Religion and the Government, in conjunction with the Whigs, who made no scruple of uniting with them in the same design.

A Resolution taken to call in the Prince of Orange, &c.
P. 747, &c.

Several English Nobles and Gentlemen over to him.
Ker, &c.
P. 748, &c.
Burnet, &c.
P. 752, &c.
Edward, &c.
Id. p. 759.

The union between the Whigs and Tories being effected, several persons of distinction, as well amongst the Clergy as the Laity, began to form a scheme for the execution of the great design to preserve the Church and State. They saw no expedient more proper, than to put the Prince of Orange at the head of the party against the King. That Prince was so interested in the affair, that it was not doubted he would contribute whatever lay in his power, both to save England, and secure the succession to the Princess his wife, lately defeated of her right by a Prince, who generally passed for supposititious. These were very powerful motives to adjuvate the Prince of Orange. But there was still another, which was naturally to have a great effect upon him; namely, the extreme danger to which Holland would be exposed, in case the King accomplished his design, by reason of the close union between the Kings of England and France. It was with this view that several great men timely repaired to the Hague, on divers pretences, to confer with the Prince of Orange. The first were, Mr. Sidney, brother to Algernon Sidney, (beheaded in the last reign) afterwards Earl of Romney, Sir Robert Peyton, Sir Rowland Gwin, Dr. Burnet, and others. It is to be presumed, that assurances were transmitted from them to their friends in England, of the good inclination of the Prince to the common cause. In July, one Joseph Flight brought over into England about fourscore letters from persons of quality and credit, and carried back answers to the Hague. The affair being thus

begun, the old Lord Wharfen pretending a journey into Germany, passed thro' the Hague. Colonel Sidney, uncle to the Earl of Sunderland, went to the Spa, on pretence of only drinking the waters. The Lord Dunblain, son to the Earl of Danby, and commander of an independent frigate, croffed and re-croffed the seas, to carry several dispatches and resolutions. The Earl of Shrewsbury mortgaged his estate for forty thousand pounds, and went over to the Prince to offer him both his purse and his sword. He was quickly followed by Admiral Herbert, his cousin Mr. Herbert, Mr. Russell, the Lord Mordaunt, and the Earl of Wiltshire. The principal persons with whom they held correspondence in England, were, the Earls of Danby, Devonshire, and Dorset, the Lords Lovell and Pelham, the Duke of Norfolk, the Marquis of Halifax, his son the Lord Eland, the Marquis of Winchester, his son the Lord Powlet, the Lord Willoughby son to the Earl of Lindley, Mr. Lester, Mr. Hampden, Mr. Pease, and many others, besides several eminent citizens of London (1).

The Prince of Orange being fully determined to head the party, it was, after several consultations, resolved, that the English Lords at the Hague should demand assistance of the States, in the name of all England. But to prevent the secret from being divulged, they applied at first only to persons of the greatest credit and influence, who promised to use all their interest, at a proper time, to promote the design. There was no need of many arguments to prevail with the States to assist the distressed English. They were equally concerned in the affair with the English themselves; for the ruin of Holland would doubtless have soon followed the slavery of England. Of this the designs of Lewis XIV. and his union with James II (2), left no room to doubt. All the difficulty lay in making preparations, in concealing the design of them, in raising forces in the room of those which the Prince should lead into England, and in securing a timely relief, in case the King of France should attack Holland. But all these things were taken care of, with great address and secrecy. The difference at that time, about the election of an Archbishop of Cologne, between Prince Clement of Bavaria, and the Cardinal of Furstemburg, furnished the States with a pretence to assemble an army near Nimwegen. On the other hand, the Prince of Orange, by his intrigues, prevailed to have the direction of P. 757. affairs then on the carpet, committed to the management of three or four members of the States, on pretence of the correspondents the Count d'Avauz the French Ambassador had in Holland, who might inform him of their rebellions. These commissioners, all in the Prince of Orange's confidence, under colour of the Cologne affair, gave orders for incamping an army, and preparing a fleet. At last, the Prince of Orange, on pretence of providing for a war against France, which seemed to be near, had an interview at Minden in Westphalia, with the Electors of Saxony, and Brandenburg, the Princes of the House of Lunenburg, and the Landgrave of Hesse-Cassel, and secured their assistance, in case France should attack Holland or the Low-Countries, while he was engaged in the English expedition. All this was transacted with such secrecy, that the Ambassadors of France and England, at the Hague, could get no certain intelligence. They were forced to recur to conjectures, tho' the first had usually been informed of the resolutions of the States, as soon as they were taken.

When the Prince of Orange had secured to the States, in case of need, the assistance of these Princes, he concerted his expedition with such prudence and secrecy, that his scheme was not known till after the execution; namely, that the States, under colour of being ready to support the election of the Prince of Bavaria, should form a camp on the Heath near Nimwegen, a place too remote from the sea, to give any suspicion that these troops were designed for an embarkment: That a fleet of fifty men of war should be prepared, with a sufficient number of transports, for the embarkment of twelve or thirteen thousand men: That, to prevent the alarm which these transports might give, the merchants of Amsterdam, Rotterdam, and other maritime places, should freight as many as they could on divers pretences: That these ships should repair to several ports, at a time assigned, to take the forces aboard, and afterwards to the Gower, where the men of war should expect them: That the Prince of Orange should put himself on board this fleet, and at his landing in England, the English persons of quality, by whom he was invited, should dispense themselves into divers parts of the Kingdom, to excite insurrections, and levy troops, while the Prince, with his little army, should make head against the King. It was not doubted, but the Prince's army would considerably increase when he should be in England, and the people in general be ready to second the efforts of those, who were labouring

The English Lords apply to the States-General.
Edward, &c.
Id. p. 880.

are secretly heard.

The Affairs of Cologne made use of to cover the Design upon England.
Burnet, &c.
P. 757.

Measures of the Prince of Orange.

Edward, &c.
Id. p. 881.

His Plan.

(1) As yet the Lord Cromwell, afterwards Duke of Marlborough, Colonel Tredwell, and Colonel Kibb. Burnet, p. 754.

(2) See State Trials, in King William's reign. Tom. I. p. 37, &c.

1688. for their deliverance. This whole scheme was executed in the manner it was not relievéd, without the Ambassadors of England and France being able to learn any thing certain. They conjectured, however, by the naval preparations, that something was secretly contriving against England. Indeed it was difficult to prepare four or five hundred transports, and fifty men of war so privately, that they should have no intelligence from their spies. The Count *D'Avaux* failed not to send his conjectures to the Court of France, which were immediately transmitted to England. Moreover, Mr. *Stelton*, King James's Envoy at the Hague, had before informed him of an intercepted letter, which intimated, that a great project was secretly carrying on against him. But the King was then so secure of success, that he neglected this intelligence, believing it only an artifice to divert him from his designs.

Admiral first
sent by
James
Stelton,
Edw. p. 827.

Englefield's
him.

Stelton's
Admiral
delivered by
Earl of
Sunderland,
Kenner,
p. 518.
Edw. p. 828.

The King
was
delivered by
James
Stelton,
Edw. p. 828.

Rejoice the
offer of
France.
T. L.
Kenner,
p. 518.
Burren,
p. 579.

Admiral
first
sent by
James
Stelton,
Edw. p. 827.

Admiral
first
sent by
James
Stelton,
Edw. p. 827.

Stelton's
Admiral
delivered by
Earl of
Sunderland,
Kenner,
p. 518.
Edw. p. 828.

A little before, Mr. *Budd de Perce*, a Protestant of Geneva, Gentleman-Usher to the Princess of Orange, having been dismissed, was returned to his own country. When he heard of the great preparations in Holland, he writ to Mr. *Stelton*, then Envoy at Paris, that he had things to communicate to the King of England, that were of no less concern than his crown, but would not discover the secret to any but the King himself; and that if his Majesty would let him know his pleasure, he would immediately repair to London. *Stelton* was not wanting to give information to the Court of England, and to repeat it by five or six letters. But no notice was taken of it, whether through a too great security, or that the Earl of Sunderland, to whom the letters were addressed, did not think proper to communicate them to the King.

Mean while, as the armament in Holland could hardly be concealed any longer, and the King receiving repeated advices of it, he judged it convenient, at all events, to flatter the people with the expectation of a Parliament. So, the 24th of August, he declared in council his intention to call a Parliament for the 27th of November, and the Chancellor had orders to issue out the writs the 5th of September. However, the writs were not sent, which gave occasion to think, the King only designed to amuse the publick.

The next day, Mr. *de Bonrepas* arrived at London from Paris, and had several conferences with the King. It is pretended, that he offered him from the King of France a fleet, and an army of thirty thousand men, but that the Earl of Sunderland prevented the offer from being accepted. He is said to represent to the King, "That it would be very dangerous to introduce a foreign army into England, at the very time he was preparing to take a Parliament: That he would entirely lose the hearts of his subjects, and even of those who were most devoted to him: That if the French should have a mind to render themselves masters of the Kingdom, he would find but very few who would join to deliver him from such troubles, some guests, and that in accepting so powerful an aid, he would quickly become only a Viceroy to Louis XIV."

Some have pretended, that this advice was evident treachery in the Earl of Sunderland, who was gained by the Prince of Orange. But this accusation rests only upon the ill success of the King's affairs afterwards, and upon the supposition that he would have succeeded in his designs, had the King of France's offer been accepted. However, the King refused the aid, because he thought it unnecessary, and yet it is pretended, that he made at this very time a new alliance with Louis, but which was never published.

In the mean time, the King hearing from several parts, that an armament was making in Holland, he ordered the Marquis of Albionville, his Ambassador, to present a Memorial to the States, to demand what they meant by their warlike preparations, especially by sea, at that time of the year. The States answered, That they armed in imitation of his Britannick Majesty, and might with more reason demand an explanation about the alliance into which he was lately entered. This answer increasing the King's suspicions, he now began to take the necessary measures for putting himself in a posture of defence. With this view, he gave the governments of Portsmouth and Hull, the two keys of the Kingdom, to Papists, and took care to have the majority of the officers and soldiers of these garrisons of that Religion.

After all, he could not yet believe, the Prince of Orange would venture to attack him. He still relied on his fleet and army, though he had now had several demonstrations of their disaffection. The Court of France could not conceive the cause of so strange an indolence; nor was *Stelton* less puzzled to answer the question so often asked, why the King his master refused the assistance of France? He could only say, that he had no orders about it. At last, in a conference one day with Monsieur de Grey upon this subject, he told him, it was his private opinion, that if France would threaten to attack the State-General, in case any thing was attempted by them against the King of England, such a declaration would break all the Prince of Orange's mea-

asures. The Court of France approving of this proposal, the Count *D'Avaux* presented a memorial to the States the 30th of August, declaring: "That all circumstances inclined the King, his master, to believe with reason, that the arming in Holland threatened England, therefore his Majesty had commanded him to declare to them, on his part, — That the ties of friendship and alliance between him and the King of Great-Britain, would oblige him not to be only to assist him, but also to look on the first act of hostility that should be committed by their troops or their fleet, against his Majesty of Great-Britain, to be a manifest rupture of the peace, and a breach with his Crown."

The States, after an ambiguous answer to this Memorial, demanded of the Marquis of Albionville, the meaning of the new alliance between the two Kings. The same demand was made to the Court of England by the States Ambassador, *Van Citters*, to whom they sent a copy of the memorial. Whereupon the King summoned a Council, and by the Earl of Sunderland's means it was resolved, to disown the proceedings of the Count *D'Avaux*. This resolution was immediately communicated to the Ambassador of the States, and to all the King's Ministers in foreign Courts. Moreover, to convince the publick, that the King was not concerned in the memorial presented by the Count *D'Avaux*, *Stelton* was recalled, and immediately sent to the Tower.

On this occasion, the Earl of Sunderland reasoned upon the same principle advanced by him, when the assistance offered by France was in debate. It cannot be denied, that his reasons appeared plausible to the King. But it is supposed by some, that the King was deceived, and that it was not possible for the Earl of Sunderland to be deceived also. Wherefore they ascribe his counsels to an express design of betraying his master. Those who talk thus, are, 'tis likely, very sorry, the King did not follow the contrary opinion, and embrace the offer of France. They are persuaded, in that case, the Prince of Orange's measures would have been disconcerted, his undertaking relinquished, and the King, with the assistance of thirty thousand men, been absolute master of his Kingdom. But it must be considered, that this is supposing an uncertain event; that the prime Minister's advice, preceded the King's disavowal some months; and, to accuse him of an intention to betray the King, it must be supposed, that he could have foreseen what the King himself did not: In a word, that he was secretly engaged with the Prince of Orange, of which however there is no positive proof. The most plausible ground of suspicion against him, is, his admission into that Prince's Council and confidence, when on the throne. But he was not the only Minister of King James, who was thus favoured by King William. It is however certain, though the Earl of Sunderland embraced the popish Religion, he was, and still is, suspected by the Papists. There are even Protestants, who owning that he betrayed his master, count this pretended treachery an honour to him, since it tended to the good of the Kingdom.

Though the King, as I said, had ordered Writs to be issued out for a new Parliament, the order had not been executed. This appears clearly in a Proclamation of the 21st of September, wherein the King supposed, the elections were not yet begun. It imported:

"That his Majesty having already signified his pleasure to call a Parliament, left those whose right it was to chuse members, should be under any prejudices and mistakes, through the artifices of dissaffected persons, he thought it fit to declare, that as it was his royal purpose to endeavour a legal establishment of an universal Liberty of Conscience for all his Subjects, as was also his resolution involuntarily to preserve the Church of England, by such a confirmation of the several Acts of Uniformity, that they should never be altered any other ways than by repealing the several clauses, which inflict penalties upon Persons not promoted, or to be promoted to any ecclesiastical Benefices within the meaning of the said Acts, for exercising their Religion contrary to the purpose of the said Acts of Uniformity. And that for the further securing, not only the Church of England, but the Protestant Religion in general, he was willing the Roman Catholics should remain incapable to be members of the House of Commons; whereby those fears and apprehensions would be removed, which many persons had had, That the legislative authority would be encroached by them, and turned against Protestants."

This Proclamation was too obscure and ambiguous to produce any great effect. There was even a manifest contradiction in the design to repeal the penal laws, and at the same time to preserve the Acts of Uniformity. Besides the King spoke only of excluding Papists from the House of Commons, and not from that of the Lords. But what still more plainly discovered the King's intention to amuse the people, was, that the writs for a new Parliament were not issued.

In the mean time, having received so many concurring advices

1688.

R. Coke.
Memorial
from Count
D'Avaux to
the States
General.
State Trials
T. L. p. 341.
him and the King of Great-Britain, would oblige him not to be only to assist him, but also to look on the first act of hostility that should be committed by their troops or their fleet, against his Majesty of Great-Britain, to be a manifest rupture of the peace, and a breach with his Crown.
p. 518.
Edw. p. 827.

Delivered by
James
Kenner,
Edw.

State Trials
T. L. p. 342.

Suspicion
against the
Earl of
Sunderland.
Orlando.
Edw. p. 828.

A Proclamation
from the
new Parliamen-
t.
Kenner,
p. 518.
Edw. p. 827.

Proposals
from the
French
Ambassador
received.
Kenner,
p. 519.
Edw. p. 828.

1688. advices of the Prince of Orange's designs, he gave out commissions for augmenting his forces, and sent for some regiments out of Ireland. At the same time, he ordered the fleet to be equipped with all expedition. Monsieur Barillon, the French Ambassador, proposed, that the King his master should be desired to abandon the siege of Philippsburg, undertaken by the Dauphin, and carry the war into Holland. This proposal was approved by several of the Council, but opposed by others, on pretence that such a proceeding would alienate the minds of all the English Protestants from the King. This reason prevailed the more easily, as the Prince of Orange's friends had spread a report, that the armament of Holland was only designed to prevent the French from landing in England.

At last, the King, as he could no longer doubt the Prince of Orange's intention, appointed the Earl of Feversham to command his army, after that Post had been declined by the Count de Reux. The command of the fleet was given to the Lord Dartmouth. As the King was not ignorant how prejudicial to him was the report of his strict alliance with Lewis XIV, he used his utmost endeavours to flile it. For this purpose, he ordered the Marquis of Albionville to present a Memorial to the States, to allure them from him, that there was no treaty between him and France; than those that were publick. He moreover ordered the States to take such measures with them, as might best serve to maintain the peace of Nimegueu, and the twenty years truce concluded in 1684. But the States, whether better informed than the King imagined, or for other reasons, took no notice of this memorial. On the contrary, the Pensionary of Holland frankly owned to the Marquis of Albionville, that the Prince of Orange being invited by the English Nobility, was preparing to carry them assistance for restoring the Government to its ancient State, the King having entirely changed it since his accession to the Crown.

It seems that the King had hitherto preserved some hope, either that the States had some other design, or that the Prince only intended to deter him from finishing his work. But after this advice received from his Ambassador, who added, that many English were at the Hague ready to accompany the Prince in his expedition, he discovered the utmost consternation, as well as his whole Council. Indeed, it was easy to conceive, that the Prince had projected this undertaking, upon private assurances of encouragement from the English. This reflection made the King begin to see the great disproportion between the number of the Protestants, and that of the Papists, and consequently the small hopes of being supported by the latter. In these melancholy thoughts, he believed his best refuge was to recover the Church of England to his interest. He still reckoned, she was unshaken in her principle of Passive-Obedience, and that by giving her some satisfaction, he should secure her allegiance, after which, he should have no further cause to fear the efforts of the Prince of Orange. To this end, he sent for the Bishops that were then in London, namely, Winchester, Chichester, Peterborough, Rochester, Ely, Bath and Wells, and told them, that he desired their advice in the present conjuncture.

He assured them of his readiness to do whatever should be thought necessary for the security of the Protestant Religion and the Liberties of his Subjects, without derogating from his own prerogative. He concluded with saying, this affair required a mature examination, and therefore prayed them to consult together, in order to give him their advice. The Bishops withdrew, and immediately repaired to Lambeth, to form with the Archbishop (then indisposed) a plan of what they were to counsel the King.

The 28th of September, the King published a Proclamation to inform his Subjects, "That his Majesty had received undoubted advice, that a great and sudden invasion from Holland with an armed force of foreigners, would speedily be made in an hostile manner upon this Kingdom; and although some false pretences, relating to Liberty, Property, and Religion, contrived and worded with art and subtlety, might be given out, it was manifest however, that no less matter by this invasion was proposed, than an absolute conquest of these his Majesty's Kingdoms, and the utter subduing and subverting them, and all his People, to a foreign power, which was promoted by some of his Subjects, being persons of wicked and restless spirits, implacable malice, and desperate designs; who having no sense of the misery of former intestine divisions, nor being moved by his Majesty's reiterated acts of grace and mercy, did again endeavour to embroil this Kingdom in blood and ruin, to gratify their own ambition and malice, proposing to themselves a prey and booty in such a publick confusion. That tho' his Majesty had notice, that a foreign force was preparing against him, yet he had always declined any foreign succours, but rather had chosen to rely upon the true and ancient courage, faith and allegiance of his own People, with whom he had often ventured his life for the honour of this Nation, and in whose defence against

"all enemies, he was firmly resolved to live and die; and therefore his Majesty solemnly conjured his Subjects to lay aside all animosities, jealousies, and prejudices, and heartily and cheerfully to unite together, in the defence of him and their native country.—That albeit the design had been carried on with all imaginable secrecy, and endeavours to surprize and deceive his Majesty, yet he had not been wanting on his part, to make such provisions as did become him, and made no doubt of being found in so good a posture, that his enemies might have cause to repent their rash and unjust attempts." In the conclusion, his Majesty declared, "That he did intend to have met his Parliament in November next, and that the writs were issued forth accordingly, proposing to himself, amongst other things, That he might be able to quiet the minds of all his people in matters of Religion, but that in regard of this strange attempt, designed to divert his said gracious purposes, he found it necessary to recal his fore said writs, &c."

Tho' the King pretended an entire reliance on the allegiance of his subjects, he knew, however, he had given them too much cause of discontent, to be assured of their affection. Wherefore, he thought it necessary to give them other proofs of his sincerity, than bare words. To this end, he took off the Bishop of London's suspension, and appointed Sir John Chopham a Churchman, to succeed Sir John Eyles, and the present Lord-Mayor of London, who was an Anabaptist. Moreover, being informed that the Bishops would advise him to restore the City-Charter, he sent for the Lord-Mayor, Aldermen, and Sheriffs, and told them, "That he resolved to restore to them their ancient Charter and Privileges, and put them into the same condition they were in at the time of the judgment pronounced against them, upon the *Quo Warranto*." The same day, the 2d of October, he published a general pardon by proclamation, out of which were excepted, Robert Parsons, Edward Matthew, Samuel Verner, Andrew Fletcher, Colonel John Rumley, Major John Manly, Isaac Manly, Francis Charlton, John Willman, Titus Oates, Robert Ferguson, Gilbert Burnett, Sir Robert Peyton, Laurence Braddon, Samuel Johnson, Thomas Tipping, and Sir Rowland Gurney. But all this was not capable to satisfy the people, who aspired to a more ample and more certain deliverance.

The day after, the 3d of October, the Archbishop of Canterbury, attended by eight Bishops, repaired to Whitehall, and was admitted to immediate audience. After a short Speech, he presented to the King the result of their conferences drawn up in ten articles, which were so many advances, and withal, reproaches upon his past Government. The said articles were:

"I. To put the whole management of his Government, in the several Counties, into the hands of such of the Nobility and Gentry there, as were legally qualified for it.

"II. To annul his commission for Ecclesiastical affairs; and that no such Court be erected for the future.

"III. That no dispensation might be granted or continued by virtue whereof, any person not duly qualified by law, had been put into any place, office, or preferment in Church or State, or in the Universities, or continued in the same, especially such as had cure of Souls annex to them; and particularly, that he would restore the President and Fellows of St. Mary Magdalen College in Oxford.

"IV. To set aside all Licences or Faculties, by which any persons of the Romish Communion might pretend to be enabled to teach publick Schools.

"V. To desist from the exercise of his dispensing power, and to permit that point to be calmly and freely debated, and finally settled in Parliament.

"VI. To inhibit the four foreign Bishops, who styled themselves Vicars Apostolical, from farther invading the Ecclesiastical Jurisdiction, which by law was vested in the Bishops of the Church of England.

"VII. To fill the vacant Bishopricks, and other Ecclesiastical promotions, within his gift, both in England and Ireland, with men of learning and piety: And in particular, (which the Archbishop owned to be his peculiar boldness, since it was done without the privacy of his brethren) forthwith to fill the Archbishopship of York (which had so long stood empty, and upon which a whole Province depended) with some very worthy person: For which he was so bold to say, his Majesty had then before him a very fair choice.

"VIII. To supersede all farther prosecutions of *Quo Warranto*'s against corporations, and to restore to them their ancient Charters and Privileges; as they heard God had put into his heart for the city of London, which they intended otherwise to have made one of their principal requests.

"IX. That writs might be issued out with convenient speed,

1688.

Renner, p. 119, 120.
The Bishop of London was appointed, Nov. 1381.
The King promises to restore the City Charter, Nov. 1382.
John Torda, T. I. p. 44.
Edward, III. p. 239.

State-Treaty T. I. p. 46.
Renner, p. 120.
Burnet, p. 744.

The Earl of Feversham made General, Edward, III. p. 127.
King James affirms the Treaty with France, October 8, T. I. p. 813.
Renner, p. 119.
Gavette, Nov. 1386.

The Prince's Expedition deterred, Edward, III. p. 813.

The King in a conference, Edward, III. p. 813.

refuses to consult the Bishops, Renner, p. 120.
Edward, III. p. 813.

Proclamation against the Prince of Orange's invasion, Gavette, Nov. 1386.
State-Treaty T. I. p. 44.
Edward, III. p. 813.

1688. "speed, for calling of a free and regular Parliament, in which the Church of England might be secured according to the Acts of Uniformity: Provision might be made for a due Liberty of Conscience, and for securing the Liberties and Properties of all his Subjects, and a mutual confidence might be established between his Majesty and all his people.

"X. Above all, That his Majesty would be pleased to permit his Bishops, to offer such motives and arguments, as (they trusted) might, by God's Grace, be effectual to persuade his Majesty to return to the Communion of the Church of England, into whose most holy Catholic Faith he was baptized, in which he was educated, and to which, it was their daily earnest prayer to God, that he might be re-united."

These advices clearly shew, that what has hitherto been said concerning King James's Government, is not grounded upon calumnies spread by his enemies. For how, on the 3d of October (a month before the Prince of Orange's arrival, and at a time when the events were yet uncertain) could these nine Bishops conspire together to reproach the King with a violation of the laws in all these articles, under colour of giving him counsel? Besides, these advices agree, for the most part, with the Prince of Orange's declaration, signed at the Hague, at the very time the Bishops were consulting together at London. In short, the King's proceedings two days after, invincibly prove the truth of these facts. So, the advocates for King James can only plead, either that he had a right to act as he did, or, though he had no such right, his Subjects were bound to submit to his will. But this is not the place to examine these questions.

The King perceiving that a refusal to comply with the advice of the Bishops, would only increase the people's jealousy, resolved, though probably with regret, to redress most of the grievances complained of. For this purpose, two days after, the Commission for Ecclesiastical causes was dissolved. The next day, the Lord-Chancellor had orders to carry back in person the Charter of London. The Lord-Lieutenants of the several counties were required to inform themselves of the abuses and irregularities committed in the late regulations of Corporations, in order to redress the same. The Bishop of Winchester, Visitor of Magdalen College in Oxford, was ordered to settle that society regularly, and according to their Statutes. A proclamation was issued out for restoring Corporations to their ancient Charters, Liberties, Rights, and Franchises. The Lord-Lieutenants were displaced in several counties. Popish Justices of the Peace, Mayors, Records, and other Magistrates, were removed, and Protestants put in their places. Thus, in the space of about twelve days, that formidable fabric was in effect, or in a great measure demolished, which the *Romish* cabal had spent near four years in erecting.

But all these proceedings were not capable to restore the King to the confidence of his Subjects, because they came too late, and seemed rather the effect of necessity than inclination. No other motive could be imagined of the King's destroying his own work, than his fear of being deserted on the arrival of the Prince of Orange, who was daily expected. Whence it was inferred, that the King's concession would last no longer than the danger. What had been only suspected, was soon found to be true. The Bishop of Winchester, pursuant to the King's order, having caused a citation to be fixed on the gates of Magdalen College, to recal Dr. Hough, and the ejected Fellows of that Society, upon the news of the dispersion of the Prince's fleet by a tempest, was recalled on some frivolous pretence, and the restoration of the College deferred. But afterwards, the news proving false, the King resumed his pretended affection for the University, and the College was restored. This extremely prejudiced the King, as it manifestly shewed, that in his late changes in favour of the Protestants, his aim had been only to amuse them, till he should be able to retract. Such as had fallen into the snare, and believed the King to have acted with sincerity, lost all their former confidence in him. So, James saw himself at once reduced to the assistance of his popish Subjects alone, who were incapable to restore his sinking affairs.

As all his hope was placed in his army, he applied himself, as far as lay in his power, to augment and strengthen it with troops, which should wholly depend on him. In obedience to orders already given, two thousand five hundred men landed at Clogher from Ireland, and three thousand Scots were advanced to Carlisle. Besides this, new commissions were granted (1), for levying ten regiments of Horse and Foot, not to mention several independent companies. All the Militia had orders to be in a readiness to march. Lastly, A Proclamation was published, commanding all horses, oxen, and cattle, to be driven and removed to the space at least of twenty miles,

from the places where the enemy should attempt to land. This was all he could do. But it was not in his power to cause his Subjects to second him with affection, or his troops to serve him faithfully. Accordingly, it was not upon an army of thirteen or fourteen thousand men that the Prince of Orange relied, but upon the disposition of the English, who impatiently expected his arrival: Without this, so small an army would not have been capable of conquering England.

In the mean time, the populace of London growing insolent, by the hopes of the Prince's coming, began to insult the popish Chapels; wherefore the King ordered them to be shut up, for fear of an insurrection in so dangerous a juncture. On the other hand, many *Romish* Priests and Jesuits perceiving the gathering storm, and prefiging nothing good from the disposition of the people, and the Court's confirmation, began gradually to disappear, and to consult their own safety by a timely retreat into foreign parts.

In the midst of all these distractions, the King caused the Prince of Wales to be solemnly baptized; the Pope, represented by his Nuncio, being Godfather, and the Queen-Dowager Godmother. Father Saban officiated, and named him James-Francis-Edward.

At the same time the Court received a pamphlet, published in Holland, and entitled, *A Memorial of the English Protestants, presented to their Highnesses, the Prince and Princess of Orange*. It was ascribed to Dr. Burnet, or Major Wildman, wherein, after a long narrative of the grievances of the nation, the author complained of King James's obliging his Subjects to own a supposititious child for the Prince of Wales, adding, *That his Majesty would never suffer the witnesses that were present at the Queen's delivery to be heard and examined*. The King was no stranger to the suspicions entertained by the people on this account, but hitherto had pretended to be ignorant of, or at least to despise them. He perceived, however, that on this occasion, he could not, without great prejudice to himself, help answering to public a challenge. He therefore held an extraordinary Council the 22d of October, to which were called the Queen-Dowager, all the Lords Spiritual and temporal then in town, the Lord-Mayor and Aldermen of London, the Judges, and several of his Majesty's learned Council. All these being assembled, the King told them, "He had called them together upon a very extraordinary occasion; but that extraordinary diseases must have extraordinary remedies: That the malicious endeavours of his enemies had so poisoned the minds of some of his Subjects, that by the reports he had from all hands, he had reason to believe, that very many did not think this son, with which God had blessed him, to be his, but a supposititious child. But, he might say, that by a particular Providence, scarce any Prince was ever born, where there were so many persons present. That he had taken this time to have the matter heard and examined there, expecting that the Prince of Orange, with the first easterly wind, would invade this Kingdom: And as he had often ventured his life for the nation before he came to the Crown, so he thought himself more obliged to do now he was King, and did intend to go in person against him, whereby he might be exposed to accidents; and therefore he thought it necessary to have this now done, in order to satisfy the minds of his Subjects, and to prevent the Kingdom's being engaged in blood and confusion after his death: That he had desired the Queen-Dowager to give herself the trouble to come hither, to declare what the knew of the birth of his son; and that most of the Ladies, Lords, and other persons who were present, were ready to depose upon oath their knowledge of the matter."

After this Speech, depositions were taken, first of the Queen-Dowager, who only said, *That she was in the room 12th when the Queen was delivered, without any thing more positive or particular*. After her followed forty witnesses, of which seventeen were Papists, and it was begun with proving, that the Queen was brought to bed while many persons were in the room. To this tended the testimonies of the eighteen Lords who accompanied the King thither. This proof signified nothing, or was very ambiguous. It was well known, there were a great many persons in the room at the time the Queen was said to be delivered; which doubtless, was all that was meant by this proof. But it was not sufficient to prove the reality of the delivery. Some of the Ladies deposed, that they saw the child soon after in the arms of the midwife. But as no man in the council durst put any questions to the witnesses, concerning several circumstances, these general depositions were incapable to remove all suspicions. The midwife deposed positively, that she took the child from the Queen's body. The Countess

State of the
English (1688-
1689).
October 15.
Gazette, No. 2372.

The Prince of
Wales baptiz-
ed.
October 15.
Gazette, No. 2372.

State-Tradit
T. I. p. 41.
See:

The King's
last will and
testament.
Gazette, No. 2372.

See the
Story of the
Prince of
Wales.
Gazette, No. 2372.

See the
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Prince of
Wales.
Gazette, No. 2372.

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As all his hope was placed in his army, he applied himself, as far as lay in his power, to augment and strengthen it with troops, which should wholly depend on him. In obedience to orders already given, two thousand five hundred men landed at Clogher from Ireland, and three thousand Scots were advanced to Carlisle. Besides this, new commissions were granted (1), for levying ten regiments of Horse and Foot, not to mention several independent companies. All the Militia had orders to be in a readiness to march. Lastly, A Proclamation was published, commanding all horses, oxen, and cattle, to be driven and removed to the space at least of twenty miles,

(1) Particularly to Henry Cavendish, Duke of Newcastle; to the Lord Brecon; to the Marquis de Macclesfield, nephew to the Earl of Farnham; to Colonel Henry Gage; and Colonel Simon Richards. Gazette, No. 2372.

1688. of *Sunderland* depofed, that the Queen called her to give her hand, that he might feel how the child lay, which, added fhe, *I did*, but he did not fay whether he felt the child or not. The Bifhop of *Salisbury* adds, That the Countefs of *Sunderland* told the Ducheſs of *Hamilton*, (from whom he had this particular) that when ſhe put her hand into the bed, the Queen held it, and let it go no lower than her breaſts, ſo that really ſhe felt nothing. Many Ladies depofed, That they had often felt the marks of milk on the Queen's linnen near her breaſts. Two or three depofed, That they ſaw it running out at the nipple. But what is remarkable, none of theſe Ladies named the time in which they ſaw the milk, except one, who named the month of *May*. Now if it be true, as was before related, that the Queen was really with child till the 9th of *April*, and that ſhe miſcarried that day, all that was mentioned of milk in the Queen's breaſts, particularly by her that fixed it to the month of *May*, might have followed upon that miſcarriage, and be no proof concerning the late birth. Mrs. *Pierce* the Launderſs depofed, That ſhe took linnen from the Queen's body once, which carried the marks of a delivery. The Bifhop objects here, that it is ſtrange the ſhould ſpeak only to one time. The Lady *Wentworth* was the ſingle witneſs that depofed, That ſhe had felt the child move in the Queen's belly, but ſhe fixed it to no time.

Remarks upon theſe Depoſitions.

In general, ſee in few words the uſe that may be made of the ſuſpicions mentioned by ſeveral authors, and of theſe depoſitions, namely, There being three caſes, in none of which the two parties agree, the depoſitions are not applicable to any of the caſes, without being contradicted by thoſe who maintain one of the other two caſes. Let us take for inſtance, the two depoſitions, which, next to that of the midwife, appear moſt convincing, namely, That of the Lady who had ſeen milk run from the Queen's breaſts; and that of the Lady *Juditha Wentworth*, who had felt the child in the womb. Theſe two teſtimonies are ſufficient againſt thoſe who maintain, that the Queen was not with child from *January*, the time of her declared pregnancy, to the 10th of *June*, the time of her delivery. But they are ſufficient againſt thoſe who pretend that ſhe was really with child, from the 6th of *October* to the ninth of *April*, when ſhe had a miſcarriage, for the reaſons before-mentioned. To be able theſetore to give a certain judgment concerning the birth of the Prince of *Wales*, it is neceſſary, 1. That facts ſhould be agreed in, I mean, whether it be true, that the Queen was really with child, and that ſhe had a miſcarriage. 2. That thoſe who derive their ſuſpicions from the Queen's obſtinate refusal to give ſatisfaction to the publick, ſhould fix the time of this obſtinacy to the interval between the 9th of *April*, the day of her pretended miſcarriage, and the 10th of *June*, the day of her delivery. For in ſuppoſing the reality of her pregnancy till *Eaſter* week, the ſuſpicions ariſing from the Queen's obſtinacy, cannot but be ill-grounded, unleſs this obſtinacy is confined to the ſpace of time, between the miſcarriage and the delivery, which it is not. 3. That the two Ladies who depofed concerning the milk and the motion of the child, ſhould have fixed the time to the ſame interval, otherwiſe their teſtimony proves nothing againſt thoſe who maintain, that the Queen was really with child till *Eaſter* week, and had then a miſcarriage; but this is what does not appear. As to the teſtimony of the midwife, which is the principal and moſt poſitive, all that can be objected to it, is, that it is a ſingle teſtimony, and that beſides the being a Papift, might have been corrupted. But this is only a conjecture, a bare poſſibility. It is therefore clear, that to decide this queſtion in a manner capable to ſatisfy thoſe who only ſeek the truth, a more perfect knowledge muſt be had of many circumſtances which as yet lie concealed.

The ſuſpicion and not removed by the Depoſitions.

The King's precaution produced not the expected effect. The ſuſpicion of an impoſture was ſo deeply rooted in the minds of moſt of the *Engliſh*, that it was rather confirmed than removed by this examination. The myſterious conduct obſerved at a time when, conſidering the general ſuſpicion, all poſſible precautions ought to have been taken to render the birth unqueſtionable, made a ſtronger impreſſion than all theſe teſtimonies, and the rather, as they were found to be very deſective. Before this examination, the preſumption of law was for the Prince, ſince he was owned by both parents, ſo that the proof lay on the other ſide, and ought to be offered by thoſe who queſtioned it. But after the King had undertaken to prove the reality of his ſon's birth, by ſo many witneſſes, of which more than thirty ſaid nothing material, and the reſt fixed no time to what they depofed, he left room to his enemies to object againſt theſe very depoſitions.

The King's own teſtimony was not more effectual. After the witneſſes were examined, he told the aſſembly, That the Princeſs *Anne of Denmark* would have been preſent; but that the being with child likewiſe, and having not lately ſlittered abroad, could not come ſo far

“without hazard.” Adding further, “That tho’ he did not queſtion but every perſon there preſent was ſatisfied before in this matter, yet by what they had heard, they would be better able to ſatisfy others: That beſides, if he and the Queen could be thought ſo wicked as to endeavour to impoſe a child upon the nation, they ſaw how impoſſible it would have been; neither could he himſelf be impoſed upon, having conſtantly been with the Queen during her being with child, and the whole time of her labour. That there was none of them but would eaſily believe him, who had ſuffered ſo much for Conſcience ſake, uncapable of ſo great a villany, to the prejudice of his own children; and that he thanked God, that thoſe that knew him, knew well, that it was his principle to do as he would be done by, for that was the Law and the Prophet; and he would rather die a thouſand deaths, than do the leaſt wrong to any of his children.”

The reaſons alledged by the King in this Speech were far from being convincing, ſince thoſe who believed the impoſture, were perſuaded, that the King was chiefly concerned in it, notwithstanding all his averations, which were but little regarded. It is a ſad thing for a King not to be credited by the body of his Subjects. The depoſitions were ſolely enrolled in Chancery, and afterwards printed and diſperſed among the people. But this did not prevent a general belief, that the Prince of *Wales* was ſuppoſitious. So this biſh remains hitherto in uncertainty, and probably, will long remain ſo. For it muſt be obſerved, that after the King and Queen had withdrawn into *France*, there was no finding either the midwife or the Queen's Ladies, who had depoſed the moſt material circumſtances of the pregnancy or the delivery.

The 23th of *October*, the Earl of *Sunderland* was ſuddenly removed from his places of Preſident of the Council, and principal Secretary of State. It is believed, that his neglect of *Stellen's* letters to him, was the principal cauſe of his diſgrace. He ſaid upon this ſubject, “If he gave no account of theſe letters to the King, it was becauſe he were not mere letters of news. One *Wickſtead* formerly a Monk, being ſeized for holding correſpondence with the King's enemies, charged the Earl of *Sunderland* to his face, with revealing his Maſteſty's ſecrets to the Prince of *Orange*. But being committed to the cuſtody of a meſſenger, he made his eſcape the next day. However, it is certain, *Sunderland* had been ſome time ſuſpected by the Papifts, who, in all appearance, perſuaded the King of his ſecret intelligence with the Prince of *Orange*. He publiſhed afterwards an apology, but the diſcuſſion of this affair would be too great a digreſſion.

As the Prince of *Orange* was expected with the firſt eaſt-erly wind, ſome of the moſt devoted to the King during his proſperity, thought proper to ſecure themſelves by Letters of Pardon for their illegal actions. Amongſt theſe were Chancellor *Jofferies*, Sir *Nicolas Butler*, the Biſhop of *Chicheſter*, the Biſhop of *Durham*, and about twenty more, to whom the King readily granted the favour they deſired.

While theſe things were tranſacting in *England*, the neceſſary diſpoſitions were making in *Holland* for the aſſiſtance of the *Engliſh*. For it was upon this foot that the States let their troops to the Prince of *Orange*; and what the King called in *England* an invasion, in *Holland* was termed, a brotherly aſſiſtance lent by the States and the Prince to the diſtreſſed *Engliſh*. It can hardly be thought, that the Prince of *Orange*, with an army of thirteen or fourteen thouſand men, would have undertaken a deſcent into *England*, had he not been aſſured of a favorable reception from the generality of the people. But as it was neceſſary to remove the ſuſpicion ſomented by the King, that the Prince was coming to conquer and ſubvert *England*, he thought proper, in a Declaration, to ſhow the true motives of his undertaking. This Declaration dated the 10th of *October*, New ſtile, was divided into twenty-fix articles, reducible to theſe three general heads:

“The firſt contained a particular enumeration of the Grievances of the *Engliſh* nation, eſpecially the King's arrogating to himſelf a diſpenſing Power: His advancing Papifts to civil, eccleſiaſtical, and military employments; and allowing them to fit in the Privy-Council: His ſetting up an illegal Commiſſion for eccleſiaſtical affairs, in which there was one of his Miniſters of State, who made publick profeſſion of the popiſh Religion, and who at the time of his firſt profeſſing it, declared, That for a great while before, he had believed that to be the only true Religion; and by which not only the Biſhop of *London* was ſuſpended, but the Preſident and Fellows of *Magdalen College* arbitrarily turned out of their freeholds, contrary to that expreſs provision in *Magna Charta*, That no man ſhall liſe his life or goods but by the laws of the land: His allowing popiſh Monaſteries and Colleges of Jeſuits to be created: His turning out of publick employ-

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"ments, all such as would not concur with him in the repeal of the Test and Penal Laws: His invading the Privileges, and seizing on the Charters of most Corporations, and placing popish Magistrates in some of them: His subverting the Courts of Judicatory to his arbitrary and despotick power, and putting the administration of justice into the hands of Papists: His not only arming the Papists, in contempt of the laws, but likewise raising them up to the greatest military trusts, both by sea and land, strangers as well as natives, and Irish as well as English, that he might be in a capacity to enslave the nation: His putting the whole Government of Ireland into the hands of Papists: His assuming an absolute and arbitrary power in the Kingdom of Scotland; from which it was apparent, what was to be looked for in England."

"Secondly, His Highness alleged, "That those great and insufferable oppressions, and the open contempt of all law, together with the apprehension of the sad consequences that must certainly follow upon it, had made the Subjects to look after such remedies as are allowed of in all nations, and in the most absolute Monarchies, all which had been without effect; his Majesty's evil counsellors having endeavoured to make all men apprehend the loss of their lives, liberties, honours, and estates, if they should go about to preserve themselves from this oppression, by Petitions, and Representations; an instance of which was, the prosecution of the seven Bishops: That a Peer of the realm (the Lord Lovelace) was treated as a criminal, only because he said; *That the Subjects were not bound to obey the orders of a popish Justice of Peace*; though it is evident, that they being by law rendered incapable of all such trusts, no regard is due to their orders: That both he and his Consort the Princess, had endeavoured to signify, with terms full of respect, to the King, the just and deep regret, which all these proceedings had given them, and declared what their thoughts were, touching the repealing of the Test and Penal Laws; but that these evil Counsellors had put such ill constructions on their good intentions, that they had endeavoured to alienate the King more and more from them."

"That the last and great remedy for all these evils, was, the calling of a Parliament, which could not yet be compassed, nor could be easily brought about; for those men apprehending that a lawful Parliament would bring them to account for all their open violations of law, and for their conspiracies against the Protestant Religion, and the lives and liberties of the Subjects, they had endeavoured, under the specious pretence of Liberty of Conscience, first to sow divisions between those of the Church of England, and Dissenters, with design to engage Protestants, who are equally concerned to preserve themselves from popish oppression, into mutual quarrellings; that so by these, some advantage might be given them to bring about their designs; and that both in the elections of members of Parliament, and afterwards in the Parliament itself: That they had also made such regulations, as they thought fit and necessary, for securing all the members that were to be chosen by the Corporations; by which means they hoped to avoid the punishment they deserved, though it was apparent, that all acts, made by popish Magistrates, were null and void of themselves: So that no Parliament could be lawful, for which the elections and returns were made by popish Magistrates, Sheriffs, and Mayors of towns; and therefore as long as the magistracy was in such hands, it was not possible to have a free Parliament legally called and chosen. That there were great and violent presumptions, inducing his Highness to believe, that those evil counsellors, in order to the gaining the more time for the effecting their ill designs, had published, *That the Queen had brought forth a son*; though there had appeared, both during the Queen's pretended bigness, and in the manner wherein the birth was managed, so many just and visible grounds of suspicion, that not only he himself, but all the good Subjects of the Kingdom, did vehemently suspect, *That the pretended Prince of Wales was not born of the Queen*; And tho' many both doubted of the Queen's bigness, and of the birth of the child, yet there was not any thing done to satisfy them, or put an end to their doubts. That since his Consort the Princess, and likewise he himself, had so great an interest in this matter, and such a right, as all the world knew, to the succession of the Crown; since all the English did in the year 1672, when Holland was invaded with a most unjust war, use their utmost endeavours to put an end to that war, and that in opposition to those who were then in the Government; since the English nation had ever testified a most particular affection and esteem, both to his Highness's dearest Consort, and to himself, he could not excuse himself from espousing that interest, in a matter of such high consequence, and for contributing all that in him lay, for the maintaining both of the Protestant Religion,

"and the laws and liberties of these Kingdoms: To the doing of which, his Highness was most earnestly solicited by a great many Lords, both Spiritual and Temporal, and by many Gentlemen, and other Subjects of all ranks."

In the last place his Highness declared, "That for the forementioned reasons, he has thought fit to go over to England, and to carry with him a force sufficient to defend him from the violence of those evil Counsellors: That his expedition was intended for no other design, but to have a free and lawful Parliament, assembled as soon as it was possible; and that in order to this, all the late Charters, by which the elections of Burgesses are limited, contrary to the ancient custom, should be considered as null and of no force: That to this Parliament he would refer the enquiry into the birth of the pretended Prince of Wales, and of all things relating thereto, and to the right of succession: That he would concur in every thing that might procure the peace and happiness of the nation, under a just and legal Government: That he would keep the forces under his command, under all the strictness of martial discipline, and promised, that he would send back all those foreign forces, as soon as the state of the nation would admit of it: That therefore he invited and required all persons whatsoever to come and assist him, in order to the executing his designs against all such as shall endeavour to oppose him: That he would likewise take care, that a Parliament should be called in Scotland, for restoring the ancient constitution of that Kingdom, and for bringing the matters of Religion to such a settlement, that the people might live easy and happy: That he would also study to bring the Kingdom of Ireland to such a state, that the settlement there might be religiously observed, and that the Protestant and British interest there might be secured."

This declaration being printed, and ready to be sent over to England to be dispersed among the people, the Prince was informed, that the King, by the advice of the Bishops, had redressed several grievances mentioned in his declaration. Wherefore he thought fit to make the following addition to it.

"After we had printed our declaration, we have understood, that the subverters of the Religion and Laws of these Kingdoms, hearing of our preparations to assist the people against them, have begun to retract some of the arbitrary and despotick power that they had assumed, and to vacate some of their unjust judgments and decrees: The sense of their guilt, and the distrust of their forces, have induced them to offer to the city of London some seeming relief from their great oppressions; hoping thereby, to quiet the people, and to divert them from demanding a re-establishment of their Religion and Laws, under the shelter of our arms: They did also give out, *That we do intend to conquer and subvert the nation*; and therefore it is, we have thought fit to add a few words to our declaration."

"We are confident, that no persons can have such hard thoughts of us, as to imagine, we have any other design in this our undertaking, than to procure a settlement of the Religion, and of the Liberties and Properties of the subject, upon so sure a foundation, that there may be no danger of the nation's relapsing into the like miseries at any time hereafter. And as the forces we have brought along with us are utterly disproportioned to that wicked design of conquering the nation, if we were capable of intending it; so the great numbers of the principal Nobility and Gentry, that are men of eminent quality and estates, and persons of known integrity and zeal, both for the Religion and Government of England; many of them being also distinguished by their constant fidelity to the Crown, who do both accompany us in this expedition, and have earnestly solicited us to it, will cover us from all such malicious insinuations: For it is not to be imagined, that either those who invited us, or those who are already come to assist us, can join in a wicked attempt of Conquest, to make void their own lawful titles to their honours, estates, and interests. We are also confident, that all men see, how little weight there is to be laid on all promises and engagements that can be now made, since there has been so little regard had in the time past, to the most SOLEMN PROMISES. And as that imperfect redress, that is now offered, is a plain confession of those violences of the Government, that we have set forth; so the defectiveness of it is no less apparent; for they lay down nothing but which they may take up at pleasure, and they reserve entire, and not so much as mention, their claims and pretences to an arbitrary and despotick power, which has been the root of all their oppression, and the total subversion of the Government. And it is plain, that there can be no redress, no remedy offered but in Parliament, by a declaration of the rights of the subjects that have been invaded, and not by any pretended acts of

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The explanation of the States-General, containing the reasons that had obliged them to assist his Highness the Prince of Orange with ships, men, and ammunition, in his intended expedition into England.

The two principal reasons were: 1. That the Prince of Orange had been invited to this expedition by the English Nobility, Gentry, and Clergy: 2. That the States had just cause to fear, that in case the King of England became absolute in his own Kingdom, he would, in conjunction with the King of France, endeavour to bring their State to confusion, and, if possible, totally to subject it. This fear was founded upon the Earl of Castlemain's pressing the Pope, and the Patron Cardinal Cibo, (during his embassy at Rome) to admit his master to mediate a reconciliation between the Courts of Rome and Versailles, assuring, When that reconciliation was brought about, the two Kings would effectually serve the cause of the Church, and begin with the destruction of Holland. The Pope, to whom such projects were not agreeable, informed the Emperor of it, who communicated it to the Prince of Orange. This is at least what Dr. Burnet says in one of his letters.

Every thing being ready for the projected expedition, the Prince of Orange went into the assembly of the States-General the 16th of October, to take a solemn leave of them. This was done in so tender and moving a manner, that both himself and the States melted into tears. He embarked the 19th of October, on a frigate of about thirty guns. The fleet consisted of fifty men of war, twenty five frigates, as many fire ships, with near four hundred viduallers, and other vessels, for the transportation of above four thousand Horse, and ten thousand Foot. The most considerable of the English, who accompanied the Prince, were, the Earls of Shrewsbury and Macclesfield, the Lords Mordaunt, Wiltshire, Paullet, Elton, Macdonald, Admiral Herbert, Mr. Herbert, Colonel Sidney, Mr. Russell, Sir Rowland Gwyn, Major Wildman, Dr. Burnet, Mr. Harbord, Mr. Ferguson, and many others less known. The Prince had with him, besides the general officers of the Dutch forces, Count Schomberg Marshal of France, who had last served the Elector of Brandenburg, Count Charles his son, Monsieur Callimete, younger son to the Marquis of Rouvigny, and about three hundred French officers, who had left their country for their Religion. Admiral Herbert led the van of the fleet, Vice-Admiral Everet brought up the rear, and the Prince placed himself in the main body, carrying a flag with English colours, and their Highness's arms surrounded with this Motto, THE PROTESTANT RELIGION AND LIBERTIES OF ENGLAND; and underneath, the Motto of the House of Nassau, JE M'ENTENDRAI, i. e. I will maintain.

This numerous fleet had been but few hours under sail, when suddenly the wind coming more westerly, there arose such a storm, that in less than two hours the whole fleet was so dispersed, that the next day scarce two ships could be seen together. The storm continued two days, during which time, the ships endeavoured to gain, some one port, some another. Many were driven northward, and could not reach the appointed rendezvous till eight days after. Nevertheless, the damage was so considerable, that there was properly only loss of time. But on this occasion, the States made use of an artifice, which did the King great prejudice; they ordered the *Harlem and Amsterdam Gazettes* to aggravate the damage sustained by the fleet, and to insinuate, that the Prince could not possibly be in a condition to pursue his design till the next spring (1). This was intended to amuse the Court of England, and make them more remiss in their preparations. But besides this advantage, they received from this artifice another still more considerable, which was, that the King, hearing the news with great pleasure, flattered himself, that he had now nothing more to fear, and that before the spring, he should infallibly be able to break all the Prince of Orange's measure. In this belief, he revoked some of his acts of grace granted to his subjects, and thereby clearly shewed, that these acts were extorted by necessity, and that consequently, no change was to be expected in his conduct for the future.

It was in this critical juncture that Captain Langham, an Englishman, in the service of the States, was seized on his arrival in England. In his Portmanteau were found many copies of the Prince's declaration, which were sent to Court. The King having read the declaration, was surprized at that expression, *That the Prince was most earnestly invited over by divers of the Lords, both Spiritual and Temporal, and by many Gentlemen, and others.* Immediately he sent for

the Archbishop, and four or five Bishops then in London, and demanded of them, *Whether the contents of the Prince's declaration, relating to their inviting him over, were true?* The Bishops contented themselves with promising in general, their faithful allegiance to his Majesty. But the King, little satisfied with this answer, required them to justify themselves to the world, as to their part in that invitation. At the same time he fixed a day, whereon he obliged them to present a paper under their own hand, signifying their abhorrence of the Prince of Orange's intended invasion. He farther let them know, "That a declaration was then in the Press against the Prince of Orange, and was only deferred, to have their Paper of Abhorrence put into it."

On the day appointed, the Bishops repaired to Whitehall, and as soon as they were in the King's presence he called for their paper. But with all submission, "They begged to be excused from writing any thing of that nature, and for making a particular defence to a general accusation." "left they should give the first precedent of that kind against the privilege of Peers: Besides, that their profession being to promote peace, they thought it belonged not to them to declare war, especially against a Prince so nearly allied to the Crown." This answer threw the King into a violent rage. However they persisted in their refusal, in as dutiful terms as possible. The King not being able to prevail with them, ordered them to withdraw, with great indignation. They were afterwards informed, that one of the principal Members of the Council and Jesuit party, advised the King, *To imprison them all, and extort the truth from them by violence.*

Mean time, the King being desirous to conceal the Prince of Orange's Declaration from the people, forbade the publishing and dispersing it, by proclamation. But being afterwards informed, that a great number of copies were handed about the Kingdom, and sensible that his prohibition would be to no purpose, he chose to print the Declaration with remarks, tending to justify his own, and render odious the Prince of Orange's conduct.

About the same time was printed a letter from the Prince of Orange, to the officers of the English army, and another from Admiral Herbert to the English Fleet. The design of these two letters was the same, namely to inform the army and the fleet of the true intentions of the Prince, and to represent to them, that in being the King's instruments to accomplish his designs, they were labouring their own ruin. Wherefore the officers, soldiers, and sailors, were conjured not to suffer themselves to be abused by a false notion of honour, to serve the King, contrary to the manifest interest of their Religion and Country. These two letters had a wonderful effect upon officers, soldiers and seamen; so that from this time many of them resolved not to draw their swords in this quarrel, till they had a free Parliament to secure their Religion and Liberties.

The King's fleet consisted of sixty-one men of war, of which thirty eight were of the line of battle. Several English authors venture to affirm, this fleet was more than sufficient to defeat that of the States. I know not upon what their assertion is grounded: But it seems to me, it is full as likely, that in case the fleets had engaged, the King's fleet would have flared the danger. While the English fleet lay at anchor at the *Gunfleet*, the Lord Dartmouth, the Admiral, called a Council of war, wherein it was debated, whether it was proper to put to sea, and engage the enemy? An author who has writ the naval Transactions of the English, says on this occasion, "That this proposal carried the greatest weight with it, had there been a real design of obstructing the Prince of Orange in his passage to England. But instead of that, (continues he) matters were so concerted and agreed among the flag-officers and commanders, that had the Admiral come fairly up with the Dutch, it would not have been in his power to have done them much damage." Wherefore, by a great majority it was resolved to continue there, in order to intercept the Dutch fleet.

The damage sustained by the Prince's fleet in the late storm was so considerable, and so easily repaired, that in eleven days it was in condition to put to sea again. The first of November, in the afternoon, the Prince embarked on a new vessel called the *Brill*, and the fleet at first steering northward, it was thought the design was to land somewhere in the north of England, and Burnet says, the first scheme was to anchor in the mouth of the *Hammer*. But during the night, whether the Prince had changed his mind, or was hindered from pursuing this course by a violent East wind, all the fleet steered towards the Eastern Coasts of England; after which they thortened sail far fear of accidents in the night. The next morning the fleet failed towards the Channel, without meeting any English ship, and in their passage discovered the coasts of *Essex* and

The King revokes some of his acts of Grace.
Burnet, P. 783.
Edward, III. p. 900.

The Prince's Declaration, fully into his Hands.
Burnet, P. 783.

11th. of Decr.
P. 783.

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Which publishing in Bishops is alleged in Burnet.

They resolve to submit to the King.
Burnet, P. 783.
Edward, III. p. 900.

Spratt's Lett.

The King prints the Prince's Declaration, with his own Remarks upon it.
Gazettes, Nov. 25th.
State-Trade, T. L. p. 66.
Two Letters addressed to the Army and the Fleet.
Burnet, P. 77.
Kennet, P. 783.
Edward, III. p. 900.

The King's Fleet ill-affected to the Dutch.
Burnet, P. 783.

Burchett, P. 444.

The Prince of Orange sails out of a second time.
Burnet, P. 783.
Edward, III. p. 900.

(1) It was said in the *Gazettes*, That the Prince had lost much of his own Horse; and that there were one thousand five hundred Horse dead or unmanageable; whereas there were really but four hundred lost. See *State-Trade*, Tom. I. p. 56.

1688. *Kent*. The 3d of November the fleet entered the Channel (1), and lay by between *Calais* and *Dover*, to stay for the ships that were behind. Here the Prince called a Council of war. It is easy to imagine, what a glorious show the fleet made. Five or six hundred ships in so narrow a Channel, and both the *English* and *French* shores covered with namberless spectators, are no common sight. For my part, who was then on board the fleet, I own it struck me extremely.

Kennet.
P. 125.
Richard.
III. p. 507.
The King, upon advice of the Prince's design to land in the North, had sent part of his army that way. But it was with the utmost surprize that he received several exprests, with the news that the enemy's fleet was sailing Westward. He however flattered himself that the Lord Dartmouth would pursue and give a good account of them. But, for what reason I know not, the *English* fleet remained in their station, till the enemy's ships had passed by (2).

Burnet.
P. 151.
Niece Trist.
T. II. p. 343.
The fourth of November being Sunday, and the Prince's birth-day, now thirty eight years of age, was by him dedicated to devotion, the fleet still continuing their course in order to land at *Dartmouth* or *Torhey*. But in the night, whether by the violence of the wind, or the negligence of the Pilot (3), the fleet was carried beyond the desired ports, without a possibility of putting back, such was the fury of the wind. This accident gave them the melancholy prospect of being forced to fall on at *Falmouth*, or some other inconvenient place. But soon after, the wind turned to the South, which happily carried the fleet into *Torhey*, the most convenient place for landing the horse of any in *England*. The forces were landed with such diligence and tranquillity, that the whole army was on shore before night. The next morning, the wind turning West, blew so tempestuously, that had the landing been deferred a few hours, probably it would not have been possible to disembark the troops. This wind prevented the Lord Dartmouth, who was come in sight of the *Dutch* fleet, from attacking it, and obliged him to go into *Perthmouth*. Upon this occasion their two famous verses of *Claudian* were applied to the Prince of Orange.

Land.
at *Torhey*.
Burnet.
P. 155, 159.
O nimium dilecte Dux, cui militat Æther,
Et consurati venient ad Classica Venti.
Heaven's Favorite! to whom the Skies Assistance lend,
Whilst on thy Sails conspiring Winds attend.

It was thus, the Prince of Orange landed in *England* without any opposition, the 5th of November, whilst the *English* were celebrating the memory of their deliverance from the *Powder-Plot*, about fourscore years before. This is one of the most remarkable *Æra's* in the *English* History, and which probably will never be forgot by that Nation.

The Prince
orders his
Army to
gather on
the neighbourhood
of *Salisbury*.
Kennet.
P. 157.
Richard.
III. p. 509.

The Prince's army marched from *Torhey* about noon the next day, in very rainy weather and bad roads. The Soldiers, before they landed, were ordered to bring three days bread with them, and they carried their Tents themselves. But the officers, even the most considerable, were in a very uneasy situation, at their first encampment, being wet to the skin, and having neither clothes for change, nor bread, nor horses, nor servants, nor other bed than the earth all drenched with rain, their baggage being yet in the ships. Had this situation lasted two days more, the officers, as well principal as subaltern, would have been reduced to great extremities. But the Prince did all that was in his power to procure them refreshment. He ordered horses, carriages, and provisions from the neighbouring Country, and in this state pursued his march to *Exeter*, about twenty miles from *Torhey*.

As soon as the King heard, the Prince was landed, his first care was to order his army to rendezvous in some convenient place. He chose *Salisbury* Plains, whither his army repaired from several parts, with all possible diligence. They who have said that he ought to have marched directly to *Torhey* at the head of his army, did not consider, that the thing was impracticable. The greatest part of his army was as yet dispersed in different quarters. Part had marched to the North, and part to *Perthmouth* to secure that place, which was of great consequence. The Irish forces were still in and about *Gloucester*, and the *Scotts* at *Carlisle*. The King when he quitted *London*, could not avoid leaving there a good body of Troops, unless he would have hazarded the seeing that powerful City, where he was not beloved, declare for the enemy. But it is strange, that the King though, he had two months notice of the Prince's intended invasion, had neglected to form a

camp of twenty thousand men in the heart of the Kingdom, to be ready to march against him, on the first news of his landing. This was a precaution taken by some of his predecessors on the like occasion, when they expected a delict without knowing in what place, and which might have served him for an example. His negligence therefore seems inexcusable, since, after the Prince's arrival at *Torhey*, he was obliged to lose to much time in assembling his army of more than thirty thousand men. Very probably, if his forces had been ready, and he had marched into the West, the Prince would have been extremely embarrassed, who stayed ten days at *Exeter*, without any great increase of his army. Had he shown so much firmness as *Richard III.* on the like occasion, he would doubtless have prevented the defection of numbers, who perhaps were not yet determined to abandon him, and only resolved it, because they saw in his conduct a conformation, which to them seemed ominous. But this is all conjecture.

However, the King having sent a reinforcement to *Perthmouth* under the Duke of *Berwick*, vainly amused himself with endeavouring to persuade the people, that the Prince's forces were too contemptible to inspire him with fear. He printed a list of all the Regiments of the Prince's army, with the companies, troops, officers and soldiers belonging to each (4). But the Prince's Declaration was more relied on than this list, wherein it was said, he would not have come with so small a number of troops, had a conquest of *England* been intended; from whence it was inferred, that he was assured of assistance, which would appear in due time.

The King affected to express a great confidence, as being superior in number of forces. The better to show he was incapable of fear, hearing that the counties of *Kent*, *Essex*, and *York*, and the city of *London* were preparing to address him for an accommodation with the Prince of Orange, he publicly declared, That he would look upon all those as his enemies, who should pretend to advise him to treat with the invader of his Kingdom. At the same time, he published a Declaration, endeavouring to demonstrate, that the Prince's secret design was to usurp the Crown. But for such a Declaration, to have any effect, it must have come from a Prince believed innocent, and unjustly attacked. But the People were far from this belief. They rather looked on the King as intending to subvert their Religion and Liberty, and on the Prince of Orange, as the nation's deliverer.

Mean while, the Prince, now at *Exeter*, found not at the first the encouragement that he expected. The Bishop of *Orango* [Dr. Lamplugh] on the first news of his landing, posted to Court, where he was rewarded with the Archbishopric of *Tork*, which had been kept long vacant, with intention, as it was thought, to confer it on Father *Petres*, the King's Confessor. The Sunday after the Prince's arrival at *Exeter*, *Burnet* mounting the pulpit to read his Declaration, all the Canons and part of the congregation left the Church, not to be present at the reading. On the other hand, few came to offer their service to the Prince, and the levy of three regiments of Foot, for which he had granted Commissions (5), proceeded but slowly. Not but that in general the people of the Country were inclined to the Prince, and wished well to his undertaking. But the memory of the severities against the Duke of *Monmouth's* adherents, was yet so recent, that every one feared to engage in a like enterprise, the success whereof was uncertain. In short, the Prince remained nine days at *Exeter*, without being joined by any person of distinction. It is even pretended, that in a council of war held at *Exeter*, he suffered it to be proposed to him to re embark for *Holland*. But on the tenth day some of the principal Gentlemen of the Country joined him. Among these was Sir *Edward Seymour*, by whose advice an allocation was drawn, and signed by all persons then with the Prince, or who afterwards repaired to him. It was likewise sent to several other parts of the Kingdom, and signed by great numbers. It was as follows:

"We whose names are hereunto subscribed, who have now joined with the Prince of Orange, for the defence of the Protestant Religion, and for the maintaining the ancient Governments, and the Laws and Liberties of *England*, *Scotland*, and *Ireland*, do engage to Almighty God, to his Highness the Prince, and to one another, to stick firm to this cause, in the defence of it, and never to depart from it till our Religion, Laws, and Liberties, are so far secured to us in a free Parliament, that they shall no more be in danger of falling into Po-

(1) They sailed by the *Gouffier* in a very foggy day; while the *English* could not, by reason of the violence of the wind, pursue their Arch-enemy.

(2) The Lord Dartmouth was kept in by the *Lecky* Winds. *Burnet*, p. 155.

(3) It being a heavy foggy morning, and full of Rain, they were not able to land.

(4) According to that list, the Prince's Army consisted of 12000 foot, 4000 horse, and 10000 more; his Horse of three thousand for mounted and 4000 foot.

(5) To the Lord *Monmouth*, Sir *John Gaspard*, and Sir *Robert Eyre*. *Essex*, Tom. III. p. 512.

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"perjury and Slavery. And whereas we are engaged in this common cause under the protection of the Prince of Orange, by which means his person is exposed to dangers, and to the cruel attempts of Papists, and other bloody men; we do therefore solemnly engage to God, and to one another, that if any such attempt be made upon him, we will pursue not only those that make it, but all their adherents, and all that we find in arms against us, with the utmost severity of a just revenge, to their utter ruin and destruction; and that the execution of any such attempt (which God of his infinite mercy forbid) shall not divert us from prosecuting this cause which we do now undertake, but that it shall engage us to carry it on with all the rigour that so barbarous an attempt shall deserve."

The Prince marches to Salisbury.

Great Defection on the King's army. Kennet. p. 188. Edward. III. p. 913. Garrison. N. 2400.

Some Lords join for the Prince. Kennet. p. 513. State Trials. T. I. p. 61.

Others demand the King's Parliament. Nov. 17. Id. p. 513. Kennet. p. 529. Edward.

His Answer.

He is afraid of being deluded up to the Prince of Orange. Garrison. N. 2401. Edward. III. p. 913.

Preparations to meet the Prince. Kennet. p. 519.

Arrival at Salisbury.

He takes with a bleeding at the Nose.

From this time the face of the Prince of Orange's affairs, who left Exeter to march to Salisbury, was entirely changed. Every day brought him persons distinguished by their birth, estates, or employments. The Lord Colchester, son to Earl Rivers, a Lieutenant in the Life-guards, waited upon the Prince, accompanied by Mr. Wharm, Colonel Godfrey, John Hewes Esq; four Life-guard men, and about three score more men on horseback. These were followed by the Earl of Abington, Captain Clargen, Mr. Russell, and others. But what was more material, the Lord Cornbury, son to the Earl of Clarendon, Colonel of Dragoons, leaving Salisbury, under pretence of an order from the King, to beat up one of the enemies advanced posts [at Heniton,] carried with him his own regiment, and those of Horle of Berwick, St. Albans, and Fowick, and with the major part of them went over to the Prince at Exeter.

About the same time the Lord Delamere took arms in Cheshire, and declared openly for the Prince, inviting all his tenants to follow his example. The Lord Lovelace was also marching to Exeter, with sixty or seventy horsemen, but passing through Cirencester, was made prisoner, by the Militia of the County, after a warm skirmish, in which ten or twelve men were killed on both sides.

On the other hand, the two Archbishops, five Bishops, the Dukes of Grafton and Ormond, the Earls of Dorset, Clare, Clarendon, Burlington, Anglesey, Rochester, the Lords Newport, Paget, Chandos, Ossington, meeting together in London, drew up a petition, which was signed at the Bishop of Rochester's house at Westminster. The intent of it was, to pray the King to call a free Parliament, and find some expedient to satisfy the Prince of Orange. The petition being delivered, and afterwards printed by the Lords for their own vindication, this answer was returned from the King, which was also published, *My Lords, What you ask of me, I must passionately desire; and I promise upon the faith of a King, That I will move a Parliament, and such an one as you ask for, as soon as ever the Prince of Orange has quitted this realm: For how is it possible a Parliament should be free in all its circumstances, as you petition for, while an enemy is in the Kingdom, and can make a return of near a hundred voices? This answer was not satisfactory to the Lords, who easily saw, that the King was far from desiring a free Parliament, nor would have any but of which he could be master.*

Though the King still put on a face of assurance, the defections in his army made him very uneasy. He knew not what to resolve, in the fear of some conspiracy among the officers to deliver him to the Prince of Orange, if he should put himself at the head of the army. This was the reason of his stopping. But in a Council held on this occasion, it was judged necessary for him to be as soon as possible with his army, in order to keep those firm to their duty who were yet unrevolved. He therefore departed the 17th of November, after having recommended the care of the city to the Lord Mayor, and in a speech to the officers about him, renewed his promise of calling a Parliament as soon as the Prince of Orange had quitted the Kingdom. He told them, *if they desired any thing more, he was ready to grant it; but that if, after all, any of them was desirous to go over to the Prince of Orange, he was willing to grant them passage, and spare them the shame of deserting their lawful Sovereign.* But at the very time he seemed disposed to give a general satisfaction, he left at Whitehall, a Council composed of five Lords, all odious to the people, except the Lord Godolphin. The other four were, the Chancellor Jeffries, the Lords Arundel and Bellesfield, both known Papists; and the Lord Preston, suspected of favouring Popery. It is said, the King designed to leave there also his Confessor Father Petre, but the Jesuit chose rather to retire to France.

The King arrived the 19th of November at Salisbury, where the officers of his army, who were most devoted to him, paid him their compliments, and expressed an abhorrence of Lord Cornbury's defection. At his arrival he was seized with a bleeding at the nose, which increased the next day, as he was going to view part of his army, quartered

eight miles from Salisbury. On the same, or the following day, most of the chief officers applied themselves to the Earl of Feversham their General, desiring him to assure the King, "That upon any occasion they should be ready to fill the last drop of their blood in his service; but yet they could not in confidence fight against a Prince, who was come over with no other design, than to procure the calling of a free Parliament, for the securing of their Religion and Liberties." This Declaration, at which the King was extremely surprized, showed him, that his army, which had been always his principal refuge, could not be relied on. The Earl of Feversham; formerly suitor to the Lord Churchill (afterwards Duke of Marlborough) one of the King's favorites, Lieutenant-General, Captain of a troop of his Life-guards, and Gentleman of his Bed-Chamber, was very earnest with the King to have him secured. But the King, whether he had no such suspicion, or feared it would occasion a mutiny, would not follow his advice. However, the very next day the Lord Churchill went over to the Prince of Orange, accompanied by the Duke of Grafton, Colonel Berkley, four or five Captains of his own regiment, and some other officers. Father Orleans insinuates, that he had formed a design to deliver the King to the Prince of Orange, which was prevented by his Majesty's bleeding at the nose, at the time he intended to go and view his troops at Warrington, the most advanced Post of his army. But this accusation is groundless, and entirely destroyed by the respectful letter written by that Lord to the King, and which I therefore think proper to insert here.

"SIR, Since men are seldom suspected of sincerity, when they act contrary to their interests; and though my dutiful behaviour to your Majesty in the worst of times, (for which I acknowledge my poor services much over-paid) may not be sufficient to incline you to a charitable interpretation of my actions; yet, I hope, the great advantage I enjoy under your Majesty, which I can never expect in any other change of Government, may reasonably convince your Majesty and the world, that I am acted by a higher principle, when I offered that violence to my inclination and interest, as to desert your Majesty, at a time when your affairs seem to challenge the strictest obedience from all your subjects, much more from one who lies under the greatest personal obligations imaginable to your Majesty. This, Sir, could proceed from nothing but the inviolable dictates of my Conscience, and a necessary concern for my Religion, which no good man can oppose, and with which I am instructed, nothing ought to come in competition. Heaven knows, with what partiality my dutiful opinion of your Majesty hath hitherto represented those unhappy designs, which inconsiderate and self-interested men have framed against your Majesty's true interest, and the Protestant Religion. But as I can no longer join with such, to give a pretence by Conquest, to bring them to effect; so I will always, with the hazard of my life and fortune (so much your Majesty's due) endeavour to preserve your royal person and lawful rights, with all the tender concern, and dutiful respect that becomes,

Your &c.

This letter is a clear evidence, that nothing was farther from the Lord Churchill's thoughts, than to deliver the King to the Prince of Orange.

The Lord Churchill's defection quite sunk the King's spirits, who from this time saw not on whom he could rely. So, no longer daring to venture his person with his army, he left Salisbury, and returned to London with a precipitation like a flight. Before his departure, he published a proclamation, "Promising a free and absolute pardon to all his subjects, who had taken up arms, and joined with the Prince of Orange, provided they quitted and deserted him within the space of twenty days." But this proclamation had no effect. In his return, he met with a greater mortification, in the defection of the Prince of Denmark his Son-in-law, who leaving him at Andover, went off to the Prince of Orange, with the Duke of Ormond, Sir George Howard, and others. That Prince wrote a very respectful letter to the King, in vindication of his conduct, wherein he grounds his defection chiefly on his concern for the Protestant Religion, which the King had openly attempted to destroy, not only in England, but all Europe, by his first union with France.

Mean time, the Prince of Orange having left Exeter, was advanced to Sherburn, from whence it was in his power to march to Salisbury or Bristol, according to the resolutions taken by the King. The King had an army so superior to that of the Prince in number, that had he marched directly to the Prince, and attacked him, he would, doubtless, have very much distressed him. It is not likely, the Prince

1688. d Defection of the King's army. Kennet. p. 519. Edward. III. p. 913. The Lord Churchill leaves the King's army. Kennet. p. 519. Edward. III. p. 913.

His Letter to the King. Hist. of Defects. p. 82. Kennet. p. 519.

The King returns to London. Hist. of Defects. Kennet. Offers a Pardon. Garrison. N. 2401.

Prince George leaves him. Kennet. p. 519. Edward.

The Prince comes to Sherburn. Kennet. p. 519.

1688. Prince would have ventured a battle, but on the King's advancing, would probably have retired to *Brighthelm*, in expectation of a more general defection in the King's army. Such a defection was justly expected, according to all the advice of those who came to join him. Wherefore, it is very unlikely that he would have risked an advantage, of which he was almost assured, by a battle, the success whereof would have been doubtful. I remember a report then in the Prince's army, that the *Marshall de Stemburg* being told, the King was advancing to give battle, the Marshall coldly answered, *If you think proper*. But upon hearing that the King was returned to *London*, and his army retired to *Reading*, the Prince marched to *Salisbury*, and made a public entry into that City, amidst the acclamations of the people. During his march, there was a small skirmish between two parties of the armies, in which that of the Prince, though very inferior in number, defended themselves with so much bravery, that the enemy had no reason to boast of the advantage, the loss being almost equal on both sides (1).

The defection of his principal officers was not the only cause of the King's mortal fears. Scarce a day passed, but what brought him some disagreeable news from different parts of the Kingdom. The Earl of *Bath* had made himself master of *Plimouth*, where the Dutch fleet lay secure. The Earl of *Shrewsbury*, and Sir *John Guise* had, with the assistance of the inhabitants, forced the Duke of *Beaufort* to surrender the important city of *Rippon*. The Earl of *Devonshire*, at the head of a great number of *Devonshire* Gentlemen, had declared for a free Parliament, agreeably to the Prince's declaration. The Earl of *Danby* had secured *York*, and having disarmed and turned out all the Papists, (who, under the protection of the Duke of *Newcastle*, stood up for the King) declared for a free Parliament. The town of *Berwick* soon followed the example of *York*, and the Gentlemen of *Nottinghamshire* had done the same. Colonel *Copley*, Deputy-Governor of *Hull*, surprized that town, and made the Lord *Laudale*, the popish Governor, prisoner. The Duke of *Somerset* and the Earl of *Oxford*, came to offer their service to the Prince of *Orange*. The Duke of *Ormond* entered *Oxford* without resistance, and caused the Prince's declaration to be read there. In fine, the King heard, that five commissioners from *Scotland*, among whom were the Duke of *Queensbury*, and the Lord of *Belcarri*, were coming to *London*, to demand a free Parliament for that Kingdom. But the King's greatest affliction was, to see himself forsaken by his own daughter, the Princess of *Denmark*, who had privately withdrawn from *Whitehall*, being attended by the Bishop of *London*, mounted and armed, and retired to *Nottingham*, from whence she was conducted to the Prince her husband at *Orford*. Some days before, it was reported, that the Queen had treated her very rudely, and proceeded so far as to strike her. This so incensed the people, that as soon as they found she appeared not at *Whitehall*, they offered to tear all the *Ramsh* party in pieces, upon a rumour of her being murdered; or confined, but on the news of her being in safety they were appeased. At her going off, she wrote the following letter to the Queen.

"MADAM, I beg your pardon, if I am so deeply afflicted with the surprizing news of the Prince's being gone, as not to be able to see you, but to leave this paper to express my humble duty to the King and your self; and to let you know that I am gone to absent my self, to avoid the King's displeasure, which I am not able to bear, either against the Prince or my self; and I shall stay at so great a distance, as not to return before I hear the happy news of a reconciliation. And as I am confident the Prince did not leave the King with any other design, than to use all possible means for his preservation; so I hope, you will do me the justice to believe, that I am not capable of following him for any other end. Never was any one in such an unhappy condition, so divided between duty and affection to a father and a husband; therefore I know not what to do, but to follow one to preserve the other. I see the general falling-off of the Nobility and Gentry, who avow to have no other end, than to prevail with the King to secure their Religion, which they fear so much in danger, by the violent counsels of the Priests; who, to promote their own Religion, did not care to what danger they exposed the King. I am fully persuaded, that the Prince of *Orange* designs the King's safety and preservation, and hope all things may be composed without more bloodshed, by calling of a Parliament. God grant a happy end to these troubles, that the King's reign may be prosperous, and that I may shortly meet you in perfect peace and safety: Till when, let me beg you to con-

tinue the same favorable opinion that you hitherto had of,

Your Sc.

From what has been said it appears, that the defection was almost universal, and not confined to the Court and the Army. It is inconceivable, that the King should not have foreseen it, or should have so ill an opinion of the *English*, as to think, they would quietly suffer their Laws and Religion to be destroyed: That he should imagine, the giving a man a commission in his army, and obliging him to take the oath of allegiance, should free him from, or at least, make him forget his duty to God and his country. But it must be remembered, what the Princess of *Denmark* insinuated to the Queen, that the King's Counsellors cared not to what danger they exposed him. In making him the instrument to execute their designs, they no farther regarded his person, than as it served to establish their Religion, in which they could not succeed without rendering him absolute, and *James* imprudently fell into the snare. Herein may be observed, the difference between *Charles II.* and *James II.* The first was always sensible, that the zealous promoters of absolute power intended his grandeur, only as a means to accomplish other projects. Wherefore, when he saw himself engaged in very dangerous courses, he foresaw them as well as he could, and left his Counsellors, his Ministers, and even his own Brother in the danger. This was his frequent practice, and he thereby bequeathed to the Duke his brother, the difficulty and peril of a contrary method. But *James II.*, in pursuing a directly opposite course to that of *Charles*, gave himself up entirely to the counsels of those, who, to attain their own ends, regarded not to what danger they exposed him, by their violent proceedings.

Be this as it will, the King, at the time I am speaking of, was plunged in a gulph of difficulties, without perceiving *any* way to escape. The Queen was dismayed, and her consternation inexpressible. Father *Petre* was retired into *France*, under the protection of the Lord *Walgrave*, sent thither in the room of *Skelton*. The violent counsels of *Telferius* were now unreasonable. The popish counsellors seeing all their measures broken, took care to shelter themselves from the impending storm, to which they left the King exposed. In short, Mr. *Barillon* the French Ambassador, and *Monsieur de Lauzun*, then in *London*, vented themselves in fruitless reproaches on the King, for refusing the assistance offered by *France*, without directing him how to repair that error. In this extreme distress (more easy to be imagined than described) his sole refuge was to turn to the Protestant Peers, whose counsels he had before respected, whom he had deprived of their employments, and in a word, treated as enemies. He therefore assembled all the Peers, Spiritual and Temporal, that were in *London*. *Burnes*, The number indeed was but small, there being many with the Prince of *Orange*, or in several parts of the Kingdom, for his service. When they were met, he prayed for their advice concerning the present emergencies. On this occasion, he had the mortification to hear a long enumeration of all his unwarrantable proceedings, since his accession to the throne, and particularly his violent measures to destroy the Protestant Religion, and subvert the Liberties of *England*. These, it was said, had occasioned the dangerous symptoms that now appeared in the body politic, and for which there was no other remedy than a free Parliament. The necessity therefore was represented to his Majesty, 1. Of granting a general pardon to all those who either came over with the Prince of *Orange*, or had joined him since his landing. 2. Of deposing some Lords to his Highness, to treat with him about a suspension of arms, and to endeavour to bring matters to an accommodation. And lastly, of turning all Papists immediately out of their employments, to convince the world, that his Majesty acted with sincerity.

The King took that night to consider of the advice, and the next day declared in Council, that he was resolved to call a free Parliament, that should meet the 15th of *January* next ensuing. Accordingly, the Chancellor was ordered to issue out the Writs. Then he published a Proclamation in which he declared, that all his subjects should have free liberty to elect, and all the Peers, and such as should be elected members of the House of Commons, should have full liberty and freedom to serve and sit in Parliament, notwithstanding they had taken up arms, or committed any act of hostility, or been any way aiding or assisting therein. He likewise declared in Council his intention of sending Commissioners to treat with the Prince of *Orange*: but as to that part of the advice relating to the Roman Catholics, his Majesty only said, *He would leave that matter to be debated in Parliament*. However, Sir *Edward Hall*, a Papist and Lieutenant of the Tower, having been obnoxious to the city of *London*, by threatening

King James abused by his Counsellors.

The different Character of Charles II. and James II.

The King in any way to escape. Kennet, p. 530.

Embark the Protestant Peers. Kennet, p. 531. Echard, III. p. 920.

His Advice.

The King declares he will call a free Parliament. Kennet, p. 531. A Proclamation for that purpose. Nov. 30. Burnes, N. 2400. Nov. 26.

(1) This Skirmish was on November 30. at *Winchester* between a Detachment of seventy horse, and fifty dragoons and grenadiers of the King's; and twenty five men of the Prince of *Orange*. Kennet, p. 530.

1682 to 5-mbrd it, was displaced, and Colonel Skelton put in his room.

Commissioners (one treated with the Prince of Orange, the Earl of Nottingham, and the Lord Godolphin. They left London the 2d of December, and on their way met with papers from the Prince.

A full Declaration published in the Name of the Prince of Orange. State Tracts T. I. p. 14. Richard. p. 922.

At the same time appeared a printed paper at London and other places, called, *The Third Declaration of the Prince of Orange*, dated the 28th of November. It was penned by a private, and full unknown hand, who had the boldness to put the Prince's name to it, and disperse it thro' the Kingdom (&c.). Amongst other things he made the Prince say, That as he would offer no violence to any but in his own necessary defence, so he would not suffer any injury to be done to the person, even of any Papist, provided he was found in such place, and condition, and circumstance, as the law required. But he declared, that all Papists, who should be found in open army, or in any office civil or military, contrary to the known laws of the land, should be treated by him and his forces, not as Gentlemen and Soldiers, but as Robbers, Free-boaters, and Banditti's; so should all persons found any ways aiding or assisting to them: That whereas he was certainly informed, that great numbers of armed Papists had of late resorted to London and Westminster, and parts adjacent, not so much, he had reason to suspect, for their own security, as out of a wicked design to make some desperate attempt upon the said cities and their inhabitants, he therefore required all magistrates and officers, civil and military, to disarm and secure them, that all power of doing mischief might be taken from them: That those magistrates or others, who should refuse to assist him, to execute vigorously what he required of them, should be esteemed the most criminal and infamous of all men; betrayers of their Religion, Laws, and Country, of whom he would require the life of every single Protestant that should perish, and every house that should be burnt or destroyed, by their treachery and cowardice.

Richard. This Declaration, published in the Prince's name, though it was disowned by him, finished the confusion of the Papists; and the more, as several justices of peace caused it to be published, not imagining that any private man would have had the boldness to undertake such a thing. From this time the Papist party were reduced so low, that they durst not hold up their heads. *An Hue and Cry after Father Petre*, was publicly cried and fold in the streets, notwithstanding he was a Privy-Counsellor. A legal Accusation against the Earl of Salisbury, "For infringing the most sacred Laws of the Kingdom by turning Papist" was preferred to the Grand-Jury of Middlesex, who found the Bill.

The Papist Party (one treated with the Prince of Orange, the Earl of Nottingham, and the Lord Godolphin. They left London the 2d of December, and on their way met with papers from the Prince.)

The 6th of December the three Commissioners by an express acquainted the King, "That they were to meet the Prince of Orange that night at Amersbury." But the next day they informed his Majesty, "That his Highness had made a new appointment to meet them at Hungerford, and had sent to them the Earl of Clarendon and Oxford, to desire them to make their proposals in writing." This message surprised the King, chiefly because the Prince had deputed the Earl of Oxford, who had never been concerned in any publick affair, and the Earl of Clarendon was mortal enemy of the Marquis of Halifax. He inferred from thence, the Prince's unwillingness to come to any accommodation. For this cause, *Barillon* and *Lauson* earnestly pressed the King, to secure himself, the Queen, and the Prince of Wales, by a timely retreat from the Nation. But he was willing still to wait for the success of the negotiation with the Prince of Orange.

The substance of the proposals delivered by the Prince's Commissioners to the Prince was, "That the King oblige himself that all the causes of complaint, alleged by his Highness, seemed to be referred to a free Parliament, he had diffused his writs for calling one (&c.). That he had sent commissioners to his Highness for adjusting all matters relating to the freedom of elections, and security of the Parliament; and, in order to that, proposed, that the respective armies might be kept at such a distance from London."

The Prince, who was then marching towards London, returned no answer to these proposals, but the next day, with the advice of the Lords and Gentlemen assembled with him, he put the following propositions into the hands of the King's commissioners.

The Prince's Propositions

- I. That all Papists and all such persons as are not qualified by law, be disbanded, and removed from all employments, civil and military.
- II. That all proclamations that reflect upon us be recalled; and that if any persons, for having assisted us,

have been committed, that they be forthwith set at liberty.

III. That for the security and safety of the city of London, the custody and government of the Towers, be immediately put into the hands of the city.

IV. That if his Majesty shall think fit to be in London, during the sitting of the Parliament, that we may be there also, with equal number of guards: And if his Majesty shall please to be in any place from London, whatever distance he thinks fit, that we may be at a place of the same distance; and that the respective armies be from London thirty miles; and that no further forces be brought into the Kingdom.

V. That for the security of the city of London, and their trade, *Tilbury* fort be put into the hands of the said city.

VI. That a sufficient part of the publick revenue be assigned to us, for the support and maintenance of our troops, until the sitting of a free Parliament.

VII. That to prevent the landing of the French, or other foreign troops, *Portsmouth* may be put into such hands, as by his Majesty and us shall be agreed on."

These proposals were so reasonable, that the King himself could not help owning, *They were better than he expected.* Indeed, the Prince of Orange ever adhered to his Declaration, in which he only demanded entire freedom for the Parliament, and a sufficient security for the city of London, without stipulating any other advantage for himself than the maintenance of his army, till the sitting of the Parliament, that is, for about six weeks. As the King could no longer hope to execute his first design, it seems, that nothing could be more advantageous to him in his present situation, deserted by all, and not knowing which way to turn, than to be freed from his difficulties, by restoring things to their antient and natural state. Had he discovered a willingness to embrace these proposals, probably, the Parliament would have asked no more of him, than the establishment of their Religion and Laws, so as not to be easily shaken, and he might have kept his Crown, though perhaps with some diminution of the rights claimed by himself, his brother, father, and grandfather. This cannot be said to be a hard condition, considering how he had governed, and the present situation of his affairs. He even seemed at first disposed to accept these proposals, and refer to the next Parliament the decision of all differences, since that very day he called an extraordinary Council of all the Lords that were in town. As it was plain, he would be advised to accept the proposals by all the Lords; it could hardly be doubted, that he had such an intention, and only called the Council for form sake. It is not known what he did next morning, to give their farther advice upon the exigency of affairs. Before the Council broke up, the Kings, addressing himself to the Duke of Bedford said, *My Lords, you are a good man, and have a great influence: You can do much for me at this time.* To which the Duke replied, *I am an old man, and can do but little;* then added with a deep sigh, *I had once a son, that could now have been very serviceable to your Majesty.* This was meant of the Lord Russell, beheaded in the late reign, who was sacrificed to the vengeance of the King, then Duke of York. The King was struck dumb with this answer, so that he could make no reply.

Every thing seemed to promise an accommodation, and it was not doubted, but the next day some resolution would be taken for the peace and security of the Kingdom. But that same night the King, as 'tis supposed, consulted with some of his popish counsellors, whose interested advice overthrew all these flattering expectations. These counsellors, easily perceived, what they were to expect from a free Parliament. It was manifest, nothing could free the King from his present difficulties, but the delivering up the popish Religion to the resentments of the Protestants, and the passing such Acts as would hinder in being ever established in England. They therefore thought it more advantageous to their Religion, that the King should preserve all his pretensions, though unable to support them, than sacrifice them to the Parliament. To that end, they advised him to withdraw into France. They represented, how dishonourable it would be to retract what he had done, how prejudicial to the Catholic Religion, to be forced to give his assent to such Acts of Parliament as would tend only to render its establishment impracticable. That the Catholics would be entirely destitute of any resource, whereas by preserving his rights, he might hope to be restored by the arms of France, and finish the work so gloriously begun. In a word, by this interested Council, they clearly discovered, if the King had been willing or able to perceive it, that not his person, but their Religion was the sole ob-

¹ High Stacks have owned himself the Author of it. *Secret Hist. of the Revolution.* He had introduced a Parliament, but the Writs were not yet sent down. *Idem.*

1688. jeft of their concern. In fine, to give more weight to their reasons, they intreated into the Queen fuch apprehenfions, as made her ufe all her influence with the King, to engage him to do as he was advifed. They told her, the Parliament would be far from being favorable to the King and herfelf: That being both fufpected, and even openly accufed in the Prince of *Orange's* declaration, of impofing an heir upon the Crown, it was very apparent, the Parliament, to favour the Principles of *Orange*, would declare the Prince of *Wales* fufpicious: That perhaps the herfelf would be accufed for the fact, fince it was not fcrupled to impeach the Queen, her Mother-in-law, for matters much lefs important: That a fhort exile with a powerful and generous Prince, who was able to reftore them, was preferable to living in their own Kingdom, with only the fhadow of fovereignty, in difhonour, indigence, and in dependence upon thofe whom they ought to command. Thefe confiderations, fupported, as it is pretended, by *Barillon* and *Lauzun*, made fuch an impreffion upon the King, that he refolved to retire into *France* with the Prince of *Wales*, after a pofitive promife from the King, that he would follow her with all convenient fpeed.

Purfant to this refolution, in the night between the 9th and 10th of December, the Queen in difguife crufted the *Thames* to *Lambeth* in an open boat, expofed to wind and rain. At *Lambeth*, under the walls of a Church, he waited till a coach could be got ready in the next Inn. She went from thence to *Gravefend*, where the embarked with the Prince of *Wales* on a fmall vefel, which conveyed them fafely to *Calais*. From thence they went to *Verfailles*, where they was received by the King of *France* with great marks of affection, which was fome alleviation to her melancholy fituation.

The King being fully determined to follow the Queen, waited but one day to execute his defign. The night between the 10th and 11th of December, in a plain fuit, and a bed wig, he took water at *Whitehall*, accompanied only by Sir *Edward Hales*, Mr. *Stedon*, and *Abbe de Brevedun*, man, page of the back chair, without acquainting any other with his intention. In the manner in which this monarch intended to leave his Dominions an impartially confidered, it will hardly be denied, that this was an entire defection of them, and putting of his fubjects into the ftate in which nature dictates to men, to provide for their own fecurity. Fifth, he fled without being perfuaded, and without any caufe to fear, either for his life or liberty. So that it is manifef, his confcience fuggelted evils to him, which were never intended. Secondly, he fled without any provision for the government of the Kingdom. From this conduct it was afterwards inferred, that he abandoned his fubjects in a perfect anarchy, and thereby authorized them to chufe what form of Government they pleafed, or to elect another King. Thirdly, by his flight he violated the promife fo tolemy made in his proclamation of calling a Parliament. Fourthly, before he went off, he writ to the Earl of *Feversham* to difband the army, without any care of their pay, probably, on purpofe to caufe difturbances in the Kingdom, by the difcontents of the officers and foldiers. Fifthly, he ordered all the writs to be burnt, that were not fent out, for electing the Parliament, imagining, doubtlefs, that after his departure, it would not be poffible to afemble a Parliament, which by the laws could only be called by the King. Sixthly, when he took water, he threw the Great-Seal into the *Thames*, that nothing might be legally done in his abfence. It may not be called a real defection of his Kingdom, it will be difficult to give a name to fuch proceedings.

As foon as the King's flight was known, a general conternation enfued, moft people being ignorant how they were to behave on fo extraordinary an occafion. However, about thirty fpiritual and temporal Lords met at *Guild-hall*, and fent for the Lord-Mayor and Aldermen. After a fhort confultation, it was refolved, to adhere to the Prince of *Orange*, and fend deputies to him, with this refolution fignified by the whole alieily. Then they fent for Colonel *Skellon* Lieutenant of the Tower, of whom they demanded the keys, which he willingly refigning, they were given to the Lord *Lucan*. Prefently after, the Common-Council of the city lent deputies (1) to the Prince, with an addrefs, imploring his protection, and praying him to honour the city with his prefence.

Though, upon the King's flight, the Militia of *London* and *Wefminfter* were immediately up in arms, they could not prevent the mob from aflembing and committing fome diforders. They confined their rage chiefly to the *Mafque* erected by the King in the city and fuburbs, which they demolifhed entirely, and made bonfires with the materials. And as there were alfo chapels in the houfes of Am-

balladors, thofe of the *Spanish* and *Florentine* Ambaffadors were rifled, before a flop could be put to the diforder. In the fifth of thefe chapels the principal Court-Papifs had conveyed all their valuable effects, and this probably was the chief caufe of the pillage. The houfes of the other Ambaffadors were preferred, by the great care of fome Lords. The two Minifters of *Spain* and *Flarance* were afterwards largely recompenfed for their loffes (2).

During the interruptions of the mob, Chancellor *Jeffries*, difguifed in a feaman's habit, in order to efcape in a vefel freighted for *Hamburg*, was difcovered (3) as he was looking out of the window of the houfe where he had concealed himfelf. He was immediately feized by the mob, and, after many indignities put upon him, carried before the Lord-Mayor, who declined meddling with him. But the Chancellor feing himfelf in the hands of an enraged mob, which threatened to tear him in pieces, defired that he might be fent to the Tower, which at laft was granted him, not as a favour, but in hopes of feeing him fhortly conducted from thence to the gallows. It is pretended, he offered to difcover many fecrets, and for that reafon, was kept fome time in prifon, till the affairs of the Government fhould be fettled. But he died in that interval, by the blows he had received, according to fome; by drinking fpirituous liquors, according to others; and as fome pretend, of the ftone. Never man had better deferved a publick punifhment, as an atonement for all the mifchiefs done to his country, and for all the blood fpilt by his means.

Mean time, the Earl of *Feversham*, after having communicated the King's letter to the principal officers, difmiffed the army, and gave notice of it by a trumpet to the Prince of *Orange*, who returned no answer. This made it thought, the Prince did not approve of his conduct. And indeed it feems, that in fuch a juncture, if he was unwilling to pay fo much deference to the Prince, as to communicate to him the order before it was executed, he fhould not have done it, at leaft without the advice of the Lords aflembled at *London*, who in the prefent ftate of the Kingdom had a right to interfere in the Government. Accordingly, his conduct was greatly blamed; and this fault was the more taken notice of, as it occafioned an alarm which threw the city and country into the utmoft confternation. Some *Irifh* foldiers of the difbanded troops, finding themfelves moneylefs, and incapable of fubfifting in a country where they were fo generally hated, refolved to keep themfelves from ftarving, by forcibly entering a Country-houfe. Whereupon a man of the neighbourhood, runs directly to *London*, crying, as he paffed, "That the *Irifh* were up, and marching to *London*, firing of houfes, and putting man, woman, and child, to the fword." The news immediately flew through the city, and caufed a ftrange panick-fear. This report, as it went along, fo gathered, that the terror was increafed. The city was in alarm all night, expecting every moment the arrival of the *Irifh*. Some prepared for flight, others ran to arms, not a window in *London* and *Wefminfter*, but what was illuminated. From *London* the confternation fpread through the whole Kingdom, fo that in the remote parts, where people had more time to confider what was to be done, a refolution was taken, in cafe the news fhould be true, of deftroying all the *Irifh*, and Papifs in *England*. Happily this terror vanifhed in *London* as foon as the real caufe of it was known.

Mean time, the Prince of *Orange* being advanced as far as *Henly*, and fearing the diforders which might be committed by a difbanded army, publifhed a fhort Declaration, requiring all Colonels to call together the feveral officers and foldiers of their refpective regiments, in fuch places as they fhould think convenient, and there to keep them in good order and difcipline, till farther orders. This declaration was followed by another of the Lords aflembled at *London*, to the fame effect, with an additional promife of fubfiftence, till they fhould be otherwife provided for, to all officers and foldiers who fhould obey, and deliver up their arms to perfons appointed to receive them. Befides this, all Magiftrates were required to apprehend, and feize, all fuch foldiers as fhould not repair to their refpective bodies, and to deal with them as vagabonds.

All thefe things were tranfacted, in the belief, that the King had left the nation; and indeed he was gone from *Whitehall* with that intention. He was got as far as a little place near *Feversham*, and had even embarked in a fmall vefel that was to carry him to a frigate, ready to transport him to *France*. This vefel not being able to fail immediately, by reafon of a tempeftuous wind, Sir *Edward Hales*, one of the King's attendants, fent his footman to the Poft-office at *Feversham*. His livery was known by a man, who told fome others, that Sir *Edward* was not far off. The

(1) Sir Robert Clayton, Sir Ralph Fitcham, Sir William Ruffel, and Charles Darnley, Esq. Keenot, p. 514.

(2) The *Spanish* Ambaffador had leventeen thousand pounds for his loffes. *Banckings's* account of the Revolution, p. 166.

(3) By a Clerk of the University, that accidentally paffed by. Keenot, p. 515.

1688. footman was followed to the River-side, and seen to make signs to some people on board a bark; whereupon the fifteenth men, and other persons of *Fleet*, immediately boarded the vessel where the King was. Sir *Edward* was soon known, and the King being taken for his chaplain, had many indignities put upon him. Then, searching him, they found four hundred guineas, and several valuable seals and jewels, which they took from him. Amongst the people who crowded into the ship, there happened to be a Confabular who knew the King, and throwing himself at his feet, begged him to forgive the rudeness of the mob, and ordered restitution to be made of what had been taken from him. The King received the jewels and the seals, but gave the four hundred guineas among them. After this, he desired to be gone, but the people, by a sort of violence, concluded him to a publick Inn in the town. Here he sent for the Earl of *Windsor*, Lord-Lieutenant of the County, who prevailed with him not to leave the Kingdom, but to return towards *London*.

Prerogative
to
London,
Kewen,
p. 136.
Edward,
III. p. 93.
Barnes,
p. 795.

This news being brought to *London* produced various effects. Some wished the King had never been stopp'd, others were glad of an opportunity to convince him, there was never any ill design against his person. The Lords and the Magistrates of *London*, who had made such advances towards the Prince of *Orange*, were confounded at their haste, and were under some fear, in case the state of affairs should be altered. At last, the Lords assembling, thought proper to appoint four of their body (1) to wait on the King, with an invitation to return to *Whitehall*, and with assurances of being received with all due respect; and coaches were immediately sent to bring him. At the same time, an express was dispatched to the Prince of *Orange*, to acquaint him that the King was still in the nation. The Prince, who was come as far as *Windsor*, was not a little surpris'd at the news. He was marching to *London* to settle with the Lords, by whom he was expected, the affairs of the nation, in the supposition, that the King had left it. But his Majesty's return threw the Prince into great perplexity, and of course would oblige him to take other measures. Nevertheless, as the King had no army, and by his hasty flight, had entirely forfeited the confidence of all his friends, and the esteem of his enemies, as he was not in a condition to command, but in some measure depended upon others, the Prince dispatched Monsieur *Zuylewijn* to him, to desire him to remain at *Rochester*, till it could be agreed what was to be done. But *Zuylewijn* missing his way, the King came to *London* the 16th of *December*, about four in the afternoon, where he was received with acclamations as if he had been returning from victory.

His Majesty
at *Rochester*,
Kewen,
p. 136.
Edward,
III. p. 93.
p. 936.

The King being restored to his Palace, and in some manner to his deserted royalty, discovered an inclination to resume his old measures, and still brave the Protestants. In all appearance, the acclamations as he passed through *London*, had revived his courage, and put him in hopes of a general declaration in his favour. The first thing he did was to publish an order of Council, wherein he said, "That being given to understand, that divers outrages had been committed in several parts of the Kingdom, by burning, pulling down, and despoiling of houses, he commanded all Lord-Lieutenants, &c. to prevent such outrages for the future, and suppress all riotous assemblies. This was his last publick act, which crowned so many others done in his reign, in favour of the Papists." Moreover, he discharged *Leiburn* a popish Bishop, who had been sent to *Newgate*, and during his short stay at *Whitehall*, was surrounded, as formerly, with Priests, Jesuits, and *Irishmen*.

The King, in his journey to *London*, dispatched the Earl of *Fleet* with a letter to the Prince, "Kindly to invite him to the Palace at *St. James's*, with what number of guards and troops he should think convenient to bring along with him, that they might amicably and personally confer together about the means of redressing the publick grievances." The Prince returned no answer. But the moment the Earl of *Fleet* was out of his presence, Monsieur *Beintinck* demanded his sword, and told him, he had orders to secure him. This, doubtless, was owing to his precipitate disbanding the army. Some indeed have thought it was only a pretence to remove him from the King's person, being suspected of giving him ill advice, or perhaps, because he was too much devoted to him, though he ever professed the Protestant Religion.

The Earl of
Fleet by the
King to the
Prince, is
inserted.
Kewen-
Trafford,
T. II. p. 93.
Kewen,
p. 136.
F. 93d.
III. p. 936.

In a Council held by the Prince, and the *English* Lords who were with him, it was resolv'd, "That the Royal Palace at *Whitehall*, being still crowded with *Irish* Papists, Priests and Jesuits, his Highness could not with ease and safety remain at *St. James's*, where he must necessarily go the next day, without his Majesty and his popish guards were removed within a reasonable distance from *London*." Moreover, an accident which happened two days before, provoked those who were concerned for the

Prince's life. The Duke of *Grafton* marching through the Strand at the head of a regiment, to take *Tisbury* fort out of the hands of the *Irish*, an *Irish* officer riding up to him, fired a pistol at him; for which he was shot dead upon the place. Much more might such an attempt be apprehended against the Prince, from some of the King's guards. In *Barnes*, p. 795.
Brada, it was propos'd to send the King prisoner to the debate. But the Prince of *Orange* rejected the proposal with indignation, protesting, that he could not consent to put him under any restraint. At last, since the Prince's preference at *London* was absolutely necessary, it was agreed, that the King should be desired to remove to *Ham*, a house belonging to the Duchess of *Lauderdale*. It appears from hence, that the King's approbation was no longer considered as absolutely necessary to settle the affairs of the Kingdom. And indeed, it seems, that since he would have abandoned all, he had no right to pretend to any thing. Porciani to T. II. p. 93.
this resolution, the Prince of *Orange* signed an order, directed to the Marquis of *Halifax*, the Earl of *Sherburn*, King, Dec. 17.
to tell him, he should be attended by his guards, to preserve him from any disturbances.

Immediately after, the Prince ordered the regiment of *The Dutch*
his Guards, consisting of three Battalions, to march and take possession of all the Posts about *Whitehall* and *St. James's*, either by persuasions or force. The King being informed of it, sent for Count *Salm* who commanded these guards, and desired him, "If it could be, to let him have his own guard at *Whitehall*, only for that night, but the Count acknowledging his order, to receive all the Posts, the King answered, do your office. At ten a clock at night, the Dutch blue guards entered *St. James's* house, and towards eleven, those who were ordered to *Whitehall*, moved through the Park, and with lighted match, and in order of battle, marched up to the King's guards. The Captain of the guards kneeling to dislodge, at last received the King's orders to retire. After this, the Dutch took possession of the Guard-house, and at the same time relieved all the Posts about *Whitehall* and the Park, placing every where double centries. So that, during the rest of the night, the King was really in the power of the Prince of *Orange*. An hour after midnight, the three Lords appointed by the Prince came to *Whitehall*, and sent to awake the King for an audience. The King ordering them to come to his bed-side, they delivered the Prince's message, which was to desire his Majesty's departure to *Ham*; to which the King consented; but after they were withdrawn, he ordered them to be recalled, and bid them tell the Prince, that he desired rather to go to *Rochester*, according to the Prince's message by *Zuylewijn*, to which the Prince consented that very night. His answer coming to the King at eight in the morning, the King about noon took a barge, attended by the Earls of *Albany*, *Litchfield*, *Arran*, and *Dunbarton*, six of the yeomen of his guard, and about a hundred of the Dutch guards, commanded by the Lieutenant Colonel of the regiment. About nine at night he arrived at *Graveland*, where he found his own coaches, and some troops of the Militia, by whom he was the next day conducted to *Rochester*.

The King
desired by the
Prince to re-
move to *Ham*,
where the Duke
of *Rochester*

The Prince arrived at *London* the same day the King left *Whitehall*, and lodged at *St. James's*, where he received the compliments of the Nobility, the Lord-Mayor, Aldermen, and Common-council of the city of *London*. From this time it may be said, the King was a mere cypher. He was not a prisoner, but had no power left of doing good or hurt, so that most of the Lords who had any employments at Court, laid down the badges of their offices, as the Staff, the Key, &c. as believing they had no longer any right to exercise the same.

During the rejoicings at *London* for the Prince's arrival, the mob insulted the Papists again, not excepting Ambassadors. As there was properly no Government, such disorders were almost unavoidable, no person daring to undertake to restrain them. At last, the Privy-Council ordered, that all foreigners should be permitted quietly to leave the Kingdom. The Prince of *Orange* sent particular palles to the Pope's Nuncio, the Envoys of *Poland*, *Sevry*, and *Moscow*. The popish Lords, *Laudale* and *Montgomery*, were released. But the Earls of *Peterburgh* and *Salisbury* were kept in custody, on account of impeachments against them. *Romish* Priests and Jesuits, apprehended since the King's flight, were likewise detained.

A second
ball
was shot
at the
King.

Mean while, as it was absolutely necessary to put an end to the present anarchy, the Prince of *Orange* assembled the Lords Spiritual and Temporal in *London*, to the number of above threecore, and made this short Speech to them. "My Lords, I have desired you to meet here, to advise the best manner how to pursue the ends of my Declaration, in calling a free Parliament, for the preservation of the Protestant Religion, the restoring the Rights and Liberties of the Kingdom, and settling the same,

The Prince
assembles the
Lords about
Dec. 21.
Kewen-
Trafford,
T. II. p. 93.
Kewen,
p. 137.
F. 93d.
III. p. 936.

1688. "that they may not be in danger of being again subverted." Upon speaking these words, he withdrew and left them to consult together. His declaration was read, and the Lords voted him their particular thanks. Then they resolved to assemble every day in their old House at Westminster, and named five of the most eminent lawyers (1) to assist them in the room of the Judges, who were most of them absent. It was farther proposed, that the whole assembly should sign the association subscribed by the nobility and gentry at Exeter. To this all agreed, except the Duke of Somerset, the Earls of Pembroke and Nottingham, the Lord Wharton, and all the Bishops but that of London. The objection of the Bishops was chiefly founded upon the unchristian word *Revenge*, which, to satisfy them, was afterwards changed for that of *Punishment*.

The Bishops
and some
Tories, who
were
opposed to
sign the
Association,
remained.

In the mean time, the King was at Rochester in a melancholy situation. He perceived, his flight had done him an irreparable injury. The proceedings at London showed, that he was no longer regarded as a King to be intrusted with the Government, and it was not in his power to restore himself by force. Nevertheless, some of his friends pressed him to call a Parliament, assuring him that since his misfortune there was a great turn in the minds of the City and army, and that compassion for him generally prevailed. But the very name of a free Parliament made him tremble. For, besides that his conscience might reproach him and inspire this fear, he plainly saw, the least which could befall him, would be, that the Parliament would take effectual measures for the security of the Protestant Religion, and that, as long as he lived, he should be ever distrusted. Probably it was the fear of passing the rest of his days in so uncomfortable a state, which determined him to withdraw into France. Indeed in taking that course, he might hope one day to be restored by the assistance of that Crown. Whereas by staying in England, he saw no other advantage, than the enjoyment of a Royalty, surrounded with troubles and mortifications, and in which he could not without danger attempt to recover his former authority. Whatever were his motives, which can only be guessed, on the 23d of December, about three in the morning, he privately withdrew, taking with him only the Duke of Berwick his natural son, Mr. Stelman, and Asadie, and went on horseback to a place near the river, where he embarked on a small frigate, which landed him safely at Ambliens in France, from whence he repaired to St. Germain. It was easy to execute this design, no person about him having orders to stop or hinder him from disposing of himself as he pleased. Very probably, the Prince of Orange received not less satisfaction from this second, than he had from the first, flight. The King's presence in the Nation could not but greatly embarrass him. Besides his natural generosity, he had promised the Princess that nothing should be attempted against the life or liberty of her father. So, the King could not do a greater service to the Prince, than voluntarily to retire out of the Kingdom. And the more, as this afterwards furnished a pretence to say, he had abdicated the Crown, which abdication paved the Prince's way to the throne. When the King quitted Rochester, he left the following paper written with his own hand.

"The World cannot wonder at my withdrawing myself now the second time. I might have expected some what better usage, after what I wrote to the Prince of Orange, by my Lord Feverham, and the Instructions I gave him: But instead of an answer, such as I might have hoped for, what was I to expect after the usage I received, by making the said Earl a Prisoner, against the practice and Law of Nations? The sending his own guards at eleven at night, to take possession of the posts at Whitehall, without advertising me in the least manner of it: The sending to me at one of the clock at midnight, when I was in bed, a kind of order by three Lords, *To be gone out of my palace before twelve that same morning*? After all this, how could I hope to be safe, so long as I was in the power of one who had not only done this to me, and invaded my Kingdoms, without any just occasion given for it; but that did, by his first Declaration, lay the greatest aspersions upon me that malice could invent, in that clause of it which concerns my son. I appeal to all that know me, nay, even to himself, that in their consciences neither he, nor they, can believe me in the least capable of so unnatural a villainy, nor of so little common sense, to be imposed on in a thing of such a nature as that. What had I then to expect from one, who, by all arts hath taken such pains to make me appear as black as hell to my own people, as well as to all the world besides? What effect that hath had at home, all mankind have seen

by so general a defection in my army, as well as in the nation, amongst all sorts of people.

"I was born free, and desirous to continue so; and tho' I ventured my life very frankly on several occasions, for the good and honour of my country, and am as free to do so again (and which I hope I shall yet do as old as I am, to redeem it from the slavery it is like to fall under) yet I think it not convenient to expose my self to be so secure, as not to be at liberty to effect it; and for that reason to withdraw, but so as to be within call whensoever the nation's eyes shall be opened, so as to see how they have been imposed upon by the specious pretences of Religion and Property. I hope it will please God to touch their hearts, cut off his infinite mercy, and to make them sensible of the ill condition they are in, and bring them to such a temper, that a legal Parliament may be called; and that, amongst other things which may be necessary to be done, they will agree to Liberty of Conscience to all Protestant Dissenters; and that those of my own persuasion may be so far considered, and have such a share of it, as they may live peaceably and quietly, as Englishmen and Christians ought to do, and not be obliged to transplant themselves; which would be very grievous, especially to such as love their own Country. And I appeal to all men, who are considering men, and have had experience, whether any thing can make this nation so great and flourishing, as Liberty of Conscience? Some of our neighbours dread it. I could add much more, to confirm what I have said, but now is not the proper time."

This paper remained not unwritten. As I have not been able to procure Dr. Burnet's animadversions upon it (2), I shall endeavour to supply the want with some observations.

The first is taken from Mr. Eschard, who very justly T. H. observes, *That though the King gave some reason for his second desertion, he gave none at all for his first*. Now it was the first, which chiefly demonstrated, that he chose rather to abandon his Kingdoms, than be forced to restore Religion and the Laws.

2. The King supposed, that after the disobliging manner in which he had been treated by the Prince of Orange, he had no room to believe himself safe. And yet he could not deny, that he had been in the power of the Prince, by whom his person was untouched. At the very time of his writing this paper, he was at full liberty to concert measures for his escape into France, and actually executed that design, without any opposition.

3. What he said concerning the birth of the Prince of Wales, was founded upon the impossibility, that those who knew him, should believe him capable of so unnatural a villainy. But it was the very belief of his being privy to that unnatural villainy, which fixed the imputation upon him.

4. He ascribes the defection of his army and the whole nation, to the artifices and calumnies of the Prince of Orange; whereas the whole history of his reign is a demonstration, that it could only be imputed to his own conduct.

5. He supposed, that he withdrew himself, in order to come and redeem the nation from slavery. But this supposition has been destroyed by the event, there having been in England but very few, who really wished his restoration.

6. He insisted, that liberty of Conscience was absolutely necessary to render the English nation great and flourishing. But there was not, perhaps, a single Englishman, who believed this was the end proposed by the King, or that was not convinced, it was only a pretence to introduce his own, and to destroy the Protestant Religion.

7. His saying, that some neighbours dreaded the nation's becoming too great, by the establishment of liberty of Conscience, was only an insinuation to make the people believe, that the Dutch had lent their ships and forces to the Prince of Orange, for that very reason.

THE INTERREGNUM.

UPON the King's departure, there was an *Interregnum*. The word *Interregnum*, but of such a nature, as the like had never been known in England. It was not owing to the death, but to the flight of the Sovereign. So, at the same time, the nation was without a King, and without any one to represent him, and to take care of the Government; and yet there was a King, but a fugitive, and who pretended not to renounce his rights. In such circumstances, it is in vain to appeal to Laws, Customs, or Precedents, since the dif-

(1) See John Maynard, Hist. of the Revolution, 2d Edition, and Dissolution. Kewport, p. 177.
(2) They are in State-Tracts, Tom. I. p. 125.

1688. ference between this state, and that which laws and customs suppose, is manifest.

The Lords take upon themselves the Administration of the Government.
Edward.
III. p. 243.

As soon as the Lords heard of the King's departure, they believed themselves invested with a power to act in their own names, because indeed, in such a juncture, it could properly belong only to them, to take upon them the Government. There was no Parliament in being, and consequently no House of Commons to join with them. By the death or desertion of the King, all public offices and employments ceased, because they came from him. There remains therefore no authority but in the Peers, who are nearest the Throne, and consequently, more authorized to take care of the Government, till it can be settled by the body of the nation, by means of a Parliament. The State of the Kingdom was such, that there was no example of the like to serve for a precedent. The King had abandoned the nation, without being forced to it. He was in full liberty, and there did not appear any other motive of his flight than the fear of being obliged to call a free Parliament, which, probably, would not have approved of his late measures, but refused the Constitution to its ancient state. The Prince of Orange pretended not to have a tight to govern; his pretensions consisted only in procuring a free Parliament. But this Parliament must be called by some authority: And by what authority could a Parliament meet, if the nation continued in anarchy, where no person would have a right to meddle with the Government? It was therefore the Peers, who alone were entitled to take care of the State, or else it must be said, that because the King was pleased to desert the nation, without settling the Government, the State was to remain in anarchy, till he should think fit to resume the care of it. Let the inconveniences arising from the power assumed by the Lords, be never so much urged, those which anarchy would have produced, were infinitely greater and more dangerous. Nay, who knows, whether one of the motives of the King's flight, was not to leave the nation in this state of confusion? Be that as it will, the juncture was such, that extraordinary proceedings could not be avoided.

Address the Prince to change himself with the Decem. 27.

The first thing done by the Peers, after consulting together, was the addressing the Prince of Orange. "To take" upon him the administration of public affairs, both civil and military; the disposal of the publick revenue; and the care of Ireland, till the meeting of the intended Convention." The address was dated the 25th of December. By a second address they desired him, "To issue" out mutive letters, subscribed by himself, to the Lords "Spiritual and Temporal being Protestants, and to the several counties, cities, and boroughs, containing directions for the chusing, within ten days, such a number" of persons to represent them, as are of right to be sent to Parliament." These addresses were signed by about ninety Lords, that were then present in the House. They were followed by an order from the same Peers, to all Papists to depart the city of London, and ten miles from the same, and not to remove from their habitations above five miles; excepting the servants of the Queen-Dowager, the domesticks of foreign Ministers, and all House-keepers in London, and ten miles from the same, who had been traders for three years last past, provided they gave in to the Lord-Mayor, their names and places of abode, in eight days; and also such popish officers as should give bail in six days, to appear the first day of the term, and to be on their good behaviour in the mean time; but such officers as should neglect, were to be taken into custody.

A Remonstrance from the House of Commons.

The word Convention, to signify a Parliament assembled without the customary formalities, was new in England, where it had been, as I think, but once used in that sense, namely, after the Restoration of King Charles II. This Prince finding, upon his return into England, a Parliament sitting which had not been summoned by him, would not own it for a Parliament, on account of the consequences. But on the other hand, he would not deprive himself of the benefit of the resolutions of this Parliament, which had restored him to the throne of his ancestors. So, to reconcile these two things together, he was willing to own it as a Convention. Probably, the word was borrowed from what is practised in Scotland, where a difference is put between a Convention of the States, and a Parliament. It was therefore this Convention of the year 1660, that the Lords had in view, when they addressed the Prince of Orange to call one. But as this was a single precedent, and as the Convention of the year 1660, had been first called under the name of a Parliament, the Prince thought, that besides the suffrages of the Peers, it was proper to be authorized by others, which might pass for those of the people. He therefore published an order, "Desiring all" such persons as had served in any of the Parliaments during the reign of the late King Charles II, to meet him "at St. James's, upon the 26th of December, by ten of

"the clock in the morning. He desired likewise, that 1688. the Lord-Mayor and Court of Aldermen of the City of London, and fifty of the Common-Council, would be there at the same time."

In pursuance of this order, about a hundred and sixty members, the Aldermen of London (the Mayor being indisposed) and the Deputies of the Common-Council, met at St. James's on the day appointed, where the Prince briefly told them, "That he had desired them to meet him" there, to advise the best manner how to pursue the ends "of his declaration, in calling a free Parliament, for the preservation of the Protestant Religion, and the restoring the Rights and Liberties of the Kingdom." They all repaired immediately to the Commons House in Westminster, where the first question they debated, was, *What authority they had to assemble?* Upon which it was soon agreed, that the request of the Prince was a sufficient warrant. The next question was, *How the Prince could take upon him the administration of affairs, without a distinguishing name or title?* But as this question tended to prolong the deliberations, and deiate the ends proposed by the meeting, it was thought proper to waive such questions in their future debates. An Allocation was likewise proposed to be signed, but every person was left at liberty to subscribe it or not. After these previous debates, they resolved to address the Prince, to take upon him the administration of public affairs, until the meeting of the Convention, on the 22d day of January next. The answer returned by the Prince to this address, and to that of the Lords, was the same, that he would endeavour, as far as he was able, to secure the peace of the nation, according to their desire.

During the King's stay at Rochefort, Barillon, the French Ambassador, had been very active to promote divisions amongst the Peers, with a view to serve the King. Of this the Prince was not ignorant; but as he was not yet invested with any authority, he was obliged to suffer it, though he knew he had not a greater enemy in England than that Ambassador. But the moment he was intrusted with the Government, he sent an express order to him to leave the Kingdom within four and twenty hours. At the same time, he sent St. Leger, a French Refugee, to attend him to the ship. That Gentleman could not forbear saying to the Ambassador as they were on the road, *Sir, had any one told you a year ago, that a Refugee should be commissioned to see you out of England, would you have believed it?* The Ambassador answered, *Sir, I cry you with me to Calais, and I will give you an answer.*

On Sunday the 30th of December, the Prince of Orange went to the Royal Chapel at St. James's, where he was present at Divine Service (1), and a Sermon preached by Dr. Lloy, Bishop of St. Asaph; after which he received the Sacrament from the hands of the Bishop of London. This publick profession of the established Religion, greatly contributed to dispel the fears of those, who dreaded his too zealous adherence to the Presbyterian Religion, in which he had been educated. But it must be observed, that though the difference between the Episcopal and Presbyterian Churches has occasioned much noise, disturbance, and enmity in England, yet, both then and now, very few foreign Protestants scruple to communicate with the Church of England.

The next day, the Prince published a Proclamation, authorizing all publick officers, not being Papists, to act in their respective offices, till the meeting of the intended Convention, or other order to the contrary.

The same day he paid a visit to the Queen-Dowager, who indirectly asked him to re-ascend her Chamberlain the Earl of Feversham, which the Prince readily granted.

Though in the history of the two last reigns I have said but little of the affairs of Scotland, the Reader however may have remarked, that this Kingdom was entirely subjected to an arbitrary power, and withal, to Episcopacy, contrary to the general bent of the people. When the Prince of Orange's declaration for Scotland, (the same in substance with that for England) appeared there, the Presbyterians began to take courage, those at the helm not daring to use any violence for fear of a general insurrection, which would have been extremely prejudicial to the King's affairs at that juncture. Things remained in this situation, till the King's party began to retire into England. For though the Scotch Bishops had published an abhorrence of the Prince's expedition, it was by no means the sentiments of the nation in general. Every one felt the weight of the yoke imposed on them, and the Episcopalians themselves had reason to fear, that under the pretence of humbling the Presbyterians, the King intended to destroy the Protestant Religion. So far their case was the same with that of the English. And therefore the Duke of Queensbury, and some other Scotch Gentlemen were come to London, to desire a free Parliament. Hence may be known, what the Scots

1688. thought of their present slavery. The Lord Chancellor, upon the news of King James's withdrawing, immediately resigned the Great Seal, and retired from *Edinburgh*. Upon which, the populace of that city, insulted and risted, not only the Roman Catholics, but also those who had appeared most devoted to the Episcopal party. So, the Bishops were forced to retire, to avoid the insults of the Presbyterians, who were now much superior to their late persecutors. On the other hand, several Scotch Lords and Gentlemen repaired to London, to observe the motions there, and to determine their conduct by that of the English.

The Prince of Orange, who could not visit Scotland, assembled all the Scotch Nobility and Gentry then in London, who meeting at St. James's, to the number of thirty Lords and fourscore Gentlemen, he asked their advice, what was to be done for the securing the Protestant Religion, and restoring their Laws, and Liberties, according to his Declaration? After this short speech, the Lords and Gentlemen repaired to the Council-Chamber at Whitehall, and chusing Duke Hamilton their President, consulted together, what advice was most proper to be given to the Prince. This affair was in effect settled the first day. But on the morrow, they were interrupted by a proposal from the Earl of Argyll, that the King should be desired to return, and call a free Parliament. The tendency of this proposal was easily seen, and therefore it was unanimously rejected. At last, it was agreed to present an address to the Prince of Orange to desire him to take upon him the administration of all affairs both civil and military, and to call a general meeting of the States to be holden the 14th of the following March. This address being presented to the Prince, he desired time to consider of it, and two days after returned much the same answer as he had to the English.

The prospect from Ireland was not so pleasing. The Earl of Tyrconnel, a zealous Papist and entirely devoted to the King, was Lord-Lieutenant, and supported by an army, which he had taken care to compose of Popish officers and soldiers. There was room therefore to fear, that the Earl would not submit to the resolutions taken in England, and he was not then to be forced to obedience. Meantime, the Prince of Orange having received addresses not only from the English Lords and Commons concerning Ireland, but likewise from the Protestants of that Kingdom, could not but endeavour to procure the happiness of a nation which depended upon England. It was therefore thought proper to summon the Earl of Tyrconnel by a letter, to submit to the present administration in England. The delivery of this letter was committed to Colonel Hamilton, who promised to second it with his persuasions. But it was afterwards known, that he acted in concert with Tyrconnel directly to oppose it.

The Prince, and the Lords, as I have said, had ordered the forces disbanded by the Earl of Frobenham to re-assemble. When this was done, the Prince discharged the arrears of the English army, with two hundred thousand pounds advanced in four days by the city of London, sixty thousand of which was lent by Sir Samuel Dashwood. After this, he ordered a reform of eight new raised regiments, besides the troop of Life-guards, commanded by the Lord Dover, who were all Papists. Then, several Colonels and other officers having resigned their Commissions on account of the new oath exacted of them, he filled their places with Protestants, and in a word, took all possible care to put the army under such a regulation, as might render it serviceable to the State.

The Archbishop of Canterbury had hitherto declined waiting on the Prince of Orange. But at last he sent a compliment to the Prince, and with seven or eight Bishops more signed the Association, after some words were softened in it, that gave them uneasiness.

About the same time, ninety Dissenting Ministers attended the Prince, and assured him of their fervent prayers for the preservation of his person, and the success of his endeavours for the defence and propagation of the Protestant Interest. The Prince returned a favorable answer, though expressed in general terms, insinuating, that it would not be his fault, if they were not made easy.

In the mean time, the elections for the members of the Convention proceeded with all imaginable freedom. The electors gave their votes according to their own inclinations, without any solicitations from the Prince, or his friends. Moreover, the Prince had ordered the soldiers to remove at a certain distance from the places of election, to take away all pretence of compulsion.

Mean while, the Prince considering, that the Convention was to settle the Government, thought it proper to send for his Principles; since if, as it was probable, the Convention should declare the throne vacant, no person had a juster pretension to it than he. Very likely also, he thought he had himself room to aspire to it, by his late great service

to the English. But a severe frost retarded her departure from Holland longer than he expected.

The Commons met the 22d of January in two Houses, 1688-9. as a Parliament. The Peers chose [George Savile] Mar-quis of Halifax for their Speaker, and the Commons, Mr. Henry Poulter. In each House was read the following letter from the Prince of Orange, on the occasion of their meeting:

"My Lords and Gentlemen,

"I HAVE endeavoured to the utmost of my power, to perform what was desired from me, in order to the publick peace and safety; and I do not know that any thing hath been omitted which might tend to the preservation of them, since the administration of affairs was put into my hands. It now lieth upon you to lay the foundations of a firm security for your Religion, your Laws, and your Liberties. I do not doubt, but that by such a full and free Representative of the nation, as is now met, the ends of my Declaration will be attained: And since it hath pleased God hitherto to bless my good intentions with so great success, I trust in him, that he will compleat his own work, by sending a spirit of peace and union to influence your counsels, that no interruption may be given to a happy and lasting settlement.

"The dangerous condition of the Protestants in Ireland, requiring a large and speedy succour, and the present state of things abroad, oblige me to tell you, that next to the danger of unseafonable divisions amongst our selves, nothing can be so fatal as too great delay in your consultations. The States, by whom I have been enabled to refuse this nation, may suddenly feel the effects of it, both by being too long deprived of the service of their troop, which are now here, and of your early assistance against a powerful enemy, who hath declared a war against them. And as England is by treaty already engaged to help them upon such exigencies, so I am confident, that their cheerful concurrence to preserve this Kingdom, with so much hazard to themselves, will meet with all the returns of friendship and assistance, which may be expected from you, as Protestants and Englishmen, whenever their condition will require it.

"Given at St. James's the 22d day of January, 1688-9."

After the reading of this letter, the two Houses presented an address to the Prince, in which they acknowledged him, under God, the deliverer of the nation: They approved likewise of all that he had done since he had been intrusted with the administration, which they prayed him to continue till farther application should be made to him by them, which should be done with all convenient speed. They promised also to dispatch the matters recommended to them by his letter. The Prince in his answer accepted the offers made him by the two Houses, and strongly pressed them to a consideration of the affairs of Europe.

The first thing done by the two Houses after their address of thanks to the Prince, was to appoint a day of publick thanksgiving to God, for the happy deliverance of the nation. As, on these occasions, prayers suited to the day and always composed by the Bishops, they had an order to insert a particular prayer for the Prince of Orange.

In the mean time, King James, perceiving the prejudice his flight would do him, endeavoured to prevent it, by a King's letter directed to the Lords, and others of his Privy-Council. He repeated the reasons contained in the writing left on his table at his departure from Rochester, and declared his intention to return to England for the holding a free Parliament. He reproached the Prince of Orange with artifices to hinder his holding such a Parliament, and required their advice, what was fit to be done by him towards his returning. Though this letter was immediately printed and dispersed, it was little regarded. Even the persons to whom it was addressed, judged it not proper to return an answer, at a time the Convention was sitting. James therefore sent a letter of the same tenor to both Houses of the Convention, and to the adding, a promise, on the word of a King, of a pardon even to those that betrayed him, (some few excepted) and a resolution by an Act of Oblivion, to cover all faults. But both Houses returning the letters unopened, the King's Royal friends complained of it, as of a great hardship.

The House of Commons deferred their sitting till the 28th of January, to give time to the rest of their members to come up to town. That day, Mr. Dalen, son to the late Archbishop of York, made a long Speech to prove the vacancy of the throne, by the King's deserting the Kingdom. Upon this arose a debate, which held four or five hours, and ended with this memorable vote:

"That King James the Second, having endeavoured to subvert the Constitution of the Kingdom, by breaking the Original Contract between King and people; and,

1688-g. "by the advice of Jesuits and other wicked persons, have-
ing violated the fundamental laws, and withdrawn him-
self out of the Kingdom, hath abdicated the Govern-
ment, and that the throne is thereby become vacant."

Further-
Edward.
111. p. 960. "The next day, the Commons farther voted, "That it
"hath been found by experience to be inconsistent with
"this Protestant Kingdom, so to be governed by a popish
"Prince."

Address to
the Prince of
Orange. They presented likewise an address to the Prince of O-
range, for the stopping all ships that were going to France.
Two days after, they voted, that the thanks of the House
should be given to the Clergy of the Church of England,
who had refused to read in the Churches the King's decla-
ration for Toleration; and also to the officers and soldiers,
for having testified their ready adherence to the Protestant
Religion; and to all such as had appeared in arms for the
defence of the same. All these votes were sent up to the
Lords for their concurrence.

Great Dis-
cussion in the
House of
Lords.
Knox, p. 543.
Edward.
111. p. 960.
Burnet, p. 309, 313. But in the House of Lords things passed not with that
unanimity. There were several parties, who caused every
question to be nicely examined. It was on the 19th of
January, that the Lords began to consider the vote of the
Commons, concerning the vacancy of the throne. The
first motion was, "Not to agree with the Commons that
"the throne was vacant, but only to suppose it for the
"present, leaving it to be further examined afterwards, in
"order to cut short several other questions, by determining
"this first, Whether the Throne being vacant, it ought to
"be filled up by a Regent or a King?" [Daniel Finch]

A Regency
is proposed. Earl of Nottingham, who was at the head of the party for
a Regent, made a long speech, alleging several arguments
for a Regency, taken from the English and other Histories.
He insisted particularly upon what had very lately passed in
Portugal, where, Alphonso VI. being deposed, his brother
Don Pedro had only the title of Regent of the Kingdom
conferred on him. But the Marquis of Halifax and the
Earl of Danby demonstrated on the other side, the insur-
mountable difficulties attending the administration of the Govern-
ment under a Regent. At last, after a very long debate,
the question being put to the vote, fifty one were for a
King, and forty nine only for a Regency (1). Thirteen
Bishops were among the last, and but two among the first,
namely, Dr. Compton Bishop of London, and Sir Jonathan
Trelawney Bishop of Bristol. The Archbishop of Canter-
bury was absent.

Remarks on
the Church
of England. If the principles advanced by the Church of England in
the reign of Charles II. and the doctrine of Passive-obedi-
ence and Non-resistance so strenuously maintained, and pub-
licly preached, be remembered, it will not be thought
very strange, that the Bishops should refuse to vote for de-
posing King James, and setting another King on the
throne. This was directly contrary to the maxims they had
not long since approved, and from which they did not
think proper to depart entirely. The truth is, by main-
taining these extravagant maxims, without admitting any
limitations, at a time when they thought only of opposing
the principles of the Republicans, they had thrown them-
selves into a very dangerous snare, of which they were not
sensible, till they saw the Protestant Religion exposed to the
danger attending these maxims. They perceived then, it
was absolutely necessary to limit the regal authority, and
were themselves the first to do it, by openly refusing to
read the declaration for liberty of Conscience. Herein they
acted directly contrary to the principle of Passive-obedi-
ence and Non-resistance, maintained before with such ardour
by the Church of England. This the King reproached them
with, when he told them, He did not expect to meet with
resistance from the Church. So, after establishing as an es-
sential doctrine of the Church of England, that the royal
power is by divine right, and that the King can never be
disobeyed without sin, they shewed by their own practice,
that it must be received with this restriction, *When the
King enjains things according to law. But in case his com-
mands are contrary to law, he not only may, but even ought to
be resisted.* A doctrine which would never have been con-
fessed, had it been thus explained at first. When I say
the Bishops, I mean the Church of England in general.

It is therefore certain, that when the question was to be
decided, Whether, on supposition of the vacancy of the
Throne, it should be filled with a King or a Regent, the
Church of England was satisfied that James II. had viola-
ted the laws, and no longer deferred to be trusted with the
Government of the Kingdom. This was the general opi-
nion. The only point was to know, whether the title of
King should be left him, and a Regent appointed to go-
vern in his room, or whether another King should be set
on the Throne. It is easy to see the little difference be-
tween a King actually deposed, whose Throne is filled by

another, and a fugitive King, from whom no more orders
are to be received, and whose authority is exercised by a
Regent not of his own choosing. But, besides the particu-
lar view some Lords might have, of rendering the resolu-
tion of King James less difficult, by leaving him the
title of King, the Bishops found a considerable advantage
in a Regency. For by that they did not swerve so far
from the principle they had before preached, and caused to
be preached, that the regal power is *jure divino*. Indeed,
when Religion was in extreme danger, they had not thought
fit to insist upon this principle. They had not only suffe-
red and approved the Prince of Orange's coming to the re-
lief of their Religion, but moreover, some had invited him
into England. But the storm being over, the King a fu-
gitive, the Catholic party suppressed, and all fear vani-
shed, they believed they ought not entirely to depart from their
principles. If, for their own safety, they were willing the
Kingdom should be governed, not by King James but by a
Regent, they could not, on the other hand, resolve openly
to recede from what they had maintained, that the regal
power is *jure divino*, and the King's character indeleble.

On the morrow, January 30, this question was put in
the House of Lords, *Whether or no there was an original
contract between the King and People?* This question was
warmly debated, several maintaining, that such a contract
was only a chimera. Others rejecting the general assertions
urged by the first, and the instances brought from the prac-
tice of other countries, confined themselves to the particu-
lar Constitution of the English Government. They en-
deavoured to show, that it must have been by virtue of such
a contract, that the Parliament were possessed jointly with
the King, of the legislative power; otherwise, the right of
the Parliament, in their opinion, could be founded only
upon custom, which was not sufficient to balance the King's
pretended divine right: whence it would follow, that the
King, in virtue of his divine right, might abolish this cus-
tom, and render himself absolute. But that the prevention
of such a misfortune was the occasion of their present meet-
ing. The question being put to the vote, fifty three were
for the original Contract, and forty six only against it.

The next day, they took into consideration the word
Abdicated, and entered into a grammatical dispute, to know
whether the word could be understood only of a voluntary
Abdication, without any mixture of compulsion, and it was
concluded, that the word *deposed* was more proper. They
then examined the word *Vacant*, and put this question, *Whether
King James, having broke that original Contract be-
tween him and his People, and deposed the Government, the
throne was thereby vacant?* The debates upon this question
were longer, and more warm than any of the former. In
short, the party that maintained it was a law-maxim,
That the King never dies, and consequently that the throne
can never be vacant, carried the negative of the question
by eleven voices. But on the morrow, forty Lords en-
tered their protestations against the vote. As the Lords vote
was founded upon the Crown's devolving, on the King's de-
mise, immediately to the next heir, without any vacancy,
some of the other party moved, that, supposing King James
to be dead in law, the Prince and Princess of Orange should
be declared King and Queen. But this was also carried in
the negative by five voices.

If these several resolutions be considered, and compared
together, the Lords will doubtless seem to have rendered it
impossible to settle the Government any way. In the first
place, the first vote by which the Regency was rejected,
was founded upon the supposition of the throne's being va-
cant, and yet by the last vote it was carried, that the throne
was not vacant. Secondly, it appeared, that they were not
for King James. It was agreed, he had broke the original
Contract, and deposed the Government, and yet it was
decided, that the throne was not vacant. Thirdly, in
voting that the throne was not vacant, because the King
never dies, and the regal authority devolves, after the King's
natural or civil death, to the next heir, they refused to ac-
knowledge the Princess of Orange for Queen. They re-
mained therefore but one expedient, namely, to recognize
for King the Prince of Wales, who was conveyed into
France; a Prince, that by most of the English, was believed
supposititious, and besides would, probably, be educated in
the Romish Religion. But the Commons had voted, and
the Lords concurred afterwards to the vote, that it was in-
consistent with a Protestant Kingdom, to be governed by a
popish King. The several resolutions of the Lords upon
the questions proposed, seem therefore to tend solely to ren-
der the settling of the Government impracticable. This,
no doubt, was the aim of some among them, that the di-
fficulties might not possibly be surmounted, but by recalling
King James. Many were satisfied of this, and therefore a

(1) The chief of those that voted for a Regency, were, the Dukes of Somerset, and Beaufort; the Earls of Ross, Pembroke, Cleveland, Rochester, Devon up in
Crown, Wiltshire, Salisbury, Gloucester, Lincoln, York, and Lindsey; the Lords Wilmot; Gower, Bristol, Long, Forster, Cranford, Ry-
mond, Ashby de la Zouche, Darnley, Godolphin, Gifford, Kent, Kinnaird, p. 544.

658-9 petition was drawn up to be presented to the Lords, desiring, in plain terms, that the Prince and Princess of Orange be settled on the throne. Care was taken to get this petition signed by all sorts of people, that by the great number of subscribers it might pass for the sense of the nation. But the Prince of Orange not liking this way of proceeding, sent the Lord-Mayor orders, to put a stop to this tumultuous project, which was accordingly done.

Supported
by the Prince
of Orange.

The Lords
just from
the Port
with two
amend-
ments.

Conference
with the
Council, Jan.
Feb. 4.
Debates
about the
Amendments.
p. 49.
Edward
Kendall.

The 2d of February, the Lords sent a message, to acquaint the Commons with two amendments they had made to their vote of the 28th of January. The first was, instead of the word *Advised*, they would have *Dejected* be put in. The second, that the words, and that the throne is thereby become vacant, should be left out. The Commons, not pleased with these two amendments, appointed a committee to draw up reasons why they must insist upon their vote, and desired a conference with the Lords upon that subject. This conference produced no effect, each House persisting in their opinion. Only the Earl of Nottingham intimated from the Lords, that they insisted upon the amendments, not to favour King James, but solely to maintain Hereditary Right, in the fear that the election of a King might destroy that right. But the Commons persisting still in their opinion, by a superiority of two hundred and eighty two, against one hundred and fifty one, appointed twenty four of their most able members to manage on this extraordinary occasion at a free conference, for which the Lords named on their part, the Earls of Nottingham, Clarendon, Rochester, Pembroke, with the Bishop of Ely, and some others.

As this conference between the two Houses is the most remarkable, ever known in England, as well for the importance of the thing itself, as for the ability of the managers, I shall insert it at large, and take the liberty to add some Remarks, for the illustration of the Speeches made on this occasion.

Mr. Hampden, who opened the conference, said, My Lords,—"The word *ADJACED*, the Commons conceive, is of a larger signification than the word "your Lordships are pleased to use, *DEJECTED*; but not too large to be applied to all the recitals in the beginning of the Commons vote to which they meant it should be applied. Nor ought it to be refrained to a voluntary express resignation, only in word or writing; over-acts there are, that will be significant enough to amount to it. My Lords, That the common law of England is not acquainted with the word, it is from the modesty of our law, that it is not willing to suppose there should be any unfortunate occasion of making use of it.

"Your Lordships next amendment is, that your Lordships have left out the last words in the Commons vote, *And that the Throne is thereby vacant*. My Lords, The Commons conceive it is a true proposition, and that the Throne is vacant; and they think they make it appear, that this is no new phrase; neither is it a phrase that perhaps some of the old records may be strangers to, or not well acquainted with: But they think it not chargeable with consequences that your Lordships have been pleased to draw from it, *That it will make the Crown of England become elective*. If the Throne had been full, we know your Lordships would have assigned that, as a reason of your disagreement, by telling us who filled it; and it would be known by some public royal act, which might notify to the people, in whom the kingly Government resided; neither of which hath been done, and yet your Lordships will not allow the Throne to be vacant."

Mr. Semmery (a) said,—"If it be an objection that the word *Advised* hath not a known sense in the common law of England, there is the same objection against the word *Dejected*: So that your Lordships first reason hath the same force against your own amendment, as it hath against the term used by the Commons. The words are both *Latin* words, and used in the best authors, and both of a known signification; their meaning is very well understood; though it be true, their meaning be not the same: The word *Advise* doth naturally and properly signify, *entirely to renounce, throw off, disown, relinquish any thing or person, so as to have no further to do with it; and that whether it be done by express words, or in writing*, (which is the sense your Lordships put upon it, and which is properly resignation or cession;) or, *by doing such acts as are inconsistent with the holding, or retaining of the thing*; which the Commons take to be the present case, and therefore made choice of the word *Advise*, as that which they thought did, above all others, most properly express that meaning: And in this latter sense it is taken by others." [Here, to show that it was the true signification of the word, he urged the au-

thorities of *Gratius, Calvin, Brignonius, Badius, and Prælatius*.] "But the word, *Dejected*, hath not only a very doubtful signification, but in common acceptance, both of the civil and common law, doth signify only a *bar* withdrawing, a temporary quitting a thing, a neglect only which leaveth the party at liberty of returning to it again." [For this he quoted *Spigelius* and *Barbosa*, adding,] Hence it appears, that that is called *Dejection*, which is temporary and relievable. That is called *Devolution*, where there is no power or right to return. So in the civil law, the word *Deject* is used to signify, Soldiers leaving their colours. And in the canon law to *Deject* a benefice, signifies no more than to be Non-resident. In both cases, the party hath not only a right of returning, but is bound to return again: Which, my Lords, as the Commons do not take to be the present case, so they cannot think that your Lordships do; because it is expressly laid in one of your reasons given in defence on the last amendment, *That your Lordships have been, and are willing, to secure the nation against the return of King James*; which your Lordships would not, in justice, do, if you did look upon it as no more than a negligent withdrawing, which leaveth a liberty to the party to return. For which reasons, my Lords, the Commons cannot agree to the first amendment, to insert the word *Dejected* instead of *Advised*; because it doth not in any fort come up to their sense of the thing: So they do apprehend it doth not reach your Lordships meaning, as it is expressed in your reasons; whereas they look upon the word *Advised*, to express properly what is to be inferred from that part of the vote, to which your Lordships have agreed, *That King James the Second, by going about to subvert the Constitution, and by breaking the original contract between King and People, and by violating the fundamental laws, and by withdrawing himself out of the Kingdom*, hath thereby renounced to be a King, according to the Constitution, by avowing to govern by a despotic power, unknown to the Constitution, and inconsistent with it; he hath renounced to be King according to the law, such a King as he swore to be at the Coronation, such a King to whom the allegiance of an English subject is due; and hath set up another kind of dominion, which is to all intents an *Abdication*, or abdicating of his legal title, as fully as if it had been done by express words (1).

REMARK (1). It is easy to perceive, that these two Speeches of Mr. Hampden and Mr. Semmery refer to what was objected by the Lords in a former conference against the word *Advised*, and the vacancy of the Throne. I thought proper to omit that first conference, because most of the things therein alleged, are repeated in this. However, it may be seen here by the Commons answers, what the Lords objections were.

Mr. Sergeant Holt added,—"For that part of your Lordships objection, *That it is not a word known to the Common Law of England*, that cannot prevail; for your Lordships very well know, we have very few words in our Tongue, that are of equal antiquity with the Common-law; your Lordships know the language of England is altered greatly in the several successions of time, and the intermixture of other nations; and if we should be obliged to make use only of words then known and in use, what we should deliver in such a dialect, would be very difficult to be understood.

"Your Lordships second reason for your first amendment, in changing the word *Advised* for the word *Dejected*, is, *Because in the common acceptance of the Civil Law, Abdication is a voluntary express act of renunciation*. That is the general acceptance of the word, and I think the Commons do so use the word in this case, because it hath that signification: But I do not know whether your Lordships mean a voluntary express act or formal deed of Renunciation: If you do so, I confess I know of none in this case: But my Lords, both in the Common-Law of England, and in the Civil Law, and in common understanding, there are express acts of Renunciation that are not by deed; for if your Lordships please to observe, the Government and Magistracy is under a trust, and any acting contrary to that trust, is a Renouncing of the trust, though it be not a Renouncing by formal deed: For it is a plain declaration by act and deed, though not in writing, that he who hath the trust, acting contrary, is a disclaimer of the trust; especially, my Lords, if the actions be such as are inconsistent with, and subversive of this trust; For how can a man in reason or sense, express a greater Renunciation of a trust, than by the constant declarations of his actions to be quite contrary to that trust?"

Then the Earl of Nottingham spoke on the side of the Lords, and said,—"The main reason of the change

(a) A famous Lawyer, who was afterwards Lord Chancellor in the Reign of King William III. Rapin.

1689. "of the word *Defered*, is upon the account of the consequence drawn in the conclusion of your vote, *That the Throne is thereby vacant*: That it, what the Commons mean by that expression, whether you mean it is so vacant as to null the succession in the hereditary line, and so all the heirs to be cut off, which we say will make the Crown Elective? And it may be fit for us to settle the Crown Elective; and when we know what the consequence of the throne being vacant means in the vote as you understand it, I believe we should much better be able to settle the difference about the two words (2).
 REM. (2) It does not appear that the Commons had any thoughts of making the Crown Elective. This was a consequence ascribed to them by the Lords, to have an occasion to contradict the vacancy of the throne.

To this it was replied by *Serjeant Maynard*, "My Lords, when there is a present defect of one to exercise the administration of the Government, I do conceive, the declaring a vacancy, and provision of a supply for it, can never make the Crown Elective. The Commons apprehend there is such a defect now; and by consequence a present necessity for the supply of the Government, and that will be next for your Lordships consideration, and theirs afterwards. If the attempting the utter destruction of the subject, and subversion of the Constitution, be not as much an *Abdication* as the attempting of a father to cut his son's throat, I know not what is. My Lords, the Constitution, notwithstanding the vacancy, is the same; the Laws that are the foundations and rules of that Constitution are the same; but if there be in any particular instance, a breach of that Constitution, that will be an *Abdication*, and that *Abdication* will infer a vacancy. It is not that the Commons do say, *The Crown of England is always and perpetually Elective*; but it is more necessary that there be a supply, when there is a defect, and the doing of that would be no alteration of the Monarchy from a successive one to an Elective."

Then the Bishop of *Ely* on the side of the Lords said, "Gentlemen,—That *Abdicated* may be tacitly by some Over-Acts, *Mr. Sommers* very truly did alledge out of *Gratius*: But I desire to know whether *Gratius*, that great author, in treating on this subject, doth not interpose this caution, *If there be a yielding to the times: If there be a going away, with a purpose of seeking to recover what is for the present lost or forsaken*: In plain English, *if there were any thing of force or just fear in the case, that doth void the notion of Abdication*."

Mr. Serjeant Maynard replied, "But, my Lords, that is not any part of the case declared by the Commons in this vote; when the whole Kingdom and the Protestant Religion, our Laws and Liberties have been in danger of being subverted, an enquiry must be made into the authors and instruments of this attempt; and if he who had the administration intrusted to him, be found the author and actor in it, what can that be but a renunciation of his trust, and consequently his place thereby vacant? *Abdication*, (under favour,) is an English word; and your Lordships have told us, the true signification of it is a Renunciation. We have indeed, for your Lordships satisfaction, shewn its meaning in foreign authors; it is more than a *Defering* the Government, or leaving it with a purpose of retuning."

The Bishop of *Ely* replied, "The objection of the Lords against the word *Abdicated*, is, *That it is of too large a signification for the case in hand*. It seems to be acknowledged, that it reaches a great way; and therefore the Lords would have a word made use of, which signifies only, *the ceasing of the exercise of a Right* (3)."

REM. (3). Hitherto the Lords had not clearly discovered why they rejected the word *Abdicated*. It appears here, by what the Bishop of *Ely* says, that it was because this word expressed the Commons meaning too well, and therefore the Lords would have another word in its stead, from which the vacancy of the throne could not be inferred.

The Bishop added,—"If there be such a defect as hath been spoken of, it must be supplied; there is no question of that. And I think we have by another vote, declared, *That it is inconsistent with our Laws, Liberties, and Religion to have a Papist to rule over this Kingdom*: Which I take to be only as to the actual exercise and administration of the Government. It is *Gratius* his distinction between a Right, and the exercise of that Right; and as there is a natural incapacity for the exercise, as sickness, lunacy, infancy, dotage, old age, or an incurable disease, rendering the party unfit for human society, as leprosy, or the like; so, I take it, there is a moral incapacity; and that I conceive to be a full irremovable perfwation in a false Religion, contrary to the Doctrine of Christianity. I then there must be a provision undoubtedly made for

supplying this defect in the exercise, and an intermediate Government taken care for; because become necessary for the support of the Government, if he to whom the right of succession doth belong, makes the exercise of his Government impracticable, and our obedience to him, consistently with the Constitution of our Religion, impossible; but that, I take it, doth not alter that right, nor is an *Abdication* of the right (4.)"

REM. (4.) It must be remembered, that the Bishop of *Ely*'s position, which was afterwards maintained by others, was, that *there was a real distinction between a Right, and the exercise of that Right*. They readily agreed, that *James II.* should be deprived of the exercise of the Right to govern, but not of the Right itself. Upon this distinction all the arguments of the Lords are grounded.

"*Abdication* (continued he) no doubt is, by adoption, an English word, and well known to Englishmen conversant in books. Now it is objected, that it is not a word as ancient as the Common-Law of England. We find it in *Cicero*,—where it sometimes signifies, *The renouncing the actual exercise of a Right*, and sometimes, *The renouncing of the very Right*, so that the signification is doubtful; and such words we hope the Commons will not think fit to use in a case of this nature and consequence as ours now in debate. And besides, the Lords apprehend, that great inconveniences will follow upon the use of this word, if it mean a *renouncing absolutely of that Right*.—Then there is another distinction in those authors that write concerning this point, which are chiefly the *Civilians*. There may be an *Abdication* that may *forfeit the power of a King only*; and there may be one, that may *forfeit both that and the Crown too*. It is a distinction indeed in other words, but to the same sense. Those *Abdications* that are of power only, are incapacities; whether those I call natural and involuntary, as defects of sense, age, or body, or the like; or moral or voluntary, as contrariety in Religion; an instance whereof there was lately in *Portugal*, which was a *forfeiture only of the power*, and not of the name, and honour of a King; for though the Administration was put into the younger brother's hand, the Patents, and other publick Instruments ran in the elder brother's name (5.)"

REM. (5.) If the Bishop of *Ely* had only a view to *James II.* the influence of the natural incapacities which made *Alphonso VI.* King of *Portugal*, forfeit the exercise of the regal power, does not seem to be to his purpose; since these incapacities were not the point in question, with regard to *James II.* which may make it suspected, that he had an eye to the Prince of *Wales*. For, as will hereafter appear, the Lords, in maintaining, that the throne was not vacant, pretended, that by the civil or natural death of the King, the next heir was immediately to fill the throne, and this heir, according to some, was the Prince of *Wales*. But as he was a minor, an intermediate Governor must be appointed to govern in his name.

This is not without all doubt naturally an *Abdication* in the full extent of the word; nor do I here, (as I said) consider, whether that the King be gone out of the Kingdom, or stay in it; but only, whether he be fit for the Administration, which must be provided for, be he here, or gone away. But the highest instance of an *Abdication*, is, when a Prince is not only unable to execute his power, but acts quite contrary to it; which will not be answered by to bare a word as *undecour*. I take these to be all the distinctions of *Abdications*. Now, if this last instance of an *Abdication* of both power and right, take place in a succeeding Monarchy, the consequence will be, *That there is a forfeiture of the whole right*; and then that hereditary succession is cut off; which, I believe, is not intended by the Commons. But here is one thing that is mentioned in this vote, which I would have well considered, for the preservation of the Succession, and that is the Original Compact: We must think, sure, that meant of the Compact, that was made at the first time, when the Government was first instituted, and the conditions, that each part of the Government should observe on their part, of which this was the most fundamental, *That King, Lords, and Commons, in Parliament assembled, should have the power of making new laws, and altering of old ones*: And that being one Law which settles the Succession, it is as much a part of the Original Compact as any: Then if such a case happens, as an *Abdication* in a successive Kingdom, without doubt, the Compact being made to the King, his heirs, and successors, the disposition of the Crown cannot fall to us, till all the heirs do *Abdicate* too. There are indeed many examples, and too many interruptions in the lineal Succession of the Crown of England: I think I can instance in seven since the Conquest, wherein the right heir hath been put by: But that doth not follow, that every breach of the first Original Contract, gives us power to dispose of the lineal Succession; especially, I

"I think

1689. "think, since the Statutes of Queen Elizabeth, and King James the First, that have established the oath of Allegiance to the King, his heirs and successors; the Law is stronger against such a disposition: I grant, that from King William the First, to Henry VIII, there has been seven interruptions of the legal line of hereditary Succession; but, I say, those Statutes are made since that time, and the making of new Laws, being as much a part of the Original Compact, as the observing old ones, or any thing else, we are obliged to pursue those Laws, till altered by the legislative Power, which, singly or jointly, without the royal assent, I suppose, we do not pretend to. (6.)

R.E.M. (6.) By this reasoning the Lords and Commons being agreed, that a Catholic King could not exercise the right of Government, and James II. being Catholic; and as he might possibly have an infinite series of successors from father to son, all Catholics, it would follow, that England might be always governed by Regents.

"These Laws being made since the last interruption, we are not to go by any precedent that was made before the making those Laws. So that, all that I conceive ought to be meant by our vote is, *But the setting aside the person that broke the Contract: And, in a succession Kingdom, an Abdikation can only be a forfeiture, as to the person himself.* I hope, and am persuaded, that both Lords and Commons do agree in this, *Not to break the line of Succession, so as to make the Crown elective.* And if that be declared, that this Abdikation of King James the Second, reacheth no farther than himself; and that it is to continue in the right line of Succession, that, I hope, will make all of one mind in this important affair. (7.)

R.E.M. (7.) For the better understanding the Bishop of Ely's Speech, as well as some others that follow, it must be observed, that among the Lords who had voted for the vacancy of the throne, by a majority of eleven voices, there were two sorts of men. The one, without any desire to favour King James, or the Prince of Wales, had no other view than to oppose the Republican party, who, under colour of gratitude to the Prince of Orange, were labouring with all their power to have him elected King, reckoning it would be a large step towards advancing the authority of the people, and rendering the Crown elective. Some of the Lords voted against the vacancy of the throne, chiefly in opposition to this party. But there were others who carried their views farther, and by rendering the settling of the Government impracticable, laboured indirectly, either to cause King James to be recalled, or the Prince of Wales to be acknowledged for King, knowing it would be impossible to prove him supposititious in a legal manner. But as these concealed themselves among the others, and pretended only to defend hereditary right, it is hard to know by the Speeches, who designed only to maintain hereditary right, and who had farther views. This the Reader is to remember, that he may not imagine, all the Lords who voted against the vacancy of the throne, were for King James.

Then the Earl of Clarendon spoke on the Lords side, and said,—"This breaking the Original Contract is a language that hath not been long used in this place; not known in any of our Law-books or publick Records; it is sprung up, but as taken from some late authors, and those none of the best received. It is not denied, *That the King is bound by Law, and bound to perform the Laws made, and to be made.* But I would take notice, that his obligation therunto, doth not proceed from his Coronation-oath; for our Law faith, *He is as much King before he is crowned, as he is afterwards; And there is a natural allegiance due to him from the Subjects immediately upon the descent of the Crown upon him.* I was in great hopes, that you would have offered something in answer to one of my Lord of Ely's reasons against that part of the vote, which declares, *The throne to be vacant, viz. That no act of the King's alone can bar, or destroy, the right of his heir to the Crown, which is hereditary, and not elective.* (8.)

R.E.M. (8.) The Earl of Clarendon begins with representing the Original Contract between King and people, as an imaginary thing. And yet he owns the King is bound by Law, (though he cites none) and bound to perform, &c. But that this obligation proceeds not from his Coronation-oath. What it is then that binds him?

"And then, if this matter goes no farther than King James the Second, in his own person; How comes the Vacancy and the Supply to be devolved upon the people? For if he only be set aside, then it is apparent, where the Crown is to go, to the person that hath the next Right of Succession, and consequently there is no Vacancy. (9.)

R.E.M. (9.) The Lords always spoke of the next heir, but without naming the Prince of Wales. The reason is, that by raising, as they thought, invincible obstacles to the

1689. election of a new King, they designed by degrees to lead the Commons to propose the examination of the Prince of Wales's birth. But the managers for the Commons carefully avoided that snare, and therefore the Prince of Wales was not so much as once mentioned by name in the Conference.

The Earl of Nottingham added,—"The Lords having declared that they are willing, to secure the nation against the return of King James into this Kingdom; and will therefore concur with the Commons in any act that shall be thought necessary to prevent such his return, it should seem we were agreed in that matter; and if that were the point, we should find words proper enough to express our meaning by. But I find neither of the words, *Abdikated* or *Dejected*, will, on the one side or on the other, be allowed to signify this meaning. Therefore we should come presently to think of some other that would. But the reasons why my Lords did chiefly insist upon the alteration of the word *Abdikated*, was, *Because they did apprehend, that it being a word not known to our Laws, there might be other Inferences drawn from it then they do apprehend our Laws will warrant, from the case, as it is stated in the fact of this case; and, as they conceive, is done in the concluding of the throne's being vacant.* Therefore, I think it would threaten the present debate, if we did settle the point of the Vacancy first. For if we were sure, that the throne were, or were not vacant, we should easily light upon what word were proper to be used in this case."

Sir George Trybby speaking on the side of the Commons said,—"I think, my Lords the present debate is to begin, where the difference between the two Houses doth begin, and that is at the word *Abdikated*. *Original Contract*, is a phrase and thing used by the learned Mr. Hooker, in his book of Ecclesiastical Polity. But I have a greater authority than this, and that is your Lordships own, who have agreed to all the vote, but this word *Abdikated*, and the Vacancy of the Throne. But it is very much beyond what the vote before us doth lead us unto, *To talk of the right of those in the succession: For that goes farther than the very last part of our vote, and it is still to lead us yet farther, to say any thing about making the Crown Elective.*"—Then he endeavoured to prove that King James had actually *Abdikated* the Kingdom, alledging the authority of Gratius, who says, *That if there be any word or action that doth sufficiently manifest the intention of the mind and will, to part with his office; that will amount to an Abdikation or renouncing.*

Now (added he) I beg leave to put this case, That had King James the Second come here into the assembly of Lords and Commons, and expressed himself in writing, or words, to this purpose, "I was born an heir to the Crown of England, which is a Government limited by Laws, made in full Parliament, by Kings, Nobles, and Commonalty; and, upon the death of my last predecessor, I am in possession of the throne; and, now I find, I cannot make Laws without the consent of the Lords and Representatives of the Commons in Parliament; I cannot suspend Laws that have been so made, without the consent of my People; this indeed is the title of Kingship I hold by Original Contract, and the fundamental Constitutions of the Government; and my succession to, and possession of the Crown, on these terms, is part of that Contract; this part of the Contract I am weary of, I do renounce it, I will not be obliged to observe it; nay, I am under an obligation not to comply with it; I will not execute the Laws that have been made; nor suffer others to be made, as my People shall desire, for their security in Religion, Liberty and Property, which are the two main parts of the Kingly office in this nation." I say, suppose he had expressed himself, doubtless, this had been a plain renouncing of the legal regular Title which came to him by descent: If then he, by particular acts, such as are enumerated in the vote, has declared as much or more than these words can amount to, then he hath thereby declared his will to renounce the Government.

And this doth amount to a manifest declaration of his will, no longer to retain the exercise of his Kingly office according to Law, he has sufficiently declared his renouncing of the very office, and therefore I cannot depart from insisting upon the word *Abdikated*, which doth so well correspond to the fact of the case, and so well express the true meaning of the Commons in their vote."

The Earl of Nottingham said,—"I will not undertake to dispute, whether a King of England may, or may not, renounce his Kingdom. For my own part, I think he can, and I may go so far in agreement with those that have spoken to this point, *To yield that he may do it by implicit acts, contrary to the Kingly office.* For a King to say, he will not govern according to law; and for a King to act wholly contrary to law, and do that which would subvert the Constitution, is

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"(I think) the same thing. But then I must say also, that I think there is a difference between saying so, and doing something inconsistent with what the Laws require; for every deviation from the Law, is a kind of breach of the fundamental Constitutions; as the Laws are necessary, so far as to support the foundation. But if every transgression, or violation of the Law, by the Prince's connivance or command, were such a breach of the fundamental Laws, as would infer an *Abdication*, then were it in vain to call any of his Ministers or Officers to account for any such action. Then the action is the King's, and not theirs; and then adieu to the maxim of *A King's not doing wrong*. I take this matter to be so plain, as to the distinction that I have mentioned, that nothing can be more; and it has been thought so essentially necessary to have it clear and manifest, that those two great instances of *Edward II.* and *Richard II.* were express solemn renunciations, and those confirmed in Parliament by the Lords and Commons, by the act of deposing them. Therefore I cannot infer from the facts enumerated in the vote, that this should be an *Abdication* for himself and his heirs."

Sir *George Treby* replied — "When a King breaks the Law in some few particular instances, it may be sufficient to take an account of it from those evil ministers that were instrumental in it, why such a thing was done, which was against laws? Why such a law was not executed by them, whose duty it was to see it put in execution? You may, in ordinary cases of breaking the Law, have remedy in the ordinary Courts and course of Justice. But sure! he does not take this to be such a case, or these to be ordinary violations of the Law: And therefore, in the extraordinary cases, the extraordinary remedy is to be resorted unto. And where shall any man come to have any redress in such a case as this, when the malefactor comes to be party, unto whom all applications for relief and redress from injuries should be made, and so he himself shall be a judge of his own breaches of Law? This most apparently was the case as to the *Two Warrants*, which was a plain Design to subvert the Constitution in the very foundation of the legislature. It is because the King hath violated the Constitution, by which the Law stands, as the rule both of the Kingly Government, and the People's obedience, that we say, he hath *Abdicated* and *Renounced* the Government; for all other particular breaches of the Law, the Subject may have remedy in the ordinary Courts of Justice, or the extraordinary Court of Parliamentary proceedings: But where such an attempt as this is made on the essence of the Constitution, it is not we that have brought ourselves into this state of nature, but those who have reduced our legal well-established frame of Government into such a state of confusion, as we are now seeking a redress unto."

The Lords objecting nothing farther against the use of the word *Abdicated*, the Commons proceeded to the second amendment; namely, the leaving out the words, *And that the Throne is thereby vacant*. Mr. *Sacheverell* opened the debate, and said, — "My Lords, the Commons, in using the words *Abdication* and *Vacancy*, had no thoughts of making the Kingdom elective, neither can any such thing be deduced from their words." (16.)

REM. (16.) As the principal reason which induced the Lords to oppose the Commons' vote, was, the consequence drawn from thence, that the Crown would thereby become elective, the Commons were very careful to deny this consequence, by saying, That not only they had no such thought, but that it could not be inferred from their vote. This was a material point. For if the Lords could have drawn from the Commons a confession, that the consequence was just, they would have pretended, that by declaring the Throne vacant, the Constitution was subverted, and the Crown made elective instead of hereditary. It seems, that the Commons might have denied that the Crown was originally hereditary, and maintained, it was so only by the Statutes made in the reigns of *Elizabeth* and *James I.* From whence they might have inferred, that the Parliament which settled the Crown upon the descendants of *James I.* in the direct, and afterwards in the collateral, line, had likewise power to alter the order of the settlement. But they avoided all discussions of this nature, being sensible, that the design of the Lords was to multiply the subjects of dispute, in order to increase the obstacles of the projected establishment.

Mr. *Sacheverell* continued, "The Commons reason for their disagreeing to this amendment, was, because they conceive (that as they may well infer) from so much of their own vote, as your Lordships have agreed unto, That *King James the Second* hath *Abdicated* the Government; and that *the Throne is thereby vacant*: So, if they should admit your Lordships' amendments, *That by his*

only *Deserted* the Government; yet, even thence would follow, *It is vacant, as to King James the Second*: Deserting the Government being, in true construction, Deserting the Throne. If *King James* had only given over the exercise of the Government, [as their Lordships pretended] he continues in the office, and is *King* still; and then all the acts that we have done in this Convention, are wholly (as we conceive) not justifiable, you are in no place or station to relieve yourselves, or the nation, in this exigence; unless you will think of setting up another Regency by your own authority, without his consent; which, I conceive, by the laws of *England*, you cannot do. What then follows upon all we have done? We have drawn the nation into a snare, by the steps we have taken; and leave all in such an intricacy, as we have no power by law to deliver them out of; nor can we answer for what we have done, unless the King should die, and that would leave the succession uncertain."

Mr. *Polluxen* pursuing the same argument, maintained, That the Lords saying in their vote, *That the Government was Deserted*, could not mean only the exercise of it, but a vacancy: The King's power, and the exercise of that power, was, in construction of the law, one and the same, and so joined, that they could not be severed; and therefore, the supposed distinction was only notional, and altogether disagreeing to the laws of *England*. That it was utterly unlawful, and as great a crime, to take away from the King the exercise of the Government, as to take from him the Government; it might do well for their Lordships to consider, whether they were not guilty of the same crime, which they would decline by their amendment. That the Commons therefore could not admit, That there should be a taking away the exercise of the Government from the King, any more than the taking away the Government, which, the Commons said, he had himself given away by *Abdication*; and that if *King James* was *King* still, they could not by any means agree to the keeping him out of the Kingdom. That to have a Regency upon *King James* without his own consent, or till his return, while the right was still in him, would be a strange and impracticable thing, and introductive of a Commonwealth, instead of the ancient Government by a limited Monarchy; and that the conclusion, That such a vacancy in the Throne would make the Crown elective, had no premises either from their actions, their sayings, or their votes, or any thing else in that case. (17.)

REM. (17.) The Lords answered but weakly Mr. *Polluxen's* reasons. Several of those who were against a vacancy verily believed, it was as unlawful to deprive *King James* of the exercise of the regal power, as of the power itself. But they durst not directly undertake his defence, because they knew his person was odious to the whole nation. Wherefore, they had devised this distinction between a Right, and the exercise of that Right, to leave room for his restoration. Mr. *Polluxen*, as appears, maintains, that this distinction is imaginary. Let the reader examine, whether it was well proved, or only supposed; or whether, in supposition of its reality, it was applicable to the point in hand.

The Earl of *Clarendon* interposed, and said, "He would not declare his opinion about the vacancy as to *King James*, but desired to know the meaning of the Commons, how far the vacancy was to extend?"

This gave occasion to Mr. *Polluxen* to ask the Lords, Whether their Lordships did agree, *That the Throne was vacant as to King James the Second*? That if so, or if they should say it was full of any body else, and would name whom it was full of, it would then be time for the Commons to give an answer."

To which, the same Earl replied, "That admitting, for discourse sake, that the Throne was vacant as to *King James* the Second, it must then be supplied by those that should have come if he were dead; this Government being, by all our laws, an hereditary Monarchy, which is to go in succession by inheritance in the royal line. That if the Commons said this Government was vacant, that would be to put all those by, that should take it by succession, which would make the Kingdom elective for that time: That the Lords said, there was no vacancy; but since the Commons said, The Throne was vacant, he might very well ask, Who had the right of filling up that vacancy?"

Mr. *Serjeant Maynard* answered, "That was not the question before them, though it would come properly in debate, when they were agreed upon the vacancy; that he granted the *English* Monarchy to be hereditary; but though it should in an ordinary way descend to the heir, yet as their case was, they had a maxim in law as certain as any other, which stops the course; for, said he, no

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REM. (12.) Mr. Sergeant *Maynard* seems to have justly remarked, that it was proper to agree upon the vacancy before they proceeded to the question, *Who should fill the Throne?* Otherwise the consequence would be examined before the premises were settled, on which it was founded.

The Earl of *Pembroke* replied, "That to that point the Lord *Clarendon* had given an answer, *That it should go to the next heir in the line, that were to take it if the King were dead.* And that as they should be understood, they should make it a case of demise of the King's, as the law calls it; that is, the King was dead in law, by his *Abdication or Desertion.* That to answer the question of the Commons, *Who the Throne was full of?* it was sufficient to know, that there were heirs, who were to take by lineal succession, tho' they did not, or could not, positively name the particular person." (13.)

REM. (13.) If the Lords had gained this point, that in case the Throne were vacant with regard to the person of King *James* only, it should be filled by the next heir, they would have thereby engaged the Commons in a discussion of the Prince of *Wales's* birth, wherein they would have had great advantages. But the Commons desired, above all things to avoid this examination, into which the Lords would have artfully drawn them.

The Earl of *Nottingham* argued, "That if the Lords should grant a vacancy as to the King himself, yet they might justly do their act mentioned in the Commons reasons; for if barely the exercise of the Government were *Deserted*, there must be a supply of that exercise in some person's taking the Administration; and as none so fit, because of the Prince's relation to the Crown, and in his presence here, to address unto about it, so none so proper to make that address as the Lords; since in the absence of the King, they were the King and Kingdom's Great Council, and might have done by themselves without the Commons; but being met in a full representative Body, they joined with them." (14.)

REM. (14.) This concerns only the vindication of the Lords conduct, which had been a little censured by Mr. *Sachverell* and Mr. *Pollesfen*. This vindication is wholly founded upon the distinction between a right, and the exercise of that right, which the Earl of *Nottingham* supposes, without undertaking to prove it.

"They were told, *That the next heir in succession could not take it, because no one could be heir to one alive; yet still he thought the answer given by the Lords a very good one, That tho' the King was not dead naturally, yet if, as they inferred, he was so civilly, the next of course ought to come in by hereditary succession; for he knew not any distinction between successors in the case of a natural death, and those in case of a civil one: That he would know, if the next heir should be set aside, and another put in, whether that King of England should be King to him and his heirs, and so being once upon the Throne, the ancient lineal succession be altered?* which indeed would sufficiently make the Kingdom elective, by taking it from the right heir? That if it was not so, then he asked, Whether such a King as should be put in, should be King only during King *James's* life? That, he supposed, was not the meaning of the Commons; but at least, he must be made a King during his own life; that then if there was a distinction made as to the succession, between a natural and a civil death, if King *James* should die during the life of the new King, what would become of the hereditary Monarchy? Where must the successor come in, when the next heir to King *James* might not be the present heir to the present successor? That therefore they must reduce all to this point, Whether this would not make the Kingdom elective? That if they made it once elective, it was enough to make it ever so; for he would be bold to say, They could not make a stronger tie to observe that kind of succession, than what lay upon them to preserve it in this case."

He added, "That if the Throne was vacant, he would know whether they were obliged to fill it? That if they were, they must fill it either by the old Laws, or by the humour of those who were to chuse. That if they filled it by the old Laws, they declared it was an Hereditary Kingdom, and they were to take the next Successor, to whom the succession would belong, and there would be no need of standing upon a vacancy: That if they were to fill it according to the humour of the times, that diverted the course of inheritance; and that he could not see by what authority they could do that, or change the ancient constitution, without committing the same fault they had laid upon the King. But, said he, if you please to suppose the Throne vacant as to King *James*, that is, *That he has no right*, then let us go on to the next step." (15.)

REM. (15.) The Earl of *Nottingham* enumerates here all the inconveniences, difficulties, and contrarieties to the Law which could arise from the Commons vote, and all ended in the danger of rendering the Crown elective. But he took care not to mention the difficulties which flowed from the Lords opinion. The consequences of their opinion were, either that the Kingdom should be left in its present confusion, or King *James* recalled, or the Prince of *Wales* acknowledged for King. In all three, the danger was as great as in running the hazard of making the Crown elective, which was the only danger the Earl would have to be considered. As if the danger of leaving the Kingdom in confusion, of recalling the King, of owning a Prince who was by most people thought supposititious, who was absent and a minor, who would be bred in France in the Catholic Religion, and from whom the same inconveniences as had caused King *James* to be rejected, were to be feared when he should be of age: As if, I say, all these dangers were to be reckoned as nothing in comparison of the hazard of a breach in the lineal succession. Besides, it was only by way of consequence that the Lords pretended that the Crown would become elective by this breach, tho' the Commons affirmed they had no such intention.

But Mr. *Sachverell* replied, "That all their business was to maintain, That the Throne was vacant."

And Mr. *Sommer* added, "That the Lords alleged as a reason against the word *Abdicate*, That it was not a word known to our Laws, but that the word *vacant* could not have that objection made to it, since it was in our records, and even applied in a parallel case to this in the first of Henry IV."

To which the Earl of *Rochester* answered, "That as that was the only precedent for the word *vacant*, yet it was attended with this very consequence, that it would make the Monarchy elective; for it being there declared, That the royal feat was vacant, immediately did follow an election of Henry IV, who was not next in the royal line."

The same argument was pursued by the Earl of *Clarendon*, who said, "That it was plain in the case of Richard II. who had absolutely Relinquished, Renounced, or Abdicated in writing under his own hand; that after that, the Parliament being sitting, they did not think that sufficient to go upon, because that writing might be the effect of fear, and not voluntary: That thereupon they proceeded to a formal deposition upon articles; and then came in the claim of Henry IV: That this was undoubtedly an Election; tho' he was really the next Heir, the Earl of *March* not appearing, Henry claimed it as his undoubted right being the next heir that appeared: That all the Kings that were thus taken in or elected, (for the election was not of God's approbation) any one year scarce passed in any of the Reigns, without being disturbed in the possession: That Henry IV. did not care to owe the Crown to the election, but claimed it as his right; that it was a plausible pretence, and kept him and his son upon the Throne; but in the time of his grandson Henry VI. there was an utter overthrow of his title and possession too: For in the first of Edward IV. all the proceedings against Richard II. as well as all the rest of the Acts during the usurpation (as that record rightly calls it) were annulled, repealed, revoked and reversed, and all imaginable words used to set those proceedings aside, as illegal, unjust and unrighteous: That that act deduced the pedigree of the royal line from Henry III. to Richard II. who died without issue; and then Henry IV. says the Act, usurped; but that the Earl of *March*, upon the death of Richard II. and consequently Edward IV. from him, was undoubted King by conscience, by nature, by custom, and by law." (16.)

REM. (16.) All the arguments from the Acts of Parliament relating to the differences between the Houses of *Lancaster* and *York*, must be very weak. Because these Parliaments did not all proceed upon the same principle, and because the one pulled down what the other set up. This evidently appears, in that both sides in the present case, alleged some of the Acts of these Parliaments, in support of their cause.

Hereupon Sir *Robert Howard* exerted himself, and replied, "He would not say that the record of Henry IV. was not a precedent of election; for the Parliament did not much mind his claim, knowing that he claimed by descent, where there was a person that had a title before him: Thus the Commons did not doubt but that power which brought in another line then, upon the vacancy of the Throne by the death of Richard II. was still, according to the Constitution, residing in the Lords and Commons, and was legally sufficient to supply the present vacancy: That he would ask the question of any Lord there, whether, had there been an heir to whom the Crown had quietly descended in the line of succession, and this heir certainly known, their Lordships would

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"would have assembled without his calling, or would have either administered the Government themselves, or advised the Prince of Orange to have taken it upon himself? That he doubted they had been all guilty of high-treason by the laws of England, if a known successor of the Throne were in possession of the Throne, as he must be if the Throne were not vacant: That from hence their Lordships saw, that the difficulty in this matter arose from this, That they would all agree the Throne to be vacant, when they knew of none that possessed it; that some such thing had been pretended to as an heir male, of which there were different opinions, and in the mean time they were without a Government. Must we stay, added he, till the truth of the matter be found out? What shall be done to preserve our constitution, and in a little time it will, perhaps, through the distraction of our constitution, be utterly irremediable. He confessed it would be a difficult thing to go upon the examination who was heir, or else their Lordships would have explained themselves before. But, continued he, it not being clear, must we always remain thus? Use what words you will, fill up, or nominate, or elect, it is the thing that we are to take care of, and it is high time it was done. There is no such consequence to be drawn from this vote, as an intention or likelihood of altering the course of the Government, so as to make it elective; the Throne has all along descended in an hereditary succession, the main constitution has been preserved. The precedent of Henry IV. is not like that of elections in other countries; and I am sorry there should be any occasion for what is necessary to be done now; but when such difficulties are upon the nation, and that we cannot extricate ourselves out of, as to the lineal successor, your Lordships, I hope, will give us leave to remember, *Salus populi est suprema lex*. And if neither you nor we can do any thing in this case, we, who are met under the notion of a Convention of the States, have then met to no purpose; for after we have voted ourselves to be without Government (which looks as if something were really intended as to a settlement) all presently sink, and we are as much in the dark as we were before. Your Lordships say, you will never make a precedent of Election, or take upon you to alter the succession. With your Lordships favour, the settlement of the constitution is the main thing we are to look after. If you provide for the supply of the defect there, that Point of the succession will, without all question, in the same method, and at the same time, be surely provided for. But, my Lords, have not you yourselves limited the very succession, and cut off some that might have a lineal right? Have you not concurred with us in our vote, That it is inconsistent with our Religion and Laws to have a Popish Prince to reign over us? Must we not come then to an election, if the next heir be a Papist? Nay, suppose there was no Protestant heir at all to be found, would not your Lordships then break the line? If your Lordships then in such a case must break through the succession, I think the nation has reason to expect you should take care to supply the present defect, where the succession is uncertain; or what can we do further, but even part in confusion, and so leave the nation to extricate itself as well as it can out of its distraction. But even at whose doors that will lie, I must leave to your Lordships own thoughts."

It is said this Speech, wherein good sense, and a zeal for the nation equally shined, made a deep impression upon some of the Lords who assisted at the conference, and upon all the rest of the audience. However, as the Earl of Clarendon, to prove the lineal succession, had alleged what passed with regard to Edward IV. Sir George Treby undertook to explain that matter, and said:

"That it was very well known, that Edward IV. came in dis-affirmance of the title of the House of Lancaster: That as those times went, whenever there was a turn in Government, as there were several, there were new and contrary declarations about the title to the Crown, made constantly in Parliament; and what one Parliament settled, another undid: But then, that this advantage the Commons had on their side; that as they had this first precedent for them, so they had the last, viz. The Parliament-Roll of the first of Henry VII. where the Record is set right again: That the act for deposing Richard II. was indeed repealed by the first of Edward IV., and thereupon it proceeds to attain Henry VI.; but then came in Henry VII. in the first year of whose reign there was an act made, that set aside all the acts and attainders made against his line, and consequently it repeated the first of Edward IV., which had repealed the first of Henry IV.: That Henry VII., was of the line of Lancaster, and though he had the heirs of the House of York in his bosom, yet after he came to the throne, he would not endure to have his Crown

reckoned matrimonial, or suffer the title to go in the name of Henry and Elizabeth, as he must have done if he had stuck to the title by the right line of Succession. That therefore this act for restoring the Record of the first of Henry IV. again, was as good an authority as it was before, and somewhat better; for it had the last act on its side, which was yet unrepealed."

Here the Earl of Pembroke replied, "That Henry VII. had a good right and title by marriage to the Crown, *in re uxoris*; but that his own title as descended from Henry IV. was an usurpation; and therefore he would not suffer any one to prescribe which was best, as long as it was acknowledged he had one good."

Sir George Treby returned, "That if Henry VII.'s title by descent was an usurpation, it was hard to determine what title he did govern by; since, though his wife was the lineal heir, yet she had no part, or so much as a name in the administration. But added he, if we should allow none for acts of Parliament, but those that were made in the reigns of hereditary Kings, and in the right line, I doubt we should want the greatest part of those Laws that compose the volume of Statute-books, and the Records by which we enjoy a great part of our inheritances and possessions."

Sir Richard Temple alleged, "That if laws made about the Succession be so obliging, what then should they say to the Succession of Queen Elizabeth, who had an act of Parliament both against her and her sister?"

The Earl of Pembroke replied, "That to shew what opinion she herself, and the wise men of her reign, had in that point, there was an act made in her reign, and yet in being, which declared it to be a *Præmunire*, to affirm, the Parliament cannot settle the Succession of the Crown, or alter it. That entails of the Crown had been in Parliament, both ancient and modern; yet the authority of another subsequent act had prevailed against such an entail, so that they should be done in Parliament."

Sir Richard returned, "He thought they were in as full a capacity to take care of the Government, as any of their predecessors; and that if they did as their predecessors had done before them, that ought not to be called a changing of the Monarchy from an hereditary to an elective."

Here the Earl of Nottingham once more interposed and said, "He could not imagine how a Kingdom could be hereditary, and that the King who had children in being at the time of his forsaking the Government, could have the throne vacant, both of him and his children; that the course of inheritance, as to the Crown of England, was by law a great deal better provided for, than that of any other inheritance. That no attainder of the heir of the Crown could bar the Succession to the throne, as it did the descent to any common person; and that the very defect by order of birth would take away any such defect. That this was the opinion of the great Lawyers of England, in the case of Henry VII.; and therefore he could not apprehend, how any act of the father, could bar the right of the child; since even the act of the son, which might endanger an attainder in him, could not do it; so careful was the law of the royal line of the Succession, which was declared by several Acts of Parliament, and very fully and particularly by the twenty fifth of Henry VIII.—That he desired to know, whether the Lords and Commons had power by themselves to make a binding act or law? And whether, according to the legal Constitution, every King of England, by being seated on the throne, and possessed of the Crown, was not thereby King to him and his heirs? And that without an act of Parliament he knew not what determination they could make of his estate. That it was urged indeed, that the Lords had in effect already agreed to the vacancy, by voting, That it was inconsistent with our Religion and Laws, to have a popish Prince to rule over us: But that a vote of either House, or both Houses together, could not alter the law in that or any other point; yet because he was desirous that that vote should have its effect, he desired that every thing of that nature might be done in the ancient usual method of Parliament. That since they were happily delivered from the fears of Popery and arbitrary power, God forbid they should assume any such power to themselves; for what advantage should they then give to those who would quarrel with their settlement for the illegality of it? Would not this, which they endeavoured to crush, break forth into a viper? That in all the breaches that were made upon the line of Succession, such was the force of the Laws, that the usurpers had some specious pretence of an hereditary title to it. That what he would have avoided by all means, was the mischievous consequences that he feared would ensue upon the vacancy of the throne, namely, the utter overthrow of the whole Constitution."

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"for if the Lords and Commons only remained as parts of the Government, and if the head be taken away, and the throne vacant, by what Laws or Constitutions was it that they retained Lords and Commons? That they were knit together in their common head; and that if one part of the Government was dissolved, he saw not any reason but that all must be dissolved. He confessed, that any Government was better than none; but heartily desired they might enjoy their ancient Constitution." (17.)

R.M. (17.) The Earl of Nottingham, in his Speech, reasoned like Charles I. in his disputes with the Parliament. That is, he supposed the Government in its natural state, and on that supposition, his arguments were strong. But it is hard to conceive a greater disorder in the Government than at the time of this conference. King James had reigned three years in an arbitrary manner. He had violated, not some particular laws of little moment, but fundamental Laws, whereon the security of the national Religion and Liberties depended. After which, he had withdrawn himself out of the Kingdom, without taking any order about the Government. Most men thought his son supposititious, and he had sent him into France. Could the Government therefore be supposed in a natural state? And if it was not, the reasoning built upon such a supposition, ought to fall to the ground. However express the Laws may be, they always suppose some certain Constitution of Government. But if this Constitution is broke, as may happen in all countries under the sun, How, in order to remedy this evil, can the Laws be taken for rule, which suppose the Government in its usual and natural state, and which have not provided for extraordinary unforeseen cases?

What the Earl of Nottingham would intimate, though he does not speak plainly, is briefly this: The Lords and Commons are but two of the branches of the Government, and can make no Law without the third, that is, the King who is their head. The King has absented himself. He must therefore be recalled, or waited for till he returns, or else his next heir must be owned for King. Now this heir is the Prince of Wales. This is evident from the care that was taken not to name him. Or if none of these methods be followed, the Kingdom must be left in a state of anarchy, or a Regent appointed to govern in the King's name, during his absence.

The whole debate was closed with two short Speeches made by Mr. Paul Foley, and Mr. Eys. The former said, "He hoped there was no danger of flaking our fundamentals in this case; that they were pursuing those methods which agreed with our Laws and Constitution; for though the Monarchy of this nation be hereditary in the ordinary course of Succession, yet there might fall out a case wherein that could not be complied with, and a plain vacancy might ensue. For, said he, put the case the whole legal line should fall, should we in that case have no Government at all? And who then should we have but Lords and Commons? And I think that comes nearest to the case in question, where the successor is not known; for if he had been, we should have heard of him before now. And what is the reason that it should then in the former case devolve to the Lords and Commons, but that there is no King? And they being the representative body of the Kingdom, are the only remaining apparent parts of the Government, and are only to supply the defect by providing a Successor?"

Mr. Eys subjoined, "That they were led out of the way, bunting after the consequences of a vote not yet agreed unto; That they had made a right and apt conclusion from the premises, otherwise all the vote was but historical: We declare, adds he, *That the late King James has broke the Original Contract, has violated the Fundamental Laws, and has withdrawn himself out of the Kingdom, that he has Abdicated the Government.* What occasion was there for such a declaration as this, if nothing were concluded from it? That were only to give the Kingdom a compendious history of those miseries they have too well learned by feeling them. Therefore there was a necessity to make some conclusion; and none so natural as this; that we are left without a King, that the throne is thereby vacant, which it may be as to the possession, and yet the right of Succession no ways prejudiced. But, my Lords, we are come here by the Commands of the House of Commons, to debate the reasons of their vote, and your amendments, not to dispute what will be the consequences, which is not at present our Province." And here ended this famous Conference.

During all these debates in the Convention, the Prince of Orange staid at St. James's, without taking the least pains to gain any one person to his party. He was never

less affable, being desirous to show by his behaviour, that his intention was not to deprive any man of the liberty to vote as he should think fit. The two Houses were surprised that no body spoke to them in the Prince's behalf. At last, finding that his silence might be ill construed, as if he was unwilling to take upon him the burden of Royalty, he sent for the Marquis of Halifax, the Earls of Danby, Shrewsbury, and some others, and told them:

"He had been till then silent, because he would not say or do any thing that might seem in any fort to take from any person the full freedom of deliberating and voting in matters of such importance: He was resolved neither to court nor threaten any one. Some were for putting the Government in the hands of a Regent: He would say nothing against it, if it was thought the best mean for settling their affairs: Only he thought it necessary to tell them, that he would not be the Regent: So, if they continued in that design, they must look out for some other person to be put in that post: He himself saw what the consequences of it were like to prove: So he would not accept of it. Others were for putting the Prince's singly on the throne, and that he should reign by her courtesy: He said, no man could esteem a woman more than he did the Prince's; but he was so made, that he could not think of holding any thing by apron-strings: Nor could he think it reasonable to have any share in the Government, unless it was put in his person, and that for term of life: If they did think it fit to settle it otherwise, he would not oppose them in it: But he would go back to Holland, and meddle no more in their affairs: He assured them, that whatsoever others might think of a Crown, it was no such thing in his eyes, but that he could live very well, and be well pleased without it: In the end he said, he could not refuse to accept of a dignity, so as to hold it only the life of another: Yet he thought that the issue of the Prince's Ann should be preferred in the Succession, to any issue he might have by any other wife than the Prince's."

This declaration being immediately divulged by those it was made to, did not a little contribute to bring the debate in the House of Lords, to a speedy determination. As for the Commons, about two thirds were for the Prince.

When the report of the Conference between the two Houses was made to the Lords, there was a very warm debate, whether they should insist upon the amendments. During the debate, it was moved, that the birth of the Prince of Wales might be examined into. But this motion was at length rejected for several reasons: 1. The Prince of Wales was now sent out of England to be bred up in France, an enemy both to the nation and the established Religion. What therefore would such an examination signify? 2. It was impossible for the people of England to know, whether he was the same person that had been carried over or not. 3. In case he should die, another might be put in his room, in such manner, that the nation could not be sure concerning him. 4. The English nation ought not to send into another country for witnesses to prove that he was their Prince, much less receive one upon the testimony of such as were not only aliens, but ought to be presumed enemies. 5. It was known, that all the persons who had been the confidants in that matter, were conveyed away; so it was impossible to come at them, by whose means only the truth of that birth could be found out. It is pretended, there were some who thought it a deep piece of policy, to let the Prince of Wales's title remain undecided, in order to deter the succeeding Kings from imitating King James (1).

At length, after a long debate, the majority of the Lords departed from their two amendments, and agreed with the vote of the Commons, *That King James had Abdicated the Government, and that the Throne was thereby become vacant.* Very likely, they who deserted the party of the Earls of Nottingham, Clarendon, and Rochester, considered, that the suggested danger of the Crown's becoming elective, was not to be compared to that which must necessarily happen, if the Kingdom was left in the present confusion, or King James recalled, or the Prince of Wales acknowledged for King. It is said however, that the scale was turned to this side, by the arrival of some Lords, who were not present in the House when the two amendments were voted; but they are not named. It is hardly probable that the pretended arrival of these Lords should have occasioned the change in the House of Peers. There must have been a dozen at least, and all of the same side, which is not very likely.

This great step being made, the next thing to be debated was, who should fill the vacant Throne. The Marquis of Halifax moved, That the Crown should be given

(1) Barrow says, that when this matter was debated in private, some observed, that as King James by going about to prove the truth of the Birth, and doing it so detectively, had really made it more suspicious than it was before, so, if there was no civil and positive proof made of an imposture, the pretending to examine into it, and then the not being able to make it out beyond the possibility of Contradiction, would really give more credit to the thing than it then had, and, instead of weakening it, would strengthen the pretensions of his Birth, p. 117.

1689. to the Prince of Orange alone, and to the two Princesses after his death. But he was not seconded (1). If Dr. Burnet Bishop of Salisbury is to be credited, Bentinck (2), the Prince's favorite and confident, strenuously supported this proposal. The debate upon this affair was very long. It was readily agreed, that the Princess of Orange should be placed on the Throne; but the question was, whether the Prince should be King of himself, or as husband of the Princess? Upon this, parties began to be formed in both Houses. Mean while, as the Princess was detained in Holland by the frost, and by contrary winds after the thaw, the Earl of Danby sent one over to the Princess, with an account of the present state of the debate, and to tell her, that if she desired it, he did not doubt but he should be able to carry it, for setting her alone on the Throne. The Princess answered, She was the Prince's wife, and would never be other than what she should be in conjunction with him, and under him. Adding, she would take it very ill, if, under a pretence of their care for her, would set up a divided interest between her and the Prince. Not content with this, she sent the Lord Danby's letter (and her answer) to the Prince, and thereby broke all the measures of those, who wished to create a misunderstanding of jealousy between them. The Earl of Danby received not the least mark of displeasure from the Prince of Orange, who continued still to employ and trust him.

At last, both Houses agreed, and voted severally, that the Prince and Princess of Orange should be King and Queen of England, but that the sole and full regal power should be in the Prince only, in the name of both. However, this was carried in the House of Lords but by two or three voices only, and not without a protestation entered against it by the contrary party (3).

The last debate in the Convention, was concerning the oaths that should be taken to the King and Queen. To avoid all cavils upon the terms, [rightful and lawful King] in the usual oath, it was thought proper to reduce the oath to the antient simplicity of swearing, *In hoc fidei et tæe allegiance to the King and Queen*. Hence arose the famous distinction of a King *de facto*, and a King *de jure*, some pretending, that they took the oath to the King and Queen, only as King and Queen *de facto*, whom they were bound to obey no longer than they continued in quiet possession; but that it was lawful for them to assist King James, if he should come to recover his Crown, as being still their King *de jure*. This distinction proceeded chiefly from the Clergy, who had so far entangled themselves with those strange conceits of the divine right of Monarchy, and had so engaged themselves by publicly preaching Passive-obedience and Non-resistance, as an essential doctrine of the Church of England, that they did not know how to disengage themselves from the snare they themselves had laid, at a time, when they little thought of being ever taken in it.

At length, on the 12th of February, the Princess of Orange arrived at London, and seemed very well pleased with what had been resolved, that the administration of the Government should be in the Prince only, in the name of both. Thus the first union between the Prince and Princess broke the measures of such as hoped to create a misunderstanding between them, in order to serve their old master.

The next day, the Prince and Princess of Orange being seated on two large chairs, under a canopy of State in the Banqueting-House, both Houses of the Convention waited upon them in a full body, to offer them the Crown. But before they proceeded to this solemn offer, they caused the Clerk of the Crown to read the following Declaration of the Lords Spiritual and Temporal, and Commons assembled at Westminster.

"**W**HEREAS the late King James the Second, by the assistance of divers evil Counsellors, Judges, and Ministers employed by him, did endeavour to subvert and extirpate the Protestant Religion, and the Laws and Liberties of this Kingdom; by assuming and exercising a power of dispensing with, and suspending of laws, and the execution of laws, without consent of Parliament: By committing and prosecuting divers worthy Prelates, for humbly petitioning to be excused from concurring to the said assumed power: By issuing and causing to be executed, a commission under the Great Seal, for erecting a Court, called, *The Court of Commissioners for ecclesiastical causes*: By levying money for and to the use of the Crown, by pretence of Prærogative, for other time, and in other manner, than the same was granted by Parliament: By raising and keeping a stand-

ing army within this Kingdom in time of peace, without consent of Parliament; and quartering soldiers contrary to law: By causing several good subjects, being Protestants to be detained, at the same time, when Papists were both armed and employed contrary to law: By violating the freedom of election of Members to serve in Parliament: By prosecutions in the Court of King's Bench for matters and causes cognizable only in Parliament; and by divers other arbitrary and illegal courses. And whereas of late years, partial, corrupt, and unqualified persons, have been returned and served on Juries in trials, and particularly diverse Jurors in trials for High Treason, which were not Freeholders; and excessive bail hath been required of persons committed in criminal cases, to elude the benefit of the laws made for liberty of the subjects; and excessive fines have been imposed; and illegal and cruel punishments inflicted; and several grants and promises made of fines and forfeitures, before any conviction or judgment against the persons upon whom the same were to be levied. All which are utterly and directly contrary to the known laws and statutes, and freedom of this realm.

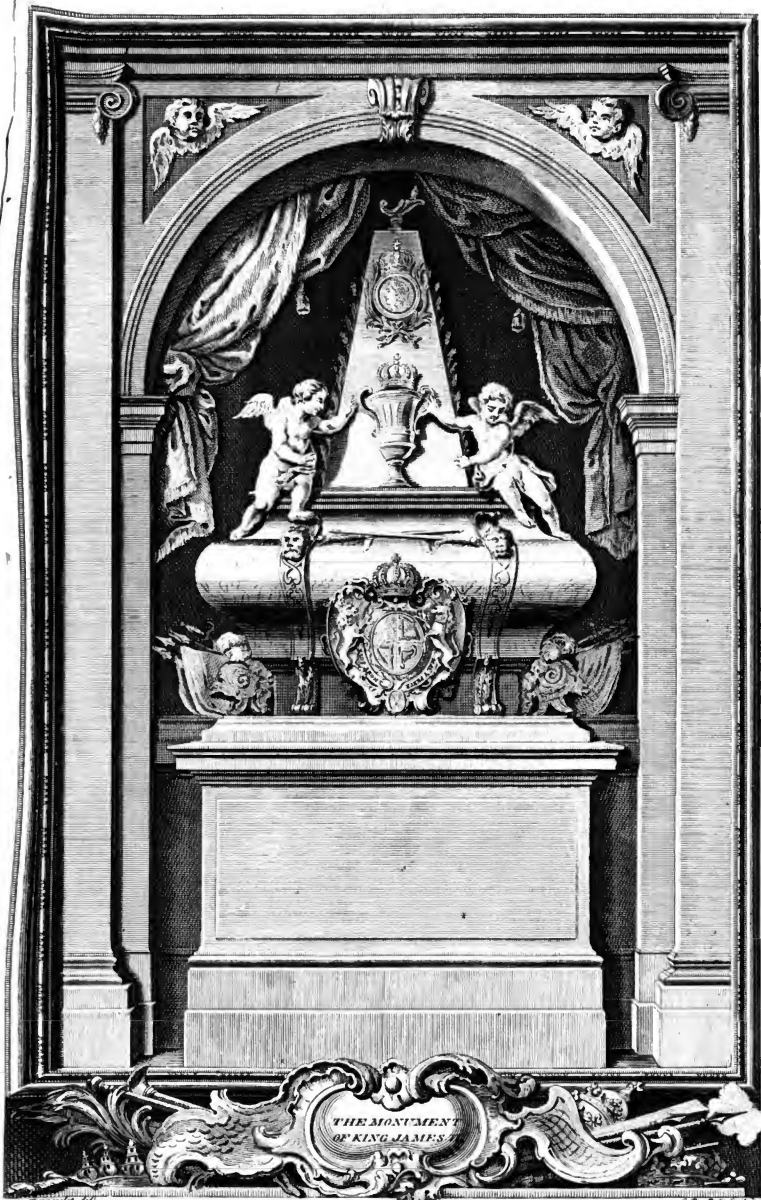
"And whereas the said late King James the Second, having abdicated the Government, and the Throne being thereby vacant, his Highness the Prince of Orange (whom it hath pleased Almighty God to make the glorious instrument of) delivering this Kingdom from Popery and arbitrary Power) did, (by the advice of the Lords Spiritual and Temporal, and divers principal persons of the Commons) cause letters to be written to the Lords Spiritual and Temporal, being Protestants, and other letters to the several Counties, Cities, Universities, Boroughs, and Cinque-Ports, for the choosing of such persons to represent them, as were of right to be sent to Parliament, to meet and sit at Westminster, upon the 22nd day of January, in this year 1688, in order to such an establishment, as that their Reigning, Laws, and Liberties, might not again be in danger of being subverted. Upon which letters, elections having been accordingly made; and thereupon the Lords Spiritual and Temporal, and Commons, pursuant to their respective letters and elections, being now assembled in a full and free Representative of the nation, taking into their most serious consideration the best means for attaining the ends aforesaid, do, in the first place (as their ancestors in like case have usually done) for the vindicating and asserting their ancient Rights and Liberties; declare,

1. That the pretended power of suspending of laws, or execution of laws, by regal authority, without consent of Parliament, is illegal.
2. That the pretended power of dispensing with laws, or the execution of laws, by regal authority, as it hath been assumed and exercised of late, is illegal.
3. That the commission for erecting the late Court of Commissioners for ecclesiastical causes, and all other Commissions and Courts of the like nature, are illegal and pernicious.
4. That the levying of money for or to the use of the Crown, by pretence of Prærogative, without grant of Parliament, for longer time, or in any other manner than the same is, or shall be granted, is illegal.
5. That it is the right of the subjects to petition the King, and all commitments and prosecutions for such petitioning, are illegal.
6. That the raising or keeping a standing army within the Kingdom in time of peace, unless it be with consent of Parliament, is against law.
7. That the subjects, which are Protestants, may have arms for their defence, suitable to their condition, and as allowed by law.
8. That election of Members of Parliament ought to be free.
9. That the freedom of Speech, and debates or proceedings in Parliament, ought not to be impeached or questioned, in any Court or place out of Parliament.
10. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.
11. That Jurors ought to be duly empanelled and returned; and Jurors, which pass upon men in trials for High-treason, ought to be Freeholders.
12. That all grants and promises, of fines and forfeitures of particular persons, before conviction, are illegal and void.
13. And that for redress of all grievances, and for the amending, strengthening, and preserving of the laws,

(1) *Thames says*, many of the Republican party approved of this; for by it they gained another point: The People in this case would plainly see if a King without any regard to the order of Succession, p. 222.

(2) *Answered* Earl of Portland.

(3) *Burnet*, p. 222. *Others* say, that things were so near an Equality in the House of Lords (one hundred and twenty being present,) that it was carried by a very small Majority of two or three, to agree with the Commons in voting the Abdication and the Vacancy of the Throne, and that the Vote by which the Prince and Princess were declared to be King and Queen went very hard. *Richard says* by twenty Voices, they live again forty five.



ERECTED in the CHAPPEL of the SCOTCH COLLEGE
at Paris in the Year 1703.

1689. "Parliaments ought to be held frequently. And they do claim, demand, and insist upon all and singular the premises, as their undoubted Rights, and Liberties; and that no declarations, judgments, doings, or proceedings, to the prejudice of the People in any of the said premises, ought in any wife to be drawn hereafter into consequence or example. To which demand of their rights, they are particularly encouraged by the declaration of his Highness the Prince of Orange, as being the only means for obtaining a full redress and remedy therein.

"Having therefore an entire confidence, that his said Highness the Prince of Orange will perfect the deliverance so far advanced by him, and will still preserve them from the violation of their rights, which they have here asserted, and from all other attempts upon their Religion, Rights, and Liberties; the said Lords Spiritual and Temporal, assembled at Westminster, do resolve, That William and Mary, Prince and Princess of Orange, be, and be declared KING and QUEEN of England, France, and Ireland, and the dominions thereto belonging, to hold the Crown and royal Dignity of the said Kingdoms and Dominions, to them the said Prince and Princess during their lives, and the life of the survivor of them; and that the sole and full exercise of their regal power be only in, and executed by, the said Prince of Orange, in the names of the said Prince and Princess, during their joint lives; and after their decease, the said Crown and royal Dignity of the said Kingdoms and Dominions to be to the heirs of the body of the said Princess; and for default of such issue, to the Princess Anne of Denmark, and to the heirs of her body; and for default of such issue, to the heirs of the body of the said Prince of Orange.

"And the said Lords Spiritual and Temporal, and Commons, do pray the said Prince and Princess of Orange, to accept the same accordingly. And that the oaths hereafter-mentioned, be taken by all persons of

"whom the oaths of Allegiance and Supremacy might be required by law instead of them; and that the said oaths of Allegiance and Supremacy be abrogated:

"I, A. B. do sincerely promise and swear, That I will be faithful, and bear true allegiance to their Majesties, King WILLIAM and Queen MARY. So help me God.

"I, A. B. do swear, That I do from my heart abhor, detest, and abjure, as impious and heretical, this damnable doctrine and position, That Princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their Subjects, or any other whatsoever. And I do declare, That no foreign Prince, Person, Pretence, State, or Potentate, hath, or ought to have, any Jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within this Realm. So help me God."

After the reading of this Declaration, the Marquis of Halifax, Speaker of the House of Lords, made a solemn tender of the Crown to their Highnesses, in the name of both Houses, whereupon the Prince of Orange returned the following answer:

My Lords and Gentlemen, This is certainly the greatest proof of the trust you have in us, that can be given, which is the thing that makes us value it the more; and we thankfully accept what you have offered. And as I had no other intention in coming hither, than to preserve your Religion, Laws, and Liberties, so you may be sure, that I shall endeavour to support them, and shall be willing to concur in any thing that shall be for the good of the Kingdom, and to do all that is in my power to advance the welfare and glory of the Nation.

All this was followed with the acclamations of the people, which quickly flew over the whole City. The same day the Prince and Princess were proclaimed King and Queen of England, France, and Ireland, by the names of WILLIAM and MARY, to the inexpressible joy of the People (1).

(1) I. King James the Second's Natural Issue was as follows.

1. By Mrs. Arabella Churchill, Sister of John Duke of Marlborough, afterwards married to Colonel Gaffney, he had (1.) James Fitz-James, Grandee of Spain, Marquis of France, Knight of the Golden Fleece, commonly called Duke of Berwick. Outlived in 1695. (2.) Henry Fitz-James, commonly called the Grand Prior, born 1673. Outlived in 1695. Lieutenant-General and Admiral of the French Gallies. He died in France, December 7, 1702.

(3.) Henrietta, born 1670, who married Henry Lord Walgrave, 1685. Father of James the present Lord Walgrave, born in 1684.

2. By Mrs. Catherine Sedley, Daughter of Sir Charles Sedley, Baronet; created Baroness of Dorchester, and Countess of Dorchester, afterwards married to Sir David Collier, the late Earl of Farnham, he had Catherine Dursley, present Duchess Dowager of Buckingham, born 1681. She married (1.) James Ansell, Earl of Anstrey, in October 1699. By whom she had Catherine Ansell, January 7, 1701, who married William Pultney, Esq. son of Sir Constantine Pultney. (2.) John Ansell, Duke of Buckingham and Newcastle, March 1, 1705. By whom she had Edmund, the present Duke of Buckinghamshire, born January 21, 1716.

II. By an Indenture in the first of James II. a Pound weight of Gold, twenty two Carats fine, and two Carats alloy, was coined into 44 l. 10 s. by tale, namely, into Ten Shillings, Twenty Shillings, Forty Shillings, and Five Pounds, pieces, and a Pound weight of Silver of the old Standard was 64 Shillings by tale, namely, into Crown, Half-crown, Shilling, Six-pence, Great, Two-pence, and Penny, which standard both for Gold and Silver hath continued ever since.



The Gold Coins have on one side the King's Head laureate, IACOBVS II. DEL GRATIA. Reverse MAG. BR. FRA. ET. HIB. REX. the Arms simple in separate Shields crowned, with the Scepters, but nothing in the Center. Some have an Elephant under the King's head, being of African Gold. (Fig.) The Five-pound-piece is like the Guinea, but has DECVR. REX. upon the Rim. — Of the Silver-Monies, the Crown has the King's head laureate; the Arms on the Reverse in four separate Shields crowned; the Inscription as on the Gold Coins; and upon the Rim DROCV. ET. TVTAMEN. REX. the Half-crown is the same, and the Shilling and Six-pence the like, except the Inscription upon the Rim. The lesser Pieces, from the Great to the Penny, have as many initial Letters of his Name crowned, as they contain Pence, but the same Inscription as the Crown-piece. The Six-pence and Half-penny have the King's Head, IACOBVS. SECYNDVS. Reverse Britannia, BRITANNIA, upon the Rim 1689. NVMMORVM. FANVLV.



A DISSERTATION on the Rise, Progress, Views, Strength, Interests, and Characters of the two Parties of the *WHIGS* and *TORIES*. First published in the year 1717.

THOUGH the two parties or factions which divide England, have been long talked of, it is but of late years that all Europe, as may say, is engaged in their quarrel. Before the last Peace, Foreigners generally looked upon the difference between the Whigs and the Tories, as a matter of curiosity, which no way concerned them. If any seemed to regard them, it was solely on account of the diversity of the opinions of the two parties, concerning the hierarchy or government of the Church. To this was confined the idea, which most private Foreigners formed of the English divisions. I say, private Foreigners; for Princes and their Ministers know what influence they had in the political affairs of Europe, according as the one or the other party prevailed in the Court or Parliament of England; but as for the People, it may be said that in general, they knew not the consequence of them.

The Peace of Utrecht has opened numberless eyes, because it is clearly seen to flow from the late revolution in the Court of England, by the change of the Whigs, into a Tory Ministry. At all Europe was engaged in the war, and consequently concerned in the peace by which it was terminated, those who before only talked of the English divisions, as of a foreign affair, are but too sensible of what consequence they are to other States. From that time this matter has been raised and disputed upon with more warmth. In short, most Foreigners are become Whigs or Tories, according as they have believed to see in the two parties, principles agreeable or contrary to their interests. Though Whigs and Tories equally profess the Protestant Religion, and tho' their differences seem not much to concern either Protestants or Roman Catholics, it has happened, that the Papists have declared for the Tories, and the Protestants for the Whigs. The reason of this proceeding is obvious, namely, that the one have considered the Tories as men labouring to set a zealous Popish Prince on the throne of England, whilst the others have believed, that the preservation of the Protestant Religion was the sole aim of the Whigs. There is yet another motive which has determined Foreigners to side with one of the parties, that is, their inclination to France, or their fear of the ambitious designs of that Crown. In this respect the adherents of France are Tories, and her enemies Whigs. Every one therefore has made a choice, without troubling themselves, otherwise, with the differences of the two parties. This conduct in Foreigners is the less surprising, since in England itself, many are Whigs or Tories, without having a distinct idea of the party they have embraced.

It is very strange, that hitherto the publick has not been exactly informed concerning these two parties, which, by the superiority either may have in England, are in a capacity to influence the most important affairs of Europe. It is true, we have translations of several English Books, or rather Pamphlets, upon this subject. But it is not from thence, that the true state of the affairs of the two parties may be learnt. These writings are published by Whigs or Tories, and consequently by authors visibly suspected. Accordingly, there is not one but what carries evident marks of the partiality of its author. It is therefore rather from a foreign pen, that we are to expect a fair account of this matter, tho' to speak the truth, there are few Foreigners but what either are not sufficiently informed, or are biaised to one of the factions. However the author of this Dissertation, tho' a Foreigner, thinks himself qualified to give the publick a more extensive knowledge of the two parties, than many people have hitherto had. He resided a long time in England, and has, many years, diligently studied the English History. Besides, he is attached neither by inclination nor interest to any one of the Parties, and is now in a Country where he has nothing to hope or fear from either. His impartiality will evidently appear in the Dissertation it self. To give a distinct knowledge of the two parties, the author was unavoidably obliged to descend to many particulars of the English History, without which the rise and progress of these parties could not have been clearly explained. If the English think this Dissertation defective in some points, and too large in others, they are desired to remember, it was not printed for their use; that the author's aim was to confine himself to general ideas; in a word, that the things which pass for common and well-known in England, are mysteries abroad, and require a full explanation.

It will perhaps be thought strange, that the author, who was born under a Government purely monarchical, speaks in some places, so as it may be thought he approves not of such a Government. To obviate this suspicion, he desires his Readers to consider, that he could not speak pertinently of his subject, without assuming an English spirit, and conforming himself to the principles which are common in England. It is thus only that he believed he should be able to discover the strength and weakness of the two parties. All his reasonings are founded upon this principle, of the Solidity of which he is perfectly convinced; That every private person is in conscience obliged quietly to submit to the Government established in the Country where he was born, or Providence has placed him. Wherefore it is his opinion, that all secret practices, all cabals, all means direct or indirect, tending to the dissolution of such Government, are so many crimes for which the authors are responsible to God and their Superiors.

THE Government of England is of a particular kind, of which there is not the like at present in all the world. It is, however, the same which was formerly established in all the Kingdoms of Europe, formed out of the ruins of the Roman Empire. The present difference between England, and other States, in this respect, is owing to this, that the English have preserved the form of their Government ever since their settling in Great Britain; whereas in other nations, it has been lost by degrees, or extremely altered. This Government, which has so long subsisted in this island, appears, in some respects, Monarchical, in others, Republican; and yet, properly speaking, it is neither. It cannot be called purely Monarchical, since the Nobility and the People have a share in the Legislative Power jointly with the King, nor can the King impose any tax, without the people's consent. Neither is it Republican, since there is a King, who exercises the sovereign authority, who disposes, as he pleases, of all places and dignities ecclesiastical, civil, or military; and can make peace or war, without consulting his Subjects. It would be therefore in vain to pretend to describe this Government, by the usual names of Monarchy, Aristocracy, Democracy, which agree not with it. It is a mixed Government, differing from, and yet composed of, all three. The prerogatives of the Sovereign, and the privileges of the Nobles and

People, are so tempered together, that they mutually support one another. At the same time, each of the three powers, concerned in the Legislature, may infensibly obstruct the attempts of one or both the others, to render themselves independent. In short, it is very near the same form of Government, established by the Saxons in Germany, by the Franks in Gaul, by the Visigoths in Spain, by the Ostrogoths, and after them, by the Lombards in Italy. These northern nations introduced this Government into the most southern parts of Europe, when they settled there, and founded new States upon the ruins of the Roman Empire.

If, therefore, it be asked, How long this Government has been in England? I shall not scruple to answer, Ever since the Anglo-Saxons finished the conquest of that part of Great Britain, which their descendants possess to this day. It is true, a doubt may arise, whether the Conquest, in the time of the Anglo-Saxons, were part of the Parliament; and I confess this point is hard to be determined. But, however, when England was divided into seven Kingdoms, English and Saxon, each of these had its King and Parliament. This last was called the *Hittens-Gemet*, or Assembly of *Wiss-men*; and there was also the like for the common affairs of the whole *Heptarchy*. This same form of Government subsisted, when the seven Kingdoms were reduced

duced to one and the same State. *The Fields of Mars* [March] or of *Mys*, called since the States General in France, the Cortes in Spain, and perhaps the Diets of the German Empire, are the remains of this ancient form of Government, introduced by the northern nations, wherever they settled.

William, Duke of Normandy, firnamed the *Barfard or Conqueror*, having subdued England in 1066, became absolute, and established a despotic power, though, in all likelihood, he preserved the shadow of a Parliament. To secure his conquest, he transplanted many *Norman, French, Briton, and Anglorin* families, enriching them with the lands, of which he incessantly dispossessed the *English*. These transplanted families multiplied greatly in a short space, and became in the end so powerful, as to make head against their Sovereigns, successors of the *Conqueror*. At first, they gloried in their entire dependence upon the King, who had put them in possession of their lands. Their interest required, that they should support that power by which they held all their *English* possessions. But when they were once firmly settled, they began to dread, that the regal power, which had enriched them, might with the same ease strip them of their estates, if the King should so please. For this reason, they withed the Government restored to the same state, as in the times of the *Saxon Kings*.

This was the only means to avoid the inconveniences of an arbitrary power, (which might, in time to come, turn as much to their prejudice, as it had to their advantage) and to perpetuate the possession of their lands. What at first was only a bare wish, soon rose into hope, and at last into right, by the methods I shall presently speak of. To explain this fully, a large detail of the *English* History would be necessary, and a particular enumeration of all the causes which have contributed to put the Nobility, and afterwards the people, in possession of a right, which they did not enjoy, under the first *Norman Kings*. But as this detail would lead me too far, I shall content my self with a short abridgment, concerning the subject in hand.

William the Conqueror, in 1087, left the Kingdom of England to his second Son *William*, firnamed *Rufus*, in prejudice of *Robert* his eldest Son, who had only *Normandy*. *Robert* made some attempts to dispossess his brother of a Crown, of which he believed himself unjustly deprived. But *Rufus* defeated them by his address, engaging as well the *Normans* as the *English* in his interest, with promises of re-establishing the ancient Government, and reviving the *Saxon Laws*. He knew that both were passionately desirous of what he made them hope. By the *Normans*, I mean here the foreigners newly settled in England. This promise of *Rufus* was therefore the first foundation of their pretensions. I say the first, for the *Normans* had no right to demand of the King what he was pleased to promise them, and the conquered *English* had as little, to limit the power of their Conquerors. It is true, the *English* might ground their pretensions upon some general promises made them by *William the Conqueror*, when he received their first homages. But this Prince never pretended that they should ground a right on these promises. Accordingly, he always treated England as a conquered nation. However, *Rufus* kept his word with neither *Normans* nor *English*.

Upon his death *Henry I.*, his younger brother, ascended the throne in 1100, in prejudice of his eldest brother *Robert*, still alive. To secure his usurpation, he pursued the same course as his predecessor *Rufus*. He promised to restore the ancient Government, and confirmed his promise by a Charter in form, but executed it no better than his brother. However, the rights of the subject received strength from these promises, though ill performed.

Henry I. dying, *Maud* his Daughter, widow of the Emperor *Henry V.* and wife to *Jaffry Plantagenet* Earl of *Anjou*, ought to have mounted the throne; but in 1155 was defeated of her right by *Stephen* Earl of *Boulogne*, Son of the Conqueror's eldest daughter. He bound himself more strongly than his two predecessors to restore the *Saxon laws*, but in all appearance with as little intention to perform his engagements. At last, the great men, finding he sought pretences to evade his promises. In the beginning, they called into England the most part of his reign. The Empress *Maud*, and her Son *Henry* by the Earl of *Anjou*; and she was ended in a treaty, which secured the Crown to *Henry* after *Stephen's* demise though he had fona.

To *Stephen*, in 1154, succeeded *Henry II.* During his Reign, and that of his eldest Son *Richard I.*, there were no contests between the King and the Barons, for so the great men of the Kingdom were then called. But very considerable disputes arose in the reign of King *John*, firnamed *Lackland*, brother and successor of *Richard I.* An unhappy quarrel between this Prince and the Court of *Rome*, having forced him to do homage to Pope *Innocent III.* for his Kingdom, and bind himself to pay him tribute, this dishonorable proceeding, added to many other causes, lost him the esteem and affection of his Subjects. The Barons improving to favorable a juncture, presented to him the Charter of *Henry I.* which had never been executed, and resolved to oblige him to confirm it. *John* at first rejected it with great haughtiness, but at last compelled by his own weakness, and the united opposition of almost all the Barons, he was obliged to grant them a Charter, much more ample and advantageous to the subject, than *Henry the First's*, and which was called *Magna Charta*, or the Charter of Liberties. By this Charter, drawn as the Barons pleased, the King's power was so curbed, that it was in a manner reduced to the same state as under the *Saxon Kings* before the Conquest. This Charter has been ever since the principal foundation of the rights of the Subjects. I shall not here pretend to decide a question so much above

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my reach, whether this foundation is very solid. It will suffice briefly to remark, by what means a concession seemingly so defective in its origin, since it was evidently extorted, changed, as I may say, its nature by the firmness of the *English*, and acquired an indisputable authority, though it might have been contested at first. To this end, we must see what passed afterwards with respect to this Charter.

King *John* who had signed it, desiring to revoke it, drew upon himself fresh misfortunes, which lasted as long as he lived. The Barons resolving to adhere to their Charter, took at last the desperate course to call in to their assistance, *Louis* Son of *Philip Augustus* King of France, and to put him in possession of all, or the greatest part of the Kingdom. *John* died during the war, deprived by a foreign Prince, or rather his own Subjects, and left a son of ten years of age, little capable to maintain the quarrel. Some Lords, who had remained faithful to the late King, appointed the Earl of *Pembroke* Regent, during the minority of the young Prince, who was recognized by his few Adherents by the name of *Henry III.* in 1216.

Shortly after the face of affairs was changed by the prudent conduct of the Regent, who seeing the Barons bent to support their Charter, promised positively, it should be confirmed and executed. Upon this assurance, they deserted Prince *Louis*, who was obliged to return to France.

Henry III. was no sooner out of his minority than he repealed *Magna Charta*, and thought of reigning uncontrolled. But as he had not a capacity equal to such an undertaking, his long Reign of fifty six years was one continued scene of troubles on account of *Magna Charta*. He was frequently forced to confirm it, and as often broke all his oaths and engagements. At last, the Barons took arms under the conduct of the Earl of *Leicester*, Son of the famous *Simon Montfort* General of the Crusade against the *Albigensians*. The King had the misfortune to lose a battle, and to see himself, his brother the King of the *Romans*, and his Son Prince *Edward*, in the hands of the Earl of *Leicester*, who obliged them to swear, they would never oppose the execution of *Magna Charta*. The Earl of *Leicester* governed some time in the name of the King his prisoner. It is pretended, the Commons were first received into Parliament during his administration. But without staying to examine so difficult a question, I shall only observe, that at least it cannot be denied, that since the end of *Henry III's* reign the Commons have ever enjoyed this privilege.

Prince *Edward*, son of *Henry III.*, having happily made his escape from the Earl of *Leicester*, gained a battle in which the Earl was slain. This victory restored the King to his liberty, who used it not agreeably to the oath he had been obliged to take. But his reign and life ended a few years after his deliverance. Though the Barons party was very much humbled, yet *Edward I.* who in 1272 succeeded his Father *Henry III.*, confirmed *Magna Charta*. However, some steps taken by him afterwards, discovered a design to revoke it; but the Barons beginning to stir, he retracted, and confirmed it once more.

Edward II. his son, and successor in 1307, was deposed by the Parliament, for intending to establish an absolute power contrary to *Magna Charta*.

Edward III. son and successor of this unfortunate Prince in 1327, confirmed it ten times during the course of his reign, which the victories obtained by himself and his son the Prince of *Wales*, over France, rendered extremely glorious.

Richard II. grandson and successor to *Edward III.* in 1377, was solemnly deposed, for having violated in many instances the privileges of the people, founded on *Magna Charta*.

Henry IV. who had used that pretence to dethrone *Richard II.* in 1399, and put himself in his place, made some attempts to diminish the privileges of the Parliament; but did not carry very far the execution of this project.

Henry V. his son, who succeeded him in 1413, maintained the Parliament in all its rights, and left the privileges of his Subjects untouched. His reign was one continued series of victories, and successes against France. He died in 1422.

From that time the government of England remained so well settled, and so firm upon its foundations, I mean, the prerogatives of the King, and the privileges of the Parliament, that for near two hundred years, not one King appears to have had any intention to shake it. The policy of the Kings, turned wholly upon governing their Parliaments by secret intrigues, without discovering any design of altering the constitution. True it is, that some Kings, as *Henry VIII.*, did what they pleased, but without any prejudice to the privileges of Parliament. On the contrary, by supporting the Parliament in its rights, they had the address to make it subservient to their ends. This, by the way, is the best, and perhaps the only method for a King to render himself powerful and easy.

After to long a continuance of the same form of government, and so uninterrupted a possession of the privileges of *Magna Charta*, the *English* nation was so accustomed to it, that it seemed impossible to make any alteration without throwing the Kingdom into confusion. Nay, it seemed there was no fear that any King should ever think of attempting to do difficult a thing, at the hazard of his Crown, as had been the case of some former Kings. Notwithstanding all this, *James I.* successor to Queen *Elizabeth* in 1603, failed not to take some steps in this dangerous course, and endeavour to diminish the privileges of Parliament. It was by the pernicious counsels of the Duke of *Buckingham*, his favorite, that he engaged in this design, which probably would have ended unfortunately for him, had not death surprized him before he had plainly discovered his intention.

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Of forfeiting the liberty granted by the Proclamation would keep them in submiffion. But they were not deceived by an artifice directly tending to their ruin. I omit many other fteps taken by the King, which were but too capable to fill all his Subjects with terror.

Hitherto the Tories in general had favoured the King's defigns. But when they perceived, all his proceedings tended to a fubverfion of the eftablifhed government, and ruin of the Proteftant Religion, they began to repent of their paff conduct. They clearly faw, that by the courfe they were made to take, it was intended to lead them where they defigned not to go, and that they could not attain their end, the ruin of the Whigs, without the lofs of their Religion and liberty. In this danger, which could not be more imminent, they joined the Whigs, and with them, refolved to call in the Prince of Orange to free them from their dangerous flate. From that time the King's party became extremely weak, being compofed of only Papifts, rank Tories, and fome Lords, flaves of the Court, and their fortune. Mean while, the King appeared outwardly as powerful as ever, and near the end of his undertaking; becaufe thofe who yet feemed attached to the Court, did not think proper to declare before the time. The Prince of Orange was landed before the King's weaknefs was vifible. His army, his fleet, the Lords whom he thought moft devoted to his perfon, forfook him at once, and he was reduced to the fad neceffity of trying, in a difguife to efcape out of his Kingdom. But failing even in this attempt, he had the mortification to fee himfelf at the mercy of the Prince of Orange, and, in all appearance, indebted to his generofity, or perhaps his policy, for the indirect means which were furnifhed him, of flying into France. This example thows, that though the *Englifh* are divided into two parties, and there is great enmity between them, their paffion does not however caufe them, in general at leaft, to abandon the interefts of Religion and Liberty.

William and *Mary* being crowned, on the flight, or, as it was called, the Abdication of King *James*, their chief care was to fiftle the feeds of divifion fill fubfifting between the Whigs and Tories, though the danger had united them. In order to this, it was neceffary to remove from the miniftry and their confidence, the favourers of King *James*'s defigns, and the bigots to the minutelt Rites and Ceremonies of the Church of *England*. Without this, the Whigs could never have enjoyed any quiet, fince they ever confidered the rank and rigid Tories, as their irreconcilable enemies. On the other hand, it was not lefs neceffary to remove from the Council the moft rigid Whig Prefbyterians, for fear of giving occasion to think, there was a defign to change the Church-government. This fear would have been the more juft, as the new King having ever profefled in *Holland* the Prefbyterian Religion, the laft ftep in its favour, might have raifed a fufpicion of his defigning to eftablifh it upon the ruins of the national Church. Great addrefs was therefore to be ufed to remove all caufe of fear and jealousy in the Tories. It was for thefe purpofes, that during the reign of *William* and *Mary*, the officers were generally conferred on the moderate men of both parties. This maxim was purfued by King *William* when he reigned alone, after the Queen's death. But as it was impoffible to pleafe both parties at once, unlefs there had been more places to give, he affe&ted frequently to change his miniftry, and employ the two parties alternately. This was all he could do, till time fhould have extinguifhed entirely the flames of divifion.

Under fuch circumftances, and a King of fuch wifdom and forefight, it may be almoft affirmed, that no Diftrubance would have happened to the Government from the difference of the principles of the two parties, if the Church-Tories could have been contented with feeing their Church remain eftablifhed. But they could not be fatisfied, fo long as they faw the Prefbyterians enjoy an entire liberty of confcience, publicly exercife their religion, and fill offices, contrary to the Conformity-Act of *Charles II.* They were jealous that the Whigs intended by degrees to undermine the Church, and that the King concurred with them in that defign. What they had feen during the long Parliament gave them occafion to fear the fame attacks. The rank Tories, having loft King *James*, their patron and defender, infpired the Epifcopal party with thefe fears and jealousies, to animate them againft King *William*. They perceived, they were no longer able to fupport themfelves, unlefs means were found to ingage the Church in their quarrel. Hence the rumours induftrioufly fpread among the People, of the Church's being in danger. The Whigs faw by this, that the rank Tories had not relinquifhed their projects, but would, whenever they were armed with power, make ufe of the pretence of religion to ruin them, in imitation of King *James*. It was thus, that animosity was continued between the two parties, notwithstanding King *William*'s care and endeavours.

It feemed therefore, that Religion was then the fole point in queftion between the two parties; the junctures not allowing either the rank Tories, or the republican Whigs, to push their principles. This has given occafion to a falfe idea of the differences between the two parties, and to an imagination, that they foely confift in a diversity of fentiments concerning Church-Government. But this is certainly a miftake. When an opportunity offers, the rank Tories fhew, that the fafety of the Church is not the fole motive of their conduct, and probably the Republican-Whigs would alfo remember their maxims, at a favorable juncture.

As to the Papifts, who may be confidered as a branch of the Tories, they would have had reafon to be fatisfied with King *William*'s moderation, if their extreme defire to fee King *James* again on the throne, had not caufed them to look upon the reigning King as

their enemy. Some of them were even engaged in confpiracies againft his perfon, which only turned to their own confufion and ruin. This immoderate defire expreffed by the Papifts, and even by fome Tories, for the reftoration of King *James*, obliged King *William* to feek means, not only for the prevention of their ill defigns during his life, but alfo to render their endeavours fruitiefs after his death. Accordingly, by an Act of Parliament the fucceffion of the Crown was fettled in the illuftrious Houfe of *Hanover*, without any regard to the pretentions which birth or nearnefs of blood could give to any Papift whatfoever. *William* died fhortly after, and *Anne*, daughter of *James II.* and Princefs of *Denmark*, mounted the throne.

This Queen had been educated in the principles of the rigid Tories with refpect to Religion, and, probably in thofe of the rank Tories, with regard to Government. At leaft, all who had any power over her, or were concerned in her education, were of this character. *Charles II.* her uncle, *James II.* her father, the Earl of *Rochefter* her mother's brother, were all rank Tories, deeming any oppofition to the Sovereign's will, a manifef rebellion. Queen *Anne* was befides of no great capacity, and naturally obftinate. An accidental quarrel with her fiftter Queen *Mary*, having made her refolve to withdraw from Court, the was fo punctual to her refolution, that fhe would not even vifit the Queen her fiftter, when on her death-bed. The meannefs of her genius foretold the power which her Miniftry would have in the Government. On the other hand, her education made it feared, the would be guided by the rank and rigid Tories, of whom her uncle the Earl of *Rochefter*, was confidered as the head. This Lord was equally dreaded by the Whigs and moderate Tories, as a dangerous man, and capable of carrying things to extremities. He was otherwife a perfon of great parts, but very fond of his principles. Probably, he was going to be at the helm of the Government, by the acceffion of the Queen his niece to the throne. But it is pretended, that the fear of the moderate Tories to fee him fo high a poft, made them refolve to join with the Whigs, to prevent it. At leaft it is certain, that fuch an union was made, which forced the Queen to throw herfelf into their arms, and truft them with the management of affairs. I am a ft ranger to the intrigues ufed to bring the Queen to thefe meafures. The Lords *Godolphin*, *Marlborough*, and fome other leaders of the moderate Tories, were among thofe who joined the Whigs, and ftrengthened them more by their ability, than their credit and numbers. From this time, the moderate Tories and the Whigs made but one party.

It is needlefs to relate here, with what glory to *England*, and to the Queen in particular, thefe new Minifters directed the publick affairs. This is a thing univerfally known, and the memory of it ftill recent. But it is pretended, that by reafon of the meannefs of the Queen's genius, they held her in a kind of fervitude, though they outwardly affected to give her the honour of all her glorious fuccesses. During their adminiftration, the rank and rigid Church-Tories were excluded from all civil employments, and ecclefiaftical dignities. Had this continued to the death of the Queen, thefe two branches of the Tory party would doubtlefs have been confiderably leffened in number and credit.

Mean time, the Queen faw herfelf, not without fome impatience, forced, as it were, to follow the counfels of thofe whom the had a right to command, and who, if publick report is to be credited, left her not free to purfue her own inclinations or judgment. The rank Tories perceiving, or perhaps fuggelting thefe fentiments to the Queen, induftrioufly cherifhed her difcontent, by the affiftance of a certain Lady, who was in her confidence. Such was their fuccels, that after they had fatisfied her, that fhe was a flave, they brought her to a refolution of freeing herfelf. This intrigue was conducted with fuch art and fecrecy, that her Minifters found themfelves fupplanted, before any meafures could be taken to prevent their ruin. Immediately, their places were filled with rank and furious Tories. The Parliament, in which the Whigs had a great fuperiority of votes, was diffolved, and another called, to which the new Minifters took care to have members returned devoted to their party. Any perfon, ever fo little acquainted with the affairs of *England*, knows what influence the Court has in the elections. It may, however, be affirmed, that in refpect of number, the party of the Miniftry was ftill inconfiderable. But they had the Queen and the Parliament on their fide. Befides, they were very careful to ftrengthen their party, by infufing jealousies on the account of Religion, and perfwading the Epifcopalians that the Church had been in great danger, during the late adminiftration, and would always be fo, as long as the Whigs had any fhare in the Government. Thefe infinuations revived the paffion of the Church-Tories, and carried them to fuch excefs: againft the Prefbyterians, as fhould not be allowed in a well ordered flate, but which thefe Minifters affected to connive at. Indeed, their defign was not to leffen, but rather to increafe the animofity between the two parties, becaufe their own was thereby ftrengthened.

Hitherto every thing fucceeded to the wifh of the new Miniftry. But they were very fenfible, that the prefent advantages procured by thefe imaginary terrors would be of no long continuance. Befides, though they could have kept the People always in this difpofition, the Queen might die very foon, efpecially as fhe was very infirm. In that cafe, they had reafon to fear, the fabrick they had raifed, would be demolifhed, by the Ele&tor of *Hanover*, who was to fucceed the Queen, by virtue of the act of Succeffion, for which he was chiefly indebted to the Whigs. They were therefore to think of preventing this danger without lofs of time. Their party was

too weak to struggle with the Sovereign, should he happen to be against them, as had been often seen during the reign of King William, and in the first years of Queen Anne. They therefore concluded, at least, if we may judge by their proceedings, that their safest way would be to secure the Crown to the Pretender, in order to have a protector when the Queen should fail them. It is however still uncertain, whether the Earl of Oxford, that able minister, now in the Tower, was of this opinion. But it cannot be denied, that they believed the assistance of France to be absolutely necessary for their support. Accordingly, to secure it, they made a dishonourable and hasty peace, to the attainment of all Europe, and forced the allies of England to follow her example. Probably, had not the Queen died so soon after the peace, the oppressed Whigs would have been obliged to call in to their assistance, the Elector of Hanover, as they had before the Prince of Orange, but with far less hope of having the general concurrence of the people. The reason is, because King James's design to subvert the Church and State, was so open, that it could not be doubted, whereas against the Pretender there were only bare presumptions.

What has lately happened since King George's accession to the throne, shows, there was a formed design to secure the succession to the Pretender, had not the death of the Queen happened, before the authors of it had time to take all their measures. It is however uncertain, whether they could have executed their design, or whether, if they could, the Pretender's reign would have been of any long continuance. The English in general are extremely jealous of their Laws and Liberties, nor are they less so of their Religion. This is what I think I may venture to affirm, though some of them seem indifferent as to the latter. But, thanks be to God, there are far from being the majority. Now it would have been very difficult for the Pretender, advanced to the Throne by foreign aid, professing a religion contrary to the national, and guided by rank Tories, to keep himself within the bounds of Moderation, necessary to gain the hearts of his subjects, without which a King of England can never sit firmly on his Throne. However, without staying to guess what might have happened, let us only observe that the rank and rigid Tories have been disappointed. Not only, the Pretender is not King, but his hopes of becoming so were never less. King George is in peaceable possession of his Crown; the Tories are humbled, and the Whigs, lately oppressed, are now at the top of the Wheel.

After this brief account of the rise and progress of the Tories and Whigs, it will not perhaps be unacceptable to the Reader to know more particularly the views, interests, strength, and characters of the two Parties. For this purpose the different branches before-mentioned must be carefully distinguished. It is therefore necessary to repeat here that the two parties may be considered under two different relations; namely, with respect to the State, and with regard to the Church. I shall first speak of the State-Tories and Whigs, after which, I shall consider them with respect to religion.

The State-Tories are, as I said, divided into two branches, one of which may in French be called, *Rank*. In England they are known by the name of High-Flyers. This Idea, taken from Birds that by soaring above the common flight, lose themselves in the clouds, is very suitable to men, who cannot contain themselves within the limits of the established Government. These are for having the sovereign absolute in England, as he is in France and some other Countries, and for erecting his will into law. They regard not what I have said in the beginning of this Dissertation, that all the governments at this day in Europe were originally like that established in England; and consequently there is no reason why the English should imitate nations who have suffered it to be lost, or at least very much altered. It may be imagined that in such a Country as England, this party cannot be very numerous, and yet they are very considerable for three reasons. First, because the heads of this party are persons of the highest rank, and commonly favorites and ministers of State, or such as hold the greatest offices at Court, and the most eminent dignities in the Church. These men, who would not willingly put themselves under the conduct of others, being thus advantageously situated, become, generally, the leaders of all the Tory-Party. They manage them as they please, not only for the advantage of the whole party, but chiefly for their own particular ends. Thus very often, under pretence of acting for the interest of the party, their proceedings tend only to their own advantage, and the Tories are led by them much farther than most of them desire. It is this which gives occasion to many persons to accuse all the Tories of being for arbitrary power, though it is certain that only the High-Flyers are chargeable with this principle. But 'tis no great fault, it seems, to ascribe to a whole party what is done by their leaders.

Secondly, This particular branch of Tories is considerable, in that, when they are in the minority, they ingaze the Church-Tories strenuously to maintain the Doctrine of Passive-Obedience, which goes a great way towards gaining the people to their party. They insinuate to the Episcopal Ministers, that they have only in view the ruin of the Presbyterians, and under that pretence cause them to preach a Doctrine, the consequence of which extends to all the subjects. This was experienced in the reigns of Charles II, of James II, and of Queen Anne, towards the conclusion.

Lastly, The party of the High-Flyers becomes very powerful, when, as it frequently happens, they are supported by the King, and then it is that the liberty of the nation is in danger. Proofs of this, have been seen in the reigns of James II, and Charles I, Richard II, No. LXXXIV. Vol. II.

Edward II, and Henry III; for the High-Flyers are more ancient than is imagined.

The second branch of the State-Tories is composed of those I called moderate. These are for having the King enjoy all his Prerogatives, but they pretend not, with the High-Flyers, to sacrifice to him the privileges of the subject. They are true Englishmen, who have the welfare of their country at heart, and are for preserving the constitution transmitted to them by their ancestors. They have often saved the State, and will again save it, when in danger from the rank Tories or Republican-Whigs, by opposing with all their power those who shall attempt to alter the Government. It would be injustice, to confound them with the High-Flyers under the general denomination of Tories.

As there are two branches of State-Tories, so there are two of State-Whigs, namely, Republican, and moderate Whigs. The Republican Whigs are the remains of the party of the long Parliament which endeavoured to turn the Government into a Commonwealth. These at present are so inconsiderable, that they serve only to strengthen the other Whigs with whom they usually join. The Tories would persuade the publick, that all Whigs are of this kind. And in like manner the Whigs would have it believed that all Tories are High-Flyers. But this is only an artifice to render one another mutually odious.

The second branch of the State-Whigs contains the moderate Whigs, who are nearly allied to the moderate Tories in principle; and consequently are to be considered as true Englishmen, who desire the Government may be maintained upon its ancient foundations. Herein they would be exactly like the moderate Tories, were it not that these incline more to the King, and the moderate Whigs to the Parliament. The moderate Whig is perpetually hindering the People's rights from being invaded, and sometimes even takes precautions at the expence of the Crown. By him the Triennial Act was procured, with some others, which 'tis needless to mention, to prevent the abuse of the royal power. Hence it is evident that the High-Flyers have no greater enemy than the moderate Whig, and that these two branches of Whigs and Tories properly form the opposition between the State-Tories and State-Whigs. These last laugh at Passive-Obedience when its consequences are carried too far. Their Principle is, that the royal power has its bounds, which cannot be transgressed, without injustice. Consequently they believe, that whenever the Sovereign exceeds his prerogatives, he may be resisted by his subjects. Hence it is easy to infer, they do not think the King can dispense with the laws.

What has been said is sufficient to show that the moderate State-Whigs and Tories are almost of the same sentiments. Their being of different parties proceeds from their mutual fear that either may make the balance incline too much to the King's or the Parliament's side. It is not therefore strange, that these two Branches of the opposite parties, unite in the pressing exigencies of the State. For, their views equally point to the preservation of the Government; though often they pursue their end by different paths. Accordingly since the union of these two branches upon the death of King William, they have remained inseparable, and the moderate Whig and Tory form almost the same party, under the common appellation of Whig. I dare not however affirm that there are not yet moderate Tories who keep by themselves, and are unwilling to be confounded with the Whigs.

It must be remembered that hitherto I have only spoke of the Tories and Whigs in relation to the Government, without any regard to religion. I take care not to confound things which ought to be carefully distinguished. It is not true that all church-men are Tories, or all Presbyterians, Whigs in point of Government, as is commonly imagined. Many Presbyterians are in this respect of the same principles with the moderate Tories, and would not be less concerned to see the King stripped of his Prerogatives, than the subject of his privileges. In like manner, many Church-men, even Bishops themselves, are Whigs, very good Whigs as to the Government, and as considered in opposition to the High-Flyers, which shows the necessity of distinguishing State-Tories and Whigs, from Church-Whigs and Tories, of whom we are now going to speak.

I presume the reader knows that the Church of England, when she received the reformation, admitted only some alterations in her Doctrine, but preserved the Hierarchy with all the ceremonies in which she saw nothing superfluous. The reformation was not properly completed till the reign of Elizabeth. Then it was that several constitutions of the Convocation, confirm'd by Acts of Parliament, settled the publick worship as it stands to this day. Mean while, many Englishmen who had fled from the rage of Queen Mary, return'd home with favourable sentiments of the reformation, as establish'd in France, Switzerland, Geneva, and other parts of Germany. These men could not comply with the reformation in England, which, in their opinion, had not been carried far enough from the Church of Rome. For this reason they not only absented themselves from the assemblies of the established Church, but also composed separate assemblies which were called Conventicles. These Separatists were likewise styled Presbyterians, because, refusing their submission to the Bishops, they maintained that all Priests or Ministers had an equal authority in the Church, which ought to be governed by Presbyteries, or Consistories, composed of Ministers and Lay-Elders. Upon this occasion were two parties formed, who wanting the mutual forbearance of persons professing in the main the

fame religion, began to molest one another with disputes in conference and writing. The Church-of-England-men were very angry, that private persons should pretend to reform what, after mature deliberation, had been established by national Synods and Parliaments. On the other hand, the Presbyterians thought it no less strange, that they should be compelled to practise what they believed contrary to the purity of Religion (1), and with what their consciences could not comply. The Presbyterians were long opposed, because their adversaries supported their arguments with reasons from the authority of the Queen and Parliament.

The Presbyterians conceived great hopes of the accession of *James I.*, because that Prince had always professed their religion whilst he reigned in Scotland. But as he readily conformed to the Church of England, they were not much eased. Mean while, this party, though opposed, fo increased, that in the beginning of the troubles they were become very numerous. King *Charles I.* was so attached to the Church of England, that it may be affirmed, he died a Martyr to it, as is evident from his History. His opinion of the purity of this Church, made him hearken to *William Laud* Archbishop of Canterbury, suggesting to him the reduction of the Church of Scotland under the same Government with that of England, by introducing the Hierarchy. This undertaking engaged him in a war with Scotland, and the war produced the long Parliament, against which he thought himself obliged to take arms. This Parliament wanting the assistance of the *Scots*, could not obtain it but by an engagement to make the Church of England Presbyterian. A quarrel was therefore fought with the Bishops, Deans and Chapters, in a word, with the whole Church of England, which saw its Hierarchy, established by Queen *Elizabeth*, entirely subverted, and the Scotch Presbyterian Government introduced. In this distress the Episcopalians had no other resource than to unite the Episcopal party with the King's party, and as they had no common interest with the Cavaliers, namely, the maintenance of the King's cause, they were confounded with them under the same party Denomination. The Presbyterians were in the like manner reckoned among the Roundheads, because they adhered to the Parliament.

During the long Parliament, and even to the death of *Cromwell*, the division of the branches just mentioned, was hardly perceived. All who were known by the name of Roundheads, or Parliamentarians, were rigid Presbyterians and Republicans. This was the party then in vogue, and the only one that could prefer such as aspired to the posts in the gift of the Parliament. In like manner the followers of the King's party appeared to be rank Cavaliers, or rigid Episcopalians, because these were then most regarded at Court. But on the Restoration of *Charles II.*, the several branches of the two parties began to be distinguished. All being tired with the troubles which had so long harassed the Kingdom, the moderate no longer feared to discover their sentiments. Some of the Presbyterians testified a readiness to relax, and many Episcopalians were of opinion that, for the sake of peace, some condescension might be used to the Presbyterians. These therefore were the men of both parties, who preserving this moderation, formed the two branches of the moderate Whigs and Tories, with respect to religion. But still the majority in both parties; firmly adhered to their principles with inconceivable obstinacy. Amongst the Episcopalians there were, who, upon no account whatsoever, could be persuaded to recede in the least from the practice of their Church. On the other hand, there were Presbyterians who were no less offended at seeing a minister officiate in a Surplice, than at hearing him preach Heresy, and who branded with the name of Idolatrous and Superstitious, every ceremony retained by the Church of England. This gave birth to the two branches of the rigid Episcopalians and Presbyterians, which subsist to this day. The Hierarchy is the principal point, on which they are divided. They are both comprised under the name of Whigs and Tories, because the rigid Episcopalians join with the Tories, and the Presbyterians with the Whigs.

From what has been said concerning the several branches of Whig and Tory, it is easy to gather that these two names are very obscure and equivocal terms, because they convey, or ought to convey to the mind different ideas, according to the subject discoursed of. For instance, if I hear it said, that the Tories and Whigs are at great enmity, this raises in my mind an idea comprehending all the several branches of Whigs and Tories in general. But if I am told, that the Tories are for having the King absolute and independent, or that the Whigs would be glad the regal power were abolished, my idea can only extend to the High-Flyers and the Republican Whigs. The rest of the Whigs and Tories would doubtless be offended at any such imputations. In like manner, if I hear that the Tories had rather see a Papist on the Throne than a Protestant, favourable to the Whigs, I should injure the Tories in general, by imputing such a thought to them, which can only be entertained by the Popish and some rigid Church-Tories, and perhaps some High-Flyers. Lastly, if I hear that the Whigs aim at the ruin of the Church of England, I can understand this only of the Presbyterian-Whigs, since the Episcopal Whigs, amongst whom are several Bishops, cannot with justice be accused of labouring the ruin of their own Church. Thus the names of Tories and Whigs convey to the mind certain confused ideas, which few are capable of rightly distinguishing. But this difficulty still increases, when it is considered that the same person may be either Whig or Tory, according to the subject in hand. A Presbyterian,

for instance, who wishes the ruin of the Church of England, is certainly for that reason in the Whig party. But if this Presbyterian opposes with all his power the attempts, of some of his party, against the regal authority, it cannot be denied that he is in that respect a true Tory. In like manner, when the Church only is concerned, the Episcopal-party are to be considered as Tories. But how many even of these are Whigs with respect to the Government? Nor have Foreigners only such confused ideas in this matter; the English themselves are liable to them. Nothing is more frequent than to hear a Whig charging all the Tories in general with an intention to destroy the rights and liberties of the subject; and a Tory arraigning the Whigs without distinction, as utter enemies to the Church and State. Every man uses this confusion of ideas, occasioned by the names of Whig and Tory, to accuse his adversaries of what is most odious in both parties.

Having shown as distinctly as I could, what is to be understood by the Tories and Whigs, I am next to examine the several motives and interests of the two parties. Were we to rely on what is said by both, nothing is more just, more equitable, than the motives by which they are actuated, namely, the glory of God, the honour of the King, the public good, and the welfare of the nation. For my part, if I may speak my mind, it is my belief, that as they are all men, interest is the main spring of all their actions. Since the two parties were formed, each has earnestly laboured to gain a superiority over the other, because this superiority is attended with posts, honours and dignities, which are conferred on their own members by the prevailing, in exclusion of those of the contrary party. This made King *William* say that, *If he had power enough to bestow, he should soon reconcile the two parties.* There would be yet another expedient to supply what that Prince imagined, namely, to confer all the great places upon neutral Lords. But where shall we find a sufficient number of such, who are qualified to exercise the highest offices? Certainly there are but very few. I own however, there are some, who, by their capacity, their impartiality, their disinterestedness, would deserve a particular distinction. I wish I knew them all, that I might infer their names, and give them in part their due praise. But these Lords, so worthy of being known, are little heard of in foreign parts, because as they make their court to neither party, the public posts generally fall not to their share. Nevertheless, it sometimes happens that Ministers are in a manner obliged to find out these neutral Lords, and advance them to the first dignities in the Kingdom. We know one especially, who without ever courting the Whig or Tory Ministers, was sent Ambassador and Plenipotentiary at the peace of *Ryswick*, honoured with the order of the Garter, successively raised to the offices of Lord Privy-Seal, Lord President of the Council, Lord High-Admiral of England, and Lord Lieutenant of Ireland, though he never solicited these great offices. I speak of the Earl of *Pembroke*, whose reputation is better known to me, than that of some other Lords of the same Character, who ought to receive no injury from my silence. Among all his other virtues, his integrity in the great posts which he has filled, calls for much nobler encomiums than he can receive from a Foreigner, who has neither the honour to know him personally, nor to be known by him. If there were in England twelve such Lords, advanced to the great offices, it would be an infallible means to humble both parties at once. Then the aspirers to employments would make it a merit to espouse neither party, and this impartiality would soon defend from the great men to the people. But this is a happiness rather to be desired than hoped. Neutrality, far from promoting persons of distinguished merit, is rather a sure impediment to their rising, because the ministers and party-leaders think only of gratifying their creatures.

Interest, as I said, is the principal motive which actuates the two parties, and this is but too apparent. If, for instance, the High-Flyers wish to see the Sovereign in possession of absolute power, I very much doubt whether this flows from a desire of procuring the welfare of the Kingdom, though they should be persuaded that despotism is the most complete form of Government. If the public good was the sole spring of their actions, they would not be so warm. The same may be said of the other branches of the two parties. Each would have it believed, they have only the good of the Kingdom in view, while in fact they are only labouring for themselves, their family and posterity. But when I say that interest is their principal motive, I pretend not to exclude entirely many others, which may actuate as well the heads as the members of each party. Some believe that their principles really tend to the good of the State; others act from a religious motive; some are swayed by revenge, party-spirit, and the desire of superiority. Numberless other motives there are on which I think it needless to enlarge, that I may not be led to examine the conduct of particulars. It is certain, many may pursue the same end from different motives. It will be better to show the strength and several interests of both parties. In order to this, it is necessary to proceed in this examination according to the different branches into which they are divided. I shall begin with the Tories.

It is difficult at first to conceive, that in a country like England, blessed with so many noble privileges which other nations do not at present enjoy, there should be men who wish to see the King invested with unlimited power. There are indeed but very few who openly profess themselves to be of the party which I call High-Flyers. Nevertheless it is but too true that such a party has always

(1) This passed then the name of Puritans.

been in *England*, and still subsists to this day, though disowned by most of those who are engaged in it. Can it be denied that such a party existed under *Charles I*? The very Judges of the Kingdom, who are considered as the interpreters of the law, gave it as their opinion, that in cases of necessity the King might impose taxes upon his subjects, and that the King himself is the sole judge of such cases. This was rooting up the noblest Privilege of the Parliament, and the principal cause of their frequent meetings. If the sovereign could levy taxes upon his subjects, without authority of Parliament, it may be affirmed, that their sessions would be very rare, and perhaps in time, entirely cease. But if the Parliament were once laid aside, what would become of the privileges and immunities of the subject? In all likelihood the case would be the same as in *France*, since the general assembly of the States has been discontinued. Has it not also been seen under *James II*, that the Judges, ascribed to the King a power of dispensing with the Penal Laws? And was not this making him absolute? In short, we have seen *Charles I*, *Charles II*, *James II*, taking large steps towards arbitrary Power, which they would never have attempted, had they not expected to be supported by a numerous party. Let *Queen Anne's* proceedings in the last years of her reign be considered; for instance, the negotiation and conclusion of the peace of *Utrecht*, the creation of twelve Peers at once, the violence used in Parliamentary Elections, and it cannot be denied that they were so many advances towards despotism, to which she was excited by the party I am speaking of. It is therefore certain, there is such a party in the Kingdom. But as they dare not openly avow their principles, they cover them with the pretence of maintaining the rights of the Crown, to which they seem to confine themselves, willing to have it believed that they are of the party of the moderate Torys. But the principal High-Flyers, being commonly Favorites or Ministers of State, it generally happens that they become heads of the whole party of the Torys, and engage them to do more than they would. They begin with attacking the Presbyterians, and so engage the Church-Torys, to follow their measures, without knowing whether it is intended to lead them. On pretence of having the Dissenters only in view, they cause the Clergy to preach Passive-Obedience, which tends directly to Arbitrary-Power. It is this which renders the High-Flyers more powerful than appears at first sight. The main concern of this party lies in drawing the Church into their quarrel, by pretending an extreme zeal for her Rights. They are thereby confounded with the Church-Torys, whose number is very considerable, avoid giving the alarm to the moderate Torys, and keep themselves undiscovered till they have made the whole party subservient to their particular designs. But for all this, notwithstanding their care to observe what I have been saying, they have the misfortune never to arrive at the end of their career. After they have made themselves leaders of the whole Tory-party, and by secret paths, conducted the moderate and Church-Torys to a certain point, they are at last forced upon some Proceedings which discover their designs. Then they lose many of their followers, who not only desert them, but go over to the Whigs. This was the case of *James II*, who saw himself suddenly abandoned by all the world, just as he thought himself secure of his ends. If in the last year of *Queen Anne* the High-Flyers who governed in her name, had attempted to procure a Repeal of the Act of Succession, very probably, they would have met with the same mortification, and I do not doubt but the same thing will happen upon every like occasion. The reason of what I advance seems to me evident, namely, that it can be advantageous but to very few *Englishmen*, to have a Popish or absolute King.

The party or branch of the moderate Torys much exceeds in number that of the High-Flyers; whatever advantage this last may have from the quality of their leaders, the other is more powerful from the goodness of their cause, I mean the preservation of the King's just Privileges. This is properly the interest of all *Englishmen*, who cannot hope for greater happiness under any other form of Government, than under that which has been so long established. This branch of the moderate Torys becomes still more considerable as often as any attempt is made to extend or to abridge the Royal Prerogative. If to abridge it, they are joined by all the Whigs; if to extend it, they are assisted by all the rest of the Torys. Nevertheless it sometimes happens, that the junctions produce some change in the principles, as well as in the interests of this party. When the sovereign favours the Torys in general, by conferring places and posts upon them, nothing is capable to detach the moderate Torys from his interest. But their affection cools whenever he inclines to the other side. Then, if they see the Whigs, by a precaution common to them, make any attempt upon the Prerogative Royal, they are ready to join them. But herein their sole aim is to let the King know that they deserve his regard. This course was frequently taken by them to the reign of King *William*, who often changed sides. In general, it is the interest of the moderate Torys to oppose the attempts of the Whigs against the authority of the sovereign, because this supports their credit at court and in the country. But whilst they are to take care that the High-Flyers do not, under the specious pretence of being of the same name and party, carry them farther than is necessary.

As to the Church-Torys, it may easily be conceived that they include almost the whole Kingdom in their party, since this branch consists of all the members of the Church of *England*. Therefore when religion is in question, between the Whigs and Torys, the

former are not able to resist their adversaries. To this superiority is owing the readiness with which the Church-Torys show their resentment against the Presbyterian Whigs. It is not so with the Whigs, who even in their greatest prosperity dare not so much as discover the least thought of attacking the Church. They did it once under the Long Parliament, and it will never be forgot by the Torys. They look upon the Whig-party as an enemy always ready to undermine the foundations of their Church, and from what was once done, infer the desire of doing the like again, when a favorable opportunity presents. This makes them so readily receive every impression which from time to time is given them of the Church's being in Danger, and suffer themselves to be so easily deluded on that account. Their leaders know so well how to improve this disposition, that they project nothing in relation to the State, without including the Church. This is an infallible expedient to unite the whole party, which would be very much divided, were the Government only concerned. This procured *Charles I*, many adherents, whom altho' he would have wanted, had the Parliament not attacked the Church of *England*. Moreover it was this, which in the Reign of *Charles II*, put the Duke of *York*, though a Papist, at the head of the Episcopal Torys, who willingly concurred with him in the destruction of their enemies. Whenever King *William* turned to the side of the Whigs, the Torys were full of imaginary fears of his labouring the ruin of their Church. The same method was practised in the first years of *Queen Anne*, because the ministry was then composed of Whigs or moderate Torys. The same imaginary fear threw the Episcopals, towards the conclusion of that reign, into the schemes of men who had visibly no religion at all. In short, on this very pretence, we lately saw in the reign of King *George*, a Popish Pretender called in to screen the Church of *England* from the pretended attempts, she had to fear from the Whigs. It is therefore religion which gives power to the Tory party. It is certain, if the secret of interceding the Church in the quarrel was not practised, the High-Flyers would make a very contemptible figure, and the differences between the Whigs and moderate Torys would cause none of those disturbances in the Kingdom, which have so long prevailed.

It is true that among the Church-Torys, there are many who are very sensible of the artifices by which the whole party is engaged in a quarrel, advantageous but to few. Of this number are those, I call Low-Church-men, among whom some possess the first dignities of the Church. But they are not the strongest. The party of the rigid Churchmen is much more numerous. This last branch consists of almost all the inferior Clergy, of some Bishops, of both Universities, particularly that of *Oxford*, and these bodies draw after them great numbers of the Laity. It is these that compose what is called in *England*, High-Church, that is, a Church which has no mixture of Presbyterianism. These men are so attached to the least ceremony of the Church of *England*, that they would not relax upon any thing whatsoever, and by this stiffness, they discover more of the spirit of party, than of zeal for religion. I will even venture to say, that many of them would rather chafe to see *England* under Popery than Presbyterianism. Now, as the Low-Church-men, though more moderate in their sentiments, look upon the Hierarchy as an essential point, it is not surprising that the Torys unite when the growth of *Whiggism* is to be opposed, which has all the Presbyterians in its party. It is, perhaps, an artifice of the state-Torys to have given, or at least to continue with so much care, the name of Torys to the Episcopals, in order to confound in the same party, interests of a different nature, because this confusion is very serviceable to them.

The Papists are likewise considered as a branch of the Torys, because they always remain attached to that party. As they can never hope to see Popery established but by means of an absolute King, it is not strange that they rank themselves with the High-Flyers. Indeed, this assistance would not be very considerable to the Torys, if confined to the *English* Papists, since enjoying neither places, nor votes in elections, they cannot have much credit. But this admission of Papists, engages likewise foreign Powers in the Tory interest, who can on certain occasions be very serviceable. Nevertheless it cannot be denied, that by this, the Torys give their enemies great advantage against them, who use this pretence to render them odious.

If the leaders of the Tory-party aimed only at maintaining the Prerogatives of the King, and the rights of the Church, it may be affirmed, that party would be invincible, because that is the true interest of the Kingdom. But as it sometimes happens, that there are only Pretences to cover other projects, less agreeable to the good of the State, when once their designs are discovered, their friends generally draw off, a division of the Tory-members being a necessary consequence of such discovery. This makes me think that it is almost impossible they should ever succeed in setting the Pretender on the Throne, or investing any King whatsoever with absolute power. This opinion is founded upon its not being the interest or desire of the nation in general. And hence it is, that they so firmly espouse the interests of *France*, because they are very sensible they want her assistance. It was seen in the last war that the ill successes of that crown were terrible mortifications to them, and therefore they endeavoured, as much as possible, to lessen them. Accordingly when they were at the Helm, their first care was to cure the wounds, *France* had received. However, it is very difficult for *France* to put

them in possession of their wives. *Great-Britain* is an Island which can hardly be attacked unawares; and which, while there is a good understanding between the King and the Parliament, can send out fleets which *France* is not in condition to oppose.

The High-Flyers are therefore to be considered as a party, to which the junctures of the time are not at all favourable, and consequently it should be their interest to remain in a state of inaction, till time should produce some opportunity to exert themselves. But to be quiet is no part of their character. They can't possibly be easy, while they see themselves excluded from all places of honour and profit, which probably are the springs of their motions. It is however certain, that the disturbances raised by them from time to time to every little purpose, are attended with great injury to themselves, as well as to all the Tories in general, who are always charged with the faults and passions of those who are looked upon as their leaders. This very consideration induces some to desert their party.

As to the three other branches of the Tories, namely, the moderate, the rigid, and the low, it would be folly in the Whigs to think of their ruin by violent methods. This could not be effected without over-turning the Kingdom. They may indeed exclude them from public posts and employments. But should they be so imprudent as to meddle with the Church of *England*, they would run the hazard of raising a storm, which might cost them the superiority they at present enjoy. Therefore it is the interest of the Whigs to leave the Church unmolested, and their conduct shows they are perfectly convinced of this truth. Though they have lately had frequent provocations, it is not seen that now, they are in power, they seek to be revenged upon the Episcopal Party. On the contrary, their grand aim is to divide that party if possible, from the rest of the Tories, by convincing them that they bear no ill-will to the Church. If they could succeed, their victory over the High-Flyers would be certain. But these last, sensible of the prejudice, which this conduct does them, endeavour to prevent its effects by always engaging the Church in their quarrel, and inspiring the people with continual fears of the designs of the Whigs against the Church.

Having shown the views, strength, and interest of the Tory-party, I am next to speak of the four branches of the Whigs. As to the Republican-Whigs, they are at present very inconsiderable, and their party daily diminishes. There is not the least probability of their ever finding again an opportunity like that during the troubles of *Charles I's* reign.

I have already observ'd that the principal difference between the moderate Whigs and moderate Tories is, that the latter are more inclin'd to the King's Privileges, and the former to the Privileges of the subject. But this prevents not their union when the State is in danger. Were the moderate Tories not Episcopalians, and had the moderate Whigs fewer Presbyterians among them, it might be hoped that these two branches of Whigs and Tories would remain for ever united, as they seem to be since the death of *King William*. But when I say that the one incline more to the King, and the others to the subject, I speak the truth, and not what they say themselves. The two parties affirm, on the contrary, they have no other aim, than the preservation of the Government as established many ages. So to hear them, you would think they form, and always have formed one and the same party. It is however but too true, that their different inclination frequently obliges them to divide, though it is to be presumed, their intentions are equally good, and that they differ only in the means they employ. The one perhaps are too jealous of the increase of the royal Privilege, and the others fear it not enough. But it is religion which chiefly makes them to be considered as different parties, because the one is composed wholly of Episcopalians, and the other has a great mixture of Presbyterians. Now to separate the interests of the Church from those of the State, requires abstractions of which all are not capable. Nevertheless it may be affirmed, that the branch of the moderate Whigs considered separately, and in itself, is not less powerful than that of the moderate Tories. But when both join together, they form a party which would be restless, if religion were out of the question. The great business therefore of the moderate Whigs is to assist the People as much as possible, to discern the interests of the Church from those of the State; for which purpose they are to treat the Episcopalians with great moderation. Nor ought they to be less careful how they listen to the Republican Whigs, for fear of alarming the moderate Tories, of whom they have frequent occasion. But on the other hand, nothing ought to be neglected by them for breaking the measures of the High-Flyers, who are their real enemies. Such is the course they must take to preserve their credit.

I proceed now to the Church-Whigs, who are divided into two branches, of which the first is of the rigid Presbyterians, who absolutely reject not only the Hierarchy, but moreover every ceremony practis'd in the Church of *England*. Their number is very great in *England*, but they are still more considerable by having all *Scotland* in them. They are continually labouring the propagation of Presbyterianism, and on some occasions the leading Whigs, to content them, are obliged to take some steps prejudicial to the whole party. It is easy to conceive that the interest of the rigid Presbyterians requires an innovation in the established religion, because it can only be by some great revolution that their own can come to be uppermost. Wherefore they are considered as dangerous men, and very unfit to head the Whig-party, who in all appearance, would be ill conducted by such leaders.

Lastly, There is another branch of Church-Whigs, which includes the moderate Presbyterians, and to which may be added all the rest of the Non-conformists, as Quakers, Anabaptists, &c. who find more support from the Whigs than from the Tories, though their junction adds no great strength to the party. The moderate Presbyterians, less scrupulous, less passionate, and less obstinate than the rigid, make no difficulty to join the assemblies of the established Church, and even to communicate therein when their interest requires it. If they were left to their choice, Presbyterianism would be the reigning religion. But they do not think it prudent to labour to make it so by violent methods. They know, it would be an infallible means to unite all the Tories against them; whereas it is the interest of all the Whigs to keep them divided, by continually insinuating upon the distinction between State and Church-Tories, and showing that they have no ill design against the latter. These are doubtless, the most dangerous enemies of the High-Flyers and rigid Tories, because by their moderate conduct they deprive them of the pretence to complain that the Church is in danger. These were aim'd at by the Tories in their act, towards the conclusion of *Queen Anne's* reign, against Occasional Conformity. As few are acquainted with the nature of this act, I shall briefly explain it.

In the reign of *Charles II.* an act was made call'd the *Conformity Act*, whereby any person admitted to any public office was to bring a Certificate of his having received the Sacrament in the Church of *England*. The intent of this Act was to exclude all Non-Conformists from places of any kind. Indeed, it produced this effect with regard to the rigid Presbyterians, who could not refuse to receive the Communion from the hands of a Bishop, or a Minister of the Episcopal Church. But the moderate Presbyterians were not so scrupulous. On their admission to any post, they scrupled not to receive the Communion in an Episcopal Church, and to take the proper Certificates. It was not possible for the Tories to add any Explication to this Act during the reign of *King James*, who on the contrary, granted an universal liberty of Conscience, nor in the lifetime of *King William*, or the first years of *Queen Anne*. But having the power in their hands, at the conclusion of her reign, they were not contented with reviving this Act, but added to it a clause to prevent Occasional Conformity, or the communicating in the Church of *England* on account of some employment. This excluded not only the rigid but also the moderate Presbyterians from all public offices: For by this Act, which is still in force, to communicate once in an Episcopal Church, is not a sufficient qualification for a place, as before, but a man must show that he is really a member of the Church of *England*. If the Whigs who at present prevail, dar'd to meddle with this Act, it would soon be repealed. But for reasons before intimated, very probably it will be suffered to subsist, and its violation only conniv'd at.

The strength of the two parties being such as we have seen, and the interest of the several branches so opposite, it seems to me a natural consequence, that the placing a Popish Prince upon the Throne while the King and Parliament are in Union, and the rights of the Church are untouched, is a thing almost impossible. The people may from time to time be deluded by imaginary fears of the Church's danger. But this delusion must quickly vanish, when it is seen that the Church is not really attack'd. Now if religion is not concerned, that is, if the Episcopalians do not think themselves under an absolute necessity of trying all ways to save their Church from ruin, the endeavours in favour of the Pretender, will prove ineffectual. As often as it shall be attempted to place him on the Throne, the moderate State and Church-Tories will join the Whigs, and then, that party will be too strong for the High-Flyers, though in matter of religion, they should be joined by all the rigid Tories, which however is not very likely. For it must not be imagined, because a few rigid Tories make a great noise, that the whole branch wish to see a Popish Prince on the Throne. They are zealous for their Church, but their Church is Protestant, and this very zeal suffers them not to endanger their religion. It will be said perhaps that *France* will assist the High-Flyers with all her Forces. This is what I can hardly believe for reasons I shall mention hereafter. But though *France* should heartily engage in this undertaking, the execution would be difficult on account of the situation and naval power of *England*. Nothing but a surprise can produce the effect desired by the High-Flyers, Papists, and some rigid Tories. However, the attempt lately made, will probably induce the King and Parliament to take good precautions against such surprizes for the future.

There is still another everlasting obstacle to the establishment of a Popish Prince, and that is, the petition of some part of the lands of the Monasteries suppressed by *Henry VIII.* by almost every noted family in *England*. The ancestors of the present possiders either received them in presents from the King, or purchased them at an easy rate. If therefore a Popish Prince should now mount the Throne, there is no doubt but he would try to establish his religion. But should his attempt prove successful, in what danger would these estates be? In all probability the present owners would be dispossessed. Nay, who knows whether they would not be called to account for the profits? It is therefore manifest, that the Tories and Whigs have an equal interest in the prevention of this danger. If the advocates for a Popish Prince were to be strictly examined, it would be found, without doubt, either they have no possessions of this kind, or believe they have particular reasons to flatter themselves with an exemption from the general law, or with being made amends some other way.

I am now to give a more distinct idea of the two parties of Whigs and Tories, by showing their respective Characters.

The Tories in general are fierce and haughty. The Whigs are treated by them with the utmost contempt, and even with rigour when they have the superiority. As the Tory party is composed of Episcopals, who properly make the Body of the nation, they look upon themselves as the prevailing party, and cannot bear an equality, much less a superiority, in their adversaries. I cannot better compare the behaviour of the Tories to the Whigs, than to that of the Roman Catholics to the Protestants in Countries where the Papists have the advantage of number, and the support of the Government. It is with regret that the Tories allow the Presbyterians Liberty of Conscience. When the Power is in their hands they seldom failed to prohibit their Assemblies, and to exclude them from public employments by Acts of Parliament. The last years of Queen Anne afforded flagrant instances of the Haughtiness of this Party.

There is still another Character which belongs to them. They are exceeding passionate and precipitate in their motions. This often disconcerts all their projects. When they have the reins in their hands they drive with amazing rapidity. Very remarkable proofs of this were seen under Charles II, James II, and the late Queen. Nevertheless it must be confessed that this rapidity is not always the effect of an impetuous passion, but is sometimes founded in policy. As the High-Flyers, who are commonly at the head of the party, sometimes project the alteration of the Government, they are obliged to embrace, with great haste, the opportunities which offer, because these opportunities are naturally transient. For instance, under Charles II, it was necessary to put a speedy stop to the progress of the Whigs, for fear the King, who was with some difficulty, and for other interests than his own, engaged in the Plot, should alter his mind. Besides, there was no time to lose, because it was well known that the Whigs were labouring with all their power to inform the people of the true designs of the Court. So again, when James II, ascended the Throne, the presumptive Heir to the Crown was his eldest daughter the Princess of Orange, who was firmly attached to the Protestant Religion. Wherefore as the King might die without Sons, all his projects would vanish by his death, if his work was not finished during his Life. It was necessary therefore to make haste, because the like opportunity would probably never offer again after his Death. For the same reason, Queen Anne being Childless when she put the Ministry into the hands of the High-Flyers, a peace was quickly to be concluded with France, and speedily measures taken for securing the Crown to the Pretender, lest her death should prevent the execution of their projects, as it really happened. It was undoubtedly on this account that a peace was so hastily concluded with Lewis XIV, because his assistance was thought necessary to accomplish the Work. Probably, if the Queen had lived a little longer, the Act of Succession had been repealed. But this precipitation which seems so necessary to the Tories, is, on the other hand, prejudicial to them, inasmuch as it too soon discovers the designs of their leaders, which require a gradual execution. In order to succeed, they must have a long and peaceable reign, a King favourable to their designs, and of great ability, or at least ready to be guided by their Councils.

Another character of the Tories is, their change of principles as their party prevails or is humbled. When they have the Prince on their side, the doctrine of Passive Obedience is supported with all their power, and every ordinance of the King is to be obeyed without examination, because then, they would have the Whigs suffer themselves to be oppressed without any resistance. But when the Government is in the hands of the contrary party, this doctrine lies dormant or is forgotten. Thus, in all the Tory-Writers, who have transmitted the troubles of the reign of Charles I, Passive Obedience is established as a principle certain and incontestable. This is owing to their intention of representing the measures of the Parliament for their own defence, and in opposition to the designs of the King, as a horrible rebellion. When the Presbyterians were persecuted in Charles II's reign, Passive Obedience was every where talk'd of. But it was still much worse under James II. I remember to have heard from the Pulpit, the consequences of this doctrine carried as far, and perhaps farther than ever they were in France, under Lewis XIV. Great Streets was laid upon a Canon of a Convocation of the Church of England, which imported, that arms taken up against the King by the subject, on any pretense whatsoever, is direct Rebellion: That whether the subject be upon the Offensive or Defensive, he is clearly condemned by St. Paul, who says, *he shall receive to himself Damnation*. But the Convocation in which this Canon was made, was held under Archbishop Laud, when Charles I, govern'd in an absolute manner, a little before the beginning of the troubles. But when King William was on the Throne, the doctrine of Passive Obedience was no longer enforced, because that King was considered as no friend to the Tories. The case was the same under Queen Anne, while the Ministry was composed of Whigs, and moderate Tories. But the Doctrine revived when that Prince's delivered herself up to the conduct of the High-Flyers. But since King George has filled the Throne, the High-Flyers and rigid Tories plainly show, this Doctrine is only admitted by them when they have a Prince of their party, but is rejected without any scruple when the Government is not for them. For this purpose they have a distinction ready between a King *de jure*, and a King *de facto*, and maintain that only the King *de jure* has a title to this Obedience,

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but such is every King who favours them, whether he is upon the Throne, or has only pretensions to it.

Let us now speak of the Character of the Whigs. Those of this party who are rigid Presbyterians, are a stubborn and obstinate generation, who perhaps would be as hot and as passionate as the Tories were they in possession of power. But as, since the Long Parliament, the party has never been under their direction, it is not upon them that we are to form the general character of the Whigs, whereas that of the Tories is to be taken principally from the High-Flyers and rigid Tories, who are their leaders and directors.

The heads of the Whig-party, are much more moderate than the leaders of the Tories. Besides, they proceed generally upon fixed principles, from which they never swerve, except when they are obliged to give some satisfaction to the Presbyterians to keep them from desponding. Far from desiring, like the Tories, to carry things with a high hand, they advance gradually, without heat or violence. Their greatest trouble is to curb the passion of some among them, who, were they unrestrain'd, would quickly ruin the party. By this moderation, they try to infuse mildly into the people, that they have no ill designs against the Church of England, in order to separate the Church-Tories from the High-Flyers. As it is the interest of the Tories to confound all the branches of their party, and unite them into one body, to be directed by the leaders; so it is the business of the Whigs to have these several branches divided, that the Episcopals may be prevented from promoting the designs of the High-Flyers. But they would never be able to gain this point were they to use violence. Thus the gentleness and moderation of the Whigs is no less founded in policy, than the haughtiness and precipitation of the Tories.

The Whigs are charged with being greedy of riches and honours, and ungrateful to their adherents, which makes their friends often forsake them. I can say nothing to this, not being sufficiently informed of the particular concerns of the party. Besides, the examination of this charge would lead me to consider the conduct of those who think themselves ill used, which I would avoid, as contrary to my intent of confining myself to general ideas. However, it may be said for the moderate Whigs, that generally they support a good cause, namely, the constitution of the government as established by law. They err indeed sometimes through too much care and distrust, which throws them now and then upon proceedings contrary to their true interest, and their own principles, since on certain occasions they maintain the privileges of the Nation and Parliament, at the expense of the royal authority.

As to the ecclesiastical Whigs, who are no other than the Presbyterians, all that can be said of them, is, that they are extremely prejudiced against Bishops, and the whole Hierarchy. Now the question is, whether this prejudice be well grounded, or being so, whether it affords just cause for separation. For my part, I look upon this dispute between the Episcopals and Presbyterians as of little consequence. And therefore I cannot approve of the stiffness of the Presbyterians in a country where the reformation is established according to the Church of England, since the two Churches differ in no essential point. I say the same thing of the Episcopals of Scotland, and perhaps in England itself, greater regard should be had to the scruples of the Presbyterians. But this is only my private opinion, which I do not pretend to give for a rule to the one or the other.

Before I proceed, it will be proper to obviate an objection which may naturally occur to the reader, namely, that every thing in England being done by way of Parliaments, these unions above-mentioned, whether of the branches of the same party, or of the branches of two different parties, seem to no purpose, unions made in the Parliament itself between the members. But so far are such unions from taking place in the Parliament, that one of the parties generally prevails there, as to render the union of the rest of the members entirely fruitless.

To this I answer, first, that the Parliament consisting of two Houses, whereof that of the Lords remains always the same without any considerable change, these unions may take place in that House whose principles are not so variable as those of the Commons. Now as the Upper-House has power to throw out the Bills sent up by the Lower, it follows that the Lords, by means of such unions, may break the Commons measures. Consequently these unions may produce great effects.

Secondly, These unions may influence the elections of members. For instance, on suspicion that a Popish Prince is intended to be set on the Throne, the moderate Tories and Low-Church-men may join with Whigs, and cause such representatives to be chosen as are against what is feared, and thereby break the measures of the High-Flyers and rigid Tories.

Thirdly, Even in a House of Commons, consisting mostly of Tory members, the moderate among them seeing some design in hand prejudicial to the Nation, may join with the Whigs, and hinder the execution of it. The moderate Whigs might also unite with the Tories, if they saw the Republican party growing too strong.

It must however be owned that Party-spirit, the cabals of the leading-men, the intrigues of the Court, the interest of particular persons, have but too much influence upon the Debates of Parliament. To say all in a word, the Parliament is composed of men who are not free from passions. If the Parliament were to answer the idea which those conceive of it who are not thoroughly acquainted with its nature, it should be composed of perfect men. But as that

is impossible, it would be proper, at least, to reform certain abuses, for which hitherto no remedy has been found, or perhaps sought. Tho' this leads me a little from my subject, I shall stay a moment and take the liberty to point out some of these abuses. This may at least serve to give a more extensive knowledge of the English constitution, which though excellent in its nature, is however liable to some imperfections.

The first abuse lies in the too great influence of the court in the elections of members, and consequently in the resolutions of the Parliament. This influence is visibly owing to the division between the Whigs and Tories which gives the King an advantage, he would doubtless not have, were all the people well united. When one of the parties gets into the Ministry, the Lieutenancies of the Counties and all the Court places are conferred on persons devoted to them. After which, a new Parliament is called. Then, besides the money privately distributed by the Ministry, if report is to be credited, those that are in authority in the Towns and Counties, use all their interest and skill to get members chosen favorable to the Court, that the Ministry may have the superiority of votes in the House of Commons. We may judge of the effect of these intrigues by this single consideration, that commonly there is a Whig-Parliament when the Ministry is so, and a Tory-Parliament when the Ministers are Tories. Nevertheless the thing is not so very certain, but that we find sometimes most of the elections carried against the Court. But this rarely happens, unless the nation in general is satisfied that the Court has designs pernicious to the State, or the liberties of the subject. I say nothing of our feeling in the late reign twelve Peers created at once, with the sole view of procuring the Court a majority of votes in the House of Lords. This is a palpable as well as a very dangerous abuse.

Another abuse lies in some small Boroughs having a right to send representatives to Parliament whose votes have the same weight with those of the members of London and Westminster, notwithstanding the great disproportion between the electors of the one and the other. In these inconsiderable Boroughs, by the influence of the Court, members are chosen that have not a foot of land near the place. It is pretended by some, that these Boroughs have a right as ancient as the Parliament itself, having enjoyed it ever since the time of the Anglo-Saxons. Others think it of much later date. But however, it is at present a monstrous abuse, that Villages of four or five scattered Houses, should be upon the level in Parliament with the largest Cities of the Kingdom.

A third abuse there is of great importance, and which ought to be reformed, since it is in some measure contrary to *Magna Charta*, on which the English found their liberties and privileges. In this Charter, King John promises in express terms, for himself and successors, to declare beforehand the causes of calling a Parliament. As long as this custom was observed, the points debated in Parliament were not many, for which the members came prepared, and the Sessions lasted but a few days. If this was observed now, the Boroughs and Counties might give their representatives instructions upon the affairs for which the Parliament should be called, or at least, might choose such members as are of the same sentiments with the electors. But at present, several abuses spring from the non-observance of this method.

In the first place, the Sessions hold as long as the King pleases, and are ended when he thinks proper. Henry IV. improved this advantage by keeping the Parliament assembled, till the desired subsidy was granted. In the next place, the electors not knowing the business on which the Parliament is to proceed, are forced to give their representatives an unlimited power. Hence arises another abuse, that the representatives of a Borough or County are often of a contrary opinion to those that send them. It may therefore happen, nay it has frequently happened, that the resolves of the Lower-House are directly opposite to the sentiments of the people whom they represent. So it is not the People or Commons of England that share the Legislative Power with the King and Peers, but their representatives, who enjoy a Privilege which belongs only to the people in general, to whom however they are not accountable for their conduct. All they can suffer, in case they have acted contrary to the sense of their Borough or County, is not to be chosen another time. This seems therefore to be lodging too great a power in bare representatives. It was not so in France, when the States of that Kingdom were convened. Every province drew up, beforehand, their particular instructions (†), from which their deputies were not allowed to swerve. In like manner, in important affairs to be debated by the States General of the United Provinces, the deputies receive instructions from their Provinces; and in the particular States of each Province, the Magistrates of the Towns give their orders and instructions to their deputies.

A fourth abuse lies in the public canvasses at the time of elections, with great expense. It costs some men several thousands of pounds to be elected, and this openly in the face of all the World.

Lastly, There is another sort of abuse in the House of Commons, namely, that the members are allowed to go and come or absent themselves as they please, except on certain great occasions, so that of five hundred and thirteen members, (if I mistake not,) there are not present sometimes above one hundred and fifty. This makes it much more easy for the parties to cabal, than if the House were full. Moreover many members, though in London, do not

constantly attend the House, but keep away upon any the slightest affair of their own. This puts me in mind of a pleasant story, with which I shall close this digression. A Whig-member telling one of the same party in great anger, "That if he had been at the House that morning, they should have carried an important point." The other calmly asked him, "By how many they lost it?" By one "single vote," says he. The other replies, "Had I been there, we should have lost it by four, for there would have been four Tories more, whom I have kept all this morning on purpose at a Tavern."

It remains only that I briefly speak of the interests of the neighbouring States, with regard to the Whigs and Tories. Though the differences between the two parties seem only to respect England, they have a great influence on the affairs of the other States. The peace of Utrecht clearly shows of what consequence they are to all Europe.

Every one knows that the States-General of the United Provinces are friends of the Whigs, and very justly, since the Whigs have all along supported their interest in England. The Whigs obliged Charles II. to make a peace with Holland, when he was in league with Lewis XIV. against her. From that time, they have ever considered the interest of the Dutch as their own. Accordingly in their turn they have received signal services from them, particularly in the assistance given by the States-General to the Prince of Orange, to go and break King James's measures. This good understanding is still cultivated, so that the Dutch may be said to be Whigs, and the Whigs to be Dutch. The reason of this union is evident. For France, perpetual enemy of Holland, ever supported the Tories; whence it follows, that Holland is obliged to stand by the Whigs, since she cannot expect assistance from England, but by their means. This is so clear, that it needs no farther illustration.

For the same reason, the Emperor, as Sovereign of the Netherlands, ought to be a friend to the Whigs. As he must look upon the King of France, as a very formidable and dangerous neighbour, he can expect the assistance of the English, in case his dominions are invaded, but when the Whigs are in power. In all appearance, the Tories would not exert themselves in the defence of the Netherlands against the invasions of France. But, should the Emperor, through excessive zeal for his religion, lend his forces to the Pretender to ascend the throne of England, he would only render France still more powerful, and add to the balance of Europe a weight which would make it entirely incline to one side.

The interests of France with regard to the Whigs and Tories, afford matter for many more observations. In general, it is doubtless the interest of that Crown to cultivate a good understanding with England. Since the growth of the House of Austria, that is, since about two hundred years, England has ever had in her power to incline the balance either on the side of Austria or on the side of France as she pleases. But it has been her standing interest to keep the balance even between these two powers. This has been the hinge on which all the policy of the Kings of England has turned, for two centuries. Henry the Eighth's varying sometimes from this course is to be ascribed wholly to the private interests of Cardinal Wolsey his prime minister, or to his own caprice. So it was ever the interest of France to keep fair with England. Accordingly Lewis XIV. has politically endeavoured these fifty years, either to get England on his side, or at least, to prevent her from eluding that of his enemies. But as it was not easy for that Monarch to persuade the English that to incline the balance to his side was for their advantage, he confined his endeavours to hinder them from concerning themselves in the affairs of Europe, to the end he might proceed without any opposition from them. But it must be observed, that this policy respected only his vast designs of enslaving all Europe. Otherwise, he would have had no need to trouble himself about the English. To fet this matter in a clearer light, it will not be amiss to show briefly how this Monarch managed with regard to England.

Lewis XIV. as every one knows, formed the project of an universal Monarchy in Europe. As he was not ignorant that England was concerned to keep the balance of Europe even, and that the English considered this maxim as the chief foundation of their security, he was justly apprehensive of their opposing the execution of his designs. For prevention of which, he used all his address to gain Charles II. to his interest, when he had resolved upon a war with Holland in 1672. The Ministry being Tory, he drew Charles, by their means, into a league with him. But this league was of no long continuance. It was so evidently against the interest of England, that the Parliament obliged the King to make peace with Holland. Nay, they would have constrained him to declare against France if the prospect of an approaching peace between that Crown and the States-General, had not hindered them from going so far.

The peace of Nimwegen, concluded in 1678, caused not the King of France to discontinue the prosecution of his grand designs. But as he was very sensible, King Charles would not have it in his power to follow his own inclination, he resolved to take another method, in order to disable England at least from interposing in the affairs of Europe. And that was to raise troubles in the Kingdom, and then to foment them, that the English might be employed at home. The Duke of York's Plots, the King his brother's caresses to be guided by his counsels, the choice of passionate and perhaps corrupt ministers, proceeded, in all appearance, from Lewis's secret practices

(†) Called in French, *les Cahiers*.

in England. This method succeeded to his wish. The Conspiracy discovered by *Titus Oates*, the pretended Protestant-Plot, the Persecution of the Presbyterians, the people's murmurs, the discord between the King and the Parliament, found the English too much employment at home, that it was not possible for them to look abroad. In the mean time, *Louis XIV.* was rendering himself formidable to all Europe, having nothing to fear from the English who remain'd idle, when they should have used their utmost endeavours to put a stop to his progress.

Upon the accession of *James II.* to the throne, *Louis* gave not over a method that had proved so successful. On the contrary, he pressed the new King of England to execute the projects he had formed when Duke of York, in favour of Popery and Arbitrary Power. He knew these two points were sufficient to keep England long employed; however, as his aim was only to embroil the nation, he never assisted King *James* to any purpose. The too sudden execution of that Prince's designs was not for his interest. When he saw him on the point of being attacked by the Prince of Orange, he never stirr'd in his defence, but rather made use of the juncture to carry war into Germany. He imagined that the troubles he had rais'd in England would long disable that Kingdom from opposing his ambitious designs. This was the sole end of all his proceedings. Afterwards, when King *William* proclaimed war against him, he sent King *James* into Ireland with seven thousand men, an aid too weak to restore him to his throne, but sufficient to make a diversion, and feed the hopes of the male-content. Thus it is demonstrable from *Louis's* whole conduct, that his sole intention was to embroil England, and that King *James* was the dupe of his Policy. It seems however at first sight, that King *James's* restoration would have been for *Louis's* advantage. But most assuredly it was against his interest for a King of England to be at peace in his dominions. The reason is plain; as it is the interest of England to keep the balance even in Europe, *Louis*, who had formed vast projects, would have been in danger of being opposed by a King of England, who having no distractions at home, might in the end pursue his true interests, or be forced to it by his Parliament. And therefore, *Louis XIV.* has been satished to keep England embroiled, and for that purpose, to hold secret correspondence with the leading Tories, who at length have discovered themselves in the last years of Queen *Anne*.

It seems therefore to be the French King's interest to preserve a good understanding with the Tories, in order, by their means, to foment the troubles in England. This is strictly true, when he forms designs against the rest of Europe. But if he aims to live in peace, and stand upon his defence, in case of invasion, nothing can be more for his advantage than to cultivate the King of England's friendship, according to the constant maxim of *Louis's* predecessors, whether the ministry be Whig or Tory. France may now be said to be invincible, as long as England declares not against her. But if the King of England is provoked, and enters into a new alliance with Holland and Germany, the last war's experience shows that France is very far from being invincible. It may therefore be affirm'd, that if the illustrious Prince (1) now at the helm of the French affairs, intends not to pursue the vast designs of *Louis XIV.*, it is not his interest to cherish the troubles of England, which, instead of being for his advantage, may greatly turn to his prejudice (2). I confess in the indirect assistance given the Pretender in France, the regent's proceedings seem to destroy the maxim I mean to advance. Time will unfold, perhaps, the mystery of this policy. But in the mean while, I cannot forbear thinking that he is misinformed of the true state of the two parties in England, and has given too much credit to interested and prejudiced persons. Perhaps, the Pretender himself has been deceived in the same manner.

I have but one observation more to make, with which I shall conclude what I have to say concerning the Whigs and the Tories. In speaking of their several views, interests and characters, I pretend not to include every particular person of either party, but only their leaders and managers, with some of the most active of both sides. Though the people in general, by inclination, or interest, are either Whigs or Tories, it does not follow that every single person acts in

the views I have ascribed to them. It is certain most suffer themselves to be led without knowing where it is intended to conduct them, or examining the course prescribed them. Consequently they are far from being concerned in the intrigues and cabals of their leaders. Such a one has lifted himself a Tory, as being attached to the Church of England, and afterwards, without knowing how, finds himself obliged to maintain the principles of the High-Flyers and rigid Tories, though contrary to his inclination. There are thousands of good Englishmen, without doubt, who grieve to see their country thus rent with divisions, and would gladly embrace all expedients to put a stop to them. But it is not easy to observe a just neutrality, because it is difficult to be without ambition and avarice. Those who stand neuter, as I said, are neither preferred nor trusted, by reason that one of the parties are always in power, and have nothing more at heart than the advancing their friends, or gaining some of their adversaries. Consequently there can be no posts or offices for men, from whom the prevailing party can expect no manner of service. Moreover, how can a man be neuter between two parties, each of whom represent their adversaries as designing those evils which are most apt to fill men with fears, I mean, the destruction of the religion they profess, and the dissolution of a Government, which alone, in their opinion, can render subjects happy? A man must be very infensible not to be moved with such dangers, when convinced of their reality.

All Englishmen therefore are not to bear the blame of these unnatural divisions, but only those who cherish them for their own private interest. Who are they that would invest the King with absolute power? Who are they that would debar free-born subjects of Liberty of Conscience? Who are they, in a word, that labour to introduce Popery? Can it be said that these are the views of every particular Tory? No, by no means. But they are the aims of the leaders, who, for their own ends, seduce the poor people, and make no scruple to involve them in the danger of a civil war.

It may be affirm'd, that it is not the Kingdom's interest for one of the parties to become so superior as to meet with no opposition. Should it be the High-Flyers, they would introduce arbitrary power. And if it were the moderate Tories, their bias to the prerogative of the Crown, would at length enable the sovereign to shake off the galling yoke of Parliaments. Were it possible for the Papists to be superior, England would soon lose her religion and liberty. On the other hand, if the Republican-Whigs should recover the advantage they have lost, you would hear no more of the Kingdom but the Commonwealth of England, as in *Cromwell's* days. Lastly, were the moderate Whigs to have the management, they would so guard against the encroachments of the regal power, that the sovereign would be reduced to the condition of a Doge of Venice.

As for the two parties with regard to religion, 'tis certain, if the Presbyterians can ever act without controule, they will not be satisfied till the Hierarchy of the Church of England be entirely demolished. But then, if the rigid Episcopalians have nothing to balance their power, the Presbyterians must expect to be openly persecuted. And who knows whether they will suffer them to enjoy a bare Liberty of Conscience?

Assuredly the welfare of the Kingdom consists not in any of the ends propo'd by the leaders of both parties. The only way to restore peace and tranquillity, would be to leave the Government upon its ancient foot, and the Church, as established at the Reformation. It would also be necessary to grant a Toleration to the Presbyterians who are very numerous in the Kingdom. If this way be not used, it will always be better for the state that the people remain in division, than if one of the parties should acquire a superiority, which would be more fatal to the publick than the equality which cherishes discord. I do not see what can put an end to this sort of civil war, but the prudence of a just and equitable sovereign, moderate in his desires and passions, a lover of the Protestant Religion, and that makes the good and happiness of his subjects his sole care and study. This is what may with reason be expected from the King who now fills the throne, since he possesses all those virtues in an eminent degree. May Heaven prosper his designs, and may he live to see the happy effects of his pains and endeavours!

(1) The Duke of Orleans.

(2) It must be observ'd, that what *Repin* says here of the interest of France, with regard to the Whigs and Tories, was written before the conclusion of the alliance between that Crown, England and Holland, signed January 4, 1717. this Dissertation being finished in February 1716.

A N I N D E X

T O T H E

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Extract of a Letter from Mr. *Rapin* to Monsieur *Robertson*, a considerable Person in the Service of his late Majesty King *GEORGE I.*

A Wezel le 20. de Septembre, 1719.

Wefel, Sept. 20. 1719.

— **M**ON *Histoire d'Angleterre* est achevée. *Je* l'ay conduite depuis le temps de l'invasion de *Cæsar* jusqu'à la fin du Règne du Roi *Jaques I.*, et je suis présentement occupé à la révision. *Je* n'ay épargné, pendant quinze ans que j'y ay travaillé, ni peine ni soins pour la rendre aussi exacte qu'il m'a été possible. Il n'y a que le temps qui puisse m'apprendre, si j'aurai réussi. Ce n'est pas une petite entreprise pour un Galcon : mais m'y étant engagé sans en prévoir toutes les difficultés, je n'ay pu me résoudre à l'abandonner lorsque je les ay rencontrées. Le grand loisir dont j'ay joui depuis plusieurs années n'a pas peu contribué à me faire poursuivre l'exécution d'un si grand dessein. L'impression de l'*Histoire de France* du *Pere Daniel* Jésuite, à quoy les Libraires d'*Amsterdam* sont occupés depuis quelques années, a fait que je n'ay pu jusqu'ici prendre des mesures pour l'impression de la mienne. Mais comme la première est sur sa fin, j'espère de conclure bientôt pour l'impression de celle-ci.

Permettez moi, Monsieur, de vous demander deux avis sur ce sujet. J'ay une extrême envie de dédier mon *Histoire* à sa Majesté Britannique, mais je ne sais si je puis prendre cette liberté sans sa permission, n'ayant pas l'honneur d'être connu de lui, en aucune manière. Les Grands Princes sont tellement importunés par des dédicaces, qu'ils ne les regardent bien souvent que comme des leurreurs pour leur attrapper quelque Présent, et je puis assurer avec la dernière sincérité que rien n'est plus éloigné de ma pensée, mon unique but étant de donner par là une petite marque de mon profond respect et de ma vénération pour sa personne. Je vous supplie de me donner quelque conseil là dessus.

Il y a encore une autre chose sur laquelle je prends la liberté de vous demander votre avis, lequel je suivrai exactement. *Je* suis persuadé que sa Majesté ne demandera pas d'un Historien, qu'il flatte ses prédécesseurs qui ont occupé le même trône que lui, du moins, jusqu'à la fin du règne d'*Elizabeth*. Mais comme il tire son origine de *Jaques I.*, et que c'est en vertu de cette descendance qu'il est aujourd'hui sur le trône d'*Angleterre*, et que pour dire la vérité, quelque ménagement que j'aye eu en écrivant le Règne du Roi *Jaques I.*, je n'ay pu m'empêcher de faire connaître ses défauts, et particulièrement les voyes qu'il prenoit pour parvenir à une puissance absolue, & qui n'ont été que trop suivies depuis, je crains que sa Majesté ne trouve mauvais qu'une *Histoire* qui lui serait dédiée parut trop peu avantageuse au Roi *Jaques*. *Je* puis vous assurer pourtant, que je croi avoir évité tous les excès ou plusieurs Historiens sont tombés en parlant contre ce Prince, comme, d'un autre côté, je n'ay pu me résoudre à suivre ceux qui l'ont visiblement flaté. En general, comme je me suis fait une loi de dire la vérité, je vous avoue que je n'ay pu donner une idée fort avantageuse de ce Prince. Ainsi, je vous prie de m'instruire de l'honneur et du caractère du Roi à cet égard, et si vous jugez que je doive supprimer entièrement le Règne de *Jaques I.*, j'y souscrirai volontiers.

Vous savez aussi bien que moi, qu'on ne peut donner une connaissance bien distincte du Règne d'*Elizabeth*, sans entrer dans un grand détail des affaires de la Reine Marie d'*Ecosse*, et que c'est là le point sur lequel tournent tous les evenemens du Règne d'*Elizabeth*. *Je* me suis donc vu obligé de faire connaître Marie, et de faire voir en divers endroits, non seulement que *Camden* s'est trompé dans tout ce qu'il a dit de cette Reine, mais

— **M**Y *History of ENGLAND* is finished. I have brought it down from the time of *Cæsar's Invasion*, to the End of the Reign of *James I.*, and am now employed in the Revision. During the fifteen Years I have been about it, I have spared no pains or endeavours to render it as accurate as possible. Whether I have succeeded, Time alone can discover. It is no inconsiderable undertaking for a *Galcon* : but being engaged in it without foreseeing all the difficulties, I could not resolve to relinquish it, when they occurred. The great leisure, I have enjoyed these many Years, has not a little contributed to the execution of so great a Design. The Impression of the *History of France*, by Father *Daniel* the Jesuit, which has employed the *Amsterdam* Bookfellers about a Year, is the reason that I could not hitherto take any measures for the Edition of Mine. But as that is almost over, I hope soon to agree for the Impression of This.

Give me leave, Sir, to ask your advice upon two points. I am extremely desirous to dedicate my *History* to his Britannick Majesty, but don't know whether I may take that liberty without his permission, since I have not the honour of being any way known to him. Great Princes are so troubled with Dedications, that they generally consider them as Baits to draw some Present from them ; but I can affirm with the utmost Sincerity that nothing is farther from my thoughts, my sole aim being to give a small Token of my profound respect and veneration for his Person. I intreat your advice in this matter.

There is also another Thing, on which I take the freedom to desire your opinion, which I will punctually follow. I am persuaded, his Majesty will not require a Historian to flatter his Predecessors, at least till the End of *Queen Elizabeth's* Reign. But as he is descended from *James I.*, and, by virtue of that descent, now sits on the Throne of *England* ; and as, to say the truth, whatever caution I have used in writing the Reign of King *James I.*, I could not avoid discovering his Defects, and particularly the Methods practised by him to arrive at arbitrary Power, which have been but too much followed since, I fear his Majesty may take it ill that a *History*, dedicated to him, should appear so disadvantageous to King *James*. I can, however, assure you, I think I have avoided all the excesses into which several Historians have fallen in speaking against that Prince, as, on the other hand, I could not resolve to follow those who have visibly flattered him. In general, as I have made it a Law to speak the Truth, I own to you, I could not give a very advantageous Idea of that Prince. So, I beg the favour you would inform me of the King's Temper and Character in this respect, and if you think I should entirely suppress the Reign of *James I.*, I shall readily consent to it.

You know, as well as I, that a very distinct knowledge of *Elizabeth's* Reign cannot be given, without a particular account of the affairs of *Queen Mary of Scotland*, that being the Hinge on which all the Events of *Queen Elizabeth's* Reign, do turn. I am therefore forced to make known *Queen Mary*, and show in several Places, not only that *Camden* is mistaken in all he says of that Queen, but

* *Rapin* afterwards continued his *History* to the End of the Reign of King *James II.*, and lived to see published as far as the Year 1648, in *Eight Volumes*, the *Quarto*, and the two last Volumes came out not long after his death.

Extract of a Letter from Mr. RAPIN, &c.

mais que même il a eu pour but de tromper ses Lecteurs sur ce sujet. Les Explications dans lesquelles il m'a fallu entrer pour refuter Camden et tous les Auteurs Papistes, ne sont pas à l'avantage de Marie. Le Roi le trouvera-t-il mauvais ? J'avoue que je ne pourrais me résoudre à rien dire contre ce que je croi vrai. Mais d'un autre côté, j'aimerois mieux supprimer entièrement mon Histoire, que de rien avancer qui pût déplaire à un si grand Prince, pour lequel j'ai tout le respect et toute la veneration que tout le monde lui doit. Je vous supplie, Monsieur, de me donner vos bons avis sur ces Articles, lorsque vos affaires vous le permettent : car cela ne presse point du tout, n'y ayant encore rien de réglé pour l'impression de mon Histoire. Je suis avec toute l'estime et toute la considération possible,

Votre tres humble et

Tres obeissant serviteur,

THOYRAS RAPIN.

also intended to lead his Readers into Error. The Explanations I have been obliged to enter into, for the confutation of Camden and all the popish Writers, are not to Mary's advantage. Will the King be offended at this? I cannot think of saying any thing contrary to what I believe true. But, on the other hand, I would rather entirely suppress my History, than advance what may displease so great a Prince, for whom I have all the Respect and Veneration, universally due to him. I beg, Sir, you would give me your good advice upon these Points, when your affairs will permit it, for there is no haste, nothing being yet settled for the Impression of my History. I am, with all possible esteem and regard,

Your most humble and

Most obedient Servant,

THOYRAS RAPIN.

ADVERTISEMENT.

THIS History will be continued by the TRANSLATOR, in One Volume in *FOLIO*, from the REVOLUTION, to the End of the Reign of King GEORGE I. In this Continuation, RAPIN's Method, Faithfulness, Impartiality, Freedom, and Plainness, will, as far as possible, be imitated. At the Conclusion, will be added an exact Abridgment or Summary of the Three Volumes. As soon as the Reigns of King WILLIAM and Queen MARY are finished, this Work will begin to be published Weekly, and will be continued in that manner till the Whole is completed.

N. TINDAL.

ERRATA in VOL. I.

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| 22 | 2 | 13 | Constitution's | Constitution's |
| 40 | 2 | 59 | Disfate | Defence. |
| 76 | 2 | 29 | of | at |
| 84 | 2 | 64 | was | were |
| 89 | 2 | 6 | the | their |
| 124 | 1 | 55 | left | left |
| 132 | Note | 4 | Boulogne | Bouillon. |
| 144 | 1 | 27 | of | or |
| 212 | 2 | 35 | would | would not |
| 217 | 2 | 5 | to it | it to |
| 218 | 2 | 47 | Bishop | Abbot |
| 246 | 1 | 28 | Mortagne | Mortain |
| 321 | 2 | 10 | However | How |

| Page. | Col. | Line. | for | read |
|-------|------|-------|------------------------|-------------|
| 415 | 2 | 65 | Begin the Period after | English. |
| 461 | 2 | 58 | Murdered | Murderer |
| 474 | 2 | 51 | Treasurer | Treasure |
| 490 | 2 | 37 | Enemy | Army |
| 508 | 1 | 14 | IV. | VI. |
| 511 | 1 | 51 | to | too |
| 530 | 2 | 51 | are | be |
| 532 | 2 | 15 | after calling add | and sitting |
| 547 | | 12 | his | her |
| 551 | Note | 5 | last—Peter | Porte |
| 553 | | 51 | Alexander | John |
| 816 | 1 | 1 | him | them |
| 818 | 1 | last | conceive | conceal |

VOL. II.

| Page. | Col. | Line. | for | read |
|-------|------|-------|--------------------|--------------|
| 33 | 2 | 44 | Mouth | Month |
| 466 | 2 | 35 | quarters | his quarters |
| 469 | 1 | 65 | belought | and belought |
| 503 | 2 | 65 | the | his |
| 734 | 2 | 5 | take out the Comma | after—Brides |

| Page. | Col. | Line. | for | read |
|-------|------|-------|----------|------------|
| 734 | 2 | 17 | doubling | disturbing |
| 740 | Note | 1 | Charles | Charles |
| 740 | | 22 | Tudor | Tudor |
| 758 | 2 | 50 | revived | reviewed. |

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